

**PHYSICAL SERVICES COMMITTEE
MINUTES**

**MONDAY, JANUARY 23, 2023
3:30 P.M.**

PRESENT: Barry J. Cheney, Chairman
Leigh J. Benton, L. Stephen Brescia, Michael D. Paduch, Laurie R. Tautel,
Paul Ruskiewicz, Peter V. Tuohy, Joseph J. Minuta,

ALSO

PRESENT: Katie Bonelli, Chairwoman
Betsy N. Abraham, Esq., Legislative Counsel
Richard B. Golden, County Attorney
Stacy Butler, Senior Assistant County Attorney
Alan Sorensen, Commissioner of Planning
Travis Ewald, Deputy Commissioner, Dept. of Public Works/Engineering Div.
Robert Gray, Deputy Commissioner, Dept. of Public Works/
Environmental Facilities & Services
Ermin Siljkovic, Recycling Coordinator
James S. Brooks, Commissioner of Parks, Recreation & Conservation
Deanna Crawford, Deputy Commissioner, Dept. of Parks, Recreation & Conservation
Dina Sena, Budget Analyst

Chairman Cheney opened the committee meeting at 3:33 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislator Minuta who was absent.

Orange County is planning the purchase "only" of an unused 10-mile, 101-acre section of the former Erie Railroad right-of-way in Orange County, which starts at the Moodna trestle, then heading south traverses the Town of Blooming Grove, Village of Washingtonville, and ends at Orange County's Camp LaGuardia, in the Town/Village of Chester. The property consists of tax parcels:
Cornwall SBL 1-1-64.1, 64.2 & 166.2 and 29-1-12
Blooming Grove SBL 5-4-5.2 & 8, 6-1-16, 9-1-17, 14-1-32, 18-1-4, 38-1-23, 43-1-18 & 52-1-1
Washingtonville SBL 113-3-11.22, 114-1-14, 117-1-1 & 120-1-14
Town of Chester SBL 3-1-3.1

Mr. Tuohy moved to adopt a resolution of the Orange County Legislature giving notice of intent to Assume Lead Agency status under State Environmental Quality Review Act (SEQRA) with respect to the purchase of a section of the former Erie Railroad Line from Open Space Institute, and making a preliminary determination that this project be classified as a Type I Action, seconded by Mr. Benton.

Mr. Sorensen stated that this is one of the important steps needed for the development of the Schunnemunk Rail Trail. The Open Space Institute (OSI) has successfully acquired the property and as part of the development, the County Legislature will be purchasing the right-of-way from OSI and thereafter they can move forward with the design and construction of the trail. He further stated that the purpose of this resolution prior to purchasing the property, is that they need to combine two proposed actions. There are two agencies: the County of Orange and the Federal Transit Administration who are involved because they are providing the funding to support this effort. This resolution authorizes the Planning Department to issue the Notice of Intent to be lead agency.

Ms. Tautel asked if there is a separate resolution for the purchase price, if there have been negotiations and how much of the federal grant will cover the purchase and development of the rail trail.

Mr. Sorensen replied that will be covered in the next resolution, but he can answer the questions now. He stated that the purchase price is based on an appraisal and according to the FTA criteria, the appraised value must be paid for the property. In terms of the most recent appraisal, it appraised at \$2.1 million, and the funding being utilized to purchase the property as well as undertake the design and construction of the Schunnemunk Rail Trail is FTA 5307 funding. The funding will cover 90% of the project cost, therefore, the county's cost will be 10%. As stated in the next resolution, the county's overall cost will be \$2.8 million which he will further explain.

Mr. Benton commented that he will be supporting this today, but believes there can still be development and the Schunnemunk Rail Trail in this area (Camp LaGuardia area).

Motion carried. All in favor.

Mr. Tuohy moved to approve the request to apply for and accept a Federal Transit Administration grant, the matching NYS grant and the local match. These funds are apportioned to Orange County via the Federal 5307 funding program. The additional FTA grant amount is \$8,216,598.00, the NYS match is \$1,027,075.00 and the local share is \$1,027,075. The local share includes a county share of \$1,027,075. This project consists of the creation of the Schunnemunk Rail Trail which once acquired by Orange County and permanently protected, would facilitate the creation of bicycle and pedestrian connections to the Salisbury Mills train station, Chester Park & Ride and Dial-a-Bus service in the Village/Town of Chester. The proposed Schunnemunk Rail Trail would dramatically improve public transit use and services by providing pedestrian and bicyclist connections to existing transit facilities while also opening opportunities to expand service within this area of Orange County. The grant application for the use of 5307 funds will include ROW Incidentals, Engineering & Design, Construction, and Construction Review, seconded by Ms. Tautel.

