

**REGULAR MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
HELD IN THE
HISTORIC COURTHOUSE
CARMEL, NEW YORK 10512**

Tuesday

September 6, 2022

7:00 P.M.

The meeting was called to order at 7:00 P.M. by Chairman Sullivan who requested that Legislator Sayegh lead in the Pledge of Allegiance and Legislator Albano in the Legislative Prayer. Upon roll call, Legislators Montgomery, Gouldman, Albano, Jonke, Castellano, Sayegh and Chairman Sullivan were present. Legislators Addonizio and Nacerino were absent. Also present was Legislative Counsel Firriolo.

PROCLAMATIONS

Chairman Sullivan recognized Legislator Sayegh who presented the “Commemorating the 21st Anniversary of the Tragedies that Occurred in our Country on September 11, 2001” proclamation to Executive Director of the Youth Bureau Janeen Cunningham, Youth Services Specialist Pamela Phillips-Zeller, and Co-Vice Presidents of the Youth Board Abby Morelli and Franceska Drejaj.

**COMMEMORATING THE 21ST ANNIVERSARY
OF THE TRAGEDIES THAT OCCURRED IN OUR COUNTRY ON
SEPTEMBER 11, 2001**

Commemorating the 21st Anniversary of the tragedies that occurred in our country on September 11, 2001.

Putnam County pauses annually on September 11th to remember the nearly 3,000 lives lost during the terrorist attacks on September 11, 2001. The Putnam County Youth Bureau has been awarded a grant through Global Youth Justice to commemorate the 9/11 Day of Service 21st Anniversary and is participating in the second annual 9/11 Day Flag of Honor Across America Memorials. The 9/11 Flag of Honor was created by the Flag of Heroes Project and contains the names of all those who perished on that tragic day, as well as on February 26, 1993, when an earlier attack on the World Trade Center took place. The Youth Bureau will host a ceremony on September 11, 2022 to honor those we’ve lost, and the names of the fallen will be read out loud by Putnam County youth.

On September 11, 2001, 19 terrorists hijacked four commercial airplanes. One of those planes, an American Airlines flight, crashed into the North Tower of the World Trade Center at 8:45 am. At 9:03 am, United Airlines Flight 175 crashed into the South Tower. A third plane, American Airlines Flight 77, crashed into the west side of the Pentagon at 9:45 am. Just before 10:00 am, the South Tower of the World Trade Center collapsed. On the fourth hijacked plane, United Flight 93, passengers had been delayed and were aware of the previous tragedies through cell phone and Airfone calls to loved ones on the ground. Passengers and crew united to fight the hijackers. The plane still tragically crashed in a field near Shanksville, Pennsylvania at 10:10 am. The North Tower of the World Trade

Center fell at 10:30 am. In all, nearly 3,000 lives were lost that day, including first responders on the scene.

On February 26, 1993, a truck bomb detonated below the North Tower of the World Trade Center. Six people were killed, including an expectant mother, and over 1,000 were injured.

It is important to remember those lost and honor their memory. It is with great pleasure that I sign my hand to this proclamation and on behalf of everyone in Putnam County commemorate the 21st Anniversary of the tragedies that occurred on September 11, 2001.

Chairman Sullivan recognized Legislator Jonke who presented the “National Recovery Month” proclamation to Director of Community Relations at Arms Acres Nora Slivinsky, CoveCare Senior Vice President of Clinical Strategy & Operations Liza Szpylka, and Executive Director at St. Christopher’s Inn Dr. James Schiller.

NATIONAL RECOVERY MONTH – SEPTEMBER 2022

WHEREAS, Behavioral health is an essential part of one’s overall wellness; and

WHEREAS, Prevention of mental and substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, Preventing and overcoming mental and substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally; and

WHEREAS, We must encourage relatives and friends of people with mental and substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, To help more people achieve and sustain long-term recovery, the Putnam County Executive and the Putnam County Legislature invite all residents of Putnam County to participate in National Recovery Month; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim September 2022 as *National Recovery Month* and together with the Prevention Council of Putnam and the Putnam County Communities that Care Coalition encourage all Putnam County residents to observe this month with appropriate programs, activities, and ceremonies to support this year’s *Recovery Month*.

Chairman Sullivan read the “Recognizing Sheriff’s Week in New York State” proclamation which would be sent to the Putnam County Sheriff.

RECOGNIZING SHERIFF’S WEEK IN NEW YORK STATE – SEPTEMBER 18-24, 2022

WHEREAS, the Office of Sheriff has been an integral part of the criminal justice system in New York State and in Putnam County throughout our history, having been established in the State’s first constitution in 1777 and continued in every succeeding Constitution, it is one of the original constitutional offices that Putnam County first established in 1812; and

WHEREAS, despite changes in its function, status, and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and

WHEREAS, the Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully trained police officers using state-of-the-art technology and applying the latest and most advanced theories and practices in the criminal justice field; and

WHEREAS, the Office of Sheriff is unique in the community, and the duties of the Office go far beyond the traditional role of “Keeper of the Peace,” and extend into many facets of public service, including maintaining the County Jail, providing security in our courts, dispatching emergency services, and serving and executing civil process for our courts; and

WHEREAS, as a constitutionally empowered entity directly responsible to the People, the ancient Office of Sheriff remains, even today, responsive and accountable to the public it serves; and

WHEREAS, it is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriffs play in our modern criminal justice system; now therefore be it

RESOLVED, that the Putnam County Executive and Putnam County Legislature do recognize the important services provided to the citizens of this County by Sheriff Kevin McConville and the members of the Sheriff’s Office, and do hereby proclaim September 18-24, 2022 to be Sheriffs’ Week in Putnam County.

Chairman Sullivan recognized Legislator Castellano who presented the “United States Constitution Week” proclamation to Enoch Crosby Chapter of the Daughters of the American Revolution (DAR) Regent Joan Hay.

SEPTEMBER 17-23, 2022 AS UNITED STATES CONSTITUTION WEEK

WHEREAS, September 17, 2022 marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week; now therefore be it

RESOLVED, that the Putnam County Legislature and Putnam County Executive hereby proclaim the week of September 17 through 23 as Constitution Week and ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Item #4 – Approval of Minutes – Regular Meeting – July 5, 2022

The minutes were approved as submitted.

Item #5 – Correspondence

- a) County Auditor was duly noted.

Item #6 – Pre-filed resolutions:

PERSONNEL COMMITTEE
(Chairman Jonke, Legislators Addonizio & Nacerino)

Item #6a – Approval/ Budgetary Amendment (22A056)/ DSS/ New Full-Time Caseworker Utilizing ELC School Reopening Program Grant Funding in Health Department was next. Chairman Sullivan recognized Legislator Jonke, Chairman of the Personnel Committee. On behalf of the members of the Committee, Legislators Addonizio and Nacerino, Legislator Jonke moved the following:

RESOLUTION #162

APPROVAL/ BUDGETARY AMENDMENT (22A056)/ DSS/ NEW FULL-TIME CASEWORKER UTILIZING ELC SCHOOL REOPENING PROGRAM GRANT FUNDING IN HEALTH DEPARTMENT

WHEREAS, the Putnam County Health Department Epidemiology & Laboratory Capacity (ELC) for Prevention and Control of Emerging Infectious Diseases contract line has ELC School Reopening Program grant funding under the Public Health Emergency Preparedness (PHEP) umbrella; and

WHEREAS, the Commissioner of Social Services has requested a budgetary amendment (22A056) to amend the 2022 Mental Health budget for the purpose of providing a new Caseworker position to serve as a liaison for school Mental Health Services, effective September 1, 2022; and

WHEREAS, the full-time Caseworker position will expire contingent upon the renewal of the grant past July 31, 2023; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee has reviewed and approved said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Appropriations:

10431000 51000 10167	ELC – Personnel – Caseworker	30,085
10431000 58001 10167	ELC – State Retirement – Caseworker	4,257
10431000 58002 10167	ELC – FICA – Caseworker	2,302
10431000 58004 10167	ELC – Worker’s Comp – Caseworker	396
10431000 58006 10167	ELC – Dental – Caseworker	640
10431000 58008 10167	ELC – Health – Caseworker	9,949
10431000 58009 10167	ELC – Vision – Caseworker	81
		<u>47,710</u>

Increase Estimated Revenues:

10431000 444892 10167	ELC – PHEP – 93.323	47,710
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2022 Fiscal Impact – 0 –

2023 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6b – Approval/ Fund Transfer (22T161)/ Office for Senior Resources/ Pay Differential/ Cook Personnel Line was next. On behalf of the members of the Personnel Committee, Legislators Addonizio and Nacerino, Legislator Jonke moved the following:

RESOLUTION #163

APPROVAL/ FUND TRANSFER (22T161)/ OFFICE FOR SENIOR RESOURCES/ PAY DIFFERENTIAL

WHEREAS, the Director of the Office for Senior Resources has requested a fund transfer (22T161) to cover the Pay Differential for Nutrition Staff working out-of-title; and WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approved said fund transfer; now therefore be it RESOLVED, that the following fund transfer be made:

Decrease:		
10677400 51000 (10107)	Personnel Services	
	Cook	5,000
Increase:		
10677400 51091	Pay Differential	5,000
	2022 Fiscal Impact – 0 –	
	2023 Fiscal Impact – 0 –	

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairwoman Addonizio, Legislators Nacerino & Sayegh)**

Item #6c – Approval/ Formation of and Appointments to a Reapportionment Commission was next. Chairman Sullivan recognized Legislator Sayegh, member of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Addonizio and Nacerino, Legislator Sayegh moved the following:

Legislator Montgomery explained that today she forwarded the Legislative Office an email from Mr. Gary Ditlow who expressed interest in being a member of the Commission. She hoped that he could be included on this resolution as well. She stated that she does not believe this is truly a bipartisan Commission. She explained that we received a note from him that provided more information about his expertise than we receive from anybody being appointed to other Putnam County Boards.

Legislator Montgomery made a motion to add Gary Ditlow as an appointment to this resolution. There being no second, the motion failed.

Chairman Sullivan believed that his letter would be going to Legislator Addonizio, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee.

Legislator Sayegh stated that she is a member of the Rules Committee and Mr. Ditlow has been invited to attend the September Rules Committee meeting. She explained that members of Putnam County Boards are discussed by each Board in which they would serve on. She stated that she looked forward to reviewing Mr. Ditlow's request at the Rules meeting.

Legislator Albano explained that he would like to see the information provided by Mr. Ditlow. He stated that if he has knowledge in this area, he believed it would be helpful to the Commission.

Chairman Sullivan believed that most individuals being appointed to Boards, appear before the Legislature after they are recommended by that particular Board.

Legislator Montgomery stated that even though the request may be forwarded to the Legislature from the respective Board, she stated that we have yet to receive any background information on most individuals, with the exception of maybe two (2) that she received in almost four (4) years that she has been a Legislator.

