

**PHYSICAL SERVICES COMMITTEE
HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512
(Chairman Albano, Legislators Othmer & Scuccimarra)**

Monday

5:30p.m

August 19, 2013

The meeting was called to order at 5:30 p.m. by Chairman Albano who led in the Pledge of Allegiance. Upon roll call Chairman Albano and Legislator Scuccimarra were present. Legislator Othmer was absent.

Chairman Albano made a motion to accept the additional and waive the rules; Seconded by Legislator Scuccimarra. All in favor.

Item # 3 - Approval/Resolution Peekskill Hollow Road-Weight Restriction

Legislator Oliverio stated he received a memo declaring the Legislature does not have the power to put a weight restriction on a road and that it must be done by the Highway Commissioner. He stated this is the fifth year that a weight limit has been requested on Peekskill Hollow Road. He also stated the Town of Putnam Valley, Town of Kent, State Senator, and residents of the road are in favor of this restriction. He strongly requested that if this cannot be imposed, the resolution be forwarded to the County Executive to enforce the weight limit. He then stated he had an Engineering Report that determined the bridges on the road cannot handle two 18-wheeler trucks at the same time. He stated his lack of understanding as to why an appointed official dictates policy to the elected officials as he feels it is wrong because the Legislators are elected to be the voice for their constituents.

Chairman Albano stated it is not as easy as just enforcing a weight limit; it must be due to the structural integrity.

Legislator Oliverio stated they have an Engineering Report.

Chairman Albano stated if something can be done legally, he is sure everyone will be in favor.

Legislator LoBue stated before she became a Legislator, the previous board wanted to straighten out the road. She stated the safety issue is still being discussed. She questioned if the County had ever enacted a weight limit on another road.

Legislator Oliverio stated Fair Street has a weight limit.

Chairman Albano stated the question here is if the County can legally place the restriction. He stated straightening the road would make it safer, but it might also invite even more traffic.

First Deputy County Attorney Andrew Negro stated Deputy County Attorney Jonathan Engel submitted a memorandum based on his research about the ability of the Legislature to enact a local law. He stated the findings were that state law would supersede local legislation, so it would need to go back to the Highway Commissioner. He stated the Engineering Report was submitted on August 9th and was forwarded to the Commissioner for review.

Chairman Albano stated it was his understanding that this would have to be based upon structural issues, not just safety.

Legislator Oliverio stated the structural issues are there. He stated the bridges cannot fit two large trucks and Tompkins Corner can hardly fit a truck and a car simultaneously. He further stated there are no residents living on Peekskill Hollow Road that disagree with the weight restriction.

Chairman Albano stated the Legislature needs to go back to the Law Department.

Legislator Oliverio stated County Attorney Bumgarner told him if he got an Engineering Report, the law would be in.

First Deputy County Attorney Negro stated it was up to Commissioner Pena.

Highway Commissioner Fred Pena stated most of the issues in the Engineering Report were geometric issues. He stated a few years back there was a grant to straighten out Peekskill Hollow Road, which met resistance from the residents of the road. He further stated the grant money was lost after only fixing some of the road's narrowness. He stated the narrow road detailed in the Engineer's Report is going to be addressed. He stated weight limits are for structural capacity and this is the issue with some bridges along the road that are red flagged. He stated that even with the weight restriction, should the County be allowed to enact one, there would be exceptions and the only

traffic being stopped would be outside traffic as local deliveries and school buses would still be allowed. He stated a weight restriction would eliminate only .5% of the dangerous vehicles. He then stated the large vehicles that are using the road are under unsafe conditions as well so something else needs to be done as well.

Richard Robertson, constituent, stated the trucks that were mentioned by Commissioner Pena, the .5%, are the ones that the residents are concerned about.

Jonathon Lentz (name not confirmed), constituent, questioned how long of a period the statistics were drawn from.

Commissioner Pena stated they were taken over four days.

Jonathon Lentz (name not confirmed), constituent, stated four days is not long enough to gather accurate statistics. He also stated that in the winter water runs downhill and freezes and this causes a danger when large trucks are traveling on them.

Commissioner Pena stated the trucks' origin destination information is important when stating statistics.

Dr. Kathleen Wolfstrom, constituent, questioned what Commissioner Pena felt were the prevailing commercial issues.

Commissioner Pena stated that the safety issues need to be addressed as it affects all drivers, especially those with long vehicles due to the geometric problem. He stated this is more of a vehicle length issue rather than a weight issue.

