

**PHYSICAL SERVICES COMMITTEE
HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512
(Chairman Albano, Legislators Nacerino & Scuccimarra)**

Wednesday

May 23, 2018

The meeting was called to order at 6:15 p.m. by Chairman Albano who requested that Legislator Scuccimarra lead in the Pledge of Allegiance. Upon roll call, Legislators Scuccimarra, Nacerino and Chairman Albano were present.

Item #3 - Approval/Physical Services Committee Meeting Minutes/ April 17, 2018

The minutes were approved as submitted.

Item #4 - Approval/Fund Transfer (18T079)/ Security Cage and Racks to Centralize Evidence Storage/Sheriff's Department (tabled from Protective 5/14/18, report to be provided from Capital Projects Mtg. of 5/21/18)

Sergeant William Meyer stated the Capital Projects Committee approved this fund transfer.

Chairman Albano made a motion to approve and move Fund Transfer (18T079) to the Audit & Administration Committee; Seconded by Legislator Nacerino. All in favor.

Item #5 - Approval/Budgetary Amendment (18A032)/To adjust the budget for the receipt of a State Grant for OSR Flooring in the Senior Center Exercise Room at the Carmel Senior Center/ Commissioner Carlin

Chairman Albano made a motion to approve and move Budgetary Amendment (18A032) to the Audit & Administration Committee; Seconded by Legislator Scuccimarra. All in favor.

Item #6 - Approval/ Budgetary Amendment (18A033)/ To Amend the 2018 Consolidated Local Street and Highway Improvement Program (CHIPS) County Capital Project Budget to Equal the Adopted NYS Budget/ Commissioner Carlin

Commissioner of Finance Carlin stated this is an annual occurrence. He stated the County adjusts its estimate to match the actual, once the State budget is adopted.

Chairman Albano made a motion to approve and move Budgetary Amendment (18A033) to the Audit & Administration Committee Meeting; Seconded by Legislator Scuccimarra. All in favor.

Item #7 - Approval/NYSEG Utility Easement 101 Deacon Smith Hill Road, Patterson/First Deputy County Attorney Negro

First Deputy County Attorney Negro stated this is a standard NYSEG Utility Easement. He explained this is in connection with the Capital Improvement project that is ongoing at Camp Herrlich, which includes electrical upgrades.

Chairman Albano made a motion to approve the NYSEG Utility Easement 101 Deacon Smith Hill Road, Patterson; Seconded by Legislator Nacerino. All in favor.

Item #8 - Discussion/Request for County To Consent to Right of Way Over Town of Kent Owned Parcel – Kent/First Deputy County Attorney Negro

Chairman Albano welcomed Joan Quinn Attorney from Lewis & Greer, P.C., special counsel to the Town of Kent in this matter and Howard Carpenter and Susan Kotzur of the Kent Recycling Commission.

First Deputy County Attorney Negro stated he sent a detailed correspondence to the Legislature regarding this matter. He stated the Town of Kent through outside counsel presented a letter requesting the County, through the Legislature, pursuant to Chapter 31, Section 215 of State County Law, since it involves an interest in Real Property, consider releasing a reverter clause. He explained the request is that the County release a reverter clause contained in a deed over a certain piece of property in the Town of Kent. He stated the Town of Kent would like to grant an access easement to an adjoining property.

Attorney Joan Quinn stated if the County is uncomfortable with a complete release of the reverter clause, the County could provide consent in this particular instance. She stated that would narrow the scope and leave in place the reverter clause. She explained in the future the Town wanted to authorize access to another party, they would again have to repeat this process of coming to the County for approval. She reviewed a map with the members of the committee. She stated that there is a private party looking to develop a 100 acre parcel of land. She stated they would like direct access to the parcel to open a moving and storage facility. She stated they are requesting access over a parcel that presently has the Town of Kent Recycling on it. She stated the proposal is a 50 foot wide easement over the existing property and then onto what would be the developed property. She stated it has been reported that if a

more direct access cannot be created the business will not bring their business to that location.

Chairman Albano facilitated further discussion regarding the surrounding area.

