

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

Tuesday

September 6, 2016

7:00 P.M.

The meeting was called to order at 7:05 P.M. by Chairwoman Nacerino who requested that Legislator Gross lead in the Pledge of Allegiance. Chairwoman Nacerino requested that Legislator Scuccimarra lead in the Legislative Prayer. Upon roll call, Legislators Scuccimarra, Gouldman, Addonizio, Albano, Gross, Castellano, LoBue, Wright and Chairwoman Nacerino were present. Also present was Legislative Counsel Van Ross.

PROCLAMATIONS

Chairwoman Nacerino recognized Legislator Gross who presented the "9/11 Day of Service & Remembrance" proclamation to Doreen Lockwood - Project Coordinator for Partnership for Success (National Council on Alcoholism & Other Drug Dependencies (NCADD)). Ms. Lockwood accepted the proclamation on behalf of Commissioner of Social Services Michael Piazza, Deputy Commissioner of Social Services Joseph DeMarzo, The Communities that Care Coalition and the Veterans Task Force.

9/11 DAY OF SERVICE & REMEMBRANCE

WHEREAS, On September 11, 2001, the peace and security of our nation was shattered by terrorist attacks that killed many innocent people at the World Trade Center towers in New York City, at the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania. Although the terrorists' goal was to strike a powerful blow to the hearts of all Americans and tear at the fabric our nation, arising from the very ashes of that tragedy came a remarkable spirit of unity, compassion, and determination that will never be forgotten, just as we will never forget those who were lost and injured on that day, and those who came to service during the rescue and recovery effort and in defense of our Nation both at home and abroad; and

WHEREAS, people of all ages and walks of life, across America, and around the world, collectively witnessed an event of immense tragedy on September 11, 2001; and

WHEREAS, an unprecedented, historic bonding of Americans ascended from the collective shock, unifying the Country in an outpouring of national spirit, pride, selflessness, generosity, courage, and service; and

WHEREAS, many brave people heroically, tirelessly, and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk

WHEREAS, on September 11, 2009, the President of the United States issued the Patriot Day Proclamation officially and permanently designating September 11th as a National Day of Service & Remembrance, and calling upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, as well as community service and charitable activities in tribute and remembrance; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature recognize the VetCorps Project c/o Putnam County Communities that Care

Coalition and the Putnam County Office of Veterans' Services for coordinating a community event that will invite and welcome residents to write "Thank You" letters to First Responders, Veterans both abroad and at home, Police Officers, and Firefighters and express their sincere observance and appreciation for the outpouring of dedicated service. September 11th will never, and should never be just another day in the hearts and minds of all Americans and people around the world.

Chairwoman Nacerino recognized Legislator Scuccimarra who presented the "National Recovery Month" proclamation to Doreen Lockwood - Project Coordinator for Partnership for Success (National Council on Alcoholism & Other Drug Dependencies (NCADD)). Ms. Lockwood accepted the proclamation on behalf of Commissioner of Social Services Michael Piazza, Deputy Commissioner of Social Services Joseph DeMarzo, The Communities that Care Coalition.

NATIONAL RECOVERY MONTH – SEPTEMBER 2016

WHEREAS, behavioral health is an essential part of health and one's overall wellness; and

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

WHEREAS, preventing and overcoming mental and/or 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/or 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, in 2013, 2.5 million people aged 12 or older received substance use treatment at a specialty facility and 34.6 million adults aged 18 or older received mental health services, according to the *2013 National Survey on Drug Use and Health*. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and the National Council on Alcoholism & Other Drug Dependencies/Putnam invite all residents of Putnam County to participate in *National Recovery Month (Recovery Month)*; now therefore be it

RESOLVED, that the Putnam County Executive and the Putnam County Legislature do hereby proclaim September 2016 as *National Recovery Month* and together with 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*.

Item #4 - Approval of Minutes – Regular Meeting – August 2, 2016

The minutes were approved as submitted.

Item #5 - Correspondence

a) County Auditor

There was no activity during this reporting period.

Item #6 - Pre-filed resolutions:

Legislator Wright requested that Item #8 – Recognition of the Public be taken out of order to allow the public the opportunity for those persons wishing to discuss the Butterfield Bond, Lease Agreement and SEQRA Determination. He believed that this item was not dealt with in an appropriate manner at the Physical Services Committee. Discussion was cut off based upon the incorrect assertion that the Lease Agreement had been signed and therefore, a request was made that any discussion would be limited to four (4) items that were under consideration. He believed that fundamental fairness and due process would suggest that if favorable determination by the Chair would permit interested members of the public to comment at this juncture.

Chairwoman Nacerino stated that she disagreed with Legislator Wright's opinion and believed that comments could be said at the end of the meeting and would still have the same merit. Chairwoman Nacerino called for a Roll Call Vote.

Legislator Wright asked Legislative Counsel Van Ross for a ruling on the determination of the Chair.

Legislative Counsel Van Ross stated that the Chair's ruling stands unless there is a motion made to sustain the ruling of the Chair.

Legislator Wright made a motion to consider sustaining the ruling of the Chair; seconded by Legislator LoBue.

Chairwoman Nacerino stated that she called for a Roll Call Vote and she questioned what we were suspending.

Legislative Counsel Van Ross stated that the motion is to sustain the Chair's ruling to prohibit the public from speaking at this point.

Chairwoman Nacerino clarified that she disagreed, but with respect she called for a Roll Call Vote.

Legislative Counsel Van Ross stated that a Roll Call Vote is not in order. The rules provide that the Chair makes the ruling and the motion was made to sustain the ruling of the Chair which has been seconded. He stated that during that vote the Chair does not vote. He stated that if you want to sustain the ruling of the Chair and not allow public comment at this time, you would need to vote, "yes." To allow the public to comment would be a "no" vote.

BY ROLL CALL VOTE: FIVE AYES – LEGISLATORS ADDONIZIO, ALBANO, CASTELLANO, GOULDMAN & SCUCCIMARRA. THREE NAYS – LEGISLATORS GROSS, LOBUE & WRIGHT. MOTION SUSTAINED TO NOT ALLOW PUBLIC COMMENT.

Item #6a - PROPOSED SENIOR CENTER PROJECT @ THE LAHEY PAVILION, COLD SPRING, NY (BUTTERFIELD)

Item #6a(1) – (Physical Services Committee) - Approval/Revised-Lease Agreement/ Senior Center /Butterfield Realty LLC / 6,000 Square Feet of Space @ The Lahey Pavilion/ Amend Resolution #107 of 2016 was next. Chairwoman Nacerino recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Castellano and Scuccimarra, Legislator Albano brought forward the Lease Agreement.

Legislator Albano made a motion to accept the ADDITIONAL Revised Amendment to the Lease Agreement provided to the meeting this evening; seconded by Legislator Scuccimarra.

By Roll Call Vote: Six Ayes. Three Nays – Legislators Gross, LoBue and Wright. Motion Fails.

Legislator Albano made a motion to move the Revised Lease Agreement which came out of the Physical Services Committee. He requested the following proposed change:

Lease Agreement page 1, #7 – Legislator Albano proposed striking the last sentence which read: “The parties expect the Commencement Date to be on or about July 1, 2016.” Seconded by Chairwoman Nacerino.

By Poll Vote: Eight Ayes. One Nay – Legislator Wright. Motion Carries.

Legislator Albano stated that the lease will actually start once it is signed by everyone. He believed that the date in the agreement was outdated and therefore suggested that it be removed.

Legislator LoBue stated that at the Physical Services Committee meeting she questioned why the lease had a commencement date of July 1, 2016. She stated that she was glad that it was being amended.

Chairwoman Nacerino stated that she wanted to make a few comments of her own in the hopes of lending clarification to the facts. She explained that there have been inaccuracies and a video in the attempt to indoctrinate the public into believing that this project has been shrouded with secrecy and backroom deals; which is not the case. She takes issue with the integrity of this Legislature being challenged; especially that of Legislator Scuccimarra. She explained that the project has been on the table for four (4) years. The public has been afforded the opportunity to attend many Physical Services Committee meetings over the last few years; one (1) meeting was even held in the heart of Cold Spring. She explained the Legislature’s recognition of the lack of services on the western side of the County for the increasing senior citizen population. She stated that owning versus leasing was explored and it was concluded that the proposal before us was the most cost effective; along with the advantage that the property would remain on the tax rolls. She stated that a Cold Spring Senior Center did not provide any advantage to her constituents in Patterson; nor to seven (7) of her colleagues. She stated that the fact is that all the taxpayers in Putnam County will “pony up” for this senior center. She with that be said, she has not received one (1) phone call or email from any of her constituents voicing opposition. She explained that the Legislature needs to make County wide decisions; not isolated decisions based on their own districts. She stated that we strongly value all our seniors in Putnam County. She explained the reasons for confidentiality with County contracts. She also elaborated on the situation that occurred

with Roger Ailes and the reservations she had. The \$500,000 loss will ultimately be absorbed by the taxpayers. She stated for the record that they have no affiliation with the landlord, other than the one (1) time the majority of them met to tour the Lahey Building. She stated that she will be supporting this project.

Legislator Albano believed that the Cold Spring area was underserved with regard to our senior population. He explained that he was always open to address the situation of looking for a better site. He stated that he was open to purchasing or leasing; however no option to purchase came before the Legislature. He explained that there was only one (1) site identified that had the potential to accommodate the senior center which the Legislature felt was appropriate. The Butterfield site was a prime location with sewer and water and had sufficient square footage. He stated that we pursued this option, including possible funding from state representatives and we were also offered a substantial donation contribution from a private party. He stated that the potential funding helped in the decision to move this plan forward. There have been many Committee meetings open to the public discussing this possible lease. He explained that the Common Area Maintenance (CAM) charges are \$8.45 per square foot. He stated that \$5.00 of that is going towards taxes; paid to the County, the Town of Philipstown, the Village of Cold Spring and the Haldane School District. He explained that there were many revisions to the lease. It was treated no different than any other legal document which is not open to the public until fully executed by all parties or at least approved by the Legislature. He believed that the opposition to this lease is fueled by misinformation. He stated that this center will be similar in cost to our other senior centers, minus the cost of the building. He stated that he is in favor of this project.

Legislator Gross stated that he supports a senior center and supported all the efforts of Legislator Scuccimarra. However, he believed that the dynamics have changed. He stated that there is the loss of \$500,000 and the uproar of individuals from that side of the County that do not want it. He stated that some of his constituents from the Town of Southeast oppose the senior center because of the cost. He stated that costs will go up and as mentioned by an individual at the last meeting we will have nothing after the 15 years. He believed that we need to look for another venue. He stated that the American Legion is not very popular and it needs work, however he believed it could be modified for a lesser cost and we would own the facility. He explained that it did not make sense to vote on a lease that was going to be changed.

