

**PHYSICAL SERVICES COMMITTEE
HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

(Chairman Albano, Legislators Castellano & Scuccimarra)

Tuesday

February 16, 2016

(Immediately Following the Personnel Meeting beginning at 6:30p.m.)

The meeting was called to order at 8:12 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 January 19, 2016

The minutes were approved as submitted.

Item #4 - Discussion/Law Department Correspondence dated 01/04/2016/ to Approve Sale of Chapter 31 Property- Town of Kent (Tabled at 2/3/2016 Full Mtg)

a.) Response From First Deputy County Attorney Negro Dated: Feb. 8, 2016 Referencing the Tabled Property Sale (agenda item #4)

Chairman Albano stated this sale was moved out of the Physical Services Committee on January 19, 2016, however since that meeting, some Legislators believed it would be beneficial to collect more information, therefore it was tabled at the February 3, 2016 Full Legislative Meeting. He stated he has since driven out to the property to see it for himself.

First Deputy County Attorney Andrew Negro stated he provided the Legislature with information on prior offers made on the property. He stated this was the only offer that went to contract over a two (2) year period. He stated the market dictates what the selling price is. He stated this is the only viable offer based on the condition of the property and the circumstances of the marketability and location.

Legislator Wright stated the market may not have gone up, but he does not believe it has gone down. He stated the real estate broker recommended a listing price of \$75,000. He questioned if that is the dynamic of which we are operating, what kind of service are we getting at the listing stage of properties? He stated this deal undermines the whole premise of going to an outside real estate broker to try to sell County properties. He stated the real estate broker comes in and assesses the property at \$75,000 and two (2) years later recommends \$15,000. He stated a 5% commission is collected by the real estate broker upon the sale of the property. He stated he believes with one (1) advertisement in the newspaper two (2) years ago we could have sold the property for \$15,000 less a 5% commission. He stated to go from where the County was to where the County is now, for the privilege of doing so we will pay another 5%. He stated if that is the underlining process in the County sale of real property, he believes the whole system needs reevaluation.

Legislator Scuccimarra stated this situation is unusual.

Chairman Albano stated the realtor probably thought the property alone was worth that amount of money. He stated most of the properties that the County has had for sale have sold for close to what the expected price was and some have sold over the list price. He stated he is a realtor and the price of \$15,000 sounded very low to him and he thought the property alone would be worth more. He stated when he drove out to the property; he found that there were many factors that tie in. He stated the property is on a private dirt road, which would make financing difficult unless a maintenance agreement contract was in place. He stated the house is a "rip down" and is located very close to the road, as is the house across the street. He stated he also noticed that there was an underground oil tank on the property.

Legislator Wright stated this specific offer first was \$25,000 then dropped to \$15,000.

Legislator Castellano questioned if that offer was \$25,000 when the building needed to be torn down.

First Deputy County Attorney Negro stated that is correct.

Legislator Castellano stated the County would have needed to pay \$10,000 to tear down the building, which would have resulted in the \$15,000 in the end.

First Deputy County Attorney Negro stated this was part of the first bundle of properties that were sold under Chapter 31. He stated most of the prior properties had sold for close if not over the asking price. He stated the next four (4) properties that are before the Committee tonight are from new bundles and all of them have gone for over asking price. He stated the County used to put properties up for public auction and many of them sold for much below market value and many of them ended up back under the County's ownership because many of the buyers did not vet out the properties. He stated this process is getting offers closer to market value and is attracting buyers who are in the business of rehabbing properties.

Legislator Nacerino clarified that the buyer originally submitted a \$25,000 offer contingent upon the County raising the property. She stated that offer was then rescinded and dropped to \$15,000.

First Deputy County Attorney Negro stated that is correct and the \$15,000 offer had no contingencies.