First Deputy County Attorney Negro stated legal questions should be handled through the Law Department.

John Comber, a Peekskill Hollow Road resident of 48 years, stated the Highway Department recently cleared foliage that was growing into the road but missed some vines that were growing up power lines. He stated he went across and cleared the vines himself and just as he finished, trucks came by very fast and he felt unsafe as there is only about six inches from the white line to the edge of the road in some places.

Legislator Scuccimarra stated she lives off 9D and had the same problem with the large trucks a few years ago. She stated to combat this, the speed limit was lowered and this deterred the trucks from using 9D.

Pam Ford, 41 year resident of a road off of Peekskill Hollow Road, stated turning off her road onto Peekskill Hollow is dangerous. She stated the focus must be on safety.

Legislator Oliverio stated the County does not have the money or the staff to correct the geometric issues of the road. He stated in the mean time doing a weight limit moratorium may be the way to go in order to make the road safer for when the school buses are traveling. He stated there is a lot to be done, but something needs to be done to make it safe.

Commissioner Pena stated if he could he would, but it is not in his authority.

Ann Fanizzi, constituent, stated she has lived on Fair Street for 25 years and it is comparable to Peekskill Hollow Road because of its curves. She stated this road was used as a thoroughfare road from Route 52 to the highway. She stated she did not recall any issues arising when a weight restriction was placed on Fair Street. She questioned what the difference between Fair Street and Peekskill Hollow Road was.

First Deputy County Attorney Negro stated the Commissioner of Highways can enforce a weight restriction if there is concrete evidence that there are structural safety issues.

Chairman Albano stated that in the case of Fair Street, if a weight restriction was able to be imposed, there must have been structural concerns that made it legal to place the limit.

Legislator Oliverio stated the reason for the weight restriction on Fair Street was the curves.

Ann Fanizzi, constituent, stated another one of the reasons for the weight restriction on Fair Street was the safety. She stated along with the weight limit, reflective signs were posted and the speed limit was lowered.

Commissioner Pena stated that measures such as putting up signs and road striping are ones he can carry out.

Legislator LoBue stated that when the grant was received, the County needed to establish whether or not there were safety issues. She questioned what the problem was if this is the information that is needed to enforce the weight limit.

Chairman Albano stated the law specifically refers to structural limitations, not safety issues.

Legislator LoBue stated that Commissioner Pena reported requiring needed data and information, and the County has it.

Chairman Albano stated there is certain criteria that allows Commissioner Pena to do the restriction.

Legislator Oliverio stated that he was told by the County Attorney that with an Engineering Report, they could find cause to put the weight restriction on.

Victor Tiship, constituent, stated there is more than ample legal justification to enact this weight restriction. He questioned why there was so much push back.

Cam Goodman, a resident of Peekskill Hollow Road, stated there is more than one way to make the road safer. She stated something could be done to make the road unattractive to the truck drivers, such as when the cones were placed on the curves on Fair Street.

Chairman Albano stated this was a great idea and it should be looked into.

Legislator Scuccimarra stated until the weight issue is resolved there should be police enforcing the speed limit on the road to deal with the speeding trucks.

Legislator Oliverio questioned if the County has the right to place the weight restriction, based on the Folchetti Engineering Report, Commissioner Pena's interpretation of the report and the geometric concerns.

First Deputy County Attorney Negro stated the Law Department needs the opinion of the Highway Commissioner.

Legislator LoBue stated the County Executive had arrived at the meeting and questioned if she would address this issue as people were upset.

County Executive Odell stated the most important way to govern is collaboration and the government is amenable to address concerns from the constituents.

Legislator Oliverio stated he would like a moratorium to have the weight limit until the larger issues can be addressed.

County Executive Odell stated everyone seems to be on the same page about getting the road safer, but there are guidelines and rules that must be followed. She stated this is not Government against the people.

Legislator Oliverio stated until we have the funding, we have the Engineering Report. He further stated the State supports this weight restriction.

Victor Tiship, constituent, stated memorandums from the Law Department states that the Highway Department has the authority to enact the restriction. The only thing missing is political will.

County Executive Odell stated there are no politics involved in this issue. She stated the will is there, and it is practical, not political. She further stated the Legislature will defer to the Law Department. She questioned what the parameters of the moratorium would be.

Legislator Oliverio stated the moratorium would exclude vehicles over 20,000 pounds except for school buses, EMS vehicles, and local delivery or repair vehicles and would last until the road is repaired.