Chairwoman Nacerino stated that the amended lease was at the request of the Village attorney. She stated that there is no change in the context of the lease, it just provides more clarity on the 52% of the Lahey building being the rent and the transportation is clearer. She stated that there was a debate on whether we were paying the taxes on 52% on the Lahey building or 52% of the project. She stated that the lease is now more specific in stating that it is the Lahey building.

Legislator Wright believes that it does not because the amended lease was not approved.

Legislator LoBue requested clarification from Legislative Counsel Van Ross on the approval process of the Lease Agreement. She believed it was coming from the Administration because of the letter received by the Legislature, saying that there was misinformation and one (1) rogue Legislator has been spreading lies to the public. She requested clarification on the process of what is considered public information and what is confidential.

Chairwoman Nacerino stated that no one cited that any one (1) Legislator was rogue.

Legislative Counsel Van Ross stated that his opinion was that any resolution that has been passed by the Legislature becomes a public record. He stated that any attachment to that resolution is also a public record.

Legislator LoBue stated that the lease agreement was passed by the Legislature in May of this year. She questioned if that version of the lease is now public.

Legislative Counsel Van Ross stated that in his opinion it is public.

Legislator LoBue stated that she was in contact with Robert Freeman on a similar matter and it is his opinion that it is public. She continued and stated that one of the big issues in the lease is the difference in the pro rata share. She did not believe this made any sense. She is in agreement with Legislator Gross with pursuing something more cost effective and looking at alternative options. She stated that unfortunately this has been discussed for four (4) years, however, there was never any discussion on alternative options. She believed that we should look at the American Legion or any other buildings that are available. She believed that it could be renovated and owned, which she believed was more cost efficient. She explained that by owning the building it could be utilized in other ways. She believed it was better to own than to rent. She stated that there was nothing in this lease to protect our investment. She stated that there is the option to purchase the building at the end of the 15 years; however, it would be at fair market value with no credit on our investment. She stated that the construction of the Putnam Valley Senior Center was to also serve the western side of the County. She stated that it was the intention of the former County Executive to bus the residents from that side of the County to the facility. She stated that there is an industrial kitchen at the Putnam Valley Senior Center which this Administration has shut down; as meals are now transported from the Carmel site. She believed that it did not make sense to now construct another commercial kitchen on the western side of the County. She stated that in order to make the budget whole last year the Administration took \$8 million from the General Fund. She believed that we were going down that same road again. She believed we needed to scale back on the spending. Unfortunately this County is in the top 5 of having the highest foreclosure rates in New York State.

Legislator Albano stated that he understands the lease and has looked at it very carefully. He stated that it was not true that there were other options and the American Legion was not offered to us and could not accommodate 6,000 square feet. He stated that he did not see another option to purchase or lease. This location has sewer and water and looked like an ideal site; so we explored the option. He stated that new foreclosures have been down every year since 2013. He stated that our most recent outside Auditor Report was outstanding and we are in solid financial shape. He stated that we are paying down our pension debt earlier than we have to; saving money on interest. He stated that the bonding rate is low; at 2 % or 3%. He believed that buying a building would add a few more million dollars to the equation. He stated that there are expenses to owning a building, such as: needing a roof replacement or resurfacing a parking lot. He believed there were some advantages of leasing. He stated that there have been minor changes addressed in the lease. One item now clearly defines that we will pay 52% of the building we will occupy and not on the entire site. He believed that the CAM charges were clearly specified in the lease.

Legislator Addonizio stated that representatives from our outside Auditors; O'Connor & Davies, LLP., came to speak at the Audit & Administration Committee meeting last week. They stated that the County is in very good standing and has a strong bond rating. She questioned them about how they felt if the County bonded more and they stated that they were fine with it. She stated that according to the Census Bureau, Putnam County has slightly fewer than 100,000 people with 36,000 parcels which are currently on the tax rolls. She stated that all Putnam County homeowners are currently paying for all of our Senior Centers; Putnam Valley Senior Center at a cost of approximately \$28.00 per homeowner, the Koehler Center at approximately \$36.75 per homeowner and Carmel Senior Center at approximately \$28.53 per homeowner. She stated that these amounts are per year costs. She stated that the yearly cost on your tax bill according to the 2017 rate on the lease would be \$22.90 which equates to \$1.90 per month.

Chairwoman Nacerino stated that it is not as cost prohibitive as people would like to believe it to be. She questioned if we could place a value on our senior population. She believed that the seniors deserved to have the center.

Legislator Castellano stated that he wanted to speak to some of the numbers on the lease. He stated that he wanted to address the first issue that people believe this is an unfair deal for us. He stated that he believed this wasn't correct at approximately \$13.00 per square foot. He stated that it goes up by 2% each year for 15 years for an approximate total of \$17.00 per square foot. He stated that the developer is renting the rest of the property at close to \$25.00 - \$28.00 per square foot. He stated that we are receiving a significant discount over the next 15 years; \$900,000 if we paid what market value was to lease this property. He stated the CAM charges are \$8.45 per square foot with \$5.00 going to taxes. He stated that portion of the tax bill is approximately \$30,000 and the County would receive approximately \$3,590 of that \$30,000. He stated that the town would approximately receive \$1,284; the Village \$5,848, the School District \$18,900. He explained that there was never the opportunity to purchase the property, however if there was, it was previously stated that it could be taken off the tax rolls. He believed this was a great deal and it was the only deal we have in front of us. He stated that it is a senior center for that side of the County and believed that it would not be fair for the seniors if we walked away from it now.

Legislator Gouldman stated that many of us disagree on issues with the Senior Center and today we tend to talk at each other and not with each other. He believed that it makes it difficult to solve any real problems. He stated that in listening to both sides of the issue, we are all in this together. He has looked at the facts and had several conversations with his constituents on this issue. He believed that many people have been making decisions on what they have heard and not inquiring about facts. He stated that as a community, we are obligated to support the individuals who have spent their lives raising their families here. He stated that this is the reason he will be supporting this project.

Legislator Scuccimarra thanked Chairwoman Nacerino, Legislator Albano and the majority of the Legislature who with the County Executive has given us the opportunity to create the Butterfield Senior Center. She stated that it could not be done without a partnership which includes our State representatives; Senator Susan Serino and Assemblywoman Sandra Galef. She stated that without cooperation, partnership and the coordination of resources and private partners like Paul Guillaro, this project would

never be a reality. She stated that we are also very grateful to our senior partners who have guided us through this process. She stated now that we are nearing the end, it brought to mind these words by Abraham Lincoln: “government is coming together of people to do for one another collectively what they could not do as well or at all privately. To simplify, we could not do as much alone as we can together.” She explained that this is an opportunity to have a center in the middle of the Village where seniors can conveniently have access to services they need and desire. She stated, as Supervisor Shea recently reminded us, there is no other location for such a facility in our town. She stated not to lose sight of who this facility is for. It is for people who have given years of their lives to support our community; family and friends. She believed that we should offer them a place to gather with dignity and independence. She stated that facts show we have a large population of seniors which will continue to grow. She stated that the complex across from the site, Chestnut Ridge, is not wealthy or affluent as some people suggest. She stated that senior centers today are multifaceted. The nutrition center will provide a daily meal that is important to many and will enable the Office for Senior Resources to monitor and check on our seniors. For many others it is a place to meet friends, take a class and help them stay active. Most importantly, it provides access to important services provided by the County and the Town. She stated that Putnam County has senior centers in Carmel, Mahopac and Putnam Valley at a cost of over \$1 million per year for each. She stated that her job as Legislator is to bring services to the people she represents. She stated that we cannot let this opportunity pass us by.

Legislator LoBue stated that the Koehler Senior Center in Mahopac provides approximately 90 lunches or more per day. She referenced a letter from Deputy County Executive Walker dated September 1, 2016 which responded to the \$200,000 reduction of the Butterfield site. She quoted a section of that letter, “The original cost estimate for the \$1.5 million cost was determined by the County using information from the build-out costs associated with Tilly Foster Educational Institute.” She believed there was a \$1 million mistake with the Tilly Foster project. She stated that we were told that they used the design build concept. She stated that the only way the design build concept works, is if you invest money in the engineering from the beginning. She stated that the County informed us that they saved us money by not doing the proper engineering from the beginning. She believed that this was a theme of how the County is operating and how taxpayer monies is being misspent.

Legislator Albano believed that you can't make the statement that it was a \$1 million mistake. The issues at Tilly Foster Farm were addressed at very competitive bond rates. He stated that we could have spent, similar to the proposed Kent Senior Center project, \$700,000 to \$800,000 in studies for the Tilly Foster Farm project. Instead, with the help of our unions, we got the job done. He stated that the farm will be operating and it is a beautiful facility.

Legislator Gross stated that the infrastructure in this County needs a lot of work. He stated that there is a culvert on Turk Hill Road that is falling apart, roadways across the County that need repair and the County building has a roof that is leaking. He stated that there is talk about cheap bonding rates. He explained that the seniors have a place in the Cold Spring area. Although they are not happy with that site, he believed it was incorrect to say there is no place for them to meet. He stated that he worked in the Senate office for approximately six (6) years in the past and explained that money promised is not always a guarantee. He stated that he was not aware of anything in writing from

Assemblywoman Galef or Senator Serino that the County will be receiving funds for this project. He stated that we cannot count on receiving those funds because money in State government changes all the time. He stated that he is concerned with the County's infrastructure and bonding can be used for that.

Chairwoman Nacerino believed that \$250,000 has been secured from the Dormitory Authority but it hasn't been determined whether it is from Senator Serino or Assemblywoman Galef.

Legislators Gross and LoBue questioned if there was anything in writing.

Chairwoman Nacerino stated that she did not have anything in writing; however that is what Deputy County Executive Walker indicated to her.

Legislator Gross stated that is one of his concerns. He believed that the Legislature is told many things and that is why this is a mess and we should back out and do something different.

Chairwoman Nacerino stated that there is not much different to do as what we have ascertained through years of scoping, discussing and contemplating this project. She believed that we do not know what the face of the community will look like in 15 years, of what their needs would be for a senior center or perhaps a recreation center or a multipurpose room or a bigger facility or a different trend that we cannot predict at this time. She stated that the County does not want to be in the business of being a landlord either. She stated that people complained about Tilly Foster Farm when we tried to maximize this asset. She stated that we own 34 Gleneida Avenue and it sits empty. She stated that 15 years from now the ideal scenario might not be to own a building that we have little use for or not the proper use for.

