

**Physical Services Committee Meeting
Held in Room #318
Putnam County Office Building
Members: Chairman Albano & Legislators Castellano and Wright**

Thursday

March 19, 2015

The meeting was called to order at 8:05 p.m. by Chairman Albano who requested that Legislator Wright lead in the Pledge of Allegiance. Upon roll call, Chairman Albano and Legislators Castellano and Wright were present.

Chair Albano made a motion to waive the Rules and Accept the Additional.

Legislator Wright stated he would like to split the question of accepting additional material.

Chair Albano made a motion to waive the Rules and Accept the Additional pertaining to agenda item #3; Seconded by Legislator Wright. All in favor.

Item #3) Approval/Recommendations from the Putnam County Agriculture & Farmland Protection Board/2014 Inclusion in the Agricultural District

- a) Correspondence: From Patterson Supervisor Griffin To Lauri Taylor dated 12/16/14 and Response From Marjorie Thorpe To Supervisor Griffin dated 3/05/15**
- b) Correspondence: E-mail March 9, 2015 Fr: M. Rockwell/Cold Spring Farm**

Agriculture & Farmland Protection Board Liaison Lauri Taylor stated that there were three (3) applications that were submitted. She stated that one is in the Town of Carmel, it is a vegetable farm. Another petition is a property in the Town of Patterson. They are currently in the Ag District in Westchester County. She stated that their plan is to expand their the property in Patterson and grow their vegetables for CSA (Community Supported Agriculture). She stated that the third property is in the Town of Philipstown which is a vacant parcel with a proposed equine operation. She stated that Marjorie Thorpe Chair of the Agriculture & Farmland Protection Board (Board) and Irvin Raboy a member of the Board, and herself went to each property and walked them, as part of their investigation and review of the properties. She stated that the Board is recommending the first two (2) properties listed: the one located in Carmel and Patterson. She stated that the Board voted not to recommend the property in Philipstown at this time. She stated the decision was based on two facts (1) they found their was not agricultural soils on the property and there was a steep slope concern (2) currently there is no access to the property.

Chair Albano facilitated further discussion on the parameters that the Board uses when evaluating a property for consideration for inclusion into the Putnam County Agricultural District. He invited the Rockwells to address the Committee members. He stated that

they are the owners of the land in Cold Spring (Philipstown) that was not recommended for inclusion in the Agricultural District.

Legislator Scuccimarra stated that she has been following this matter for some time. She stated that the Rockwells bought the property assuming that they would have access from Route 9. She stated they were denied, and are now having to start the process all over again.

Marian & Nicholas Rockwell addressed the Committee and explained their circumstances with their property. They stated that since 2012 they have been going before the Philipstown Board and have spent approximately \$75,000 in permits and fees. Marian stated that she has been in contact with Dr. Bob Somers, head of the New York State Agricultural and Farmland Protection Board, who has informed her that there are provisions that may be available.

Irvin Raboy, Member of the Agriculture & Farmland Protection Board, stated that Mrs. Rockwell has a response from Dr. Somers stating that the DEC would be on her side. However that does not negate the Rockwells from having to get the correct permit from the County and it does not get them by all of the rules. He stated that the Putnam County Agricultural Board has made their decision. He stated it is not to say that the Rockwells will be denied forever. He stated that they have viable plans, and there is no issue with that. He stated however, the Board does not want to step on the Town's toes by by-passing the Town's rules. He stated that it is not that they don't want them in the Ag District in the future. He stated that in the Board's review process they did not see enough that would qualify their property to be a part of the Agricultural District.

Chair Albano stated that at the very least the entrance to the land would allow entry and ease the evaluation process.

Nicholas Rockwell provided insight on their purchase of their property and broad history of the property. He also showed and addressed a map that he brought to the meeting of the property.

Legislator LoBue stated that she is the Legislative representative to the Agricultural Board. She stated that she is sorry that they are in this position; it is a tough situation. She stated unfortunately the County Board cannot circumvent home rule with the Town of Philipstown. She stated that the good news is that the Rockwells can reapply next year and hopefully be in a better situation.

Chair Albano facilitated further discussion. He concluded the discussion by stating there is specific criteria that must be adhered to.

Chair Albano made a motion to approve the Recommendations from the Putnam County Agriculture & Farmland Protection Board/2014 Inclusion in the Agricultural District; Seconded by Legislator Castellano. All in favor.

