

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

Tuesday

January 19, 2016

The meeting was called to order at 7:05 p.m. by Chairman Albano who requested that Legislator Scuccimarra lead in the Pledge of Allegiance. Upon roll call, Chairman Albano and Legislators Castellano and Scuccimarra were present.

Item #3) Approval/Physical Services Meeting Minutes December 10, 2015

Chair Albano accepted the minutes as submitted.

Item #4) Approval/Recommendations from the Putnam County Agriculture & Farmland Protection Board/2015 Inclusion in the Agricultural District

Lauri Taylor, Liaison to the Putnam County Agriculture & Farmland Protection Board & Marjorie Thorpe, Chair of the Putnam County Agriculture & Farmland Protection Board (Board) were present and requested to address the recommendations that came forward from the Board.

Lauri Taylor, Liaison stated that there are some updates that she needs to provide. She stated she and members of the Board went and did a walk through visit at each of the seven (7) sites that requested to be included in the Agricultural District. She stated on January 11, 2016 the Board met to go over the paperwork and the site visits and based on all of the information the Board made its recommendations. She stated the recommendations have been submitted to the Legislature. She stated two (2) of the properties located in Philipstown: 1) Mercurio Farms LLC and 2) the Cold Spring Farm were not recommended by the Board. However, since the time of the Board's review of the physical properties and the corresponding documentation review process these two farms did receive the approving documentation that prevented the Board from recommending that they be included in the Putnam County Agricultural District. The Mercurico Farms LLS received their Septic Certification and the Building Permit approval from the Town. The Cold Spring Farm received their Driveway Access Permit from the New York State Department of Transportation. She stated in the Town of Kent a Landowner submitted an application. She stated it was a small parcel with a small amount of agriculture occurring on it. The Board determined that the value of this proposed site was minimal, and did not recommend the property. She stated another property in the Town of Kent came forward as a horse operation. She stated the Agricultural District law is very specific for Equine Operations. She stated that the operation needs to be a commercial operation and it needs to show an income from the horses. She stated that the Landowner stated all of the horses were owned by them and did not indicate that any commercial operation would take place there, so the Board did not recommend them. She stated the Town of Southeast has an owner who applied for an Equine Operation and they did meet the requirements, the property was recommended by the Board. She stated a second property in the Town of Southeast, has a very small acreage of property, 4.01. She stated that there was no business plan

in place to start a gin distillery. She stated the Board did not recommend this parcel at this time. She stated the property in the Town of Patterson a landowner applied who has a greenhouse nursery operation that the Board did recommend for inclusion.

Legislator Nacerino stated that the Town of Patterson Supervisor Richard Williams has a different opinion regarding the property in Patterson. She requested that Liaison Taylor provide more information on the Board's reasoning behind their decision to approve the parcel.

Liaison Taylor stated that she contacted the New York State Agriculture & Market after receiving a letter from Supervisor Williams. She stated that it is the Agriculture & Farmland Protection Board's responsibility to determine if there is truly a farm operation and if there is then they would be recommended to the Legislature. She stated that one of her responsibilities is to reach out to each of the Towns once the petitions are received to see if there are any violations. She stated the Town of Patterson did not report any violations on the property. She stated that there are two (2) other existing greenhouse nursery operations in the Town of Patterson that are similar to this one. She stated that the parcel fits the definition of a "Farm Operation" therefore the Board did not see any reason not to recommend the parcel. She stated that Supervisor Williams is looking at different definitions than what the Board is required to review for determination for inclusion in the Agricultural District.

Legislator Nacerino stated based on the correspondence from Supervisor Williams he cited that he believes the fact that there is a retail business operation on the property it is not suitable to be in the Agricultural District.

Chair of PCAFPB Thorpe stated that the Agricultural District law allows for there to be a retail business and farming to exist at the same time on the same piece of property.

Legislator Nacerino stated that she knows the parcel very well. She stated the fact that there was an opposing position, in her opinion warranted a more detailed explanation to the recommendation from the Board. She thanked the Board representatives for the additional detail to this item.