Legislator Nacerino stated she is concerned because \$15,000 minus the commission is really giving this property away. She stated she is not sure whether or not this has a great enough fiscal impact to sell at this point in time or if holding out would reap a better offer. She stated she looked at this property online, as she did with all the properties being considered for sale, and she found that most of them are selling for

close to the listing price. She stated this property in particular has a small dilapidated shack and needs work, but she cannot fathom that property would be so inexpensive in Putnam County. She questioned what the adverse effect is if this property is not sold.

First Deputy County Attorney Negro stated it has been on the market for two (2) years. He stated with this sale, school taxes are guaranteed and the property will go back on the tax rolls. He stated hopefully the developer will increase the value of the property, therefore increasing the tax revenue generated from the property. He stated it is the Legislature's decision.

Legislator Castellano questioned how long the County has owned the property.

First Deputy County Attorney Negro stated it has been listed for two (2) years and he would need to look at the foreclosure deed to know how long the property has been under the County's ownership.

Legislator Castellano stated the property has been off the tax roll for a few years. He stated selling the property will put it back on the tax roll in the Town of Carmel.

Legislator Gross requested clarification about the oil tank on the property.

Chairman Albano stated there is an oil tank on the property and there is a liability exposure. He stated there are so many different factors that would prevent someone from making this a quick resale. He stated perhaps the County could get a little bit more money, but he is concerned about keeping the property and the County being responsible for it. He stated right now, tax revenue is being lost.

Legislator Gross stated the oil tank issue is severe and he believes the quicker the property is sold, the better.

Legislator Scuccimarra agreed with Legislator Gross.

Chairman Albano made a motion to pre-file the necessary resolution; Seconded by Legislator Castellano. All in favor.

Item #5 - Approval/Law Department Correspondence dated 02/04/2016/ to Approve Sale of Chapter 31 Property - Town of Patterson TM #25.41-1-19

Chairman Albano made a motion to pre-file the necessary resolution; Seconded by Legislator Scuccimarra. All in favor.

Item #6 - Approval/Law Department Correspondence dated 02/04/2016/ to Approve Sale of Chapter 31 Property -Town of Southeast TM #56.81-1-8

Chairman Albano made a motion to pre-file the necessary resolution; Seconded by Legislator Castellano. All in favor.

Item #7 - Approval/Law Department Correspondence dated 02/08/2016/ to Approve Sale of Chapter 31 Property -Town of Putnam Valley TM #73.5-2-60

Legislator Castellano made a motion to pre-file the necessary resolution; Seconded by Legislator Scuccimarra. All in favor.

Item #8 - Approval/Law Department Correspondence dated 02/09/2016/ to Approve Sale of Chapter 31 Property -Town of Putnam Valley TM #62.17-3-62 & 63

Chairman Albano made a motion to pre-file the necessary resolution; Seconded by Legislator Scuccimarra. All in favor.

Item #9 - Lease Agreement/ New Senior Center Facility/ The Lahey Pavilion, 1756 Route 9D, Cold Spring, NY / (Butterfield) / Update

Deputy County Executive Bruce Walker stated late last year the lease was approved contingent upon receiving a commitment letter from Roger Ailes pertaining to the monetary donation he offered. He stated since then, the lease has not been signed. He stated the County has been working with Mr. Ailes and his attorneys to establish a donation agreement. He stated edits have been made back and forth and currently, they are waiting on edits back from Mr. Ailes' attorneys. He stated once those are received, the document will be finalized and it will be brought to the Legislature for approval. He stated at that time it is likely, based on conversations with the County's bond counsel, that the lease will be brought down to modify it to extend it from two (2) five(5)-year extensions to a 15 year lease. He stated this is in anticipation to better bond the things that are going to end up being bonded for the space. He reiterated that the lease has not been signed and the donation agreement is still being worked on.

Chairman Albano stated a 15 year lease makes more sense in light of what will be spent in terms of work being done inside the structure. He questioned if the lease would be ready by next month.

Deputy County Executive Walker stated it would be shocking if the lease was not ready by next month.