Legislator Montgomery made a motion to appoint herself to the Commission. There being no second, the motion failed.

Chairman Sullivan called for a Roll Call Vote on Legislator Sayegh's motion to approve the resolution.

RESOLUTION #164

FORMATION OF AND APPOINTMENTS TO A REAPPORTIONMENT COMMISSION

WHEREAS, Putnam County Charter § 14.01 states that the County Legislature shall abide by state law in ordering periodic evaluation of the population distribution of the County on the basis of regular federal censuses, and in so doing the Legislature shall appoint a bipartisan committee or commission to carry out the evaluation of existing County districts; and

WHEREAS, Charter § 14.01 further states that reapportionment shall be based on the concept of one-person, one-vote, and the legislative districts shall reflect a "community of interest" among the population so districted, with said "community of interest" being based on such factors as geographical barriers, historical development and political subdivisions, so that the populace of Putnam County shall have equitable representation in the County Legislature; now therefore be it

RESOLVED, that in accordance with Charter § 14.01, a bipartisan Reapportionment Commission (the "Commission") is hereby appointed by the Putnam County Legislature to review and make recommendations for revisions for reapportionment of County districts; and be it further

RESOLVED, that the following are hereby appointed as members of the Commission:

- 1. The Chair of the Putnam County Legislature;**

2. The Chair of the Rules, Enactments and Intergovernmental Relations Committee of the Putnam County Legislature;
3. Legislative Counsel (Commission Chair);
4. The Putnam County Attorney;
5. The Director of the Putnam County IT/GIS Department;
6. The Commissioners of the Putnam County Board of Elections;
7. _____; and
8. Such other members as the Legislature may subsequently appoint.

And be it further

RESOLVED, that in the event any person holding one of the above offices or titles at the time of the adoption of this resolution shall cease to hold such office or title, such person shall be automatically replaced on the Commission by his or her successor in such office or title.

This Resolution has no fiscal impact upon the County of Putnam.

BY ROLL CALL VOTE: SIX AYES. ONE NAY – LEGISLATOR MONTGOMERY. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

**ECONOMIC DEVELOPMENT & ENERGY COMMITTEE
(Chairman Gouldman, Legislators Jonke & Montgomery)**

Item #6d – Approval/ Designation / County of Putnam/ Tourist Promotion Agency was next. Chairman Sullivan recognized Legislator Gouldman, Chairman of the Economic Development & Energy Committee. On behalf of the member of the Committee, Legislators Jonke & Montgomery, Legislator Gouldman moved the following:

RESOLUTION #165

APPROVAL / DESIGNATION / COUNTY OF PUTNAM / TOURIST PROMOTION AGENCY

WHEREAS, pursuant to Sections 162 and 163 of the New York State Economic Development Law, the Putnam County Legislature may designate any not-for-profit corporation or other non-profit organizations, associations, or agencies as the Tourist Promotion Agency of the County of Putnam and authorize such agency to make application for and receive grants for the purposes specified in the New York State Tourism Promotion Act; and

WHEREAS, the County of Putnam previously designated itself as the Tourist Promotion Agency for Putnam County; and

WHEREAS, the County of Putnam has established a Department of Tourism and appointed a Director of Tourism for the purposes of promoting tourism throughout Putnam County; and

WHEREAS, as the lead agency in the promoting of Putnam County, the County of Putnam is qualified to be designated as the Tourist Promotion Agency for Putnam County; now therefore be it

RESOLVED, that the Putnam County Legislature hereby designates the County of Putnam as the Tourist Promotion Agency for the County of Putnam; and be it further

RESOLVED, that this designation shall be effective immediately upon adoption and shall remain in effect until December 31, 2023; and be it further

RESOLVED, that the Putnam County Legislature approves and authorizes the Tourist Promotion Agency to make application for and receive grants for the purpose specified in the New York State Tourism Promotion Act.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

**PHYSICAL SERVICES COMMITTEE
(Chairman Albano, Legislators Castellano & Gouldman)**

Item #6e – Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State “Marchiselli” Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Drewville Road Bridge) was next. Chairman Sullivan recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

RESOLUTION #166

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (Drewville Road Bridge)

WHEREAS, a Project for the Drewville Road (CR 36) over West Branch of Croton River Bridge Replacement (BIN 3345550) in the Town of Carmel, Putnam County, PIN 8757.65 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Resolution No. 94 adopted by Putnam County on May 7, 2019 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work; and

WHEREAS, Resolution No. 163 adopted by Putnam County on October 6, 2020 approved and agreed to increase the federal and non-federal share of costs for additional preliminary engineering work; and

WHEREAS, Resolution No. 112 adopted by Putnam County on June 7, 2022 approved and agreed to increase the federal and non-federal share of costs for additional preliminary engineering work; and

WHEREAS, Resolution No. 122 adopted by Putnam County on July 5, 2022 approved and agreed to advance the Project by making a commitment of \$3,641,000 for Construction and Construction Inspection; and

WHEREAS, Putnam County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Construction and Construction Inspection;

NOW, THEREFORE, the Putnam County Legislature, duly convened does hereby

RESOLVE, that the Putnam County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Putnam County Legislature hereby authorizes Putnam County to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,179,000 is hereby appropriated from the Putnam County Capital Budget line number 05 55197000 53000 51912 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Putnam County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Putnam County Executive thereof, and it is further

RESOLVED, that the Putnam County Executive, on behalf of Putnam County, be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Putnam County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and Putnam County's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute all necessary documents, including, without limitation, the State/Local Agreement, in connection with the Project; and it is further

RESOLVED, that in addition to the Putnam County Executive, the Commissioner of Highways and Facilities and the Commissioner of Finance are also hereby authorized, with the consent of the County Executive, to execute any necessary Agreements or certifications on behalf of Putnam County, with New York State Department of Transportation in connection with the advancement or approval of the project identified in the State/Local Agreement; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6f – Authorizing the Implementation and Funding in the First Instance 100% of the State-Aid and/or Bridge NY Eligible Costs of a State-Aid and/or Bridge NY Transportation Project and Appropriating Funds Therefore (Peekskill Hollow Road) was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

Legislator Albano made a motion to accept the additional memorandum from Commissioner of Highways & Facilities Pena; seconded by Legislator Jonke.

By Roll Call Vote: All Ayes. Legislators Addonizio and Nacerino were absent. Motion Carries.

Legislator Albano read the following from the memorandum: “Putnam County has been fortunate to apply for and be awarded up to \$1 Million towards the replacement of culvert #21-6 on Peekskill Hollow Road (CR21) through the BridgeNY grant program, PIN 8762.76. The award was due to the strength of the application, the severe condition of the culvert and the important nature of its location. Over the recent years, this culvert has risen to the top of the asset replacement list because ongoing deterioration can no longer be managed through interim repairs. The replacement of this culvert is a priority in order to avoid potential emergency closures of the culvert and roadway. While the replacement of culvert #21-6 is a priority, the historic nature of the area and current construction south along Peekskill Hollow Road are being carefully considered. Both preliminary design and final design will carefully consider the historic nature of the area immediately around the culvert during the SEQRA and design process respectively, and, despite current delays, the construction of the Peekskill Hollow Road Rehabilitation project will be completed prior to the start of the culvert #21-6 replacement.”

Legislator Albano stated that Commissioner Pena confirmed his priority when he spoke with him today. Legislator Albano stated that the idea is to have this funding in place so they can start planning. He believed this might be a year or two (2) out.

Legislator Gouldman believed that it might be more than a year or two (2). He explained that this project is in his district and the residents of Putnam Valley are very distressed over the lack of progress on the work currently being done on Peekskill Hollow Road. He stated that he was in favor of accepting grant funding instead of having local taxpayers paying for the project. He explained that he has many issues and concerns about this project. He stated that Peekskill Hollow Road is a historic road and before any work can be done, it must go through the New York State Historical Registry. He believed that no work should be done until the current work on Peekskill Hollow Road is completed, as stated in Commissioner Pena’s memorandum. He stated that with this assurance from Commissioner Pena, he would support this resolution.

Legislator Montgomery explained that she hoped the historic character of the road would be preserved.

RESOLUTION #167

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE STATE-AID AND/OR BRIDGE NY ELIGIBLE COSTS OF A STATE-AID AND/OR BRIDGE NY TRANSPORTATION PROJECT AND APPROPRIATING FUNDS THEREFORE (Peekskill Hollow Road)

WHEREAS, a Project for the Peekskill Hollow Road over Wiccopee Brook Culvert Replacement in the Town of Putnam Valley, Putnam County, identified as PIN 8762.76 (the "Project") is eligible for reimbursement of qualified costs from BRIDGE NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% BRIDGE NY funds and 0% non-BRIDGE NY funds; and

WHEREAS, Putnam County will design, let and administer all phases of the Project; and

WHEREAS, Putnam County desires to advance the Project by making a commitment of 100% of the costs of preliminary engineering, right-of-way incidentals, right-of-way acquisition, construction, construction inspection and construction administration;

NOW, THEREFORE, the Putnam County Legislature duly convened does hereby

RESOLVE, that the Putnam County Legislature hereby approves the above subject Project; and it is hereby further

RESOLVED, that the Putnam County Legislature hereby authorizes Putnam County to pay in the first instance 100% of the cost of preliminary engineering, right-of-way incidentals, right-of-way acquisition, construction, construction inspection and construction administration work for the Project or portions thereof; and be it further

RESOLVED, that the Putnam County Legislature hereby agrees that Putnam County shall be responsible for all costs of the Project which exceed the amount of the Bridge NY Funding awarded to Putnam County; and be it further

RESOLVED, that the sum of \$1,171,801 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Putnam County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Putnam County Executive thereof; and be it further

RESOLVED, that Putnam County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and that the Project shall be completed within thirty (30) months of commencing construction; and be it further

RESOLVED, that the Putnam County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for State Aid and/or BRIDGE NY funding on behalf of Putnam County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute all necessary documents, including, without limitation, the State/Local Agreement, in connection with the Project; and it is further

RESOLVED, that in addition to the Putnam County Executive, the following municipal titles - Commissioner of Highways & Facilities, Deputy Commissioner of Highway & Facilities, County Engineer, Supervisor of Planning & Design, Commissioner of Finance are also authorized to executive any necessary Agreements or certifications on behalf of the Municipality/Sponsor with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and be it further

RESOLVED, that Putnam County will be responsible for all maintenance of the Project; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6g – Authorizing the Implementation and Funding in the First Instance 100% of the State-Aid and/or Bridge NY Eligible Costs of a State-Aid and/or Bridge NY Transportation Project and Appropriating Funds Therefore (Snake Hill Road Culvert) was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

RESOLUTION #168

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE STATE-AID AND/OR BRIDGE NY ELIGIBLE COSTS OF A STATE-AID AND/OR BRIDGE NY TRANSPORTATION PROJECT AND APPROPRIATING FUNDS THEREFORE (Snake Hill Road Culvert)

WHEREAS, a Project for the Snake Hill Road over Philipse Brook Tributary Culvert Replacement in the Town of Philipstown, Putnam County, identified as PIN 8762.77 (the "Project") is eligible for reimbursement of qualified costs from BRIDGE NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% BRIDGE NY funds and 0% non-BRIDGE NY funds; and

WHEREAS, Putnam County will design, let and administer all phases of the Project; and

WHEREAS, Putnam County desires to advance the Project by making a commitment of 100% of the costs of preliminary engineering, right-of-way incidentals, right-of-way acquisition, construction, construction inspection and construction administration.