Legislator Gross stated that 34 Gleneida Avenue could have been occupied five (5) years ago; however, the Administration moved the Industrial Development Agency and SCORE out of that building.

Legislator Wright stated that he originally supported the project, notwithstanding that the original intention of the County years back was to transport western seniors to the Putnam Valley Senior Center, because he believed that the folks there were underserved by the facility they had. He stated that the Legislature was presented with a first class, state of the art building that would have a significant useful life, had the promise of conversion to condominium status and the option to purchase. He believed that after ground breaking ceremonies the "bait and switch" entered the picture and the County was relegated to this older facility. He explained that there is no opportunity for the County to recoup their investment, therefore at the time the buildings were switched, he withdrew his support. He stated that he is a senior; however, he does not believe it is a choice between this or nothing. He believes it is not a beneficial deal for all seniors in Putnam County because of its cost and the return on investment this County will get out of this facility. He stated to say that other locations were not considered, this Legislature did not take any efforts to contact realtors, discuss with property owners, or engage in any serious attention to detail that might legitimize the statement that nothing is available. He too has received complaints from his constituents over the costs. He stated that he also has a procedural problem with the vote on the lease for which there was no proper bonding resolution which he expressed to the Legislators in an email. He

stated that at the time of the vote of the Audit Committee regarding the bond resolution there had not been compliance with our procedures. There was no bond resolution before the Legislature five (5) days before the vote of the Audit Committee. He stated that the Legislators, whether they are on the Committee or not, are entitled to that time of notice, opportunity to be heard and due process. He believed all the public ever asked for was some sort of orderly due process; what is being considered, let us have the opportunity to address it and then go forth and make your determination after input. He believed that we always put the cart before the horse. He stated that he cannot support this lease because he does not believe it is in the best interest of all the seniors in Putnam County due to its costs, lease terms and failure to follow our own internal rules of this Legislature in attempting to adopt important legislation.

Legislator Albano stated that he did not have a problem with the bonding. He believed that the State grants have strong possibilities. He stated that the way this site has looked for many years, he believed that the developer was doing a good job moving this project forward while also addressing a few issues; a Post Office and Senior Center. He believed that it would look beautiful.

Legislator Scuccimarra stated that we have looked for a site for the Senior Center for years. She stated that there is no convenient site available that is easily accessible for these seniors. She stated that the Post Office has been in a trailer for two (2) years because they themselves with less square footage could not find a location.

Legislator Addonizio stated that she is a strong supporter of union workers and we will have the opportunity to employ labor unions on this project.

Chairwoman Nacerino called for a Roll Call Vote on the resolution.

RESOLUTION #171

APPROVAL/REVISED-LEASE AGREEMENT / SENIOR CENTER / BUTTERFIELD REALTY LLC / 6,000 SQUARE FEET OF SPACE @ THE LAHEY PAVILION/ AMEND RESOLUTION #107 OF 2016

WHEREAS, pursuant to Resolution # 240 of 2015, the Putnam County Legislature approved a Lease Agreement, in the form attached thereto, between Butterfield Realty LLC and the County of Putnam for 6,000 square feet of space at The Lahey Pavilion, located at 1756 Route 9D, Cold Spring, New York; and

WHEREAS, the leased premises will be the future location of a new and expanded senior center facility serving the senior population in the Town of Philipstown and the surrounding areas within the County; and

WHEREAS, prior to its execution, the terms and conditions of said Lease Agreement were modified by the parties, and a revised Lease Agreement was approved by the Putnam County Legislature pursuant to Resolution # 107 of 2016; and

WHEREAS, the County and Butterfield Realty LLC have since agreed to further modify the proposed terms of the Lease Agreement which was approved pursuant to Resolution # 107 of 2016, in order to further clarify and amend the duties and responsibilities of the parties based upon preliminary engineering performed by the County; and

WHEREAS, said revised Lease Agreement further acknowledged that the County, by and through its Office for Senior Resources, shall continue to make available and

provide transportation services to the senior constituency who will utilize and attend said senior center facility; and

WHEREAS, Resolution # 107 of 2016 also authorized the County Executive to execute a Charitable Donation Agreement between ACI Senior Development Corp. and the County, which provided, among other things, that ACI Senior Development Corp. would contribute to the County renovations of the leased premises; and

WHEREAS, ACI Senior Development Corp. has since rescinded its offer to provide such funding, thereby rendering the execution of any such Charitable Donation Agreement moot; and

WHEREAS, the Putnam County Legislature has reviewed the revisions to the proposed Lease Agreement between Butterfield Realty LLC and the County of Putnam and agrees with same; now therefore be it

RESOLVED, that the Putnam County Legislature approves the revisions to the Lease Agreement between Butterfield Realty LLC and the County of Putnam for 6,000 square feet of space at The Lahey Pavilion, located 1756 Route 9D, Cold Spring, New York, which are reflected in the instrument attached hereto as Exhibit "A", and be it further

RESOLVED, that pursuant to Local Law No. 5 of 2016 and this resolution, the County Executive is authorized, with the advice and the assistance of the County Attorney, to execute said Lease Agreement, which shall be in the form and content attached hereto as Exhibit "A".

BY ROLL CALL VOTE: SIX AYES. THREE NAYS – LEGISLATORS GROSS, LOBUE & WRIGHT. MOTION CARRIES.

Item #6a(2) – (Audit & Administration Committee) - Approval / SEQRA Determination (Butterfield Senior Center Project at Lahey Pavilion) was next. Chairwoman Nacerino recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

Legislator Wright stated that he was unaware of the jurisdiction of the Audit Committee to make a SEQRA determination. He believed this item belonged to the Physical Services Committee based on the rules and regulations of the Legislature.

Legislative Counsel Van Ross stated that there was no SEQRA resolution at Physical Services. It was approved out of Audit.

RESOLUTION #172

APPROVAL / SEQRA DETERMINATION (BUTTERFIELD SENIOR CENTER PROJECT AT LAHEY PAVILION)

WHEREAS, the Putnam County Legislature is considering an \$800,000 Bond issue for costs associated with proposed Renovations creating a senior center at the existing Lahey Pavilion building located on the Butterfield campus in the Village of Cold Spring, Putnam County (the "Project"); and

WHEREAS, the Project's proposed Renovations include, without limitation, updating the former medical office building, plumbing, sewer, electrical, HVAC, fire prevention, and IT services, repairs and renovations to the interior said structure to

provide administrative offices, a multi-purpose room, a dining room, a commercial kitchen and updated bathrooms, and providing access thereto in compliance with ADA requirements; and

WHEREAS, this action has been determined to be a Type II Action in accordance with 6 NYCRR Part 617.5(c)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site", now therefore be it

RESOLVED, that the Putnam County Legislature accepts the determination of the Department of Planning, Development, and Public Transportation that the Project is a Type II Action and pursuant to the State Environmental Quality Review Act §617.6(1)(i), there is no further environmental review necessary.

BY ROLL CALL VOTE: SIX AYES. THREE NAYES – LEGISLATORS GROSS, LOBUE & WRIGHT. MOTION CARRIES.

Item #6a(3) - (Audit & Administration Committee) - Approval / Bond Resolution / (Butterfield Senior Center Project at Lahey Pavilion) was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

Legislator Castellano explained that we are bonding \$800,000 for the Butterfield Senior Center at the Lahey Pavilion. He stated that Senator Serino and Assemblywoman Galef have mentioned the possibility of securing \$250,000 each for this \$1.3 million project.

Legislator Wright explained that it appeared that the bond resolution was not laid on the desks of the Legislators in accordance to our rules and regulations. He stated that he did identify some of the information to the Legislators in an email. He stated that five (5) days' notice is required. He stated that the bond resolution was presented on Friday, August 26, 2016 which was not submitted to the Clerk of the Legislature seven (7) days before the Audit Committee meeting or placed in the Legislators mailboxes at least five (5) days before the Audit Committee meeting. He also believed that there may have been further documentation received as late as Monday, August 29th, the day of the Audit Committee meeting. He believed that failure to follow our internal rules and procedures renders the matter not properly before the Legislature tonight.

Chairwoman Nacerino called for a Roll Call Vote.

RESOLUTION #173

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Putnam, New York

September 6, 2016

* * *

A regular meeting of the County Legislature of the County of Putnam, New York, was held at the Historic County Courthouse, Gleneida Avenue, Carmel, New York, on September 6, 2016, at 7 o'clock P.M. (Prevailing Time).

The following Legislators were present: Addonizio, Albano, Castellano, Gouldman, Gross, LoBue, Scuccimarra, Wright and Chairwoman Nacerino.

There were absent: None

Also present: Diane Schonfeld, Clerk of the County Legislature
Clement VanRoss, Legislative Counsel

* * *

Legislator Castellano offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK, ADOPTED SEPTEMBER 6, 2016, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO A PORTION OF THE LAHEY PAVILION, LOCATED AT 1756 ROUTE 9D, COLD SPRING, NEW YORK, TO BE USED AS A COUNTY SENIOR CENTER; STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,300,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$500,000 OF STATE GRANT FUNDS EXPECTED TO BE RECEIVED, AND AUTHORIZING THE ISSUANCE OF \$800,000 SERIAL BONDS OF SAID COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION.

THE COUNTY LEGISLATURE OF THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Legislature) AS FOLLOWS:

Section 1. The County of Putnam, New York (herein called "County"), is hereby authorized to construct improvements to a portion of the Lahey Pavilion, located at 1756 Route 9D, Cold Spring, New York (more particularly as described in Appendix A hereto), including interior reconstruction and space reconfiguration; improvements to the heating, ventilation, air conditioning, plumbing and electrical systems; installation of doors and windows; and masonry and concrete improvements; the foregoing to include the original furnishings, equipment, machinery, apparatus and ancillary or related demolition, site and other work required in connection therewith. The estimated total cost of such object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,300,000 and said amount is hereby appropriated therefor, including the expenditure of \$500,000 of State grant funds expected to be received. The plan of financing includes the expenditure of said grant funds and the issuance of \$800,000 serial bonds of the County to finance the balance of said

appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$800,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a portion of said appropriation.

Section 3. The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12(a)(3) of the Law, is ten (10) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and Sections 50.00, 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the County Legislature relative to authorizing bond anticipation notes, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, and prescribing the terms, form and contents, and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, as well as to executing agreements for credit enhancements, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

Section 7. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond resolution shall take effect upon the approval of the Putnam County Executive, and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in “*The Putnam County Courier*,” “*The Putnam Press*,” and “*The Putnam County News & Recorder*,” three newspapers, each having a general circulation in the County and hereby designated as the official newspapers of the County for such publications.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: SIX – Legislators Addonizio, Albano, Castellano, Gouldman, Scuccimarra and Chariwoman Nacerino.

