

**PHYSICAL SERVICES COMMITTEE MEETING
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512
Members: Chairman Ellner & Legislators Crowley & Jonke**

Wednesday

August 20, 2025

(Special Full Meeting Immediately Followed)

The meeting was called to order at 5:30 P.M. by Chairman Ellner who led in the Pledge of Allegiance. Upon roll call Legislators Crowley and Jonke were absent. Chairman Ellner was present, and stated Chairwoman of the Legislature, Legislator Sayegh would sit as a member of the committee.

Item #3 - Acceptance/ Physical Services Meeting Minutes/ June10, 16 & July 17, 2025

Chairman Ellner stated a revised copy of the June 16th minutes were submitted as additional and he included them and stated the minutes were accepted as submitted.

Item #4 – Reconsideration/Approval/ Stipulation - Inclusion of Parcel in the Putnam County Agricultural District/ Senior Deputy County Attorney Heather Abissi

Chairman Ellner questioned Senior Deputy County Attorney Heather Abissi as to whether she was present as Legislative Counsel or was she representing the County Law Department.

Senior Deputy County Attorney Abissi stated she was present in both roles, as there was not a conflict.

Chairman Ellner disagreed that there was not a conflict with her serving in both positions.

Senior Deputy County Attorney Abissi stated in this particular issue there is no conflict with the positions.

Chairman Ellner stated Senior Deputy County Attorney Abissi initiated this item and in the interest of transparency, determined the documentation for this item was confidential and marked it as so.

Senior Deputy County Attorney Abissi confirmed that to be correct. She stated the discussion of the item must be done in Executive Session because it has to do with litigation that is pending.

Chairman Ellner questioned what can be discussed before having to go into Executive Session.

Senior Deputy County Attorney Abissi stated nothing because litigation is pending.

Chairman Ellner questioned whether the public could be told what this is about.

Senior Deputy County Attorney Abissi stated the title gives the nature of the inquiry.

Chairman Ellner stated there has been a great deal of discussion regarding the need for transparency. He stated there has been an article 78 filed against the County. He asked again if there was anything Senior Deputy County Attorney Abissi could speak to in a public forum. He stated there are members of the public and local Farmers present, and he believes they should know what is going on.

Senior Deputy County Attorney Abissi stated the docket is public and anyone can search it. She stated the stipulation, that is a settlement discussion, that is confidential and cannot be discussed outside of an Executive Session.

Chairman Ellner stated it was unfortunate that the Legislature did not have a Legislative Attorney to question her opinion on that.

Senior Deputy County Attorney Abissi stated she is present and can address that.

Chairman Ellner stated his disagreement with that. He stated the Legislature, and the Law Department, have had problems in the past where they have been at odds. He stated the Legislature has been without Legislative Counsel for almost a year. He stated way before this meeting he would have liked to have had discussions and details set forth on this.

Senior Deputy County Attorney Abissi stated respectfully, statutorily the role of the County Attorneys and the County Attorney's office is the Attorney for the Legislature. She explained the only time there is a need for a separate legislative counsel is in the event a County Attorney is not available. She stated that she has made herself available to the Legislators regarding this matter. She stated there is no conflict in the position of the County Law Department or the Legislature in this matter.

Chairman Ellner stated he disagreed with her opinion and disagreed with the need for an Executive Session. He stated he did not have a Legislative Attorney who could assist him with that disagreement.

Senior Deputy County Attorney Abissi stated the purpose of a Legislative Counsel is to advise on parliamentary procedure.

Chairman Ellner expressed his disagreement to that and he requested the minutes reflect that. He stated that is what the Law Department is telling the Legislature. He stated traditionally the Legislative Counsel has been way more than a parliamentarian. He stated until this year the Legislature has always had a Legislative Counsel not a Legislative parliamentarian, he continued to speak to this.

Legislator Brimingham stated that he was not going to necessarily disagree with anything that has been said by either side here. He recognized he was not a member of the Physical Services Committee, but he offered for the Committee's consideration to stick with the matter in front of the Committee. He stated he is prepared to speak to the item whether it be in the public forum or Executive Session.