Legislative Counsel VanRoss stated that this matter will be forwarded to the April Full Legislature Meeting. He stated that there must be a Public Hearing Notice published in

the County Newspapers. He stated the Public Hearing will take place before the April Full Meeting.

Legislator Wright stated that the Public Hearing will address all three (3) of the applications and it is submitted with the recommendation for the two (2) properties from the Putnam County Agricultural Board. Then the Legislature places their vote at the Full Legislature Meeting regarding the recommendation from the Putnam County Agricultural Board.

Item #4) Approval /Butterfield Project/Letter of Intent

Legislator Wright stated he would not vote to approve the acceptance of the Additional document, "Letter of Intent", that has come to the Committee for consideration. He stated that the Letter of Intent has blanks throughout the document. He stated that he does not believe this document, in its current form, is appropriate for consideration by the Legislature. He stated that he also believes this is putting the cart before the horse; he believes the Legislature should approve comprehensive plans for the use of the space after it has been seen on an allocated square footage basis. He stated that he would like to know the proposed projected schedule and plan for bringing other County departments to the location. He stated that to him this does not seem to be the right order of business.

Chair Albano stated that there was some discussion regarding the County bringing some County Department Services to the Butterfield Location. He stated that basically the main focus of this proposal is for a Senior Center. He stated that it is understood that some of the space may be available for other uses in the future. He stated that often the Senior Programs are finished in the later afternoon, 3:00p.m. He stated that the main focus for this space is to accommodate a Senior Center.

Legislator Scuccimarra stated that the main concern is to get a Senior Center in this 6,000 square foot space. She stated that they have the estimated costs projected out to 2020. She stated after that the County will have the option to buy the space. She stated that there needs to be a concrete commitment that can be brought to the developer. She stated that her concern is that the space will be lost; the Seniors on the Western side of the County cannot afford to lose the space. She stated that there is the extremely generous donation of the \$500,000 from Roger Ailes that he has given to put towards a Senior Center. She stated that donation would more than cover the build out costs.

Chair Albano stated that he echoes Legislator Scuccimarra's concerns regarding the risk of losing this opportunity. He stated the project itself is going to generate property tax. He stated when you look at what the County is currently paying in rent for the current Senior Center in the area it costs approximately \$30,000 - \$40,000 a year and when you look and take into consideration the other Senior Center facilities the other parts of the County; he would hate to miss this opportunity. He stated in his opinion, the time is here for the County to clearly state its intentions in relation to this project.

Legislator Scuccimarra stated that the developer will have all of his approvals by April 3, 2015. That is when the Village Board will vote on the project.

Legislator LoBue stated that she would like to see in writing that the Village Board fully approved the project. She stated that also she would like to see costs associated with the current facility that the County is renting. She stated that she is blown away by the comparison of the Koehler Senior Center, which is a free standing facility.

Chair Albano stated that the Koehler Building required the County to bond millions of dollars and it is off the tax roll.

Legislator LoBue stated that she needs more time to review the material that has been submitted tonight. She stated again, she would like to have something in writing confirming the Village Board has confirmed the project. She stated that she believes that is necessary prior to the Legislature having a serious conversation addressing whether or not we support moving forward with the Senior Center. She stated that the Legislature are not just talking about a Senior Center, everyone seems to think that the County is talking about moving some County services over there.

Legislator Scuccimarra stated moving County services there is not part of the discussion at this time. She stated that they are specifically speaking and addressing the subject of a Senior Center; a desperately needed facility on the Western side of the County.

Chair Albano stated at one time there was discussion about putting a satellite Sheriff's office in the location. He stated that is no longer a consideration. He stated possibly in the future the space will lend itself to be used for other purposes. He stated right now the County is looking at this space to server as a Senior Center.

Legislator Gouldman stated it is his opinion that the County move forward with this project.

Chair Albano stated that money has been spent, many studies have been conducted and a lot of time has been put into this project. He stated that this project is at a point of finalizing the details.

Legislator LoBue questioned who spent all of the money that was referenced on the studies.

Chair Albano stated the Developer.

Legislator LoBue stated that is the Developer's private project. She stated she wants to know that the project has been approved by the Village. She stated that there is a lot of politics going on, on the Western side of the County. She stated that since she has been a Legislator, the discussion of this project has been taking place. She stated that in those six (6) years the Village has not approved the project. She stated that she does not support addressing a Letter of Intent in relation to a project that has not been approved.

