

PHYSICAL SERVICES COMMITTEE MEETING
Held via Audio Webinar Pursuant to Temporary Emergency Orders
CARMEL, NEW YORK 10512
(Chairman Albano, Legislators Gouldman & Nacerino)

Tuesday

December 15, 2020

(The Personnel Meeting Immediately Followed)

The meeting was called to order at 6:00p.m. by Chairman Albano and he led in the Pledge of Allegiance. Upon roll call, Legislators Gouldman, Nacerino and Chairman Albano were present.

Item #3 Approval/ Budgetary Amendment(20A074)/ Mahopac Falls Trailway (PIN 8759.06)/ Funding to Adjust Capital Budget to Include Funding for the Revised- Mahopac Falls Bikeway Construction Project/ Commissioner Planning, Development, and Public Transportation Sandra Fusco

Chairman Albano explained this is a project that was proposed many years ago. He stated now the money is not available for the project in its original state. He stated they have reduced the scope of the project. He stated the County's match is 10% approximately \$130,000. He stated the proposed full cost of the project is \$1,389,000.

Chairman Albano made a motion to Approve the Budgetary Amendment(20A074)/ Mahopac Falls Trailway (PIN 8759.06)/ Funding to Adjust Capital Budget to Include Funding for the Revised- Mahopac Falls Bikeway Construction Project; Seconded by Legislator Nacerino. All in favor.

Item #4 – Approval/Ratification of Application for Grant Funds Available Through The New York State Department of Transportation's Public Transportation Modernization and Enhancement Program/ Commissioner Planning, Development, and Public Transportation Sandra Fusco

Chairman Albano stated this grant was applied for in the amount of \$137,909. He stated there is no County match.

Chairman Albano made a motion Approve Ratification of Application for Grant Funds Available Through The New York State Department of Transportation's Public Transportation Modernization and Enhancement Program; Seconded by Legislator Gouldman. All in Favor Motion Carries.

Item #5- Update/ Status: Highway Infrastructure Improvement Project (Reso#165 of 2020)/ Commissioner Planning, Development, and Public Transportation Sandra Fusco

Chairman Albano explained this is an update notifying the Legislature that work will be done to Route 6 in the area that goes away from the Village of Brewster toward the Connecticut border. He stated the work is being done to meet the standards of the NYS Department of Transportation. He stated once the work is completed it will allow commercial growth in that area which will contribute to the County's sales tax.

Item #6 - Approval/ Lease/ Putnam County Veterans' Residence Room #9/ First Deputy County Attorney Andrew Negro

First Deputy County Attorney Andrew Negro stated this is the standard lease agreement for the Veterans' Residence Room #9. He explained Director of Veterans Affairs Karl Rohde has a qualified Veteran who would like to move in. He stated that this lease will expire on July 31, 2021. He stated on August 1st when all of the leases are renewed for the year, this one will be included.

Chairman Albano made a motion to approve Putnam County Veterans' Residence Room #9; Seconded by Legislator Gouldman. All in favor.

Item #7 - Approval/Authorization/Telecommunication Tower Agreement with Pamal Broadcasting Ltd. (Town of Philipstown TM Nos: 83.18-1-22 & 23)/ Conveyance of Town of Philipstown TM Nos: 83.18-1-24 To James J. Morrell/ First Deputy County Attorney Andrew Negro

First Deputy County Attorney Andrew Negro stated Director of IT Tom Lannon has taken the lead on this Tower Lease Agreement. He stated the proposed Agreement will allow the County to lease space on an existing cell tower. He stated it is in Philipstown. He stated the lease will include space at the foot of the Tower for the County's equipment shelter. He stated this is in connection with the County's Emergency Services Radio Project. He stated the adjoining property is property the County acquired through a foreclosure. He explained it has been proposed to do a swap with Mr. Morrell who wants the property, for a more favorable lease term. He stated Mr. Morrell will merge the property with his existing property and it will all be one tax map number then. He stated that will benefit the County, it assures the property will not be returned to the County due to a possible future foreclosure action.