NOW, THEREFORE, the Putnam County Legislature duly convened does hereby

RESOLVE, that the Putnam County Legislature hereby approves the above subject Project; and it is hereby further

RESOLVED, that the Putnam County Legislature hereby authorizes Putnam County to pay in the first instance 100% of the cost of preliminary engineering, right-of-way incidentals, right-of-way acquisition, construction, construction inspection and construction administration work for the Project or portions thereof; and be it further

RESOLVED, that the Putnam County Legislature hereby agrees that Putnam County shall be responsible for all costs of the Project which exceed the amount of the Bridge NY Funding awarded to Putnam County; and be it further

RESOLVED, that the sum of \$1,224,379 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Putnam County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Putnam County Executive thereof; and be it further

RESOLVED, that Putnam County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and that the Project shall be completed within thirty (30) months of commencing construction; and be it further

RESOLVED, that the Putnam County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for State Aid and/or BRIDGE NY funding on behalf of Putnam County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding

of Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute all necessary documents, including, without limitation, the State/Local Agreement, in connection with the Project; and it is further

RESOLVED, that in addition to the Putnam County Executive, the following municipal titles - Commissioner of Highways & Facilities, Deputy Commissioner of Highway & Facilities, County Engineer, Supervisor of Planning & Design, Commissioner of Finance are also authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and be it further

RESOLVED, that Putnam County will be responsible for all maintenance of the Project; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6h – Approval/ Eminent Domain Acquisition/ Stoneleigh Avenue and Drewville Road Intersection Reconstruction Project / P.I.N. 8761.97 / Town of Carmel was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

RESOLUTION #169

APPROVAL/ EMINENT DOMAIN ACQUISITION/ STONELEIGH AVENUE AND DREWVILLE ROAD INTERSECTION RECONSTRUCTION PROJECT / P.I.N. 8761.97 / TOWN OF CARMEL

WHEREAS, the County of Putnam (“County”) is responsible for the maintenance of the intersection of Stoneleigh Avenue (CR 35) and Drewville Road (CR 36) (“Intersection”), as well as the segment of Stoneleigh Avenue between the access driveways to the Putnam County Hospital Center, all in the Town of Carmel, County of Putnam, State of New York; and

WHEREAS, the Intersection serves as a critical intersection for ambulance access to the Putnam Hospital Center; and

WHEREAS, the Stoneleigh Avenue and Drewville Road roadway cross sections and sight distances on portions of the roadways are non-standard and require modification to meet current standards; and

WHEREAS, existing and proposed developments around the Intersection, coupled with traffic growth, have created capacity problems along Stoneleigh Avenue; and

WHEREAS, due to structural, geometric, capacity deficiencies and inefficient traffic signaling, the existing level of service in and around the Intersection is poor

during morning and evening peak hours of travel, and is expected to degrade over time; and

WHEREAS, the Intersection has poor or failing levels of service that will be exacerbated even with conservative growth in the area; and

WHEREAS, emergency vehicle access through the Intersection is limited in peak hours; and

WHEREAS, without improvements to portions of Stoneleigh Avenue and the Intersection, any future growth in traffic volumes will cause congestion to increase along Stoneleigh Avenue; and

WHEREAS, the poor levels of service at and around the Intersection pose a significant health risk, as traffic queuing and suboptimal intersection function prevent emergency vehicles from accessing the Putnam Hospital Center; and

WHEREAS, in light of the aforementioned deficiencies, inefficiencies and safety concerns, the County is proposing to reconstruct the Intersection, which will include a 130-foot diameter roundabout (“Project”); and

WHEREAS, the primary purpose and intent of this Project is to provide capacity and safety improvements to the Intersection; and

WHEREAS, Project safety improvement techniques designed to increase motorist and pedestrian safety, as well as reduce specific accident types, include the following:

1. Increase the width of travel lanes to satisfy NYSDOT and AASHTO standard lane widths;
2. Increase the width of shoulders where feasible and provide smoother ingress/egress at driveways and side streets;
3. Improve intersection geometry and sight distance at the intersection;
4. Improve intersection level-of-service to reduce traffic queuing during peak hours and facilitate emergency vehicle access to the Putnam Hospital Center; and

WHEREAS, the objectives of the Project are to:

- (1) Improve overall traffic conditions to reduce delay and provide an acceptable level of service for a design period of 20 years;
- (2) Address geometric deficiencies to improve traffic flow and meet current design standards;
- (3) Provide improved access to the Putnam Hospital Center;
- (4) Provide new guiderail and signing where required;
- (5) Evaluate historical accident data to improve the safety of the project corridor;

(6) Address stormwater runoff; and

WHEREAS, it is anticipated that it will be necessary for the County to acquire real property right of way interests in and to multiple tax map parcels in order to accomplish the Project; and

WHEREAS, in the course of acquiring the real property interests that are necessary to accomplish the Project, the County must comply with the provisions of the New York Eminent Domain Procedure Law (“EDPL”); and

WHEREAS, due to title issues and uncooperative landowners, it will be necessary for the County to acquire the real property right-of-way interests in and to portions of some of the tax map parcels by resort to Article 4 of the EDPL; and

WHEREAS, the Project is a Locally Administered Federal Aid Transportation Project administered by the County; and

WHEREAS, because of the Federal funding involved, the Project is subject to compliance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (“Uniform Act”); and

WHEREAS, in the course of progressing the Project, the County must comply with the provisions of the Environmental Conservation Law; and

WHEREAS, in accordance with the provisions of Article 3 of the EDPL and the Uniform Act and its implementing regulations, the County caused to be appraised the real property interests that must be acquired in order to accomplish the Project, thereafter established amounts which the County believes represents just compensation for such respective real property interests, and has conveyed to each respective record title owner a written offer representing 100 percentum of the highest approved appraisal amount for such real property interests to be acquired; and

WHEREAS, EDPL Article 2 requires, as a condition precedent to acquiring title by means of an EDPL Article 4 proceeding, that the County conduct a public hearing to inform the public and to review the public use to be served by the proposed project and the impact on the environment and residents of the locality where the proposed project will be constructed unless such project is exempt from the EDPL Article 2 hearing requirements in accordance with EDPL Section 206; and

WHEREAS, EDPL §206 (A) provides that the County is exempt from compliance with the provisions of the EDPL Article 2 hearing requirements when, pursuant to other state, federal, or local law or regulation, it considers and submits factors similar to those enumerated in Article 2, subdivision (B) of section 204, to a state, federal, or local government agency, board, or commission before proceeding with the acquisition and obtains a license, a permit, a certificate of public convenience or necessity, or other similar approval from such agency, board, or commission; and

WHEREAS, the factors enumerated in EDPL Section 204 (B) are as follows:

1) the public use, benefit or purpose to be served by the proposed public project;

- (2) the approximate location for the proposed public project and the reasons for the selection of that location;**
- (3) the general effect of the proposed project on the environment and residents of the locality;**
- (4) such other factors as it considers relevant; and**

WHEREAS, the Project is being progressed by the County Department of Highways and Facilities, with oversight by the New York State Department of Transportation (“NYSDOT”) and in close coordination with the Federal Highway Administration (“FHWA”), in accordance with the requirements of the NYSDOT “Procedures for Locally Administered Federal Aid Projects” manual and other applicable NYSDOT documents; and

WHEREAS, in order to progress to the Project through the project design phase, it was necessary for the County to obtain from NYSDOT and FHWA approval that the County has satisfied the requirements of the NYSDOT “Procedures for Locally Administered Federal Aid Projects” manual and other applicable NYSDOT documents, as well as Federal laws and regulations; and

WHEREAS, the County, in conjunction with its consultant, completed a Final Design Report for the Project (“Final Design Report”) in July, 2021, and submitted the Final Design Report to FHWA and NYSDOT for approval; and

WHEREAS, both FHWA and NYSDOT completed a review of the Final Design Report and approved the County’s preferred alternative, and NYSDOT has provided preliminary project approval to the County and issued an Authorization to Proceed With ROW Acquisition; and

WHEREAS, the Final Design Report for the Project clearly sets forth the public use, benefit or purpose to be served by the Project, the approximate location for the Project, the reasons for the selection of that location and other information relative to the Project; and

WHEREAS, in the course of progressing the design of the Project, and as is more fully set forth in the Final Design Report, the County examined and considered the social, economic and environmental consequences of the Project and activities associated with the Project, including its impacts on: local residents; other affected populations; school districts; recreation areas; places of worship; businesses; police, fire and ambulance services; highway, traffic and overall public safety and health; social groups; regional and local economies and business districts; surface waters; water source quality; general ecology; wildlife; historic and cultural resources; farmlands; and visual resources; and

WHEREAS, Federal and State requirements for projects such as the Project include a mandate that the County undertake the action and satisfy the requirements of the National Environmental Policy Act (“NEPA”) as a condition precedent to the issuance of Final Design Approval and Right-of-Way Authorization for the Project; and

WHEREAS, in satisfaction of its obligations under NEPA and FHWA regulations, the Project is being progressed in conjunction with NYSDOT and FHWA as a Class II Action (Categorical Exclusion) because it does not individually or cumulatively have significant environmental impacts and is excluded from the requirement to prepare an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) as documented in the Federal Environmental Approvals Worksheet (FEAW) that was prepared by the County; and

WHEREAS, in accordance with the FHWA's regulations in 23 CFR 771.117(c), this Project is one of the project types described in the 'd' list as primarily an "Action described in paragraph (c)(26), (c)(27) and (c)(28) of this section that does not meet the constraints in paragraph (e) of this section" and does not significantly impact the environment; and

WHEREAS, NYSDOT has determined, and FHWA has concurred, that the Project will not induce significant environmental impacts, and it meets the conditions and criteria for a NEPA Class II, D-List Categorical Exclusion with Documentation; and

WHEREAS, the County has satisfied the requirements of 23 CFR 771.129 in regard to the evaluation of the Project under NEPA; and

WHEREAS, the County, in fulfillment of its obligations and duties under the New York State Environmental Quality Review Act, acted as Lead Agency and classified the Project as an Unlisted Action; and

