

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

**Tuesday**

**July 15, 2014**

**The meeting was called to order at 6:45p.m. by Chairman Albano who requested that Legislator Castellano lead in the Pledge of Allegiance. Upon roll call, Chairman Albano and Legislators Nacerino and Scuccimarra were present.**

**Item #3) Approval/Physical Services Meeting Minutes/June 12, 2014**

Chair Albano approved the minutes as submitted.

**Item #4) Approval/Fund Transfer (14T131)/Separate Phone Charges/Planning Department**

Legislator Scuccimarra made a motion to approve Fund Transfer (14T131)/Separate Phone Charges/Planning Department; Seconded by Chair Albano. All in favor.

**Item #5 Approval/Bonds-Putnam Bikeway Maybrook 2**

Legislator Oliverio stated that he has expressed his feelings in regards to the excessive amount of bonding that the County has done in the past three (3) years. He stated that there will be discussion on the status of the County Bonds at the July 28<sup>th</sup> Audit & Administration Committee Meeting.

Legislator Scuccimarra made a motion to approve the Bonds-Putnam Bikeway Maybrook 2; Seconded by Chair Albano. All in favor.

**Item #6) Approval/Budgetary Amendment (14A061)/Bikeway Maybrook 2/Update Capital Project Estimated Costs for Maybrook 2**

Legislator Nacerino made a motion to approve Budgetary Amendment (14A061)/Bikeway Maybrook 2/Update Capital Project Estimated Costs for Maybrook 2; Seconded by Legislator Scuccimarra. All in favor.

**Item #7) Approval/Bonds- Rehabilitation of Morningthorpe Bridge**

Legislator Oliverio stated that tonight there is an additional approximate \$1.2 million dollars proposed for approval which will be added to the already approximate \$13 million dollars that have been bonded. He stated that in his opinion this is a major concern. He appealed to his colleagues to look at the requests to bond seriously. He stated that he would like the County to consider using some of the cash from the Sales Tax budget line to offset the cost for these projects. He stated the agreement on support of the bonding is that it is cheap to bond right

now and the County will pay it off. He stated that it is cheaper if the County pays it now and has not debt at all. He stated debt is debt.

Chair Albano stated that a lot of the projects that are bonded have a useful life. He stated that the expense is spread over so many years. He stated that they are not necessarily expenses that will go up in value. He stated that at the end of the year if the County has extra funds, he believes that there are other expenses that would be better to pay off.

Legislator Scuccimarra made a motion to approve Budgetary Amendment (14A061)/Bikeway Maybrook 2/Update Capital Project Estimated Costs for Maybrook 2; Seconded by Legislator Nacerino. All in favor.

**Item #8) Approval/SEQRA Determination- Morningthorpe Bridge Replacement Project/Village of Brewster**

Legislator Scuccimarra made a motion to approve SEQRA Determination- Morningthorpe Bridge Replacement Project/Village of Brewster; Seconded by Legislator Nacerino. All in favor.

**Item #9) Approval/Budgetary Amendment (14A060)/Morningthorpe Bridge & Walkway/Update Capital Project Estimated Costs for Morningthorpe Bridge & Walkway**

Legislator Scuccimarra made a motion to approve Budgetary Amendment (14A060)/Morningthorpe Bridge & Walkway/Update Capital Project Estimated Costs for Morningthorpe Bridge & Walkway; Seconded by Legislator Nacerino. All in favor.

**Item #10) Discussion/Approval/Memorialization/Opposing Clean Water Act Regulation Proposed by Environmental Protection Agency and Army CORPS of Engineers (*tabled at 7/1/2014 Full Mtg*)**

Chair Albano stated that Commissioner Beals was asked to provide his professional insight on this matter.