Chairman Albano stated he would like a weight restriction on the road permanently as the road is not safe for large trucks to be traveling on.

Victor Tiship, constituent, stated the Law Department memorandum clearly states the Highway Department has the ability to place a weight restriction on the road and must back it up with safety issues.

Mr. Valenti, constituent, stated he is a fireman and is concerned with gasoline trucks driving on Peekskill Hollow Road. He stated it was confirmed that there are in fact some places on the road that do not allow two large trucks to pass one another. He further stated his concern of a gasoline truck hitting another truck or running off the road and being unable to contain the gasoline, which would lead to many other issues.

A resident of Peekskill Hollow Road (name not stated) stated he, along with others, walked on the road four years ago collecting petitions regarding a weight restriction and there was only one person who refused to sign. He stated it should not take four years to come to a solution and there are many residents in attendance who would like to help.

County Executive Odell stated the County has always kept an open mind. She stated her support for the Legislature's view and deferred to Chairman Albano to push any motion to the next month's Full Meeting.

Legislator Oliverio stated that according to the Law Department, the Legislature did not have the ability to do this, but if the intent of the resolution could be forwarded to Commissioner Pena and it is applicable, that is the resolution.

Commissioner Pena stated that speed reduction can be submitted to the State.

Chairman Albano stated speed of the vehicles traveling must be monitored.

John Crone, a Peekskill Hollow Road resident, stated it took ten years to have the County preserve the road as a rural road. He also stated the only body who would be opposed to this legislation is the truck companies or drivers.

Arthur Boulder, constituent, questioned if the County is allowed to put stop signs on the road.

John Teagle, constituent, questioned if a weight restriction can be posted citing an unsafe road.

Chairman Albano stated the limitations have to do with the structural integrity of the road, not the width or safety of it.

Drew Helwat, a resident of Peekskill Hollow Road questioned who had the ability to put "no through traffic" signs up.

Commissioner Pena stated towns have some authority to create trucking routes.

Legislator Oliverio stated he would like this to be a discussion item on the September Physical agenda. He also set up an appointment to ride with Commissioner Pena on Peekskill Hollow Road.

Item # 4 - Approval/Putnam Golf Course-Contracts (13T175)/Finance Dept.

Legislator LoBue questioned what the \$384,507.00 was being used for.

Deputy County Executive Bruce Walker stated in the 2013 budget there were four positions.

Legislator LoBue stated the County does not currently have contracts at the golf course.

Deputy County Executive Bruce Walker stated that there are contracts with the golf course.

Legislator LoBue stated there are three contracts that the Legislature has not seen. She stated year to date, as of July 3, \$700,000 has been paid out. She questioned if the \$384,507 was an operating expense or if it was going toward salary.

Deputy County Executive Bruce Walker stated it was from the salary position and it will be moved to work through the contracts.

Legislator Oliverio stated he remembers this discussion about the positions and this was money that was already there and understands the concern.

Chairman Albano stated this has zero fiscal impact as it is being moved from one place to another.

Legislator LoBue stated the County is paying out \$1 million to run the golf course. She stated she would like to see expenses and revenues.

Legislator Scuccimarra made a motion to approve the golf course contracts 13T175; Seconded by Chairman Albano. All in favor.

Item # 5 - Approval/Putnam County Veteran's Residence- Lease Renewal

Chairman Albano made a motion to approve the Putnam County Veteran's Residence lease; Seconded by Legislator Scuccimarra. All in favor.

Item # 6 - Approval/Law Department Correspondence: Resolution Approving Sale of Chapter 31 Properties

Chairman Albano made a motion to approve the sale of Chapter 31 Properties; Seconded by Legislator Scuccimarra. All in favor.

Item # 7 - Approval/Law Department Correspondence: Request to Purchase Town of Putnam Valley TM#83.67-1-16 &17

Chairman Albano made a motion to approve the request to purchase Town of Putnam Valley #83.67-1-16&17; Seconded by Legislator Scuccimarra. All in favor.