Mr. Sorensen explained that a little over a year ago, the legislature passed a resolution appropriating \$18 million for the design, development, and construction of the Schunnemunk Rail Trail. The original cost estimate was done two years ago. This resolution is seeking two things, additional grant funding for the completion of the Schunnemunk Rail Trail with an estimated cost of

\$28 million; therefore, the county's contribution will go from \$1.8 million to \$2.8 million. Part of the increase is because of difference in cost estimate over the last two years. Another important increase in cost relates to the design of the trail. They originally thought of doing a ten-foot-wide paved rail trail but in looking at other parts of the country, feedback, and users of the Heritage Trail, they discovered there are some inherent conflicts between bicyclists and pedestrians on a narrower trail. He stated that will increase as e-bikes become more prominent in use, so the cost increase takes place because he is proposing that in the denser population areas, there be a sixteen-foot-wide trail which will have six feet for pedestrians and two five-foot lanes dedicated to bicyclists. Furthermore, he believes that doing this will allow them to accommodate all users safely and comfortably. The purpose of this resolution is to see the additional funds which are available in the departments allocation from the FTA which has been approved by the Orange County Transportation Council.

Mr. Tuohy asked if this would connect to the Heritage Trail.

Mr. Sorensen replied yes, it will connect at Camp LaGuardia to the Heritage Trail and will provide opportunities, but for the purpose of this resolution, he is only speaking about the funding for the project.

Mr. Paduch asked the distance of the extra million dollars that is needed.

Mr. Sorensen replied that the entire length of the trail is ten miles and they have anticipated a three to four mile segment which would be wider.

Mr. Benton commented he is in favor of trails and biking/walking, but he does not think someone will ride their bike from Chester to the train station to take a train to New York and back. It is impractical.

Mr. Sorensen stated there is a lot of use on the Heritage Trail and more than just recreation.

Motion carried. All in favor.

Before Mr. Sorensen addressed the committee with and update regarding Green Initiatives, Mr. Cheney mentioned that for several years there was an active Green Committee that has not been active for a few years. At the time the committee was active, it reported to the Physical Services Committee. After speaking with Chairwoman Bonelli and Legislator Ruskiewicz (Chairman of the Rules Committee), they agreed this topic can be discussed at this committee today.

Mr. Sorensen stated this legislature adopted the Commercial Property Assessed Clean Energy (C-PACE) Program two to three years ago. The way the program works is a developer of a commercial property can apply for financing through C-PACE to cover the cost of solar panels, energy efficient heating and cooling systems, etc. He further stated that the Planning Department does the General Municipal Law reviews and have included the language on the C-PACE Program to own the development applications received and reviewed. They have been recommending that developers consider utilizing the program as they plan their new buildings. He is happy to report that their first project was completed through this program, and it was a new self-storage facility in Harriman. The facility utilized \$2,592,117.00 in C-PACE financing for multiple energy efficiency measures to achieve energy efficient star certification. Back in October, he had the opportunity to meet with the developers of the Milk Factory who may be able to take advantage of the program. They just

submitted their initial sketch plan for the redevelopment of the Borden Farm property (same developer as City Winery) and one thing that jumped out at him when looking at the sketch is that they are proposing rooftop solar panels. He is cautiously optimistic that the project may be the second participant in the C-PACE Program.

Mr. Cheney asked where we stand relative to EV Charging Stations.

Mr. Sorensen replied that the office has been working with the Department of Public Works on the grant received for three stations. His understanding is the consultant is onboard to move the project forward.

Ms. Tautel moved to approve the request to authorize the filing of an application for the acceptance of 50% of funds expended on Household Hazardous Waste events. Acceptance of state assistance in the amount of \$50,018.89 from the Household Hazardous Waste State Assistance Program and the signing of the associated state master grant contract under the appropriate laws of New York State, seconded by Mr. Brescia.

Mr. Siljkovic explained this request is to accept 50% reimbursement of Household Hazardous Waste event expenses in 2021.

Mr. Cheney asked how many events were held.

Mr. Siljkovic replied there were four events as opposed to two the previous year.

Mr. Benton asked how the state is doing on reimbursements for previous events that qualify.

Mr. Siljkovic replied that the state is catching up as another reimbursement was just received for 2020.

Ms. Tautel asked how many events will be planned for 2023.

Mr. Siljkovic replied they are planning to hold four but there is no confirmation on dates.

Motion carried. All in favor.

The next agenda was an update on the Recycling Hauler contract.

Mr. Gray stated the hauling contract for single stream recycling was with County Waste through the end 2022. The contract allows for the contractor to look at inflation rates, fuel rates, everything that could affect the price increase and the maximum increase for the contract is a 5% increase after all the justification is submitted. County Waste met with him at the end of 2022 and asked for a \$70.00 per ton increase.

