

**REGULAR MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
HELD IN THE
HISTORIC COURTHOUSE
CARMEL, NEW YORK 10512**

Tuesday

August 2, 2016

7:00 P.M.

The meeting was called to order at 7:02 P.M. by Chairwoman Nacerino who requested that Legislator Gross lead in the Pledge of Allegiance. Chairwoman Nacerino requested that Legislator Castellano lead in the Legislative Prayer. Upon roll call, Legislators Scuccimarra, Addonizio, Albano, Gross, Castellano, LoBue, Wright and Chairwoman Nacerino were present. Legislator Gouldman was absent. Also present was Legislative Counsel Van Ross.

Item #4 – Approval of Minutes – Regular Meeting – July 6, 2016

The minutes were approved as submitted.

Item #5 – Correspondence

a) County Auditor

There was no activity during this reporting period.

Item #6 – Pre-filed resolutions:

Legislator LoBue made a motion to request public comment on several of the high priority items on the agenda, prior to any Legislative vote, as a courtesy to all the individuals present; seconded by Legislator Wright.

Legislator Albano stated that this is not normal procedure. He explained that the time for public input is during the Committee meetings, however, he agreed to allow it.

By Roll Call Vote: All Ayes. Legislator Gouldman was absent. Motion Carries.

**PROTECTIVE SERVICES COMMITTEE
(Chairman Gouldman, Legislators Gross & Wright)**

Item #6a – Approval/Fund Transfer (16T145)/Sheriff's Department/Overtime & Temporary was next. Chairwoman Nacerino recognized Legislator Gross, member of the Protective Services Committee. On behalf of the members of the Committee, Legislators Gouldman and Wright, Legislator Gross moved the following:

RESOLUTION #156

**APPROVAL/FUND TRANSFER /SHERIFF'S DEPARTMENT/OVERTIME &
TEMPORARY**

WHEREAS, the Sheriff's Department has requested a fund transfer (16T145) to cover Overtime & Temporary costs due to an open personnel lines; and

WHEREAS, the Protective Services Committee, Personnel Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following fund transfer be made:

Decrease:

10315000 51000 (10144)	Open Personnel Line	3,909
10315000 51000 (10147)	Open Personnel Line	4,352
10315000 58002	FICA	632
10010000 51000 (13102)	Open Personnel Line	<u>3,892</u>
		12,785

Increase:

10008000 51093	Overtime	8,261
10008000 58002	FICA	632
10010000 51094	Temporary	<u>3,892</u>
		12,785

2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6b – Approval/Budgetary Transfer (16T163)/Bureau of Emergency Services/E911 Dispatcher Overtime was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

RESOLUTION #157

APPROVAL/BUDGETARY TRANSFER /BUREAU OF EMERGENCY SERVICES/E911 DISPATCHER OVERTIME

WHEREAS, the Commissioner of the Bureau of Emergency Services has requested a budgetary transfer (16T163) to provide funding for anticipated E911 Dispatcher Overtime to be incurred through year end; and

WHEREAS, the Protective Services Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it

RESOLVED, that the following budgetary transfer be made:

Increase Estimated Appropriations:

13398900 51093	Overtime	50,000
13398900 58002	FICA	<u>3,825</u>
		53,825

Decrease Estimated Appropriations:

10199000 54980

Contingency

53,825

2016 Fiscal Impact \$53,825

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6c – Approval/Grant Application/Bureau of Emergency Services/ 2016-2017 Public Safety Answering Points (PSAP) Operations Grant Program was next. On behalf of the members of the Protective Services Committee, Legislators Gross and Wright, Legislator Gouldman moved the following:

RESOLUTION #158

APPROVAL/GRANT APPLICATION/BUREAU OF EMERGENCY SERVICES/ 2016-2017 PUBLIC SAFETY ANSWERING POINTS (PSAP) OPERATIONS GRANT PROGRAM

WHEREAS, the Bureau of Emergency Services would like to apply for a grant under the 2016-2017 Public Safety Answering Points (PSAP) Operations Grant Program; and

WHEREAS, the grant application requires the applicant to have express authority from its agency; and

WHEREAS, this grant is a 100% reimbursement grant for continued operations of the County PSAP with no matching funds required; and

WHEREAS, the Grant Performance Period is from 1/01/17 through 12/31/17; and

WHEREAS, the application for this grant is due August 4, 2016; and

WHEREAS, the Protective Services Committee has considered and approved of this grant application; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the Putnam County Bureau of Emergency Services to apply for this grant under the 2016-2017 Public Safety Answering Points (PSAP) Operations Grant Program.

BY POLL VOTE: SEVEN AYES. ONE RECUSAL – LEGISLATOR WRIGHT. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
(Chairwoman LoBue, Legislators Albano & Scuccimarra)**

Item #6d – Approval/Local Law to Amend Article 5-A, Section 5-A.01 of the Putnam County Charter Entitled “Department of Planning, Development, and Public Transportation; Commissioner” was next. Chairwoman Nacerino recognized Legislator LoBue, Chairwoman of the Rules, Enactments & Intergovernmental Relations Committee. On behalf of the members of the Committee, Legislators Albano and Scuccimarra, Legislator LoBue questioned if there was anyone in the audience that would like to comment on this item.

Kathleen Foley, Village of Cold Spring Resident, stated that she is a credentialed land use Planner and Historic Preservation Planner and has never heard of a County Legislature desiring to remove the most basic credential for a land use Planner. She was not clear why the County would consider appointing someone who has no planning credentials for this position. She believed that we needed to be thinking about regional planning, so as not to be left behind in economic development in this County. She believed this proposed change was very dangerous and foolish.

Ann Fanizzi, Town of Carmel Resident, read the following from an email she forwarded to the Legislative Office on August 2, 2016: Ms. Fanizzi stated that she opposed the ill-advised attempt to amend the Putnam County Charter. She believed that the removal of significant portions of the listed qualifications essential for the competent conduct of the Department, i.e. supervision of planners and the "eight year practical experience requirement in regional, county and municipal planning" does grave injury to the position. The Commissioner should be well-versed in the protocols and mechanics of grant applications; knowledge and experience with the machinery of state/county/town interactions. It must be noted that this misguided effort to fashion qualifications around a particular individual is occurring at the very time when competitive pressures for funding on the State and Federal level are exponentially increasing and thus requires an individual of superior ability and proven experience. It is even worse that there is no justification for these changes as promoting the public good, but instead they appear to be for short term political reasons. The Legislature should act as a steward for Putnam County's resources and charter instead of enabling those who would chip away at them for their own benefit. Lastly, I wish to point out that a June 27, 2016 letter from Adrienne Lotto, Senior Deputy County Attorney for Risk and Compliance with a cc to County Executive Odell, states that "pursuant to Section 15.01 of the Putnam County Charter, the enclosed local law is subject to referendum on petition as provided in the Municipal Home Rule Law. Ms. Fanizzi stated that she planned to start conducting such a permissive referendum. Ms. Fanizzi continued and stated that she hoped, however, that you will re-consider this action in light of the critical nature of the position, the precedent that it will set and the message that it will send to State and Federal authorities: that Putnam County thinks so little of the functions and vital position of the Department that anyone will do.

Lynne Eckardt, Town of Southeast Councilwoman, stated that she was only representing herself, not the Town of Southeast. She read the following email which she sent to the Legislative Office on August 2, 2016: I am writing to express my displeasure with the proposed changes to the Putnam County Charter, regarding the Department of Planning, Development and Public Transportation Commissioner (5-A.01). Clearly these changes are 'backed in' to allow the appointment of an applicant who cannot meet the current charter provisions. This is never a good idea and opens the floodgates to further degradation of our charter and its intent. How can it possibly be advantageous to remove: 'eight (8) years of practical experience in regional, county or municipal planning.' ? Although it may appear that the added verbiage is more stringent it's obvious that the changes refer to legal skills rather than planning skills. And by

the way, what does the addition: 'four (4) years of practical experience in government' even mean? Given the recent department head scandals and the continued poor planning that seem to plague Putnam, it would behoove the Legislators to adhere to the County Charter as it stands. Rewriting these requirements to serve only as a work-around shows exceedingly poor judgement.

Chairwoman Nacerino stated that the Legislature recognizes that this is an important matter before us. She stated that we have our reservations and know that this is not something that should be discussed at just one meeting. She believed this item needed more discussion and stated that she will propose to table this item, which was her full intention this evening.

Chairwoman Nacerino made a motion to move this item to the Personnel Committee; seconded by Legislator LoBue. She stated that she would invite the Personnel Director to attend the meeting in August.

Legislator LoBue stated that as Chairwoman of the Rules Committee, she argued at the Committee level not to have these changes in the Charter. She stated that this was brought forward by Rules Committee members; Legislators Scuccimarra and Albano. She stated that she was concerned about the seriousness of this proposed change and did not feel there was a need to rush. She stated that she was glad it was being tabled. She stated that the former Commissioner, John Lynch, had a Masters Degree in Planning and eight (8) years related experience. He worked in the State of North Carolina where he developed comprehensive plans and oversaw their transportation system. She believed that a Planner speaks different language than an Attorney and needed to be well versed in Federal regulations concerning transportation, as well as zoning and planning. She stated that the 2010 Charter Review Commission recommended increasing the standards for the job description of Commissioner of Planning. She stated that those were the credentials which they now want to remove.

Legislator Gross stated that he served as a member of the 2010 Charter Review Commission and the idea was to have a Planner added as Commissioner of Planning and not an Attorney. He believed that we have plenty of Attorneys in the County.

Chairwoman Nacerino encouraged the public to attend the Personnel Committee meeting.

By Poll Vote on the motion to table: All in favor. Legislator Gouldman was absent. Motion Carries.

A LOCAL LAW TO AMEND ARTICLE 5-A, SECTION 5-A.01, OF THE PUTNAM COUNTY CHARTER ENTITLED "DEPARTMENT OF PLANNING, DEVELOPMENT, AND PUBLIC TRANSPORTATION; COMMISSIONER".

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Article 5-A, Section 5-A.01 of the Putnam County Charter is hereby amended to read as follows:

5-A.01. Department of Planning, Development and Public Transportation; Commissioner.

There shall be a Department of Planning, Development, and Public Transportation under the direction of a Commissioner who shall be appointed by the County Executive subject to confirmation by the County Legislature. The Commissioner shall serve at the pleasure of the County Executive. The Commissioner shall hold the minimum of a Bachelor's Degree and shall be qualified for his or her position by training and experience including administrative management, and supervision of professional personnel ~~planners~~ and of support staff and shall have a minimum of four (4) years of practical experience in government and knowledge of federal, state and local statutes, rules and regulations pertaining to, among others, land use, SEQR, Title VI, NEPA, and General Municipal Law. ~~eight (8) years of practical experience in regional, county or municipal planning.~~ He or she shall have the power, within budgetary appropriations, and in accordance with County policy, or as may be otherwise required by law, to appoint and remove such staff as he or she deems to be necessary. The Commissioner shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in his or her current position of County employment. He or she, as well as all full time managerial employees in the department, shall serve on a full time basis and shall not engage in any private practice nor be employed in their field of expertise with the County by any private or other governmental entity, ~~except that such employee hired prior to December 31, 2010 may continue in any private practice in their field of expertise until December 31, 2013 as long as they remain in their current position of County employment.~~

Section 2.

This Local Law shall take effect forty-five days after its passage and is subject to a permissive referendum.