Legislator Nacerino questioned if the lease not being executed yet will alter the expected occupancy date.

Deputy County Executive Walker stated it may delay the date to some degree but their goal is for the mid-June to September time period.

Legislator Scuccimarra stated building 2 is coming along.

Deputy County Executive Walker stated the County has continued to work by coming up with designs and Commissioner Pena's staff has laid out what the space is going to look like. He stated they have made headway as far as what is anticipated to be there, in parallel with developing the donation agreement. He stated what they are dealing with are basic legal issues at this point and there are no fundamental disagreements.

Legislator Nacerino questioned what the essence of the donation agreement is.

Deputy County Executive Walker stated the last paragraph of the lease includes wording which states that the Administration has the ability to sign a commitment letter. He stated based on the amount of the donation, they want to ensure that the money will be spent where it was anticipated to be spent. He stated the donation agreement is a more formalized legal document than a commitment letter.

Legislator Nacerino stated initially, the intent of the donation was based on interior design and improvement.

Deputy County Executive Walker stated that is consistent with what the donation agreement outlines.

Item #10 - Approval/Resolution/Underground Storage Tank (UST) Project
a.) E-mail Fr: Legislator Wright Dated: Feb. 9, 2016 Re: Lead Agency
UST Highway Rt. 6N

Deputy County Executive Bruce Walker stated three (3) underground storage tanks located at 600 Route 6N will be removed and disposed of. He stated two (2) aboveground storage tanks will be installed at 454 Route 6N. He stated for the past year the County has been working with the DEP (Department of Environmental Protection) in order to remove the underground storage tanks from 600 Route 6N.

Chairman Albano questioned if the Legislature is the Lead Agency on this project.

Deputy County Executive Walker stated the County, as a whole, is the Lead Agency.

Chairman Albano stated the resolved clause reads "Resolved, that the Legislature hereby declares its intent to serve as Lead Agency..."

First Deputy County Attorney stated the resolution that is before the Legislature is to declare intent to send a letter to declare Lead Agency. He stated any time a governmental entity funds, approves, or undertakes a project that triggers SEQRA if it falls within the type 1 or an unlisted action, which requires a coordinated review, the County is the entity that has to send a letter to any involved or interested agencies. He stated in this case those agencies are DEC (Department of Environmental Conservation) and DEP. He stated this resolution is for the County, through the Legislature, to begin the process.

Deputy County Executive Walker stated the Legislature is named in the resolution because it is dealing with real property.

Legislator Wright stated Lead Agency status at the town level was often held by one (1) of the respected boards. He questioned why Lead Agency status falls to the Legislature rather than a department. He also questioned why part 617 is an unlisted action.

First Deputy County Attorney Negro stated the planners in the Planning Department are responsible for meeting those requirements.

Legislator Wright stated none of the Legislators are in the position to sign off on this resolution. He read from the 8th "Whereas" clause in the resolution: "Whereas, the Putnam County Legislature (the "Legislature"), after a review of Part 617, finds that the proposed action is an "Unlisted" action, as defined in 6 NYCRR Part 617.2." He stated the Legislators are not aware of what this is, and therefore this is not an appropriate Legislative resolution.

Legislator Nacerino stated it does not fall into the type 2 and an "Unlisted" action means there is more environmental impact studies that need to be completed upon application.

First Deputy County Attorney Negro stated that is correct. He stated under 617, there are certain enumerated actions which would fall within a type 1 action. He stated if they do not fall within any of those enumerated actions for being type 1, type 2 is looked at. He stated type 2 does not trigger SEQRA review. He stated if it does not fall within an enumerated type 1 action that triggers a type 1 review and it does not fall within an enumerated type 2 action, which does not trigger a review, then it is an "Unlisted" action.

Chairman Albano made a motion to pre-file the necessary resolution; Seconded by Legislator Scuccimarra. All in favor.

Legislator Wright stated these types of recommendations should come to the Legislature with a certification from an engineer or the Law Department that it has been reviewed and it is an "Unlisted" action.

