

REVISED

**PHYSICAL SERVICES COMMITTEE MEETING
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairman Ellner & Legislators Crowley & Jonke

Monday

June 16, 2025

(Immediately Followed 6:30p.m. Rules Meetings)

The meeting was called to order at 7:00 P.M. by Chairman Ellner who requested Legislator Jonke lead in the Pledge of Allegiance. Upon roll call Legislators Crowley and Jonke and Chairman Ellner were present.

Item #3 - Acceptance/ Physical Services Meeting Minutes/ April 14, 2025

Chairman Ellner stated the minutes were accepted as submitted.

Item #4 – Approval/ Recommendations from P.C. Agricultural and Farmland Protection Board – 2025 Agricultural Inclusion of Parcels into the Putnam County Agricultural District (the May 30, 2025, Memo was REVISED June 10, 2025)/ Chair of the P.C. Agricultural and Farmland Protection Board Christine Nastasi

Christine Nastasi, Chair of the Putnam County Agricultural and Farmland Protection Board, stated they submitted a report on May 30th. She stated there were revisions made to the report, so the final report was submitted on June 10th. She stated there were 11 applicants this year and one farm was already included in the Agricultural District. She stated there were 3 farms they recommended not to be approved, and the Agricultural Board felt as if the rest of the farms fell within the guidelines to be included in the Agricultural District.

Legislator Gouldman stated he would like to reconsider one of the farms that was not recommended to be included into the Agricultural District.

Ms. Nastasi stated the Agricultural Board's determination of who should be included in the Agricultural District is solely a recommendation and the Legislature can decide what farms are included into the Agricultural District.

Chairman Ellner stated he intends to have a motion to approve the recommendations from the Agricultural Board.

Ms. Nastasi explained the situation with Barn Dog Farm and stated the owner has another farm, so this is an add on. She stated although there was structure up on the property, they did not have any horses on the property and there was no place to put a horse which is a mandate of having a boarding farm. She stated the principal owner has another farm, but it is a different entity.

Legislator Sayegh stated she agrees with the recommendation of the Agricultural Board. She stated the farm is supposed to be a working business to be included into the Agricultural District. She questioned how this horse farm can be included into the Agricultural District when they do not have any horses.

Ms. Nastasi stated her colleagues on the Agricultural and Farmland Protection Board said the owner has another farm on Joes Hill Road so this property would be an add on. But that Farm on Joes Hill Road is not owned by the same LLC that owns the property that recently applied for inclusion in the Agricultural District. She stated the final vote was 8- yes; 2- no to recommend this application for inclusion in the Agricultural District.

Legislator Sayegh stated last year there was a property in Putnam Valley that had less than 10 horses.

Ms. Nastasi explained the requirement to apply as a boarding farm is to have 10 horses within a calendar year, not 10 horses at the time of the visit.

Legislator Crowley stated this issue deals with 3 parcels. She stated 2 out of the 3 parcels were haying which is why these parcels were voted for inclusion because haying is included in farming.

Commissioner of Planning, Development and Public Transportation, Barbara Barosa, stated the owner has 4 operations in the area.

Ms. Nastasi stated 5 acres is not enough land to produce hay to feed the horses at the owner's other farm as well as have extra hay to sell.

Commissioner Barosa stated it was a big debate at the Agricultural Board Meeting and ultimately the property was recommended.

Chairman Ellner questioned Counsel if the applicant applied as a hay farm or as an equine operation.

Senior Deputy County Attorney, Conrad Pasquale, stated he would have to look over the application and review the law.

Chairman Ellner explained the reason for his previous question was because if they are a equine operation, and they do not meet the recommended number of horses and recommended revenue in the period of two (2) years, they would not be entitled to protections under the New York Agricultural and Markets Law.

Senior Deputy County Attorney Pasquale stated he believes that is correct.

