

**Physical Services Committee Meeting
Held in Room #318
Putnam County Office Building
Carmel, New York 10512**

Monday

March 19, 2012

6:50 PM

The meeting was called to order at 6:50 p.m. by Chairwoman LoBue. Legislator Albano led in the Pledge of Allegiance. Legislator Othmer was also present.

#3) Approval of Minutes/February 13, 2012

Chairman Albano made a motion to accept the Minutes as written. Seconded by Legislator Othmer. All in favor.

#4) Lake Gleneida Maintenance/Discussion

Commissioner of Highways and Facilities, Fred Pena, as well as Deputy Commissioner of Highways & Facilities John Tully, came forward to make their presentation.

Commissioner Pena stated that what is presently in place is a permit to manage the area up to a 25 foot buffer zone. Past practices may have allowed treatment of the area, but it seems that we are now being held to the letter. In order to change that, it is important to establish a vegetation management plan, to be sent to the DEP for approval. Within that management plan we can talk about other maintenance objectives that will suit our needs in a format that we would like. Until that is developed, there is not very much that we can talk about, so we are going to pursue that more aggressively. We can get something on the table, have it reviewed internally, and when we have a good comfort level, we will send it over to the DEP and start the dialogue.

Chairwoman LoBue stated that it needs to be known that this is going to be very labor intensive, as a lot of the work needs to be done by hand. We need to be very careful that there are no contaminants being used as well.

Legislator Albano stated that with the Bicentennial being this year, it is very important that we actually see the lake, and not have to look through the forest to see it. The cleanup is our immediate goal, and down the line we would like to introduce species of low growing vegetation that is acceptable to the DEP. This will be a low maintenance type of vegetation, where we can see the Lake clearly, and accomplish the goals of the DEP for the 25 foot buffer. This is an important year to do this and this is the County Seat, and it should be presented as such.

Legislator Birmingham questioned the geographic scope of Lake Gleneida. He does not want to see the County spend any money on maintaining a circumference of the lake that is only viewable or accessible by private individuals. He would prefer to see us go around the circumference of Route 6, all the way around to Route 52 and down Route 301, and exclusively focus on that as opposed to any private property that may abut, using caution.

Legislator Albano stated that one of the things he would like to do in the future is to make it more accessible to maintain with normal equipment. We will be working on this in the future with the DEP.

Deputy Commissioner of Highways and Facilities John Tully agreed, and also had a few more suggestions.

Chairwoman LoBue made a motion to accept the additional. Seconded by Legislator Albano. All in favor.

#5) EDC/IDA/Lease/Discussion

Chairwoman LoBue stated that she is not comfortable approving this Lease this evening as she feels that we are doing this in reverse. The Legislature has not as yet agreed to sell the building.

County Executive Odell stated that the County Clerk has been trying for the past eleven years to move back into the County building. The reason the County Clerk would like everyone together is for efficiency. As a result, the only occupants in 34 Gleneida Avenue at this time are the IDA and EDC. After analysis of the building, it does not prove to be cost effective by just leaving the tenants upstairs. We have optioned the EDC & IDA to take space on the third floor here with us.

There was additional dialogue between County Executive Odell and Chairwoman LoBue, regarding the building at 34 Gleneida Avenue.

Legislator Albano asked who is now on the second floor of 34 Gleneida Avenue.

County Executive Odell stated EDC & IDA.

Chairman of the EDC, Mr. Kevin Bailey also contributed to the dialogue, by stating that the new rent for the space on the third floor will be approximately just under \$600.00 per month, as compared to \$1,050.00 per month at the 34 Gleneida Avenue building.

Legislator Birmingham asked if we currently have two separate Leases.

County Attorney Bumgarner stated no.

Legislator Birmingham asked that everyone look at Article 6-E, which stated that the Lessee will indemnify. One of the lessees being the IDA, I am not sure under municipal Law if they can indemnify.

County Attorney Bumgarner stated that she is not sure either, but they do Leases like that all the time. They just did the same thing with Camp Herrlich last month.

Legislator Birmingham went on to state that on the Lease itself, please take a look at the Resolution, as he has a question on the 4th recital which states as follows:

“Whereas the most recent Lease Agreement with EDC/IDA expired on December 30th 2010, so does that mean we did not have a Lease in 2011 and 2012?” Is that correct?

County Attorney Bumgarner stated yes, there was an executed Lease.

Legislator Birmingham went on to state that one of the points that Chairwoman LoBue tried to make, is that we have not even put the building up for sale as yet. We cannot do that except with the 2/3 vote of the Legislature. 31.4 of the code that is referenced in the Resolution, which he is not sure that should be referenced there. Reason being that 31.4 goes back to the sales division and here we are talking about the Lease under 31.22. Take a look at the 7th & 8th and 9th recitals, and in all three paragraphs they all make reference to section 31.4 Code which deals with sale by Resolution, and that is where we talk about Leases. His confusion is that we are talking about the sale of the building, or the lease of the building, because 31.4 deals with the sale of the building. His feeling is that we are dealing with two separate policy decisions in one Resolution.

County Executive Odell stated that we have thought about tearing it down, renting it, as well as many other options, and when you look at the net/net on putting it back on the market, this did seem to be one of the best options. However, she understands that it is not her decision alone, and apologizes if it seems as though they were the lead agent on this, as that was certainly not the intent. They do want to engage in a manual decision and we do want everyone in the majority, to understand why this is a good decision, to put it back on the tax rolls and offer it as an economic opportunity in the hamlet, to offset utility expense. The building has out lasted its usefulness to the County, and for any new owner who may purchase it. This is a teardown situation. The sale of the building did not move or motivate us to asking the EDC if they would like to join us on the third floor. This evolved from the County Clerk coming to her, as the new Administration. This is an empty nest situation, and the Administration felt it would be best to close the building. There are problems with just closing the building such as pipes bursting, etc. The County Attorney will amend this to remove any language which ties the sale to the Lease, as that was never the intent.