Chairman Albano agreed that it would be helpful for the Legislature to have that material attached to the recommendation.

First Deputy Attorney Negro stated the planners in the Planning Department could certainly provide whatever guidance is needed. He stated the Law Department reviews it as well and could guide the Legislature accordingly.

Legislator Castellano questioned if this certification could be received by the March 1, 2016 Full Legislative Meeting.

Deputy County Executive Walker stated they do not “PE stamp” (Professional Engineer) planning documents.

Legislator Wright questioned whose opinion this is based on.

Deputy County Executive Walker stated it is submitted by the Commissioner of Highway & Facilities and it is applied for by John Tully, the Deputy Commissioner of Highway & Facilities, who is also the Acting Commissioner of Planning, with the EIS form.

Legislator Wright questioned if the document submitted by Deputy Commissioner Tully will include verbiage stating that after review of the 617 regulations this is an “Unlisted” action.

Deputy County Executive Walker stated that review is mandatory.

Legislator Wright questioned if the document from Deputy Commission Tully will specifically outline that.

Deputy County Executive Walker stated he would need to review the document to see if that wording is included.

**Item #11 - Approval/The Operation and Maintenance Policy For EOHWC
Stormwater Retrofit Projects**

**a.) E-mail Fr: Legislator Wright Dated: Feb. 3, 2016 Re: EOH & O&M
Agreement**

Deputy County Executive Walker stated in 1997 when the County entered into the watershed agreement, it was silent in regard to the O&M (Operation & Maintenance) that would be associated with any of the capital investments made under the MS4 (Municipal Separate Storm Sewer System) program. He stated in 2012 the County created the East of Hudson Watershed Corporation, which was responsible for the 19 underlying municipalities for 459 kg of phosphorus reduction. He stated the idea of bubble compliance is everyone being put under one (1) umbrella, so the utilization of dollars can be better optimized. He stated what happened as a result was there would be certain areas that would achieve more or less under the bubble compliance. He stated for example, the Village of Brewster was allocated six (6) or seven (7) kg of phosphorus based on their SPDES (State Pollution Discharge Elimination System) permit. He stated by virtue of the retrofit that went in there, they were able to get the value of about 68 kg. He stated to saddle the Village of Brewster with the requirement of the O&M associated with maintaining a retrofit that the collective 19 municipalities cleaned 68 kg from is unfair. He stated this was debated over the last 18 months within the East of Hudson Corporation and the DEP. He stated they came out with a mechanism wherein there was a pro-rata distribution of O&M costs. He stated based on engineering analysis, a cost was allocated based on the type of retrofit that was there. He stated they then add that together to come up with a number and then take the pro-rata distribution and do an O&M analysis and find what the potential costs would

be as a municipality. He stated for instance, the Village of Brewster, who was only required to have six (6) kg removed but had 68 kg removed, would be in a position where they would get paid by the other municipalities. He stated on the other end, for example, the County was required 30 kg and got less than 20 kg, therefore they would have to pay. He stated they are trying to balance the costs and benefits derived from the 19 municipalities. He stated under the SPDES permit, the O&M is required. He stated this is an expansion of the collected bubble compliance. He stated we are in years six through ten (6-10) negotiations with the DEP and one (1) thing highlighted in years one through five (1-5) is that the municipalities need a stake in the game to obtain more funding to continue with the retrofits. He stated doing the O&M provides value to sit with the DEP to discuss years six through ten (6-10) and funding.

Legislator Scuccimarra questioned if the Towns are in agreement.

Deputy County Executive Walker stated every Town is going through the same issue.

Legislator Scuccimarra made a motion to pre-file the necessary resolution; Seconded by Chairman Albano. All in favor.