Mr. Cheney asked what percentage that would be.

Mr. Gray replied they were at \$70.00 and asked to go to \$120.00, which is about an 80% increase. He told them that cannot be done and if that is the final proposal, he will have to go out to bid, which he did. Two bids were received, County Waste at \$130.00 a ton and IWS which came in at \$125.00 a ton, so the contract was awarded to IWS which is an increase from \$70.00. At the same time, the municipal solid waste was being evolved by IWS who were granted a 5% increase, so currently, they are at \$84.79. The single stream tipping rate is \$110.00, and the municipal solid waste is \$121.75. He stated they are evaluating what the change in the tipping rate could look like and budgets so both programs can be preserved. The newest development is the contract with IWS because the load is not compliant as it includes more than 10% of MSW (municipal solid waste) or C&D (construction and demolition) which means we can be charged \$170.00 for the load. He stated that they have been experiencing a fair number of loads that do not comply. To correct this, there are two assistant transfer station operators who watch every load that is dumped. It is recorded as well. If a load is shown to be close to 10%, at 10%, or over 10%, that load is immediately transferred over to the MSW site of the transfer station where a tipping rate is charged. He would like to implement a rejected load fee of our own which means if someone brings a load that is over 10%, he will assess the fee, however; since the rumor has started, they are seeing cleaner loads.

Mr. Paduch asked who reviews the videos.

Mr. Gray replied the two assistant station operations review the videos.

Mr. Cheney clarified that the \$200.00 fee would be in addition to the weight tonnage charge.

Mr. Gray stated that is correct.

Mr. Brescia moved to approve the request for supplemental appropriation to the capital projects budget in the amount of \$2,600,000.00 for Highway Paving. This project has been approved under the 2023 Capital Plan as Project No. 42 for \$1,300,000.00 bonding. The balance of \$1,300,000.00 is from the State Consolidated Local Street and Highway Improvement Program (CHIPS). Upon approval, a new capital project will be created, \$1,300,000.00 (bonding), seconded by Mr. Benton.

Mr. Ewald stated this is an annual request for strength paving in the amount of \$1.3 million to resurface 15 miles of road. Last year they came to the committee for supplemental funds to utilize CHIPS funding for additional roadway miles. This year, they are hoping to pave and resurface 25 miles.

Mr. Benton asked how many miles were done in 2022.

Mr. Ewald replied 27.8 miles was done last year.

Motion carried. All in favor.

Mr. Benton moved to approve the request for supplemental appropriation to the capital projects budget for the Parks equipment replacement. Upon approval, a new capital project will be created, \$100,000.00 (bonding), seconded by Mr. Tuohy.

Ms. Crawford referred to the summary sheet (see legislative request) and stated this request is primarily to replace kitchen equipment in both lodges.

Ms. Tautel expressed her concerns pertaining to the prices as she believes it could be half the price.

Motion carried. All in favor with the exception of Legislator Tautel who voted against.

Ms. Tautel moved to approve the request for supplemental appropriation to the capital projects budget for the construction of pickleball courts at Thomas Bull Memorial Park. This project has been approved under the 2023 Capital Project Plan as Project No. 116. Upon approval, a new project will be created, \$250,000.00 (bonding), seconded by Mr. Benton.

Ms. Crawford stated this request is for six pickleball courts that will include lighting.

Mr. Brooks passed around pictures so the committee members can see where the courts will be located.

Mr. Brescia commented that is a lot of money for six courts and he believes this can be done for a cheaper price.

Ms. Tautel stated that the parks already have a pickleball court.

Mr. Brooks clarified they do not have a court. There are amended pickleball courts in Newburgh where they painted red lines on the tennis court. He further stated that based on the calls they receive, this has been the number one request as it is very popular.

Ms. Tautel asked if there is a reason why they are tucking one court behind the tree line closer to the water versus making them all in a larger area.

Mr. Brooks replied it has be done that way for topography reasons and the spot has more shade and is near parking spots and bathrooms.

Mr. Brescia commented that the four courts in Montgomery only cost \$60,000.00 to \$70,000.00, but it was done with blacktop. He reiterated that \$250,000.00 is a lot of money and feels that the blacktop can be done in-house, and the epoxy can be bid out.

Mr. Brooks stated that they have been shopping around and that is the prevailing wage.

Mr. Brescia stated he is in favor of pickleball, and more courts will be built in the village, but they will not spend that amount of money.

Mr. Brooks explained that doing certain things in-house is fine if the staff is available and he does not like coming back to committee asking for more funds. The funds that are not used will be put back into the general fund. He pointed out that prices are insane and continue to go through the roof.

Mr. Paduch agreed with Mr. Brescia in the fact that this can be done for a cheaper price. He knows that pickleball is very popular, but he would like to see it be done for less money.