Jamie Spillane, from HRL Attorneys at Law stated she is an attorney representing this applicant. She stated this application applied for both a haying and equestrian operation. She stated the beneficial ownership is the same for both of the properties. She stated there is a 42-stall horse barn that is near completion as well as a haying operation. She stated the farm is making at least \$14,000 a year, which proves they meet the \$10,000 income requirement from the haying operation, not including the horse operations. She stated the Agricultural Board discussed the farm's situation and although two (2) members did not vote in favor of recommending this farm, the majority of the board did recommend it. She stated the 42-stall horse barn is expected to be completed in July, however, the farm meets the requirements to be included into the Agricultural District even without the stalls because of the haying operation.

Don Rossi, from HRL Attorneys at Law, stated he would like to speak on the beneficial ownership. He stated it would be restrictive on a landowner looking to purchase multiple properties to require the same entity to own every piece of property. He stated with this situation these LLCs only have one member. He stated beneficial ownership is similar to a shareholder and the member in the LLC is the owner of the entity.

Jamie Spillane, HRL Attorneys at Law, stated for horse farms, in the first year of operation they are able to qualify as a startup operation, therefore, the 2-year requirement does not apply to an equestrian operation.

Chairman Ellner stated admission into the Agricultural District and the protections farms receive from the Agricultural District are completely different issues.

Legislator Sayegh requested confirmation that they are different LLCs for each of these three (3) parcels.

Jamie Spillane, HRL Attorneys at Law, stated that the 3 parcels have common ownership.

Chairman Ellner made a motion to approve the Recommendations from Putnam County Agricultural and Farmland Protection Board – 2025 Agricultural Inclusion of Parcels into the Putnam County Agricultural District; Seconded by Legislator Jonke. All in favor.

a. Correspondence From: HRL Attorneys at Law, Jamie Spillane, Esq. Re-Reinmaker Farm East LLC – 2025 Applicant for Inclusion into the Putnam County Agricultural District

Chairman Ellner stated there are 2 farms he would like to have speak at this meeting, Reinmaker Farm East and Clara Patunga Farm. He stated these are 2 farms that did not get recommended to be included into the Agricultural District by the Agricultural Board.

Jamie Spillane, HRL Attorneys at Law, stated the owner of Reinmaker Farm, Harold Lepler, owned a number of parcels for farming purposes in Putnam County and has been making the required farm income for 20 years. She stated the application was submitted under the statement that this is viable agricultural land. She stated the property has recently had the footings installed for the additional barn. She stated this property was not recommended for the inclusion in the Agricultural District for the fact that the horses are not on site at this time. She stated the Agricultural and Market Law does not state that it is required for horses to be on site. She stated the requirement for inclusion is land that is highly suitable for a farm operation. She stated Harold Lepler has been operating a farm operation for 40 years and has continued the operation even though he has not had land in Putnam County for the past 6 months to a year. She stated this is more akin to an addition of land to an already active farm operation. She stated there has been additional construction on the site since the site visit.

Chairman Ellner questioned when the site visit occurred compared to when the footings were installed. He stated he is assuming all the permits from the Town of Southeast are in place.

Jamie Spillane, HRL Attorneys at Law, stated the meeting was May 23rd and the site visit occurred earlier in the week. She stated the footings were installed the following week. She stated there is a building permit for the construction on the site.

Legislator Crowley stated Mr. Lepler has done wonderful things with farming. She questioned if they are able to table this item and schedule another site visit. She stated she believes if some of the applicants have made progress on their property's since the site visit she would like to entertain doing another site visit.

Ms. Nastasi stated the first site visit was May 6th and the second site visit was May 13th. She stated if the Legislature allows site visits after the inclusion date the Agricultural Board does not serve a purpose. She stated at the May 6th site visit there was nothing on the property. She explained breeding is more selective when it comes to inclusion in the Agricultural District. She stated one of the requirements for breeding is proof of breeding more than 1 horse for several years. She stated almost anything could be considered viable land for agriculture. She explained the property being discussed is in the middle of the woods and that is not what they would

normally consider viable land especially for a horse farm. She stated most horse farms would have cleared lands with pastures. She stated paddocks certainly can be put in the woods, but to say it is viable agricultural land, she disagrees with that. She stated the Legislature has the power to accept any farm they would like to be included in the Agricultural District.

