

PHYSICAL SERVICES COMMITTEE MEETING
40 Gleneida Avenue Room #318
Carmel, NY 10512

Committee Members: Chairman Ellner, Legislators Castellano & Crowley

Tuesday **April 16, 2023**

(Immediately Followed the Economic Development Mtg.)

The meeting was called to order at 6:34p.m. by Chairman Ellner who requested Legislator Castellano lead in the Pledge of Allegiance. Upon roll call, Legislators Castellano, Crowley, and Chairman Ellner were present.

Item #3 - Acceptance/ Physical Services Meeting Minutes/ March 12, 2024

Chairman Ellner stated the minutes were accepted as submitted.

Item #4 - Approval/ Budgetary Amendment – 24A028/ Compensation to the County for Guardrail Damages – Two Separate Accidents on Croton Falls Road and Farmers Mills Road/ Risk Manager Mat Bruno

Chairman Ellner stated this is reimbursement to the County for guardrail damage, which was secured through the efforts of Risk Manager Mat Bruno.

Legislator Crowley gave recognition and expressed her appreciation of the efforts Risk Manager Bruno has been putting forward to secure these reimbursements for the County from the drivers' insurance company.

Chairman Ellner made a motion to Approve Budgetary Amendment – 24A028/ Compensation to the County for Guardrail Damages – Two Separate Accidents on Croton Falls Road and Farmers Mills Road; Seconded by Legislator Castellano. All in favor.

Item #5 - Approval/ SEQRA/ Intent To Serve as Lead Agency/ County Office Building ADA Ramp and Entry Door Project/ Commissioner Planning, Development & Public Transportation Barbara Barosa

Commissioner Planning, Development & Public Transportation Barbara Barosa stated this SEQRA is related to the work that will be done at the entrance of this building, 40 Gleneida Avenue, to the right of the entrance door stairs. She explained this work normally would be a SEQRA minor Type II Action. She stated because of the work that will be done in close proximity to the historic courthouse, it is a SEQRA Type I Action, requiring full review. She stated the request this evening is for the Legislature to declare their intent to do a full review.

Legislator Crowley stated her support and appreciation that this work will be done and provide for an accessible ADA compliant way to enter the front of the Putnam County Building.

Legislator Castellano questioned what the plans are for the area in between the two (2) buildings.

DPW Deputy Commissioner Joseph Bellucci stated they are still looking at that area, but it will be part of the Capital Projection Beautification project.

Chairman Ellner made a motion to Approve/ SEQRA/ Intent To Serve as Lead Agency/ County Office Building ADA Ramp and Entry Door Project; Seconded by Legislator Castellano. All in favor.

Item #6 - Discussion/ Putnam County Owned Dam Located in Philipstown

Chairman Ellner made a motion to Waive the Rules and Accept the Additional; Seconded by Legislator Crowley. All in favor.

Chairman Ellner stated the additional item, is a packet of photos that were taken at the site that is up for discussion. He stated that DPW Deputy Commissioner Joseph Bellucci and Soil & Water Conservation District Manager Neal Tomann were present to speak to this item. He stated residents contacted the Legislature and requested this item be placed on an agenda to be discussed. He explained there is an area that is considered a Dam and New York State is requiring that the County do a major construction to this Dam. He stated as a result of unpaid taxes on said property the County owns it. He stated there is a significant cost associated to the directive action, per the NYS Department of Environmental Conservation (DEC). He stated roughly the cost could be \$1million. He stated another challenge is the area where the Dam would go, it is very narrow, presenting a challenge to getting the necessary equipment in to do the work. He expressed his appreciation to Legislator Montgomery for meeting them and touring the site with Deputy Commissioner Bellucci and District Manager Tomann (Friday, April 12th).