**ECONOMIC DEVELOPMENT & ENERGY COMMITTEE
(Chairwoman Addonizio, Legislators Gouldman & Gross)**

Item #6e – Approval/Designation/Putnam County Visitors Bureau Inc./Tourist Promotion Agency was next. Chairwoman Nacerino recognized Legislator Addonizio, Chairwoman of the Economic Development & Energy Committee. On behalf of the members of the Committee, Legislators Gouldman and Gross, Legislator Addonizio moved the following:

RESOLUTION #159

APPROVAL/DESIGNATION/PUTNAM COUNTY VISITORS BUREAU INC./ TOURIST PROMOTION AGENCY

WHEREAS, pursuant to Section 162 and 163 of the Economic Development Law, the Putnam County Legislature may designate any not-for-profit corporation or other non-profit organizations, associations or agencies as the Tourist Promotion Agency of the County of Putnam and authorize such agency to make application for and receive grants for the purposes specified in the New York State Tourism Promotion Act; and

WHEREAS, the Putnam County Visitors Bureau, Inc., which has been a lead agency in the promoting of Putnam County, is qualified to be designated as the Tourist Promotion Agency of Putnam County; now therefore be it

RESOLVED, that the Putnam County Legislature hereby designates the Putnam County Visitors Bureau, Inc. as the Tourist Promotion Agency of the County of Putnam and further authorizes the Putnam County Visitors Bureau, Inc. to make application for and receive grants for the purpose specified in the New York State Tourism Promotion Act.

BY POLL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6f(1) – Approval/Putnam County Tourist Promotion Agency “I Love New York” Matching Funds Program was next. On behalf of the members of the Economic Development & Energy Committee, Legislators Gouldman and Gross, Legislator Addonizio moved the amended Resolution; Item #6f(2).

APPROVAL/PUTNAM COUNTY TOURIST PROMOTION AGENCY “I LOVE NEW YORK” MATCHING FUNDS PROGRAM

WHEREAS, Putnam County is centrally located in the Hudson River Valley region and has an abundance of beauty and natural and historical resources, lending itself as a County to the industry of Travel and Tourism; and

WHEREAS, Putnam County is situated in the midst of a major tourism area close to major urban centers and can bring visitors to its borders by excellent road and rail transportation; and

WHEREAS, tourism growth will produce increased sales tax revenue from visitors’ purchases of gasoline, food and lodging in local establishments and dollars spent at local retail stores and will help reduce reliance on real property tax; and

WHEREAS, Putnam County businesses will be assisted and employment increased through the well-known “multiplier effect” of tourist dollars; and

WHEREAS, the Putnam County Legislature, believing that the economic development of Putnam County can be stimulated by tourism promotion, designated a Tourist Promotion Agency by Resolution #xxx of 2016; and

WHEREAS, the “I Love New York” program of the State of New York offers matching dollars to counties and regions that fund a tourism promotion agency; and

WHEREAS, in order to participate in the County and Regional program, Putnam County must submit a proposal for 2016/2017 by August 2016, which is prior to Putnam County’s budget process; and

WHEREAS, in order to receive Putnam County’s maximum entitlement of State matching money, it must propose a tourism commitment of \$477,000.00,

even though the actual cost of Putnam County will be less than one-third of that amount and cannot exceed an amount equal to the actual State award; now therefore be it

RESOLVED, that the County enter into a contract with the Putnam County Visitors Bureau Inc. (Putnam Tourism Promotion Agency) in which the agency commits to raise funds privately to augment the County and State funding in order to carry out the promotion plan embodied in the 2016/2017 tourism budget and to make this program a three-way County, State and private partnership.

Item #6f(2) – Approval/Putnam County Tourist Promotion Agency “I Love New York” Matching Funds Program was next. On behalf of the members of the Economic Development & Energy Committee, Legislators Gouldman and Gross, Legislator Addonizio moved the following amended version; seconded Legislator Scuccimarra.

RESOLUTION #160

APPROVAL/PUTNAM COUNTY TOURIST PROMOTION AGENCY “I LOVE NEW YORK” MATCHING FUNDS PROGRAM

WHEREAS, Putnam County is centrally located in the Hudson River Valley region and has an abundance of beauty and natural and historical resources, lending itself as a County to the industry of Travel and Tourism; and

WHEREAS, Putnam County is situated in the midst of a major tourism area close to major urban centers and can bring visitors to its borders by excellent road and rail transportation; and

WHEREAS, tourism growth will produce increased sales tax revenue from visitors’ purchases of gasoline, food and lodging in local establishments and dollars spent at local retail stores and will help reduce reliance on real property tax; and

WHEREAS, Putnam County businesses will be assisted and employment increased through the well-known “multiplier effect” of tourist dollars; and

WHEREAS, the Putnam County Legislature, believing that the economic development of Putnam County can be stimulated by tourism promotion, designated Putnam County Visitors Bureau Inc. as their Tourist Promotion Agency by Resolution #159 of 2016; and

WHEREAS, the “I Love New York” program of the State of New York offers matching dollars to counties and regions that fund a tourism promotion agency; and

WHEREAS, in order to participate in the County and Regional program, Putnam County must submit a proposal for 2017 as part of its 2017 “I Love New York” matching funds application, which will be prior to Putnam County’s budget adoption process; and

WHEREAS, in order to receive Putnam County’s maximum entitlement of State matching money, it must propose a tourism commitment not to exceed an amount equal to the actual State award; now therefore be it

RESOLVED, that the County of Putnam will provide to its tourist promotion agency funds equal to the actual State award for the “I Love New York” matching funds program for the Year 2017; and be it further

RESOLVED, that the County enter into a contract with the Putnam County Visitors Bureau Inc. (Putnam Tourism Promotion Agency) in which the agency commits to raise funds privately to augment the County and State funding in order to carry out the promotion plan embodied in the 2017 tourism budget and to make this program a three-way County, State and private partnership.

BY POLL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

PERSONNEL COMMITTEE
(Chairwoman Nacerino, Legislators Castellano & Wright)

Item #6g – Approval/Fund Transfer (16T158)/Personnel Department/Temporary was next. On behalf of the members of the Personnel Committee, Legislators Castellano and Wright, Chairwoman Nacerino moved the following:

RESOLUTION #161

APPROVAL/FUND TRANSFER /PERSONNEL DEPARTMENT/TEMPORARY

WHEREAS, the Director of Personnel has requested a fund transfer (16T158) to cover the cost of Temporary help to prepare for State Audit; and **WHEREAS**, the Personnel Committee and the Audit & Administration Committee have reviewed and approve said fund transfer; now therefore be it **RESOLVED**, that the following fund transfer be made:

Decrease:		
10143000 51000 (143010108)	Personnel Line	10,000
10143000 51000 (143010106)	Personnel Line	<u>2,500</u>
		12,500

Increase:		
10143000 51094	Temporary	12,500

2016 Fiscal Impact – 0 –
2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

PHYSICAL SERVICES COMMITTEE
(Chairman Albano, Legislators Castellano & Scuccimarra)

Item #6h – Authorizing Lease/ Room #1 Putnam County Veterans’ Residence was next. Chairwoman Nacerino recognized Legislator Albano, Chairman of the Physical Services Committee. On behalf of the members of the Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #162

AUTHORIZING LEASE/ROOM # 1 PUTNAM COUNTY VETERANS' RESIDENCE

WHEREAS, the County of Putnam is the owner of certain real property, including the building situated thereon, located at 9 Drew Lane, Carmel, New York 10512, which is known as the Putnam County Veterans' Residence; and

WHEREAS, the Putnam County Veterans' Residence is operated as a communal residence for veterans who meet the established eligibility criteria; and

WHEREAS, the County of Putnam is desirous of entering into a lease agreement with Roland McHugh for a single-residence room in the Putnam County Veterans' Residence; and

WHEREAS, said lease agreement shall be for a term commencing on July 1, 2016 and expiring on July 31, 2016; now therefore be it

RESOLVED, that the County of Putnam may enter into the aforementioned lease agreement with Roland McHugh for the single-residence room in the Putnam County Veterans' Residence identified as Room # 1, for a term commencing on July 1, 2016 and expiring on July 31, 2016; and be it further

RESOLVED, that the County Executive, with the advice and assistance of the County Attorney, is authorized to finalize and execute said lease agreement with Roland McHugh at the rental price of \$400.00 per month, which shall be in the form attached hereto as Schedule "A"; and be it further

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6i – Approval/Putnam County Veterans' Residence/Lease Agreement Renewals was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #163

APPROVAL/PUTNAM COUNTY VETERANS' RESIDENCE/LEASE AGREEMENT RENEWALS

WHEREAS, the County of Putnam is the owner of certain real property, including the building situated thereon, located at 9 Drew Lane, Carmel, New York 10512, which is known as the Putnam County Veterans' Residence; and

WHEREAS, the Putnam County Veterans' Residence is operated as a communal residence for veterans who meet the established eligibility criteria; and

WHEREAS, the County of Putnam previously entered into separate lease agreements with the veterans listed in the attached Schedule "A", for single-residence rooms in the Putnam County Veterans' Residence; and

WHEREAS, said lease agreements expired on July 31, 2016 and the County of Putnam is desirous of renewing same for a period of one (1) year; now therefore be it

RESOLVED, that the County of Putnam approves the renewal of the leases between the County and the veterans listed in the attached Schedule "A"; and be it further

RESOLVED, that the County Executive is authorized to execute renewal lease agreements with the veterans listed in the attached Schedule "A", for said single-residence rooms in the Putnam County Veterans' Residence at the rental amounts listed in the attached Schedule "A", which renewal leases shall be in the form attached hereto as Schedule "B"; and be it further

RESOLVED that the County Attorney is authorized to take whatever legal action is necessary to effectuate said renewal lease agreements in the manner approved herein and as written.

RESOLVED, this Resolution shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6j – Approval/Easement Agreement/East of Hudson Watershed Corporation was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #164

APPROVAL/EASEMENT AGREEMENT/EAST OF HUDSON WATERSHED CORPORATION

WHEREAS, the County is the record owner of certain parcels of property in the Town of Southeast, which are designated and described as Town of Southeast Tax Map Nos. 56.-1-4, 56.18-1-11 and 56.17-1-11 (hereinafter referred to as the "Parcels"); and

WHEREAS, the East of Hudson Watershed Corporation, a not-for-profit local development corporation (hereinafter referred to as "EOHWC"), assists its member municipalities, of which the County is one, in complying with the New York State Department of Environmental Conservation (hereinafter referred to as the "NYSDEC") Municipal Separate Storm Sewer Systems Permit effective May 1, 2010, by the design and installation of stormwater retrofit projects approved by the NYSDEC; and

WHEREAS, EOHWC is preparing to undertake a stormwater retrofit project (SE-POT-02) in cooperation with the Town of Southeast, consisting, in part, of the stabilization of two eroded channels in the Town of Southeast, which flow west from Bloomer Road to State Route 6, discharging into the Middle Branch Reservoir; and

WHEREAS, in order to undertake said stormwater retrofit project and thereafter maintain said improvements, the EOHWC and the Town of Southeast will require temporary and permanent easements over certain portions of the Parcels; and

WHEREAS, the County desires to cooperate with the effort to reduce stormwater runoff carrying potential contamination into surface waters of the State; and

WHEREAS, the County wishes to assist the EOHWC and the Town of Southeast by granting said easements; and

WHEREAS, the Putnam County Department of Highways and Facilities engineers have reviewed the proposed easement agreement (a copy of which is

attached hereto and made a part hereof as Exhibit "A"), and have determined same to be acceptable; and

WHEREAS, the Putnam County Attorney has reviewed and approved the proposed easement agreement as to form; now therefore be it

RESOLVED, that Putnam County Legislature hereby approves and authorizes the subject easement agreement in the form attached hereto and made a part hereof as Exhibit "A"; and be it further

RESOLVED, that the Putnam County Executive is authorized to execute said easement agreement on behalf of the County, which shall thereafter be recorded in the Putnam County Clerk's Office, Division of Land Records.