Legislator Jonke stated the County just lost a lawsuit over viable farmland. He stated the applicant has had a well known breeding operation for many years. He stated the owner did not stop the operation and he is still breeding horses.

Jamie Spillane, HRL Attorneys at Law, stated she wanted to clarify that she does not view this as a startup operation but instead as an ongoing farm operation that has purchased new property. She stated this has been a commercial boarding stable and breeding operation and now the owner is transitioning into being just a breeding operation.

Legislator Sayegh stated there is a certain inclusion period the Putnam County Agricultural and Farmland Protection Board has to follow, and they cannot go out for a site visit whenever they want to. She stated the Agricultural District goes to the parcel and not the person.

Ms. Nastasi addressed that comment, White Oak Apiary has a parcel included in the Agricultural District on a different plot in Brewster and he applied to put a less than 2-acre plot he owns in a different part of Brewster into the Agricultural District as an add on so they will enhance each other. She stated Mr. Lepler has sold his farm and has not had a farm in Putnam County for several years. She stated she understands that he may have been breeding in a different area, but she does not know if he has been or has not. She stated regardless she does not see that to be pertinent because he would have needed to have been farming in Putnam County.

Chairman Ellner questioned Senior Deputy County Attorney Pasquale about start ups.

Senior Deputy County Attorney Pasquale stated it is a subjective standard. He stated the Legislature can discuss and determine whether they believe the property meets the standard of what they would consider a legitimate start up.

Chairman Ellner questioned whether any start up is eligible for inclusion into the district regardless of how far along they are in terms of construction.

Senior Deputy County Attorney Pasquale stated that is correct and it is up to the discretion of the Legislature.

Legislator Sayegh stated her concern is about construction and she would want to make sure that the town has oversight on that. She stated she is respectful of this farming operation, and she does not see the harm in the farm reapplying next year.

Legislator Jonke stated he believes there are benefits outside of town zoning code by being in the Agricultural District.

Jamie Spillane, HRL Attorneys at Law, stated there are various benefits but the applicant is not trying to get around zoning in any way because he already has a building permit for the building that is currently under construction. She stated the applicant has a successful history of working in the farming business within the requirement and restrictions of the Town of Southeast.

Legislator Crowley stated the startup is a different situation. She stated the other 3 parcels that were not recommended for inclusion were based on what is required of a startup farm, so she believes if one (1) is considered for inclusion then all of them would need to be considered into the Agricultural District.

Chairman Ellner stated he does not want to deny anyone the opportunity to come before the full Legislature. He stated he wants to treat all startups fairly.

Chairman Ellner made a motion to Approve and move the application from the Reinmaker Farm East to the Full Legislative Meeting; Seconded by Legislator Jonke. By roll call vote; All Ayes. Motion carries.

Chairman Ellner stated the next parcel which is in a similar situation is Clara Patunga Farm.

Crytal Stowell, Resident of Putnam Valley, stated as Vice President of the Putnam Valley Grange stated he support and urges the Legislature to vote in favor of Clara Patunga Farm. She stated this is a startup family farm in Putnam Valley that offers a diverse selection of produce and is committed to sustainable agriculture practices as well as providing the community with access to clean and healthy food. She stated due to the farm's production of fruit and honey, it clearly meets the definition of a farm operation and viable agricultural land under the Ag & Markets law. She stated municipalities are expected to give new farms a reasonable period to establish their operations and crop production. She explained for apiaries a 2 year start up period is recommended and for orchards and berries a 3 to 5 year start up period. She stated although the farm is producing modest amounts of fruit and honey, the farm is still in its early developmental stages and requires more time to mature. She stated Clara Patunga Farm as well as all emerging farms would greatly benefit from inclusion into the Agricultural District. She stated the protections under the Agricultural and Markets Law is crucial to start up farms. She stated Agricultural and Markets Law also states that a number of other factors should also be

considered such as the landowner's intent, time and effort spent on farming, and if the landowner has the knowledge needed to carry on the farming activity as a successful business. She stated the owner of Clara Patunga Farm possesses a bachelor's degree in agriculture and also has farming experience from Green Chimney's Organic Farm as well as submitted a business plan with his application.