Commissioner of Health Allen Beals stated to begin he would like to provide some background. He stated that the Clean Water Act (CWA) was passed in 1972. He stated that the issue here is that over the past approximately 40 years exemptions have been carved out of the original Clean Water Act for: not continually running streams, seasonal streams and wetlands that are not directly connected to waterways. He stated that this particular piece of legislation is trying to bring the original Clean Water Act Regulation back making it applicable to all of the waterways. He stated that in 1972 the Hudson River was not in good shape. He stated as a result of the Clean Water Act Regulation the condition of the Hudson River has improved dramatically. He stated that the programs that the County runs such as Household Hazardous Waste Days and Medication Take Back Days, all contribute to preventing pollutants from getting into our watershed. He stated that he raised the question of this proposed memorialization to the environmental groups that he works with. He stated that group is comprised of Engineers and those with Masters in Public Health. He stated that the majority believed that the new regulation should be extended to cover the Clean Water Act. He stated that obviously this is a topic for

debate; he stated you have on one side the environmental groups and agriculture on the other side you have industry and the construction industry. He stated that based on his environmental experts' opinion and the general feeling, we must protect our waterways. He stated he recommends that this Legislature not support the opposition to bring the Clean Water Act Regulation back to its full strength.

Legislator Nacerino stated that she would like to read into the record a response received from the Putnam County Soil and Water Conservation District Manager Lauri Taylor, *"If these EPA changes go through it will create a heavy burden of time and finances without any clear environmental benefit. This will also increase the cost of the unfunded MS4 mandate that the County is already struggling with. If you have any questions or need further information, please don't hesitate to contact me"*. She stated that she believes it is important that this be included in the record. The environmental agency of the County supports this proposed memorialization.

Deputy Commissioner of Highways & Facilities Tully stated that the Department of Highways & Facilities is in agreement with the opinion stated that there would be an increased financial burden on the County. He stated that he does also understand what Commissioner Beals has stated.

Legislator Scuccimarra stated that she received an e-mail from a concerned constituent who expressed, what was previously stated by Commissioner Beals. There needs to be regulations in place to protect our streams and wetlands. She stated she understands the issue of the fiscal impact. However, in her opinion, in terms of the health and safety of our constituents; water is one of our most precious commodities. She stated that her opinion is to wait on this. She stated that she suggests Putnam County Soil and Water Conservation District Manager Lauri Taylor be invited to speak on this matter at the August meeting.

Legislator Oliverio stated that he agrees with Legislator Scuccimarra that the debate on this matter should continue. However, he understands what Commissioner Beals has said. He stated that recorded history has so many civilizations that have ceased to exist because of change in climate and lack of water. He stated that changes are not being made to the regulations, they are working to bring it back to its original state. He stated that he agrees with Commissioner Beals and his environmental group in their recommendation for this Legislature to not weigh in on this matter. He stated that he believes this should be debated in Albany and at the Federal level of government.

Jeff Green, Town of Kent Resident, questioned if the committee members were familiar with the genesis of why the EPA Regulations are changing. He stated that it all began with a lawsuit. He stated that he read the entire Clean Water Act, and provided his overview and opinion on the matter. He stated that he was curious as to where would the extra costs come in from that have been referenced this evening.

Deputy Commissioner of Highways & Facilities Tully stated the resolution that is front of the Committee tonight indicates areas of additional costs in terms of resources. He stated that anytime there are additional regulatory agencies involved it takes additional time; hence the cost

in time. He stated if this Committee's decision is to continue to look at this, he can work on a more formal presentation of the Highways & Facilities Department's opinion. He stated he agrees there are two (2) sides of this matter.

Ann Fanizzi, Town of Southeast Resident, stated that there is need for clarification, as proposed, is to avoid increased core costs to Towns and Landlords. She stated that there is a focus to protect the private interest. However, she believes the public interest must be protected. She stated that in her opinion Commissioner Beals made that very clear. She continued to express her support of the reinstatement of the CWAR to its original standards.

Legislator Nacerino stated she supports the essence of this regulation to ensure that our water is kept clean. She stated that she read into record the backup from this agenda item to make this transparent.