WHEREAS, in order to accomplish the Project, the County will have to obtain from the New York State Department of Environmental Conservation ("NYSDEC") an Article 15, Section 401 Water Quality Certification/Permit, a State Pollutant Discharge Elimination System (SPDES) General Permit (GP-0-20-001) and a NYSDEC Article 24 Freshwater Wetlands Permit, as well as an Army Corps of Engineers Section 404 Nationwide Permit #14 and a New York City Department of Environmental Protection Stormwater Permit; and

WHEREAS, the comprehensive Federal and State statutory and regulatory scheme relating to Federal Aid Transportation Projects requires the examination and consideration of land-air-water environmental, social, economic, historic and cultural factors as a condition of approving a project such as the Project to progress to Final Design and Right-of-Way acquisition phases; and

WHEREAS, In light of the several written approvals of FHWA and NYSDOT following the County's consideration and submission to those agencies of factors similar to those set forth in EDPL §204 (B), as required by Federal statute, FHWA regulations and NYSDOT statutes, regulations and policies, the County has satisfied the criteria set forth in EDPL §206 (A) and, therefore, is exempt from the requirement to hold an EDPL Article 2 hearing; and

WHEREAS, EDPL Section 206 (C) provides that the County is exempt from compliance with the hearing and determination and findings requirements of EDPL Article 2 when, "pursuant to other law or regulation it undergoes or conducts or offers to conduct prior to an acquisition one or more public hearings upon notice to the public and owners of property to be acquired, and provided further that factors similar to those

enumerated in subdivision (B) of section two hundred four herein may be considered at such public hearings”; and

WHEREAS, the Project is subject to the provisions of 23 U.S.C. §128, 23 and 23 CFR §771.111; and

WHEREAS, 23 U.S.C. §128 requires, among other things, that prior to the acquisition of right-of-way interests for a public project, a public hearing must be held, or the opportunity for such be afforded, at which public hearing there are considered factors similar to those enumerated in subdivision (B) of Eminent Domain Procedure Law §204; and

WHEREAS, in accordance with the provisions of Title 23, U.S. Code, Section 128, and Title 40, U.S. Code of Federal Regulations, Parts 1500 to 1508 and other applicable statutes and regulations, on June 15, 2021, and after due notice thereof was provided, public hearing was conducted concerning the subject public Project; and

WHEREAS, the hearing was part of a larger process during which the County described the alternatives and preferred alternative, discussed right-of-way needs, construction impacts, and considered and addressed the potential social, historic, economic and environmental consequences of the proposed Project; and

WHEREAS, in light of the foregoing, the County has conducted a public hearing, upon notice to the public and owners of property to be acquired, at which factors similar to those enumerated in EDPL Section 204(B) were presented and considered, as a consequence of which the County is exempt from the EDPL Article 2 hearing requirements with respect to the Project.

NOW, THEREFORE, it is hereby

RESOLVED, that the Legislature of the County of Putnam has considered all relevant information pertaining to the proposed Intersection at Stoneleigh Avenue and Drewville Road Project and has determined the project development process implemented by the County, as well as the approvals necessarily obtained from FHWA, NYSDOT and SHPO and the Federally mandated hearing that the County conducted on June 15, 2021, qualify the County and the Project for exemptions from the hearing requirements of EDPL Article 2, pursuant to EDPL Section 206 (A) and (C); and it is further

RESOLVED, the County hereby authorizes and directs the County Attorney to take such steps and perform such acts as are necessary for the County to acquire the real property right-of-way interests in, to, on, over and through portions of all Tax Map Parcels that may be necessary to accomplish the Project, including acquisitions by exercise of the right of eminent domain in accordance with the provisions of the EDPL.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6i – Approval/ Highways & Facilities/ Use of Capital Facility Reserve/ Amend (20CP03) (Water Systems) was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

Legislator Montgomery questioned if this would be itemized as they come before us when work is being started or was it a blanket approval for all of the systems included in this resolution. She stated that we are now at double the cost of when this was first approved in 2020. She explained that she would like to see these itemized. She believed that a system for the Putnam County Golf Course served a different purpose than the need for systems at the Putnam Valley Senior Center or the Koehler Senior Center.

Legislator Albano believed this was a blanket approval. He explained that when they looked at the water quality at all of our facilities, they put together what they thought was a reasonable estimate. He believed that since 2020 prices have risen, and that they have also identified issues at other facilities. He stated that water quality is a priority.

Legislator Montgomery explained that she mentioned during the Capital Projects meeting last week that there were no progress updates provided with what has been spent or completed on projects. She stated that there is a blanket resolution before us with no detail provided. She stated that these resolutions lump everything together and she believed that they were different types of projects. She believed that water quality was important for all our facilities. She stated that she would support this resolution, however after four (4) years of requesting more information, she hoped that we would receive it.

Legislator Albano stated that he would request the information from the Highways & Facilities Department.

RESOLUTION #170

APPROVAL/ HIGHWAYS & FACILITIES/ USE OF CAPITAL FACILITY RESERVE/ AMEND (20CP03) (Water Systems)

WHEREAS, by Resolution #81 of 2020, the Putnam County Legislature approved the use of the Capital Facility Reserve fund for project #20CP03 – Water Systems, to allow the continuing design and subsequent implementation of the new treatment system at the Putnam Valley Senior Center, and design upgrades for all of our treatment systems Countywide to move forward, at a cost not to exceed \$135,000; and

WHEREAS, by Resolution #117 of 2021, the Putnam County Legislature approved additional funding not to exceed \$70,000 to allow completion of the Department of Health approved system installations at the Putnam Valley Senior Center and the William Koehler Senior Center and design, approval and system installation at the Putnam County Golf Course; and

WHEREAS, these projects each address non-functional and/or dated water treatment system equipment at these facilities; and

WHEREAS, although funding remains available in 20CP03, it is inadequate, based on current construction estimates, to see all three (3) projects through to completion; and

WHEREAS, the Commissioner of Highways & Facilities has requested an additional amount of \$60,000 from the Capital Facility Reserve fund for this project; and

WHEREAS, the Physical Services Committee has reviewed and approved this request; now therefore be it

RESOLVED, that the Putnam County Legislature approved and authorized the expenditure of \$60,000 from the County Facility Reserve fund budget line 55197000 53000 51509 as follows:

20CP03 – Water Systems

\$135,000 – Approved by Resolution #81 of 2020
70,000 – Approved by Resolution #117 of 2021
60,000 – Additional Funding
\$265,000 – Project cost not to be exceeded

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6j – Approval/ Highways & Facilities/ Use of Capital Facility Reserve / Amend (21CP05) (Generator Repairs) was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

Legislator Montgomery stated that this is another resolution before us that lump in several projects into one (1). She stated that the amount has doubled in just under one (1) year. She believed that there were different needs and issues regarding the repairs at the facilities listed. She believed that they should be itemized out and a progress report should be submitted to the Legislature.

Legislator Albano stated that with all these projects there is an initial estimate of what needs to be done. He stated that once the project is evaluated, sometimes the amount is entirely different than what was anticipated. He stated that he would get that information.

Legislator Montgomery questioned if the Golf Course could be used as a shelter since there is a generator at that location.

Legislator Albano stated that he imagined so, but he could find out.

RESOLUTION #171

APPROVAL/ HIGHWAYS & FACILITIES/ USE OF CAPITAL FACILITY RESERVE / AMEND (21CP05) (Generator Repairs)

WHEREAS, by Resolution #278 of 2021, the Putnam County Legislature approved the use of the Capital Facility Reserve fund for project #21CP05 – Generator Repairs, to fund the repairs to several generators throughout the County facilities; and

WHEREAS, most notably was the main generator at the Emergency Operations Center, where the original estimate for repair and temporary generation during repair was approximately \$35,000 but increased due to additional mechanical issues discovered during the repair process; and

WHEREAS, other generators still in need of repair include, but are not limited to, the Putnam Valley Senior Center, the New Courthouse, the Putnam County Golf Course, the Putnam County Wastewater Treatment Plant and the William Koehler Senior Center: and

WHEREAS, based on updated estimates received from our contracted generator maintenance vendor, Gentech, Ltd., and a review by our Facilities staff, the Commissioner of Highways & Facilities has requested an additional \$60,000 from the Capital Facilities Reserve fund to perform the work needed to return these generators to a fully operable condition; and

WHEREAS, the Physical Services Committee has reviewed and approved this request; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the expenditure of an additional \$60,000 from the Capital Facility Reserve fund budget line 55197000 53000 51509 as follows:

21CP05 – Generator Repairs

\$ 60,000 – Approved by Resolution #278 of 2021

60,000 – Additional Funding

\$120,000 – Project cost not to be exceeded

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6k – Approval/ Highways & Facilities/ Use of Capital Facility Reserve/ (22CP02) (Power Monitoring & Conditioning) was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

RESOLUTION #172

APPROVAL/ HIGHWAYS & FACILITIES/ USE OF CAPITAL FACILITY RESERVE/ (22CP02) (Power Monitoring & Conditioning)

WHEREAS, the Commissioner of Highways & Facilities has proposed the use of \$40,000 from the Capital Facility Reserve to fund Project #22CP02 – Power Monitoring & Conditioning; and

WHEREAS, remote monitoring of and data collection from our facilities has been a priority; and

WHEREAS, loss of monitoring was a root cause of the 2013 flood in the New Courthouse which resulted in substantial monetary damages and significant impacts to operations; and

WHEREAS, effective facility monitoring and data collection helps our facilities staff manage and protect our facilities; and

WHEREAS, to help prevent catastrophic failures and improve facilities management, the Highways & Facilities Department has been working towards better utilizing current Building Management System (BMS) systems and installing appropriate levels of alarms, building monitoring, data collection, and conditioning systems at our facilities; and

WHEREAS, the Physical Services Committee has reviewed and approved this request; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the expenditure of \$40,000 from the Capital Facility Reserve fund budget line 55197000 53000 51509 as follows:

22CP02 – Power Monitoring & Conditioning

Project cost not to exceed \$40,000

**BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT.
MOTION CARRIES.**

Item #6L – Approval/ Offer of a Certain County Property to the Contiguous Owner Pursuant to Chapter 31 of the Putnam County Code was next. On behalf of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

RESOLUTION #173

APPROVAL/ OFFER OF A CERTAIN COUNTY PROPERTY TO THE CONTIGUOUS OWNER PURSUANT TO CHAPTER 31 OF THE PUTNAM COUNTY CODE

WHEREAS, the County is the current owner of the property listed in the attached Schedule “A”, and designated as Tax Map No. 25.63-1-41 in the Town of Patterson (hereinafter “The Property”); and

WHEREAS, The Property was acquired by tax foreclosure proceedings pursuant to Article 11 of the New York State Real Property Tax Law; and

WHEREAS, The Property is substandard and improvements under existing zoning regulations and physical conditions would be impractical; and

WHEREAS, The Property has previously been offered for sale at three (3) public auctions and failed to sell; and

WHEREAS, The Property is not needed for use by the County or another municipality; and