Chairman Ellner requested that Crystal Stowell explain what the Putnam Valley Grange is.

Crytal Stowell, Resident of Putnam Valley, Vice President of Putnam Valley Grange, stated the Grange is an association that supports local agriculture as well as the farmers.

Legislator Jonke requested to ask the owner of Clara Patunga Farm, Andrew Wulkan, a few questions. He questioned if Mr. Wulkan had called the Legislative Office a number of times and told the staff that he resided in Legislator Jonke's district when he wanted to talk to him.

Andrew Wulkan, owner of Clara Patunga Farm, stated he did not recall.

Legislator Jonke questioned why Mr. Wulkan called the office numerous times and was dishonest.

Andrew Wulkan, owner of Clara Patunga Farm, stated he was trying to get through to people and educate them on the Agricultural District as well as the benefits to farming in the community.

Legislator Jonke questioned why Mr. Wulkan was dishonest and stated his name was Andrew Smith when he left a message.

Legislator Gouldman stated Mr. Wulkan is very educated on farming and he requested that his farm gets approved for inclusion in the Agricultural District.

Legislator Crowley stated the 8-year review is coming up in 2 years which would allow the Legislature to look at the startups then and review how their business plan developed. She stated since the 8-year review is soon, she does not have a problem with including the startups in the Agricultural District.

Legislator Sayegh questioned the purpose of having an Agricultural Board assess the farms and provide their expert opinions if the Legislature is just going to go against their recommendations.

Chairman Ellner stated he agrees with Legislator Sayegh, however, there have been delays in terms of getting their inclusion criteria corrected. He questioned why Clara Patunga Farm was not recommended.

Ms. Nastasi stated on the farm there were 2 bee hives and multiple species of fruit trees but none of the trees were bearing enough fruit to be able to sell at a farmstand. She stated the same thing occurred with the vegetable beds, they were present but not producing enough to have significant sales from it. She stated the owner has a great vision as to what he would like to do with the farm, but she believes Mr. Wulkan should apply next year and would most likely not have an issue being approved.

Legislator Birmingham cautioned that some of these votes could be used as precedent in the future.

Commissioner Barosa stated the farm could be considered a startup, but she believes it would be very difficult to get to the level of a commercial farm.

Legislator Crowley stated she does not want to set a poor precedent and would like to be clear on what a startup is since they just approved a startup. She stated she wants to be fair to all startups and to people not everyone knows.

Senior Deputy County Attorney Pasquale stated the Legislature has a lot of discretion on who they want to consider. He stated the Legislature needs to consider the precedential value of any decision they made along with each application being looked at on its own merits. He stated he is not able to give a concrete definition on what a startup is.

Legislator Crowley questioned if education is also considered in the applications.

Chairman Ellner stated he wants to be fair to everyone. He stated he believes they should pass this along.

Arielle Honovich, Resident of Patterson, stated the Putnam County Law Department argued her background in the past. She stated she appreciates the open mindedness during this meeting. She stated she worked really hard to get where she got and she built her farm from nothing. She stated she hopes her lawsuit helped set a precedent.

Brett Yarris, Resident of Carmel Hamlet, stated there needs to be criteria put in place because there is a lot of uncertainty about who meets the requirements and who does not. He thanked the Legislature for taking this process seriously and for being open minded.

Chairman Ellner reiterated he wants to be fair to everyone, and he believes this topic deserves to have the Full Legislature's input.

Chairman Ellner made a motion to Approve and move Clara Patunga Farm application to the Full Legislative Meeting; Seconded by Legislator Crowley. By roll call vote: Two Ayes- Legislator Crowley, Chairman Ellner. One Nay- Legislator Jonke. Motion Carries.

