

PHYSICAL SERVICES COMMITTEE MEETING
Held via Audio Webinar Pursuant to Temporary Emergency Orders
CARMEL, NEW YORK 10512
(Chairman Albano, Legislators Castellano & Gouldman)

Tuesday

March 23, 2021

The meeting was called to order at 6:00p.m. by Chairman Albano who led in the Pledge of Allegiance. Upon roll call, Legislator Gouldman, and Chairman Albano were present. Legislator Castellano arrived 6:04p.m.

Item #3 - Approval/ Physical Services Meeting Minutes/ December 15, 2020 & February 16, 2021

Chairman Albano stated the minutes were accepted as submitted.

Chairman Albano stated that he would be starting the meeting by addressing agenda item #13.

Item #13 - Update/ Correspondence From: County Executive Odell To: NYS Senator Peter Harckham Re: Help needed to keep major regional Transportation Improvement Program (TIP) Dated: March 17, 2021/ Deputy Commissioner Highways & Facilities Tully

Deputy Commissioner, Highways & Facilities John Tully stated Robert Hite, Attorney at Hite & Beaumont, P.C. will be speaking to this matter this evening.

Robert Hite, Esq provided some background of his career. He stated that he is an attorney in Albany and has been working in this area for over 20 years. He stated he assists municipalities who have undertaken Federal Aid highway projects. He stated also included in his service is counsel in Eminent Domain Procedure Law (EDPL). He explained that the New York State Department of Transportation (DOT) has imposed different requirements in order to permit the County to proceed with the project's final design. He stated he has advised the representatives of the County that in the 20 plus years he has done this, he has never encountered these requirements. He stated he contacted Kathleen Joy, Director of Right of Way for DOT. He stated they learned that the DOT was interpreting the EDPL as requiring the public hearings notwithstanding a number of provisions in the EDPL that allow for municipalities to move forward with projects, and even go to the point of condemnation, without conducting public hearings, if it can satisfy basis for exemption from the hearing. He stated it is his experience that the projects with Federal Aid automatically qualify because of the oversight required by DOT. He stated the DOT had no experience with these exemptions because they operate under a different system for condemnation. He stated the DOT is of the opinion that the EDPL applies to the process, whether or not there is going to be a condemnation. He continued to speak further to the timeline updates. He stated he has submitted an explanation as to why he respectfully disagrees with their position. He stated he is awaiting a response. He stated he believes this is based upon erroneous interpretation of the law.

Highway & Facilities Commissioner Pena stated the primary issue here is that everyone has done what they can to move this project forward. He continued to explain that this is an obstacle in the progress of this project for the County. He stated the County has done pretty much all they can do. He stated that is why the County has reached out to our State representatives. He stated they need to understand the importance of this issue. He stated the properties could be acquired without EDPL. He stated that is the frustrating part. He stated they almost suggesting the County go through the EDPL process without needing it. He continued to speak to this matter.

Chairman Albano stated this is what is identified as “red tape”. He stated the Administration did send a letter to Senator Harckham. He stated he is confident Senator Harckham will be helpful. He stated this is a time sensitive project.

Legislator Gouldman requested clarification as to what County projects are being affected.

Commissioner Pena stated the Fair Street Project and the Stoneleigh Avenue Intersection at Putnam Hospital Project.

Legislator Montgomery questioned what was being referred to by Commissioner Pena as potentially being a long drawn-out process.

Commissioner Pena stated the EDPL process.

Legislator Montgomery stated she did learn from Senator Hackham’s office that he did reach out to the DOT. She stated hopefully he will hear back soon.

Chairman Albano agreed that would be great.

Legislator Gouldman requested confirmation that these delays will have any impact on the Peekskill Hollow Road project.

Commissioner, Highways & Facilities Pena confirmed these matters will not impact the Peekskill Hollow Road project.

Item #4 - Approval/ Lease Renewal Authorization County of Putnam with Village of Nelsonville, 276 Main Street, Nelsonville, NY/ First Deputy County Attorney Andrew Negro

First Deputy County Attorney Andrew Negro stated this is a basic lease renewal authorization to renew the existing lease that just expired for the Sheriff’s Substation in Nelsonville. He stated the County maintains the property, under the lease agreement. He stated the existing lease expired at the end of February. He stated this authorization seeks to approve the lease renewal for an additional five (5) years. He stated basically on the same terms and conditions which previously existed. He stated there are some rent escalations during the five (5) years on an escalating basis. He stated the prior lease was at the same rental amount for many years. He stated the Village of Nelsonville has agreed to take over the snow plowing and the snow and ice

maintenance, which was previously required to be performed by the County. He stated this change will save the County additional resources.

Legislator Sullivan questioned how much the rent is.