Chair Albano stated if the project ends up not getting approved; then the Letter of Intent gets destroyed.

Legislator LoBue stated in her opinion that is not the way to do business.

Legislator Nacerino questioned Legislative Counsel VanRoss if adding wording such as: the Letter of Intent approval is contingent on all Board Approval; would that be applicable. She questioned if Legislative Counsel VanRoss and or the County Law Department have had time to review the Letter of Intent.

Legislator Scuccimarra stated that the County Law Department created the Letter of Intent.

Legislative Counsel VanRoss stated that he just received the document just before this meeting began.

Legislator Nacerino stated that she would like to allow Legislative Counsel VanRoss time to review this document and provide his professional advice and input.

Legislator Gross stated that he supports a Senior Center on the Western Side of the County, there is no question about that. He questioned the reference to the facility will be used as municipal office space and Senior Community Center (#8) in the document. He stated that the Legislature has not approved any municipal office space. He questioned for clarification is the 6,000 square foot space for the Senior Center.

Chair Albano stated the 6,000 square feet is for the Senior Center. He stated it makes sense to have stated in the lease that the space can be used for multiple uses in addition to the Senior Center, if that is the desire of the County down the road.

Legislator Nacerino stated she would support wording such as; the 6,000 square foot space and or a portion of it would be a multipurpose space. She stated that would allow flexibility in the future in terms of what the County would like to put into the space.

Legislator Wright stated that there are a lot of issues and he does not believe the Letter of Intent is right for consideration by the Legislature. He continued to express the open ended critical facts that have him uncomfortable. He stated to say the purpose of having the document on tonight's agenda is for review and discussion purposes does not coincide with the facts. He stated that the date on the document is September 2014, and the Legislature receives it tonight as an additional correspondence. He stated with the focus to rush it on to the April Full Meeting of the Legislature. He stated the document has blanks throughout it and contains, in his opinion, some very questionable provisions. He continued to express his concerns with the Letter of Intent. He stated that he has gotten into the minutiae, with which he found a lot of fault with, but not the least of which is the condition in which the document was submitted to the Legislature for consideration. He stated in his opinion he believes that the Executive Branch should enter into documents of intent subject to Legislative approval.

Deputy County Executive Walker stated that he believes the point of the Letter of Intent was, quite frankly, not have his Architect, his County Commissioner of Highways & Facilities spend a whole lot of time on designing an entire build out and cost out on a per square foot basis, kitchens and all of the things associated with it, without having an understanding that it is the direction that the County wants to go in. He stated that he stopped the Commissioner and his Architect at a certain point. He stated that in working with Legislator Scuccimarra and Office for Senior Resources Pat Sheehy to design a 6,000 foot Senior Center. He stated that the municipal offices verbiage that Legislator Gross spoke to was put in the document at the direction of Director Sheehy. He stated that Commissioner of Highways & Facilities met with Sheriff Smith and Director Sheehy. He stated at that time it was determined that the Sheriff's needs were not to be met by that space. He stated that is when it was decided that the 6,000 square foot space would be dedicated to the Senior Center. He stated that they worked and laid out the frame work for the kitchen, walkway etc. He stated at that time he stopped any further work form being done and time spent on the project until the intent of the Legislative body was known.

Legislator Wright questioned if Deputy County Executive Walker would sign the Letter of Intent that is front of this Committee.

Deputy County Executive Walker stated that the intent was to discuss this document and leave with an understanding of what the Legislature wants done in terms of this Senior Center project.

Legislator Wright stated that there is a difference in terms of wording: the Intent to Purchase and Right to Purchase mean two (2) very different things. He stated that he has a concern with the way this letter is written the County would not have the "Right to Buy" in 15 years the County would have the "Right to Hope" that the County could then convince a local municipality that they should let the County subdivide the property. He stated that was not what was originally discussed, conceptually, with the Legislature. He stated another thing was that a multipurpose structure would lend itself to bring badly needed services to the Western side of the County. He stated that basically there are too many blanks in the document, it does not have a cover letter from the County Law Department, and there are no cost estimates. He stated that Deputy County Executive Walker stated that he does not want to engage in timely or difficult cost analysis. He stated that he understands that concern. He stated that however, Legislator Scuccimarra, who has been intimately familiar with the project, stated that the \$500,000 will cover the costs of a full design and implementation. He stated that he is more than a little annoyed that a document that was born at least in September of 2014, shows up as an additional at this Committee meeting, because someone has deemed that this should go to the Full Legislature Meeting in April. He stated he is in full support of discussing this matter at the April Physical Services Committee Meeting. He stated at which time Commissioner Pena can present what he and his department have done so far and an appropriate design. He stated that he fails to understand the complexities of the costing and designing the interior space of a 6,000 square foot space facility that will be all for Seniors.

