

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

Members:
Chairwoman LoBue & Legislators Albano & Othmer

Tuesday

August 21, 2012

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

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

Item #3) Approval of Minutes-Physical Svcs Committee Mtg. July 17, 2012
Chair LoBue stated that the minutes were accepted as submitted.

Item #4) Approval/Lease Renewal/Putnam County Veterans Residence
Legislator Birmingham questioned if there is a vacancy in the residence. He stated if so, he would like to notify Director of Veterans Affairs Karl Rohde.

County Attorney Bumgarner stated that Director Rohde is aware of the situation. They have been communicating regularly on this matter. She stated that one of the Tenant's Lease will not be renewed.

Legislator Othmer made a motion to Renew the Putnam County Veterans Residence; Seconded by Legislator Albano. All in favor.

Item#5) Discussion/Correspondence: Fr: Chair of Physical Services LoBue To: County Executive Odell Dated: July 25, 2012 Subject: URGENT-Carmel Sidewalk Project
Chair LoBue stated that she sent a memo to the County Executive marked URGENT on July 25, 2012. To date she has not received a response to that memo. She stated that the memo addressed the Town of Carmel Sidewalk Project and some of the facets of the projects such as how the project was executed. The side roads were finished before the Route 6 corridor, the troubles that occurred with the flagging and staging of the project.

Commissioner Pena stated that he had several phone conversations with Legislator LoBue pertaining to the Town of Carmel Sidewalk Project, which he believed addressed the traffic concerns.

Chair LoBue stated that her memo was sent July 25th the telephone conversation that Commissioner Pena is referring to took place on August 17, 2012. She stated that she called him because she had not received a response to her memo.

Commissioner Pena stated that flagging was an issue. He made recommendations to the Contractor, Brennan Construction, on several occasions. He stated that he believes that Brennan Construction did the best that they could in a tight situation. He stated that he

believes an alternative is that with future projects, the opportunity of night work be looked at. Also when doing that an increase in cost would need to be considered and other impacts of night work be reviewed.

Chair LoBue stated that the issue she is addressing is the lack of response to a memo that she sent as Chairwoman of The Physical Services Committee and marked "URGENT".

Commissioner Pena stated that if a written response is necessary then in the future he will do that.

Chair LoBue stated a response is expected written or verbal. She stated that she believed that it was an important issue to be addressed. The business owners of the stores along the work area were extremely frustrated and expressed to her that the project was having a very negative affect on their business.

Legislator Othmer stated that he would like to apologize. He stated that he believes Commissioner Pena did a great job. It was an inherited project. He stated that the area that was worked on is a highly congested area. He stated that he believes that an outstanding job was done in a bad situation.

Commissioner Pena stated that an alternative to traffic analysis before entering into a project is something to be considered. As stated night work option is something to be considered, he stated that option came to his mind during the project, however that would have resulted in a "change order" which would have been horrendous midstream.

County Executive Odell stated that she would like to reiterate what Legislator Othmer stated earlier, that this was an inherited project for Commissioner Pena. She stated what should be commended is that this project was completed on time and within budget. She stated having been a Legislator in Putnam County, she believes that is something that should be duly noted. She stated that a post event briefing will be conducted. Areas where there is room for improvement will be identified and addressed, as Commissioner Pena stated. She stated that night construction is done, and will be pursued as an option. She stated as they move forward with the Town of Kent Sidewalk project they will consider night construction as an option and opportunity. She stated that she wants it noted on the record "that this project did come in on time and in budget".

Chair LoBue stated that she would like noted on the record "that she addressed this letter to County Executive Odell with no response". She stated that the fact that we inherited the project did not prevent the County from making necessary adjustments as needed. She stated that they began ripping up some of the staging areas in December 2011, put up some orange tape, and then resumed the work in April. She stated that the original projected end time for the project was the end of June 2012, and then it was pushed out to July 31, 2012 and finally completed in the beginning of August.

Commissioner Pena stated that there were change orders.

Legislator Albano stated that he lives in the district where the project was conducted. Most of the time things worked well, but there were times in the day when people did become

aggravated. He stated that there are things that came up that caused a stop work in an area until the issue is resolved. He stated that a lot of things were missed, and hopefully in the future they will not go through that again.

Chair LoBue stated that does not address the flagging issues. She stated that at peak hours the traffic was at a standstill in the Town of Carmel's Business District.

Legislator Oliverio stated that he does not believe the issue is the construction project. He stated that the bigger issue is that a letter was sent to the County Executive and there was no response. He stated that the Legislature is a Branch of Government that must be recognized. The Legislature cannot be viewed as a rubber stamp to the Executive Branch. The Legislative Branch of Government does not stand alone and neither does the Executive Branch stand alone. When a request is made, it should be honored in a timely fashion that is the issue for him. He stated that the construction project, in his opinion, went well. There was some extreme heat, and they worked through it. He stated that people need to understand that when an infrastructure project is being worked on, it is going to cause some delays. He reiterated that when the Legislature contacts the Executive's Office and is looking for a response from a Department Head, there needs to be a quick response. The Legislature does not operate in a vacuum and neither does the County Executive.