Legislator Scuccimarra stated that she would like to recommend the two (2) properties in Philipstown: Mercurio Farms LLC and Cold Spring Farm be accepted in the Agricultural District. She stated the reasons that they were not recommended by the Board have been settled, as reported by Liaison Taylor.

Chair Albano made a motion to approve four (4) parcels into the Putnam County Agricultural District: Tax Map #82.-1-66, #38.-3-25, #67.-1-3 & #14.-1-59; Seconded by Legislator Castellano. All in favor.

Item #5) Approval/Law Department Correspondence dated 01/04/2016/ to Approve Sale of Sale of Chapter 31 Property

Chair Albano stated that he has some questions on the sale of this parcel.

Deputy County Executive Walker stated the property has been on the market for a couple of years. He stated there has been a total of three (3) inquiries and no offers on the property. He stated that he went to the lot to see if the County could make use of it. He stated in his opinion, it is a tear down. He stated it is a very small lot and it is near the reservoir. He stated that the neighbors have been asked if they have any interest in purchasing the parcel, and they do not. He stated that he knows that it seems to be a very low amount to sell if for, \$15,000, however the parcels proximity to the reservoir will presents limitations and restrictions in terms of septic.

Legislator LoBue questioned if the lien on the property is close to the proposed sale price.

Deputy County Executive Walker stated he does not have that information with him tonight, however he would feel confident to say that it is. He stated that the Chapter 31 properties sales, in general, the County does not make a profit.

Legislator Addonizio asked what the lot size is, that is not included in the backup correspondence.

Deputy County Executive Walker stated he does not know the exact lot size.

Chair Albano stated that Sedgewood is a different area in Putnam County, in terms of what people are looking for.

Deputy County Executive Walker stated the property is not in Sedgewood it is on Dixon Road.

Legislator Castellano requested the assessed value of the house.

Deputy County Executive Walker stated the original market price for the parcel was \$75,000.

Chair Albano stated that the value of even 1 bedroom potential building lot, would be perhaps closer to \$50,000.

Deputy County Executive Walker stated the value of the property is on what the market will bear, not what he thinks it is worth.

Legislator Castellano stated the bonus is once it is sold it puts it back on the Tax Roll.

Deputy County Executive Walker stated it is an eye sore. He stated fortunately there is a house that blocks it a bit. He stated it is a tear down.

Legislator Addonizio requested if this parcel has been on the local listing.

Deputy County Executive Walker stated through the Chapter 31 process it has been on the local listing for two (2) years. He stated in that time period there was no offer. He stated when he received the report to sell it for \$15,000, he too was surprised to hear that. He stated that is why he went to the property site.

Legislator Castellano questioned if the current offer is from a local resident.

Deputy County Executive Walker stated it is an offer from a Mahopac Corporation.

Legislative Clerk Schonfeld reported to Chair Albano through her research she found that the parcel is 138x202.

Chair Albano stated the property size is approximately ½ acre.

Deputy County Executive Walker stated the County can sit on the property and wait to see if another offer comes along, however he would not see the logic in that.

Legislator Castellano made a motion to approve the Sale of Chapter 31 Property; Seconded by Legislator Scuccimarra. All in favor.

Item #6) Approval/Proposed Program Plan for Compliance with DOT's Requirements under Title VI of the Civil Rights Act of 1964

Deputy Commissioner, Planning, Development & Public Transportation Sandra Fusco stated this is the first time that the Federal Transit Administration (FTA) is requiring a Legislative approval of the County's Title VI of the Civil Rights Act of 1964. She stated the requirement is that it be approved by the Legislature on a tri-annual basis. She stated it demonstrates the County's support of the Title VI of the Civil Rights Act of 1964 and that the County will comply.

Transportation Manager Tamagna stated that prior years the Title VI of the Civil Rights Act of 1964 was successfully submitted to the FTA by retired Commissioner John Lynch. He stated that it did not require Legislative approval when Mr. Lynch was in office.

Legislator LoBue requested clarification on whether the County has been in compliance or has Putnam County been written up for not being in compliance.

Transportation Manager Tamagna stated Putnam County has been in compliance, and no the County was not written up.

Chair Albano made a motion to approve the Title VI of the Civil Rights Act of 1964; Seconded by Legislator Scuccimarra. All in favor.

