

**SPECIAL MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
CALLED BY THE CLERK AT THE REQUEST OF THE CHAIRWOMAN
HELD IN ROOM #318 OF THE
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Tuesday

October 14, 2025

5:30 P.M.

The meeting was called to order at 5:30 P.M. by Chairwoman Sayegh who requested that Legislator Gouldman lead in the Pledge of Allegiance and Legislator Crowley to lead in the Legislative Prayer. Upon roll call, Legislators Gouldman, Addonizio, Jonke, Birmingham, Crowley and Chairwoman Sayegh were present. Legislators Montgomery, Russo and Ellner were absent.

Item #4 - Approval/ Litigation Settlement/Arben Group, LLC v. County Of Putnam (*Tabled from the 10-7-2025 Full Mtg*) was next.

Chairwoman Sayegh explained this item was tabled from the October 7, 2025, Full Meeting. She opened the floor to her colleagues.

Legislator Jonke expressed his appreciation to his colleagues for agreeing to Table this matter. He explained it allowed additional time to review the documentation, which he did and is prepared to make an informed decision on the matter.

Chairwoman Sayegh made a motion to approve the following resolution; seconded by Legislator Gouldman.

RESOLUTION #266

APPROVAL/ LITIGATION SETTLEMENT/ARBEN GROUP, LLC V. COUNTY OF PUTNAM
(Tabled from the 10-7-2025 Full Mtg)

WHEREAS, on July 12, 2023, Plaintiff Arben Group, LLC commenced action by Summons and Verified Complaint against the County of Putnam in Supreme Court, Putnam County (Grossman, J.) alleging that after Plaintiff entered into a May 24, 2021 contract with Putnam County for services involving certain road reconstruction and bridge repairs in Putnam Valley known as the Peekskill Hollow Road Bridge and Roadway Improvements project, the County's alleged actions and omissions thereafter including delays, defective design, non-payments, misrepresentations, cardinal changes and project mismanagement, were alleged to constitute a material breach of the contract resulting in monetary damages to Plaintiff; and

WHEREAS, Plaintiff sought recovery for monetary damages in an undetermined amount as well as costs, disbursements, attorney's fees, and pre-judgment and post-judgment interest; and

WHEREAS, after the County's insurer, the New York Municipal Insurance Reciprocal (NYMIR) declined to provide coverage on various grounds, the County retained outside counsel with extensive experience and expertise in construction litigation, the Harris

Beach law firm, (Darius Chazifedah, Esq.), to defend the County's interests in this matter; and

WHEREAS, since action was commenced by Plaintiff in July 2023, such litigation has been aggressively handled by the Harris Beach law firm including their filing a Verified Answer pleading Counterclaims, commencing a third-party action for breach of contract against Plaintiff and submitting claims against the surety on behalf of Putnam County; and

WHEREAS, at the conclusion of extensive pretrial discovery including depositions and following private mediation between the parties and multiple court conferences in connection therewith, the parties recently arrived at a settlement value for this case of one million six hundred thousand (\$1,600,000.00) dollars; and

WHEREAS, Plaintiff agreed to a settlement with the County, subject to the Legislature's approval, in which the County agreed to pay Plaintiff the total sum of one million six hundred thousand (\$1,600,000.00) dollars in full and final settlement of all claims asserted in this action; and

WHEREAS, the County's outside counsel, Darius Chazifedah, Esq., has, following consultation with the County Attorney and multiple conferences with various representatives of the County, recommended the aforementioned settlement as an alternative to trial; and

WHEREAS, outside counsel for the County of Putnam has in fact settled the matter with Plaintiff for the sum of one million six hundred thousand (\$1,600,000.00) dollars, and Plaintiff shall execute the required Release which, upon formal approval by the Legislature will be filed with the Court, thereby discontinuing this matter, and allowing Plaintiff to receive his settlement payment in the agreed upon amount; and

WHEREAS, the aforementioned settlement is in the public interest and avoids the costs of further litigation, eventual trial and possible appeal, additional attorney's fees and costs and the risk of a high verdict following trial; now therefore be it

RESOLVED, that the proposed settlement of this matter for the sum of one million six hundred thousand (\$1,600,000.00) dollars is hereby approved; and be it further

RESOLVED, that the County Executive is hereby authorized to sign any required settlement documents on behalf of the County including a Settlement Agreement and Release with respect thereto.

BY ROLL CALL VOTE: ALL AYES. LEGISLATORS ELLNER, MONTGOMERY & RUSSO WERE ABSENT. MOTION CARRIES.

Item #5 – Approval - Budgetary Amendment (25A095) - Litigation Settlement - Arben Group, LLC v. County of Putnam (*Tabled from the 10-7-2025 Full Mtg*) was next.

Chairwoman Sayegh stated this is the budgetary amendment related to the litigation settlement, Item #4. She stated it was also tabled from October 7, 2025, Full Meeting, because the settlement matter was tabled.

Chairwoman Sayegh made a motion to approve the following resolution; seconded by Legislator Gouldman.

RESOLUTION #267

APPROVAL - BUDGETARY AMENDMENT (25A095) - LITIGATION SETTLEMENT - ARBEN GROUP, LLC V. COUNTY OF PUTNAM *(Tabled from the 10-7-2025 Full Mtg)*

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (25A095) to fund a legal settlement for Arben Group, LLC v. County of Putnam; and

WHEREAS, the Putnam County Legislature has reviewed and approved said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Increase Estimated Appropriations:

10193000 54933	Judgements & Claims	1,600,000
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Increase Estimated Revenues:

10131000 427115	Judgements & Settlements Reserve	1,600,000
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2025 Fiscal Impact – 1,600,000

2026 Fiscal Impact – 0 –

BY ROLL CALL VOTE: ALL AYES. LEGISLATORS ELLNER, MONTGOMERY & RUSSO WERE ABSENT. MOTION CARRIES.