Chair LoBue stated that the protocol in place is for all backup correspondence for agenda items to be at the Legislative Office seven (7) days in advance of the meeting date. She stated that she requested information from the Planning Department pertaining to Grant Funding. She stated that her request was made in the beginning of August. She stated the information finally arrived, via e-mail, at the Legislative Office today, the day of the meeting. Receiving correspondence the day of the meeting, does not allow the Legislators time to review the material and make intelligent decisions.

Chair of the Legislature Conklin stated that the Legislature has previously requested the cooperation of the Executive Office to cooperate with the seven (7) day rule. The purpose of this request is so all the Legislators have time to review material and to be informed on the matters that are on the Committee Agendas.

Legislator Othmer stated that when he served as Chair of the Physical Services Committee and he had a question he would make a phone call and get the information that he needed and provide the update at his next Physical Services Meeting. He stated that he believes all of the letter writing back and forth is ridiculous. He believes that the telephone is the best way to get the answers that you need.

Legislator Oliverio stated that there needs to be a paper trail for future reference. He stated that a document is what tracks History. He stated you cannot conduct business via telephone conversations.

Chair LoBue stated that she agrees with Legislator Oliverio that there needs to be documentation.

Legislator Birmingham stated that he believes that the request to the County Executive and her Office has been made, and suggested that the meeting move forward.

Commissioner Pena stated that there are a variety of ways that communication can be improved, and he is willing to do that. He stated that he is committed to providing updates on a timely basis. He stated if correspondence is decided to be the means of communication he will do that, or project status update meetings.

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

Item #6) Approval/Bond (\$379,500)/Maybrook Bikeway Construction

Commissioner Pena stated that they have completed the design, have vetted procurement and have a tentative low bidder. He stated that right now is the appropriate time to authorize the construction for this project.

Legislator Albano questioned if this is the project where a 2 million dollar grant was lost.

Transportation Planner Pilner stated no, that was a project in Patterson; also called Maybrook. The Patterson project is Maybrook I. The one being discussed tonight is Maybrook II

Legislator Albano questioned if Maybrook I and Maybrook II are in line with each other.

Transportation Planner Pilner stated that they are in line in the sense that they follow the railroad track that starts in Dutchess County and proceeds through Putnam. He stated that the Maybrook Bikeway Construction project being discussed tonight is the one located in Southeast. As previously stated the other Maybrook Construction Project is in Patterson. The two projects are not connected.

Legislator Albano questioned if there is any Grant Funding associated with the project on the agenda tonight.

Commissioner Pena stated that yes there is Grant Funding. He stated that the ratio on this Grant is 80%, 10% and 10%.

Item #7) Approval/Budgetary Amendment (12A062)/\$379,500/Maybrook Bikeway

Legislator Othmer made a motion to move Agenda Items #6 & 7 to the Audit & Administration Meeting; Seconded by Legislator Albano. All in favor.

Item #8) Approval/Bond (\$122,400)/New Freedom Grant/ Construction/ Reconstruction of Sidewalks

Chair LoBue requested that Transportation Planner Pilner provide insight into the location of of the "Sites" listed in the additional information received today.

Transportation Planner Pilner stated that Site 1: Route 6 & Old Route 6 is the area outside of the Donald B. Smith Campus in Carmel. He stated that the purpose of the New Freedom Grant is to accomplish the work that, due to lack of funding, was unable to complete in the other projects. Site 2: Route 6 & North Main Street is located down North Main Street in the Village of Brewster near Kobackers Grocery Store. He stated that the spirit of the New

Freedom Grant is to provide access to the disabled. The Site 2 area is where there is a bus stop for the Putnam County Transit Bus. Site 3: Route 6 & Peaceable Hill Road will provide about 500 feet of sidewalk where the Bike Path ends. Site 4: Route 6 & Allview Avenue will have an exit where the Bike Path will provide an access to cross Route 6 and provide access to the stores in that area. Site 5: Route 6 & Putnam Avenue that is where the current Bike Path ends at Putnam Avenue it will establish a full Pedestrian Crossing, which is required by the NYS DOT.

Item #9) Approval/Budgetary Amendment (12A063)/122,400/New Freedom Grant
Legislator Albano made a motion to move Agenda Items #8 & 9 to the Audit & Administration Meeting; Seconded by Legislator Othmer. All in favor.