Chair Albano stated that in his opinion at times in this world the mode of action is to over correct. He stated as a builder in this area, he is aware of the current regulations, and in his opinion, Putnam County is addressing all that should be addressed. He stated he cannot imagine any additional regulations added that would result in an increase in costs. He stated in reference to the phosphorous removal requirement that Putnam is currently required to address, and is doing so. He stated that the fact of the matter is that there are no tests proving that all of these steps being taken are making a difference. He stated at this point it is theory. He stated that he supports protecting our water quality. He stated his concern is going too far to the other extreme resulting in complicated requirements and heightened expenses with no true benefit at the end.

Deputy Commissioner of Highways & Facilities Tully stated that the Highways & Facilities Department can provide the Legislature with all of the data that is currently collected and required in respect to the County's conveyance systems. He stated he believes by providing the list of current restrictions that are be adhered to; it may shed some light on this consideration.

Chair Albano stated that he would also like to know if the restriction has resulted in a positive outcome. He stated that he would appreciate receiving that information and believes it would serve to be very useful.

#### **Item #11) Update/Tilly Foster Farm-Country Fair July 3, 4, 5 & 6<sup>th</sup>, 2014/Financial Assessment**

Commissioner of Finance Carlin went over the financials that he had provided as backup. The preliminary account of Revenues is \$19,295.90 and the preliminary account of the Expenses is \$15,368.89. He stated that the financials for the overtime of the Highways & Facilities Department Employees and the Sheriff's Department Employees are not yet available. He stated that they will be upon the completion of the 7/25/14 payroll period. He stated that he projects that total to be in the neighborhood of \$20,000. He stated that the 4H Fair has been going on in this County annually for many years. The County pays overtime to man the booths

and to have the Sheriff's Deputies direct traffic and the County pays employees to clean up. He stated his point is that he would like to know if there is going to be consistency in requesting financial assessments for Fairs held on County owned property or will there be a selection process of picking the ones that are liked and not liked.

Legislator Oliverio stated that the Legislature has received the financials from the 4H Fairs of past years. He stated that now there is no need to check on the 4H Fair; it is a historic event in Putnam County at this point. He stated that it is also a reflection of our agricultural and the dairy past of Putnam County. He stated that this event being discussed was a Carnival it was not a Country Fair. He stated that he disagrees with Commissioner Carlin. He stated this was a propaganda event. He stated in his opinion the County did not need the event and did not need to lose almost \$30,000 on it.

Commissioner Carlin stated that is Legislator Oliverio's opinion.

Chair Albano stated that he appreciates Commissioner Carlin being present and he believes that he brought up. He stated other Counties host a lot of events for their residents. He stated for example Westchester County spends approximately \$1 million dollars a week on their parks and recreation. Putnam County is working to make their facilities, such as the farm and the golf course, cost effective for the taxpayers. He stated that this was a major endeavor to get the farm back and start doing some work on it. He stated that there were water quality issues addressed, road issues taken care of to prepare for the Fair. He stated there were things that were going to be done, but because of hosting this event they were expedited. He stated amazingly with the bad weather the people were accommodated and he has heard positive feedback from people. He stated it was a way to show people the farm. He stated that the timing seemed appropriate. He stated he also heard from many people that it was their first time on the property. He stated that was the goal, have the residents come and see the facility.

Legislator Oliverio stated introducing the facility to people could have been accomplished without hosting a carnival there; the grounds have been ripped up.

Chair Albano stated the grounds will return to its original condition. He stated that he is happy with the positive feedback that he has received regarding the event and is happy that many of the people who attended the Fair had come to the farm for the first time and were pleased with what they saw. He stated that many of the people he spoke with were very interested and optimistic with the plans that were displayed for the future of the farm.

Ann Fanizzi, Town of Southeast Resident, stated that she does not agree with Chair Albano's statements. She stated that she was at the event each day.

