

**PHYSICAL SERVICES COMMITTEE MEETING**  
**Held In Room #318**  
**PUTNAM COUNTY OFFICE BUILDING**  
**CARMEL, NEW YORK 10512**

**Members:**  
**Chairwoman LoBue & Legislators Albano & Othmer**

**Monday**

**December 17, 2012**

The meeting was called to order at 6:30p.m. by Chairwoman LoBue. She requested that Legislator Albano lead in the Pledge of Allegiance. Upon roll call Legislators Albano, Othmer & Chairwoman LoBue were present.

Legislator Othmer made a motion to waive the rules and accept the additional information; Seconded by Chair LoBue. All in favor.

**Item #3) Approval of Minutes-Physical Svcs Committee Mtg/November 19, 2012**  
Chair LoBue accepted the minutes as submitted.

**Item #4) Discussion/Peekskill Hollow Road-Weight Restrictions Signage**

Chair LoBue stated that she spoke with Commissioner Pena earlier today. She stated that Commissioner Pena informed her that he was unable to attend this evenings meeting. She stated that he is aware of this matter. Commissioner Pena reported to this Committee last month that instituting weight restrictions and posting signs stating the restrictions did not fall under the County's jurisdiction. She stated that Victor Tiship, a constituent, has provided a copy to the Legislature, and we have sent a copy to Commissioner Pena, of New York State Transportation Laws. Mr. Tiship is here this evening to talk to these Laws, which he states do give permission to the County to enforce the Road-Weight Restriction. She stated that Commissioner Pena stated that he needs more time to review and evaluate the information Mr. Tiship has provided.

Mr. Tiship stated that the residents who live along Peekskill Hollow Road participated in two petitions. The first being in support of declaring the Roadway a Historic Roadway. The second was a petition in support of excluding trucks cutting through Peekskill Hollow Road to avoid other greater trafficked roadways. However delivery trucks to homes along the Peekskill Hollow Road were excluded. He stated that there were approximately 460 residents who signed that petition. He stated that there were more signatures on the weight restriction petition than the petition for the Peekskill Hollow Road Historic Preservation. He stated that erroneously the Putnam County Legislature and the residents were informed that an approval was required by the NYS Department of Transportation to approve the weight restriction. He stated that was not correct. He stated that he took it upon himself to look into the process. He stated that the letter that Commissioner Pena referenced contained verbiage from the New York State's Handbook, which contains guidelines. He stated that New York State Traffic Law Article 40 Regulation of Traffic – "County Superintendent of Highways" states that the person in that position has the authority to temporarily exclude from any portion of any County Road any Vehicle etc... of any weight. He stated that this is unfortunate that there has not been a more proactive open process to carry this weight restriction matter forward. He stated that he has spoken to many of the people who live on the road who express genuine concern for their safety due to the amount of truck traffic on this roadway. He stated that Peekskill Hollow

Road is used as a bypass for the trucks to make up time on their schedules. He stated that he hopes that the Legislature amends this matter. He stated that he is aware that Commissioner Pena is new to this subject and may not have the background. However the approval of the Legislature and the efforts of hundreds of the residents who were and continue to be concerned with their safety and welfare, their property values and the safety of the children & pets all were prevalent when this matter was first brought forward to the Legislature. He stated that he hopes that the Legislature repairs this failure.

Chair LoBue stated that she is disappointed that we are at this point. However there were some extenuating circumstances. A change in the Administration. There was an interim County Executive so there were some matters that were not addressed at that time. She stated that when she joined the Legislature, Legislator Tamagna was the Chair of Physical Services and there was a packed audience voicing their concerns on this matter in the Historic Courthouse. She stated that she understands the fears and concerns. This matter will be addressed. She stated that unfortunately the current Commissioner of Highways & Facilities could not be present this evening.

Mr. Tiship stated that he is aware that the change of Administration had an effect on this matter. He stated that he is not placing any of the blame onto Commissioner Pena.

Legislator Othmer asked what would Mr. Tiship like the Legislature to do, in an ideal world. Also what will be done if a home owner is putting an addition on their home and they need a large delivery, how would that be handled.

Mr. Tiship stated that New York State Law as well as the petition that the residents signed and the legislature approved exempted local deliveries from the restrictions.

Legislator Othmer questioned who would monitor this.

Mr. Tiship stated he has surveyed the area and a State Trooper could monitor this matter, until the Truckers get the message that this weight restriction is being enforced, at the intersection of the Taconic State Parkway. He stated that there is plenty of room to pull over any size truck.