Legislator Montgomery stated that we were aware of the plans to lease space on this existing Tower. She stated the proposal to swap the County owned property with Mr. Morrell is new information. She requested confirmation that this is a new proposal.

First Deputy County Attorney Andrew Negro stated it has been part of the negotiations. He stated in 2015 or 2016 Mr. Morell offered to purchase that property. He stated the County

decided to retain the property. He stated any further particulars would need to be done in Executive Session. He stated when negotiations began with Mr. Morrell to lease space on the Tower that was a contemplated arrangement; the County would offer the property next to the Tower as part of the deal. He stated the monthly rent is substantially reduced compared to other Tower leases. He stated additionally a two (2) month rent abatement was negotiated, which is equivalent to what Mr. Morrell had previously offered to pay for the property.

Legislator Montgomery stated basically the County is offering property to Mr. Morrell at no cost and entering into a rental agreement that the County will pay \$1,500/ month.

First Deputy County Attorney Andrew Negro stated again to discuss specifics of the lease terms, he recommends the Legislature go into Executive Session. He stated for clarity, this property would go to auction or be sold to the adjoining property owner. He stated what was offered at the last adjoining property sale was equivalent to the two (2) months rent abatement that the County will get as part of this lease agreement.

Legislator Montgomery stated she understands the need to improve emergency services transmission. She stated her experience with her cell tower negotiations is that if the County is willing to give the property, then the County's equipment would be put on the tower at no charge. She requested clarification that he will never build another Tower on this property.

First Deputy County Attorney Andrew Negro stated that is correct.

Legislator Montgomery questioned if there is a covenant in the deed of sale to ensure no more towers will be built on this property. She stated this property is in a residential community, with small lots. She stated expanding the use of the Tower concerns her as it probably concerns the residents.

First Deputy County Attorney Andrew Negro stated there is not a deed as this is a quit claim. He stated under applicable zoning code and FAA Requirements, he does not think Mr. Morrell would ever be permitted to build a Tower within 100s of feet of an existing Tower.

Legislator Montgomery stated her past experience says that is not always the case. She stated she would like the County to take the necessary steps in the preparation of this agreement to assure another Tower will not be built on the property.

First Deputy County Attorney Andrew Negro stated that has not been part of the negotiations.

Legislator Montgomery stated she was not here in 2015 when this was first discussed. She stated she also was not aware that the County was considering handing over a piece of property in Philipstown to someone who is in the business of putting Cell Towers on his property.

First Deputy County Attorney Andrew Negro stated he can only present what has been agreed to, to date.

Chairman Albano facilitated further discussion. He permitted Legislator Montgomery to read an email from Philipstown Supervisor Shea. In summary Supervisor Shea requested assurance for the residents of Philipstown that there would not be a Cell or Communication Tower built on the site and it will only be used for buildings that house communication equipment for the existing Tower.

Legislator Jonke stated after working 32 years in the Property Tax Business, he knows these are substandard lots. He stated the owners have stopped payment of the property taxes, and the County ends up acquiring the lots. He stated they are not buildable and generally are only useful to adjoining property owners. He stated to say the owner could put a second tower on the property without anyone from the Town knowing about it, in his opinion is absurd. He stated by moving forward with this, the taxes will be paid on the property and by adjoining the property, it is almost a guarantee that the County will never have to take the property back. He stated he supports this proposal.

IIT/GIS Director Tom Lannon stated the location of this Tower will help to address a void in service that the County currently experiences. He stated this is WHUD's Tower. He stated he has been to the site, it is a very remote area, with only two (2) houses in the area. He explained getting on this Tower with Westchester will help Putnam combine services with them. He continued to speak to benefits this microwave will provide.

Legislator Montgomery stated for clarification she is well aware of the need for the Tower in said area. She stated she believes it to be a valid question as to why the County would give a piece of property to a for profit business and then pay the same business \$1,500/ month rent. She stated she believes we need to do our due diligence when giving property away.