Ms. Nastasi stated there is one more applicant who was not recommended that was not talked about. She stated the owner of the farm is Peter Clark and the principal operation of this farm is poultry, eggs, horticulture, greenhouse, Christmas trees, and nursery. She stated none of these things were visible and he did not show the Agricultural Board these things as well as he did not have a greenhouse. She stated the one thing he talked about were fruit trees that were not going to produce fruit for another few years. She stated she did not see any farming he was doing himself.

Senior Deputy County Attorney Pasquale stated he believes the Legislature must render a vote about whether the application is going to be approved or not approved.

Item #5 – Approval/ SEQRA Determination/ Negative Declaration/ Terry Hill Road (CR 46) and NYS Route 311 Intersection Improvements/ Commissioner of Planning, Development, and Public Transportation Barbara Barosa

Commissioner Barosa stated this is the conclusion of the environmental review for the intersection of Route 311 and Terry Hill Road Department of Public Works (DPW) project. She stated this is the determination stating there are no negative impacts as a result of the project.

Legislator Birmingham requested Commissioner Barosa to describe the purpose of the intersection.

Commissioner of the Department of Public Works, Thomas Feighery, stated they are adding a turning lane, widening the intersection, and creating walkways for pedestrians.

Chairman Ellner made a motion to approve the SEQRA Determination/ Negative Declaration / Terry Hill Road (CR 46) and NYS Route 311 Intersection Improvements; Seconded by Legislator Jonke. All in favor.

Item #6 – Approval/ Putnam County’s Proposed Public Transportation Agency Safety Plan In Conformance with and as Required by the U.S. Department of Transportation’s Final Rule (49 C.F.R. Part 673)/ Commissioner of Planning, Development and Public Transportation Barbara Barosa

Commissioner Barosa stated the U.S. Department of Transportation (DOT) has required the County to create a safety plan for several years, however, they recently updated the regulations and must now analyze the impact and potential for transit worker assaults.

Chairman Ellner questioned if the resolution has been reviewed by the Law Department.

Commissioner Barosa stated it was sent to the Law Department.

Chairman Ellner made a motion to Approve Putnam County's Proposed Public Transportation Agency Safety Plan In Conformance with and as Required by the U.S. Department of Transportation's Final Rule (49 C.F.R. Part 673); Seconded by Legislator Jonke. All in favor.

Item #7 – Approval/ Ratification of Applications Submitted Through Grant Funding Through the 2025 Consolidated Funding Application Program Aimed to Improve Water Quality and Improve and Maintain Infrastructure In Putnam County

Commissioner Barosa stated the consolidated funding application process has begun for the year. She stated they are planning to apply for 4 separate grants. She stated one of the grants is for a strategic plan which would analyze Putnam County owned buildings and determine if there is a possibility of consolidating or shifting departments. She stated another grant is for the analysis and design of the Continental Dam. She explained the third grant is to purchase vacuum trucks for DPW sweepers and the last grant is to be used for the parks to pave the oldest trails.

Chairman Ellner stated the total for all 4 grants is \$1,175,000.

Legislator Sayegh questioned if each project would require a match from the County.

Commissioner Barosa stated yes, it would require a match from the County.

Chairman Ellner made a motion to approve the Ratification of Applications Submitted Through Grant Funding Through the 2025 Consolidated Funding Application Program Aimed to Improve Water Quality and Improve and Maintain Infrastructure In Putnam County; Seconded by Legislator Jonke. All in favor.

Item #8 – Approval/Budgetary Amendment 25A052/ Amend Capital Project 52405 – Putnam County Sheriff's Office Life Safety Systems Modernization/ Commissioner DPW Thomas Feighery

Deputy Commissioner DPW Joseph Bellucci stated this was a project they began in 2024 and it is near completion now. He stated the project included fire alarm and lighting control graphic

improvements as well as intercom systems. He stated the total for the project was about \$700,000 and they are asking for \$16,000 to complete the project.

Chairman Ellner made a motion to approve to approve Budgetary Amendment 25A052/ Amend Capital Project 52405 – Putnam County Sheriff's Office Life Safety Systems Modernization; Seconded by Legislator Crowley. All in favor.