First Deputy County Attorney Andrew Negro stated commencing March 1st it will be \$1,200 per month for year 1, \$1,300 per month for year 2, \$1,400 per month for year 3, and \$1,500 per month for years 4 and 5. He stated currently the rent is \$1,000 per month. He stated there has not been a rent increase for many years. He stated the Village of Nelsonville did advise that they will be performing some capital improvements on the property. He stated it was said there will be a roof replacement at some point in the future and replace, out of conformance, a fire escape at the premises as well.

Legislator Sullivan stated he believes the Village of Nelsonville should be very happy that the County has continued to rent the facility and agreed to increase the rent over the next five (5) years, in exchange for some of the work they will be doing. He expressed his appreciation to First Deputy County Attorney Andrew Negro for negotiating a good lease on behalf of the County.

Chairman Albano stated the Sheriff's Department is providing an important service for the residents in that area. He stated he is not in total agreement that the County should be paying rent. He stated however he will support this request.

Legislator Montgomery stated she would like to clarify that even though there is a substation on the western side of the County, there are not more Sheriff Patrols. She stated there are one and a half patrols shared for Philipstown, Continental Village, Cold Spring, Garrison, North Highlands, and Putnam Valley. She stated she believes this to be a great partnership.

Chairman Albano made a motion to Approve Lease Renewal Authorization County of Putnam with Village of Nelsonville, 276 Main Street, Nelsonville, NY; Seconded by Legislator Castellano. All in favor.

Item #5 - Approval/ Communication Tower Agreement County of Putnam with American Tower Management LLC Tower Site – Putnam Valley Tower Facility (ATC Site #88155), Route 301, Cold Spring, New York/ First Deputy County Attorney Andrew Negro

First Deputy County Attorney Andrew Negro stated this is a lease renewal, extension. He stated IT/GIS Director Lannon has been working on this matter for some time. He stated the existing lease has expired. He stated this request is to renew the existing lease and also permit the County to install and maintain further updated and additional equipment on the tower and the

shelter at the base of the tower. He stated American Tower has also agreed to convey title to an existing equipment shed at the base of the tower for \$1.00. He stated it would be a substantial cost savings to the County. He stated otherwise the County would have to purchase an equipment shed.

Legislator Montgomery questioned if this needs to go before the Town Building Inspector.

First Deputy County Attorney Andrew Negro stated the County has existing equipment on the tower and they will be utilizing an existing structure, he stated any improvements would be antenna and microwave and other equipment located on the tower. He stated it is his position legally that the County would be exempt.

Legislator Montgomery requested that the Town of Philipstown and the Building Inspector be made aware of it. She stated communicating with the municipalities about projects is a positive. She stated she will continue to keep the Supervisor and Building Inspector updated. She stated however, she does not have the level of information that the County's Law Department has.

Chairman Albano stated for the record there will be no actual visual change to the site. He stated when it is appropriate the municipality would be contacted.

Chairman Albano made a motion to Approval/ Communication Tower Agreement County of Putnam with American Tower Management LLC Tower Site – Putnam Valley Tower Facility (ATC Site #88155), Route 301, Cold Spring, New York; Seconded by Legislator Gouldman. All in favor.

Item #6 - Approval/ Memorandum of Agreement- County of Putnam with the Hudson Highlands Land Trust, Inc., Granite Mountain County Conservation Area/ First Deputy County Attorney Andrew Negro

First Deputy County Attorney Andrew Negro stated this is a project that has been in the works for sometime. He stated members of the County's staff have been working with members of the Hudson Highlands Land Trust, Inc. He stated this is a Memorandum of Agreement. He stated the County owns 91 acres in Putnam Valley. He stated the goal of this effort is to join the County's property with property owned by the Hudson Highlands Land Trust. He continued to speak to the proposed partnership. He stated ultimately there will be a trail that will be maintained by the Hudson Highlands Land Trust, Inc. He stated the users of the trails will be utilizing property in a seamless way. He stated this proposal will benefit the Hudson Highlands Land Trust, Inc, Putnam County, and the public. He stated this will allow an additional 91 acres of property to be open for hiking and conservation.

Nicole Wooten, Director of Natural Resources, Hudson Highland Land Trust (HHLT) stated also on the call from HHLT are Katrina Shindledecker, HHLT Deputy Director and Michelle Smith, HHLT Executive Director. She stated First Deputy County Attorney Andrew Negro gave a great explanation of this potential partnership. She stated the members of the HHLT would love to see these lands combined in this way to make a seamless recreational experience.

Chairman Albano questioned if HHLT would be interested in taking the County's 91 acres of land as a donation at some time.

Nicole Wooten, Director of Natural Resources, Hudson Highland Land Trust (HHLT) stated that would be an interesting conversation to have and would be open to that discussion.