Mr. Brooks reiterated that they do things in-house when they can, but there is a long list of things that need to be done and staff is an issue.

Motion carried. All in favor.

Mr. Benton moved to approve the request supplemental appropriation to the capital projects budget for the construction of a pole barn for Stony Ford Course maintenance. This project has been approved under the 2023 Capital Project Plan as Project No. 115. Upon approval, a new project will be created, \$135,000.00 (bonding), seconded by Mr. Tuohy.

Mr. Brooks pointed out that the estimate and information regarding the request is in the packet (see legislative request). He added that the pole barn will house additional equipment and personnel for their golf operations.

Ms. Tautel commented that she sees several buildings in that area, some behind and even to the side. She has never seen a cost analysis of how much is spent on the golf courses throughout the county and how much is returned, therefore, she would like to know why another pole barn is needed when there are already five.

Mr. Brooks replied they are out of space in the existing units and over the last three years the revenue has increased.

Mr. Cheney added that there was a golf committee several years ago which investigated this question. There are certain aspects of what golf does that contribute to and is benefited by other parts of county government. He stated that he will work with Mr. Brooks and Ms. Crawford to come up with an analysis.

Motion carried. All in favor with the exception of Legislator Tautel who voted against.

Mr. Benton moved to approve the request for supplemental appropriation to the capital projects budget for Parks Historical Structures Initiative. This project has been approved under the 2023 Capital Project Plan as Project No. 114. Upon approval, a new project will be created, \$300,000.00 (bonding), seconded by Ms. Tautel.

Mr. Brooks stated this was a multi-year request for certain projects that needed to be done throughout the county. This one is for Algonquin Park. The buildings that are there that are part of the Powder Mill Historical Buildings, has been on the agenda before he was commissioner. All

the engineering and prep work is done, so this is to secure the buildings to move to the next phase of refurbishing.

Motion carried. All in favor.

Mr. Benton moved to approve the request for supplemental appropriation to the capital projects budget for Parks equipment. This project has been approved under the 2023 Capital Project Plan as Project No. 110. Upon approval, a new project will be created, \$167,463.00 (bonding), seconded by Ms. Tautel.

Ms. Crawford referred to the summary sheet (see legislative request).

Mr. Brooks stated this is the last year of their 5-year plan to stage replacement.

Motion carried. All in favor.

Mr. Ruskiewicz moved to approve the request for supplemental appropriation to the capital projects budget for Hickory Hill Golf equipment. This project has been approved under the 2023 Capital Project Plan as Project No. 112. Upon approval, a new project will be created, \$312,180.00 (bonding), seconded by Mr. Tuohy.

Motion carried. All in favor with the exception of Legislator Brescia who was not present.

Mr. Tuohy moved to approve the request for supplemental appropriation to the capital projects budget for Stony Ford Golf equipment. This project has been approved under the 2023 Capital Project Plan as Project No. 111. Upon approval, a new project will be created, \$197,224.00 (bonding), seconded by Mr. Cheney.

Motion carried. All in favor.

Mr. Benton moved to approve the request for supplemental appropriation to the capital projects budget for Golf equipment due to an increase in the price for two (2) new Reelmaster 5010H Fairway Mowers. The model originally ordered is no longer manufactured. Upon approval, funds will be added to existing Capital Project No. 795, \$18,337.00 (bonding), seconded by Mr. Cheney.

Ms. Crawford explained that they recently found out from the manufacturer that what they ordered last year is no longer being made, so they must go with the newer model which is an increase in cost in the amount of \$18,000.00. She added that it is easier to add the funds to the existing capital instead of starting over.

Motion carried. All in favor.

The last agenda item was an update on the Parks Museums.

Mr. Brooks stated that he and Ms. Crawford are meeting with the engineers from Albany tomorrow so they can begin assessments. They still anticipate their report which is a three tier report which means they will assess the buildings and give numbers on what needs to be done without any further deterioration. The second phase is what needs to be done to allow for people to go in and out and the third phase is the full restoration.

Ms. Tautel clarified that all facilities must be ADA compliant even for a restoration.

Mr. Brooks stated that is correct, but when dealing with existing buildings, the engineers will tell him what walls need to be knocked down and what type of ramps need to be installed in order to make it ADA compliant. He added that there are no bathrooms and the doors are not wide enough for a wheelchair. They are anticipating that this firm will do a great job as they are highly recommended.

Mr. Cheney asked the schedule for completion of the report.

Mr. Brooks replied mid to end of April.

Ms. Crawford further replied that it may be a little delayed due to the weather and holidays.

Mr. Paduch clarified that the engineers will be provided with the list of concerns which will then be included in the report.

Mr. Brooks stated that is correct.

The meeting adjourned at 4:47 p.m.