Representative from the Town of Kent Recycling Commission Howard Carpenter stated there was well over \$100,000, of non-tax dollars, spent to develop the Town of Kent Recycling Center (KRC) and the driveway. He stated there is another area of property owned by the Town that could be considered as the entrance rather than taking their property. He stated it is upsetting to all who are involved with the KRC. He stated approximately 700 families have worked to develop one of the best recycling centers in the State. He stated the KRC is worked by volunteers.

Chairman Albano questioned, if this right of way were approved to be used by an additional entity, is there anything they could do to make it work for the KRC.

Representative from the Town of Kent Recycling Commission Howard Carpenter stated certainly.

Chairman Albano stated he would like to see this work, because bringing business into the area will be beneficial in terms of sales tax. He stated he encouraged that the members of the KRC come up with a list of things they would want done, if this matter is approved.

Legislator Jonke stated as the Assessor in the Town of Kent he had a discussion with a Realtor regarding the taxes in the Town of Kent. He explained that the Town of Kent has the highest tax rate in Putnam County. He stated the neighboring towns have some sort of commercial base to share the burden. He stated here there is a property that is not viable without this access.

Representative from the Town of Kent Recycling Commission Howard Carpenter stated there is Town of Kent property right off Route 52 that would provide access to the said property. He stated he does not believe that access route has been given any consideration.

Legislator Jonke stated that he will meet Mr. Carpenter tomorrow to look at the site location he is referring to. He stated that the Legislature has a responsibility to work for the overall good of the tax payers. He stated that the tax payers in Kent would benefit from this commercial business.

Legislator Sullivan stated that he is thankful to all of the volunteers at the KRC. He explained it is a fantastic business. He questioned what the Town of Kent said, when the other site was suggested.

Representative from the Town of Kent Recycling Commission Howard Carpenter stated he did propose it as an option to the Town of Kent, but never received a response.

Legislator Sullivan questioned how would the approval of the shared easement negatively affect the KRC business.

Representative from the Town of Kent Recycling Commission Susan Kotzur stated all of the additional traffic will impact the simplicity of the original scope and vision that existed when the KRC was first developed by the original people. She stated the road was built to meet the needs of the KRC. She stated that there was no consideration of making it bigger than they needed, because that would have disrupted nature unnecessarily. The original people were nature lovers who developed this KRC. She explained in the deed from the County to the Town it is stipulated that there are 11 acres to be used for recycling. She explained they do not use the entire 11 acres, the Town Center is in a portion.

Legislator Sullivan stated that he agrees with his colleague, Legislator Jonke, in that there needs to be a focus on commercial development to help reduce the tax burden on the residential tax payers. He stated the business looking to go into the site, is not a retail business. He stated that it will be a warehouse.

Chairman Albano stated from a Planning Board approach to have one entrance would make the most sense. He stated if the right of way could accommodate everyone it would make more sense. He stated Legislator Jonke will be meeting the representative (s) from the KRC to see the other referenced option. He stated that the goal is to come up with a solution that will benefit everyone.

Legislator Nacerino requested clarification. She stated in this case there is a reverter clause in place. Therefore if there is any change in the "intended use" of the said property, which is the case, the Town does not have the authority to negotiate without the approval of the County.

First Deputy County Attorney Negro stated that is a valid point.

Legislator Nacerino stated that she supports commercial development, to assist in offsetting the tax base. She stated with that said, there are many details that must be

addressed and proper procedure and process to be adhered to. She stated that she is hearing a lot of vague statements being made in relation to this proposal that she would like to see clarified before making a decision in which direction to go with this.

Chairman Albano stated that he agrees. He stated he believes there will be a way to accommodate the needs of all involved.

Legislator Sullivan questioned Attorney Quinn as to what the time table is. He stated that Putnam County has a reputation for slowing down projects to the point that potential businesses move on to somewhere else to develop their projects.

Attorney Quinn stated the time table is closing. She stated the attorney for the potential developer has reported that they are in the due-diligence period, which has been extended a couple of times. She stated that she does not have the exact date, but will provide that to the Legislature. She stated that she believes the due-diligence period will come to a close in August.

Chairman Albano stated this process may have been going on for sometime, however the County's Law Department just received this information a few weeks ago.

Attorney Quinn stated several months ago this matter was presented to the Town of Kent Board to have an appraisal done. She stated that she does not believe that anyone was aware that there was a Reverter provision in the deed.