Soil & Water Conservation District Manager Neal Tomann stated Putnam County has 8 or 9 Dams. He stated the reason for the ambiguous total of Dams is because the County is always going back and forth the with the DEC regarding their classification. He stated that is ongoing. He stated this Dam, referred to as the Continental Village Dam, has been being discussed for the two (2) years he has been with the County. He stated the most recent communication was in a letter dated February 14, 2024. He stated the DEC is calling for a repair, a renovation or to drain it, the official term is to “declassify the Dam”. He stated the DEC has three (3) different classifications of the Dams. He stated the classifications are based on what would happen if the Dam failed. He stated the classifications are the following: A- minimal damage would be caused, it would be mostly inconvenient. B- there would be considerable property damage. C- it would cause considerable property damage and probable loss of life. D- decommissioned Dam. He stated the Continental Village Dam has been classified as a B. He spoke to an arial view of the area explaining there are three (3) category groups 1- the residents who live on the upper level. He stated that enjoy looking at the Dam. 2 – the residents who live in the inundation area, there are 54 houses the DEC say would have considerable property damage. 3- the County is in the middle with the Dam and the DEC. He stated the DEC has told the County what they have to do. He stated one of the things the DEC is calling for is a concrete weir and attach a low-level

outlet. He stated this approximate 2-acre pond holds roughly 4 million gallons of water. He stated the DEC wants the availability to exist to be able to dump the water within nine (9) days if there is a notice that there is a big storm coming to the area. He stated ten (10) years ago the projected cost of this type of work was \$450,000. He stated they have sent this to an engineering firm to get them to review it. He stated the engineering firm has projected roughly \$600,000 to \$750,000 cost for this work. He stated whatever is decided the County will need to build a road to get access to the area. He stated Chairman Ellner, when touring the area, mentioned constructability. He explained the County owns such little land in the area. He stated the County owns the entrance and the curtilage around the pond. He stated the County does not own enough land to fix the Dam. He stated that is another thing to think about. He stated based on what is decided there may be a need to get construction easements and eminent domain. He stated he appreciates the residents who came out to listen and he understands the concern in the community. He stated the first action by the County will need to be work to build a road, which would provide access to said area. He stated that will be approximately 100 plus yards. He stated that will involve unfortunately taking out a couple of trees, forsythia, and brush down.

Chairman Ellner questioned if there will be a need to get easements to build the road.

Soil & Water Conservation District Manager Neal Tomann stated he does not believe so, he believes the property the County owns will be what is needed for the access road. He stated that the County is still hoping to work with the DEC and get the classification changed to an A, which would result in a similar build and would retain some water. He stated they will pursue that. He stated regardless of whatever action the County potentially will need to take, the County does need access to the site.

Chairman Ellner questioned if there is money budgeted in 2024 to build said road.

DPW Deputy Commissioner Bellucci stated they do not have the funds budgeted for that work.

Legislator Crowley questioned if an environmental study has been done yet.

Soil & Water Conservation District Manager Neal Tomann explained that has not been done yet. He stated that would come later in the process regardless of what action is taken.

Legislator Crowley stated we are hearing that there are several options for action which have a different associated cost. She stated this is a similar situation that occurs often with the lakes that were once owned by a Homeowners Association (HOA), that default on. She stated it is hard for the homeowners to try to rectify the lakes because there are strict DEC regulations that must be followed. She questioned once the County takes whatever action is decided, since the County owns only a portion, who then is responsible for the maintenance.

Soil & Water Conservation District Manager Neal Tomann stated if the County replaces the Dam, the County owns the Dam and is then responsible for the maintenance.

Chairman Ellner facilitated further hypothetical scenarios in a discussion format.

Legislator Nacerino questioned how this work would be funded. She questioned if there are funding resources that can be tapped into.

DPW Deputy Commissioner Joseph Bellucci stated the County has some Capital funding for Dam improvements, with the six (6) year Capital Program. He stated the allocations for this year would not cover the costs, as District Manager Tomann mentioned.

Legislator Nacerino questioned would these be paid for by the taxpayers or is there an opportunity for other resources through grant and or State funding.

DPW Deputy Commissioner Joseph Bellucci stated they are looking into that.

Soil & Water Conservation District Manager Neal Tomann stated the DEC sponsors a lot of that type of funding. He explained it is the DEC who is telling the County to abandon and to drain this pond. He stated that action is consistent with the DEC's push to have better connectivity in waterways.

Legislator Montgomery thanked Physical Services Chairman Ellner for coordinating the visit to the site and for inviting her to be there. She stated when we were at that meeting at the site, it was stated there is no project yet and there are no real costs to consider. She stated she would like to go back to the site with representatives from the DEC and talk with them as to what are the real options. She stated that she believes that would be a very useful meeting. She stated she is seeing this trend to get rid of the Dams throughout the State. She stated again she would like to have the opportunity to speak with the DEC at the site and see if there is room to negotiate.

