

Physical Services Committee Meeting
Held in Room #318
Putnam County Office Building
Members: Chairman Albano & Legislators Othmer and Scuccimarra

Monday

7:20p.m.

November 18, 2013

The meeting was called to order at 7:20p.m. by Chairman Albano who requested Legislator Oliverio lead in the Pledge of Allegiance. Upon roll call, Chairman Albano and Legislators Othmer and Scuccimarra were present. (Legislator Othmer came into room a couple of minutes after roll call had been done.)

Item #3) Approval/Physical Mtg Minutes/September 16 & October 4, 2013

The minutes were approved as submitted

Item #4) Update/Posting of Mile Markers on Putnam County Bike Path and Projected Related Costs/Posting of Weight Restriction Signage on Peekskill Hollow Road

Deputy Commissioner of Bureau of Emergency Services Lipton stated that the "Mile Markers" project on the Bike Path is under way. He stated that there are existing mile markers on the path, which they will supplement with the additional markers. The entire bike path is 11.8 miles. He stated that he has had the entire path surveyed. He stated that the County Highway Department will produce the signs over the winter and have them ready to be posted in the Spring of 2014. He stated once the markers are installed they will go out and survey them again and get the GPS locations of each of the mile makers for use by the 911 call center, so there will be a mile mark location and a GPS location.

Deputy Commissioner Tully stated that the estimated cost of labor and material is approximately \$5,000.

Legislator Gross questioned if graffiti is an issue on the bike path.

Deputy Commissioner Tully stated that graffiti may be a problem in certain areas, but they try to take care of it immediately. He stated that the County's Park Department works closely with the Sheriff's Department on those cases. He stated they have actually been successful in catching some of the people who have done the graffiti.

Legislator Gross questioned if the participants of the Alternatives to Incarceration program assist in cleanups.

Deputy Commissioner Tully stated that they do assist in some of the cleanup cases.

Chair Albano questioned if there will be a consolidation of some of the signs that are currently posted on the bike path.

Deputy Commissioner of Bureau of Emergency Services Lipton stated that is not part of this work. Their focus is the “Mile Markers” that will facilitate in getting emergency vehicle and or personnel to incidents, when needed.

Chair Albano stated that he believes that is something that the County should look at. He stated that it would add to the aesthetic beauty of the path. He stated that next he would like to get an update on the posting of the Weight Restriction Signs on Peekskill Hollow Road.

Deputy Commissioner Tully stated that there is a requirement to advertise “Notice”. He stated that they just received approval of the “Notice” from the Law Department at the end of last week (approximately Nov. 15). He stated that the “Notice” will be advertised in the three approved County Newspapers in next week’s editions. He stated that once it is advertised there is a thirty (30) day waiting period.

Legislator Oliverio stated that this has been spoken about previously, he would like to offer a reminder. The roads that lead to Peekskill Hollow Road, such as Bryant Pond Road, Church Road and Mill Street there needs to be signage posted at the head of those roads. This will provide notice to the Vehicles, at the start of the roadway who will no longer be allowed to use Peekskill Hollow Road as a result of the implemented weight restriction. If there is not proper signage posted at the start of these annex roadways these large vehicles will be trying to backup or do U-turns once they reach Peekskill Hollow Road and see the “Weight Restriction signs. As he said this has been mentioned before and discussed with Commissioner Pena. He stated that he just wanted to mention it again as a reminder.

Legislator Scuccimarra stated that once the signs are posted there should probably be additional Sheriffs’ Patrol to assist in the enforcement of the restriction.

Legislator Oliverio questioned if it will be a couple of months before the signs are posted.

Deputy Commissioner Tully stated that is safe, it will probably be a little less.

Item #7) Discussion/Hurricane Sandy Funding

Deputy Commissioner Tully stated that there was a Hazard Mitigation Grant opportunity. He stated that there was a draft due back in June of 2013; it was a notice of intent to apply for assistance in certain categories. He stated that was done. They had some approval of what they call an “LOI” on October 14, 2013. Then all of a sudden there was a notice that all of the preliminary list could be forwarded, and had to be done and on-line by October 30, 2013.