WHEREAS, James Daleo (hereinafter “Contiguous Owner”), has offered to purchase The Property for the sum of five hundred dollars (\$500.00), said offer is attached as Schedule “B”; and

WHEREAS, the Commissioner of Finance, the Director of Real Property Tax Services, and the County Attorney have reviewed said offer and believe it to be an offer for fair value and in the best interests of the County; and

WHEREAS, the Commissioner of Finance, the Director of Real Property Tax Services, and the County Attorney recommend that The Property should be sold to the Contiguous Owner pursuant to Section 31-8(B)(2)(d) of the Putnam County Code in exchange for the sum of five hundred dollars (\$500.00); and

WHEREAS, the Putnam County Legislature has further determined that it would be most beneficial to sell and transfer The Property to the Contiguous Owner pursuant to Section 31-8(B)(2)(d) of the Putnam County Code rather than at a public auction; and

WHEREAS, the Putnam County Legislature has determined that any such sale should be conditioned upon the Contiguous Owner’s agreement that The Property should be merged with his contiguous parcel; now therefore be it

RESOLVED, that The Property identified in the attached Schedule “A” is substandard and improvements under existing zoning regulations and physical conditions would be impractical, and The Property is not needed for use by the County or another municipality; and be it further

RESOLVED, that pursuant to the authority vested in the Putnam County Legislature in Section 31-8(B)(2)(d) of the Putnam County Code, it is the determination of the Putnam

County Legislature that it would be most beneficial for The Property to be sold to the Contiguous Owner, James Daleo, for the sum of five hundred dollars (\$500.00), such sum being for fair market value; and be it further

RESOLVED, that the Commissioner of Finance in cooperation with the Director of Real Property Tax Services and the County Attorney is authorized to offer The Property for sale to the Contiguous Owner for the sum of five hundred dollars (\$500.00); and be it further

RESOLVED, that the Commissioner of Finance shall make said offer to sell The Property conditioned on the Contiguous Owner's agreement that The Property should be merged with his contiguous parcel, and that such merged parcel shall be designated as Tax Map No. 25.63-1-47; and be it further

RESOLVED, that the Commissioner of Finance shall notify the contiguous property owner, in writing, of the County of Putnam's offer to sell The Property for five hundred dollars (\$500.00), conditioned upon the merger of the contiguous parcels; and be it further

RESOLVED, that upon the acceptance by the Contiguous Owner to purchase The Property as conditioned above, and receipt of said monies, the County Attorney is authorized to convey The Property to the Contiguous Owner in an "as is" condition by quitclaim deed, which shall provide that it will be automatically merged with Town of Patterson Tax Map No.: 25.63-1-47; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the sale of The Property between the County of Putnam and the Contiguous Owner in the manner approved herein; and be it further

RESOLVED, that the Putnam County Executive shall be authorized to execute said quitclaim deed; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6m – Authorizing Lease / Room #1 Putnam County Veterans' Residence was next. On behalf of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

RESOLUTION #174

AUTHORIZING LEASE / ROOM #1 PUTNAM COUNTY VETERANS' RESIDENCE

WHEREAS, the County of Putnam is the owner of certain real property, including the building situated thereon, located at 9 Drew Lane, Carmel, New York 10512, which is known as the Putnam County Veterans' Residence; and

WHEREAS, the Putnam County Veterans' Residence is operated as a communal residence for veterans who meet the established eligibility criteria; and

WHEREAS, the County of Putnam is desirous of entering into a lease agreement with Edwin Hill for a single-residence room and previously entered into separate lease agreements with the veterans listed in the Putnam County Veterans' Residence; and

WHEREAS, said lease agreement shall be for a term commencing on August 1, 2022 and expiring on July 31, 2023; now therefore be it

RESOLVED, that the County of Putnam may enter into the aforementioned lease agreement with Edwin Hill for the single-residence room in the Putnam County Veteran's

Residence identified as Room #1, for a term commencing August 1, 2022 and expiring on July 31, 2023; and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute said lease agreement with Edwin Hill at the rental price of \$400 per month, which shall be in substantial conformance with the form attached hereto as Schedule "A"; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate said lease agreement in the manner approved herein and as written; and be it further

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6n – Approval / Putnam County Veterans' Residence / Lease Agreement Renewals was next. On behalf of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

Legislator Castellano believed that this was a benefit for the residents to have this building in our County. He explained that he was thankful to be able to provide our Veterans who have served our Nation with a proper home right here in Putnam County. He stated that the people who operate this facility have done a tremendous job.

Legislator Sayegh stated that she has toured this facility. She stated that these are Veterans that would otherwise be homeless. She stated that it was great that Putnam County has the opportunity to house our Veterans.

RESOLUTION #175

APPROVAL/PUTNAM COUNTY VETERANS' RESIDENCE / LEASE AGREEMENT RENEWALS

WHEREAS, the County of Putnam is the owner of certain real property, including the building situated thereon, located at 9 Drew Lane, Carmel, New York 10512, which is known as the Putnam County Veterans' Residence; and

WHEREAS, the Putnam County Veterans' Residence is operated as a communal residence for veterans who meet the established eligibility criteria; and

WHEREAS, the County of Putnam previously entered into separate lease agreements with the veterans listed in the attached Schedule "A", for single-residence rooms in the Putnam County Veterans' Residence; and

WHEREAS, said lease agreements expired on July 31, 2022 and the County of Putnam is desirous of renewing same for a period of one (1) year; now therefore be it

RESOLVED, that the County of Putnam approves the renewal of the leases between the County and the veterans listed in the attached Schedule "A"; and be it further

RESOLVED, that the County Executive is authorized to execute renewal lease agreements with the veterans listed in the attached Schedule "A", for said single-residence rooms in the Putnam County Veterans' Residence at the rental amounts listed in the attached Schedule "A", which renewal leases shall be in substantial conformance with the form attached hereto as Schedule "B"; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate said renewal lease agreements in the manner approved herein and as written; and be it further

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6o – Approval/ Appointments & Re-Appointment/ Putnam County Soil & Water Conservation District Board was next. On behalf of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

Legislator Montgomery made a motion to add her memorandum of August 15, 2022 as additional. There being no second, motion failed.

Legislator Montgomery stated that her August 15th memorandum, which the Legislature received, was directed to the new Soil & Water Manager even though the Legislature was never informed who that person was. She stated that she requested the letters and/or resumes for the appointments on this resolution. She explained that individuals being appointed may not be well known to all Legislators, especially if new Legislators come on the Legislature. She believed it was important to have information on who is being appointed to the Boards. She stated that her memorandum requesting this information was ignored. She believed that for the sake of transparency, it should be a regular process that we receive this information when appointing to the Boards. She stated that these individuals that we are appointing are going to oversee protecting the soil and water. She stated that you will see with the next agenda item, how important it is to have this background information.

Legislator Jonke stated that he did not understand why we do not receive resumes. He stated that he is familiar with two (2) out of the three (3) appointments. He concurred with Legislator Montgomery that we should have the information on all these individuals even if it is redundant to some Legislators. He did not understand why there was a resistance to forward this information to the Legislature. He stated that this will be the last appointment that he votes yes on without resumes.

Legislator Sayegh stated that she spoke with the Interim Director of the Soil & Water Conservation District and asked him for the resumes. She stated that she is familiar with the individuals being appointed as she is a member of the Board. She explained that she certainly understands everyone's reservations and the need to receive this information. She stated that she could receive the information subsequently, but unfortunately did not receive it for tonight because the Interim Director is out of town.

Legislator Montgomery stated that her request was sent to the Interim Director on August 15th.

RESOLUTION #176

APPROVAL/ APPOINTMENTS & RE-APPOINTMENT/ PUTNAM COUNTY SOIL & WATER CONSERVATION DISTRICT BOARD

RESOLVED, that the following be appointed to the Putnam Count Soil & Water Conservation District Board:

Brian Bergen, Town of Putnam Valley, Farmer Representative, to fill a three (3) year term, said term to expire December 31, 2022.

Ervin Raboy, Town of Southeast, Farmer Representative, for a three (3) year term, said term to expire December 31, 2024.

And be it further

RESOLVED, that the following be re-appointed to the Putnam County Soil & Water Conservation District Board:

Chris Ruthven, Town of Kent, for the remainder of a three (3) year term, said term to expire December 31, 2023.

And be it further

RESOLVED, that these appointments comply with any requirements to file an Oath of Office pursuant to the New York State Public Officers Law.

BY ROLL CALL VOTE: SIX AYES. ONE NAY – LEGISLATOR MONTGOMERY. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT.

Item #6p - Approval/ Request that Governor Veto A6652/S4162, Which Make Changes to New York State Environmental Conservation Law Article 15 was next. On behalf of the Physical Services Committee, Legislators Castellano and Gouldman, Legislator Albano moved the following:

Legislator Sayegh stated that there was nothing more important than clean water and air. She thanked everyone for their passion and interest in protecting our natural resources and she stated that is precisely what our 58 Soil & Water Conservation Districts across the State of New York are tasked to do. She stated that they create programs and services to conserve, enhance and protect soil and water resources across the State. She stated that our Soil & Water Conservation District, although currently in flux at this time, is no different and our primary goal is to protect our soil and water locally and serve as a resource for our community, businesses, and municipalities. She stated that she serves as Legislative Liaison on the Board, along with Legislator Albano. She stated that she has done extensive research on the impact of this legislation and had lengthy discussions with the Soil & Water Board. She stated that she spoke with the New York State Association of Counties Director to discuss the impact of this legislation on our counties and local municipalities. She explained that she spoke with town Superintendents in Putnam County, New York State Superintendents of Highways, the Executive Director of the New York State Association of Water Conservation Districts, as well as multiple other Soil & Water Conservation Districts across the State. She stated that these individuals are Engineers, Conservationists, Farmers and professionals tasked with protecting our water. She stated that they all have great concerns on how this legislation will negatively impact our communities without the payback of providing protection to our streams. She explained that Soil & Water Districts, local homeowners, municipalities, and Farmers will all have to submit permit applications to the Department of Environmental Conservation (DEC). She explained the permits required by the DEC

currently and she stated that basically the DEC requires permits for any stream that involves swimming, recreation, drinking water, fishing, or fish spawning. She stated that 41,000 Class C streams would be added to an already overloaded DEC workload which she believed would be unsustainable. She read a quote from Chemung County Soil & Water District which stated that Article 15 permits currently take four (4) to eight (8) months on average to obtain, with many taking more than one (1) year. She stated that the proposed amendment would increase the volume of permits needed by 40 – 50 times, increasing the permitting process to approximately 33 months. She believed that this bill, while intending to preserve and protect water quality, would inadvertently set conservation efforts back 50 years. She stated that these streams are already protected, and the DEC can reclassify any Class C stream whenever it deems necessary. She continued reading quotes from Chemung County. She explained how the proposed legislation would negatively impact local municipalities, County Highway Departments and public safety while repairing bridges or culverts near Class C streams. She stated that 80% of locally owned bridges and culverts are located within Class C streams. It would halt all transportation projects throughout the New York State while waiting for additional permitting. She shared that many organizations across New York State opposed this legislation. She stated that former Governor Andrew Cuomo previously vetoed this bill stating, though it was well intended bill it would have a tremendous fiscal impact on State and local governments. The new workload associated with reviewing, issuing, and enforcing permits would lead to lengthy permitting delays and would jeopardize a thorough and necessary review of all projects. She stated that nothing in this bill has changed since the former Governor vetoed the legislation. She stated that there was also no funding attached to the implementation, which would not only require extensive funding by the DEC, but also from municipalities. She ended her comments by quoting a letter from Chemung County Soil & Water District to Governor Hochul.