At 5:36p.m. Legislator Sayegh made a motion to go into Executive Session to discuss Pending Litigation; Seconded by Chairman Ellner. All in favor.

At 6:30p.m. Chairman Ellner made a motion to come out of Executive Session; Seconded by Legislator Sayegh. All in favor.

Chairman Ellner stated no action had been taken.

Chairman Ellner stated that he would like to give the members of the public an opportunity to speak. He stated there would be no back and forth because of the pending litigation. He requested anyone who would like to make a comment please come to the table with the microphone.

Christine Nastasi, Chair of the P.C. Agricultural & Farmland Protection Board, stated the first thing she would like to comment on is related to an email she was sent on June 3, 2025, from the Director of Real Property Trish McLoughlin, which she read from. The email from Director McLoughlin was requesting information regarding which farm was the Lepler Farm and what the vote on that application for inclusion into the Agricultural District of Putnam County was, because she had been invited to a meeting along with Commissioner Barbosa that the County Executive was having with Mr. Lepler. She stated that she found it inappropriate and unethical that no one, to her knowledge, from the Ag Board was invited to said meeting to discuss the rejection of the application. She stated next she would address the public record of the lawsuit, the verified petition.

Senior Deputy County Attorney Abissi cautioned the litigation cannot be discussed nor can the Legislators comment on it.

Christine Nastasi, Chair of the P.C. Agricultural & Farmland Protection Board, stated within the referenced document the original Reinmaker Farm is known to have produced some of the top horses in the reining discipline nationally. She stated she does not know that to be a fact. She stated she and others have been told that. She stated the original Reinmaker Farm located on Joes Hill Road was sold on or around May 11, 2023. She stated there was an interim before Reinmaker East had been formed and Reinmaker itself was dissolved on July 24, 2024. She stated there was a time that Mr. Lepler did not own any property in the Agricultural District. She continued to cite points from the petition document she had. She stated Reinmaker East was said to be an Equine Breeding commercial operation. She stated there were no horses on the property when the Agricultural Board toured the property. She stated also somewhere in the petition document it states that Mr. Lepler owns 10 horses, she repeated they were not on the property. She stated the horses needed to be on the land.

Senior Deputy County Attorney Abissi interjected and said that is in the statement of law, they do not have to be on the land.

Christine Nastasi, Chair of the P.C. Agricultural & Farmland Protection Board, stated her disagreement and she read from the law.

Senior Deputy County Attorney Abissi stated as an attorney she is qualified to interpret the statute of the law that was read. She explained the operative word in that section of the law is “proposed”.

Christine Nastasi, Chair of the P.C. Agricultural & Farmland Protection Board, stated in her opinion based on the requirements of the Ag & Markets if you do not have horses on the property and you do not have infrastructure and you do not have a farm. She stated the projection of what will be is not what is considered. She stated the decision is based on what exists right now. She continued to speak in her opinion of what would occur if recommendations came from the P.C. Agricultural & Farmland Protection Board (The Board) based on projections. She reviewed the timeline for the applications to be submitted in Putnam County, which is between April 1st and April 30th. She stated The Board has 30 days to make their visits and have a meeting to decide on what applications they will recommend and not recommend for inclusion into the P.C. Agricultural District. She stated that The Board carried out its duties within the mandated time and were in compliance. She concluded by stating she believes The Board, and specifically her as Chair of The Board, should have been notified about this item being on the meeting agenda, but to her knowledge they were not notified.

Scott Steiner, Attorney at Hogan, Rossi & Liguori Law Firm, stated he was representing the Reinmaker East LLC Farm. He stated the purpose of tonight's meeting is and was to consider a proposed stipulation of settlement and proposed resolution that would resolve the matter. He stated there is a robust record already concerning this matter. He stated Jamie Spillane from his office has addressed this matter with the Legislature. He requested that the matter be held over and a special meeting be scheduled as soon as possible so the August 28th deadline and have the County Law Department's representative and Legislative Counsel can be present so the Legislature can obtain the advice it determines it needs, and this matter gets resolved.