Legislator Scuccimarra stated that is awful as a result of the short notice they lost out on some of those funding opportunities.

Deputy Commissioner Tully stated that the County managed to get an application for all of them. He stated that they got it done with a lot of help from the Bureau of Emergency Services, Highways & Facilities Staff. He stated that due to this time restraint, they did

not come to the Legislature to get the required resolution giving the approval to move forward with the Grant Process. He stated that the County Executive's Office wanted them to proceed and get the application in. He stated that the County would still have the opportunity to refuse it, if the application is approved. He stated that the County Executive will be in touch with the Legislature to get the resolution allowing them to apply for the Grants. He stated that they do have all of the documentation.

Legislator LoBue questioned if the Legislature could see a copy of the application. She stated that she is curious to see what the County is applying for.

Deputy Commissioner Tully stated yes. He stated he thinks the committee needs to pass a resolution giving permission to proceed forward with this process.

Chair Albano stated that there is no risk because you can always refuse receiving the funding if you are selected.

Chair Albano made a motion to pass in a concept a resolution in the support of applying for a grant to receive Hurricane Sandy Funding; Seconded by Legislator Scuccimarra. All in favor.

Deputy Commissioner Tully stated that he will get the necessary paper work to the Legislature.

Legislator LoBue stated that she understands that these opportunities arise and there is often a very small window of opportunity. However this is the procedure that was accepted and put into place. Before applying for a grant there is supposed to be Legislative approve, especially when there is a matching component.

Deputy Commissioner Tully stated that the County Executive made that very clear, that is why she asked that this be placed on this agenda.

Chair Albano reiterated that Deputy Commissioner Tully would provide the appropriate paperwork to the Legislature. Once the documentation is received, Legislative Counsel Van Ross will create a resolution for consideration as the December 4th Full Legislature Meeting.

Item #9) FYI/Correspondence regarding: Lake Gleneida Shoreline/Vegetation Management Plan

- a. Fr: Chair of Physical Services Albano To: County Executive Odell Date: September 26, 2013 Re: Physical Services Committee Meeting September 16, 2013/Follow up**
- b. Fr: Commissioner Pena To: Chair of Physical Services Albano Date: October 1, 2013 Re: Physical Services Committee Meeting September 16, 2013/Follow up**

Deputy Commissioner Tully stated they received approval from the Department of Environment Protection (DEP). He stated that they are in the final stages of it. The

DEP sent a letter requesting insurance requirements and documentation that the Law Department has. He stated that in reference to the questions posed about the tagging the dead trees along the shoreline. He stated that the DEP has gone out and marked approximately ten (10) trees that can be removed. He stated that one (1) is in the mowing area and (9) are in the buffer zone. He stated before they begin removing them, they want to make sure that all of the details have been attended to.

Legislator Othmer asked if they are still looking into the Row Boat program.

Deputy Commissioner Tully stated to a certain extent there are some provisions that will allow the County to manage the boats better currently in the Management Vegetation Plan. He stated that there is an area where boats could be stored.

Legislator Othmer questioned though that they would be individually owned not owned by the County.

Deputy Commissioner Tully stated that is correct.

Chair Albano stated that they did tentatively identify some areas for this use, but they need to be finalized as well.

Legislator LoBue asked Deputy Commissioner Tully stated to give a brief overview of the Management Vegetation plan.

Deputy Commissioner Tully stated that broadly it gives the County permission to management the shoreline of the lake (from Route 301 to where the guardrail starts). It addresses the height allowed for the buffer zone area, the types of plants that can be removed and replace with evasive species designated. He stated that he will send a copy of the plan to the Legislature the Lake Gleneida Vegetation Plan.

Chair Albano facilitated further discussion on the matter.

Deputy Commissioner Tully stated that essentially the County has received final approval. He stated that we still need to get them insurance documentation. He stated once that is done they will incorporate the County's plan. He stated that they will revoke the plan that the County Currently has and issue a new one.