Item #10) FYI/Fund Transfer (12T116)/Highways & Facilities/Additional Flaggers During Road Work Season

Deputy Commissioner Tully stated that this is on this as agenda as an FYI. This item had already been discussed earlier in the year.

Commissioner Pena stated that this has to do with the Flaggers that are used internally. He stated that rather than use permanent staff members they hire temporary staff at a much lower cost.

Chair LoBue questioned how many Flaggers will this funding cover.

Deputy Commissioner Tully stated that it will cover the hiring of four (4) Flaggers.

Item #11) Discussion/E-mail Fr: Robert Laga Subject: Mahopac P&R-Lights

Commissioner Pena stated that this matter has been corrected. The lights are supposed to come on at 5:00a.m. to 8:00p.m. to coincide with the last shuttle, per an agreement that was agreed to.

Item #12) Discussion/Correspondence: Fr: Legislator Oliverio To: Chair of Physical Services LoBue Dated: July 19, 2012 Re: Update on Peekskill Hollow Road Project/Weight Limit on Peekskill Hollow Road

Legislator Oliverio stated that he has had inquiries from his constituents, who organized the petition to have a Weight Limit enforced on Peekskill Hollow Road, as to the status of this matter.

Commissioner Pena stated that this is in an area where there is a Federally Funded Project going on. He stated that they are looking at the weight restrictions and what impact it would have on the traffic. It is something that must be fully studied before an appropriate response can be given.

Legislator Oliverio stated that he would also like a status on the project itself. Is the State Grant still secured?

Commissioner Pena stated that it is one of the projects that has been de-obligated.

Legislator Oliverio stated he believes priority should be to put a turning lane in front of the High School to the bridge, he believes that is critical and should be addressed.

Commissioner Pena stated that the hope is that they will be able to go even a little further around the corner to provide more site distance.

Legislator Oliverio stated that he would like to compliment Commissioner Pena on the work that has been done on a culvert right before the entrance to the high school. He requested that Commissioner Pena keep him updated on the work around the Lakeland High School and Peekskill Hollow Road. He also requested that the County Highway Department repeat the great brush trimming that they did, in May or June. He stated the site distance was much improved. However it is all grown back now. He requested that it please be done again.

Item #15) Verbal update/Highways & Facilities Updates/Commissioner Pena
a) Carmel Landfill

Commissioner Pena stated that the Landfill is substantially complete. He stated that close out documentation has been started.

b) Parking Deck/Update

Commissioner Pena stated that 90% of the demolition is completed. He stated that they have found some issues with the location of the Shear Studs. He provided an explanation of the purpose of the Shear Studs and explained that they were not placed exactly along the center line of the I-beam. He stated that it was an unknown condition and it is something that will require a negotiation of a change order.

Chair LoBue questioned if the projected end date would still be met.

Commissioner Pena stated that he believes that the end date will be delayed as a result of this situation.

County Executive Odell stated for the record that the Landfill Project ate up a lot of their time, and she wanted to compliment Commissioner Pena again on the completion of this job on time and within budget. She stated so two (2) very large projects that were being dealt with back when she served as a Legislator, have been completed on time and within budget.

Legislator Gross stated that Deputy Commissioner Tully brought him up to the Landfill Site. He stated that it is quite impressive. It was a job well done.

Item #13) FYI/Correspondence: Fr: Paul Camarda To: County Executive Odell Dated August 10, 2012 Re: Adopt-A-Highway Signs

Legislator Oliverio stated that Mr. Camarda brought up a valid issue. He stated that he is addressing State Roads and that is the Adopt-A-Highway Program administered by the State.

Chair LoBue stated that it was decided that that the County would discontinue their program which was the Adopt-A-Road Program.

Legislator Oliverio stated that it brings up a valid point of does the County want to discontinue their Adopt-A-Road Program when there may be interested parties out in the community.

Legislator Albano stated that he was approached by some folks who were upset that the County Program was not going to continue. He stated that the folks who contacted him were diligent about the commitment of picking up the litter on the Roadway that they sponsored. He stated that he hates to discourage people who want to volunteer. He suggested the option of putting a recording program in place. He stated that litter is a problem.

Legislator Othmer stated that he only had a problem with Politician's using the signs for advertisement.

County Attorney Bumgarner stated that there would be regulation issues with the suggestions made.

Chair LoBue stated that there is no action taken on this FYI matter- Duly Noted.

Item #14) FYI/Corporate Agreement with Putnam County/EOH WQIP Funds –Balance of 8.2 million

Deputy County Attorney Harris stated that she will start with a brief presentation. The purpose is to provide a comprehensive overview identifying the County's requirements as well as to provide an update on the functions and duties of the Corporation. (A copy of the presentation attached). She stated that currently there are nineteen (19) municipalities that are part of the Corporation. She stated that the main function of the Corporation is to implement the Retrofit Program; which is only one part of the heightened requirements which is additional to the minimum control measures required from the permit. She stated that she would like to highlight one of the benefits of the Corporation, which is it allows a unified bubble compliance approach in meeting the five year phosphorus reduction targets established by the NYSDEC.