Deputy County Executive Walker stated with all due respect he believes Legislator Wright is minimizing what is involved with engineering an entire inside of what is going to house a Senior Community. He stated that there are a number of things to be considered and evaluated. He stated he will get done what needs to be done, but the issue is that mixed messages are being given from the Legislature. He stated the option of providing space for other municipal services approximately six (6) months was clearly stated by this Legislative Body that under no circumstances did they want that to be done. He stated to have it brought up tonight "consider bringing municipal offices there" is in direct conflict with what was stated in the past. He stated that he believes it was a mistake to have the word "Approval" on the agenda. He stated that he did not intend to come here tonight and get this approved and have this Letter of Intent signed. He stated that when he last met with the Developer he told him that he was going to meet with the Legislature and figure out from the basic outline, where it is the County wants to go with this project.

Legislator Wright stated he did have a problem with the word "Approval". He stated his concern was that there was a rush to judgment and an attempt to get this to the April Full Meeting. He stated with the understanding that this matter will continue to be addressed in future meetings; he had no objection to receiving the additional documentation.

Legislator Wright made a motion to waive the Rules and accept the Additional for discussion purposes; Seconded by Chair Albano. All in favor.

Legislator LoBue stated the devil is in the details; the costs. She stated that she wants to go on record stating that working under the Bondi Administration, the County got out of the leasing business. She stated that it was determined that the County was losing money in the practice of leasing versus buying. She stated she wanted the County to buy the VFW in Cold Spring. She stated for her a component that she would like is the ability for the County to buy the space as a co-op or condo; however it needs to be classified. She stated that when you look at the comparison of the Koehler Senior Center, a self-sufficient free standing building, there is only a \$15,000 difference a year from the proposed property being discussed tonight. She stated an Architect was hired in the County so that when projects, such as this, came up there would be a person in-house to do the detail work and the design work necessary for the County to come to an agreement and make decisions. She stated that she was a Legislator during the time of the Kent Senior Center. She stated that there were plans, studies. She stated when the project was first projected in terms of cost the estimate was \$7 million - \$8 million dollars. She stated as the time progressed the projected costs increased to \$13 million dollars. She stated that the project was stopped at that point, unfortunately after spending close to \$750,000. She stated that it was not going to be a good decision for the County. She stated in this instance that is her concern, the cost. She stated that she wants the County to enter into this project with eyes wide open. She stated that she wants to be sure that the Legislature has all of the costs that will be involved with this project. She stated the way to do that is by going slow, not running. She stated that a lot of the Legislators are new; this is not something that happens overnight. She stated it is unfortunate that this project had a lot of trouble getting Town approval. She stated that the six (6) years that have gone by was at the result of the Town's approval

process; it was not delayed on the County's side. She stated she wanted to caution the Legislature. She stated the Legislature has a responsibility and the main goal of the Legislature is the money and the Budget for the County. She stated that she wants to make sure that the Legislature has all the information up forward and that the Legislature knows what they are approving in terms of the cost. She stated as her colleague Legislator Wright stated, there is more information needed. She stated if that requires needing the County Architect to make more engineer drawings then that needs to be done. She stated that the County will need to bond possibly in terms of where this project ends up. She stated that she is not debating the issue of having a Senior Center on the Western side, that is not what she is talking about. She stated that she is talking about the fiscal responsibility.

Chair Albano stated that the Legislature is in agreement that there is a Senior Center needed on the Western side. He stated the issue of to purchase a space; is not an option at this time in the area. He stated that there is no building suitable for a Senior Center that can be purchased. He stated what does exist currently is a space that is ideal for a Senior Center located in the middle of a Senior Complex. He stated that there are financials that have been provided. He stated it would be a shame if another company comes and takes this space. He stated that this is a serious opportunity that is available right now. He stated it is his opinion that the Legislature should consider it seriously and proceed. He stated that yes he agrees that details need to be provided, but he does not agree that at this stage the Legislature needs definite plans. He stated unless the County commits to the project he agrees that the County should not spend the money to get definite plans.