Legislator Montgomery stated that she also did her best in researching this legislation. She stated that she reached out to the NYS DEC permitting authority and received information from the person in charge of the department. She believed the legislation was reasonable and necessary. She believed that the actions we take now will protect our future. She believed that backup information presented for the Physical Services Committee meeting was misleading. She stated there was nothing supporting the other side despite her requests to include the letters received from expert organizations and approximately 100 emails from constituents. She believed that we needed to listen to our constituents. She explained that in reviewing the Putnam County Soil & Water District's minutes from their July meeting, there was no reference of a vote being taken about this legislation. It just mentioned that Legislator Sayegh would draft an opposing resolution to bring to the Legislature to advocate against the bill. She stated that we do not even know the expertise of anyone on the Soil & Water District Board. She did not believe that Legislator Sayegh's comment about adding 41,000 Class C streams was correct. She explained that the New York State Association of Counties (NYSAC) submitted a letter to us opposing the legislation after the legislation had already passed through the New York State Senate and Assembly with bipartisan support. She believed that it was also speculation that the DEC will be overloaded with work. She believed that we should keep our local protections, and on a local level, we can also add protections beyond what New York State already has. She stated that she does not know if any Putnam County towns have a natural resource inventory, aquifer protection district, open space index or have performed a biodiversity study. She stated that since she does not have that information and does not know if we are protected the way we should be, she believed that New York State should do that. She mentioned the water contamination in the Mahopac business

district and the recent coliform found in the water in the Mahopac School District. She stated that she sees people changing water courses or private developments putting in culverts without a permit. She explained that changing the course of water can cause severe vulnerability to our wells and water systems. She noted the several letters received from our neighbors in the Peekskill area requesting that we do not approve this resolution and to let the Governor sign this legislation into law. She believed that it was speculation for the Highway Departments to say that it will be cumbersome in obtaining a Memorandum of Understanding (MOU) when it has never even been done before. She stated that we have thousands of stream miles in the Hudson Valley watershed area that lack protection. She believed that adding another layer of protection was a good thing.

Legislator Jonke stated that he is not opposed to clean water. He stated that the DEC is understaffed and incapable of handling these permit applications. He stated that most of the Town of Southeast is in the New York City Watershed and subject to Department of Environmental Protection (DEP) regulations. He stated as someone who has built a house in the Town of Southeast, he understood how severe these regulations are. He stated that the Town of Southeast Highway Superintendent is opposed to this legislation. He believed that Peach Lake, which is in his Legislative District, would be adversely impacted by this permitting process. He explained that years ago a bridge washed out on his road during a storm. He stated that it took the highway department less than two (2) months to replace it. He believed that under these new regulations it might take years of obtaining permission to replace a bridge. He stated that he read everyone of the emails that came into the Legislative office, and he respects everyone's opinion. He stated that none of the emails showed a connection to Class C regulation with having cleaner water. He stated that the legislation is just more regulations, paperwork, more people putting eyes on it, but he believed that we already had that. He stated that he believed in smaller government and did not believe that we needed the State to come in and review applications. He stated that this adds another layer of government which poses an undue hardship on our citizens and highway departments. He stated that Legislator Montgomery mentioned the Mahopac business district. He stated that contaminants from the Dry Cleaner business does not fall under this legislation, which is related to streams, nor does coliform found from a failing septic system. He stated he was disappointed that during the Physical Services meeting the Legislature was misled by some of the statements made by Legislator Montgomery who said at that time she did her homework. He stated that he would be voting in favor of this resolution tonight.

Legislator Castellano stated that certainly water quality is a top priority for all of us. He stated that he truly believed that everything is handled faster at the local level and a better job can be done. He stated that in speaking with the Town of Southeast Highway Superintendent today, he was in favor of sending this resolution to the State. Legislator Castellano explained a situation near the Enoch Crosby community which is in his Legislative District. He explained that you need to drive on a dirt road to get into the community. He explained that for the past 20 years people have wanted the road paved, but the State has said no since the road is near the reservoir. He explained that the Town of Southeast Highway Superintendent presented a proposal to the State to pave a 150 foot section at the bottom of Enoch Crosby Road where it intersects Maple Road. He explained that every year this area has many potholes that need to be addressed. He stated that the Superintendent submitted his proposal two (2) years ago and just received approval from the State today. He explained how the cost of blacktop has increased in price over that two (2) year period. He believed this was an example of why we should keep this on a local level.

Legislator Albano read his memorandum dated, September 1, 2022, to Chairman Sullivan which he wrote after receiving a question on, August 29, 2022, from Town of Kent Highway Superintendent Richard Othmer regarding the discussion of this topic at the Physical Services Committee meeting on, August 25, 2022. Legislator Albano's memorandum referenced statements made by Legislator Montgomery during the August Physical Services Committee meeting. At said meeting Legislator Montgomery stated that the bill vetoed by Governor Cuomo and the bill passed by the State Legislature this year were "very different." Legislator Albano explained that the bills were identical, and both added exactly four (4) letters, adding the words "C and" to the list of stream types requiring a permit. Legislator Montgomery also stated that the bill vetoed by Governor Cuomo regulated Class D streams. Legislator Albano stated that it did not. He explained in his memorandum that "like the current bill, the old bill sought to regulate Class C streams. Governor Cuomo's veto message specifically cited the "tremendous fiscal impact on state and local government that would come with adding Class C streams to the DEC's permitting authority. He also explained that doing so would more than double DEC's existing planning and oversight role, adding approximately 40,000 miles of Class C streams over and above the 36,600 miles of streams already subject to DEC permitting authority." Legislator Montgomery also made a reference at the Physical Services Committee meeting that the current bill added an exemption to the DEC permit requirements for local governments. Legislator Albano stated in his memorandum that Superintendent Othmer questioned where it stated that municipalities were exempt from this potential law. Legislator Albano explained in the memorandum that the quote Legislator Montgomery made was part of the existing Environmental Conservation Law, Section 15-0501(4) which explains that no permit is required when the municipality has entered into a memorandum of understanding (MOU). Legislator Albano explained that entering into a MOU was more time consuming than obtaining a permit.

Legislator Albano believed it was important to correct the record by reading his memorandum. He stated that the question is not do we want to protect our waters; but how we can protect them. He stated that the Town of Carmel has a local Environmental Board and he has been before them many times. He believed that they do a very good job and pay attention to details. He stated that we also have the DEC regulating many of our waterways. He stated that there are already many layers of government taking care of this now. He explained that he prefers local government handling this, so they can respond to situations that need to be addressed immediately. He believed that any other layer of government would just delay it.

Legislator Gouldman stated that he is concerned about having clean water. He stated that he has his own well water tested periodically. He stated that water is a crucial asset for New Yorkers and everywhere throughout the world. He proceeded to read a letter from the bipartisan Putnam Valley Town Board dated, August 5, 2022, who agree with the request to Governor Hochul asking that she veto the bill. The Town of Putnam Valley also stated that they already regulate NYSDEC streams A, B, C and D, as well as 100-foot buffers from the edges of the streams. He stated that currently DEC is underfunded and understaffed. He stated that possibly in the future he could support this, but he could not support it now.

Chairman Sullivan stated that clearly, we are all in agreement that clean water is crucial for everyone. He believed that we already have people involved in making sure we have clean water. He stated that what we do not need is more regulations and government

oversight slowing everything down and prohibiting progress. He stated that Legislator Addonizio was unable to be at this meeting, however, she asked if a letter she received from her Town of Kent Superintendent, Richard Othmer could be read. Chairman Sullivan read the letter. The letter supported sending a request to Governor Hochul asking that she veto the Stream Regulation Bill, as did her predecessor, Former Governor Andrew Cuomo. Superintendent Othmer believed if the legislation was enacted, it would cripple routine highway work from being performed. He offered the following example. He explained that the Town of Kent has dozens of 1960's era rotted culvert pipes running underneath it's roads connecting to Class C feeder streams. He stated that nonfunctioning culvert pipes cause roads to erode prematurely due to poor or no drainage and during the winter these become ice dams, creating hazardous driving conditions. He explained that they are constantly replacing these rotted pipes with plastic pipes every week. He explained that if this legislation becomes law, a three (3) to four (4) hour job would now take weeks to complete because he would be required to submit a request for an MOU to the DEC with a job plan to change out a pipe. He believed that more research was needed on the full effects of this law if enacted and he believed that the Town and County Highway Superintendents should be included in this study in order to reach a workable compromise.

Chairman Sullivan did not recognize Legislator Montgomery explaining that everyone had the opportunity to make a comment on this.

Legislator Albano made a motion to call the question; seconded by Legislator Jonke. All in favor.

Legislator Montgomery questioned if Chairman Sullivan was ever going to call for any "no" votes.

Chairman Sullivan called for a Roll Call Vote on the resolution.