Crystal Stowell, Putnam Valley stated she has spoken to the Legislature previously advocating for a farm that submitted an application for inclusion into the Putnam County Agricultural District (Ag District). She stated said farm is currently in operation producing fresh fruit and local honey. She stated it is not a future project or under construction. She stated it was the opinion of the County's Agricultural & Farmland Protection Board that this farm was not yet ready for inclusion into the Ag District this year. She stated the Legislature voted in alignment with this advisory board. She stated the vote was not arbitrary or capricious because it was consistent for all farms across the board. She stated a vote in favor to now approve Reinmaker Farm East would disrupt this consistency. She stated it could also set a precedent that could be perceived as yielding to pressure. She requested the Legislature consider the weight of this decision and its implications to our community.

Jessica Jarrett, Town of Southeast and owner of Lobster Hill Farm, stated her farm was voted against inclusion into the Ag District last year, 2024. She expressed that she did not believe that vote to be accurate because they met all of the criteria requirements. She stated for the Legislature to now vote in support of a farm that does not meet those requirements, and the Ag Board did not recommend for inclusion, sets a terrible precedence for the whole process. She stated when farmers are working to meet the requirements and are recommended by the Ag Board, yet are not being voted into the Ag District, but there is a farm that did not meet the requirements, was not recommended by the Ag Board and possibly is having a second look just does not look good for everybody. She stated also last year during her effort to get into the Ag District, she contacted County Executive Kevin Byrne's office by placing many phone calls and sending emails requesting a meeting with him. She stated she was ghosted by him. She stated this is not on Mr. Lepler at all, but the fact that some people get meetings and some people do not, that also does not reflect well on the County and the government.

Arielle Honovich, stated everyone present was aware of what she went through to get her farm into the Ag District and the money that she spent to do so. She stated as Jessica Jarret said, she also tried to contact County Executive Kevin Byrne multiple times and he never responded, even to this date she has not heard from him.

Andrew Jarrett, Town of Southeast, owner of Lobster Hill Farm stated he will not repeat everything that was already said. He stated he did want to make clear that no one doubts the fact that Mr. Lepler will fulfill everything, as he has prior. He stated this has nothing to do with Mr. Lepler. He stated one of the biggest concerns is when one of them reaches out to a public official and gets ignored. He stated he is a citizen of the County and to be ignored is a slap in the face. He stated he is aware of what Mr. Lepler has done for Putnam County and he appreciates all that he has done. He stated clearly there is favoritism and that hurts as a citizen and it hurts someone who is trying to start a small business here and provide a service to the community. He stated for the County to set a precedence for the County Law Department to come to a settlement when they did not want to last year with Ridge Ranch Farm in Patterson.

Scott Steiner, Attorney at Hogan, Rossi & Liguori Law Firm representing Reinmaker East LLC Farm stated with respect to the prior speakers, of course agriculture is important. He stated his client is not contesting or comparing themselves to any of these applicants. He stated with respect to Reinmaker Farm East, Senior Deputy County Attorney Conrad Pasquale spoke to the merits of Mr. Lepler's application and they have addressed Mr. Lepler's application ultimately in litigation. He stated he believed the litigation speaks for itself and the merits of Mr. Lepler's application speaks for itself. He stated they are asking the Legislature to follow through by seeking and following the advice of their own counsel. He stated in order for that to be done, if this needs to be held over to a special meeting, on behalf of his client, he requested that be done. He stated all of the grievances presented needs to be addressed by the Legislature, but the meritorious application of another farm in Putnam County should not be made a scapegoat.