Legislator Crowley questioned how many of these homes were affected by the overflow as a result of the recent storms in our area.

Legislator Montgomery confirmed that this area was not affected at all.

Legislator Nacerino stated that she hopes the DEC agrees to the meeting at the site and possibly reverse their decision to an A classification. She stated her concern is as Legislator Montgomery stated there is a trend across the State, then the onerous will be on the County to do this for all of the Dams in the County. She stated that is an important consideration. She stated her hope is this can be realized in an amicable and economical way.

Soil & Water Conservation District Manager Neal Tomann stated for clarification if the classification does get changed to an A, it will still cost a lot of money and the County would still be liable.

Chairman Ellner stated that is the underlying problem. He spoke to his speculation of how this pond came to be many years back. He stated this pond is some 100 feet higher than other streets. He stated the concern of the DEC's is the potential water damage to the homes in the area if there is a malfunction of this pond and the approximate 4 million gallons of water is released.

Soil & Water Conservation District Manager Neal Tomann continued to reiterate that if the classification is changed by the DEC to an A, there will still need to be work done and the Pond area will not look the way it does now.

Legislator Nacerino stated all the actions and associated costs need to be known, that is crucial. She stated once the County does for one (1) it will have to do for all the others.

Legislator Addonizio questioned if the homes that would be affected if the Pond were to overflow, are they currently located in a flood zone.

Soil & Water Conservation District Manager Neal Tomann stated he did not have the answer, he would have to look into that.

Legislator Crowley questioned if this project, pending what the final course of action is, would be a project that the County could apply for the Community Municipal Project Funding.

DPW Deputy Commissioner Bellucci stated that could be a consideration. He explained the criteria would need to be evaluated and make a decision from that.

Legislator Sayegh questioned if an evaluation of the County Dams could be done to prioritize them in terms of most dangerous to least.

Soil & Water Conservation District Manager Neal Tomann stated they are in the process of doing that. He spoke to some of the work going on.

Member of the Public, Sean Barton, resident of Garrison questioned how long the County has owned the property.

Soil & Water Conservation District Manager Neal Tomann stated they have not been able to find that information. He stated they have not been able to find the history related to this area.

Member of the Public, Milton Mercado, resident of Garrison stated he has lived there about 20 years. He stated the pond has sentimental meaning to him. He stated he served in the military for 32 years and he is still in, and he worked in law enforcement for 25 years, retired two (2) years ago. He stated he has seen a lot of traumatic things. He stated when he sits in the front of his home, the pond and all that comes with it, crickets, frogs, geese, and the ducks, that is tranquility for him, it helps him stay calm. He stated the 20 years he has lived there nothing has been done at that pond. He stated through all of the storms, Sandy, Katrina etc. over the years he lived there the pond has never been a problem. He questioned what the sudden urgency is. He stated there needs to be a thorough evaluation of all of the potential actions, and weigh the pros and cons.

Chairman Ellner stated the work and evaluation has begun. He stated what needs to be understood is that this is being mandated by Albany.

Member of the Public, Milton Mercado of Garrison questioned what the urgency to the emergency is.

Soil & Water Conservation District Manager Neal Tomann stated there is no urgency. He stated what needs to get done is that a road be built so the County will be able to do whatever it is that the County will need to do.

Member of the Public, Milton Mercado, resident of Garrison stated he has heard that there is money earmarked to maintain that area. He questioned where that money is.

Chairman Ellner stated that is not correct. He stated possibly the confusion is that the County has a budget for all of the Dams.

Member of the Public, Milton Mercado, resident of Garrison questioned how much that is.

DPW Deputy Commissioner Joseph Bellucci stated it is \$650,000.

Chairman Ellner stated it needs to be understood in past years the County did not have all of these Dams. He stated what has happened is that residents have defaulted on their taxes, resulting in an undue burden on the County.

Legislator Montgomery stated the DEC's mandate will result in a concrete dam with a chain link fence around it and the County building a road, it will not look the way it does currently. She stated at the site visit there was discussion about the different options. She stated the reason for this meeting tonight is to listen to the residents and get input. She stated this is the beginning of the process.