Item # 8 - Discussion/Trolley Routes to Garrison

Transportation Manager Vinny Tamagna stated a letter was received about Christina, a driver of the Trolley describing a day when Christina went above and beyond her role of driver to help a passenger on and off the Trolley. He stated he would like to schedule a public hearing discussing eliminating dead head miles for two PART routes. He further stated he received a letter from Legislator Scuccimarra regarding the decrease in Trolley routes to the Garrison area. He stated the Garrison route makes the Trolley route too long. He then stated he spoke with Carol Donick who suggested that a shuttle service be available a few times a year to transport people from the Trolley to Garrison when events are taking place. He suggested a Trolley stop in Garrison twice a day, to transport early morning hikers. He stated if this were the case, the maps would need to be redone. He also stated that a connection to the top of Mount Beacon is being placed by way of rail and he would like to have this connect to Cold Spring. He stated he wants to connect this to the Dutchess Loop as well. He stated the problem is he needs to get operating authority to work outside of this jurisdiction. He stated this is a process and the modification of the Trolley does not need to be rushed. He requested that the Trolley be taken off the Full agenda, but that the PART Bus route stays on.

Legislator LoBue questioned if permission was needed from the Federal Transit Authority to change the Trolley Route.

Transportation Manager Tamagna stated that the Federal Government is notified, but just State permission is needed.

Legislator LoBue stated she would like to see the ridership and the cost to run the Trolley.

Transportation Manager Tamagna stated he would provide the actual and budgeted figures.

Legislator Scuccimarra stated she would like to see a docent, a tour guide, on the Trolley.

Transportation Manager Tamagna stated that would be a great project for the Legislator who represents that district.

Item # 9 - Discussion/Community Gardens & Lake Gleneida/Commissioner of Highways and Facilities

Legislator Castellano stated that constituents have requested that the Community Garden site be cleaned up, especially in the winter months.

Legislator LoBue questioned if there could be restriction on color so it looks more neutral.

Commissioner Pena stated that during the growing season it is not as much of an issue. However when it is closed during the fall and winter months, he agrees, a better job can be done closing it and cleaning it up.

Legislator LoBue stated the County is being paid for the use of the lots and guidelines can be established for the closing of this year and next year, and soon.

Legislator Castellano stated a list of the lots and their costs should be created.

Senior Deputy County Attorney for Risk and Compliance Adrienne Spadaccini stated this can be revisited for aesthetic purposes.

Commissioner Pena stated next he will provide an update on the Lake Gleneida Vegetation Plan. He stated they are working on beautification of Lake Gleneida and are replacing invasive species of plants with indigenous species and restricting them to four feet in height.

Legislator LoBue questioned if they are matching a portion to the grant and if the County has an agreement with DEP with respect to the management plan.

Commissioner Pena stated that yes, there is an agreement.

Senior Deputy County Attorney for Risk and Compliance Spadaccini stated the DEP has not yet approved the Lake Gleneida vegetation plan. She stated County Attorney Jen Bumgarner is continuing to work on this.

Commissioner Pena stated in order to take advantage of the TEP Grant they had to apply by last Friday, August 16, 2013.

Legislator LoBue stated the County needs answers from DEP to know that they are accepting of the management plan.

Chairman Albano stated he does not want to lose the grant.

Transportation Manager Tamagna stated the County needs to apply and then they accept or deny projects.

Commissioner Pena stated he attended an eight-hour course in which he learned about the procedures of the TEP and felt this was a good fit for the vegetation management plan as well as the replacement of the Morningthorpe Bridge. That was why he brought this grant forward.

Transportation Manager Tamagna stated it is very important to understand that the County desperately needs someone to manage grants.

Bernie Kosberg, Democratic Candidate District #9, questioned if this was the job of the County Executive to set the agenda.

Transportation Manager Tamagna stated that yes it was, and having a person to manage grants has been looked at for years.

Bernie Kosberg, Democratic Candidate District #9, questioned if there was an official proposal.

County Executive Odell stated there was a proposal in last year's budget, but it was not included in the budget.

Ann Fanizzi, constituent, stated she recalled the four positions being added on to the planning department, but did not recall a grant writer.

Deputy County Executive Walker stated he had presented a need for a grant writer and it was in the budget.

Legislator LoBue stated this was left out of the last budget process because funding was needed for transportation.

Deputy County Executive Walker stated earlier this year \$730,000 was bonded. He stated that money was a penalty to get three of over twenty projects that were de-obligated. He stated they had grants for projects and the work was never done. He further stated having someone to solely manage the grants is vital.

Legislator LoBue stated the County does not have a Commissioner of Planning, and is not going according to the process. She stated she asked if the DEP had approved the

maintenance plan for Lake Gleneida and Commissioner Pena replied yes, while the representative from the Law Department stated no, it was not approved.

Bernie Kosberg, Democratic Candidate District #9, stated that it is the County Executive's job to supervise grants. He stated there should be someone to look for grants as they can be very specialized.