Legislator Oliverio stated that Mr. Tiship presented the petition signed by all of the residents in support of the weight restriction and asked that he go back to get the approval from the Town. He did do that. The Town of Kent and the Town of Putnam Valley were both in support of this weight restriction as long as it was in compliance with the Law. He stated that then the acting Commissioner of Highways & Facilities Ms. Kounine stated that the County needed permission from the DOT. He stated that step was never completed. He stated that now with the information that Mr. Tiship has presented it is clear that there is no need for approval from the DOT. He stated according to the Law that Mr. Tiship has presented County's have the sole right to put a weight restriction on any road within their domain. He stated that the residents of Peekskill Hollow Road would like to see the weight restriction enforced.

Legislator Tamagna reiterated the fact that the residents of Peekskill Hollow Road did a lot of work to bring this safety concern to the attention of the local officials. He stated that County

Government made a commitment that we would do all that we could do to make it as safe of a road as possible.

Legislator Oliverio presented Chair LoBue with a packet of correspondence that was compiled by the Clerk of the Legislature on the matter of Peekskill Hollow Road.

Chair LoBue made a motion to waive the rules and accept the additional; Seconded by Legislator Albano. All in favor.

Resident- Richard Robbins stated that he is in full support of the weight restriction. He carried the petitions in support of this restriction. He stated that initially the concern was to protect the bucolic nature of the beautiful roadway. He stated that it is now absolutely a safety concern.

Legislator Oliverio stated that before County Executive Odell had to leave this meeting she asked that Mr. Tiship please contact Commissioner Pena to discuss this matter.

**Item #5) Verbal Update/highways & Facilities Updates/Commissioner Pena**  
**a) Parking Deck**  
**b) First Floor Construction**  
**c) Closeout of Carmel Sidewalk/final Total Cost of Project**

Chair LoBue stated that Commissioner Pena was unable to attend this evening's meeting. He apologized for the late notice and sent a correspondence, that was received at the Legislative office and stamped in this evening @4:55p.m. She stated that she would read the update from the correspondence. (a copy of the update is attached to the minutes)

Legislator Othmer stated that he would like the Legislature to consider and research putting an opened air roof over the deck. He stated that the County bonded approximately \$400,000 to do the work. He stated that if the roof is put on it will lengthen the lifespan of the deck.

Legislator Conklin stated that she spoke with Commissioner Pena and he informed her that he has a person who will be giving him a bid on a roof for the deck.

Legislator Othmer stated that he is aware of that. He has been working with Commissioner Pena on this.

Chair LoBue stated that earlier this year she and Legislator Othmer were speaking with FEMA representatives who stated that the County is using some of the most corrosive salt on our roads. She stated that she would like the County to research changing the salt used on our roads so it does not eat away the sidewalk and roadways.

Legislator Othmer stated regardless what salt is used, the parking deck would still need to be plowed if no roof is put on.

Chair LoBue would like to see a cost estimate put together of all the options.

Legislator Albano agrees with that. Also he would like to see if there is any grant funding available.

5b) Chair LoBue continued to read from Commissioner Pena's correspondence. He stated that they are expected to complete the First Floor Construction Project in May. She stated that she had some financials pulled on the project. She stated that the County allocated \$169,000 for the first floor project. To date \$40,127.56 has been spent. She stated that the majority of that money appears to have been spent on the heating and air conditioning units. There has been \$16,000 encumbered. She stated the remaining balance is \$112,872.44. (these are the amounts just as of today's date).

5c) Chair LoBue reported that the update from Commissioner Pena stated that the final documents on the sidewalk project are being prepared and final close out costs are being calculated. She stated that the final cost of the project will be reported to the Physical Services Committee in 2013.

10a. Fr: Fred Pena To: David S. Warne Date: 11/21/2012 Re: Vegetation Management Plan/FYI

Chair LoBue reported that Commissioner Pena reported that the Vegetation Management Plan has been sent to the DEP for their review. A meeting will be scheduled to meet with the DEP and discuss this matter.

#### **11b. Discussion/Para Pits/40 Gleneida County Office Building**

Legislator Othmer stated that he was on the roof of this building (40 Gleneida Avenue) with Commissioner Pena. He stated that the Para Pits are damaged, that explains the water and mold issue in this building. He stated a decision needs to be made as to whether the County builds a new County Office Building or spend serious amount of money to repair the roof.