Legislator Nacerino stated that the purpose of the event was to provide an introduction to the Tilly Foster Farm. She stated prior to this there were a select view who used that farm. She stated that the intent and objective for the farm now is to have all of the residents exposed to the property and allow them to enjoy and reap the benefits of the farm. She stated it is not a private club. She stated it is a farm that belongs to the taxpayers of Putnam County. She stated that

this event was an attempt, which proved to be very successful, to expose the people to the farm. She stated that she volunteered for many hours in the welcoming booth at the Fair and spoke with many patrons of the farm, who were thrilled to be there on the property and also thrilled with the proposed changes. She stated the objective was met. She stated when we speak to a quality of life event, whether it is your opinion that it is a quality of life event or not, she stated the objective is not to turn a profit on the backs of the taxpayers. She stated it is a service that is being provided. She stated the event provided the opportunity to introduce the asset to the people. She stated as the County moves forward with the farm many of those same people will come back to future events for future enjoyment.

Katherine Dwyer, Brewster Resident, stated that she had boarded her horse at Tilly Foster Farm, when the County had a horse boarding business there. She stated that she was very troubled to see the condition of the property when she went to the farm. She stated in her opinion the facility is currently a complete disaster. She expressed her dissatisfaction with the condition of the buildings and the fields. She stated that the horse boarding business was beautiful and it generated revenue for the County. She stated that there was one (1) Turkey on the farm property. She stated she inquired if the Turkey was locked up at night, due to the fact that there are coyotes in this area. She stated that she was told that the turkey is not locked up at night; plus a coyote could not jump that fence. She stated that she did not agree with that statement. She stated in her opinion the farm is horribly derelict. She stated the farm is in need of some mowing and tender loving care. She stated that she was troubled also by the amount of litter that she saw strewn throughout the farm property. She stated if plastic is digested by a horse or cow it is very dangerous. She stated that the time frame she is referring to, that she saw all of this, is approximately ten (10) days after the fair event. She stated that she is concerned that the idea is to have a carnival there every year.

Legislator Nacerino stated no one has said that is the plan.

Chair Albano stated that was never the intention.

Katherine Dwyer, Brewster Resident, stated in her opinion she would like to see the beautiful 4H Fair continued, and would like to see a horse boarding business at the farm. The previous horse boarding company, Meadowcreek Farms produced approximately \$263,000 in revenue over the years, approximately four (4) years that they were there.

Chair Albano stated that the matter of having horses at the farm has not been ruled out. He stated that if anyone knows of a company who would like to bring such a business to the farm, please have them contact the Legislature. He stated if it make sense financially it would reviewed.

Katherine O'connor, Resident, stated that she attended the carnival. She provided an overview of the event as she saw it. She stated that she does not believe that is was a great place for carnival.

Arthur Singer, Town of Kent Resident, stated that he saw a videographer at the event. He questioned Commissioner Carlin as to what County budget line will that be paid for out of. He stated that he has seen this individual before and he assumes that the person works for the County.

Commissioner Carlin stated that he would have to get back to Mr. Singer, he is not aware of a charge for a videographer for the event.

Arthur Singer, Town of Kent Resident, stated that there was approximately a half a mile of new fencing, where would that be charged to in the County's budget.

Commissioner Carlin stated that he is not aware off hand, he will contact the Highways and Facilities Department. He stated as a point of information a lot of the work was done by the participants of the Alternatives to Incarceration Program (ATI). He stated the County purchased the material.

Arthur Singer, Town of Kent Resident, requested clarification on which budget line that money would have been taken from.

Deputy Commissioner Tully stated that he believe Mr. Singer is referring to the orange fencing that was used to delineate different areas. He stated that he would have to check if they needed to purchase any additional fencing for the fair. That fencing is reusable and there is a large inventory that is kept in the Highways and Facilities Department.

Arthur Singer, Town of Kent Resident, continued to pose questions to gain clarification on his interpretation of the finances supplied. He stated that he was disappointed to hear the personal views from Commissioner Carlin regarding the fair as he is serving in his capacity of Commissioner of Finance for Putnam County.

Commissioner Carlin stated that he is a resident and a tax payer of Putnam County and his family enjoyed being at the fair.