Chairman Albano stated that he agreed with Mr. Kosberg's statement of having someone to look for grants as well as someone to make sure a grant is followed through its entire process. He also stated there is drainage on Lake Gleneida and there is a hazard in curb openings.

Commissioner Pena stated they would need DEP approval to address the curb openings.

Item # 10 - Approval/Resolution Acceptance of Amendment B 2012-2013 NYS DOT Snow and Ice Agreement

Chairman Albano made a motion to move the acceptance of Amendment B 2012-2013 NYS DOT Snow and Ice agreement to Audit and Administration; Seconded by Legislator Scuccimarra. All in favor.

Item # 11 - Correspondence:

**11a. Dated: 8/13/2013 From: Chair Albano To: County Attorney Bumgarner
Re: Tilly Foster Septic System-WQIP Funding/Update**

Legislator LoBue questioned if specs have been found for the resolution.

Deputy County Executive Walker stated he had not found any and the money is encumbered in the WQIP funds.

Legislator LoBue stated Chris DellaRippa was working on the septic repair program and he would know where the paperwork is.

Arthur Singer, constituent, questioned what part of Tilly Foster was being discussed.

Chairman Albano stated there wasn't a formal proposal, and he was unsure.

Legislator LoBue stated the previous County Executive had thought about redoing the septic over where the barns are.

Arthur Singer, constituent, questioned what was going on at the cottage.

Legislator LoBue stated the septic had been replaced there last year, which she questioned.

Arthur Singer, constituent, questioned how the septic replacement was paid.

Commissioner Pena stated he would have to look into the details of the replacement.

Legislator LoBue stated it was rented by someone and did not understand why the septic was repaired. She stated that the cottage should be taken down rather than fixed up.

Deputy County Executive Walker stated he is working with DEP to cut property off existing properties. He stated these properties will then be sold as private houses, which will then be on the tax roll.

**11b. Dated: 7/19/2013 From: County Executive Odell To: Paul Rush, P.E.
Re: Notice of Preliminary Decision for Use of East of Hudson Funds/FYI**

Deputy County Executive Walker stated they are going back and forth with DEP.

**11c. Dated: 8/12/2013 From: Legislator Castellano To: County Executive Odell
Re: Request for Safety Mirror on Stoneleigh Avenue/FYI**

Commissioner Pena stated the Highway Department does not install mirrors, but if the owner is able to come to an agreement with their neighbors they are welcome to put a mirror up. He also stated the Highway Department is checking to see if vegetation is an issue as well and they will trim as far back as they can.

Legislator Castellano questioned if there are any statistics on accidents at that location.

Commissioner Pena stated he had not heard of any, but they are collecting accident data.

Item # 12 - Other Business

Legislator LoBue stated Hill Acre Farm was vandalized and asked Commissioner Pena if he could check on it. She questioned why the trucks are behind the farmhouse.

County Executive Odell stated this was as staging area.

12a. Memo Fr: County Executive Odell To: Physical Chair Albano Dated: August 16, 2013 Re: Update on Putnam County Golf Course

County Executive Odell stated there was positive feedback on the golf course. She stated the drainage issue has been addressed so rain is no longer as much of an issue. She also stated the banquet is on schedule and County employees have done a great job. The unveiling will be September 27th.

12b. Approval/Transportation Enhancement Program TEP Grant Application

Chairman Albano made a motion to approve the Transportation Enhancement Program Grant Application; Seconded by Legislator Scuccimarra. All in favor.

12e. Update/Legislator Scuccimarra requested of Commissioner Pena-Snake Hill Road-Walter Hogan Home

Commissioner Pena stated this project is progressing and the contractor was asked to work Saturdays and longer days to get the completion date closer to what was predicted.

At 7:50 p.m. Chairman Albano made a motion to go into Executive Session to discuss County Personnel and Policy matters; Seconded by Legislator Scuccimarra. All in favor.

At 8:15 p.m. Chairman Albano made a motion to come out of Executive Session; Seconded by Legislator Scuccimarra. All in favor.

Chairman Albano stated no action was taken.

12c. Approval/New Position/Full-Time Countywide Safety Officer

12d. Approval/Lock Out/Tag Out Policy

Chairman Albano approved and moved agenda items 12c and 12d to the August 27th Audit and Administration committee meeting.

Item # 13 - Adjournment

There being no further business at 8:18 P.M., Chairman Albano made a motion to adjourn; Seconded by Legislator Scuccimarra. All in favor.

Respectfully submitted by Beth Green, Administrative Assistant.