BY POLL VOTE: ALL AYES. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6k – Approval/Lease of Portion of Tilly Foster Farm/Putnam/Northern Westchester Board of Cooperative Educational Services was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

Legislator LoBue made a motion to TABLE the resolution; seconded by Legislator Wright.

Legislator LoBue stated that with respect to the design drawing that was presented at the Physical Services Committee, it was impossible to determine the dimensions of the space and relate it to the lease. She stated that the lease did not delineate the square footage. She stated that the lease is structured as follows: First year is \$19,000 rent and Second and Third year is \$36,000. She stated that she requested a second design drawing that was to scale, which she displayed this evening for the audience. She stated that the Commissioner of Highways & Facilities is an Engineer. She stated that there are two (2) Engineers on staff, an Architect on staff and an Asset Manager on staff. She stated that it is the Administration's responsibility that the Physical Services Committee receives true and accurate information in order for the Legislature to make the best decision possible for the public. She referenced the displayed design drawing of Tilly Foster Farm which was submitted to her from the Highway Department. She stated that based on the key on the design drawing the square footage is as follows: total square footage for the lodge, which is comprised of the first floor and the basement, and a second building which was the old septic repair building is; 14,401 square feet at an estimated cost of \$2.7 million. She stated that the annual lease is \$36,000. She stated that based on the lease amount and square footage, it would equate to \$2.49 per square foot. She stated that based on those figures, it would take the County 75 years to recoup its investment.

Legislator LoBue continued and stated that the gray area on the design is: 4,233 square feet which equates to \$8.50 per square foot. She stated that the common area on the design shaded in blue is: 4,876 square feet which equates to \$7.38 per square foot. She stated that the shaded area in green is: 5,292 square feet which equates to \$6.80 per square foot. She believed that this did not make any financial sense to her. She stated that, based on her calculations, the construction costs per square foot would equal \$187.49. She believed that the Legislature was not

given accurate information two (2) years ago. She stated that although the Legislature was told that there would be a possible lease with BOCES, we were never given the amount of what the lease would be and money continued to be invested in the property. She stated that she requested a business plan from the Administration, however that was not submitted to the Legislature. She stated that she had a problem with leveraging public funds so we can compete with the small businesses in this County. She stated that if Tilly Foster Farm is used as a catering facility she believed it would be competing with all the local restaurants.

Legislator Wright stated that he recognized that BOCES is not a for profit entity and is another neighboring municipal entity of the sort, however, non the less he could certainly tell you that lawyers can delineate what portions are common, what portions are exclusive and what portions are limited based on certain terms and conditions. He stated that something so very fundamental as the actual square footage costs should be included in any lease that the government enters into on behalf of its citizens. He stated that he has reservations about the overall expenditures on this project represented by what is a meager return on investment. He stated that he agreed 100% that the County ought to be very careful engaging in head to head competition with local businesses. He stated that since the inception of this new endeavor at Tilly Foster Farm, he believed there has been an uncertain business plan direction and financial direction in terms of information provided to the Legislature. He stated that, at the very least, he would like to see the lease cleaned up so that the Legislature is aware, and can represent to the public, what we are renting and what we are renting it for, over the next years to come. He stated that he would support the tabling of this resolution.

Legislator Gross quoted sections of Article I(A) from the lease, which he believed was specific: "Lessee shall have limited access to the kitchen facilities and basement classroom space located in Building #8," "but will not have access to or occupy any other portion of Building #4 or Building #8. Commencing September 1, 2016, Lessee shall use and occupy the kitchen facilities and basement classroom space located in Building #8," "but will not occupy or have access to any other portion of Building #4 or Building #8. The balance of the demised premises will be made available to Lessee upon the completion of the buildout of same, which is anticipated to be on or about March 31, 2017." He stated that it looks like there is no square footage identified, but is rather restrictive. He stated that this is a culinary arts program for students that will also be growing their own vegetables. He believed the lease was clear as to what space BOCES would be utilize.

Chairwoman Nacerino stated that Tilly Foster Farm is a County asset, just as the Golf Course is. She believed that we have maximized our asset and stated that her opinion is that it will prove to be the jewel of the County. She also believed that embracing an Educational Institution for the purposes of culinary and a farm to table program was wonderful. She stated that we did not pursue this project based on having BOCES as our sole source of income. It was to maximize our assets and to have a facility and a resource for the people of Putnam County. She stated that she did not support tabling this item. She also believed that the report by Legislator LoBue were not certified calculations. She did agree that the Legislature should receive calculations on the square footage and the price. She

believed that this was a wonderful project that the people of Putnam County will enjoy and embrace moving forward.

Ms. Fanizzi stated that she wrote a lengthy email dated August 2, 2016. She stated that the public needs to know who is behind this and it happened. She explained the lack of transparency in not knowing any business plans. She quoted many sections of her email which read: From the outset, let us be clear: Without WAC and DEP complicity, regulatory agencies sworn to protect the patrimony and legacy of Tilly Foster Farm, there would be no lease. There would be no profligate expenditure of taxpayer funds; there would be no radical transformation of Tilly Foster Farm. The "repurposing" so near and dear to the heart of County Executive Odell and her Deputy Walker required the violation of the spirit and substance of the original 2006 Deed of Conservation and Easement with the connivance of the majority of the members of the Legislature. Instead of providing oversight and blocking the County's attempts to shred the deed, WAC and DEP permitted construction and destruction to proceed apace as the County, WAC and DEP negotiated the "repurposing of the Farm." The metamorphosis has now been completed, replete with a new name: The Tilly Foster Educational Institute." All this Byzantine scheming so as to "fulfill the goals and objectives of the County" according to Deputy Walker.

Could the BOCES program have been installed in The Lodge and Building #4 at Tilly Foster without the complicity of WAC and the DEP in violation of the original 2006 Deed of Conservation and Easement? In a carefully orchestrated scheme to deceive the public, County Executive Odell and Deputy Executive Walker devised the plan that would bring to fruition their "vision" of a "repurposed" Farm. The WAC Deed of Conservation and Easement had to be renegotiated. And it was and approved by the Legislature in 2016. Are copies of the renegotiated Deed available to the public? What was the price that the County exacted from BOCES to compensate for the \$3 million in expenditure of DEP and taxpayer funds; to compensate for the priceless loss of an incomparable scenic vista; to indemnify the children and citizens of Putnam County for the loss almost three years of the enjoyment of the Farm.

During this period, a cottage was completely renovated at a cost estimated between \$30,000 and \$50,000- a vet technician was installed with her family rent free to care for the alien species of animals that were introduced to the Farm -2 pigs, 2 llamas, a dwarf pony and some fowl - to provide a veneer of commitment to the Farm concept but actually disguising the fact that these public officials now buttressed by a compliant legislature, had no intention to retain what was a "farm" but to indeed "repurpose" it into a fraudulent hybrid.

The Lodge became the target of their plan, the creation of John Gaudelli, manager of the Benedict Farm aka Tilly Foster that sat nestled, relatively unobtrusively, and in harmony with the contours of the landscape and The Three Barns across. A massive reconstruction of the building commenced along with reckless infusion of DEP and public taxpayer funds, ballooning to \$3 million (\$1 million added to cover-up construction mistakes) to transform The Lodge into a two-story, 12,000 sq. ft monstrosity, with expanded ADA bathrooms, bar area and kitchen; the stove alone estimated at \$120,000. Thus fortified, the then Chairman of the Legislature, Carl Albano, a builder, lent credibility to the charade by dubbing The Lodge a derelict building, literally falling apart at the seams, a hazard to all who entered there. To accommodate this bloat, infrastructure was required by the DEP - septic tanks had to be expanded; however, the landscape was not so forgiving so the

destruction of the landscape that CE Odell and Deputy Walker at the February 2014 meetings, assured participants would be forever undisturbed. And so arose this red structure no longer nestled and blending into the environment but overpowering the scenic vistas so dear to residents and now surrounded not by pastures - BTW - no horses please - but by gravel and item 4 as they turned paradise into parking lots.

And of course, CE Odell and Deputy Walker had fleshed this all out; had a business plan; made calculations as to how many years it would take to recover the \$3 million and what about the three years, known in economic circles, as opportunity costs that were lost - no activity on the Farm - and before I forget what about the continuing costs of operations and maintenance. Why weren't the designs for The Lodge made public and commented upon; New York City officials had designs of the World Trade Center on exhibit for public viewing and comment but not here in Putnam. Aren't these minimums that should have been required and insisted upon by the legislature who are the custodians of the public purse? The "Yes to Everything, We're Moving in the Right Direction" Legislature is ready to approve the lease. Sight unseen, a pig in a poke. And what is BOCES paying us for Building 4 and the basement and whatever else they are going to be using i.e. the parking lot, bathrooms? Is the amount indicated in the lease? Why hasn't all of this made public?

Time and history will judge whether their judgment was prudent and in the best interest of the residents of Putnam County. Until such time as the questions posed and issues raised in this letter are resolved, the legislature must disapprove the BOCES lease.

Chairwoman Nacerino stated that she encouraged individuals to attend the Legislative Committee meetings. She stated that our meetings have been open and transparent and we have been discussing this matter for years.

Legislator LoBue stated that Chairwoman Nacerino stated that her calculations were not certified. She stated that she would like to put her calculations up against the County's which were done on AutoCAD. She stated that the County's Architect could produce the calculations tomorrow and compare them to her calculations so that we could have a true understanding of the financial document we are voting on. She stated that, other than herself, not one (1) member of the Legislature questioned the lease. She stated that the \$36,000 lease for BOCES does not include the parking lot. She stated that according to the lease, BOCES will be guaranteed 30 parking spaces. She stated that when we started this dialog two (2) years ago, the Legislature was told that the facility was a fire hazard and it was going to fall down. She stated that the structure was rebuilt, but not in the same footprint. She stated that the square footage of the lodge has been tripled. She stated that you cannot access the exclusive area without going through the common area on the premises; therefore, according to leasing a facility, the lessee would have to pay for that accessibility. She believed that BOCES was being used as a veil in order to put in the \$120,000 commercial kitchen. She believed that the caterers from the Putnam County Golf would be utilizing this facility, however, that would not be received well by the public. She believed this speaks to the integrity of this Legislature. She stated that the Administration has been in violation of the Charter. She stated that the Legislature is supposed to be receiving a cost analysis on a monthly basis at the Physical Services Committee

meeting, apprising the Legislature of the progress of the construction and the working budget.

Ms. Fanizzi requested Chairwoman Nacerino and her colleagues provide time to access the validity of the figures presented this evening.

Legislator Albano stated that the County owns Tilly Foster Farm. He explained that regardless of where we want to go with this facility, there is a certain amount of money that needs to be spent. He stated that over the last 10 years we spent approximately \$2 million on a facility that did not have the proper septic, proper water and was a fire hazard. He stated that he went through the facility in depth and it was dangerous. He explained that the structure was very old and it had rotten beams and aluminum wiring with nails going through the wires. He stated that when we decided to redo this building and make it a usable facility, it made sense to go to the next level. He stated that we did not spend \$3.7 million and that it was not our intention to compete with other businesses. He stated that we own this building and would like to see it generate some revenue to offset taxpayer funds. He stated that the County did not create a business at the Putnam Golf Course; it was already there. He stated that residents did not want to see anymore residential building and the County took a common sense approach by trying to have the facility cover its expenses. He believed that the three (3) year lease with BOCES was a great concept. He stated that several years ago Legislator LoBue mentioned that she had someone that wanted to rent the space as a restaurant and that was a time when there was no proper septic or water at the facility. He explained that the County is not in business to make money, but is trying to offset some of the expenses for the taxpayers. He explained that the bonding for the facility was also done at a time when interest rates were at their lowest. He believed it was a beautiful facility with tremendous potential.