NOES: THREE – Legislators Gross, LoBue & Wright

The resolution was declared adopted.

CERTIFICATE

I, Diane Schonfeld, Clerk to the County Legislature of the County of Putnam, State of New York, HEREBY CERTIFY that the Resolution No. ____-2016 contained in the foregoing annexed extract from the minutes of a meeting of the County Legislature of said County of Putnam duly called and held on September 6, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original Resolution, which was duly adopted by the County Legislature of the County of Putnam on September 6, 2016 and approved by the County Executive on June __, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County of Putnam this ____ day of September, 2016.

(SEAL)

Diane Schonfeld
Clerk to the County Legislature

NOTICE

The resolution, a summary of which is published herewith, has been adopted on September 6, 2016, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the COUNTY OF PUTNAM, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Diane Schonfeld
Clerk to the County Legislature

**BOND RESOLUTION OF THE COUNTY OF PUTNAM, NEW YORK,
ADOPTED SEPTEMBER 6, 2016, AUTHORIZING THE CONSTRUCTION
OF IMPROVEMENTS TO A PORTION OF THE LAHEY PAVILION,
LOCATED AT 1756 ROUTE 9D, COLD SPRING, NEW YORK, TO BE
USED AS A COUNTY SENIOR CENTER; STATING THE ESTIMATED
TOTAL COST THEREOF IS \$1,300,000; APPROPRIATING SAID AMOUNT
THEREFOR, INCLUDING THE EXPENDITURE OF \$500,000 OF STATE
GRANT FUNDS EXPECTED TO BE RECEIVED, AND AUTHORIZING THE
ISSUANCE OF \$800,000 SERIAL BONDS OF SAID COUNTY TO FINANCE
THE BALANCE OF SAID APPROPRIATION.**

Object or purpose: to construct improvements to a portion of the Lahey Pavilion, located at 1756 Route 9D, Cold Spring, New York to be used as a County Senior Center.

Period of probable usefulness: ten (10) years

Amount of obligations to be issued: \$800,000

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk to the Legislature, at the County Office Building, 40 Gleneida Avenue, Carmel, New York.

Dated: September 6, 2016
Carmel, New York

Item #6a(4) – (Audit & Administration Committee) - Approval/Budgetary Amendment (16A054)/Commissioner of Finance/ Butterfield Senior Center Project at Lahey Pavilion

was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

RESOLUTION #174

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF FINANCE / BUTTERFIELD SENIOR CENTER PROJECT AT LAHEY PAVILION

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (16A054) to account for Butterfield Senior Center Project at the Lahey Pavilion; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

56997000 53000 51619	Butterfield Senior Center	1,300,000
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Increase Estimated Revenues:

56997000 430971 51619	State Aid – Butterfield Senior Center	500,000
05000 45710G 51619	Serial Bonds – Butterfield Senior Center	<u>800,000</u>
		1,300,000

2016 Fiscal Impact – 0 –

2017 Fiscal Impact – undetermined debt service

BY POLL VOTE: SIX AYES. THREE NAYS – LEGISLATORS GROSS, LOBUE & WRIGHT. MOTION CARRIES.

PERSONNEL COMMITTEE

(Chairwoman Nacerino, Legislators Castellano & Wright)

Item #6b – Approval/Budgetary Transfer (16T180)/Highways & Facilities/ATI Overtime Costs was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Wright, Chairwoman Nacerino moved the following:

Legislator LoBue questioned if the Legislature received a breakdown of the projects which she had requested.

Chairwoman Nacerino said, “no.” However, it will be requested again.

Legislator LoBue stated that this item should be tabled. She believed that the information should be provided beforehand.

Chairwoman Nacerino believed that it wasn’t necessary to table this item because it is to cover anticipated overtime costs until year end, which hopefully will be performed, although we should have that information for our own clarification.

Legislator Wright seconded the motion to table this item.

Legislator Castellano stated that we are paying employees money that it due to them. He believed that we could receive the breakdown later.

Legislator LoBue stated that this is a matter of principle that no one is honoring our requests as a Legislative body. She believed that the information should have come before the vote at this meeting.

Legislator Wright believed that when legitimate requests are made by Legislators concerning matters and they remain unfulfilled, he believes that the item should go back to Committee.

Chairwoman Nacerino stated that this is a projected cost through year end and we will have ample time to review that information. She stated that the work is still going to occur September through December.

Chairwoman Nacerino called for a Roll Call Vote on the motion to table the resolution.

By Roll Call Vote: Two Ayes – Legislators LoBue and Wright. Seven Nays – Legislators Addonizio, Albano, Castellano, Gouldman, Gross, Scuccimarra and Chairwoman Nacerino. Motion Failed.

Legislator Albano stated that he does not want to look at something twice when he knows what the final vote is going to be. He stated that he welcomes getting the information and we should receive the information, however he stated that he knows where this is going and does not want to spend a lot of time on it in the future; it's not productive.

Legislator Castellano stated that we have this in front of us almost every year. This is to cover the supervision of the ATI workers who are working free for us.

Chairwoman Nacerino called for a vote on the resolution.

RESOLUTION #175

APPROVAL/BUDGETARY TRANSFER /HIGHWAYS & FACILITIES/ATI OVERTIME COSTS

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary transfer (16T180) to provide funding for anticipated Alternatives to Incarceration (ATI) Overtime costs to be incurred through year end; and

WHEREAS, the Personnel Committee, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary transfer be made:

Increase Estimated Appropriations:

10098000 51093	Overtime	50,000
10098000 58002	FICA	<u>3,825</u>
		53,825

Decrease Estimated Appropriations:

10511100 51000	Personnel Services	50,000
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10098000 58002

FICA

3,825
53,825

2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: SEVEN AYES. TWO NAYS – LEGISLATORS LOBUE & WRIGHT. MOTION CARRIES.

Item #6c – Approval/Budgetary Transfer (16T195)/Commissioner of Finance/ Mandated Unemployment Insurance was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Wright, Chairwoman Nacerino moved the following:

RESOLUTION #176

APPROVAL/BUDGETARY TRANSFER /COMMISSIONER OF FINANCE/ MANDATED UNEMPLOYMENT INSURANCE

WHEREAS, the Commissioner of Finance has requested a budgetary transfer (16T195) to provide for mandated unemployment insurance funding through year end; and

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

RESOLVED, that the following budgetary transfer be made:

Increase Estimated Appropriations:

10905000 58050 Unemployment Insurance 12,000

Decrease Estimated Appropriations:

10199000 54980 Contingency 12,000

2016 Fiscal Impact \$12,000

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6d – Approval/Fund Transfer (16T199)/Sheriff’s Department/Temporary/Cover Open Cook Line /June & July was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Wright, Chairwoman Nacerino moved the following:

RESOLUTION #177

APPROVAL/FUND TRANSFER /SHERIFF’S DEPARTMENT/TEMPORARY/COVER OPEN COOK LINE / JUNE & JULY

WHEREAS, the Sheriff’s Department has requested a fund transfer (16T199) to cover open Cook line for the months of June & July 2016; and

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

Decrease:		
10010000 51000 (13102)	Personnel Line	7,607
Increase:		
10010000 51094	Temporary	7,607
	2016 Fiscal Impact – 0 –	
	2017 Fiscal Impact – 0 –	

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6e – Approval/Local Law to Amend Article 5-A, Section 5-A.01, of the Putnam County Charter Entitled “Department of Planning, Development, and Public Transportation; Commissioner” (*tabled from August 2, 2016 Full Mtg*) was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Wright, Chairwoman Nacerino moved the following:

Chairwoman Nacerino stated that this item was tabled to the Personnel Committee. She stated that Director of Personnel, Paul Eldridge attended the Personnel Meeting and spoke about the change to this position which he wholeheartedly supported. She stated that she supported the position as well. She stated that an attorney will be filling this position and it has been determined that there are many legal documents which need to be scoped. She explained that although the job description required a Planner, she believed that this person fit every other requirement. She explained that having someone with a legal background would be well suited to meet the necessary legal language that is incorporated in some of the documents. She stated that in addition, the person has been doing this job in a probationary manner and has been very successful. She stated that she has also been very aggressive in applying for many grants for the County. She explained that the change in requirements to this position would require a Charter change. She stated that she was confident in moving forward with a Charter change to allow this person to fill the position and explained that this person has been performing the duties associated with the position for almost one (1) year.

Legislator Gross explained that he had served on a Charter Review Committee and the qualifications were designed to have the County Planning Department run by a Planner. He believed the County had plenty of lawyers and have the resources to address questions. He stated that according to the definition in the Charter, this person is not qualified. He stated that this is being tailored to this particular individual. He stated that the Charter Review Committee was established to identify and set up certain criteria; not to tear it apart. He believed this was a mistake.

Legislator Addonizio stated that Dutchess, Westchester, Orange, Rockland and Sullivan counties require varying degrees of a Master’s Degree in Planning and eight (8) years of field experience. She stated that she called Schuyler County and they are using a Planning Director. She stated that the person in the position has a degree in landscape

architecture and six (6) years' previous experience with a consulting firm. She stated that she was not in favor of the proposed Charter change.

Legislator LoBue stated that this item came before the Rules Committee, which she is Chair of, then went to the August Full Legislative meeting and was tabled to the Personnel Committee. She stated that Charter changes should go before the Rules Committee. She stated that she does not support this proposed change. She stated that for 32 years the County had a Planner with a Master's Degree in Planning. She stated that now that the Planner is no longer with the County, the Administration has made comments that mistakes were made. She concurred with Legislator Gross with regard to the Charter Review Commission who worked on this job description. She believed that the County needed more help going forward and not less. She stated that the attorney recommended for the position is very good attorney and is very nice; unfortunately she has no land use experience and has only been in the position for six (6) months.

Legislator Albano stated that the Personnel Director, with 40 years' experience, has evaluated this recommendation. He explained that the attorney in the Planning Department is doing a good job and has applied for many grants. He explained that in the years he has been a Legislator he has not seen a true sense of planning where we would be designing new roadways for the County, subdivisions or sewer lines. He stated that if we have addressed similar issues, our Highway & Facilities Department has qualified engineers that would handle it. He believed that more legal paper work has recently come from the Planning Department. He stated that he would support having the attorney in this position.

Legislator Scuccimarra stated that she also supported having the attorney in this position. She also believed that Transportation Manager Vincent Tamagna has done an excellent job with Planning and Transportation in the last two (2) years holding down the fort for this position.