Brett Yarris, Town of Carmel Hamlet stated he agrees with Attorney Steiner that Reinmaker Farm East should not be used as a scapegoat. He stated however, he does not believe that is what is being done. He referenced the statements he made at the Full Meeting of the Legislature in July. He stated that he implored the Legislature to follow the expert advice of the County's Ag Board. He stated it was a point referenced by Judge Grossman in Supreme Court when the County Law Department was defeated in the Honovich Farm Lawsuit. He stated when the words arbitrary and capricious are used, in his opinion, it is because applications of the law are not being applied consistently. He stated in his opinion that has been going on for years. He stated this year the Legislature did apply the law consistently, applied the criteria consistently and applied the process consistently. He stated the County has broad authority when it comes to inclusion in the Ag District, so long as it is being consistent and is following the law. He stated when the Ag District first came into existence in Putnam County, in the early 2000s, one of the intents was that it would be a reward for the hard working farmers and offer the farmers in the Ag District protection from inconvenient or inappropriate intimidation from municipalities. He stated, in his opinion, if the request in front of the committee is approved, it is saying you are rewarded if you know the right people. He stated again, this is not a personal attack on Mr. Lepler, whom he in fact has never met, and has only heard people speak very highly of him.

He stated in his opinion everybody has to be held to the same fair process. He stated regardless of whether you are a working class family or you are a wealthy developer connected to the political class, that is the point of due process under the law. He went over what the criteria is to be accepted into the Ag District and that the criteria needs to be in place at the time of the site visit from the Ag Board. He continued to speak to his opinion. He concluded his statements by requesting the Legislature take the recommendation from the County's Ag Board and make sure the same laws, criteria and timelines are applied to everyone.

Christine Nastasi, Chair of the P.C. Agricultural & Farmland Protection Board, stated the Reinmaker Farm East's application was mentioned. She stated that there were a few items she wanted to reference on said application. She stated the drawings that were provided with the application did not have stalls on it. She referenced the items it did have. She stated there was no stallion breeding contract, there was only a donor mare contract and an embryo rights purchaser contract. She concluded by stating if additional information is wanted she would be happy to provide it.

Cassandra Roth, from Patterson and Pawling Village, stated she was speaking as a member of the public. She stated her agreement with all of the comments that have been stated by the members of the public. She agreed that this year was a stark difference from the past four (4) years of the County's Ag District application and consideration process. She referenced the Ridge Ranch Farm (The Honovich's farm) lawsuit, and stated it was not their first option. She stated they tried every avenue and were shut down. She stated they were not allowed to attend Ag Board Meetings, there were no recordings available to view the meetings to learn what was discussed in the meetings. She stated so much has changed in those areas for the better. She stated they did not get the option to meet with anyone in the county government. She stated she wrote many emails referencing many different topics. She stated her information was ignored. She stated where things are currently with the Ag Board, in her opinion, is it has been corrected and the Soil and Water Board is very close to being fully corrected. She stated she agrees with the previous speakers, in her opinion the Legislature followed the process when they placed their votes in July, related to the Ag District. She stated the New York State Agriculture and Markets Department (Ag & Markets) has attorney that can be contacted by Putnam County's attorneys to clarify. She stated she has called them many times, and has not spoken to an attorney because she is not an attorney. She stated the Legislature and the Law Office are the ones that have that avenue. She suggested the Law Department do that before any settlement is decided. She stated the 120 day clock is over. She stated per Ag & Markets the 120 day period is the full period to submit any inclusions to the district. She stated August 5th when the Commissioner certified all of the parcels that Putnam County sent to the Ag & Markets. She stated the only thing now that could be submitted to the Ag & Markets is a clerical error, which this would not be. She stated the Ag & Markets says the Legislature has broad authority to run their program for the district as they see fit and to choose criteria as they see fit, short of unconstitutional criteria. She stated she

learned all of this by contacting Ag & Markets. She stated before the Ridge Ranch lawsuit was filed, they went to a “Meet the County Executive Coffee” event and were told County Executive Byrne could not speak to them due to ongoing litigation. She too stated this is nothing against Mr. Lepler. She stated Mr. Lepler’s application was denied, and so was Mr. Wulken’s, and in her opinion, that was equitable. She continued to speak to the past four (4) years and the votes that prevented Ridge Ranch from being included in the Ag District, which precipitated the lawsuit they filed. She stated every farm does not have the ability and not every farm should ever have to take up taking on local government to have a fair and equitable representation.