Legislator Gouldman stated the area being discussed is wonderful. He stated he has been on the trail. He stated he is in support of this partnership.

Legislator Nacerino stated she agrees this is a great collaborative effort. She stated she is in support of this partnership.

Legislator Montgomery expressed her thanks to HHLT for working so hard on this. She stated since 2017 this began. She stated in 2019 she began pursuing this partnership. She stated the HHLT has been taking care of the land and developing a great amenity. She continued to express the benefits to the different groups and members of the public. She stated those who are interested in this preserve, are very diverse groups, as seen at a forum the HHLT hosted a few years back. She expressed her sincere thanks to the HHLT and to the County's Law Department for putting this Memorandum of Agreement (MOA) together.

Chairman Albano questioned if any verbiage could be added to the resolution that would speak to a future time that the County's land could be donated.

First Deputy County Attorney Andrew Negro stated his recommendation is to address that matter separately. He explained there would need to be some research done on such a proposal. He stated if the result is that it is the direction both parties want to go in, it would be better to be done by a separate resolution. He stated there is a ten-year term on this MOA. He stated also included is a cancellation clause upon 30-day notice. He stated that provides flexibility if there is a desire to move forward with the land donation.

Chairman Albano made a motion to Approval/ Memorandum of Agreement- County of Putnam with the Hudson Highlands Land Trust, Inc., Granite Mountain County Conservation Area; Seconded by Legislator Castellano. All in favor.

Item #7 - Approval/ County of Putnam with Village of Brewster and City of New York Brewster Transit Oriented Development (TOD) Project/ Conveyance of Kent TM# 1.-1-6 & Carmel TM # 53.-2-52/ First Deputy County Attorney Andrew Negro

First Deputy County Attorney Andrew Negro stated this is a MOA (Memorandum of Agreement) involving the City of New York, the Village of Brewster and the County of Putnam. He stated this involves the Village of Brewster Transit Oriented Development Project, which is part of the Village of Brewster Revitalization Program. He explained the County is the signatory to the incentive proposal for the funding of this project through Empire State Development. He stated the County Planning Department and the Administration have been involved with this project since the inception. He stated this MOA permits the transfer of this key parcel to the Village of Brewster for its redevelopment project. He stated the County through the MOA would be agreeing to convey two (2) pieces of property the County has no use for. He stated said properties were acquired through tax foreclosures. He stated one of the properties is in the Town of Kent and the other is in Carmel. He stated they will be conveyed to the DEP for water quality purposes, in exchange for the DEP conveying the property on Marvin Avenue to the Village of Brewster. He stated there are other terms between the Village of Brewster and the DEP included in the proposed agreement. He explained simply the County's sole role is to transfer the two (2) properties to the DEP.

Legislator Castellano requested more specifics on the three (3) parcels in the Village of Brewster that will be transferred to the Village of Brewster.

First Deputy County Attorney Andrew Negro stated the main parcel is located behind Bob's Diner 1.03-acre parcel. He continued providing details to the other parcels.

Chairman Albano made a motion to approve County of Putnam with Village of Brewster and City of New York Brewster Transit Oriented Development (TOD) Project/ Conveyance of Kent TM# 1.-1-6 & Carmel TM # 53.-2-52; Seconded by Legislator Castellano. All in favor.

Item #8 - Approval/ Limited Release of Deed Restriction Town of Patterson TM #36.23-1-55 & Town of Patterson TM #36.23-1-56/ First Deputy County Attorney Andrew Negro

Legislator Castellano stated he believes this is the best solution for properties like these, to put them back on the tax roll and improve the neighbor's property. He stated he is in favor of this.

Legislator Nacerino echoed Legislator Castellano's comments.

Chairman Albano made a motion to Approve/ Limited Release of Deed Restriction Town of Patterson TM #36.23-1-55 & Town of Patterson TM #36.23-1-56; Seconded Legislator Gouldman. All in favor.

Item #9- Approval/ Budgetary Amendment (21A016)/ To Fund a Mini Grant Program for Municipal Conservation Projects/ Putnam County Soil & Water Conservation District Manager Lauri Taylor

Chairman Albano stated the County's Soil & Water Board will be starting a mini grant program for municipal conservation projects using \$60,000 of the Performance Measures funds in the Soil and Water Conservation District Trust. The NYS Soil and Water Conservation Committee has approved the use of these funds for this purpose.

Legislator Montgomery requested an example of an approved project that would receive funding. She presented questions about the application process: Who can apply, private businesses and/or municipalities? When does the application process start and when is the deadline for the application? How will the members, who can apply, be made aware that the funding is available to apply for?