Chairwoman Nacerino concurred with Legislator Albano. She stated that this property could have been developed with condominiums; however our forefathers before us chose to purchase the property and keep the open space. She explained that we had three choices: develop the property, keep it status quo and throw good money after bad or maximize it to be a resource for this County. She stated that there has been a lot of speculation and many scenarios; however, she believed that the fact remains that this will prove to be a very viable project.

Legislator Gross concurred with Legislator Albano and Chairwoman Nacerino. He believed that we can all agree on two (2) things: It has been very costly and it is a jewel of the County. He stated that recently he and Legislator Addonizio spent time at the facility. He concurred with Legislator Albano that the structure was very deteriorated. He believed it would have been cheaper to tear the building down. He stated that the school year starts in September and believed that by having the BOCES contract in place, we could move forward with a project that will have a cash flow. He believed there would also be other opportunities to rejuvenate the farm. He explained that a while back there was a meeting at the Bureau of Emergency Services where Deputy County Executive Walker discussed the infrastructure plans. He believed this project will be a jewel for Putnam County.

Legislator Scuccimarra stated that going back a few years ago there were many meetings where the public was invited and we received their input on what they wanted to see at this facility. She stated they wanted it to be a farm with open space, educational programs, animals and public access. She stated that we are starting that process. She explained that when you have buildings that have been neglected for 40 years, there will be work that needs to be done. She compared it to the Golf Course which has become a success. She believed that Tilly Foster Farm will also be a success. She believed that having an Educational Center with BOCES there is just the beginning. She believed that a farm-to-table program for children was so important and good for Putnam County.

Legislator Addonizio stated that she visited the farm in May with Legislator Gross. She believed that that facility was totally neglected after viewing pictures that were taken. She stated that she understood everyone's concern and believed that the farm did look beautiful from the outside; however, the inside needed major work. She explained that an elevator was added in order to be ADA compliant. She stated there were things that needed to be done. She stated that we are at a crossroads. She stated that if we hold off on the BOCES lease then we may lose that opportunity. She stated that she too has concerns and does not know what the answer is. She stated that we just want to do what is best for Putnam County.

Legislator LoBue questioned why we needed to triple the square footage of the facility without a business plan. She believed that we backed into this project from the beginning and there is financial information missing on this lease. She did not believe the assessment that the building was falling down was accurate. She stated that she did not like misleading the public to justify the expense. She stated that the Golf Course is taking money and business away from Centennial Golf Course and Mahopac Golf Course.

Legislator Wright stated that he wanted to make a brief observation of the interjection of the World's Fair. He believed the argument could be easily made that the per capita cost to the citizens of the City of New York for the undertaking they put on to host the World's Fair could potentially be less per capita than the undertaking of Tilly Foster Farm for the less than 100,000 residents of Putnam County. He stated that it is not to say it is unjustified or that it will not be beautiful someday. He stated that there has been a cry from some on the Legislature for a plan going forward for Tilly Foster Farm and the Golf Course. He concurred with the backing into these projects comment. He stated that he understands that plans need to be modified and adjusted, however, a plan that identifies the present scope of what has gone on and is going on was never presented to the Legislature. He believed that the lease should reflect the actual costs.

Legislator Albano disagreed. He believed that we knew the direction the project was going.

Chairwoman Nacerino called for a Roll Call on the motion to table.

By Roll Call Vote: Two Ayes – Legislators LoBue & Wright. Six Nays – Legislators Addonizio, Albano, Castellano, Gross, Scuccimarra and Chairwoman Nacerino. Legislator Gouldman was absent. Motion Fails.

Chairwoman Nacerino called for a vote on the resolution.

RESOLUTION #165

APPROVAL/ LEASE OF PORTION OF TILLY FOSTER FARM/ PUTNAM/NORTHERN WESTCHESTER BOARD OF COOPERATIVE EDUCATIONAL SERVICES

WHEREAS, the County of Putnam is the owner of certain real property located at 100 Route 312, Brewster, New York 10509, including the numerous buildings located thereon, which is commonly known as the Tilly Foster Farm; and

WHEREAS, certain portions of Building # 4 and Building # 8 at the Tilly Foster Farm are not required for the County's use during certain times, and therefore constitute surplus space during those times; and

WHEREAS, Putnam/Northern Westchester Board of Cooperative Educational Services (hereinafter "BOCES") is a regional education agency which offers a variety of educational programs and services, including but not limited to, nearly all of Putnam County School Districts; and

WHEREAS, BOCES is desirous of leasing said portions of the Tilly Foster Farm which constitute surplus space; and

WHEREAS, the County is desirous of leasing said portions of the Tilly Foster Farm to BOCES; and

WHEREAS, the County Executive, pursuant to the authority granted to her under Section 31-22 of the Putnam County Code, has entered into negotiations with BOCES for the lease of said portions of the Tilly Foster Farm; and

WHEREAS, pursuant to Section 31-22 of the Putnam County Code, the County Executive has requested that the Putnam County Legislature approve such lease agreement; now therefore be it

RESOLVED, that portions of Building # 4 and Building # 8 of the Tilly Foster Farm are not required for the County's use during certain times, and therefore constitute surplus space during those times; and be it further

RESOLVED, that the Putnam County Legislature approves the Lease Agreement between the County of Putnam and BOCES, in the form attached hereto and made a part hereof as Schedule "A", and that the Putnam County Executive is authorized to execute said Lease Agreement; and be it further

RESOLVED, that the County Attorney is authorized to take whatever legal action is necessary to effectuate the Lease Agreement between the County of Putnam and BOCES in the manner approved herein.

BY ROLL CALL VOTE: SIX AYES. TWO NAYS – LEGISLATORS LOBUE & WRIGHT. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6L – Approval/Amend Resolution #107 of 2016 / Revised Lease Agreement & Charitable Donation Agreement / Senior Center (Butterfield) was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano made a motion to TABLE this item; seconded by Legislator Addonizio. All in favor.

Legislator Albano stated that he made the motion to table this item because there have been questions and potential issues that have come up. He stated that he wanted to address all those concerns.

Laura Kaufman of Cold Spring stated that a petition was circulated requesting that the Legislature have a period of public scrutiny before a donation agreement is signed with Roger Ailes regarding the Senior Center in Cold Spring. She stated that at least 450 signatures are from Putnam County residents. She continued by reading the cover letter attached to the petition. The petition also included comments made by the residents. The petition addressed the accusations made against former CEO of Fox News Roger Ailes, the naming of the facility, the need for public scrutiny and the taxpayers demand for transparency, responsibility, and integrity from their County Legislature and County Executive.

Legislator Albano made a motion to accept the additional material; seconded by Legislator Gross. All in favor.

Kathleen Foley of Cold Spring stated that in addition to her own statement, she wanted to read a statement from Garrison resident, Zshawn Sullivan who was unable to attend this evening. Ms. Sullivan's statement requested open government and full disclosure of the facts prior to the signing of an agreement. Ms. Sullivan also did not believe the senior center should be named after Roger Ailes.

Ms. Foley believed there was a similarity pertaining to lack of information with regards to Tilly Foster Farm and Butterfield. She believed that the Senior Center's financial realities were being revealed. She believed that the taxpayers of Putnam County were expected to carry the greatest share of this venture. She stated that under this contract with the County, as was revealed in the Press today, Roger Ailes is like an investor promising seed money for improvements to a private property that the taxpayers will be obliged to finish, at an estimated price tag of four (4) times greater than that of his additional personal expense of \$250,000. She believed that the Legislators would be abandoning their fiduciary responsibility to the people of Putnam County if they agree to this donor contract in this lease. She stated that the people of Cold Spring and Philipstown in District #1 will bear the greatest financial and infrastructure burdens for Butterfield. She stated that there have been many individuals at this meeting that have been bullied by Mr. Ailes and she did not believe that the Senior Center should be named after him.

Assemblywoman Sandra Galef stated that the original proposal for a Senior Center was going to be in the Town of Kent. She stated that she worked with Senator Vincent Leibell trying to access funds. She stated that she lined up \$250,000 for a Kent Senior Center. She stated when the Kent Senior Center was not done, she put the funds aside. She explained that she loves and supports Senior Centers. She believed that the County may be relying on her in the financial picture and relying on Senator Serino for another \$250,000 which amounts to a third of the total project. She expressed her concern in knowing more about what is in the contract and what the Dormitory Authority, the agency vetting this, will say and do. She stated that they may question the living wage being paid and whether they will go forward with the contract if it isn't. She stated

that priority for Putnam County workers and Philipstown workers, she believed it was great, however, she was not sure if it was legal under New York State law. She stated that she needs to speak with the Dormitory Authority. She stated that she also needs to appeal to the Speaker of the Assembly for the funds and if there is something that triggers a bell for him, there could be difficulties. She explained that she may not be able to be relied upon for the funds because of State law. She stated that she definitely supports Senior Centers; however, she asked if we could give it a little time.

Alexandra Ballantine, Town of Southeast resident, stated she had expressed some concerns about the costs at the June 16th Physical Services Committee meeting. She stated that it was her understanding that there are not that many seniors in the Cold Spring area and if the County moves forward with the costs as planned, she believed that by dividing the \$1.5 million of the renovation alone would equate to approximately \$75,000 per person. She stated that the newspapers owned by the two benefactors, Roger and Elizabeth Ailes, who pledged a generous amount of money, described the project as a turnkey project and finished space. She stated that other newspapers have predicted higher costs which she believed raises issues of credibility. She stated that she appreciated that some Legislators addressed the issue of the County sometimes going head to head with local businesses. She stated that it was her understanding that the architect for the renovation is based in the Finger Lakes District. She believed there were over two (2) dozen local architects; many in the Cold Spring area. She stated that according to the Ailes, it was her understanding that they wanted to hire local businesses. She explained that she runs a marketing firm. She believes the Tourism Agency is basically free marketing for the hospitality industry in Putnam County. She stated that is an important business sector for the marketing firm, however, they cannot pitch their business because these restaurants and other attractions get their marketing for free. She believed that it was not fair to her as a long time Putnam County taxpayer.

Eliza Starbuck of Cold Spring stated that she wanted to relay a statement from Cold Spring resident, Donna Tiffany, who was unable to attend the meeting. Ms. Tiffany's statement stated the right to know all the details if it is going to be a place with public access. She also did not agree with the proposed name of the Senior Center.

Ms. Starbuck stated that she is not against providing services for our seniors. She believed that private donations into public works are also positive for our communities. However, she believed that the titling and naming of the facility after Roger Ailes was not appropriate in light of the recent allegations.

Margaret Yonco-Haines, Garrison resident, read a comment from Sharr White, Cold Spring resident who was unable to attend the meeting. Ms. White questioned if the integrity of the community was less important than Roger Ailes' money. She did not agree with naming the facility after him.

Ms. Yonco-Haines stated that she strongly objected to the center being named after Roger Ailes. She stated that, as an attorney herself, she believed that the agreement was poorly drafted and essentially requires nothing that the community could depend on. She believed that it was putting our taxpayers and

community at risk. She believed that the idea of a Senior Center was great, however, not at the cost of our community.

A member of the audience who did not provide her name expressed her objection to naming the Senior Center after Roger Ailes. She also believed that the County repeatedly is entering into important business transactions in a way that is not good business practice. She believed that it was shameful that Legislator LoBue could not get specific information about such basic facts as the square footage of a facility. She believed that decisions were being made behind closed doors without the knowledge of the community or the Legislators.

Susan Kenny, Cold Spring resident, read a statement for Megan Shea a Cold Spring resident who was unable to attend the meeting. Ms. Shea's statement expressed full transparency and was also not in favor of naming the Senior Center after someone who is currently under investigation. She believed it should be named after someone that has passed away and not of someone living.