Item #12 - Update/Painting Pedestrian Bridge-Town of Southeast

Commissioner of Highways & Facilities Fred Pena stated in 2010, there was a request to paint this bridge and the engineer's estimate ranged from \$279,000 and went as high as almost \$500,000. He stated the estimate was that high because of lead and asbestos that is associated with the bridge. He stated there are a number of items requested by Metro North that could possibly be reduced by approaching Metro North. He stated the project will still probably cost \$100,000 or more.

Legislator Castellano questioned if Metro North still owns that bridge.

Commissioner Pena stated they leased it to the County.

Legislator Castellano stated there is a bridge in the Village of Brewster that is very similar to this one and is on the same bike path. He stated it is painted gray and it has not chipped like this bridge. He questioned if there was a reason for this.

Commissioner Pena stated he does not know the history of the bridge.

Deputy County Executive Walker stated the County has periodic meetings with the MTA so this can be put on that agenda. He stated there have been more significant items; however this can be looked into to at least beautify it without taking on extra costs.

Legislator Gross questioned if the bridge would need to be sand blasted and therefore have coverings to catch the materials.

Commissioner Pena stated it could probably be done by scraping and vacuuming.

Item #13 - Update/ Monthly Report-Capital Projects/by Chair of the Capital Projects Committee or Designee

Commissioner Pena stated there is a list of projects that were approved. He stated several of those projects are progressing particularly in roadway, bridges and culverts, and highway equipment. He stated there are some other projects that he would like the Capital Projects Committee to discuss. He stated for example, the jail has lost a leg on its primary power source. He stated they are evaluating whether that project should be prioritized above some of the other projects. He stated a request has been put out for the Committee to reconvene.

Chairman Albano requested an update be given at next month's meeting on where the projects stand and what may change.

Commissioner Pena stated the Capital Projects Committee will reconvene and produce an update to present to the Legislature.

Chairman Albano stated he would like to have a monthly update on the status of capital projects.

Item #14 - Update/East Lake Boulevard

a.) Memo: Dated: Dec. 17, 2015 to: County Executive Odell Fr: Chair of Physical Svcs Albano Re: December 10, 2015 Physical Services/East Lake Boulevard

b.) Response To Dec. 17th Memo item #1: E-mail Fr: T. Delahanty Dated: January 31, 2016 Re: St. John's Church Crosswalk Permit

Commissioner Pena stated it has been established that the right of way is pavement-width and there is no established right of way beyond that. He stated if a sidewalk were to be put in, it would need to go through the purchasing process. He stated this would be more extensive and more costly than just putting in a sidewalk.

Chairman Albano stated he is concerned with the situation with the curb.

Commissioner Pena stated it narrows the width of the road. He stated parking restrictions should be enforced as well.

Item #15 - Update/Hill Agor-Town of Carmel Ball Fields

a.) Memo: Dated: Jan. 22, 2016 To: Deputy County Executive Walker Fr: Chair of Physical Svcs Albano Re: Physical Services Committee Meeting 01-19-2016/Hill Agor-Town of Carmel Ball Fields

**b.) E-mail from: Deputy County Executive Walker Dated: February 10, 2016
Re: Stop Work Order and the Plans for work to be completed at Airport
Park**

Deputy County Executive Walker stated he spoke to the DEC and found that they needed the Town of Carmel to file some paperwork, which has been submitted. He stated it is his understanding that NOV(Notice of Violation) and the stop work order are being lifted from the Town of Carmel.

Chairman Albano questioned if Deputy County Executive Walker is working with the DEP to check on the Hill Agor House.

Deputy County Executive Walker stated an alienation proceeding needs to be done because some properties are designated as State Park land and there must be a property to swap. He stated there is one (1) 22-acre property, close to Wonder Lake in Patterson, which may be able to be used for this purpose. He stated the DEP will not stand in the way.