Senior Deputy County Attorney Abissi stated she wanted to make a comment about the responsiveness of her office. She stated Ms. Roth commented that she did not receive a response. She clarified that she responded to Ms. Roth personally and spoke to her and Mr. Jarrett. She provided an interpretation of the section of the Ag & Markets Law that was read into the record it specifically specified that farms could be either proposed or within the first or second year of business. She stated the word “or” means exactly that. She stated the law does not prohibit startups from admission. She stated there are a whole host of other qualifications and factors that have to be considered. She stated she wanted to make it clear that the fact that a farm is a startup alone is not a deniable factor on that sole factor alone.

Cassandra Roth, from Patterson and Pawling Village, stated she wanted to speak to her previous points as she believes with these matters there could be a bit of conflation. She continued to speak to her opinion.

Chairman Ellner stated after hearing all of the comments made, he would be making a motion to Table this item.

Chairman Ellner made a motion to Table the Reconsideration/Approval/ Stipulation - Inclusion of Parcel in the Putnam County Agricultural District (Reinmaker East LLC) Item; Seconded by Legislator Sayegh. All in favor.

Item #5 – Approval/ Budgetary Amendment 25A067/ Adjust Capital Budget to Fund ADA Compliant Ramp Project at County Office Building – Funded by a State CREST Grant (Reso #282/2023)/ Finance Department

Commissioner of Planning, Development and Public Transportation Barbara Barosa explained this is the project at the County Office Building (COB). She stated they are building the ADA Compliant Ramp at the entrance of the COB, which was paid for with County funds. She stated that she was able to secure CREST Grant funds in the amount of \$50,000 to subsidize the costs associated with said project. She stated this budgetary has been requested to adjust the capital budget to fund the COB ADA Compliant Ramp.

Legislator Birmingham stated that he sees this is a grant administered by the Dormitory Authority of the State of New York (DASNY). He questioned what the acronym CREST stands for.

Commissioner of Planning, Development and Public Transportation Barbara Barosa stated CREST stands for: Community Resiliency, Economic, Stability and Technology.

Brett Yarris, Town of Carmel questioned if there is a balance of funds left for more ADA compliant projects.

Commissioner of Planning, Development and Public Transportation Barbara Barosa explained this specific grant was applied and awarded for this specific project.

Commissioner of DPW Thomas Feighery stated there is a county budget designated annually for such projects.

Chairman Ellner made a motion to Approve Budgetary Amendment 25A067/ Adjust Capital Budget to Fund ADA Compliant Ramp Project at County Office Building – Funded by a State CREST Grant; Seconded by Legislator Sayegh. All in favor.

Item #6 - Approval to Create - Formulate/ Putnam County's Proposed Vulnerability Assessment and Climate Adaptation Plan/ Commissioner Planning, Development and Public Transportation Barbara Barosa

Commissioner of Planning, Development and Public Transportation Barbara Barosa stated Putnam County Planning Department was approached by the Hudson Valley Regional Council. She explained they have grant funding available to help municipalities and Counties put together a Vulnerability Assessment and Climate Adaptation Plan. She stated they offered to put it together with the Planning Department Staff, and it would be done free of charge. She stated it would basically take the County's Hazard Mitigation plan and make more recommendations to become more climate resilient.

Chairman Ellner requested clarification that the request was to approve the creation of said plan. He stated Putnam County is currently bronze certified. He stated this is a matter that Legislator Montgomery has been an advocate for and leading the charge on.

Commissioner of Planning, Development and Public Transportation Barbara Barosa stated this is a requirement if Putnam County wants to pursue silver.