James Hook, Garrison resident, believed there was a lack of critical thinking going on with decisions pertaining to the Senior Center and Tilly Foster Farm. He stated that jewels take time to become jewels. He believed that jewels become jewels because they take time to develop, time to involve the community in the process and time to consider the details that allow for transformation. He believed that Tilly Foster Farm will become a jewel, if given the proper due diligence, vision, and backing. He stated that he has nothing against seniors or senior centers. He stated that the idea that you are going into business with someone whom you have not vetted clearly, the character, or sense of history, or how it might impact the community is appalling. He explained that he understood that there are fiscal responsibilities and that might be driving this decision; however he believed that you could not sacrifice your dignity for the purposes of getting a job done. He stated that we name parks, VFW Halls, Fire Halls and highways after people who have sacrificed. He questioned what Roger Ailes has sacrificed.

Lithgow Osbourne, Garrison resident, read a comment from Cold Spring resident, Jane Hanley and Cold Spring resident, Michael Meeropol who were unable to attend the meeting. Ms. Hanley voiced her objection to naming the Senior Center facility after Roger Ailes and she was concerned about knowing so little of this transaction. Mr. Meeropol voiced his strong objection of Roger Ailes and his name being placed on the Senior Center.

Mr. Osbourne believed that someone offered money for a naming opportunity. He stated that the naming opportunity should not move forward until the allegation matter against Roger Ailes is settled. He believed that it would be an insult against every single woman.

Nancy Karp, Cold Spring resident, read comments from Cold Spring resident, Ian Saladyga and Cold Spring resident, Janis Polastre who were unable to attend the meeting. Mr. Saladyga expressed that he didn't want his local politicians signing secret deals with morally ambiguous individuals. Ms. Polastre expressed that she failed to see how County Legislators would even consider naming a public building after Roger Ailes.

Judy Ravnitzky, Mahopac resident, believed that a man is giving \$500,000 to buy his way to heaven for the mistakes he has made. She stated that if he is convicted of these accusations and his name is on the building, she questioned if the \$500,000 would be given back or do you remove his name off the wall.

Michael Robinson, Cold Spring resident, read a statement from Garrison resident, Paul Bonnar. Mr. Bonnar believed and elaborated on Roger Ailes being called to task for his years of harassment and sexual abuse of woman. He strongly objected to the acceptance of his dirty money or the Senior Center being named after him.

Mr. Robinson stated that he too has been harassed by Roger Ailes and believes that he throws around frivolous lawsuits against people that do not have enough money to defend themselves. He believed that he has contributed very little. He believed that there were many people in the area who have contributed, blood, sweat and tears to the building of our community, who are no longer with us and whose names would be perfect on the building. He spoke about Julia Butterfield.

John Teagle, Garrison resident, recommended that the County never name a public building after someone still living, as was the law before it was recently changed. He stated that by dealing with someone that is still alive, he did not believe that you know the body of their work.

Edward (Ned) Rauch, Garrison resident, stated that he is a reporter. He stated that there is a common phrase when you are awarding contracts for the work on projects is "lowest responsible bidder." He stated that it was his understanding that this phrase was not in the agreement that is before us. He stated that without this term, the taxpayers, your constituents, have no idea if we are getting a fair deal. He stated that it is the job of the County Legislators to protect the taxpayers who they are bound to serve. He stated that with regard to the naming of the facility, he stated that it gets a little personal. He stated that he has a one (1) year old daughter who will eventually start asking questions. He stated that if she points to the sign on the Senior Center and asks who that is; he questioned how he should answer her.

Legislator LoBue stated that he would not have to explain it to his daughter because Roger Ailes' name is not going to be on the facility.

Ann Fanizzi, Town of Carmel resident, stated that a fellow resident mentioned critical thinking. She mentioned three (3) items that have been discussed on the agenda: the attempt to remove qualifications from a Commissioner position, Tilly Foster Farm and Butterfield Senior Center and the naming of that facility. She questioned if we see a pattern as to how this Legislature makes decisions.

Thomas Ambrose, Cold Spring resident, addressed that fact that in the naming there was a law that this Legislature passed to avoid this entire dialog that apparently \$500,000 buys it off the table. He stated that the law was changed to address this scenario.

Legislator LoBue stated for the record that she and Legislator Wright voted against the law change.

Mr. Ambrose suggested that this law be put back on the table in order to avoid these scenarios. He stated that there is also a clause in the contract that says the building will be delivered as is which provides for no requirements of that unvetted contractor to fulfill any of the requirements because there is nothing in the contract that states; by contract they will deliver a, b, c. He believed that the true cost to the taxpayers is actually unknown because there is no guarantee that the contractor will do anything in the contract.

Lynne Eckardt, Town of Southeast Councilwoman, stated that she would like the people of the Town of Philipstown that many of us in the Town of Southeast stand with you. She stated that she is speaking just as Lynne Eckardt and she read the following letter submitted to the Legislature: Please postpone any vote on naming the Philipstown Senior Center until Roger Ailes is acquitted of all sexual harassment charges. By ignoring these harassment charges you will be sending a very disturbing message to Putnam County residents. While all persons are innocent until proven guilty shouldn't we have the foresight and patience to wait for a legitimately derived outcome? By ignoring these charges you will be sending the message that sexual harassment may not be as important as \$500,000. That sexual harassment may not be as important as a friendship between County Executive Odell and Roger Ailes. That when it comes to a choice between money and misdemeanor, money and ethics, money and simply doing the right thing- that in Putnam County, money wins every time. In the not so distant past I thought we had learned that it is best to wait until a person has been dead for five years before bestowing naming rights. One need only look at our recent past where two named buildings came under scrutiny- one because our first County Executive had the temerity to run for office again and the other because our state senator was convicted on felony charges. Of course when it comes to the almighty dollar it appears we haven't learned a thing. If you approve naming the senior center after Mr. Ailes you risk offending, alienating and embarrassing countless Putnam residents, even those who do not live in Philipstown. If the charges brought against Mr. Ailes (and now more women have come forward) are true you may, in fact, be rewarding a serial sexual harasser. Please postpone any vote on the naming of the Senior Center until all charges against Mr. Ailes are dropped or he is acquitted. Naming a government building after a possible sexual harasser is simply unacceptable.

Stephanie Hawkins, Cold Spring resident, stated that she wanted to echo observations made by her neighbor, Kathleen Foley and others here, that she believes this Legislature conducts business without the transparency that constituents across the County really deserve. She explained that the Legislature is charged with being the fiscal stewards. The constituents and people who are interested in fiscal responsibility deserve business plans. She stated that the residents deserve critical thinkers. She addressed the character of Roger Ailes and explained that she too has been harassed and has received threats of litigation. She strongly objected to naming the Senior Center after Roger Ailes. She suggested asking the community who they would like to honor.

Matthew Francisco, Cold Spring resident, explained how an issue came forth years later after naming the Veteran's Residence after a Senator. The Legislature

then passed a law prohibiting the naming of any County building or facility after a living person. He believed too much information has come out regarding Roger Ailes and he urged the Legislature to reconsider the naming of this facility.

Eileen Caulfield, Cold Spring resident, stated that she explained to her 10 year old son the reason she was coming to this meeting this evening. She stated that even her son asked her if they really believed that they should still name the senior center after this person.

Nancy Montgomery, Town of Philipstown Deputy Supervisor, questioned the County's budget and asked if the funds could be found somewhere else. She stated that she was also a victim of the bullying. She stated that her son posted on facebook "I want my town back." She believed that fellow governing friends have been run out of office by this newspaper. She explained her side of the story of how she advocated for the seniors. She explained how she was portrayed negatively by the newspaper and stated that she was then not invited to the meetings that other local officials were invited to plan for this center. She was adamantly against naming the facility after Roger Ailes.

Legislator Albano stated that many of these items have been on the agenda for years. He stated that this is not the appropriate meeting for discussion because this is the meeting where the Legislature votes on the items that came out of Committee. He stated that the decision making process takes place at the Committee level and that is the time we would like to hear from the public. He stated that Legislator Scuccimarra has worked very hard on the Butterfield project. He explained the steps that were taken and the process over the past few years which led to this point. He explained that many of the concerns brought forward this evening have recently occurred with respect to the recent allegations. He stated that it is disappointing, however, the Legislature's intentions are good and we want to have a presence for the seniors on the westernside of the County. He stated that they will be addressing these new concerns and welcomed everyone to attend the Committee meetings.

Patrick Perry stated that he is running for County Legislature, District #6. He stated that he found this meeting particularly interesting because he has received information which he didn't have. He believed that Legislator LoBue did a wonderful job with informing the public. He stated that all of Tilly Foster Farm is in District #6. He explained that the people he has come in contact with in that District does not have a clue what is going on there. He believed that by opening up this meeting to a public hearing was a good thing. He believed that another total public hearing should be scheduled this week and everyone should work together in solving these issues.

Jerry Ravnitzky, Mahopac resident, stated that in looking at the agendas, he believed that the description of what the topics are is very confusing and doesn't say what you will be discussing. He believed that they needed to be more specific. He stated that if you really want people to know what is going on, you need to reach out to them and not wait for them to reach out to you. He stated that there are several local newspapers that you could let know what you will be discussing at a meeting. He believed that if you know that you have contentious items which you will be discussing, contact the local newspapers and ask them to

write an article about it or ask them to publish the agenda. He stated that people have very busy lives and you can't expect them to know what is going on unless you publicize it.

Chairwoman Nacerino thanked everyone for their comments and concerns expressed this evening. She stated that she hoped it was evident that we have demonstrated and share their concerns. She explained that what is important to the public is important to us. She asked them to understand that the naming of the facility was in the process before this issue regarding Roger Ailes came to light. She stated that the Legislature has taken the appropriate action to table this issue pending compliance with the Department of Labor too.

Legislator LoBue believed that the issue of the Senior Center was more complicated than just the naming of it. She believed that the cost of the Senior Center has skyrocketed. She stated three (3) years ago, she was of the opinion that the County should purchase the VFW facility and renovate it. She stated that she learned from former County Executive Bondi that we got out of the leasing business and owned all our facilities. She stated that the County being a municipality is exempt from paying property taxes. She stated that with the lease, the taxpayers will be funding the property taxes. She stated that she tried to communicate to the seniors that if we could uncouple the Senior Center with the Butterfield project it could be done for less money. She believed that it could be County owned mutual space facility not just for seniors but for the youth in the community. She explained how she was continuously bashed in both of the papers because of the data she was requesting. She stated that she was never provided with the information requested. She explained that she was shocked, when she went on Iohud this morning, to see a grant application that was signed by the County Executive on July 7, 2016 which did not receive Legislature approval to apply. She stated that the projected cost of just the Senior Center would be \$1.5 million without the lease. She stated that the lease amount is \$77,700 for approximately 6,000 square feet at \$12.95 per square foot. She stated that there is an additional first year rent payment of \$61,000 to cover the HVAC systems and some piping. She stated that the first year Common Area Maintenance (CAM) charges are \$50,691.56 at \$8.45 per square foot and the estimated taxes are \$30,000. She stated that a 15 year lease would bring us over \$1 million; therefore she estimated that the total cost of the Senior Center would equate to \$2.5 million. She stated based on the project rendering which is over seven (7) acres, the County is leasing a little more than half of the Lahey Pavilion. She stated that the taxes on the entire parcel, which has not been subdivided, is \$66,510 and the County would be responsible for \$30,000 according to the lease. She believed that, had it not been for the Iohud article, this item would have been passed. She believed that we needed to source out a building that the County could buy.

Legislator Albano stated that he would absolutely be in favor of purchasing a place; however there was never the opportunity to purchase any property. He stated that no one came to us asking if we wanted to purchase the VFW. He explained that he would have welcomed the opportunity to explore it if the opportunity was there.