Chairman Ellner stated in past years there has been approximately \$40,000 - \$60,000 spent on this Dam to generate the Engineering Report that is a requirement of the DEC. He stated that is required every 10 years. He stated we are trying to research all of the options and end up with the fairest solution for all of the taxpayers of Putnam County. He stated the fiscal oversight and responsibility of this Legislature sometimes requires tough decisions to be made. He stated the best way to approach tough decisions is to gather as much information as possible. He stated he appreciates everyone coming out and being a part of this discussion. He questioned roughly how much is spent on this Dam annually.

Soil & Water Conservation District Manager Neal Tomann stated approximately \$10,000 - \$15,000. He stated also when you do the look back into the rules on the Dams. He stated most of them were propagated in the late 2007, 2008 and 2009. He stated they have been ramping them up ever since.

Member of the Public, Marilyn Longden, resident of Garrison stated she has lived in the area for 50 years. She spoke to the history of the pond that she is aware of and that she knows it was originally a summer community. She stated they have a Property Owners Association. She stated they have a lake, which has a concrete Dam with a valve. She stated that was recently renovated. She stated they needed to get permission from the landowners to get the machinery

down to it. She explained she mentioned that to say that maybe that would be an avenue the County could look into. She continued to speak to the history of the pond. She mentioned there may be endangered turtle species in the area. She stated it is a very important ecosystem. She continued to speak to the area.

Legislator Crowley stated in Ms. Longden's comments there was a reference to dues being paid. She questioned who manages that money.

Member of the Public, Marilyn Longden resident of Garrison stated Continental Village has a Property Owner Association which that money is used for the Lakes in Continental Village.

Legislator Crowley questioned if the High Hazard Potential Dam Grant would be applicable.

Soil & Water Conservation District Manager Neal Tomann stated no, High Hazard Dams have a C classification.

Legislator Nacerino questioned who is doing the ongoing maintenance to the Pond and managing it. She stated as an example who is checking it for the algae blooms. She questioned if the County Health Department checks it.

Soil & Water Conservation District Manager Neal Tomann stated other than what is required by the DEC the County does not "maintain" the pond. He stated the County Health Department does not do checks on it because it is not potable water, nor is it a contact recreational pond.

Member of the Public, Zoila Morell resident of Garrison stated her property faces the pond and the Dam is on the side of her property. She stated that she watches as the seasons come and go. She expressed what the pond means to the community and to the animals. She stated she does not believe that to be insignificant.

Chairman Ellner stated the State agency that governs that, is the DEC. He recommended that the residents write a letter to the DEC and let them know your concerns.

Member of the Public, Zoila Morell resident of Garrison stated they are in the process of gathering ideas and getting signatures and deciding on what they are going to do. She stated there is much to be considered, animals lives and quality of life. She stated decisions are being made, while the residents have not had an opportunity to think and express themselves and partner with the County. She clarified this is not a case of the residents' upstream vs the residents' downstream. She stated they care greatly for all the residents. She stated the fact is that they have never seen the level of risk being discussed this evening. She stated they are asking that all of the options be exhausted. She stated that they want to preserve the pond.

Chairman Ellner stated it can be purchased if any resident would like to do that, pending Legislative approval. He stated for clarification that whoever the owner of the Dam is they will be held to the same standards of the DEC that the County is held to.

Legislator Crowley stated that this is just the beginning of a long process. She thanked and stated her appreciation for all who were present for attending the meeting and having their voices heard. She provided her broad overview of what still needs to be done.

Legislator Montgomery thanked Physical Chairman Ellner for bringing the public in so early. She clarified that no decision in terms of action has been made yet. She recognized that they are all concerned, and so is she. She stated she has requested that a meeting be scheduled with the DEC so that they can work with them to exhaust every option.

Legislator Nacerino stated in the same vein as Legislator Montgomery she would like to applaud Physical Chairman Ellner for bringing this matter to the forefront so early on. She stated she believes she can speak and take liberty on behalf of her colleagues on the Legislature in saying we value your quality of life and we value the quality of life of the wildlife. She stated we are in the preliminary stages of this process. She stated tonight we have had informative dialogue. She stated the course of action and the steps to be taken have not yet been decided. She stated she is confident that every option will be explored.