Legislator LoBue stated that in 2014 Commissioner Pena came to this Committee. He was on the agenda to present "Road Re-pavement" plan instead he came to the meeting with plans to unveil an elaborate design for the expansion of the Donald B. Smith Campus. She stated the drawings included a glass atrium in the front and he spoke to the cost of the project if the County were to build it out. She stated that there was no problem to spend money on those plans.

Chair Albano stated in 2014 Commissioner Pena brought a "sketch", which is much different from a "plan".

Legislator LoBue stated that there were designs for the interior work. She stated her point is to say that the County does not want to invest into the preparatory work so the Legislature has a factual report of what is being considered, she does not agree with. She stated that in her opinion the Legislature needs as much factual information as possible to base the decision on.

Chair Albano stated that his is confident to say that the build out of the Senior Center will not exceed the \$500,000 donation.

Legislator LoBue questioned how can Chair Albano say that without knowing what the engineering plans look like for the interior.

Chair Albano stated that it is basic construction.

Legislator LoBue stated if that is the case then it would be basic to figure out the costs.

Legislator Nacerino stated that the Letter of Intent is a bit incomplete. She stated that the letter has been sitting for six (6) months and tonight this Committee gets a copy. She stated it is her opinion that they have not had ample time to review the letter. She stated she is not saying the end result will be anything other than positive, but this is not fair to this Committee or the rest of the Legislators to be asked to move it forward. She stated she does not understand why, a document dated September 2014 has not been brought to the Legislature sooner providing the Legislators the time to go through the document and asks any questions they may have and have the questions answered. She stated that would have avoided this situation tonight.

Chair Albano stated that is a good point. He stated let's use this Letter of Intent as a starting point and come back with comments.

Legislator Wright questioned the confidentiality provisions that are in the document. He questioned how confidential is it with it being discussed at a public meeting. He questioned if it can be discussed.

Deputy County Executive Walker stated that he does not believe there is an issue with confidentiality. He stated he notified the developer that he would be meeting with the Legislature. He stated that the concept is to go through the document so the financials can be put together. He stated that would provide the Legislature with the financials required prior to the Legislature's approval of the Lease.

Legislator Wright questioned what is a confidentiality clause doing in the Letter of Intent, if there is no basis for what is included.

Deputy County Executive Walker stated from a legal standpoint he is not really sure why it is in there. He stated it is not a lease and it is being discussed no commitment is being made.

Legislator LoBue stated that the private meetings that have been taking place including the Legislator who represents District #1 and the Director of Senior Resources has never been done before.

Chair Albano stated that maybe they should have had those meetings when the Kent Senior Project was being worked on and it possibly could have prevented the County from a loss of almost \$1 million dollars.

Legislator LoBue stated she did not support the Kent Project. She stated for the same reasons she has stated tonight in relation to this Project. She stated the only difference was that the discussions were had with the Full Legislature. She stated the meetings did not take place with individual Legislators. She stated that she does not see that it is a big deal to have the County Architect do more defined drawings and engineering of the space in order for the Legislature to have a better idea of the costs that would be involved.

Deputy County Executive Walker stated, as earlier referenced by Legislator LoBue who was the only one present at the time, the County spent a \$1 million dollars for a bunch of nice drawings. He stated he is not spending his people's time, the Legislature's people's time the Tax payers' people's time on work that is a waste of time, when we cannot articulate what we want. He stated that he is not doing it. He stated there are too many projects to be worked on in this County to waste time. He stated once the decision is made to commit and do the project he has the people on staff who can do the work. He stated the County will begin essentially with a white box and from there work on the electrical, HVAC, sheet rocking etc. He stated we can do it all that is not an issue. The biggest cost on a per square foot basis is the kitchen, he stated that there will be at least \$500,000 worth of work. He stated based on the lack of direction, he stopped the review work at Butterfield. He stated that there is major engineering work that is being done at Tilly Foster Farm; he has redirected the skill base of the County employees to that project. He stated in summary it is not a cost effective use of his people to have them spending time on a project that there is no clear decision or direction on.

Legislator Scuccimarra stated that she does not believe that the interior needs to be a focus at this point. She stated that the \$500,000 donation can be used for that down the road. She stated she wants to know from this Legislature if they are in support of this Project. She stated the Developer needs to know if the Legislature is serious in our commitment to take the space. She stated otherwise, there is no sense to go any further. She stated that the amount of people that will be served through the Senior Center will absolutely justify the financial commitment to the Project. She stated on this side of the County there are very large Senior Centers that are very large and costing the County a great deal of money. The Project being reviewed at Butterfield is absolutely doable.