Legislator Addonizio requested when were the members of the KRC made aware of this potential project.

Representative from the Town of Kent Recycling Commission Susan Kotzur stated in January 2018. She stated that the Supervisor of Kent and a representative from Insight Engineering came to the KRC meeting.

Representative from the Town of Kent Recycling Commission Howard Carpenter stated when the information was presented to them in January, it was not delivered as a question, it was presented that the Town of Kent is going to do it.

Legislator Nacerino stated the Legislature just found out about this project very recently, and as stated it has been entertained by the Town of Kent for several months. She stated in her opinion it would behoove the Town to read the deed.

Chairman Albano requested that the members of the KRC members provide a list of things that would make this proposal feasible.

Representative from the Town of Kent Recycling Commission Howard Carpenter stated that firstly, he would like the other access area to be considered. He stated that if that does not work then there are some things that the KRC would like done, such as widening the road, would be essential. He thanked the Committee members and members of the Legislature for hearing their concerns and for sharing their thoughts.

Chairman Albano stated no action will be taken this evening. He stated this matter will be on the June meeting agenda for further discussion and report on whether there is an alternate entrance that could work.

Chairman Albano stated that he would like to Legislature to look into the cost of a color copier. He stated that there were maps sent for this matter, however when they are copied in black and white they are of no use.

Representative from the Town of Kent Recycling Commission Susan Kotzur stated she would leave a color copy of the KRC with the Legislature for their use.

Item #9 - Update/ADA Compliance - 34 Gleneida Avenue - County Property/ First Deputy County Attorney Negro

6:55p.m. Executive Session

Chairman Albano made a motion to go into Executive Session to consider the proposed acquisition, sale, or lease of real property; Seconded by Legislature Scuccimarra. All in favor.

Chairman Albano requested the following people to come into Executive Session: First Deputy County Attorney Negro, Highways & Facilities Commissioner Pena, Finance Commissioner Carlin and Planning, Development and Public Transportation Commissioner Fusco.

7:20p.m. Came Out of Executive Session

Chairman Albano made a motion to come out of Executive Session; Seconded by Legislator Scuccimarra. All in favor.

Chairman Albano stated that no action was taken in the Executive Session.

Item #10 - Discussion/Proposed Use of 34 Gleneida – Executive Director, the Prevention Council of Putnam Kristin McConnell

Chairman Albano stated Executive Director, the Prevention Council of Putnam Kristin McConnell contacted the Legislature on May 21, 2018 stating there were scheduling conflicts for some of the other people who were supposed to attend with her. She stated she would contact the Legislature to reschedule for another time. He stated this item will be tabled to a future date, pending the request of Executive Director McConnell.

Item #11 - Approval/Authorization The Implementation and Funding in First Instance 100% of the Federal –Aid and State “Marchiselli” Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Fair Street Reconstruction Project PIN 8756.09)/ Highways and Facilities Commissioner Pena

Commissioner Pena stated this is potential funding that could assist the County with the cost of the Fair Street Project. He stated it is applied for on a yearly basis, and is not a guarantee. He stated therefore the uncertainty of receiving any funding from the application is the reason why when the original projected budget for, in this case the Fair Street Reconstruction Project, does not include any offset of additional funding. He stated if the application is accepted the project usually has the funding available throughout the life of the project.

Commissioner Fusco stated the Marchiselli Funding is automatically submitted by the Local Projects Unit (LPU) for specific projects. She stated if the project is moving along, as is the case with the Fair Street Project, the LPU will submit on the County’s behalf. As Commissioner Pena stated there is no guarantee that any funding will be awarded, it depends on the appropriations available.

Chairman Albano questioned what is the status of the project and if the electrical power lines will be buried underground.

Commissioner Pena stated they are working on the right of way incidentals and preliminary design. He stated that they are looking to include in the scope, the burying of the electrical power lines.

Chairman Albano made a motion to approve the Approval/Authorization The Implementation and Funding in First Instance 100% of the Federal –Aid and State “Marchiselli” Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Fair Street Reconstruction Project PIN 8756.09); Seconded by Legislator Nacerino. All in favor.