Legislator Wright stated that he too supported this attorney, but not for this position. He believed that the County Law Department is supposed to be the sole legal advisor for the County of Putnam. He believed that Department Heads ought not to be engaging in providing legal services to or on behalf of the County regarding any matters whatsoever. He stated again that he supports this person and her talents, but did not believe we were doing anything other than taking away the substantial, experiential requirements that are embodied in the Charter to make an exception in this one (1) particular case. He stated that there was nothing ever presented to the Legislature regarding attempts at filling the position with a qualified person possessing the Charter requirements. He believed this was a bad move substantively and conflicts the duties of the Department Heads and puts them at odds with our County Law Department if an incorrect decision is made by the Department Head. He believed the Charter has a structure, purpose, meaning and effect. He believed the effect was that if the County Law Department was the legal advisor to the County on all legal matters, then you would not have these issues or problems. He stated that given the lack of planning specific experience and given the conflict he believed was inherent with the Law Department for the County and the disregard for the Charter Revision Committee's deliberations, he would be voting against this proposal.

Chairwoman Nacerino did not believe the person was assuming this role as giving advice as an attorney, but using her attorney expertise to enhance the role and the position. He stated that the County Clerk is also an attorney and there is no perceived conflict there.

She believed that this person has the skillset to decipher the grants and legal documents warranted for this position. She stated that this is what is being determined.

Legislator Wright stated that the County Clerk is an elected official whose credentials were well presented and ratified by all of the citizens of Putnam County by vote. He believed that the County Clerk would defer all legal determinations to the Department of Law.

Chairwoman Nacerino concurred. She stated the Planning Department attorneys' role would not be to give legal advice. Her role would be using her legal background and expertise in the position she is going to assume.

Legislator Gross stated that he worked with former Commissioner of Planning, John Lynch many number of times on projects he has done in the County and he was a Planner. He stated that the idea of the County Commissioner of Planning not being a Planner did not make sense. He believed this was just being tailored for the individual.

Chairwoman Nacerino stated that the Town of Patterson has one (1) of the finest Planners in all of Putnam County and did not have a degree in planning. She stated that the attorney that would fill this position has done the work for six (6) months, holding the helm and running the department. She stated that she has also worked with Transportation Manager Tamagna for the last several years, implementing the transportation's bus system and working very closely with that which is part of the Commissioner's job as well. She stated that this is not set in stone. She stated that if this person proves not to have the qualifications that we deem necessary, there could also be a shift in the future.

Legislator Gross stated that the responsibilities of this position have minimal to do with law; it's planning. He explained that the proposed person does not have the qualifications of a Planner.

Legislator Albano stated that he had the opportunity to work with Commissioner Lynch and he did an excellent job. However, some of the issues involved legal matters regarding grants being finalized. He stated that this position has gotten to the point where the legal paperwork that must be filed and the things that need to be done are tremendous. He believed that maybe the job needed to be refined.

Legislator LoBue stated that because of the vacancy in the Commissioner of Planning position, the retired Full Time Planner John Pilner was brought back on a Part Time basis to help with the final stage of the bikepath. She believed that said it all and believed there was no one in the leadership position.

Chairwoman Nacerino called for a Roll Call on the resolution.

By Roll Call Vote: Five Ayes – Legislators Albano, Castellano, Gouldman, Scuccimarra and Chairwoman Nacerino. Four Nays – Legislators Addonizio, Gross, LoBue and Wright. Motion Failed.

A LOCAL LAW TO AMEND ARTICLE 5-A, SECTION 5-A.01, OF THE PUTNAM COUNTY CHARTER ENTITLED "DEPARTMENT OF PLANNING, DEVELOPMENT, AND PUBLIC TRANSPORTATION; COMMISSIONER".

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Article 5-A, Section 5-A.01 of the Putnam County Charter is hereby amended to read as follows:

**5-A.01. Department of Planning, Development and Public Transportation;
Commissioner.**

There shall be a Department of Planning, Development, and Public Transportation under the direction of a Commissioner who shall be appointed by the County Executive subject to confirmation by the County Legislature. The Commissioner shall serve at the pleasure of the County Executive. The Commissioner shall hold the minimum of a Bachelor's Degree and shall be qualified for his or her position by training and experience including administrative management, and supervision of professional personnel ~~planners~~ and of support staff and shall have a minimum of four (4) years of practical experience in government and knowledge of federal, state and local statutes, rules and regulations pertaining to, among others, land use, SEQR, Title VI, NEPA, and General Municipal Law. ~~eight (8) years of practical experience in regional, county or municipal planning.~~ He or she shall have the power, within budgetary appropriations, and in accordance with County policy, or as may be otherwise required by law, to appoint and remove such staff as he or she deems to be necessary. The Commissioner shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in his or her current position of County employment. He or she, as well as all full time managerial employees in the department, shall serve on a full time basis and shall not engage in any private practice nor be employed in their field of expertise with the County by any private or other governmental entity, ~~except that such employee hired prior to December 31, 2010 may continue in any private practice in their field of expertise until December 31, 2013 as long as they remain in their current position of County employment.~~

Section 2.

This Local Law shall take effect forty-five days after its passage and is subject to a permissive referendum.

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

Item #6f – Approval/Budgetary Amendment (16A049)/Commissioner of Finance/Capital Projects was next. Chairwoman Nacerino recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #178

APPROVAL/BUDGETARY AMENDMENT /COMMISSIONER OF FINANCE/CAPITAL PROJECTS

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (16A049) to closeout completed Capital Projects and adjust ongoing Capital Projects to reflect actual costs; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it RESOLVED, that the following budgetary amendment be made:

CAPITAL FUND:

Decrease Estimated Appropriations:

55997000 52680 51311	OFA Buses	60,000
51997000 53000 51402	Minor Renovations	200,000
57997000 53000 51403	Park – Utility Storage	30,000
57997000 53000 51404	Park – Gate House	30,000
57997000 53000 51405	Upper Park – Bathroom	100,000
51997000 53000 51406	Lighting Supression	35,000
57997000 53000 51407	PC Golf Course Maint Bldg	250,000
57997000 53000 51408	PC Golf Course Prefab Restroom	35,700
55197000 53000 51409	Highway Equipment Shed	400,000
51997000 53000 51410	County Office Bldg. Façade Reno	100,000
55197000 53000 51411	Facility Parking & Lighting	95,000
57997000 53000 51412	Veterans Park Lake Reno	100,000
58389000 53000 51413	Dam Improvements	200,000
58389000 53000 51414	Vets Home Sewer	150,000
57997000 53000 51415	PC Golf Course Bunker Reno	100,000
57997000 53000 51416	PC Golf Course Drainage	50,000
55197000 53000 51417	UST Project	300,000
55197000 53000 51418	Equipment Wash Bay	100,000
55997000 53000 51422	Radios & Fare boxes	45,000
55132000 52660 51423	CHIPS Eligible Equipment	800,000
57110000 53000 51424	PC Golf Course Equipment	150,000
55997000 52680 51505	OSR Buses	5,425
55997000 53000 51507	Bus Shelter Construction	300,000
55997000 53000 51508	Bus Refurbishment	100,000
55997000 53000 51613	Transit – Sect 5311 FFY 2016	75,600
		<u>3,811,725</u>

Increase Estimated Appropriations:

55997000 53000 51612	Transit – Sect 5307 & 5339 FFY 2016	154,831
55997000 53000 51617	Transit – Sect 5307 & 5339 FFY 2015	1,140,474
		<u>1,295,305</u>

Decrease Estimated Revenues:

05000 45710D 51311	Serial Bonds – OFA Buses	60,000
05000 45710E 51402	Serial Bonds – Minor Renovations	200,000
05000 45710E 51403	Serial Bonds – Park – Utility Storage	30,000
05000 45710E 51404	Serial Bonds – Park Gate House	30,000
05000 45710E 51405	Serial Bonds – Upper Park Bathroom	100,000
05000 45710E 51406	Serial Bonds – Lighting Supression	35,000

05000 45710E 51407	Serial Bonds – PC Golf Maint Bldg.	250,000
05000 45710E 51408	Serial Bonds – PGC Prefab Restroom	35,700
05000 45710E 51409	Serial Bonds – Highway Equip Shed	400,000
05000 45710E 51410	Serial Bonds – COB Façade	100,000
05000 45710E 51411	Serial Bonds – Facility Parking & Lighting	95,000
05000 45710E 51412	Serial Bonds – Vet Park Lake Reno	100,000
05000 45710E 51413	Serial Bonds – Dam Improvements	200,000
05000 45710E 51414	Serial Bonds – Vets Home Sewer	150,000
05000 45710E 51415	Serial Bonds – PC Golf Bunker Reno	100,000
05000 45710E 51416	Serial Bonds – PC Golf Drainage	50,000
05000 45710E 51417	Serial Bonds – UST Project	300,000
05000 45710E 51418	Serial Bonds – Equip Wash Bay	100,000
05000 45710E 51422	Serial Bonds – Fare boxes & Radios	45,000
05000 45710E 51423	Serial Bonds – CHIPS Eligible Equip	800,000
05000 45710E 51424	Serial Bonds – PC Golf Equip	150,000
05000 45710F 51505	Serial Bonds – OSR Buses	5,425
55997000 428601 51507	Transfer from General Fund	30,000
55997000 435970 51507	State Aid – Section 5307	30,000
55997000 445970 51507	Federal Aid – Section 5307	240,000
55997000 428601 51508	Transfer from General Fund	10,000
55997000 435970 51508	State Aid – Section 5307	10,000
55997000 445970 51508	Federal Aid – Section 5307	80,000
55997000 428601 51613	Transfer from General Fund	12,600
55997000 445977 51613	Federal Aid – Section 5311	63,000
		<u>3,811,725</u>

Increase Estimated Revenues

55997000 428601 51612	Transfer from General Fund	15,483
55997000 435970 51612	State Aid – Section 5307 FFY16	15,483
55997000 445970 51612	Federal Aid – Section 5307 FFY16	123,865
55997000 428601 51617	Transfer from General Fund	114,047
55997000 435970 51617	State Aid – Section 5307 FFY15	114,047
55997000 445970 51617	Federal Aid – Section 5307 FFY15	912,380
		<u>1,295,305</u>

GENERAL FUND

Increase Estimated Revenues:

10990100 59020	Transfer to Capital Fund	76,930
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Decrease Estimated Appropriations:

10199000 54980	Contingency	76,930
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2016 Fiscal Impact \$76,930

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6g – Approval/Budgetary Amendment (16A050)/Highways & Facilities/Sheriff's Department/Bureau of Emergency Services Storage Garage Capital Project was next. On

behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #179

APPROVAL/BUDGETARY AMENDMENT /HIGHWAYS & FACILITIES/SHERIFF'S DEPARTMENT/BUREAU OF EMERGENCY SERVICES STORAGE GARAGE CAPITAL PROJECT

WHEREAS, by Resolution #112 of 2016, the Putnam County Legislature approved the Sheriff's Department / Bureau of Emergency Services Garage Capital Project; and

WHEREAS, the Commissioner of Highways & Facilities has requested a budgetary amendment (16A050) for additional funding that is needed to cover higher than anticipated foundation costs associated with this Capital Project; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it RESOLVED, that the following budgetary amendment be made:

Decrease Estimated Appropriations:

55197000 53000 51509	Capital Project Reserve	40,000
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Decrease Estimated Revenues:

55197000 427112 51509	Use of Capital Project Reserve	40,000
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Increase Estimated Appropriations:

53997000 53000 51431	Bureau of Emergency Services Bldg	40,000
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Increase Estimated Revenues:

53997000 427112 51431	Use of Capital Project Reserve	40,000
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: EIGHT AYES. ONE NAY – LEGISLATOR LOBUE. MOTION CARRIES.