RESOLUTION #177

APPROVAL/ REQUEST THAT GOVERNOR VETO A6652/S4162, WHICH MAKE CHANGES TO NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW ARTICLE 15

WHEREAS, New York State Legislature bills A6652 and S4162 propose to now make an Article 15 permit through the New York State Department of Environmental Conservation ("NYSDEC") necessary for projects on Class C streams statewide; and

WHEREAS, while the presumed intention of this bill is to counteract federal deregulation and to protect water quality in New York State, it will instead adversely affect habitat improvement, and sediment and nutrient reduction through stabilization practice implementation, as well as adversely affect public and private infrastructure through flooding impacts; and

WHEREAS, Soil and Water Conservation Districts have established extensive stream remediation and habitat improvement programs, and are the point-people for private and public stream work in our communities; and

WHEREAS, Soil and Water Conservation Districts have the education, experience, equipment, and relationships with both public and private entities and individuals to implement programs that annually conserve millions of tons of sediment, and prevent

hundreds of thousands of pounds of nitrogen, phosphorous, and other nutrients from impacting our water quality, thus protecting billions of dollars of public and private infrastructure; and

WHEREAS, Soil and Water Conservation Districts already apply for permitting on these added streams through the Army Corps of Engineers and will continue to do so; and

WHEREAS, pursuant to Environmental Conservation Law § 15-0501, a Protection of Waters Permit is currently required for temporary or permanent disturbances to the bed or banks of a stream with a classification and standard of "C (T)" or higher, and Soil and Water Conservation Districts already have to apply for these Article 15 permits for such projects; and

WHEREAS, as these permits currently take 4-8 months due to NYSDEC backlog, the proposed new regulations, although well intended, would create the need for more than 40 times the applications to go to NYSDEC; based upon the current backlog and timeframe for permitting, this would delay projects at least 26 months, and

WHEREAS, the permit applications submitted by Soil and Water Conservation Districts to NYSDEC have never changed the implementation or practices installed on the project through the permit process; and

WHEREAS, sediment and nutrient loading are creating health concerns and loss of recreation due to Harmful Algae Blooms; and

WHEREAS, A6652 and S4162 do not exempt Soil and Water Conservation Districts from the proposed changes to Article 15 as respects permit requirements for Class C and below streams; and

WHEREAS, A6652 and S4162 have each been passed by their respective chambers of the NYS Legislature; now therefore be it

RESOLVED, that the Putnam County Executive, the Putnam County Legislature, with the support of the Putnam County Soil and Water Conservation District Board, hereby respectfully call upon Governor Kathy Hochul to veto A6652/S4162; and be it further

RESOLVED, that the Clerk of the Putnam County Legislature is hereby directed to forward a copy of this Resolution to Governor Kathy Hochul as well as Putnam County's representatives in the State Legislature.

**BY ROLL CALL VOTE: SIX AYES. ONE NAY – LEGISLATOR MONTGOMERY.
LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT.**

**PROTECTIVE SERVICES COMMITTEE
(Chairwoman Nacerino, Legislators Sayegh & Sullivan)**

Item #6q – Approval/ Budgetary Amendment (22A057)/ Finance/ Bureau of Emergency Services/ New York State 2021 & 2022 Statewide Interoperable Communications Grant Program was next. On behalf of the members of the Protective Services Committee, Legislators Nacerino and Sayegh, Chairman Sullivan moved the following:

RESOLUTION #178

APPROVAL/ BUDGETARY AMENDMENT (22A057)/ FINANCE/ BUREAU OF EMERGENCY SERVICES/ NEW YORK STATE 2021 & 2022 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT PROGRAM

WHEREAS, at the April 19, 2022 Protective Services Committee meeting, Emergency Services Deputy Commissioner Lipton informed the Committee of the 2022 Statewide Interoperable Communications (SICG) Formula-Based Grant Program respectively; and

WHEREAS, the program allows for State support to aid county, local and municipal public safety organizations in enhancing emergency response, improving capability, improvements in governance structures, operating procedures, infrastructure development, and addressing SAFECOM guidance from the U.S. Department of Homeland Security Office of Emergency Communications (OEC); and

WHEREAS, on August 3, 2022, Putnam County received notification from NYS Homeland Security and Emergency Services of a grant award in the amount of \$1,047,678 under the NYS 2021 and 2022 SICG-Formula Grant; and

WHEREAS, the 2021 and 2022 SICG-Formula Program will concentrate on improving interoperability and operability of communications systems in NYS: and

WHEREAS, there are no matching funds required by the County; and

WHEREAS, the performance period for the 2021 and 2022 SICG-Formula Grant will be 36 months, beginning January 1, 2022 through December 31, 2024, with the possibility of an extension based upon a good cause shown and ample justification for needing additional time; and

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (22A057) to adjust the budget for the receipt of the 2021 and 2022 SICG-Formula Grant award; and

WHEREAS, the Protective Services Committee and the Audit & Administration Committee has reviewed and approved said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

CAPITAL FUND:

Increase Estimated Appropriations:

53097000 53000 51601	SICG – 2021 and 2022 Formula Program	1,047,678
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Increase Estimated Revenues:

53097000 433971 51601	State Aid – Public Safety	1,047,678
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2022 Fiscal Impact – 0 –

2023 Fiscal Impact – 0 –

BY POLL VOTE: SIX AYES. LEGISLATOR ALBANO WAS NOT PRESENT FOR THE VOTE. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6r – Approval/ Fund Transfer (22T178)/ Sheriff’s Department/ Jail Overtime was next. On behalf of the members of the Protective Services Committee, Legislators Nacerino and Sayegh, Chairman Sullivan moved the following:

RESOLUTION #179

APPROVAL/ FUND TRANSFER (22T178)/ SHERIFF'S DEPARTMENT/ JAIL OVERTIME

WHEREAS, the Putnam County Sheriff has requested a fund transfer (22T178) to cover Jail Overtime costs incurred due to limited availability of Part-Time employees; and WHEREAS, the Protective Services Committee and the Audit & Administrative Committee have reviewed and approved said fund transfer; now therefore be it RESOLVED, that the following fund transfer be made:

Decrease:		
10315000 51094	Jail General Temporary	27,000.00
10315000 58002	Jail General FICA	<u>2,065.50</u>
		29,065.50
Increase:		
10009000 51093	Jail Transport Overtime	27,000.00
10009000 58002	Jail Transport FICA	<u>2,065.50</u>
		29,065.50

2022 Fiscal Impact – 0 –
2023 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

**SPECIAL PERSONNEL COMMITTEE
(Chairman Jonke, Legislators Addonizio & Nacerino)**

Item 6s – Approval/ Fund Transfer (22T184)/ Sheriff's Department/ Road Patrol Overtime was next. Chairman Sullivan recognized Legislator Jonke, Chairman of the Personnel Committee. On behalf of the members of the Committee, Legislators Addonizio and Nacerino, Legislator Jonke moved the following:

Legislator Montgomery stated that she wanted to clarify her comment from the Special Personnel meeting. She stated that we apparently eliminated one (1) road patrol from six (6) to five (5). She had wanted information regarding overtime related to that. She stated that we have a lot of vacancies, and her understanding was that the County Executive in 2021 did not sign off on the Sheriff's request for vacancy control. She stated that we went a whole year where those people could have been trained at the academy, they would have completed training and had them in place, and perhaps could have avoided this need for overtime. She stated that it was her understanding that the vacancy requested from the previous Sheriff was denied, as was his request for overtime allocations. She stated that here we are now needing more money for overtime. She stated that this is depleting the overtime budget, so it will be interesting to see where we will be at in November.

Legislator Jonke stated that both the previous Sheriff and the current Sheriff have difficulties in having candidates pass certain parts of the examinations leading to their employment with the County. He stated that he had conversations with former Sheriff Langley, and we are starting to fill those vacancies. He explained that it was not a matter

of a County Executive issue, it was a matter of filling vacancies with candidates that were able to pass the requirements.

Legislator Montgomery stated that she spoke with the former Sheriff as well, and the reason those vacancies were not filled was that there was no approval to fill those vacancies at the time it was requested by him.

Legislator Jonke stated that was not what the former Sheriff told him, or what the previous Undersheriff told him.

Legislator Sayegh stated that she spoke with the previous Sheriff and Undersheriff as well. She stated that they both informed her that they have difficulty filling those vacancies. She explained that sometimes the applicants do not pass all the requirements.

RESOLUTION #180

APPROVAL/ FUND TRANSFER (22T184)/ SHERIFF'S DEPARTMENT/ ROAD PATROL OVERTIME

WHEREAS, the Putnam County Sheriff has requested a fund transfer (22T184) to cover projected Road Patrol Overtime due to Vacancies, 207C, and Military Leave; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approved said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

17311000 51000 10112	Sheriff Road Patrol Personnel	41,142
17311000 51000 10120	Sheriff Road Patrol Personnel	21,680
17311000 51000 10121	Sheriff Road Patrol Personnel	721
17311000 51000 10139	Sheriff Road Patrol Personnel	18,983
17311000 51000 10143	Sheriff Road Patrol Personnel	22,079
17311000 51000 10152	Sheriff Road Patrol Personnel	6,945
17311000 51000 10129	Sheriff Road Patrol Personnel	<u>38,450</u>
		150,000

Increase:

17311000 51093	Sheriff Road Patrol Overtime	150,000
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2022 Fiscal Impact – 0 –

2023 Fiscal Impact – 0 –

BY ROLL CALL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6t – Approval/ Fund Transfer (22T188)/ Sheriff's Department/ Jail Overtime was next. On behalf of the members of the Personnel Committee, Legislators Addonizio and Nacerino, Legislator Jonke moved the following:

RESOLUTION #181

APPROVAL/ FUND TRANSFER (22T188)/ SHERIFF'S DEPARTMENT/ JAIL OVERTIME

WHEREAS, the Putnam County Sheriff has requested a fund transfer (22T188) to cover projected Jail Overtime costs due to vacancies, extended sick leave, FMLA, and the increase in numbers of constant watches; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approved said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10315000 51000 10103	Jail General - Personnel	26,034
10315000 51000 10107	Jail General – Personnel	12,491
10315000 51000 10123	Jail General – Personnel	32,542
10315000 51000 10124	Jail General – Personnel	23,702
10315000 51000 10126	Jail General – Personnel	3,394
10315000 51000 10127	Jail General – Personnel	3,124
10315000 51000 10130	Jail General – Personnel	40,597
10315000 51000 10137	Jail General – Personnel	32,542
10315000 51000 10141	Jail General – Personnel	16,477
10315000 51000 10160	Jail General – Personnel	26,251
10315000 58002	Jail General – FICA	<u>5,758</u>
		222,912

Increase:

10315000 51093	Jail General – Overtime	141,884
10008000 51093	Jail Medical – Overtime	75,270
10008000 58002	Jail Medical – FICA	<u>5,758</u>
		222,912

2022 Fiscal Impact – 0 –

2023 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #6u – Approval/ Fund Transfer (22T199)/ County Executive/ Purchasing Department/ Overtime was next. On behalf of the members of the Personnel Committee, Legislators Addonizio and Nacerino, Legislator Jonke moved the following:

RESOLUTION #182

APPROVAL/ FUND TRANSFER (22T199)/ COUNTY EXECUTIVE/ PURCHASING DEPARTMENT/ OVERTIME

WHEREAS, the Commissioner of Finance has requested a fund transfer (22T199) to transfer funding from the County Executive's Director of Constituent Services Personnel line to the Purchasing Department's Overtime line to cover Overtime to be incurred resulting from the departure of the Purchasing Director; and

WHEREAS, the Personnel Committee and the Audit & Administration Committee have reviewed and approved said fund transfer; now therefore be it RESOLVED, that the following fund transfer be made:

Decrease:

10123000 51000 10104	Director of Constituent Services Personnel	11,000
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Increase:

10134500 51093	Purchasing Dept. Overtime	11,000
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2022 Fiscal Impact – 0 –

2023 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

**AUDIT & ADMINISTRATION COMMITTEE
(Chairman Castellano, Legislators Albano & Gouldman)**

Item #6v – Approval/ Authorization/ Legislators to Attend September New York State Association of Counties Conference was next. Chairman Sullivan recognized Legislator Castellano. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

RESOLUTION #183

APPROVAL/ AUTHORIZATION/ LEGISLATORS TO ATTEND SEPTEMBER NEW YORK STATE ASSOCIATION OF COUNTIES CONFERENCE

WHEREAS, three (3) Legislators have requested permission to attend the New York State Association of Counties Conference to be held in Buffalo, New York in September 2022 for registration and lodging total expenditure of approximately \$652 per person; and

WHEREAS, the Audit & Administration Committee has reviewed and approved their requests; now therefore be it

RESOLVED, that the Putnam County Legislature authorizes the expenditure of approximately \$652 per person for three (3) Legislators to attend the New York State Association of Counties Conference to be held in Buffalo, New York in September 2022.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

Item #7 – Other Business

There was no other business submitted to the meeting.