Item #6 - Approval – Contract – Memorandum of Understanding (MOU) – Terry Hill Road / Route 311 *(Tabled from the 10-7-2025 Full Mtg)* was next.

Chairwoman Sayegh this item was Tabled from the October 7, 2025, Full Meeting in order for the Legislature to receive and review additional information.

Legislator Birmingham stated that he supports the project and believes it will help the safety of said intersection. He stated he will be voting “No”. He explained that he does not recall the Legislature ever having to vote on a contract other than a Inter-Municipal Agreement (IMA), Collective Bargaining Contract, or contracts related to land transactions, such as easements, purchases or sales. He stated he will voting in favor on the next item, which is the funding for the project. He clarified again in his experience on the Legislature he does not recall ever voting on a Contract of this nature and believes that is the role of the Executive Branch.

Chairwoman Sayegh made a motion to approve the following resolution; seconded by Legislator Jonke.

RESOLUTION #268

APPROVAL – CONTRACT – MEMORANDUM OF UNDERSTANDING (MOU) – TERRY HILL ROAD / ROUTE 311 PROJECT *(Tabled from the 10-7-2025 Full Mtg)*

WHEREAS, Putnam County, through its Department of Public Works has

determined that the intersection at Terry Hill Road and Route 311 would benefit from improvements consistent with and to accommodate the current traffic volume and patterns; and

WHEREAS, L.I.S.E., LLC, a private developer, is seeking to improve the area in furtherance of its development project and accordingly supports this material improvement to the Terry Hill and Route 311 intersection to better accommodate the current traffic volume and patterns; and

WHEREAS, in consideration of the County's contribution for capital improvements and L.I.S.E., LLC's contribution toward right-of-way acquisition and design planning, the Administration, in accordance with applicable State and local law, has entered into negotiations with L.I.S.E., LLC; and

WHEREAS, the Putnam County Law Department has prepared, and the County Executive and L.I.S.E., LLC have executed a memorandum of understanding setting forth the terms of engagement between the parties, which is annexed hereto as Schedule "A"; and

WHEREAS, the Putnam County Law Department has also prepared a contract between the County and L.I.S.E., LLC, which is annexed hereto as Schedule "B"; and

WHEREAS, the County Executive has requested that the Putnam County Legislature approve such contract; now therefore be it

RESOLVED, that the Putnam County Legislature has reviewed the memorandum of understanding between the parties, and has reviewed the proposed contract, and has considered the benefit to the County in improving the County intersection at Terry Hill Rd and Route 311; and be it further

RESOLVED, that the Putnam County Legislature approves the contract between the County of Putnam and L.I.S.E., LLC, which shall be in substantial conformance with the form attached hereto and made a part hereof as Schedule "B", and that the Putnam County Executive is authorized to execute said contract; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate this contract pursuant to its terms, which are approved herein.

BY ROLL CALL VOTE: FIVE AYES. ONE NAY – LEGISLATOR BIRMINGHAM. LEGISLATORS ELLNER, MONTGOMERY & RUSSO WERE ABSENT. MOTION CARRIES.

Item #7 - Approval – Budgetary Amendment (25A080) – DPW – Empire State Development Grant – Terry Hill Road Improvements (*Tabled from the 10-7-2025 Full Mtg*) was next.

Chairwoman Sayegh stated this is the budgetary amendment related to the Terry Hill Road Improvements matter addressed under Item #6. She explained the Terry Hill Road Improvements matter was tabled at the October 7, 2025, meeting. She stated accordingly the funding related to said road improvements was Tabled.

Chairwoman Sayegh made a motion to approve the following resolution; seconded by Legislator Jonke.

RESOLUTION #269

APPROVAL – BUDGETARY AMENDMENT (25A080) – DPW – EMPIRE STATE DEVELOPMENT GRANT – TERRY HILL ROAD IMPROVEMENTS (*Tabled from the 10-7-*

2025 Full Mtg)

WHEREAS, on July 17, 2025, the County Executive was notified by Empire State Development on the acceptance of Putnam County's County Infrastructure Grant Program (CIGP) application and to provide an update on the next steps in the Empire State Development's grant process; and

WHEREAS, the Commissioner of Finance has requested a budgetary amendment (25A080) to account for the Empire State Development Grant and the agreement with L.I.S.E., LLC to fund up to \$100,000 in project right-of-way costs; and

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

CAPITAL FUND:

Increase Estimated Appropriations:

55197000 53000 52307	Terry Hill Road Improvements	100,000
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Increase Estimated Revenues:

55197000 435971 52307	State Aid – Empire State Dev. Grant	500,000
55197000 427050 52307	Contribution	100,000

Decrease Estimated Revenues:

05000 45710N 52307	Bond Proceeds	500,000
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2025 Fiscal Impact – 0 –

2026 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATORS ELLNER, MONTGOMERY & RUSSO WERE ABSENT. MOTION CARRIES.

There being no further business, at 5:41P.M., Chairwoman Sayegh made a motion to adjourn; seconded by Legislators Jonke & Crowley; All in favor.

Respectfully submitted by Diane Trabulsy, Clerk.