Chair Albano stated that he agrees with Legislator Scuccimarra. He stated there needs to be direction given to the Engineer.

Legislator Nacerino stated she is in support of the Senior Center. She stated that she is having trouble with the logistics of the Letter of Intent. She stated that the HVAC that the County would be responsible to put in for the space they would occupy; that would appreciate the Developers Building. She stated as Legislator Wright pointed out the way the Letter of Intent is written, currently, the County may or may not be able to buy the space after 15 years. She stated that is the part she is having trouble with, not the Project. She stated she is uncertain of the details of this document.

Chair Albano stated that this is not the final Lease.

Deputy County Executive Walker stated he believes throughout this discussion the big picture has been lost. He stated when discussing the major costs, and a 15 year lease, and notwithstanding some of the insertions that this is a sloppy document or not. He stated that there are only three (3) numbers that need to be worried about, they can be read in 30 seconds in the document (1) the Rent (2) the CAM Charges (*Common Area Maintenance*) (3) the Operational Charges. He stated those three (3) charges make up

the annual cost that this Legislature will have to bear for 15 years. He stated that there is a 2% escalation on the Rent, 3% escalation on the CAM Chargers, and a 4% escalation on the Operation Cost that has been built in. He stated the money is not in the cost of the build out, because if you add up the 15 year lease it comes out to approximately \$2.8 million dollars. He stated the matter of the real dollars that need to be addressed are included in the Letter of Intent that has been presented tonight. He stated and that is the piece that he has not received any direction on. He stated this document has not moved forward since September, frankly, because there has been no direction. He stated he cannot negotiate for the Legislature, all he can do is to work to make the best financial decisions for the Tax Payers. He stated if the end all be all is that the Legislature wants to buy it, that is important, is the plan to put other municipal offices there, he does not know, as no decision has been stated, is locking the CAMS the most important item? He stated that is the discussion that should be taking place tonight.

Legislator LoBue stated she is offended by Deputy County Executive's attitude. She stated this is a meeting of the Legislature. She stated that he comes into this meeting telling the Legislators how they need to view the lack of information provided. She stated it is no fault of the Legislature that this Letter of Intent has been sitting some place for six (6) months; and then received it as additional documentaiton tonight before the meeting. She stated if the document had been submitted a week ago, adhering to the seven (7) day rule, the Legislators would have had the time to review the document and be prepared for tonight's discussion.

Chair Albano stated now that the document has been submitted please review it and document any comments and or questions .

Legislator Wright suggested that a few minutes be taken tonight and put some thoughts regarding the Letter of Intent on the record. He stated he understands that there are two (2) processes involved and the Legislature needs to move forward in order for the Administrations process to move along. He stated that he has a few items he would like to list.

Legislator Nacerino stated she could have compiled her questions and or comments if the document had been part of the original packet.

Chair Albano stated to Deputy County Executive Walker if someone could provide some information on the build out costs that would be helpful.

Legislator LoBue stated she is not prepared to make comments tonight, she will submit hers in writing.

Legislator Wright stated while there were people present who are familiar with the document and the Project he would like to ask some questions addressing the Additional Correspondence: "Letter of Intent":

- 1) Legislator Wright : 2nd Paragraph, page (1) why is there a dollar figure and a square foot figure? Is there still a choice between the 1st and the 2nd Floor?

Deputy County Executive Walker answered that when he met with the Developer he chose the 2nd floor which was the cheaper of the two (2) options, @\$12.95per square foot for 6,000 square feet , resulting in the \$77,700.

Legislator Wright : Then any reference to the first floor should be striked from the document.

- 2) Legislator Wright : Are there any additional costs associated to selecting the 2nd Floor, such as elevator installation costs?

Deputy County Executive Walker answered No.

- 3) Legislator Wright : page (2) where it says "*CAMS shall not include*": (common area maintenance) the figure of \$127,000 was mentioned.

Deputy County Executive Walker answered the CAMS are not delineated in this document.

- 4) Legislator Wright : regarding the taxes an attempt was made to stay out of the School taxes, but that was not acceptable.

Deputy County Executive Walker answered in his discussion with the Developer (Paul Guillaro) it included that the only tax he wants outside of that, which he believes would be acceptable to the County, would be the County real estate tax.