County Attorney Bumgarner apologized, and explained that the problem occurred in her office. None of the Resolve clauses reference any site to the code, and clearly indicate that the Legislature is giving the County Executive the authorization to enter into a Lease with EDC & IDA for a specific amount of money and for a specific square footage. She feels that the Resolve Clause is being clear and accurate.

Legislator Birmingham referenced the second to last Resolve Clause, especially to the third to the last verse.

Legislator Birmingham went on to state that he feels that the Lease is in need of more work. He feels that we are entering into some huge policy decisions here as the Legislature and Executive Branch.

Legislators Othmer and Oliverio both agreed that they have no problem with the sale of 34 Gleneida Avenue.

Legislator Oliverio stated that he is in full support of the sale of the building, but expressed some concern regarding the EDC and IDA moving out, prior to the advertisement for the sale of the building. He would like them to stay to see if we even have a buyer, that way the building stays in use.

Chairwoman LoBue asked what that meant.

Mr. Bailey stated they have to leave within (30) days.

Legislator Oliverio expressed his feeling on the matter.

There was more dialogue on this issue between County Executive Odell and the Law Department.

Legislator Albano stated that he is in favor of the sale of the building.

Legislator Birmingham expressed his concerns with regard to moving any furniture etc., from the IDA/EDC office's into the County Building without a Lease in place.

Mr. Bailey stated that when the IDA & EDC Board approved that Lease, he and the EDC & IDA were told by the County Attorney and County Executive that this was subject to County Legislature approval.

Legislator Birmingham stated he feels put upon by the rush of this, and also has issues about how the procedure is being handled.

Legislature Oliverio stated he is really disturbed by this, he does not understand what the rush is.

County Executive Odell explained to Legislator Oliverio that there was nothing covert here and this was done for the best interest of Putnam County.

Legislator Oliverio disagreed.

Legislative Chairwoman Conklin stated that she also feels as though we have been circumvented in this situation.

County Executive Odell stated that there is a lot of discussion here on the table at this time, as to how this can proceed in the best way. She has taken into consideration all of the concerns that have been brought to the table this evening. She does apologize for the Resolution for not really presenting itself the way it was intended to. She is asking that everyone take into consideration the Resolution regarding the move of the EDC & IDA until a Lease is in place.

Chairwoman LoBue does not feel comfortable moving this forward, and hopes that this never happens again. We do not even have a space analysis. She also has an issue with the Resolution as Legislator Birmingham has pointed out, as it doesn't include the Tourism Office, and feels it is two separate agencies, and therefore should be two separate Resolutions. She also questioned the 2nd to last Resolve Clause in the Resolution, which has to do with the Tourism Bureau.

Chairwoman LoBue stated there is no reason to push this through at this time, and is not in favor of putting this forward at this time. This will be placed on the Physical Services Agenda for April.

Legislative Chairwoman Conklin suggested that this item should be passed over to the Audit Committee for further action.

County Executive Odell agreed and stated they would have all the information necessary for that meeting.

Legislative Chairwoman Conklin also stated that they should perhaps look at having two separate Leases.

#7) Adopt-A-Highway Program/Discussion

There was some discussion on the Adopt-A-Road Program, but there was no action taken.

#8) Approval/Snow & Ice Agreement

Legislator Albano made a motion to approve the Snow & Ice Agreement. Seconded by Legislator Othmer. All in favor.

#9) Other Business

Legislator Othmer made a motion to accept the additional. Seconded by Legislator Albano. All in favor.

Mr. Richie Ruchala, Vice Chair of the IDA, and Chairman of the Empire Zone was next to speak.

Mr. Ruchala is not in favor of the EDC/IDA moving into the County Office Building. His statement is as follows:

“Putting economic development agencies that are mostly volunteers, literally between elected government officials creates a perception problem for both. The designated areas are a few rooms in the hallway between the County Executive and the (9) County Legislators. They will also be sharing the County Executive’s Conference Room.

The space is much too small, and access is questionable in the Lease. The EDC/IDA need more room and unfettered access.

Approvals and denials of applicants will be seen as politically based and the ability to keep confidentiality with businesses, where appropriate will be suspect. One bad deal and everyone will be blaming the other. The ethical dilemmas are endless, and these agencies not only need to be independent, but need to be seen as such.

Eventually, the dilemma will show itself and it will not be at a convenient time. If the Legislature votes favorably to move the IDA/EDC to this building, the future model will make County employees of the staff. This would be at a much greater cost to the taxpayers, probably with fewer results.

It is his opinion, the IDA and EDC should be in separate independent facilities from the Executive and Legislative arena.

Chairwoman LoBue is concerned about political favoritism as well.

Chairwoman LoBue also stated that this should be looked at very carefully before moving forward, as this will have a domino effect.

Legislator Birmingham asked if we could get a copy of the schematic of the first floor plan so we could see what it looks like.

Commissioner of Highway & Facilities, Fred Pena stated that they have not set that up as yet.

Legislator Oliverio stated this item should be presented to the Audit Committee as well, as this is a very important issue.

Deputy Commissioner of Highway & Facilities, John Tully announced that we now officially own George's Service Station in Putnam Valley, as we have received the keys to the building.

Legislator Albano states this was well done.

Legislator Oliverio stated he is glad that it is finally done, and there are no trespassing signs in place on the property.

#10) Adjournment

Being no further business to discuss, Chairwoman LoBue made a motion to adjourn the meeting. Seconded by Legislator Albano. All in favor.

The meeting was adjourned at 8:10 pm.

Respectfully Submitted:

Claire E. Muller/Administrative Assistant