Legislator Gross stated that he is no friend of the Ailes family. He stated that when he worked in the Senate office they tried to stain his reputation. He stated that the item has been tabled and stated let the judicial system work we will see what happens. He stated that you are innocent until proven guilty. He stated that Legislator Scuccimarra has worked very hard and diligently to get a Senior Center in Cold Spring. He stated that some of the comments directed at her were despicable.

APPROVAL/AMEND RESOLUTION # 107 OF 2016 / REVISED LEASE AGREEMENT & CHARITABLE DONATION AGREEMENT / SENIOR CENTER (BUTTERFIELD)

WHEREAS, pursuant to Resolution # 240 of 2015, the Putnam County Legislature approved a Lease Agreement, in the form attached thereto, between Butterfield Realty LLC and the County of Putnam for 6,000 square feet of space at The Lahey Pavilion, located 1756 Route 9D, Cold Spring, New York; and

WHEREAS, the leased premises will be the future location of a new and expanded senior center facility serving the senior population in the Town of Philipstown and the surrounding areas within the County; and

WHEREAS, prior to its execution, the terms and conditions of said Lease Agreement were modified by the parties, and a revised Lease Agreement was approved by the Putnam County Legislature pursuant to Resolution # 107 of 2016; and

WHEREAS, the County and Butterfield Realty LLC have since agreed to further modify the proposed terms of the Lease Agreement which was approved pursuant to Resolution # 107 of 2016, in order to further clarify and amend the duties and responsibilities of the parties based upon preliminary engineering performed by the County, as same are delineated in the revised Lease Agreement which is attached hereto as Exhibit "A"; and

WHEREAS, said revised Lease Agreement further acknowledges that the County, by and through its Office for Senior Resources, shall continue to make available and provide transportation services to the senior constituency who will utilize and attend said senior center facility; and

WHEREAS, Resolution # 107 of 2016 also authorized the County Executive to execute a Charitable Donation Agreement between ACI Senior Development Corp. and the County, which provides, among other things, that ACI Senior Development Corp. will contribute to the County renovations of the leased premises; and

WHEREAS, ACI Senior Development Corp. and the County have agreed to modify certain target dates contained in the Charitable Donation Agreement as same are delineated in the revised Charitable Donation Agreement, which is attached hereto as Exhibit "B"; and

WHEREAS, the Putnam County Legislature has reviewed the revisions to the proposed Lease Agreement between Butterfield Realty LLC and the County of Putnam and agrees with same; and

WHEREAS, the Putnam County Legislature has also reviewed the revisions to the Charitable Donation Agreement between ACI Senior Development Corp. and the County, and likewise agrees with same; now therefore be it

RESOLVED, that Resolution # 107 of 2016 is hereby amended as specified hereinafter, and be it further

RESOLVED, that the Putnam County Legislature approves the revisions to the Lease Agreement between Butterfield Realty LLC and the County of Putnam for 6,000 square feet of space at The Lahey Pavilion, located 1756 Route 9D, Cold Spring, New York, which are reflected in the instrument attached hereto as Exhibit "A", and be it further

RESOLVED, that pursuant to Local Law No. 5 of 2016 and this resolution, the County Executive is authorized, with the advice and the assistance of the County Attorney, to execute said Lease Agreement, which shall be in the form and content attached hereto as Exhibit "A", and be it further

RESOLVED, that the Putnam County Legislature also approves the revised Charitable Donation Agreement between ACI Senior Development Corp. and the County, which shall be in the form and content attached hereto as Exhibit "B", and the County Executive is authorized to execute same.

Item #6m – Approval/Putnam County Legislature’s Intent to Act as Lead Agency under SEQRA Re: Lease Approval and Monroe Balancing Test for a Wireless Communications Facility (Cell Tower - Golf Course location) was next.

Legislator Albano stated that it has been acknowledged that the communication setup in the County is not perfect. He stated that Emergency Services departments need to be able to communicate with one another. He stated that four (4) sites were identified to help with this issue. He added that with the Golf Course site, there has been much input from residents against a Cell Tower. He stated that he would like to table this item for continued discussion.

Legislator Albano made a motion to **TABLE** this item; seconded by Legislators Wright and LoBue. All in favor.

Legislator LoBue questioned if we could take public comment from the residents of Scott Road and the Hill Street area.

There were three (3) residents from Scott Road. One constituent who did not give her name stated a Cell Tower should never be at the Scott Road location. She stated that the residents are concerned about the effects on the children. She added that her husband worked in the cellular field and he says that it is all microwave. She stated that it is near the water supply and where children play soccer. She questioned what guarantee could be given that the Cell Towers will not be harmful and that it won't get into the septic and water supply. She questioned what it would do to their property value. She added that she's lived in the same house for almost 30 years.

Another resident of Scott Road stated that she has lived in this area for 36 years. She stated that she was sure the Legislators would not want it in their backyard. She continued describing how close the Tower would be to her house.

Legislator Albano stated that the Legislature is not considering this location at this time. He explained again that if these agenda items were approved, it would not mean the Towers are approved. He stated that it would only mean that the County is Lead Agency and they could start investigating and passing information along.

The resident from Scott Road questioned if the Towers are supposed to be put at the highest elevation.

Legislator Albano stated that areas have been identified as potential sites by looking at maps and elevation levels. He added that this site was chosen because of its potential. He stated that that doesn't mean it's the only site. He stated that Legislature hears your concerns and will look into this carefully.

Chairwoman Nacerino encouraged the residents to come to the Physical Committee meetings, to check the agendas for things they're interested in and to call the Legislative Office for more information. She stated that the Legislature is open, transparent, and receptive to the public's concerns and opinions. She added that the Legislature will be addressing this matter in the future and again encourages the public to attend the Committee Meetings for more dialogue and exchange.

The resident from Scott Road thanked Chairwoman Nacerino and stated that the biggest thing is that our children are our future and worrying about their health.

Chairwoman Nacerino stated that she empathizes with the resident because Metro North is putting a 180 foot Cell Tower in her backyard and she is not happy. She added that they supersede any local regulations, so she understands and empathizes with the resident. She stated that we have to recognize that with the way the world is today, and the perils that we face, we need our Emergency Services communication. She stated that in the event that there is a tragedy or a disaster, we need to make sure our first responders, state police, local police and fire departments are all able to communicate. She stated that we can't trust that our little sleepy towns and our little sleepy safe Putnam County are going to be shielded against any disaster or any perilous situation. She stated that, bearing that in mind, this is something that needs to be done. She added that Metro North is doing it for the same purpose. They are mandated by the Federal Government to have communications so that the State Police, New York City and this area all can communicate effectively in case of emergency. She stated that we've seen too much turmoil and too much tragedy and we would be naive to say that something is never going to occur here. She urged the public to recognize the importance of what we're trying to do in the most unoffensive and least penetrating to our communities that we can. She stated that's not always feasible, as demonstrated in the Town of Patterson.

Jerry Ravnitzky, Mahopac resident, stated that no one in the County wants to endanger our first responders. However, the more he has researched Cell Towers, the more experts he has found; physicians and scientists who say that it is dangerous to live near a Cell Tower. He stated that it increases the chance of getting cancer. He stated that this research is all over the internet. He added that people do not want to buy houses near Cell Towers, so it is difficult to sell those homes. He stated that once the Tower goes up, the value of the home decreases, and it's worse the closer the home is to the Tower. He stated that the International Appraisers Association has backed up this information. He explained that if Cell Towers are needed, they need to be located a greater distance away from residents or workplaces. He stated that it is not a good idea to make the first

responders safer while making everyone else unsafe. He urged the Legislature to do their due diligence before selecting sites.

Chairwoman Nacerino stated that is exactly what they're doing tonight by tabling this item. She added that she wishes Metro North would have afforded her the same consideration as the Legislature is affording the residents. She added that it's not just about the first responders; it's about protecting the people of this community. She urged the residents to not lose sight of that. She stated that the Legislature is taking the consideration that is needed to do their due diligence and see whether or not there are alternative measures to achieve the accountability and effectiveness that we need.

Ellen Weininger, Director of Educational Outreach at Grassroots Environmental Education explained Grassroots' mission to educate the public concerning common environmental exposures and the link to human health and environmental impacts. She urged the Legislature to examine the independent, peer-reviewed scientific literature on the health effects linked to Cell Towers and wireless frequency radiation before making any decisions regarding the proposal of the siting of the four (4) Cell Towers in Putnam County. She stated that they've recently completed a comprehensive review of the science on wireless radiation and human health. She stated that the studies show that wireless radiation is capable of biological impacts beyond the heating of human tissue. She stated that a number of studies show potential electrical interference with implanted medical devices, disruption of normal brain development in fetuses, DNA strand breaks in multiple organ sites and exacerbation of symptoms among individuals who are electromagnetically hypersensitive. She stated that the most significant impact will be on children and fetuses. She provided informational packets to the Legislature entitled "Independent Science on the Effect of Wireless Radiation on Human Health – Updated August 2016" and "Biological effects from exposure to electromagnetic radiation emitted by cell tower base stations and other antenna arrays" and quoted many pieces of information in these packets. She then read an excerpt from a statement from Dr. Martha Herbert, who is affiliated with Harvard Medical School and Massachusetts General Hospital, in which Dr. Herbert discussed the Cell Towers' health effects on human biology. Dr. Herbert's statement also mentioned that powerful industry entities have a vested interest in leading the public to believe that electromagnetic fields and radio frequency radiation are harmless; but this is not true. She urged the Legislature to do the right and precautionary thing for our children.

Ann Fanizzi, Town of Carmel, believed that the Mahopac parcel was designated parkland through the action of previous Legislators. She stated that she addressed her many concerns with her attorney, David Gordon. She stated that after she provided him with a copy of the Environmental Assessment Form (EAF), he provided her with his opinion. Ms. Fanizzi then quoted excerpts of Attorney Gordon's opinion on the Cell Tower proposal which she provided to the Legislature via email on August 12th. She mentioned his opinions which addressed the restrictions of the property, the SEQRA Environmental Assessment Form (EAF), the visual impacts and the Monroe test for municipal exemption from zoning (Matter of County of Monroe v. City of Rochester).

Patrick Perry, who is running for County Legislature, District #6, stated that he had been a volunteer firefighter for 46 years, worked with the Mahopac Falls ambulance for 20 years and was in law enforcement for approximately 55 years. He stated that this County has many blind spots. He stated that 50 years ago, land lines were used to communicate. He explained that emergency responders need adequate communication. He explained that we need to make sure the first responders are getting where they need to be as quick as possible to ensure the safety of our residents.

Alan Warnecke, Mahopac Resident, stated that Hill Agor is a historic site and certain procedures that must be followed in order to build a structure there. He stated that it is his opinion that if the procedures are followed, a Cell Tower will not be allowed to be constructed near that site. He noted that Legislator Albano said that there are other locations and suggested the Legislature look into them. He requested that Hill Agor be placed on the National Registry of Historic Sites.

Legislator Albano stated that he does not know if there are in fact other sites, but that it will be looked into.

Legislator Albano made a motion to move Items #6n (Kern Bldg location) and #6p (TOPS Bldg location).