Item #6h – Approval/Budgetary Amendment (16A051)/Planning Department/Grant Award/Bikeway Signage was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #180

APPROVAL/BUDGETARY AMENDMENT/PLANNING DEPARTMENT/GRANT AWARD/BIKEWAY SIGNAGE

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (16A051) to account for the New York State Accelerated Grant Award received for purchase and installation of bikeway road intersection signage approved by the Putnam County Legislature pursuant to Resolution #117 of 2016; and

WHEREAS, the Physical Services Committee and the Audit & Administration Committee has reviewed and approve said budgetary amendment; now therefore be it RESOLVED, that the following budgetary amendment be made:

CAPITAL FUND:

Increase Estimated Appropriations:

55997000 53000 51618	Bikeway Signage	78,595
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Increase Estimated Revenues:

55997000 428601 51618	Transfer from General Fund	2,863
55997000 435976 51618	State Aid – NYS DOT	2,863
55997000 445978 51618	Federal Aid – FTA	22,908
55997000 435977 51618	State Aid – ATC Grant	46,042
55997000 435978 51618	Stated Aid – STC Grant	<u>3,919</u>
		78,595

GENERAL FUND:

Increase Estimated Revenues:

10990100 59020	Transfer to Capital Fund	2,863
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Decrease Estimated Appropriations:

10199000 54980	Contingency	2,863
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2016 Fiscal Impact \$2,863

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6i – Approval/Grant Application/Highways & Facilities / Bridge and Culvert Program Administered by New York State Department of Transportation was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #181

APPROVAL/GRANT APPLICATION/HIGHWAYS & FACILITIES / BRIDGE AND CULVERT PROGRAM ADMINISTERED BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS, New York State is making \$200 million available to local governments for enhanced assistance over the next two (2) years for rehabilitating and replacing bridges and culverts statewide; and

WHEREAS, this investment in local transportation infrastructure will support the needs of the traveling public, movement of goods and regional economic competitiveness; and

WHEREAS, this program is open to all municipal owners of bridges and culverts, and is competitive in nature; and

WHEREAS, the Putnam County Department of Highways & Facilities desires to apply for funds under this program in an undetermined amount; and

WHEREAS, the deadline for application for a grant under this program is September 9, 2016; and

WHEREAS, this grant is not a matching grant but in the event the County is successful in obtaining grant monies additional County funds most likely will be needed for any project financed; now therefore be it

RESOLVED, that the Putnam County Department of Highways & Facilities is authorized to apply for grant funds under this bridge and culvert program administered by the New York State Department of Transportation.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

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

Item #6j – Approval/Budgetary Amendment (16A041)/Legal Aid Society/NYS Indigent Legal Services Distribution was next. Chairwoman Nacerino recognized Legislator Castellano, Chairman of the Audit & Administration Committee. On behalf of the members of the Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

RESOLUTION #182

APPROVAL/BUDGETARY AMENDMENT /LEGAL AID SOCIETY/NYS INDIGENT LEGAL SERVICES DISTRIBUTION

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (16A041) to account for New York State Indigent Legal Services Distribution #6, and Distribution #4 which ends 12/31/16; and

WHEREAS, the County acts as a pass through for these funds; and

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

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

25117000 54950	Legal Aid Society	66,983
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Increase Estimated Revenues:

25117000 430251	State Aid – Indigent Legal Services	66,983
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6k – Approval/Budgetary Amendment (16A043)/Health Department/Feral Cat – Trap, Neuter and Release (TNR) Program was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

RESOLUTION #183

APPROVAL/BUDGETARY AMENDMENT /HEALTH DEPARTMENT/FERAL CAT – TRAP, NEUTER AND RELEASE (TNR) PROGRAM

WHEREAS, the Health Department has requested a budgetary amendment (16A043) to reduce anticipated donations from Paws for Love for the Feral Cat – Trap, Neuter and Release (TNR) Program; and

WHEREAS, the TNR Program is now being administered by Putnam Advocats Inc. instead of the Putnam County Health Department; and

WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Decrease Revenues:

10405000 427050 10113	Feral Cats – Gifts & Donations	1,500
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Decrease Expenses:

10405000 54330 10113	Feral Cats – Medical Supplies	1,500
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6L – Approval/Budgetary Amendment (16A046)/Sheriff’s Department/Grant Award/Purchase Trauma Plates for Body Armor was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

RESOLUTION #184

APPROVAL/BUDGETARY AMENDMENT/SHERIFF’S DEPARTMENT/GRANT AWARD/ PURCHASE TRAUMA PLATES FOR BODY ARMOR

WHEREAS, New York State Senator Susan Serino has secured \$20,000 from public protection funding available in the 2016-17 New York State budget to support anti-crime initiatives in Putnam County; and

WHEREAS, these funds would be used to purchase trauma plates to insert into the body armor worn by Deputy Sheriffs; and

WHEREAS, this grant award requires no matching funds on behalf of the County; and

WHEREAS, the Audit & Administration Committee has reviewed and approves of this grant award; now therefore be it

RESOLVED, that the following budgetary amendment (16A046) be made:

Increase Revenues:

17311000 430891	Sheriff Patrol – State Aid	20,000
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Increase Appropriations:

17311000 52180

Sheriff Patrol – Other Equipment

20,000

2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #6m – Approval/Budgetary Transfer (16T220)/Commissioner of Finance / Putnam County Industrial Development Agency (IDA) / Subcontingency / New York State Requirements was next. On behalf of the members of the Audit & Administration Committee, Legislators Albano and Gouldman, Legislator Castellano moved the following:

Legislator Gross stated that this will get the Industrial Development Agency (IDA) rolling.

Legislator LoBue stated that it looked like they were trying to make this a County Department. She believed that Legislator Scuccimarra recommended a consultant that just wanted gas money. She stated that we have now gone from gas money to \$10,000 to assist the IDA. She stated that she cannot move forward in good faith because she believes that we weren't told the full picture. She stated that during the Committee meeting she questioned the dollar amount; she believed it was too small. She stated that we were also told that they no longer needed legal counsel. She stated that the PARIS (Public Authorities Reporting Information System) report has not been filed. She stated that she would like to table this item so that we can get a full understanding. She stated that if in fact this will be transitioned into the County to be part of the Planning Department and not be regulated by the State, it needed to be thoroughly vetted.

Legislator LoBue made a motion to TABLE this item; seconded by Legislator Wright.

Legislator Gross believed that the consultant wanted gasoline money because she was traveling from the Western side of the County; not a salary. He believed this transfer was to be used by the IDA for their operation.

Legislator Castellano stated that last year the IDA came before the Legislature and said that they needed \$75,000 which was put into subcontingency waiting for them to come forward. He stated that they had decided that it wasn't enough money at that time. He stated that we now have a new IDA in front of us and it is for a lesser amount than the \$75,000. He believed that they were doing the right thing and the PARIS report is coming up soon and this is the need for the \$32,000. He believed that we needed to fund them.

Legislator Albano stated that there is a new idea and we are trying to give them the tools to do the job right. He stated that in the past we were late on submitting the PARIS report and we need to give it the attention it needs. He believed the IDA provided the explanation on what they need the funding for. He stated that the money has been budgeted and he believed that by putting this off it would delay the reporting dates.

Legislator LoBue stated that the deadline has already been missed.

Legislator Scuccimarra stated that we all know how vital the IDA is to our County. She stated that this is a new volunteer board; except for the consultant. She stated that last

month they gave us a plan of what they needed this money for. She explained that the consultant is an expert and her role has gone from advising to telling the board what to do. She believed that she deserved this salary which wasn't a lot of money. She stated that once the IDA gets on track the consultant will bow out. She stated that the last IDA board was late in submitting every report which resulted in questions from the Attorney General. She believed that we needed to move forward.

Legislator LoBue stated that Legislator Scuccimarra was demanding a business plan from the former IDA. She stated that all we have now are three (3) figures: \$12,000 for Audit Report; \$10,000 for Consultant (per hour basis) and \$10,000 Clerical/Administrative. She questioned where the plan was that Legislator Scuccimarra referenced. She believed there was no specificity to the amount requested.

Chairwoman Nacerino stated that we are grateful that we have these volunteers who are all qualified individuals within the business community. She explained that the argument that we heard over and over from the previous IDA is that they need funding to get started and fuel the IDA in order to make progress. She stated that we did encumber the \$75,000 unfortunately they all walked away before they utilized the funds and the County was left without an IDA board. She stated that individuals gradually came forth to fill these positions. She stated that the argument still remains the same that we need to give them the funding necessary to be successful as they move forward.

Legislator Albano explained that there is a lot of work that needs to be done. He believed that \$12,000 for the Audit Report, \$10,000 for the Consultant and \$10,000 for Clerical seemed reasonable. He stated that they are starting from square one and he believed that to hold this up would only create more damage.

Legislator Gross stated that he certainly supported the IDA moving forward and having the funding, however he was not comfortable with the salary involved. He stated that the Clerical person from the last IDA board worked diligently and the money would be certainly well spent. He stated that, in spite of the Consultant salary which he was not happy about, he believed that we needed to approve this.

Legislator Wright questioned if there was a confirmed proposal from O'Connor Davies, LLP. for the audit. He questioned if there was an hourly rate of compensation for the \$10,000.

Chairwoman Nacerino stated that she was not aware of anything submitted to us by the IDA. She believed that the \$10,000 was for the year.