Item #16 - Other Business

**a) Update/Camp Herrlich/Proposal to Construct 4,000 sq. ft. Building
on Property/Deputy County Executive Walker**

Deputy County Executive Walker stated there has been a desire to put a building on the site at Camp Herrlich. He stated for the past four (4) months, the County has been researching possible ways to put a building at Camp Herrlich that falls within the guidelines set forth by the Putnam County Charter and General Municipal Law. He stated Camp Herrlich has been getting donations and have collected about \$500,000. He stated the building will cost around \$1 million, therefore they will need a loan for the other \$500,000. He stated Camp Herrlich met with Putnam County Savings Bank so they would have documentation to move forward with the planning process with the County. He stated he has been working with First Deputy County Attorney Negro in researching the Charter and the General Municipal Law to see what can and cannot be done. He stated they are struggling to find a way that goes by both the Charter and General Municipal Law. He stated a 40-year lease would be required. He stated the Charter currently enables the County to have just a five (5) year lease. He stated a Local Law would be needed to amend the Charter accordingly. He stated the concern with a 40-year lease is that Camp Herrlich is taking a \$500,000 loan and over the 40 years, they would pay the County reduced payments early on, increasing every five (5) years. He stated today, the County would get \$38,000 per year in lease payments. If they were able to get the loan, they would have 40 year lease with the County and have reduced payments in the beginning but increase them over 5 year increments. He stated $\$38,000 * 40$ versus what the steps are results in a \$500,000 loss in revenue to the County. He stated the offset is an increased service being provided to the constituents in the County who utilize Camp Herrlich.

Chairman Albano stated he does not see an advantage to the County.

Legislator Scuccimarra stated Camp Herrlich has been a part of the community for many years. She stated it is a wonderful place.

Deputy County Executive Walker stated they are looking to expand their programs, which in turn would offer more to those who utilize the Camp. He stated the cost to the County needs to be considered.

Chairman Albano stated if Camp Herrlich is expanded, it may be utilized by more out-of-County people.

Legislator Scuccimarra suggested having a representative from Camp Herrlich come to a Meeting to discuss this further.

Legislator Nacerino stated Camp Herrlich is a wonderful facility and does serve children who live in the County as well as those from out of the County. She questioned what the new structure will be utilized for. She questioned if it would be used for housing.

Deputy County Executive Walker stated it would not be used for housing, they would like to expand their programs to be able to offer them to more children at once. He stated the building would be a recreational and teaching facility.

Legislator Nacerino stated Camp Herrlich is part of Mount Tremper Outdoor Ministries and she questioned how the 40-year lease would be structured.

Deputy County Executive Walker stated the County has the contract with Mount Tremper Outdoor Ministries and they would be the party responsible for obtaining the loan.

Legislator Gross questioned if an addition could be put on an existing building at Camp Herrlich, in the interest of saving money.

Deputy County Executive Walker stated the plan is to build in between two (2) existing buildings to consolidate them into one (1) building.

Legislator Nacerino stated 40 years is a long time to project into the future. She questioned if the Camp would always stay with Mount Tremper so the mission of the Camp stays the same.

Chairman Albano stated that would need to be outlined in the lease.

Deputy County Executive Walker stated in 40 years the building will be depreciated and at that time, money will need to be put into it to fix it up.

Legislator Scuccimarra questioned what the next step is.

Deputy County Executive Walker stated he and First Deputy County Attorney Negro will review the discussion points.

Legislator Castellano questioned if there is an increase in Camp usage.

Deputy County Executive Walker stated the increase in cash flow is 20%, based on having the facility there.

Legislator Castellano questioned if the County receives more sales tax if there is an increase in the Camp usage.

Deputy County Executive Walker stated the Camp may not be paying taxes because it is a not-for-profit organization.

Legislator Nacerino stated she would like to hear from representatives from Camp Herrlich.

Chairman Albano stated they will be invited to the March Physical Services Committee Meeting.

Item #17 - Adjournment

There being no further business, at 9:20 pm, Chair Albano made a motion to adjourn; Seconded by Legislator Scuccimarra. All in favor.

Respectfully submitted by Administrative Assistant, Beth Green.