Item #8 – Recognition of Public on Agenda Items

Judy Allen, Town of Putnam Valley resident, stated her comments are related to agenda Item #6p – Approval/ Request that Governor Veto A6652/S4162, Which Make Changes to New York State Environmental Conservation Law Article 15. She stated some people have concerns about the management of the local Soil and Water District and the qualifications of the manager, as opposed to the NYS Department of Environmental Conservation (DEC) employees. She believed there has not been a manager for over a year and currently there is an acting manager, who has three (3) or four (4) other jobs. She stated she does not know enough to speak about it. She believed the main concern of the people was they thought that the DEC would do a better job on oversight than the local Soil and Water Manager. She questioned if the comments made by the public at the August 25th Physical Services Committee Meeting would be included in the written minutes of that meeting.

Deputy Clerk Trabulsy confirmed the minutes will include a summary of the comments made by the members of the public who spoke at the August 25th meeting.

Judy Allen stated, as a Tompkins Corner Cultural Center (TCCC) Board Member, she would like to speak to Item #6f – Authorizing the Implementation and Funding in the First Instance 100% of the State-Aid and/or Bridge NY Eligible Costs of a State-Aid and/or Bridge NY Transportation Project and Appropriating Funds Therefore (Peekskill Hollow Road). She stated the stream that is related to the project goes right by the TCCC. She stated the backup to said agenda item states the project will be completed within 30 months, that is 2 ½ years. She stated that will have a negative impact on the TCCC and the Farmers Market that is held in that area every summer. She stated she did speak to a gentleman in the County’s Highway Department about this culvert project. She stated he assured her that at some point there will be a public hearing on said project. She stated she will be looking forward to having her concerns heard along with the other members of the TCCC and community.

Maureen Fleming, Town of Kent resident, stated she has a comment regarding agenda Item #6p - Approval/ Request that Governor Veto A6652/S4162, Which Make Changes to New York State Environmental Conservation Law Article 15. She stated she was in attendance at the August 25th Physical Services Committee Meeting where a letter from Legislator Sayegh was read, in her absence. She stated the Legislative Office also received a copy of a letter from Town of Kent Councilwoman Anne Campbell. Councilwoman Campbell’s letter written to Senator Harckham requested he consider a carve out in his Bill for Towns, Villages and Counties, that have more stringent protections for Class C Streams. She believed Legislator Sayegh’s letter referenced Councilwoman Campbell’s letter. Ms. Fleming stated that she read the statement from Councilwoman Campbell when she spoke at the August 25th Physical Services Committee Meeting. She believed that this was a sensible approach to this matter. She stated she does not understand the rush to request that the Governor Veto Bills A6652/ S4162, which may protect streams in Counties and Towns who do not have such stringent regulations as some of the Towns in Putnam County, and maybe the County itself. She explained that since this Legislature is asking the Governor to veto legislation, she would assume every Legislator should be extremely familiar with the legislation that they are asking the Governor to veto. She stated if Legislator Montgomery misspoke, as was referenced earlier, any one of the Legislators in support of this veto should have been able to make the clarification. She stated she was also disappointed that Legislator Montgomery was not permitted to rebuke comments that were made about her this evening. She stated she does not believe that people should

be cut off and not allowed to speak. She stated the decisions of this Legislature affect all of the residents. She stated she is very disappointed in this action of asking the Governor to veto the Bills. She stated she would have thought this Legislature would have taken time to reach out to the Senator Harckham to see if he would have discussed the proposal of a carve out.

Joe Montuori, Town of Carmel resident, referencing the stream protection Bills, agenda Item #6p. He stated that Class C streams eventually feed into Class A streams. He stated the Muscoot River, which is a Class C stream, is near the Putnam Golf Course. He stated if pollutants were dumped into that stream, they would travel and flow into a Class A stream that goes into the Amawalk Reservoir. He stated the distinction between Class C and Class A is for regulatory purposes. He stated but all of the water is connected and eventually flows into our drinking water systems. He believed many of the claims in the proposed resolution are unsubstantiated and based on assumptions. He stated they are not based on facts. He stated Legislator Sayegh mentioned organizations that oppose the Bills, but no environmental organizations were asked. He believed the environmental organizations were supporting the Bill. He stated since this agenda Item #6p was approved, he requested chapter amendments be sent to the Governor. He stated the County should hire a credentialed District Manager for the County's Soil and Water Conservation District, and a staff to enforce the current laws and the State law that will no doubt be signed by Governor Hochul.

Dave Buckner, Village of Brewster resident, stated that he wondered why the questions and concerns stated by the members of the public, agenda item #8, were not addressed by anyone on the Legislative Board. He stated instead there was silence.

Item #9 – Recognition of Legislators

Legislator Gouldman reminded everyone that schools are back in session and to please drive safely. He wished all the children a wonderful school year. He stated that the Vietnam Veterans Memorial Traveling Wall will be coming back to Putnam County from September 21st until September 25th. He stated that on Saturday, September 24th the Putnam Valley Town Park, 156 Oscawana Lake Road, will be holding its community event day between 2:00 pm until 9:00 pm.

Legislator Jonke stated that Putnam County lost a good friend and servant on August 26th with the passing of former County Clerk Dennis Sant. He stated that he served as Putnam County Deputy County Clerk for 24 years and County Clerk for 13 years. He stated that Dennis was a friend, and he was lucky to have spent some time with him about three (3) weeks before his passing. He stated that his passing is truly a loss for Putnam County.

Legislator Montgomery stated that to call for a vote on an agenda item before a Legislator has a chance to respond was a slap in the face to the Democratic process. She stated that there were comments about misleading statements she made at the Physical meeting. She explained that she did her best to research the matter. She believed what was misleading was making a statement regarding this legislation as it pertains to storms, indicating that we would need to get a permit to fix the damage caused by the storm. She stated that this was not true. She stated that this is an addition to current legislation. She stated that all this legislation does is add Class C streams to current legislation. She stated that legislation is called Article 15 of the New

York State Conservation Law. She stated that was what she pointed out at the Physical Services Committee meeting. She stated that Legislator Albano mentioned that I started to read something verbatim, which is true. She stated that she would read it again. Legislator Montgomery read the following from the New York State Environmental Conservation Law, Section 15-0501(6): She stated, "No permit under this section shall be required for emergency work in a stream or on its banks which is immediately necessary to protect the health, safety and well-being of any.....provided that the department is given written notification by registered mail or telegraph within forty-eight hours....." of the work they are doing. She stated that before she even made those statements, approximately 63 emails were received from constituents asking the Legislature not to approve this resolution. She stated that there were also people who came to the Physical Services Committee meeting. She stated that all three (3) Committee members voted on a resolution that had all stated that they did not know enough about. She stated that rather than asking the Governor to veto this legislation, why not correct it. She stated that regarding her statement the no permit is needed for a municipality, that includes the highway department. She stated that it clearly states that in Article 15 of New York State Conservation Law Section 15-0501(5) of which this is being added, "no permit under this section shall be required of any state department or state public corporation. State departments and state public may enter into a written memorandum of understanding....." She stated that nobody understands what that means because it has not been done. She stated that she interprets it to be much like what NYS DOT must submit to the NYS DEC. She believed it was misleading the public to say that it will take longer and cost more, since no one knows what this will involve. She stated that she will write a letter to the Governor herself asking that she pass the addition to Article 15 of the New York State Conservation Law and maybe offer some suggestions on how to make it better before it is passed into law. She stated that it is the start of the school year, and it is a very exciting time, unfortunately, she received calls from constituents stating that unbeknownst to them and the Superintendent the SROs and SPOs are wearing bodycams in the school. She stated that they were not informed until the day before school started. She stated that when they asked for the policy, they were told that they could not have it. She stated that she did not know what happened to the police reform that we had, calling for more transparency. She stated that she has not seen a policy for body cameras. She stated that September is also Suicide Prevention Awareness Month. She stated that she wanted that public to be aware that there is a new suicide prevention hotline number 988.

Legislator Castellano clarified that the Legislature is asking the Governor to veto the legislation before her so that it can be rewritten. He explained that the Governor, as the Executive Branch, cannot make changes to the legislation when it comes before her. She stated that this is our time to ask her to reconsider this, veto the legislation and send it back to the Legislature to make the corrections that are necessary.

Legislator Montgomery stated that was not her understanding of how it works from Senator Harckham's office. She stated that it does not have to go back. She stated that they can add things to it before the Governor signs it.

Legislator Castellano stated that it certainly can go back which is what Governor Cuomo did when he vetoed it. He explained that it can not be assumed that the Governor can just make changes to the legislation. She can only sign it, veto it, or not sign it. If she does not sign it, it would then become law. He also shared that there are 9/11 ceremonies in Carmel and Brewster. He stated that the VFW in Brewster will have a 9/11

ceremony that morning. He stated that the Brewster Elks Club has a ceremony every night around 6:00 pm.

Legislator Sayegh explained that our Highway Department had conversations with our representatives from the NYS DEC in Region 3 who were informed that no municipality will be exempt from this statute under Environmental Conservation Article 15-0501. They stated that Putnam County, nor any other municipalities in Putnam County qualify for this exemption. She stated that there is also no provision available to seek an exemption by way of memorandum of understanding with the New York State Department of Environmental Conservation. This option is also not available to Putnam County or any other municipalities. She also pointed out that our wells and septic fall under the purview of the Health Department. She stated that we are not talking about pollutants. She stated that if someone dumped pollutants into a Class C stream, it is a crime. She stated that this legislation does not address this matter. She thanked all the constituents who attended our meetings, and she appreciated everyone's comments. She stated that towns can request additional support from the DEC if they so choose. She explained that with all the research she has done and from all the information she has received prepared from all our environmental organizations, although our Soil & Water Conservation District is currently in disarray, she believed that we should strengthen it and not subject the entire State of New York who have wonderful environmental precautions. She did not believe that permitting would make our water cleaner.

There being no further business, at 9:18 P.M., Chairman Sullivan made a motion to adjourn; seconded by Legislators Jonke and Montgomery. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.