Legislator Sayegh stated she was going to ask that question. She requested confirmation that by doing this the County will be increasing their chances of getting to the next step in the Climate Smart program.

Commissioner of Planning, Development and Public Transportation Barbara Barosa confirmed that to be correct.

Legislator Montgomery stated her appreciation for Planning Assistant Ilona Campo for all of the time and work she has put into this. She stated this is timely, as we are approaching the five (5) years when the Hazard Mitigation Plan and all of this will coincide, it is great timing.

Chairman Ellner made a motion to Approve Create - Formulate/ Putnam County's Proposed Vulnerability Assessment and Climate Adaptation Plan; Seconded by Legislator Sayegh. All in favor.

Item #7 – Approval/ Grant Application/ State and Municipal (SAM) Facilities Grant Program- Through the State of New York and the Office of Senator Harckham/ Putnam County Veterans Memorial Park Accessible/ Inclusive Playground/ Commissioner Planning, Development and Public Transportation Barbara Barosa

Commissioner Planning, Development and Public Transportation Barbara Barosa stated the County was notified that there is available funding. She stated that she has worked with the Department of Public Works (DPW) and the Office of People with Disabilities to identify the existing playground at the Veterans Memorial Park as being a playground that is in need of an upgrade and it would become an accessible and inclusive sensory playground. She stated that Senator Harckham's office contacted the County informing us that \$100,000 is available for this project.

Legislator Sayegh questioned whether this is to improve the existing playground or to add another one.

Commissioner Planning, Development and Public Transportation Barbara Barosa stated the funds would be used to improve the existing playground.

Chairman Ellner made a motion to Approve The Grant Application/ State and Municipal (SAM) Facilities Grant Program- Through the State of New York and the Office of Senator Harckham; Seconded by Legislator Sayegh. All in favor.

Item #8 - Approval/ Conveyance of a Certain County Property to the Village of Cold Spring Pursuant to Chapter 31 of the Putnam County Code/ Law Department

Chairman Ellner stated that he was notified that Mayor of Cold Spring Mayor Foley was not available to attend this meeting, and there would be Andrew Hall, Cold Spring Trustee member present.

Andrew Hall, Cold Spring Trustee stated this has to do with improvements to the drainage system in Cold Spring. He explained a portion of the drainage needs to run beneath the roadway just where Fair Street meets the County Road, at the edge of the Village of Cold Spring. He stated as he understands it that land is under the ownership of the County.

Legislator Montgomery stated this is a tiny parcel of land that the County owns and this conveyance is needed so the Village can do their stormwater repair. She stated as a side note there is another County parcel of land that she is hoping to see come before the Legislature soon. She explained again there would be a conveyance of a County parcel to the Village of Cold Spring, because it is part of some sidewalk issues that the Village is trying to address. She clarified the matter and the request that is in front of this committee currently would allow the Village of Cold Spring to get their work done related to the stormwater repair.

Commissioner of DPW Thomas Feighery stated there are two (2) separate parcels. He stated the outflow will be where the maintenance part is the other part is the roadway piece, which is .16 miles of Fair Street in Cold Spring. He stated that part will take longer. He stated the Law Department has been handling this conveyance. He stated the secondary piece of property of the roadway, will be addressed at a later date.

Andrew Hall, Cold Spring Trustee questioned how long this process would take place.

Chairman Ellner stated approximately 30-45 days.

Legislator Montgomery explained after this matter is approved in committee it will then be on the Full Meeting agenda, September 2, 2025, for a vote by the Full Legislature.

Andrew Hall, Cold Spring Trustee, expressed his appreciation.

Chairman Ellner made a motion to Approve The Conveyance of a Certain County Property to the Village of Cold Spring Pursuant to Chapter 31 of the Putnam County Code; Seconded by Legislator Sayegh. All in favor.

Item #9 – Other Business - None

Item #10 – Adjournment

There being no further business, at 7:20 P.M., Chairman Ellner made a motion to adjourn; seconded by Legislator Sayegh. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.