Legislator Scuccimarra stated she, as did Legislator Nacerino and several of other Legislators, spent time at the Tilly Foster Farm Fair. She stated while there she witnessed both children and adults enjoying themselves. She stated it appeared to be an enjoyable experience for the majority of people that were there. She stated that she was very happy to see the future plans displayed for the public to view. She stated that the progress will be done in phases. She stated that one (1) of the phases will include bringing animals back to the farm. She stated at that time the lone Turkey will have some company. She stated in time the paddocks will be mowed and taken care of. She stated that her opinion is that a horse boarding facility is not good for the public; it is a club. She stated that a horse boarding facility will serve a select view. She stated that it will not be for the people of Putnam and that is the goal behind the farm is to create a location that will welcome and attract all of the people of Putnam. She stated that she believes the County is on the right track. She stated that she is excited to see the other phases and the animals that that will be coming to the farm.

Mike Lamb, Resident, questioned if there is a total number available of visitors that attended the fair/carnival.

Chair Albano stated he is not aware of a total number. He stated that he is confident had the weather been better the attendance would have been as well.

Mike Lamb, Resident, stated that he attended the fair/carnival on Sunday with friends who had a child who wanted to see the animals. He stated it was advertised that there would be a petting zoo. Unfortunately, for his guest and daughter, there was no petting zoo. He stated that was a disappointment. He stated that he has lived in Putnam County for 15 years. He stated that he has seen Tilly Foster Farm come and go. He stated that he drove onto the property for the first time to attend this event and saw the rocks and slashes in the earth, he felt that the property had been disrespected. He stated that he supported the idea of having the fair coming to the farm when he heard of it. He stated that he did want to express that he was upset when he saw the gouging of the land.

Legislator Nacerino stated that she wanted to thank Mr. Lamb for his comments, and for acting as a gentleman. She stated that his comments were heard. She stated that this fair was an experimental event. She stated the goal was to expose the people of Putnam County to the property. She stated she believes that objective was achieved. She continued by stating that ideas are still welcome from the community as to what they would like to see up at the farm. She stated that currently the infrastructure is being worked on. She stated that she agrees with Legislator Scuccimarra the goal is to create a destination that will be diverse and attract as many people as possible. She stated that they would like to maximize the space in a diverse way so that different aspects and different populations get to utilize and enjoy the farm. She stated that she believes the County will be very successful with this mission in the future.

Legislator Scuccimarra stated that she would like to address Mr. Lamb's comment regarding the lack of the petting zoo at the fair on Sunday. She stated that the small petting zoo was at the fair on Saturday. However, on Sunday as the animals were being transported to the Tilly Foster Farm event they were detained in traffic, to the point that it was not good for the animals, thus made the decision to turn around. She stated that Mr. Lamb was correct in that the petting zoo was supposed to be at the fair on Sunday.

Ann Fanizzi, Town of Southeast Resident, stated that one thing that Mr. Whipple did well previously was to open up the farm every day. She stated it is a canard to say that people did not come to the farm in the past. She stated that she worked on several events that were held at the farm and they were well attended.

Legislator Nacerino stated that she did not say that people did not visit the farm or attend the events that were held there. She stated she is addressing the undertaking that is in front the County today. She stated that is what she is speaking to. She stated that the goal is to maximize the resources. She stated that the County is moving forward with this asset and a new generation of people who are going to utilize the farm.

Ann Fanizzi, Town of Southeast Resident stated that she believes that the County Executive and the Legislature are not listening to the people. She stated that it has been seven (7) months, there have been no animals brought to the farm. She stated that the people have said they want to see animals at the farm. She stated in addition money has been lost.

Chair Albano stated that when there was a plan brought forward in the beginning of 2014, there were comments made that it was too ambitious and moving too fast. He stated that he attended the public Tilly Foster Farm Future working meetings. He stated that the feedback provided was compiled, and that is where the conceptual plan came from. He stated that the County is moving forward, however it will take time and people need to be patience. He stated that the negative energy does not help anyone. He stated this event got more people to visit that farm than have in the past three (3) four (4) years.