Legislator Tamagna stated that during the Bondi Administration, this issue was reviewed. He stated that he believes that a conversation was had with Commissioner Pena at the beginning of 2012 about repointing. At that time it was requested that the Para Pits be looked at and an investigation be done on how the water is getting in the building. He stated that the patching and pasting cannot continue to be done. The problem needs to be identified and corrected. He stated that he agrees with Legislator Othmer an engineering design must be done and a cost estimate prepared be completed.

Legislator Othmer stated that in reference to the Parking Deck, a possible inexpensive way out may be to put an extension of steel and an open aired roof around it.

Chair LoBue stated that she agrees that all of these issues need to be looked at. She stated that she would like to report that what is being discussed tonight are all structural repairs. She stated in her mind these are the priority items, not the cosmetic repairs that the County has been bonding for. She stated that is why she would like a working facilities list and a maintenance plan for five years out.

#### **Item #6) Discussion/Putnam County Visitors Bureau Inc. Lease**

Chair LoBue stated that the lease for the Putnam County Visitors Bureau Inc. expires at the end of the year, along with all of the County Leases. She stated that she did request that County Attorney Bumgarner attend tonight's meeting to provide information on this matter. Unfortunately neither she, nor a representative from the County Attorney's Office is present.

Legislator Tamagna stated that all leases are held over until addressed in the new year.

Chair LoBue stated that she is aware of that. She stated that she hoped that the Legislature would get some insight on the plan for 2013. She stated that agenda item #9 – Tilly Foster Farm Cantina Apartment Lease, was another item that she would have liked the County Attorney to provide insight on this evening. She stated that the paper work sent on the Tilly Foster Farm Cantina Apartment shows that they are planning on renting the Cantina Apartment. She stated that if the Law Department representatives had shown up tonight, she would have asked them about the occupants in several of the other buildings on the farm property to which there are no leases.

Legislator Othmer inquired as to when the Law Department was asked to attend this meeting.

Chair LoBue stated that she sent a memo Wednesday, December 12, 2012.

**Item #7) Approval/ Consolidated Grant Application for 2013 & 2014**

Legislator Albano made a motion to approve the Consolidated Grant Application for 2013 & 2014; Seconded by Legislator Othmer. All in favor.

**Item #8) FYI/Fund Transfer (12T399)/Highway & Facilities/To Properly classify purchases through year end - Duly Noted**

**Item #9) FYI/Tilly Foster Farm Cantina Apartment Lease (Discussed with item #6)**

**Item #10) FYI/Correspondence:**

**10b. Fr: Dini LoBue To: Hon. Kenneth Schmitt Date: 11/20/2012 Re Teakettle Lake Park District/FYI – Duly Noted**

**Item #11. Other Business**

**11a. FYI/Correspondence: From L. Kelley To: V. Tamagna Dated: 12/4/2012  
Re: Being a member of the Transit Task Force**

Legislator Oliverio stated that he supports Lana Kelley and Joe Bravo to be members of the Transit Task Force.

Chair LoBue stated that she will be sending a memo to the Administration formerly requesting that she be a member of the Transit Task Force. She stated that Legislator DiCarlo made the recommendation to have the task force formed during the 2013 budget discussions addressing the transportation matter.

**11c. Discussion/Generator & Driveway/ 40 Gleneida County Office Building**

Legislator Othmer stated that in 2013 he would like the Legislature to look into getting a generator for this building. After “Superstorm Sandy” it is something that he thought about as being critical. There are brand new conduits that are already in place. He stated for 2013 in relation to this building he would like to look at the Roof and getting a Generator hooked up.

Legislator Oliverio stated another item that bothers him about this building is the entrance road off of Route 6 being blocked off with a construction horse. It is an absolute eye sore and takes away from the beauty of the Historic Courthouse and the front Brick of the County Office Building. He stated that he recalls Legislator Othmer requesting that something be done to rectify that eye sore.

Legislator Othmer stated that he has asked several times, and never received an answer.

Legislator Oliverio stated that he was told that it has been closed off due to safety concerns of bricks falling off the roof. He stated that he has asked that a small fence or something more aesthetically pleasing be used to block off the roadway.

Legislator Albano stated that he does not believe that it is an issue of bricks falling. He heard it was more of an issue of thru traffic. He stated that personally he would like to see the entrance opened again.

Legislator Othmer stated that he agrees with Legislator Oliverio that if the driveway is going to remain closed it needs to be done in a different way. He stated that the Town of Kent Recycling Center has a one arm swing gate at the entrance of the driveway that in his opinion looks good and may be a good solution for the County.

**Item #12) Adjournment**

There being no further business, at 7:15P.M., Legislator Othmer made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted, Deputy Clerk of the Legislature- Diane E. Trabulsy