Item #12 - Approval/CP-10 – ADA Compliance Upgrades Various Locations Throughout the County/ Highways and Facilities Commissioner Pena

Commissioner Pena stated the County is moving forward with an ADA Program to address various County Facilities as they come up. He stated that there are restrooms at the Donald B. Smith campus that have been identified. He stated they are working with the County Law Department to make sure the County is doing progressive ADA work throughout the County, as determined necessary.

Legislator Sullivan questioned if there is a projected cost to do the work.

Commissioner Pena stated it has not been determined if the work will be done in-house, outsource it or do the work in combination thereof. He stated there are several factors that come into making that decision. He stated that he would estimate that the cost would be in the area of \$200,000. He stated there are three (3) restrooms in the Donald B. Smith II building that need to be addressed and there is a restroom in the Donald B. Smith III building and there will be a renovation of restroom in the Friendship Center.

Legislator Nacerino stated that this is work that needs to get done. She stated that she is glad to see the County taking a proactive approach.

Legislator Scuccimarra made a motion to approve CP-10 – ADA Compliance Upgrades Various Locations Throughout the County; Seconded by Legislator Nacerino. All in favor.

Item #13 - Updates/ Highways and Facilities Commissioner Pena:

- 1. Koehler Center Access Road**
- 2. Stoneleigh Drewville Intersection**
- 3. Update Morningthorpe Bridge**

Commissioner Pena stated there was an entrance created for the development in the area of the **Koehler Center** and the County was supportive of it. He explained it gives the opportunity to connect the Koehler Center to a controlled intersection. He stated the County is now responsible to make the connection. He stated that the County is in communications with the Senior Housing representatives and they also agree it would be a good access for them as well. He stated the property will be transferred to the County. He stated the metes and bounds for the transfer of property and the easement are being done. He stated then the work will begin to get the road in place.

Chairman Albano stated the new road will provide access to the Koehler Center and the Senior Housing to the traffic light. He stated that the current access entrance will remain open with a “right turn” only restriction.

Commissioner Pena stated the selection of the design firm has been made to work on the **Stoneleigh Drewville Intersection**. He stated the County has received authorization to move forward with the preliminary engineering of that project. He stated it is a \$5 million project.

Commissioner Pena stated the **Morningthorpe Bridge** is completely designed and ready to go. He stated the County is working to meet the PLA (Project Labor Agreement) obligations. If it is determined that a PLA is necessary it will be packaged accordingly and move forward.

Lynn Eckardt, Resident of Town of Southeast, questioned if there is a timeline on the Morningthorpe Bridge work.

Commissioner Pena stated within 60 days they should have a response on the PLA obligations. He stated from that point it will be packaged accordingly to that determination. He stated the hope is to capture most of this 2018 construction season.

Legislator Sullivan questioned if there is a time line with the Stoneleigh Drewville Intersection project.

Commissioner Pena stated the design aspect of the project has just begun. He explained there will be an evaluation if a traffic circle would be appropriate and cost effective. He estimated it will be approximately another year. He stated there is also some considerable property acquisition necessary for that work. He stated the plan is to have a turning lane from the Stoneleigh Drewville Intersection to the first entrance of the hospital and install a traffic light at that hospital intersection.

Item #14 - Update/ Capital Projects Report – Duly Noted

Item #15 - FYI/ NYS Funding \$1.7 million to Repave and Resurface Section of Route 6 from Willow Road to Route 301 Intersection/Chairman Albano

Chairman Albano stated that this is great news for our community. He stated he has sent many correspondences, photos of pot holes and has had numerous phone conversations with representatives of the NYS Department of Transportation (DOT). He stated the County Executive and Senator Murphy have also contributed to bringing attention and the necessary work needed to the Putnam County roads. He stated it has

been a collaboration of efforts that have had a positive result. He stated this work is scheduled to begin after the Route 6 to Route 312 road work is done. He stated approximately September is his estimate, as long as everything stays on track. He stated that he has also requested that the NYS DOT review the Willow Road and Route 6 intersection where the bikeway crosses. He stated he has been told that they will conduct an evaluation. He stated it is all positive action.