Item #7) Discussion/Hill Agor Farm House

- a. **FYI/ Excerpt of minutes from Year End Mtg 12-21-2015/Rescind Reso#349 of 2011 – was Tabled**
- b. **FYI/Correspondences from 2012: February 23, 2012 To: C. E. Vandrei NYSDEC & February 24, 2012 To: R. Gainer, P.E. Town of Carmel Engineer**
- c. **FYI/E-Mail from: T. Maxson Dated: December 20, 2015**
- d. **FYI/Memo To: Deputy County Exec. Walker Dated: January 13, 2016**

Chair Albano stated that Deputy County Executive Walker will provide some background on this matter.

Deputy County Executive Walker stated this matter dates back to 2011. He stated that after the conveyance of a Lease to the Town of Carmel, there was contemplation of whether the McGregor Airport Property would be utilized for the development of Soccer Fields by the Town of Carmel with an easement that cut through the Hill Agor property to access the fields. He stated in February 2012 the Town of Carmel working with the County applied for a permit to work on the entrance/right of way to the fields. He stated the work began, subsequent to a considerable amount of work, and improving the entrance and exit of the property making them significantly safer. He stated that there was a letter issued by the New York State Parks Recreation & Historic Preservation Office (NYSPRHP) from William Kettinger to the NYS Department of Conservation (DEC) which prompted, based on an alleged historical significance of the property, the DEC to order that the work be stopped. He stated a Notice of Violation (NOV) was ordered against the Town of Carmel to prevent any future work at the site. He stated the fact of the matter in relation to Resolution #349/2011 is that to rescind that resolution it will have no bearing on the NOV or the stop work order. The current facts are that the DEC and NYSPRHP are requiring that the Town of Carmel and or the County supply plans to those state agencies. He stated the NYSPRHP effectively is an advisor to the DEC. Therefore, in order for the DEC to lift the Stop Work Order, the plans need to be submitted and the impact to the alleged historical significance of the site needs to be evaluated. He stated that based on a conversation the Administration had with them in 2015, they do not believe the work that is being set forth, based on their knowledge of it, without seeing the physical plans, will interfere with any of the historic value of the property. He stated at this point the process of providing required documentation and requesting a formal opinion to get the Stop Work Order lifted needs to be done.

Chair Albano stated it is his understanding that most of the work is done.

Deputy County Executive Walker stated he is not sure of the amount of work that still needs to be done on the driveway. He stated that there is more work to be done by the airport property. He stated that the East of Hudson Corporation (EOH), which the

County of Putnam and Town of Carmel are members of (it is made up of 19 municipalities) has identified a project in that area that would meet some of the phosphorous reduction requirements under the Municipal Separate Stormwater Sewer Systems (MS4) and State Pollutant Discharge Elimination System (SPDES) permits. He stated that project could be done in conjunction with the project on the Soccer Fields. He stated both projects will be submitted together. He stated that the Administration's commitment to the State was that the County would work with the Town of Carmel and aggregate the necessary information and formally submit it to get an opinion issued from the NYSPRHP that will be sent to the DEC in order to move forward with the projects.

Legislator LoBue stated that she would like to see the plans that have been referenced by Deputy County Executive Walker that include the Hill Agor and Ball Fields parcels. She stated that she does not believe the Legislature has ever been given a copy of those plans.

Deputy County Executive Walker stated prior to his joining the County staff, when the Lease between the County and the Town of Carmel was signed, he would imagine a copy of the Ball Fields plans probably were submitted.

Legislator LoBue stated that she would like to get a copy of the plans.

Deputy County Executive Walker stated he will have to get the plans from the Town of Carmel and compare them to the plans submitted at the time when the Lease was signed and see if there have been any modifications. He stated he needs to review the plans that have been identified in reference to the EOH Watershed retrofit project. He stated once those plans are finalized they are what will be submitted.

Legislator LoBue stated that the Legislature should be provided a copy of the plans.

Chair Albano stated that it would be fine to send the Legislature a copy of the plans, however he does not expect that they will show anything the Legislature is not already aware of. He stated also for discussion tonight, per his request, two (2) of the houses the County owns. He stated in a past committee meeting it was discussed to contact the Department of Protection (DEP) to request an approval to separate the parcels the older homes are on. He stated then the county could sell them.

Deputy County Executive Walker stated he did discuss this matter with Commissioner Pena. He stated the Pugliese House, at Tilly Foster and the house on Austin Road near the Putnam County Golf Course are subject to a "First Right of Refusal" by the DEP. He stated he spoke with the Deputy Commissioner of the DEP and stated that the County via the sale of the property would have to replenish the Water Quality

Investment Program (WQIP) funds that were used to pay for the properties. He stated with that commitment the DEP would be amendable to that. He stated the DEP is not the obstacle with this. He stated the more significant part of this proposal is that an alienation process would need to be done. He stated because of the “park designations” that were established when purchased. He stated the County would need to file with the State and obtain approval by both the Senate and the Assembly to cut the properties off, usually including the concept that the County would offset it with another piece of property. He stated that there is a recently acquired property in the Town of Patterson. He stated that it is 22 acres and located near the Wonder Lake, which is a State Park. He stated that the Administration has not taken any action, as they wanted to discuss all of this with the Legislature.

Chair Albano stated that he would like to pursue not doing a property swap and explain by the County separating the parcels and selling them with specific deed restrictions; it will have no effect on the parcel. He stated the properties would be back on the tax rolls, the buildings would be fixed up; benefitting the neighborhoods and the County would be freed from the liability. He stated ridding the County of the properties supports the fact that the County does not want to be in the residential landlord business. He stated also he would like to propose that the Hill Agor Farmhouse property be subdivide and put on its own. He stated he believes that would remove potential conflicts or restrictions from being an issue, if the property does get designated as a historical site in the future.

Deputy County Executive Walker stated that the DEP is not concerned with breaking the properties up. He stated they understand that the County does not want to be in the Landlord business and are amenable to working with the County. He stated that he believes the State Senate and Assembly representative of Putnam County would bring the legislation forward. He stated that he does not believe the legislation would be met with resistance. He stated any money gained from the sales would be reimbursed to the WQIP Funds which funds environmental initiatives.

Legislator LoBue expressed her concern that subdividing the Hill Agor property will devalue the property.

Chair Albano stated that he believes it would be in the best interest of the County to subdivide and sell the properties with a historic significance, reducing the County’s liability. He stated also if the historic properties are on their own parcel it may make them open to more Federal funding oportunities. He stated that he believes it is worth looking into.

Deputy County Executive Walker stated once the determination is official from the DEP the County would have to do its due diligence by reviewing the properties to see if they can be separated with adequate septic.

Legislator Nacerino questioned who would be a potential buyer.

Chair Albano stated he believes the Hill Agor House, would probably go to a corporation with an interest in preserving the house. He stated the other homes that do not have a historic significance would be appealable to a private owner. He stated again the benefits are the property would be back on the tax roll, reduce the County's liability. He stated if there is no benefit to the County to keep the houses, why not take action that will result in benefits.

Deputy County Executive Walker stated the next step will be to have the County's Health Department evaluate the properties to see if there is in fact adequate land to accommodate the proper size septic system. He stated then the proposed subdivision of the properties would be prepared.

Chair Albano made a motion to waive the rules and accept the Other Business; Seconded by Legislator Castellano. All in favor.

Item #8) Other Business

a. FYI/Monthly Report-Capital Projects/Chairman Albano

Chair Albano stated that the following is a practice that has fallen to the wayside. He stated that he would like to begin in February at the Physical Services Meeting that the Monthly Capital Project update report be placed on the agenda. He stated in the Putnam County Charter it states the following practice and procedure: Section 7.05 C. entitled **Capital program and capital budget- Monthly Report** : "The Chairman of the Capital Projects Committee, (*County Executive*) or his/her designee, shall report on a monthly basis to the Physical Services Committee of the County Legislature and provide a detailed status report on all capital projects". He stated he will send correspondence to the County Executive requesting this section of the Charter be complied with beginning with the February 2016 Physical Services Committee meeting and throughout the year.

Item #9) Adjournment

There being no further business, at 7:50P.M., Chair Albano made a motion to adjourn; Seconded by Legislator Scuccimarra. All in favor.

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