Legislator Castellano stated that the IDA is a separate board outside of Putnam County. He stated that the consultant comes with a lot of knowledge since she used to work with the Westchester County IDA.

Legislator LoBue stated that as Legislator Castellano pointed out this is an outside agency. She stated that O'Connor Davies, LLP. are the County's accountants. She believed that there was a connection and the Commissioner of Finance is also on this board. She stated that the structure of this is changing and she believed that it will be made some sort of Department within the County and probably placed within the Planning Department.

Legislator Castellano stated that O'Connor Davies is an independent auditor and this is an outside agency. He stated that this was spoken about at the Audit Committee meeting last week and we were told that it was not a conflict of interest.

Legislator LoBue explained how the former IDA requested funding for almost a year and the money in subcontingency was not released because they were told that they needed to come forward with a business plan. She did not understand the rationale of why we do not have a breakdown, as Legislator Wright pointed out of the per hour rate of the \$10,000 or the Clerical position.

Chairwoman Nacerino stated that it was a stipend.

Legislator Albano believed that the request was a reasonable amount. He stated that he was not going to micromanage them; they are giving us an idea of what the funds are going to be used for. He stated that regarding the Commissioner of Finance, he stated that he has faith in him and to keep in mind that he is not a voting member of the IDA board.

Chairwoman Nacerino called for a vote on the motion to TABLE this item.

By Roll Call Vote: Two Ayes – Legislators LoBue and Wright. Seven Nays – Legislators Addonizio, Albano, Castellano, Gouldman, Gross, Scuccimarra and Chairwoman Nacerino. Motion Fails.

Chairwoman Nacerino called for a vote on the resolution.

RESOLUTION #185

APPROVAL/BUDGETARY TRANSFER /COMMISSIONER OF FINANCE / PUTNAM COUNTY INDUSTRIAL DEVELOPMENT AGENCY (IDA) / SUBCONTINGENCY / NEW YORK STATE REQUIREMENTS

WHEREAS, the Putnam County Industrial Development Agency (IDA) has requested the release of funding from the current budget for expenses necessary for them to maintain compliance status with New York State requirements; and

WHEREAS, there is a compliance deadline of October 2, 2016; and

WHEREAS, the Commissioner of Finance has requested a budgetary transfer (16T220) to transfer funds earmarked in subcontingency for the IDA; and

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

RESOLVED, that the following budgetary transfer be made:

Increase Estimated Appropriations:

25646000 54646	Contracts	32,000
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Decrease Estimated Appropriations:

10199000 54981	Sub Contingency	32,000
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2016 Fiscal Impact \$32,000

2017 Fiscal Impact – 0 –

BY ROLL CALL VOTE: SEVEN AYES. TWO NAYS – LEGISLATORS LOBUE & WRIGHT. MOTION CARRIES.

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

RESOLUTION #186

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

WHEREAS, four (4) Legislators and Legislative Counsel have requested permission to attend the New York State Association of Counties Conference to be held in Niagara Falls, New York in September 2016 for a registration and lodging total expenditure of approximately \$776 per person; and

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

RESOLVED, that four (4) Legislators and Legislative Counsel are authorized to attend the New York State Association of Counties Conference to be held in Niagara Falls, New York in September, 2016.

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Item #7 – Other Business

There was no other business submitted to the meeting.

Item #8 – Recognition of Public

Town of Putnam Valley Supervisor Sam Oliverio stated that he has previously worked with all of the Legislators except Legislators Addonizio and Gouldman who came onto the Legislature after he left. He stated that he knows the Legislators have big hearts because he's worked with most of them for many years. He stated that he knows the Legislators' focus is great and that their motivations are always to benefit the community. He stated that he understands the need for a Senior Center in Philipstown. He cited that in 2006, Legislator Vincent Tamagna brought Paul Guillaro in front of the Physical Services Committee to have initial discussions on building a senior center. He stated that the Legislature investigated and requested more information on other buildings. He stated that he believed it was better to buy a building, rather than lease one. He stated that the Legislature was not given a fair opportunity to investigate other areas. He referenced previous discussions with Legislator Tamagna about expanding the building the seniors were meeting in and he also referenced the Butler building in Putnam Valley which was built in 2002. He stated he wished the County could go back five (5) years and find a permanent site to own. He stated that he is not happy with the lease deal and would have like to see a building owned by the County, however he would not halt the decision made by the majority of the Legislature. He also explained that he was happy that the vote didn't go through with changing the Charter regarding the

position of Commissioner of Planning. He believed it was important for the Commissioner to be a Planner.

Ms. Lynda Ann Ewen, Secretary of the Philipstown Senior Club, stated that the club has over 100 members and an average monthly attendance of 60-70. She explained that seniors need education, recreation, activity and stimulation. She stated that their organization is independent and they meet in the community room at Chestnut Ridge. She stated that where the seniors currently meet is not adequate due to lack of space. She added that her organization unanimously voted and was in favor of the new Senior Center.

Town of Philipstown Deputy Supervisor Nancy Montgomery stated it was important to her town that we do have a certified planner. She stated that they have spent a lot of time redeveloping their zoning code and every piece of paper that is passed through the Planning Board; every local law and zoning issue, is presented to the County Planner for their stamp of approval as well. She hoped that the person in charge of the Planning Department would at least be a land use planner; but preferably a certified planner. She believed that the Office of Senior Resources' (OSR) budget decreased in 2016 from 2015. She stated she would like to see an improvement in the programs, but wonders how it will happen with the OSR's declining budget. She explained that better senior programming has been promised for more than three (3) years and the town has picked up the slack of what the County has failed to provide. She explained the many items she hoped would be provided for the seniors in the new Senior Center. She addressed concerns of how meals are being cooked half way at the Mahopac Koehler Senior Center and their nutritional value after being delivered to another Senior Center. She explained that she used to stop by the Senior Center quite a bit but has since been told, by the OSR, to call ahead before visiting. She explained the many resources and programs that she has advocated for over the years for her town. She stated that budget season is upon us and she hoped that the County would consider improving some of these services.

Chairwoman Nacerino stated that she will look to support and enhance the programs at the new Senior Center. However, she stated that the Town of Patterson does not receive any funding for their senior programs. She stated that the Town of Patterson funds their own recreational programs for their seniors.

Deputy Supervisor Montgomery addressed the statement that the Legislature "explored every option." She believed that options were not explored with the people in control of the structures in Philipstown such as: the Commander of the American Legion or to the Town with regard to their 30,000 square foot recreation center. She believed programs could be consolidated. She questioned if Putnam County employees and contractors would receive favoritism in this contract. She stated that she heard work was being promised to these union workers, which she would love. However, she did not believe the County would then be able to receive public funds if this is promised. She cautioned the Legislature and questioned if the Dormitory Authority grant monies would be received if this is done.

Legislator Addonizio stated that we are going to support them. She stated that she was told that if it is a County project and it is over \$1 million, we must use PLA (Project Labor Agreement) every opportunity that we have. She stated that it was her understanding

that it had nothing to do with the other monies that we receive from the Dormitory Authority.

Legislator Wright stated that he is shocked to hear that there were restrictions placed on any local official that wants to visit a senior center in this County. He believed that such a rule shouldn't abide.

Director of the Office for Senior Resources Pat Sheehy explained that there is no rule requiring clearance before attending the Senior Center, although prior notice is appreciated. She stated that we do not allow people to campaign at the Senior Center during their election year. The seniors themselves have requested this. She also explained that the food process has improved greatly. She stated that just this last year a graduate from the Culinary Institute has been hired as our head chef to oversee the food process. She stated the food is prepared and then transported to the various sites to be cooked at the sites. The food is no longer heated three (3) times. She also explained how they have reduced costs with transportation and consolidation in kitchen staff.

Lynn Miller, Cold Spring resident, Business Owner and Village Trustee, stated that no one objected to the seniors having a Senior Center. She explained that she has been in the food service business for approximately 40 years. She stated that she was alarmed to hear about how some of the food is being transported. She stated that she is fully in favor of having a Senior Center that prepares fresh wholesome food for them. She expressed concern about the amount of money being spent on a facility that is only being utilized for a few hours per day to service a very limited number of people within the community. She explained the needs of seniors, along with the needs of the middle and lower income residents as well. She stated that senior centers with the best programs are not programs that segregate the seniors from the rest of the community. The programs with the best outcomes and the best services are those that are integrated into the community; not segregated from them. She asked the Legislature to take a broader view and tailor the center to address the needs of all the residents.

Alexandra Ballantine, Town of Southeast resident, offered an idea for creating more support for the Senior Center. She stated that she previously requested breakdown of the anticipated costs per user as compared to other Senior Centers around the Country. She stated that if there is a difference, she suggested a modest sliding scale monthly membership or usage fee. She believed that a modest fee for access to public facilities was a way to manage costs. She also voiced her concerns on what we think we would be spending on the Center. She stated that the County would be spending approximately \$13.00 per square foot for the Senior Center while BOCES would be paying approximately \$2.00 per square foot in rent for space at Tilly Foster Farm. She believed it looked very different to her when the County is the landlord versus the tenant. She believed this would inspire discussions on how to rein in the costs or how to keep them in control. She believed that lower taxes and economic activity make a community stronger.

A senior from the Town of Carmel believed that there wasn't anyone in this room who doesn't appreciate seniors or doesn't want them to have a Senior Center. She believed that the main issue was with pushing this lease when there are many people that have a problem with it. She thanked Legislators LoBue, Wright and Gross for their statements.

She believed it was unfair to take the rationality of their statements and turning it to that they don't care about senior centers; which she did not believe was correct.

Deputy Supervisor Montgomery read an email she received on August 1, 2012 from the Office from Senior Resources asking that she contact Director Sheehy with the date and time of when she would like to visit the Senior Center.

Dan Greenberg questioned at what point the Senior Center went from 3,000 square feet to 6,000 square feet. He stated that he read that in November of 2015 it was approved for 3,000 square feet. He questioned if we really needed 6,000 square feet.

Legislator Albano believed that all along it was 6,000 or 7,000 square feet.

Chairwoman Nacerino stated that it also encompasses the kitchen, office space and bathrooms.

Mr. Greenberg stated that it was his understanding that the teaching kitchen is no longer part of the project and would save \$200,000. He questioned what the square footage was for the teaching kitchen.

Chairwoman Nacerino stated that it was a state of the art kitchen which has been scaled down.

Legislator Scuccimarra believed it was 700 square feet.

Legislator LoBue stated that it was never presented to the Legislature that it would be a teaching kitchen. She explained that the fifteen year lease would cost over \$4 million for something that the County does not own. She believed that we should look for a scaled down alternative.