Legislator Sayegh stated as the Legislative representative to the Soil and Water Board she can provide some information. She stated this is the first time they are trying this. She stated an application was developed, which will be sent to each of the Towns and municipalities.

Chairman Albano stated a copy of the application is attached to the backup for this agenda item.

Chairman Albano made a motion to Approve/ Budgetary Amendment (21A016)/ To Fund a Mini Grant Program for Municipal Conservation Projects; Seconded by Legislator Gouldman. All in favor.

Item #10 - Approval/ SEQRA Determination/ Gipsy Trail Road Culvert Superstructure Replacement Project/ Commissioner Planning, Development & Public Transportation Sandra Fusco

Chairman Albano stated this is replacing an existing structure and has been designated as a Type II action, no adverse environmental impact.

Chairman Albano made a motion to Approve/ SEQRA Determination/ Gipsy Trail Road Culvert Superstructure Replacement Project; Seconded by Legislator Castellano. All in favor.

Item #11- Discussion/ Putnam County Agricultural & Farmland Protection Board – Opinion Regarding Request of Town of Southeast Supervisor for Inclusion on Inspections

Chairman Albano stated the letter from the Putnam County Agricultural & Farmland Protection Board (PCAFPB), in summary stated they do not support Town of Southeast Supervisor Hay's request to have the Town Building Department accompany the PCAFPB on their visits to properties seeking inclusion into the Putnam Count Agricultural District.

Legislator Castellano stated he believes a closer look needs to be taken. He stated he believes in Home Rule. He stated he believes the local town's zoning should be taken into consideration. He stated his opinion is the local municipalities should be more involved with the process.

Legislator Jonke stated the Supervisor of the Town of Southeast was elected by its residents. He stated he has been in the real estate business for over 30 years. He stated often additions to properties are not discovered until after a contract is signed and a closing is imminent. He stated those issues then have to be resolved after they have been discovered. He stated last year there was a property being considered for inclusion in the Ag District which did, as it was discovered, have structures put on the property, illegally. He stated the building department had not been notified of the structures, therefore the information was not included in the file. He stated according to the rules that are in affect right now, the Town has no ability to remedy this. He stated he believes the Towns need to be protected. He stated as far as he can tell there is no benefit to anyone but the property owner to be included in the Ag District. He expressed his support for the request made by the Town.

Legislator Nacerino stated she respectfully disagrees. She stated she sees this request as compromising the integrity of the Ag Board and what their mission is. She stated there were good points made as to the Towns having an inability at times to discover if there are violations on properties. She stated she does not believe that should come at the expense of the Ag Board carrying out their mission. She stated she believes the letter from the Ag Board is very clear and precise as to the Ag Boards position. She stated that the Legislature should respect the position of the Ag Board.

Chairman Albano facilitated further discussion.

Legislator Montgomery stated she has discussed this matter with all of the parties involved. She stated this proposal is an example of partnering, in her opinion. She stated she agrees with wanting to support small farms, however she believes this proposal is a good suggestion.

Legislator Nacerino stated it is not the responsibility nor function of the Ag Board to help the Towns. She stated the Towns have an opportunity to conduct their own inspection.

Item #12 - FYI/ Fund Transfer (21T046)/ To Purchase Furniture at Putnam County Golf Course/ General Manager Mike McCall

Chairman Albano stated this is a request for \$20,000 to purchase furniture at the County's Golf Course facility.

Legislator Montgomery questioned why is this being taken from the consultant line.

Deputy Commissioner Highways & Facilities John Tully stated this request has a zero-fiscal impact. He stated this is similar to how the request was made last year but did not go through due to the uncertainty of business operations, due to the pandemic. He stated they are requesting to reestablish the furniture budget this year.

Legislator Montgomery requested this committee deny the request. She stated we are in a period of uncertainty. She stated people have lost their jobs, restaurants have gone out of business. She stated she does not agree with the claim this is "zero-fiscal impact". She stated the County is looking to spend \$20,000 on furniture for the County Golf Course, when we cannot find funding for a mobile vaccination unit, funding to help support tourism in the busiest part of the County.

Chairman Albano stated it is his opinion that the Golf Course, during this past year was a huge asset for the County and the people who visited the County facility. He stated he is in support of this request.

**Item #14 - Update/ County Security at County Buildings- Director IT/GIS Tom Lannon/
Chairman of Physical Services Carl Albano**

Deputy Commissioner, Highways and Facilities John Tully stated Director Lannon has received a couple of proposals which he will bring to the Capital Projects Committee for review and consideration. He stated they may have a recommendation and request related to this matter in time for the April Physical Services Meeting.

Item #15 – Other Business - None

Item #16 - Adjournment

There being no further business at 7:17PM Chairman Albano made a motion to adjourn;
Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.