APPROVAL/PUTNAM COUNTY LEGISLATURE'S INTENT TO ACT AS LEAD AGENCY UNDER SEQRA RE: LEASE APPROVAL AND MONROE BALANCING TEST FOR A WIRELESS COMMUNICATIONS FACILITY (CELL TOWER - GOLF COURSE LOCATION)

WHEREAS, the County of Putnam (the "County") is the owner of the property located at 161-165 Hill Street, Mahopac, New York ("Property"); and

WHEREAS, the County desires to use a portion of the Property for the installation of a wireless communications support structure; and

WHEREAS, Homeland Towers, LLC ("Homeland") desires to use a portion of the Property to install the support structure and compound area necessary to accommodate the wireless coverage needs of various County Emergency Service Departments, in addition to the providing capacity for the collocation of private public utility wireless communication facilities in order to close significant gaps in reliable wireless service that exist in the vicinity of the Property within the County; and

WHEREAS, the County and Homeland desire to enter into a public private partnership by entering into a lease agreement ("Agreement"), for the purpose of constructing a 160-foot tower designed to resemble a tree (the "Facility"), with County emergency service antennas located thereon and which shall provide for the collocation of commercial wireless communication facilities including antennas and related equipment on the Facility all of which shall be situated on or within a 3,600 square foot lease parcel; and

WHEREAS, the County Legislature intends to also review the proposal to determine whether the Facility should be exempt from local zoning requirements; and

WHEREAS, the approval of the Agreement and the determination whether the Facility should be exempt from local zoning requirements shall be deemed the “Project”; and

WHEREAS, the proposed action hereunder is subject to review under the State Environmental Quality Review Act and the Regulations promulgated thereunder (“SEQRA 6 NYCRR Part 617”); and

WHEREAS, other involved agencies (the “Involved Agencies”) have been identified in connection with the proposed action; and

WHEREAS, a short Environmental Assessment form (EAF) has been prepared for the Project; and

WHEREAS, the Putnam County Legislature (the “Legislature”), after a review of Part 617, finds that the proposed action is an “Unlisted” action, as defined in 6 NYCRR Part 617.2; and

WHEREAS, pursuant to the requirements of 6 NYCRR Part 617.6(b)(3) a coordinated review of this action will be conducted; now therefore be it

RESOLVED, that the Legislature hereby declares its Intent to serve as the Lead Agency under the procedures and requirements of SEQRA, and will circulate a Lead Agency Notice along with the EAF and associated documentation to all Involved Agencies and will follow protocol in accordance with and as required by all relevant rules and regulations.

Item #6n – Approval/Putnam County Legislature’s Intent to Act as Lead Agency Under SEQRA Re: Lease Approval and Monroe Balancing Test for a Wireless Communications Facility (Cell Tower - Kern Bldg Location) was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved Items #6n (Kern Bldg location) and #6p (TOPS Blds location):

Legislator LoBue made a motion to table this item.

There was no second.

Chairwoman Nacerino called the question on the motion to move the resolution.

By Poll Vote: Seven Ayes. One Nay – Legislator LoBue. Legislator Gouldman Was Absent. Motion Carries.

Lynne Eckardt stated that she did not know what the motivation was in tabling the Putnam Valley site (Senior Center) and the Mahopac site (Golf Course), although she was glad they did. She stated that she had concerns that the Town of Southeast was not notified; however that has been rectified. She explained that if the reason for tabling the two (2) were because of health concerns, there are State and County employees, and ironically the Department of Health in the Kern Building location.

Chairwoman Nacerino stated that the approval is just to declare lead agency so that we can do our due diligence with these sites. She stated that they are not set in stone that these are going to be deemed the locations.

Lynne Eckardt stated that two (2) out of the four (4) have been tabled, therefore she believed that they were being treated differently. She believed that all of them should be tabled and that you should be concerned about your own employees.

Legislator Albano stated that this is our intent to be lead agency. He stated that he did not know if there is a legal ground to stand on as far as health issues; although he does understand what everyone is saying and he wouldn't want to be next to it. He does realize that there is a real estate issue and when he looked at the residential area it gave him another consideration.

Ann Fanizzi stated that when your intent is to declare lead agency, the Environmental Assessment Form (EAF) goes along with it. She stated that the EAF designates a specific location.

Legislator LoBue stated that it wasn't intentional; she just doesn't believe that the Legislature was properly informed. She stated that when she asked to table this at the Physical meeting, she believed that Legislator Albano was under the impression that in moving forward with the SEQRA it opens it up to public comment. She stated that it actually opens it up to comment from municipalities; not individuals. She explained that when the representative from Homeland Towers came to the Physical meeting, he stated that they would be determining whether or not these are good sites; not the Legislature. She stated that once we approve this SEQRA process, it is taken out of our hands and as a Legislative body we will not be able to stop this. She believed that half of this issue is "revenue based." She stated that we are being told that it is all "safety based." She stated that if you look at the diagram on the monopole, there are four (4) modulars on the tower. She stated that the County will have the top modular and the other three (3) will be sold to the highest bidder. She believes that is what is driving this proposal. She stated that she requested the communication plan and/or radio plan because she wants to see the data which proves that there are issues with service in these areas.

Ms. Eckardt believed that you could also receive rental income for the land that the tower is constructed on. She believed that the public should be made aware of this.

Legislator LoBue explained some of the diagrams which she reviewed regarding the location of the proposed tower at the Golf Course. She wished that all of these proposals would be tabled.

Legislator Albano stated that this declares the Legislature's intent to serve as lead agency. He explained that once this happens, all interested parties and agencies will be involved. He stated that we will be doing a full environmental assessment form. He stated that the County would still need to approve the leases for each individual site; therefore the County still has control over this. He stated that each and every lease will need the Legislature's approval. He stated that this is the beginning of the process.

RESOLUTION #166

APPROVAL/PUTNAM COUNTY LEGISLATURE'S INTENT TO ACT AS LEAD AGENCY UNDER SEQRA RE: LEASE APPROVAL AND MONROE BALANCING TEST FOR A WIRELESS COMMUNICATIONS FACILITY (CELL TOWER - KERN BLDG LOCATION)

WHEREAS, the County of Putnam (the "County") is the owner of the property located at 29 Milan Road, Southeast, New York ("Property"); and

WHEREAS, the County desires to use a portion of the Property for the installation of a wireless communications support structure; and

WHEREAS, Homeland Towers, LLC ("Homeland") desires to use a portion of the Property to install the support structure and compound area necessary to accommodate the wireless coverage needs of various County Emergency Service Departments, in addition to the providing capacity for the collocation of private public utility wireless communication facilities in order to close significant gaps in reliable wireless service that exist in the vicinity of the Property within the County; and

WHEREAS, the County and Homeland desire to enter into a public private partnership by entering into a lease agreement ("Agreement"), for the purpose of constructing a 180-foot tower (the "Facility"), with County emergency service antennas located thereon and which shall provide for the collocation of commercial wireless communication facilities including antennas and related equipment on the Facility all of which shall be situated on or within a 2,400 square foot lease parcel; and

WHEREAS, the County Legislature intends to also review the proposal to determine whether the Facility should be exempt from local zoning requirements; and

WHEREAS, the approval of the Agreement and the determination whether the Facility should be exempt from local zoning requirements shall be deemed the "Project"; and

WHEREAS, the proposed action hereunder is subject to review under the State Environmental Quality Review Act and the Regulations promulgated thereunder ("SEQRA 6 NYCRR Part 617"); and

WHEREAS, other possible/potential/interested agencies (the "Interested Agencies") have been identified in connection with the proposed action and as there are no other Involved Agencies; and

WHEREAS, a short Environmental Assessment form (EAF) has been prepared for the Project; and

WHEREAS, the Putnam County Legislature (the "Legislature"), after review of Part 617, finds that the proposed action is an "Unlisted" action, as defined in 6 NYCRR Part 617.2; now therefore be it

RESOLVED, that the Legislature hereby declares its intent to serve as the Lead Agency under the procedures and requirements of SEQRA, and will circulate a Lead Agency Notice along with the EAF and associated documentation to all Interested Agencies and will follow protocol in accordance with and as required by all relevant rules and regulations.

BY POLL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6o – Approval/Putnam County Legislature’s Intent to Act as Lead Agency under SEQRA Re: Lease Approval and Monroe Balancing Test for a Wireless Communications Facility (Cell Tower - Putnam Valley Senior Center Location) was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano made a motion to TABLE this item; seconded by Legislator Gross. All in favor.

Chairwoman Nacerino stated that it should be duly noted that Putnam Valley Supervisor Oliverio came to the last Physical meeting and brought forth an alternate site which he requested that we explore. She stated that upon his recommendation, the Legislature is tabling this agenda item to explore the option which he proposed.

A former Chairman of the Putnam Valley Planning Board stated that he has contended with a few cell towers which came before the Planning Board. He stated that the County owns the property and therefore the Planning Board doesn’t have any oversight. He explained that Putnam Valley is comprised of 11,000 people and there are currently six (6) cell towers in their town. He stated that he has reviewed the County’s plan which was sent to the Planning Board as a courtesy. He stated that he saw the cohabitation on the tower. He stated that since Putnam Valley already has six (6) towers, he questioned if the County has explored the option of cohabitating on existing towers and therefore avoid the expense of building another tower. He stated that if the County is just trying to communicate for emergency services purposes, he believed that it would be simple to have a few small locations. He concurred that once the SEQRA process starts, it is not for the opposition; it is usually for the developer. He stated that you will be beyond the point of no return.

Commissioner of Emergency Services, Anthony Sutton, provided some background on the issue. He stated that they tried to do the right thing by selecting County owned sites. He explained that pertaining to microwave links, it is line of site. He stated that you need to have one (1) tower to see the next tower, to see the next tower and so on. He then explained how the microwave system works. He explained the process of building our own communication system, however, it would be extremely expensive, approximately \$30 million, with no modest income. He explained that, although he is not a medical expert, with issues pertaining to radiation or radio frequency effects on a human being he can’t really comment on. However, he stated that when he has been online looking for information there is an overwhelming abundance both for and against. He stated that he and Legislator Wright had an active discussion at the last subcommittee meeting, where the system in Putnam County has not been addressed in a very long time. He stated that the criteria for the selection of sites was that they know where the dead spots are and they know that they need to build the microwave point to point backbone of a system before we start considering radio equipment. He explained that it was difficult to get radio signals from one side of the County to the other. He explained that the objective of any radio system is to have coverage over 95% of the geographical area of the County, 95% of the time for a mobile radio; not for the portable radio that the officer wears. He stated that he believes that when we build the system out, and this was his experience in Westchester County, that our final results exceeded our expectations.

Legislator Albano explained that an emergency services communication issue was identified and there are grant funds available. He believed that we were not looking for a rental opportunity to make money. He believed that it was the perfect example of a Private/County partnership where we try to make the most cost effective solution.

Former Chairman of the Putnam Valley Planning Board suggested developing a map of the entire County of all the existing towers and look to cohabitate with the owners of these towers; such as Verizon, AT&T, etc.

Legislator Castellano stated that this has been a conversation he has heard for the last four (4) years here regarding first responders not being able to communicate. He stated that Director of IT/GIS Thomas Lannon attended a Committee meeting and has a complete map of all the cell towers.

Former Chairman of the Putnam Valley Planning Board stated that the technology that we have now wasn't even developed then.

Legislator Castellano stated that we have identified all the cell towers. He explained that before becoming a Legislator he was on the Zoning Board for eight years and stated that he knows all the obstacles that you go through on the cell tower issue. He stated that the County is trying to do the right thing.