Deputy County Attorney Harris closed her final slide with stating that the Corporation is up and running and they have adopted Fiscal Policies and Standard Operating Procedures which governs the approval of projects and the dispersing of funds. She stated that they are addressing and approving all costs that are associated with the Retrofit Program and they are

responsible for combining the Regional Retrofit Plan into one comprehensive plan. This requires taking Dutchess, Putnam & Westchester Counties projects and making them into one plan. Then they will coordinate to implement all of the projects.

Legislator DiCarlo questioned if the Legislature will receive status reports from the Corporation.

Deputy County Attorney Harris stated that the County Executive is one of the Board of Directors of the Corporation. If she is not present there is always a representative in attendance at a meeting. It is stated in the Corporation Agreement that documents can be requested at any time. She stated it can be a brief exchange of information; it would just need to be requested.

Legislator Tamagna complimented Deputy County Attorney Harris on the great job she has done on this project. He stated that the projects were already decided and approved by the NYSDEC. He stated then they could only work off of that list. He questioned if that is still the case.

Deputy County Executive Walker stated that up to year 3 of the 5 year plan is approved. He stated that Rich Williams of Patterson is the one who coordinated and handled that before the Corporation was up and running. He stated that the plan for years four and five will be submitted by the Corporation.

Legislator Tamagna stated that the projects in years 1-5 are the easier projects; years 6-10 projects will be more complicated and expensive. He stated that the Corporation has given the municipalities of the East on Hudson one collaborative voice. He stated that he believes that will facilitate much more efficient and effective communication.

Legislator Oliverio questioned who the President and Vice President are of the Corporation.

Deputy County Attorney Harris stated the President is Town of Somers Supervisor Marybeth Murphy and the Vice President is the Town of Patterson Supervisor Mike Griffin.

Legislator Oliverio stated that he was interested to know what salaries are allocated to the members of the Corporation.

Deputy County Attorney Harris stated that there are only two employees who receive salaries. The Executive Director and the Secretary.

Legislator Oliverio questioned if the Corporation anticipates adding individuals to the payroll.

Deputy County Executive Walker stated possibly. At some point there may need to be additional staff added to carry out the work that needs to get done.

Legislator Oliverio questioned if it is safe to say that a lot of the work that is being done currently is being done by volunteers – people who have a vested government interest.

Deputy County Executive Walker stated that is accurate.

Legislator Oliverio stated that he finds that very impressive that the Elected Officials and Departmental individuals are assisting.

Deputy County Attorney Harris stated that as a member of a municipality we are responsible to stay in compliance with this permit. So even though the Retrofit Program is being implemented by the Corporation, we as a County, are still responsible for our portion. She stated that there are several components that also must be met as well.

Legislator Othmer stated that everyone needs to be cognizant of the fact that these DEC designs may not work. This is a scientific uncertainty. He stated this is not a proven science.

Legislator Albano stated that he wished that they had some test runs in place.

Chair LoBue requested that Deputy County Attorney Harris provide insight to the backup correspondence “Schedule B” from the Corporate Agreement with Putnam County as discussed at the July 12, 2012 Board of Directors Meeting.

Deputy County Attorney Harris stated that the Corporate Agreement Authorized the transfer of the \$8,200,000 (8.2million) to the Corporation for the implementation of the Retrofit Program, for years 1 to 5. She stated that prior to the transfer of the 8.2million dollars; the County withdrew funding from that total that the Corporation will disperse payment to municipalities to cover the costs of work that had been started and agreed to by the Administration and the Coordinating Committee prior to final formation of the Corporation.

Item #16) Other Business

Steve Rosario, Resident – stated that he whole heartedly agrees with the previous discussion about the importance of the Legislature receiving correspondence and pertinent information prior to a meeting. There is another group that was not considered in that discussion and that is the tax paying public. There was an excellent presentation made in Philipstown regarding “Open Meetings and Freedom of Information”. He stated it was about a 3 hour meeting which addressed the importance of government operating with transparency. He stated in closing

that it is critical that the Legislature receive the information and it is also critical for the public to receive the information. He stated that he wanted to give that perspective from someone who sits in the public.

Chair LoBue stated that the Legislature's web page has all of the agendas and the corresponding documentation, that the Legislative Staff has received by the time of the distribution of the agenda, which is five (5) days before the meeting date.

Item #17) Adjournment

There being no further business, at 7:55P.M., Legislator Othmer made a motion to adjourn; Seconded by Chair LoBue. All in favor.

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