Chair Albano stated that he would like to keep the Row Boat project on their radar. He suggested that a letter be sent to the DEP to address

Item #5) Approval/Resolutions/Amend Resolution #100 of 2013 in Support of Putnam County's Use of WQIP Funds to Purchase Equipment

Chair Albano stated that he believes that there needs to be serious consideration given to working with Intermunicipal Agreements (IMA) with this large equipment items. Or even have the Corporation own it. He stated the truck to be purchased is a Vac-All Truck. He stated that all of the Towns need a truck like this. Legislator Othmer made a

motion to approve the Resolution to Amend Reso#100 of 2013 in Support of Putnam County's Use of WQIP Funds to Purchase Equipment; Seconded by Legislator Scuccimarra.

Legislator LoBue questioned how many Towns now have a Vac-All Truck. Chair Albano stated that the Town of Carmel has one and the Town of Kent has one.

Chair of the Legislature Othmer stated that he is working with the Law Department to create an IMA that may be appropriate to have between the County and the Towns for the sharing of equipment. He stated it will take time to create an IMA for consideration. He stated he will be gone, he hopes that this stays on the radar.

Chair Albano stated his thought is perhaps the "Corporation" that was set up to manage this funding own the equipment and the "Corporation" have an IMA with the Towns. He stated this will continue to keep coming up. There will be needs for specialized equipment needs.

Legislator Nacerino stated that one of the concerns that come up when there is discussion about sharing equipment is that when there is a need for a certain piece of equipment all of the Towns have the same need at the same time. Also there are issues with the sharing of equipment in respects of maintenance. She agrees that the concern is valid and an IMA is good in concept, but it really needs to be looked at in a comprehensive way.

Chair Albano stated of course the ideal scenario is that each Town has their own equipment; however the cost factor is a reality that must be considered.

Legislator Gross stated that he has a concern. He put in a request for a Vac-All Truck for the Town of Southeast along with the County's request. He stated that he would like to read from the October 2, 2013 letter from The NYC Environmental Protection to County Executive Odell. He stated that in that correspondence it was stated that there is a funding amount stated that would be provided (\$260,000) and it talks about using the truck where it would be needed in the County. He stated his colleague and friend Legislator Nacerino did submit a request on behalf of her district, the Town of Patterson. However this letter does not state that the funding is designated just for the Town of Patterson, or just the County or just the Town of Southeast. He stated that he would like to suggest an IMA that the County would control. He stated that there are 3,100 catch basins in the Town of Southeast. He stated that there are three gigantic reservoirs that surround Southeast, not to mention Lake Tonetta and Peach Lake. He stated that he is happy for the Town of Patterson, but he is disappointed that this amending resolution that states the Town of Patterson, it does not correspond with the letter for the DEP.

Legislator LoBue stated that she was not in favor of the creation of the East of Hudson Corporation, and she still does not support it. She stated there is millions of dollars. She stated she is confused as to why every Town cannot have their own truck. She

questioned why the East of Hudson Corporation would be saying what that money can be used for.

Deputy County Attorney Negro stated that the resolution in front of the committee tonight is to amend the prior resolution #100 that was passed and approved to use WQIP funds to purchase the trucks for the two Towns and the County. He stated under the terms of the MOA the DEP's approval is required. He stated that the DEP did not approve the funds to purchase all of those trucks. He stated that would approve nothing or the funding for one truck. He stated that it was his understanding, after speaking with Deputy County Executive Walker, that the DEP is open for the County to revisit the purchase of the other trucks. However for now they only approved the one truck which necessitated the amendment to the prior resolution.

Legislator Oliverio stated that he would approve the amended resolution for the one truck. He stated that the Town of Patterson was the one who put the original formal request in so he agrees it should go to Patterson. He stated that there are still two Towns, Philipstown and Putnam Valley that are not located in the Watershed.

Legislator LoBue stated that once Patterson receives this truck there is only one town the Town of Southeast left that is located in the water district and who the need a Vac-All Truck.

Legislator Othmer made a motion to approve the Amendment of Resolution #100 of 2013 in Support of Putnam County's Use of WQIP Funds to Purchase Equipment; Seconded by Legislator Scuccimarra. All in favor.

Item #6) Approval/Renewal of Lease Agreement/Putnam County Visitors Bureau Inc.

Legislator Othmer approved the Renewal of Lease Agreement/Putnam County Visitors Bureau Inc.; Seconded by Legislator Scuccimarra. All in favor.

Item #8) FYI/Correspondences regarding: Tilly Foster Farm

- a. **Fr: Deputy County Executive Walker To: Chairman Othmer Date: October 22, 2013 Re: County Discussions with DEP-Opportunities to utilized existing residential dwellings on property owned by the County**
- b. **Fr: Chair of Audit & Administration Castellano To: Mr. Whipple & Board of Directors Date: November 13, 2013 Re: Questions Raised at the October 28, 2013 Audit & Administration Mtg.**
- c. **Fr: Chair of Physical Services Albano To: Mr. Whipple Date: November 13, 2013 Re: Thank you for Meeting & Request for Outstanding Information Pertaining to the Tilly Foster Farm**

Chair Albano stated that he, as Chair of Physical and Legislator Castellano, as Chair of Audit and Administration have written to Mr. Whipple requesting the financials, as specified in the lease agreement, for Tilly Foster Farm from 2009.

Legislator Oliverio questioned what the time span was that you included in your letter. He questioned if they left it open ended.

Chair Albano stated that he did not put and time frame in his letter. He stated that there is a very large package that has been sent to the Legislature from Mr. Whipple just recently. He stated that a request has been made for Commissioner Carlin to review the documents to see if all of the financial information he is responsible is included. He stated that Mr. Whipple stated that he has supplied a copy of the leases in the past.

Legislator LoBue stated that there is only one lease on file and that is the lease for the Cantina. She stated that for the record, thank you to Chairman Albano as well as Chairman of Audit Castellano for sending the letters. She stated that she believes that there was something missing in the letters. She stated in her opinion Mr. Whipple and or the Board Members needs to appear to offer an explanation to the documentation that was sent to the Legislature. She stated that she does not believe that Commissioner Carlin will be able to offer the answers to questions. She stated that she has begun reviewing the packet and she has some questions that Commissioner Carlin will not have the background on. She stated that she wants Mr. Whipple and or he board to be present to decipher the information provided. She stated that they still need a copy of the bank statement to compare and match up with the financials.

Chair Carlin stated that he did request that in his letter to Mr. Whipple that the bank statement that go along with the "separate bank account" be provided. He stated that he has faith that Commissioner Carlin will be able to provide some insight, since he is the County's financial expert. He stated in reference to Mr. Whipple appearing, he would like to see all of the information that we have, review it. It was Mr. Whipple's opinion that he did not want to attend a committee meeting. He stated that Mr. Whipple did agree to attend an executive session, but did not want to participate in a big show. He stated that he would like to take the time to gather all of the information and make a decision on the next step at that point.

Legislator LoBue stated that when Mr. Whipple does provide the financials, she asks that it be provided with ample time to review them, prior to meeting date.

Legislator Othmer stated that he also sent a letter to the Administration asking the same questions. He stated that he is not qualified to analysis the "Book of Kells" that Mr. Whipple sent to the Legislators. He stated that he would like our County Financial Department along with the County's Law Department to review the documents to see if he has provided all of the information that the County is to be provided, as stated in the lease agreement. He stated that he was very upset the other night when Mr Whipple, at the last minute chose not to show up for the meeting. Mr. Whipple had informed him and his attendance was confirmed to our office staff that he would be present at the meeting to provide the financial and answers all questions. He stated that he had hoped that Mr. Whipple would follow the same format that the Putnam Golf Club did. He stated that he has also asked the County Attorney, Bumgarner as to whether the Legislature has subpoena power or not. He stated that he is still waiting for clarification on that.

Legislator LoBue stated that she would like to as the Legislative Counsel, Clem VanRoss that question.

Deputy County Attorney Negro stated that any discussion that may potentially result in legal action should be held in Executive Session.

Arthur Singer stated that the Legislature has an attorney, he would like to hear his answer to the question regarding whether the Legislature has subpoena power or not.

Legal Counsel Van Ross stated that the Legislature does have the power to subpoena. There is a procedure that has to be followed before we would be at that point and at this time we are now where near it at this point.

Deputy County Attorney Negro stated again he would like to remind everybody this is a lease matter. It may result in some kind of litigation. Any dialogue involving client privilege matter should be had in executive session.

Chair Albano stated that we are trying to move forward with this.

Arthur Singer stated that he was told at the last meeting the information that has been requested would be addressed and available for this meeting.

Chair Albano stated that we are coming into winter, nothing is going to happen at the Farm in the next two weeks. He stated that the Legislature is going to remain on task until all of our questions are answered.

Arthur Singer stated that County Executive Odell stated that the issue is to take care of the animals. He stated he is confused, why would the animals have to leave the farm? He questioned aren't the animals a source of income.

Chair Albano stated that we do not have the answer to those questions. He stated as the information is provided all of these matters will be addressed.

Arthur Singer stated as far as we know right now there is no income coming in from the animals that are on the Tilly Foster Farm grazing in the fields. He stated if he owned animals and he needed to find a place for the animals to graze would he have to pay or would he get paid.

Chair Albano stated that it depends on the specific situation and agreement.

Legislator LoBue stated that he is using the property. Those animals belong to him and they are using the County property and nobody is getting paid.

Chair Albano stated that this is being done for the benefit of the Putnam County Residents.

Legislator LoBue stated that the question was, who owns the life stock and the question has been asked if there is any pay in conjunction with these animals that are on County property. The answers are the County does not own the animals the County is not receiving any money to have these animals on the property, as far as she is aware of.

Legislative Counsel VanRoss stated that the property is under lease so that question is not before us at this time. He stated that he believes that we need to listen to the County's Deputy Attorney, to get any further into any of these topics we need to go into executive session.

John McCarron, resident of Town of Southeast, questioned if any of the quarterly financials have been received pursuant to the lease.

Chair Albano stated that we have stacks of financials that need to be gone through. At this time he cannot answer that question.

John McCarron, resident of Town of Southeast, so were ever any quarterly financials provided pursuant to the lease as they were supposed to be.

Chair Albano stated that he is not aware at this time if they were provided quarterly. He stated that now the paperwork that has been provided is being reviewed.

John McCarron, resident of Town of Southeast stated the he also knows how to "paper something" to make it impossible to find the needle in the haystack. He stated that he does not think this is something that should be done in executive session, because he believes this is as transparent as this piece of paper.

Chair Albano stated if a matter has to do with legalities and our Law Department and Legislative Attorney advice that is should be addressed in Executive Session, we will go by their advice. He stated that they will stay on this until it is resolved. He stated that the Legislature would appreciate any input anyone would like to offer.

Legislator Nacerino stated that she believes the Legislature should be accountable somewhat for not having them in compliance for all of these years. She stated with that being said we are moving forward. She stated in speaking with Mr. Whipple, he was very receptive to answering any questions and he gave his cell phone number to her, as I am sure that he passed along to others to address any questions or concerns. She stated if he is not willing to attend a meeting because he believes it would get out of control, he certainly would be able to answer any or our questions by e-mail. She stated that this way we would have documented answer to our specific questions.

Chair Albano stated that he agrees. He stated that we will see what response we get from the two letters.

Chair Albano made a motion to accept the additional; Approved by Legislator Scuccimarra. All in favor.

Item #10) Other Business

a. Approval/Request to Purchase Town of Putnam Valley TM#83.65-2-4
Legislator Scuccimarra made a motion to approve the Purchase of TM#83.65-2-4 in Town of Putnam Valley; Seconded by Legislator Othmer. All in favor.

There being no further business, at 8:10 P.M., Legislator Othmer made a motion to adjourn; Seconded by Legislator Scuccimarra. All in favor.

Respectfully submitted by Diane Trabulsy, Deputy Clerk of the Legislature.