Kathleen Foley of Cold Spring stated that she attended the County's Physical meeting which was held in Cold Spring pertaining to the Senior Center. She stated that there were statements made about public services that would be received such as; a Sheriff's substation, women's services and a tourism office. She stated that now it will just be a Senior Center and the costs have escalated. Ms. Foley mentioned some of the estimated costs from the Preliminary Engineering – Capital Expense Summary such as: \$75,000 for Professional Services; \$300,000 for Wood Stairs, Sheetrock, Insulation & Outside Loft Stairs; \$200,000 for Kitchen Equipment; \$100,000 for Bathroom Fixtures; \$85,000 for Drop Ceiling, Painting, Furniture, Cabinetry & Window Treatment; \$150,000 for Labor (Carpenters) and \$68,000 for Framing; \$45,000 for Light Fixtures & Fans; \$40,000 for Flooring; \$25,000 for Tables, Chairs & Bar Equipment; \$25,000 for Gas Fireplace & Glass Front for Lounge Area. She questioned if any of the other Senior Centers had teaching kitchens, fireplaces or lounge areas.

Lynn Miller explained that while in the food service business for over 35 years she has been involved in the planning, implementation and building of no less than eight (8) professional commercial kitchens. She stated that at no time did they spend \$200,000 to build a commercial kitchen, even when they were serving three (3) meals per day to 270 seats in banquet facilities for 1,000. She explained the large rate of depreciation of commercial appliances.

Director Sheehy explained that the kitchen that is being designed is not a \$200,000 kitchen. Originally the teaching kitchen was an idea that Ms. Ailes was interested in. She wanted to model it after the Hudson Valley Hospital where they taught people who were recovering from cancer and other chronic diseases to prepare proper meals for themselves. The original vision was to possibly have a closed off kitchen, separate from our kitchen, where experts could be brought in to teach and that there might be a hibachi hood which would require special venting. However, this never happened and it is not going to happen. She also stated that the meals are not being reheated many times. She explained that all of the kitchen operations are overseen by the Health Department and the Office for Senior Resources is required to operate under the regulations of the New York State Office for Aging.

Lynne Eckardt, Town of Southeast Councilwoman, representing herself this evening, thanked the Legislators that voted against changing the Charter for the Commissioner of Planning position requirements. She believed it was always bad to back anyone into a position. She believed the position should be advertised and if at any point you couldn't find a qualified Planner, then that would be the time to change the Charter. She also spoke about the seniors in the Town of Southeast. She stated that it is the second largest town in the County which generates the largest amount of sales tax revenue. She stated that they do not have a senior center, nor do they receive money from the County for their seniors. She explained that a senior center to them would mean higher taxes for everyone. She believed that the Legislature needed to look long and hard at consolidation of services. She also stated that she did not like hearing that there has never been a better time to bond. She explained that it did not make sense from a fiscal sense if you are bonding items that you don't really need just because it is a good time to bond. She stated that regarding not allowing comment tonight, she stated that the public is told to go to Committee meetings to have their concerns addressed, however she explained that personally she has attended Committee meetings and has had many of her questions left unanswered.

Michael Robinson, Cold Spring resident explained that many residents believed this was a bad deal and that the County should be looking to own the Senior Center. He stated that it was said that some people just don't support the Senior Center. He expressed his frustration with that statement and explained how it was not true.

Mayor of Cold Spring David Merandy explained that he took offense to the insinuation that people who have disagreed with the proposal or have voiced their opinion are against the seniors. He believed there should have been a scaled down version of the project. He stated that at one time County Executive Odell stated that it was 2,500 square feet for the Senior Center and the other portion of the 6,000 square feet would be utilized for tourism; etc. He stated that now the proposed Senior Center is 6,000 square feet. He stated that this is triple the amount of space from what is currently being utilized for the seniors at the American Legion. He expressed his frustration and view of the situation when Roger Ailes was involved in the project. He detailed what he believed would be traffic and parking issues regarding this current proposal. He did not believe this was a good location for the Senior Center. He believed that an addition could have been added to the American Legion for approximately \$600,000. He mentioned other locations that could possibly be considered.

Matthew Francisco, Cold Spring resident and Chair of the Planning Board explained the scenario that precipitated the requested language change in the Butterfield lease

pertaining to bussing in order to satisfy the condition that the Board placed on the site plan. He clarified that the Village Attorney did not suggest the amendment to the lease. He stated that it was quite the opposite, the Village Attorney stated that he was not telling you what to do and that you need to go to the Planning Board. He stated that if the applicant comes before the Planning Board on Thursday night, the Planning Board would have the language change. He stated that he assumed the lease would go back to the Physical Services Committee.

Lourdes Laifer, Cold Spring resident stated that she was very disappointed that they were unable to speak before the Butterfield lease was approved. She stated that she does support the seniors and supports them getting a senior center. She stated that she takes offense for anyone to suggest that just because they are against the lease deal, they are against the seniors. She stated that is dead wrong. She explained that she is against the lease because we are spending \$4.7 million for a rental; which equates to \$26,000 per month for fifteen years, with nothing to show for it in the end. She believed that in her opinion this was a bad deal.

Stephanie Hawkins, Cold Spring resident, explained that it was interesting that there were a number of seniors that attended this evening's meeting and she saw them arrive on the Office for Aging bus. She mentioned that in the flyer/calendar for the Nutrition Program in Carmel, there was a letter signed by Director Sheehy encouraging the seniors to come tonight to this meeting to show support of the lease. She read the letter that was included on the calendar. She believed this was a conflict and had an issue with money designated for the Office for Aging being spent to bus seniors to this meeting. She thanked Legislators Gross, LoBue and Wright for their rationale thoughts. She was glad that the proposed Charter change for the Commissioner of Planning was not approved. She stated that Legislator Castellano mentioned that the CAM charges included the taxes. She stated that the prior lease did not separate the two (2) and the County agreed to pay approximately \$30,000 for County property taxes which were separate and apart from the CAM. She believed there was misrepresentation on the lease. She stated that when all of the other facilities are being scaled down and there is no cooking being done at the Putnam Valley facility, she questioned why there was an investment in a commercial kitchen at this location. She mentioned the square footage and the original plans to include a tourism office and a Motor Vehicle Department.

Lithgow Osbourne, Garrison resident believed this was an issue of people not doing their jobs as effectively as they should. He stated that this was his opinion about the job some of the Legislators were doing.

Legislator Wright made a motion to waive the rules and extend the time of the meeting beyond 11:00 P.M.; seconded by Legislator LoBue. All in favor.

Mr. Osbourne stated that the Putnam County Office for Senior Resources bus license plate is AC3743 for the record.

Mayor of Cold Spring David Merandy questioned if public funds could be invested in a private interest. He did not believe that NYS Law allowed this. He believed that Assemblywoman Galef mentioned that she wasn't sure if Dormitory funds could be used for this. He believed this should be looked into.

Item #9 – Recognition of Legislators

Chairwoman Nacerino stated that if she alluded to the fact that she thought any of them did not support the seniors; she apologized. She stated that she did not say that. She stated whether or not the comment was directed to her or another Legislator, she questioned why they would be opposed to the project in their own town.

Legislator Gross stated that he was concerned that County buses are being used in the evening to bring seniors over for a particular angle. He did not believe this was legal and we needed to straighten this out.

Legislator Albano stated that the busing didn't bother him. He stated that we want to hear from all the people in the County and we offer services to the seniors. He stated that Supervisor Oliverio mentioned the option to purchase. He stated that there was no real option to purchase on the table or brought before the Legislature. He stated that there was discussion to extend the lease and it was then brought to fifteen years with a ten year option. He explained that people say that the ideal situation if you have an option to buy would be to put some of the rental money towards that. He stated that would work if you were paying top dollar for the lease. He stated that other properties in this location are paying almost double the amount in rent. He believed that everyone supported the seniors; however, he did not believe everyone supported what it takes to get this project done.

Legislator Wright stated that he was not as sanguine as Legislator Albano is about the use of the buses. He requested that the matter be referred to the Rules Committee to get an opinion from the Attorney General on its propriety. He did not believe it sounded correct to him; however if it is correct, then show me where you sign up to get a bus for all the Hill Street residents to come over and talk about the cell towers. He requested that the other matter, although probably unintended to be inappropriate, also be reviewed by the Rules Committee. He believed that it was not appropriate for a Department Head to lobby a constituency to take action to influence the outcome of Legislative deliberations. He stated that a solicitation letter to come and show support, given the weight of the governmental authority behind it, is exactly that. He believed the Department Head was there to carry out the directives and resolutions of this Legislature, and not to influence the outcome of legislation before this Legislature.

Legislator LoBue concurred with Legislators Gross and Wright. She stated that as Chairwoman of the Rules Committee she would bring forward Legislator Wright's request. She stated that she was shocked to hear that the calendar for the Senior Center contained a letter that was signed off by the Office for Senior Resources' Department Head. She also addressed her concern about scheduling the use of public transportation to further the agenda of the Administration to push forward this lease. She then addressed the comments made by Legislators Albano and Castellano regarding getting a deal at \$13.95 per square foot. She stated that the County was getting a dilapidated building that will be gutted. She stated that it did not have front street access and therefore she could see how the commercial building that is going up now is garnering a higher per square footage amount.

Legislator Albano stated that the other half of the same building is twice the rent.

Legislator LoBue questioned where the comparables were to prove that we are getting such a great deal. She explained how the kitchen in the state of the art senior center

facility in Putnam Valley is now being used to heat up food and now a brand new kitchen is being put in another facility. She explained that she does not know if the kitchen has been scaled down because she has only seen the document received from the Deputy County Executive which enumerated some of the changes that was not discussed at the last Physical meeting. She stated that there has been a lot of discussion about what is public information and what is not. She stated that if there is nothing wrong in what we are doing and this project has merit, she questioned why the County wasn't coming forward and discussing all of the details as many times as needed so that the community feels comfortable that this is the right deal for taxpayers as well as the seniors.

Legislator Albano stated that the revisions to the lease were based on public input or when the Ailes donation was removed. He explained that when individuals had concerns about 52% of the taxes the wording in the lease was changed to provide better clarity. He stated the minor changes that were submitted tonight were to accommodate the request by the town. He stated that regarding the statement about meals not being prepared at the Putnam Valley Senior Center, at the time there was an employee who retired and it was determined that we could save \$100,000 by cooking the meals at one location. He stated that he has not received one complaint until tonight that there were any issues. He explained that this proposed senior center has been worked on and discussed for years.

There being no further business, at 11:26 P.M., Chairwoman Nacerino made a motion to adjourn; seconded by Legislator Gross. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.