- 5) Legislator Wright: on page (2) item (1) *LANDLORD's Management fee...* He questioned clarification on that 3%.

Deputy County Executive Walker stated that was removed from his version of the "Letter of Intent". (he had a more recent version of the document than what was submitted as an additional item)

- 6) Legislator Wright: stated that he does not understand that with a "box building" the reference on page (2) item (2) *The cost of initial construction of the improvements....*

Deputy County Executive Walker stated that addresses things like the real estate property taxes, common area lighting costs, common garbage etc... cannot be included in the CAM.

- 7) Legislator Wright: on page (3) item 5. *The COUNTY shall be responsible...* What kind of plumbing would be required? Would the County be responsible to plumb to a central water source?

Deputy County Executive Walker stated no. That item references any interior plumbing such as Kitchen plumbing that the County would put in, the County would be responsible for.

8) Legislator Wright: Stated there is no central air conditioning or heat provided?

Deputy County Executive Walker answered no. Which is part of why the County needs to review the engineering piece.

9) Legislator Wright questioned if he is correct in understanding that the first floor occupant and the second floor occupants are going to have their own independent HVAC Systems.

Deputy County Executive Walker answered yes.

10) Legislator Wright: on page 4 item 8. *The Leased premises shall be used exclusively as municipal...* He thinks rather than imply that it has been condoned to be used for municipal offices; other than Pat Sheehy's Offices, he recommends that it be specified what shall be permitted. He thinks that would address some of the concerns of some of the Legislators. He stated that he has a different concern with it. He asked if municipal office space would allow for a not-for profit business to be placed there, if the County wanted to have it there, for example the IDA. He questioned if the language is too restrictive.

Deputy County Executive Walker stated that the wording could be changed to read "for municipal purposes"...or something like that.

Legislator Wright stated besides the fact that he does not believe that it has been determined if any municipal services would be put there, he additionally wanted to see it written in a broader format.

11) Legislator Wright: on page 5 item 9. *LANDLORD shall be entitled to the use of...* If I am renting a building at what point does my Landlord tell me how many parking spaces I have. He stated that he believes we can all agree that item 9. Needs a lot of work.

Deputy County Executive Walker stated he believes that item 9 should state County not Landlord.

Legislator Wright said ok, but it still needs a lot of work. He stated with his limited experience once someone puts pen to a Letter of Intent the Lease starts to look at lot like the Letter of Intent. He stated that we need to know what kinds of parking arrangements are proposed.

12) Legislator Wright: on page 4 item 11. which addresses the option to purchase, he suggests as things presently stand, as item 11. relates to sub category (2) *the COUNTY shall be responsible...* He does not see how those mesh. *At a future time*, to him, is a statement that says "if we can work it out down the road, we will, but there is no guarantee". He stated that he believes the County should be part of a long term potential to buy into it, other than through leasing it. That

would be more attractive and certainly the contents of item 11. Do not suggest to him that there is anything other than an aspirational kind of aspect.

13) Legislator Wright: on page 5 item 15. *LANDLORD and the COUNTY agree that...* That confidentiality clause, he believes we may have violated the heck out of it tonight, but if this Letter of Intent ever does get signed he thinks it needs to be decided what can be said about it in the future.

Legislator Scuccimarra stated that she is concerned and believes that time is a factor here. She stated that the Developer is looking for a commitment.

Chair Albano stated that he believes it was good to bring the subject forward tonight and will help to move the process forward.

Chair Albano made a motion to waive the Rules and Accept the Additional; Seconded by Legislator Castellano.

Item #5) Other Business

- a) Approval/Proposed Resolution/Authorization to Execute NYSDOT Supplemental Grant Agreement #4/ Bikeway and Bus Projects
(attached copies of resolutions referenced in proposed resolution)**

Chair Albano stated that basically this item addresses financials associated with the Bikeway that have already been approved. He stated that the County needs to apply to the State to receive the 10% of funding that has been laid out by the County. He stated that the Federal Government covers 80% and the State reimburses the 10%, which needs to be formally requested.

Chair Albano made a motion to approve the Proposed Resolution/Authorization to Execute NYSDOT Supplemental Grant Agreement #4/ Bikeway and Bus Projects; Seconded by Legislator Wright. All in favor.

Item #10) Other Business -None

Item #11) Adjournment

There being no further business, at 9:50P.M., Chair Albano made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Diane Trabulsy, Deputy Clerk of the Legislature.