Item #9 – Approval/Budgetary Amendment 25A055/ Planning Department/ Correct State Aid Funding Source- Through the NYS DOT Public Transportation Modernization and Enhancement Program/ Commissioner of Finance Michael Lewis

Commissioner Barosa stated they receive annual allocation from the Modernization and Enhancement Program (MEP). She stated this was an allocation from 2021 and it was labeled as State Aid section 5307. She stated this is just a correction to change the line to MEP.

Chairman Ellner stated that they are just moving \$137,909 from the incorrect budget line to the correct one. He stated this would have zero fiscal impact.

Chairman Ellner made a motion to approve Budgetary Amendment 25A055/ Planning Department/ Correct State Aid Funding Source- Through the NYS DOT Public Transportation Modernization and Enhancement Program; Seconded by Legislator Jonke. All in favor.

Item #10 – Approval/ Budgetary Transfer 25T165/ MTA Railroad Station Maintenance Costs pursuant to Section 1277 of the Public Authorities Law for the Period of April 1, 2024 – March 21, 2025/ To Cover Deficit Created By a Greater Than Anticipated CPI Factor/ Commissioner of Finance Michael Lewis

Chairman Ellner stated the Legislature is being asked to take \$20,798 from contingency in order to pay the MTA for railroad station maintenance. He stated this is an additional based on the \$1,220,798 they have already paid.

Chairman Ellner made a motion to approve Budgetary Transfer 25T165/ MTA Railroad Station Maintenance Costs pursuant to Section 1277 of the Public Authorities Law for the Period of April 1, 2024 – March 21, 2025/ To Cover Deficit Created By a Greater Than Anticipated CPI Factor; Seconded by Legislator Crowley. All in favor.

Item #11 – Other Business

a. Approval/ Soil and Water Board Appointments

Chairman Ellner made a motion to accept the other business; Seconded by Legislator Jonke. All in favor.

Chairman Ellner stated the Soil and Water Board currently has 2 vacancies. He stated one vacancy is to be filled by the recommendation of the Farm Bureau and the other is an at large seat. He stated the Farm Board Applicant was Cassandra Roth and the at large applicant was Brett Yarris. He stated these two applicants met the requirements, but the third applicant did not because they were not a Putnam County resident.

Chairman Ellner made a motion to Approve the Soil and Water Board appointments; Seconded by Legislator Jonke. By roll call vote: All Ayes. Motion carries.

Crytal Stowell stated she would like to address a concern the Putnam Valley Grange has with the Interpretation of New York Soil and Water District Article 2 Part 6. She stated this law mandates one of the farmers on the Soil and Water Board to be appointed from a list sent by the county grange. She stated the law does not allow the County to substitute any of the board seats with general members at large. She stated although this law refers to a county grange, Putnam Valley Grange is the only active chartered grange within Putnam County. She stated because of this, Putnam Valley Grange is the grange entity representing Putnam County. She encouraged the Legislature to recognize Putnam Valley Grange as the County Grange.

Senior Deputy County Attorney Pasquale stated he will look into this law to determine the definition of a county grange versus a local grange.

Chairman Ellner questioned what would happen if one of the recommended Soil and Water Board applicants is not a resident of Putnam County.

Senior Deputy County Attorney Pasquale stated he will have to look to see if the grange representative has to either be a resident of Putnam County or if they have to just farm in Putnam County.

Chairman Ellner stated since Putnam County is a chartered county they have more flexibility over the Agricultural and Markets Law. He asked if this information can be obtained before the Full Legislative Meeting so the Legislature can fill the vacant seats on the Soil and Water Board. Senior Deputy County Attorney Pasquale questioned if there are any grange members on the Soil and Water Board.

Item #12 – Adjournment

There being no further business, at 8:27 P.M., Chairman Ellner made a motion to adjourn; seconded by Legislator Crowley. All in favor.

Respectfully submitted by PILOT Intern Aubrey Dall.