Deputy County Executive Walker stated that the acquisition of the animals has begun. He stated that Chickens are being delivered tomorrow. He stated that there is a sequence that is being followed brining the animals to the farm. He stated that one of the most important things everyone involved wanted to ensure was the welfare of the animals as they are brought onto the farm property. He stated that Chickens are fairly durable.

Legislator Oliverio stated as a final comment the event took place, it is over. He stated that he agrees with Legislator Albano in that the County needs to put focus on where we are going with this county owned property. He stated that there may be a difference of opinions; it is about priorities, and where it is that the County puts its priorities. He stated that is how he views this.

Chair Albano stated Westchester County at this point, which he read in an article, is refusing the donation of properties, because of the cost associated to the up keep. He stated that the Farm is a property that the County has inherited. He stated that there is a lot of thought, planning and strategizing being done to make the property an asset without it costing the taxpayers a lot of money.

Arthur Singer, Town of Kent Resident stated that he attended all of the focus group public meetings held by Deputy County Executive Walker. He stated he does not recall anyone stating that there should be a carnival held at the farm.

Chair Albano stated it seemed like a great idea to coordinate it with the Fourth of July Fireworks. It is not the intent of the farm. He stated that there were a lot of people and work that went into bringing the event forward. He stated that he commends all of them.

Jeff Green, Town of Kent Resident, stated he agrees that anything done at the farm is a positive thing moving forward. He stated that he agrees that on Friday, Saturday and Sunday of the event more people saw the farm than had in the past. He stated in his opinion there were a few issues with the event. He stated that he did not like that the County Executive's name was on the invitation and he does not agree with water quality money being used on non-water quality issues. He stated that the Septic Replacement Program was cancelled and then the money

was transferred into the farm, this is a matter he will address specifically in the future. He stated for now, anything that moves the farm forward; in his opinion is a good thing. He stated that there is a difference between a working farm and a showplace farm. He stated a working farm is an industrial episode. He stated these things need to be taken into account as well. He stated that if Putnam County wants a showcase farm then that is fine. However he stated that it will take time to get there.

Katherine Dwyer, resident, continued with her support of the past company that had the horse boarding business at the farm and some of the events that were hosted at the farm and attracted large crowds.

Chair Albano stated proposed suggestions are welcomed.

Legislator Tartaro stated that in reference to the revenue that was generated by the previous horse boarding business he would like clarification that it a gross amount \$200,000 plus it does not reflect the expenditures.

Chair Albano stated that is the past, at this point the County is moving forward. He stated that if there is a horse boarding business that would like to be considered they should contact the County.

#### **Item #12) Update/Posting of Three (3) Weight Limit Signs on Peekskill Hollow Road**

Deputy Commissioner Highways & Facilities Tully stated that the three (3) weight limit signs have been posted.

#### **Item #13) FYI/Budgetary Amendment (14A062)/Highway Department/To Cover Cost to Repair Damage to County Vehicle –Duly Noted**

#### **Item #14) Other Business**

##### **14a) Approval/Budgetary Amendment (14A066)/State Snow & Ice Agreement**

Legislator Scuccimarra made a motion to approve Budgetary Amendment (14A066)/State Snow & Ice Agreement; Seconded by Legislator Nacerino. All in favor.

##### **14b) Discussion/4H-Fair Advertisement in Press Newspaper/Legislator Oliverio**

Legislator Oliverio explained that it was a misprint. He stated Mr. Hall contacted him and asked if he wanted to sponsor an ad for the 4-H Fair. He stated that he agreed to do that. However, the actual publication makes it sound like he is sponsoring the 4H-Fair, which of course is inaccurate. He apologized for the error. He stated it is missing the word “ad” in the byline.

Chair Albano stated he wanted clarification on that matter, because that is a delicate area, and it has been discussed previously by this Legislature in great detail.

Legislator Nacerino stated that she would recommend that Legislator Oliverio request that Mr. Hall provide a retraction in his next publication.

**Item #15) Adjournment**

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

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