APPROVAL/PUTNAM COUNTY LEGISLATURE'S INTENT TO ACT AS LEAD AGENCY UNDER SEQRA RE: LEASE APPROVAL AND MONROE BALANCING TEST FOR A WIRELESS COMMUNICATIONS FACILITY (CELL TOWER - PUTNAM VALLEY SENIOR CENTER LOCATION)

WHEREAS, the County of Putnam (the "County") is the owner of the property located at 117 Town Park Lane, Putnam Valley, New York ("Property"); and

WHEREAS, the County desires to use a portion of the Property for the installation of a wireless communications support structure; and

WHEREAS, Homeland Towers, LLC ("Homeland") desires to use a portion of the Property to install the support structure and compound area necessary to accommodate the wireless coverage needs of various County Emergency Service Departments, in addition to the providing capacity for the collocation of private public utility wireless communication facilities in order to close significant gaps in reliable wireless service that exist in the vicinity of the Property within the County; and

WHEREAS, the County and Homeland desire to enter into a public private partnership by entering into a lease agreement ("Agreement"), for the purpose of constructing a 150-foot tower designed to resemble a tree (the "Facility"), with County emergency service antennas located thereon and which shall provide for the collocation of commercial wireless communication facilities including antennas and related equipment on the Facility all of which shall be situated on or within a 3,000 square foot lease parcel; and

WHEREAS, the County Legislature intends to also review the proposal to determine whether the Facility should be exempt from local zoning requirements; and

WHEREAS, the approval of the Agreement and the determination whether the Facility should be exempt from local zoning requirements shall be deemed the “Project”; and

WHEREAS, the proposed action hereunder is subject to review under the State Environmental Quality Review Act and the Regulations promulgated thereunder (“SEQRA 6 NYCRR Part 617”); and

WHEREAS, other interested agencies (the “Interested Agencies”) have been identified in connection with the proposed action and as there are no other Involved Agencies; and

WHEREAS, a short Environmental Assessment form (EAF) has been prepared for the Project; and

WHEREAS, the Putnam County Legislature (the “Legislature”), after review of Part 617, finds that the proposed action is an “Unlisted” action, as defined in 6 NYCRR Part 617.2; now therefore be it

RESOLVED, that the Legislature hereby declares its intent to serve as the Lead Agency under the procedures and requirements of SEQRA, and will circulate a Lead Agency Notice along with the EAF and associated documentation to all Interested Agencies and will follow protocol in accordance with and as required by all relevant rules and regulations.

Item #6p – Approval/Putnam County Legislature’s Intent to Act as Lead Agency under SEQRA Re: Lease Approval and Monroe Balancing Test for a Wireless Communications Facility (Cell Tower - TOPS Bldg Location) was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #167

APPROVAL/PUTNAM COUNTY LEGISLATURE’S INTENT TO ACT AS LEAD AGENCY UNDER SEQRA RE: LEASE APPROVAL AND MONROE BALANCING TEST FOR A WIRELESS COMMUNICATIONS FACILITY (CELL TOWER - TOPS BLDG LOCATION)

WHEREAS, the County of Putnam (the “County”) is the owner of the property located at 112 Old Route 6, Carmel, New York (“Property”); and

WHEREAS, the County desires to use a portion of the Property for the installation of a wireless communications support structure; and

WHEREAS, Homeland Towers, LLC (“Homeland”) desires to use a portion of the Property to install the support structure and compound area necessary to accommodate the wireless coverage needs of various County Emergency Service Departments, in addition to the providing capacity for the collocation of private public utility wireless communication facilities in order to close significant gaps in reliable wireless service that exist in the vicinity of the Property within the County; and

WHEREAS, the County and Homeland desire to enter into a public private partnership by entering into a lease agreement (“Agreement”), for the purpose of constructing a 160-foot tower (the “Facility”), with County emergency service antennas located thereon and which shall provide for the collocation of

commercial wireless communication facilities including antennas and related equipment on the Facility all of which shall be situated on or within a 2,400 square foot lease parcel; and

WHEREAS, the County Legislature intends to also review the proposal to determine whether the Facility should be exempt from local zoning requirements; and

WHEREAS, the approval of the Agreement and the determination whether the Facility should be exempt from local zoning requirements shall be deemed the "Project"; and

WHEREAS, the proposed action hereunder is subject to review under the State Environmental Quality Review Act and the Regulations promulgated thereunder ("SEQRA 6 NYCRR Part 617"); and

WHEREAS, other interested agencies (the "Interested Agencies") have been identified in connection with the proposed action and as there are no other Involved Agencies; and

WHEREAS, a short Environmental Assessment form (EAF) has been prepared for the Project; and

WHEREAS, the Putnam County Legislature (the "Legislature"), after review of Part 617, finds that the proposed action is an "Unlisted" action, as defined in 6 NYCRR Part 617.2; now therefore be it

RESOLVED, that the Legislature hereby declares its intent to serve as the Lead Agency under the procedures and requirements of SEQRA, and will circulate a Lead Agency Notice along with the EAF and associated documentation to all Interested Agencies and will follow protocol in accordance with and as required by all relevant rules and regulations.

BY POLL VOTE: SEVEN AYES. ONE NAY – LEGISLATOR LOBUE. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6q – Approval/Sale of County Property Pursuant to Chapter 31 of the Putnam County Code was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #168

APPROVAL/SALE OF COUNTY PROPERTY PURSUANT TO CHAPTER 31 OF THE PUTNAM COUNTY CODE

WHEREAS, per Resolution # 101 of 2015 the Putnam County Legislature authorized the County Executive to offer certain County owned properties for sale through the applicable Multiple Listing Service utilizing the services of the licensed real estate brokers under contract with the County; and

WHEREAS, per Resolution # 209 of 2015, the Putnam County Legislature recommended that said properties be offered for sale and listed at the initial offer amounts suggested in the comparative market analyses performed by the real estate brokers for the properties, and

WHEREAS, said properties have been listed on the applicable Multiple Listing Service; and

WHEREAS, the Putnam County Administration has entered into negotiations with a prospective purchaser for the property identified as 17 Hartsdale Road, Carmel, New York (Kent TM # 33.51-2-39 & 40); and

WHEREAS, the Putnam County Administration recommends the acceptance of the negotiated offer of \$32,000.00, and as further specified in the Contract of Sale, which is attached hereto and made a part hereof as Schedule "A"; and

WHEREAS, the Putnam County Legislature has reviewed said negotiated offer, now therefore be it

RESOLVED, that pursuant to the authority vested in the Putnam County Legislature in Section 31-4 and Section 31-8 of the Putnam County Code, the Putnam County Legislature approves the sale of the property identified as 17 Hartsdale Road, Carmel, New York (Kent TM # 33.51-2-39 & 40) for such amount and upon such other terms and conditions as are contained in the Contract of Sale, which is attached hereto and made a part hereof as Schedule "A"; and be it further

RESOLVED, that the County Executive is authorized to execute the Contract of Sale for the property identified as 17 Hartsdale Road, Carmel, New York (Kent TM # 33.51-2-39 & 40) which Contract of Sale shall be in the form attached hereto and made a part hereof as Schedule "A"; and be it further

RESOLVED, that the County Attorney shall be authorized to take all necessary steps to complete the transfer of said property in accordance with the terms and conditions of the aforementioned Contract of Sale.

BY POLL VOTE: SIX AYES. ONE NAY – LEGISLATOR LOBUE. ONE ABSTENTION – LEGISLATOR WRIGHT. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #6r – Approval/Highways & Facilities/Use of Capital Reserve/County Facility Renovations was next. On behalf of the members of the Physical Services Committee, Legislators Castellano and Scuccimarra, Legislator Albano moved the following:

RESOLUTION #169

APPROVAL/HIGHWAYS & FACILITIES/ USE OF CAPITAL RESERVE/ COUNTY FACILITY RENOVATIONS

WHEREAS, by Resolution #165 of 2015 Putnam County established a County Facility Renovation Capital Project in the amount of \$1,500,000 from a settlement with NYMIR regarding the Deskovic matter; and

WHEREAS, the Commissioner of Highways & Facilities has proposed the use of this Capital Project fund for projects, CP-1 County Office Building Façade and CP-2 Historic Courthouse Building Management System, for which project scopes are attached to the Resolution; and

WHEREAS, the Physical Services Committee has reviewed and approved these projects; and

WHEREAS, the Legislature through the Physical Services Committee has received a scope of these projects and a preliminary cost estimate of these projects; now therefore be it

RESOLVED, that the Putnam County Legislature approves and authorizes the expenditure of \$110,500 from the County Facility Renovation Capital Project budget line 55197000 53000 51509 as follows:

CP-1 County Office Building Façade – Engineering Services

Project cost not to exceed \$50,000

CP-2 Historic Courthouse – Replacement of Building Management System

Project cost not to exceed \$60,500

BY POLL VOTE: ALL AYES. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE
(Chairwoman Scuccimarra, Legislators Addonizio & LoBue)**

Item #6s – Approval/Budgetary Amendment (16A039)/Office for Senior Resources/Modify 2016 Budget was next. Chairwoman Nacerino recognized Legislator Scuccimarra, Chairwoman of the Health, Social, Educational & Environmental Committee. On behalf of the members of the Committee, Legislators Addonizio and LoBue, Legislator Scuccimarra moved the following:

RESOLUTION #170

**APPROVAL/BUDGETARY AMENDMENT /OFFICE FOR SENIOR RESOURCES/
MODIFY 2016 BUDGET**

WHEREAS, the Director of Office for Senior Resources has requested a budgetary amendment (16A039) to amend the 2016 budget to reflect the planned spending of the Balance of Incentive Program (BIP) grant; and

WHEREAS, the Health, Social, Educational & Environmental Committee and the Audit & Administration Committee have reviewed and approve said budgetary amendment; now therefore be it

RESOLVED, that the following budgetary amendment be made:

Decrease Estimated Appropriations:

10677200 51000 10116	Personnel Services	42,283
10677200 51093 10116	Overtime	1,437
10677200 54675 10116	Travel	470
10677200 54989 10116	Miscellaneous	3,500
10677200 58001 10116	NYS ERS	6,964
10677200 58002 10116	FICA	3,234
10677200 58006 10116	Dental	2,777
10677200 58008 10116	Health	<u>18,675</u>
		79,340

Increase Estimated Appropriations:

10677200 52110 10116	Furniture & Equipment	2,000
10677200 52120 10116	Office Equipment	1,500
10677200 52130 10116	Computer Equipment	20,800
10677200 52140 10116	Audio Visual Equipment	16,000
10677200 54311 10116	Printing & Forms	100
10677200 54314 10116	Postage	9,900
10677200 54634 10116	Telephone	17,340
10677200 54636 10116	Internet	480
10677200 54664 10116	Advertising	3,000
10677200 54675 10116	Software Accessories	16,000
10677200 54560 10116	Equipment Rental	2,880
10677200 54783 10116	Licensing	<u>2,950</u>
		92,950

Increase Estimated Revenues:

10677200 447721 10116	Federal Aid – BIP	13,610
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2016 Fiscal Impact – 0 –

2017 Fiscal Impact – 0 –

BY POLL VOTE: ALL AYES. LEGISLATOR GOULDMAN WAS ABSENT. MOTION CARRIES.

Item #7 – Other Business

Item #7a - Request to Discuss Clearer Description of Agenda Items & Resolutions at Rules Committee – Legislator Wright

Legislator Wright stated that a comment was made tonight from a citizen regarding the face of the notice that goes out about our proceedings. He requested that the Rules Committee address the issue to have more plain descriptive language titled for our resolutions and first introductory paragraph or two. He used the four (4) cell tower resolutions as an example. He stated that all four (4) resolutions were almost identical. He stated that on the agenda the words “cell tower” does not appear and that the item was not listed clearly. He also explained that the words “cell tower” does not even appear in the body of the resolutions. He explained that both the agenda and the resolutions needed to be worded more clearly for the public. He stated that many years ago the New York State Legislature passed the Plain Language Law. He explained that any commercial documents needed to be drafted in plain language. He believed that our documents should have the same format.

Chairwoman Nacerino stated that Legislator Wright’s point was well taken and she agreed that it should be addressed in the Rules Committee. She believed that we should make every effort to provide the same type of documentation for our constituents.

Item #8 – Recognition of Public

A resident questioned how he could find out about the Legislature's Committee meetings.

Chairwoman Nacerino stated that they are on the County website or he could contact the Legislative Office.

Item #9 – Recognition of Legislators

There were no Legislators who wished to speak.

There being no further business, at 10:40 P.M., Chairwoman Nacerino made a motion to adjourn; seconded by Legislators Albano and LoBue. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.