Legislator Sullivan stated he believes Legislator Jonke's explanation was very clear and why it makes sense for the County. He stated he does not understand where there is a question. He stated he believes this request should move forward. He stated Director Lannon stated this Tower will allow him to move forward with the County's Radio System.

Chairman Albano made a motion to approve Authorization/Telecommunication Tower Agreement with Pamal Broadcasting Ltd. (Town of Philipstown TM Nos: 83.18-1-22 & 23)/

Conveyance of Town of Philipstown TM Nos: 83.18-1-24 To James J. Morrell; Seconded by Legislator Nacerino. All in favor.

Item #8 - Approval/ Lead Agency/ SEQRA Determination/ Austin Road Field Project/ Commissioner of Highways & Facilities Fred Pena

Chairman Albano stated he would like Highways & Facilities Deputy Commissioner John Tully to speak to this.

Deputy Commissioner Tully stated there is a need for the Lead Agency determination by the Legislature for this project that is in its infant stages. He stated they are developing details to create ball fields with no expense to the County. He stated once the SEQRA determination is completed there will be more details to be shared with the Legislature.

Commissioner of Planning, Development and Public Transportation Sandra Fusco stated the SEQRA Determination is one of the necessary steps in the process. She stated this request is for the Legislature to act as Lead Agency.

First Deputy County Attorney Negro provided further details regarding the SEQRA Determination steps. He stated tonight is the initial step in the process. He stated it is a resolution that will declare the intent for the Legislature to act as Lead Agency.

Legislator Sullivan stated he is very familiar with the property and the proposed project to build the recreational fields. He stated he has heard from the residents in the area of the property and they are in support of the project. He stated he is very much in favor of this project.

Legislator Montgomery questioned if a SEQRA Determination is subject to a public hearing.

First Deputy County Attorney Negro stated this will come back to the Legislature's Committee meeting then will require final approval by the Full Legislature. He stated members of the public could comment at the Committee meeting in the future, there will not be a formal public hearing.

Legislator Montgomery stated in her experience with these types of projects sometimes there are some issues that come about regarding the lighting. She stated based on Legislator Sullivan's comments the residents who live around the project site are in favor of the project, which is great. She continued to provide her recommendations for providing notice. She stated that she hopes the residents realize the full impact of the project on the surrounding area.

Legislator Sullivan stated he is on the Town of Carmel Parks and Recreation Committee. He stated the Director of the Parks and Recreation is aware of this project, and has been for some time, and is in strong support of the project, as are the residents of the area. He stated the site is

in a residential area and is also located next to the Austin Road School. He stated all the feedback he has received is in support of the project. He stated if Legislator Montgomery has more questions like this, she should contact the Town Board of Carmel.

Legislator Sayegh stated all of her children attended the Austin Road School. She believes this site is perfect for this project, and she is in full support.

Legislator Montgomery stated she is glad to hear that the community is in full support of the project. She stated since we are declaring ourselves as lead agent on the SEQRA and the Full Environmental Assessment she would assume we will do our due diligence. She stated since the Town Board of Carmel will not be lead agent, she hopes her colleagues will do their due diligence.

Chairman Albano stated this is always part of the process, and this is to address storm water management as it relates to the proposed project. As the project progresses, there will be further action required.

Chairman Albano made a motion to Approve/ Lead Agency/ SEQRA Determination/ Austin Road Field Project; Seconded by Legislator Nacerino. All in favor.

Item #9 - Update/County Office Building & Veterans' Home Generator Projects/ Assistant Supervisor of Planning & Design Alexis Hawley

Deputy Commissioner Tully stated a consultant has been hired to do the necessary designs for the County related to the Generator Project. He stated this is a matter that the Legislature has requested updates be provided. He stated they will bring the design proposal to the Capital Project Committee and then it would come to the Legislature for funding consideration. He stated continued updates will be provided as they become available.

Item #10 - Other Business - None

Item #11 - Adjournment

There being no further business at 6:50PM Chairman Albano made a motion to adjourn; Seconded by Legislator Gouldman. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.