Legislator Sayegh questioned how the County became the owner of this Dam.

Soil & Water Conservation District Manager Neal Tomann stated they have been trying to find the history of this Dam. He stated unfortunately it was not very productive. He stated every Dam he has been working on is as a result of non-payment of taxes. He stated that he understands the need to want to know how the County got in this situation. He stated possibly Real Property would have more information. He stated he does not see a lot of remedies coming from that history. He stated the County owns it and the DEC is only concerned with the owner of the Dam. He stated for conversation about buying the Dam, be clear the obligations of action are attached to the owner of the Dam.

Chairman Ellner stated also there is an associated cost for the County, in that insurance is paid.

Legislator Montgomery spoke to the difference between an Association and a HOA. She clarified there is no HOA.

Members of the Public in the audience stated that is correct, there is no HOA.

Member of the Public, Sean Barton, resident of Garrison requested if there is cost information on putting a Dam in vs dredging, lowering it and maintenance over the next 20 years.

Chairman Ellner stated there are already some existing costs, some of which have been mentioned here. He stated the other thing that he would not like, if someone were to donate the Dam it will be ugly and a chain link fence will have to go around the entire pond for liability purposes. He requested that Soil & Water Conservation District Manager Neal Tomann confirm it that is correct.

Soil & Water Conservation District Manager Neal Tomann confirmed that to be accurate.

Member of the Public, Sean Barton of Garrison stated there are other Dams that do not have a chain link fence around them.

Chairman Ellner stated County owned Dams would have a chain link fence around them because with the amount of litigation towards the County it would be necessary to protect all the tax payers.

Member of the Public, Sean Barton, resident of Garrison questioned who would do the Environmental Impact Study (EIS) before moving forward.

DPW Deputy Commissioner Joseph Bellucci stated the County would hire a consultant to do the EIS.

Member of the Public, Milton Mercado, resident of Garrison questioned if the DEC gave a deadline date for this project.

Soil & Water Conservation District Manager Neal Tomann stated there is not a specific date at this time. He stated the DEC wants the County to continue moving with this project and a they want as a priority an access road to be built. He explained the DEC is very uncomfortable with the current lack of truck access to the site.

Chairman Ellner questioned if it is not budgeted, how will it be funded.

DPW Deputy Commissioner Joseph Bellucci stated it could come from the Capital Project Improvements specific to Dam improvements.

Member of the Public, Krista Figueroa, resident of Garrison stated her property is near the area that the County would be looking to build the road. She stated rather than pay to create an access road, she would be willing to give access through her yard.

Soil & Water Conservation District Manager Neal Tomann stated he would have to look into that. He stated he believes legally the position would be if there is a solution involving only County property, use it.

Member of the Public, Krista Figueroa, resident of Garrison stated the projected costs that have been mentioned to build the access road is a lot. She stated this is a suggestion to avoid that cost. She stated maybe it would help to expedite things, and then maybe just rebuild the earth and Dam rather than pouring concrete. She stated she wants the preservation of this area to be expedited.

Chairman Ellner thanked everyone for their input. He recognized Deputy Commissioner Bellucci and District Manager Tomann for their professional input and update on this matter.

Item #7 – Other Business

- a. Approval/ Amend CP2201 – Flooring Repair & Replacement at Various County Facilities/ DPW Deputy Commissioner Joseph Bellucci**

Chairman Ellner made a motion to Waive the Rules and Accept the Other Business; Seconded by Legislator Crowley. All in favor.

Chairman Ellner stated that a letter of necessity was submitted by DPW Deputy Commissioner Bellucci. He stated he is present to speak to this item.

DPW Deputy Commissioner Joseph Bellucci stated they came to the Legislature in November of 2023 requesting an Amendment to CP2201, which was approved. He stated since then they have gotten a lot of flooring work done throughout the County, and there is still more to be done.

Chairman Ellner made a motion to Approve the Amendment of CP2201 – Flooring Repair & Replacement at Various County Facilities; Seconded by Legislator Crowley. All in favor.

Item #8 - Adjournment

There being no further business at 7:47P.M. Chairman Ellner made a motion to adjourn; Seconded by Legislator Crowley. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.