Item #16 - Other Business

a. Approval/Bond/ Putnam Bikeway - Phase IV

Commissioner Fusco stated the Putnam Bikeway – Phase IV has been in the que for many years. She stated there is pending litigation with regards to this particular project. She stated that if there are going to be specific questions presented, due to the fact that there is pending litigation she recommends going into Executive Session. She stated if you just want to address the bond, it can be done in an open meeting forum.

Chairman Albano stated that the agenda item is to address the bond.

Commissioner of Finance Carlin stated it is an 80-10-10 project. He stated that is because of the sources of funding, the CMAQ (*Congestion Mitigation & Air Quality*). He stated Commissioner Fusco was able to negotiate with the Federal Government to secure the that the Federal Government will be responsible for 80% the State will be responsible for 10% and the County responsible for 10%. He stated the funds will be used to construct Phase IV of the Bikeway. He stated the County's portion is \$333,125. He stated the SEQRA has been done and the Period of Probable Usefulness (PPU) is 15 years. He stated that he will not know what the rates will be until a company bids on the project. He stated that he expects the rates to be higher than what they have been in the past. He stated the County still has a superior bond rating. He stated at this time he cannot report what rate the County would get. He stated he is aware that the 10 year treasury rates are up, so he would imagine the bond interest rates will be up too. He stated he and the Administration are fairly certain that the project will be finished. He stated the funding needs to be in place in order to put the bid out. He stated the focus and plan is to get the work started in the 2018 construction season and finish it in 2019.

Legislator Nacerino questioned what section of the bike path does this phase encompass.

Commissioner Pena stated that it is the point from Putnam Avenue (across from the Mobile Gas Station) to Kobacker Market.

Legislator Nacerino questioned if there is an update on the Governor's initiative to extend the bike path.

Commissioner Fusco stated the Empire State Trailway is the Governor's initiative. She stated Maybrook I & III, which the County had programmed funds for in the future will be completed by the Governor's funding. She stated that the date the Governor has given for his Empire State Trailway work to be completed is December 2020. She stated that the Putnam Bikeway IV is part of that Empire State Trailway, therefore the County is charged to have that portion completed by December 2020 as well.

Legislator Nacerino questioned who is responsible for the Operations & Management (O&M) as the County moves forward with the Bikeway.

Commissioner Fusco stated there has not been any type of formal agreement put in place. However it is understood it is the responsibility of the local municipality to maintain and secure.

Chairman Albano made a motion to approve and move to audit the /Bond/ Putnam Bikeway - Phase IV; Seconded by Legislator Scuccimarra. All in favor.

b. Approval/Budgetary Amendment (18A035)/ Putnam Bikeway – Phase IV/ Commissioner Carlin

Chairman Albano made a motion to approve and move to audit Budgetary Amendment (18A035)/ Putnam Bikeway – Phase IV; Seconded by Legislator Scuccimarra. All in favor.

c. Fishkill Road & Route 9/ Legislator Scuccimarra

Legislator Scuccimarra stated that there is a big dip at the point where Fishkill Road and Route 9 meet. She stated that her constituents have contacted her with complaints with that spot. She is aware that they are not County Roads, however can the County request that the DOT take action.

Commissioner Pena stated that he has been in touch with the DOT regarding that area. He stated that he will follow up on it. He stated that he believes it was exasperated by the paving of Route 9.

d. Hydrogen Production from Solar Cells/Chairman Albano

Chairman Albano stated that he had an informal meeting with a person who is working with Hydrogen Production from Solar Cells. He stated it was very interesting. He stated that there is an interest to look at County property. He stated that it sounds as though there is tremendous potential, and the best part is that there would be no emissions. He stated that there will be more information coming forward on that.

e. Thank You/ Collaborative Efforts To Secure Funding for County Road Works/ Legislator Sullivan

Legislator Sullivan stated he would like to follow up on the recognition of efforts by Senator Murphy, Assemblyman Byrne, County Executive Odell and Legislator Albano. He stated as a result of all the collective efforts and focus on bringing the State's attention, funding and action to getting Putnam County Roads worked on, it has happened. He stated it was a tremendous collective effort.

Item #17 – Adjournment

There being no further business at 7:40 p.m., Chairman Albano made a motion to adjourn; Seconded by Legislator Nacerino. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsky.