

**PHYSICAL SERVICES COMMITTEE
MINUTES**

**MONDAY, JUNE 26, 2023
3:30 P.M.**

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

ALSO

PRESENT: Katie Bonelli, Chairwoman
Thomas J. Faggione, Majority Leader
Richard B. Golden, Esq., County Attorney
Joseph F. Mahoney, Esq., Senior Assistant County Attorney
Michael Schreiber, Deputy Commissioner of Finance
Travis Ewald, Deputy Commissioner, Dept. of Public Works/Engineering Div.
Brian W. Titsworth, Deputy Commissioner, Infrastructure Services
Robert Gray, Deputy Commissioner, Dept. of Public Works/
Environmental Facilities & Services
James S. Brooks, Commissioner, Department of Parks, Recreation & Conservation
Deanna Crawford, Deputy Commissioner, Dept. of Parks, Recreation & Conservation
Paul Wiley, Director, Real Property Tax Service
Dina Sena, Budget Analyst

Chairman Cheney opened the committee meeting at 3:32 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislators Benton and Tuohy who were absent.

Mr. Brescia moved to approve the request to sell to the Town of Montgomery a property at 131 Bracken Road, Town of Montgomery, Section 30, Block 1, Lot 76, a 139.7-acre parcel of vacant land. The property is part of a tract that has been held by the County since 1991 and has been utilized only for limited crops since that time. The Town wishes to purchase the property from the County for a tourism-based project that would provide substantial economic benefit to the County, seconded by Mr. Ruskiewicz.

Mr. Wiley stated that he is asking permission to sell the 139-acre parcel located on 17K to the Town of Montgomery. They desire the property so they can possibly develop a tourism-based project that would be a tremendous benefit to the Town and County. This property has been held since 1991, has been unused, and is \$20,000.00 a year in taxes; therefore, he is proposing that it be sold to the Town of Montgomery.

Mr. Paduch asked if the contract states that the property should be forever parkland.

Mr. Wiley replied no, the property on the other side of 17K was designated as parkland.

Mr. Brescia pointed out that this is the side of 17K where they were looking to put 4-H and possibly the air traffic controllers.

Mr. Paduch commented they have held the property for this long, but never had a plan and clarified that it would be sold as commercial property (possibly a Dinosaur Park) and then asked if it was designated to stay open to the public.

Mr. Wiley replied there are no restrictions on this property, but his proposal would put restrictions in place that would limit the use of the property to a tourism-based industry to prevent something like a warehouse. He then distributed a few maps and copies of an appraisal that he did (on file in Clerk, Legislative Office) and reviewed it with the Committee.

Ms. Tautel asked if the property will be sold for the amount listed (\$2,035,000.00).

Mr. Wiley replied yes.

Mr. Tautel further asked if the property is being sold to a municipality and they sell it to a commercial enterprise, will there be someone lined up for that commercial enterprise.

Mr. Golden replied there is someone who they think will go through with it, but the sale to the Town is more broad-based than the individual developer. We are selling the property to the Town because they want to develop it as tourism-based economic development. He added the executive branch would like for that to occur, but it is not specific to a Dinosaur Park.

Ms. Tautel clarified that one proposal would cover the entire area.

Mr. Golden stated that is correct. There would be a contract to sell the property, the title would not pass right away to the Town, it would be subject to various conditions which he further explained to the Committee.

Mr. Cheney pointed out that if the Town ends up selling the property for more than \$2,035,000.00, the County will get the sale price.

Ms. Tautel asked why this cannot be done as a County when we already own the property through Economic Development.

Mr. Golden replied they cannot pick and choose a developer to decide who to sell it to. It would have to be sold to the highest bidder which may not be tourism-based; therefore, it makes it more difficult to sell unused land like that for the County. The property can be sold to another municipality, towns and villages can pick and choose, the county cannot. Furthermore, it is being sold to the Town to do tourism-based economic development who then have three years to go ahead and get it approved.

Ms. Tautel mentioned that this was also done with the buildings on Grand Street in Newburgh. She does not understand why that proposal went out and was critiqued and deeded as a tourism-based property, but this cannot be done the same way. She then clarified that Mr. Golden stated earlier that the piece of property they are discussing is already designated as tourism-based.

Mr. Golden stated no, it is not designated as anything. When the County deeds it over, it will have that deed restriction in it.

Ms. Tautel stated that she misunderstood what was said earlier.

Mr. Cheney mentioned that zoning allows this to move forward.

Mr. Golden further mentioned that it must go through the proper levels at the town level. The zoning by the Town allows a tourism-based commercial development to occur there, but as far as the deed, the County would put restrictions in as set forth in the proposed resolution that would then require it to be used only for that purpose.

Mr. Cheney asked if the value of the property is likely to change and if there is a provision to account for that other than the fact, that they will get whatever the sale price is since this could take two to three years. In other words, if the appraisal were to go up to \$2.4 million, would that be the floor relative to sale.

Mr. Wiley replied they are selling the property based upon the value at this point, so when they go into a contract one would agree on a price that is based upon the best information you have at that time.

Mr. Cheney pointed out that there are deadlines as to when certain things must be accomplished. He then asked if this would need to come back to the Legislature if they reach a point (three years being the magic number) of two years and eight months, and another eight months is needed to finalize the deal.

Mr. Golden replied no. The way that it is set forth, there are time constraints. He then referred to the resolution (on file in Clerk, Legislative Office), which stated, "title to the property shall automatically revert to Orange County without any demand therefor or notice thereof. The time constraints noted in conditions in 6a. and 6c. maybe be extended by the County, acted by and through the County Executive, if in writing and for good cause demonstrated." If it came down to two years and eight months and another deal was coming, but three more months was needed, the County Executive could extend it further for the necessary time without coming before the Legislature.

Mr. Cheney stated he has another question but due to the nature of it, he would ask that the committee go into executive session.

Mr. Cheney moved to enter into executive session under Section 105h; for the purposes of this being a proposed acquisition sale/lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body; but only when publicity would substantially affect the value thereof, seconded by Mr. Ruskiewicz.

Committee entered executive session at 3:47 p.m.

Mr. Ruskiewicz moved to leave executive session, seconded by Ms. Tautel. All in favor with the exception of Legislator Minuta who abstained.

Committee left executive session at 3:55 p.m.

Mr. Brescia commented that this is one of the few chances that they must sell property for what it is worth because we have taken cuts on other properties. There is a lot of support, and he has not heard any local opposition which is not to say they won't down the road. He likes some of the tenants that he has heard of thus far and even though it is not his District, it is in the Town of Montgomery. It is a win-win for the county.

Regarding what was discussed earlier by Chairman Cheney (two years, eight months), Mr. Paduch clarified that the Legislature would give up their right to the County Executive to extend it and have control of it rather than come back to them. If there is an issue at that point in time, the Committee could meet every month to discuss it, he does not understand why it would go to the County Executive even though he signs the contracts. The fact is, the Legislature owns the property, not the County Executive, so he has concern as to why this couldn't come back to the Legislature.

Mr. Golden stated it is a Charter provision that gives that power to the County Executive. He has set forth dates with respect to the three years from the date of the purchase of the contract, closing shall occur within 60 days of that date, and those are timeframes that if something comes up, the next steps will be discussed. If the Committee would like to put outside dates on it so it gets extended by more than 100% or 200%, the Legislature has the ability to do so. Furthermore, this does not give power to the County Executive, more power than he typically has with every single contract that this County enters into.

Mr. Brescia believes that this should move quicker than everyone thinks.

Mr. Golden commented that if this does become a Dinosaur Park, three years is much more time than needed.

Mr. Wiley stated that the Committee can amend this to add a final date and/or timeframe.

Mr. Paduch suggested the committee do that.

Regarding the process and timeframe, Mr. Cheney asked if latitude is given to the County Executive, meaning an additional three months, would that cover some of the issues.

Mr. Golden replied that he does not know, but after seeing projects like this go through the process, he thinks this is a reasonable timeframe. He stated the Committee can amend this however they would like.

In reference to item No.4 under, "Resolved, Closing shall occur within 60 days of the date of final Town Planning Board approval (conditional or unconditional) for the TBED project, at which time the purchase price shall be paid in full," Mr. Cheney mentioned that if they do not meet the 60 days, and reach 61 days, can the County Executive extend it?

Mr. Golden replied yes. He can extend the dates that are set forth in Sections 3, 4, and 5 of the resolution because they are incorporated into Section 6(a).

Mr. Paduch moved to amend the resolution (RESOLVED Item No. 3) to add "or return to the Legislature if provision is not meant," seconded by Ms. Tautel.

Mr. Brescia stated that he will support this amendment because there should be latitude.

Mr. Cheney pointed out that this will still allow the County Executive to extend it and asked Mr. Paduch if he would consider amending his motion and/or withdrawing it because it will not accomplish what they are intending to do since the County Executive will still have the ability to extend it.

Mr. Golden explained that what is on the table is to not have the County Executive have the ability to extend the three-year approval of the project.

Ms. Tautel agreed and clarified that the Legislative body can extend it.

Mr. Golden stated that is correct.

Mr. Cheney suggested that additional language be added to the last paragraph of the resolution (on file in Clerk, Legislative Office) which reads, "The time constraints noted in conditions 6(a) and 6(c) may be extended by no more than 3 months by the County, acting by and through the County Executive if in writing and for good cause demonstrated." He stated that this would allow for the County Executive to only have three months to do whatever is needed to cover things that do not meet the fine print.

Mr. Brescia clarified that this would come back to the Legislature if the County Executive does not meet the three months.

Mr. Cheney stated that is correct, he only has a latitude of three months. He added that three months should be adequate.

Ms. Tautel clarified what Mr. Cheney suggested.

Mr. Cheney stated the County Executive can only extend it for three months which includes any existing deadline.

Mr. Golden proposed that the resolution read, "The time constraints noted in conditions 6(a) and 6(c) may be extended by the County acting by and through the County Executive by no more than 3 months if in writing and for good cause demonstrated. Any further extensions must be granted only by the Orange County Legislature."

Ms. Tautel agreed with Mr. Golden's proposal.

Mr. Paduch withdrew his motion to amend,
Ms. Tautel withdrew her second.

Mr. Paduch moved to amend the last paragraph of the resolution to read, "Each of the time constraints noted in conditions 6(a) and 6(c) may be extended by the County, acting by and through the County Executive, by no more than 3 months, if in writing and for good cause demonstrated. Any additional extensions may only be granted by the Orange County Legislature," seconded by Ms. Tautel.

Motion carried 5-2-1. All in favor of the amendment with the exception of Legislators Benton and Tuohy who were absent and Legislator Minuta who abstained.

Mr. Cheney moved to approve the request for supplemental appropriation to the capital projects budget in the amount of \$97,337.00 for the construction of a pole barn for Stony Ford Golf Course maintenance. The amount of the proposed project in the 2023 Capital Plan was \$135,000.00. Upon approval, the funds will be added to increase Capital Project No. 717 (bonding), seconded by Mr. Ruskiewicz.

Ms. Crawford explained that the original estimate received (off the streets) did not include prevailing wage or electrical, so once it went out to bid and the bids came back, they realized that the project amount needed to be increased by \$97,337.00. She referred to the backup document (on file in Clerk, Legislative Office) which showed the different vendors that were contacted from the bids.

Mr. Cheney clarified that these were bids that the County obtained for the property.

Ms. Crawford stated that is correct.

Mr. Cheney then asked how many bidders there were.

Mr. Brooks replied there were three bidders.

Mr. Minuta clarified that it is a standard metal pole barn with a wood interior.

Mr. Brooks stated that is correct.

Ms. Tautel mentioned that a few months ago, there was a discussion of other buildings on the site and the actual need for this new structure was questioned based upon the number of structures that were already there and some being underutilized.

Mr. Brooks stated that those buildings have been there since the park was built and they have grown since that time, therefore every square inch of what is there now is being used. They would not try and add additional square footage if they did not need it and they just invested hundreds of thousands of dollars in equipment which is well taken care of.

Ms. Tautel commented that she is not disputing that, but last time they met he indicated several of the buildings are being used to house old equipment that has already been replaced with equipment that will no longer be utilized. Her question is why the existing structure won't be utilized rather than build new.

Ms. Crawford stated that she had this conversation with the golf superintendent because she anticipated this would come up. He informed her that every building that is there is currently being used to its fullest occupancy and this is a heated building and offered a tour.

Ms. Tautel responded that she would like to take a tour.

Mr. Brooks pointed out that whatever equipment that is being stored is being used.

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

The next agenda item was an update on the Museum Project and Active Park Projects.

Regarding the Museum Project, Mr. Brooks explained that they received a draft copy a few days ago (on file in Clerk, Legislative Office) and expect the full report this week.

Ms. Crawford added that this was also sent earlier today (via email) along with a basic summary for each location. She then reviewed highlights of the museums which included the Hill Hold Museum, Brickhouse Museum, and the Neversink Museum.

Mr. Brooks reiterated that the full final report will be discussed at the August committee meeting.

Mr. Brooks reviewed the next item, Active Parks Projects which included Pickle Ball Courts, Deck Replacement, Ottaway Rebuild and New Arboretum Pavilion, Powder Mill Structures Stabilization, Winding Hills Park, New Playground Equipment, Water Improvement Project at TBMP, Heritage Trail Segment #3, Heritage Trail Paving, Heritage Trail 4 bridges A/E for redesign, and Heritage Trail #1.

Ms. Tautel moved to approve the request to create a new organization (874504) within the Small Watershed Protection Fund (3150) as per the Intermunicipal Agreement for the Glenmere Lake Dam as authorized by Resolution No. 224 of 2021. The anticipated 2023 Budget will be \$23,100.00 and will be appropriated from the Village of Florida (50%), Town of Chester (25%), and the County of Orange (25%) as per the Intermunicipal Agreement. Also requesting to accept revenue from the Village of Florida and Town of Chester in the amount of \$37,485.00 which represents the prorated actual costs for 2019-2022 and the required 2023 amount. Of the \$37,485.00 received, \$17,200.00 will be committed to fund the organization upon creation, seconded by Mr. Minuta.

Mr. Ewald stated the County of Orange, Town of Chester, and the Village of Florida are all co-owners of the Glenmere Lake Dam. Several years ago, the dam was reconstructed. There are annual New York State DEC Dam Safety compliance requirements that must take place along with inspections, some maintenance, emergency action plan updates, engineering assessments that all three municipalities are responsible for getting done. Furthermore, there was an intermunicipal agreement that was entered into that outlines each municipalities' responsibilities and the percentage of cost sharing they are responsible for. This request is to set up the fund to allow them to pay for those services as well as accept revenue money back from Chester and Florida to compensate from 2019 through 2022 for compliance activities the County had covered. It is also to add funds to the org for projected expenses for 2023.

Motion carried. All in favor.

Mr. Paduch moved to approve the request for supplemental appropriation to the capital projects budget for ADA Improvements. This project has been approved under the 2023 Capital Plan as Project No. 23. Upon approval, a new capital project will be created, \$50,000.00 (bonding), seconded by Ms. Tautel.

Mr. Titsworth explained this is an annual request for ADA Improvements which will allow for the repairs to be done as they occur.

Mr. Minuta clarified that all the facilities would be upgraded with ADA compliance through ARPA funds.

Mr. Titsworth stated no, sales tax money was approved to make improvements and that was a separate plan.

Motion carried. All in favor.

Mr. Minuta moved to approve the request for supplemental appropriation to the capital projects budget for Building Equipment Replacement and Installation. This project has been approved under the 2023 Capital Plan as Project No. 26. Upon approval, a new capital project will be created, \$150,000.00 (bonding), seconded by Ms. Tautel.

Mr. Titsworth stated that this is another annual request in the amount of \$150,000.00 for building equipment replacement and installation. These funds will be used to replace a boiler in the courthouse because the current one is almost 25 years old.

Ms. Tautel asked if there had been any issues with heating the building.

Mr. Titsworth replied no, this is a boiler for the main courthouse. There are two boilers there, so one of them has issues and parts have been replaced several times.

Motion carried. All in favor.

Mr. Minuta moved to approve the request for supplemental appropriation to the capital projects budget for Various Building Improvements. This project has been approved under the 2023 Capital Plan as Project No. 27. Upon approval, a new capital project will be created, \$350,000.00 (bonding), seconded by Ms. Tautel.

This request is for another annual program in the amount of \$350,000.00 for various improvements (inside and outside). Mr. Titsworth stated that this year the funds will be used for roof rehabilitation at the courthouse, some concrete and masonry work at 18 Seward Avenue, and the continuation of updating the DPW administration office space.

Mr. Paduch clarified that there are funds leftover.

Mr. Titsworth stated that is correct. There is about \$390,000.00 leftover.

Motion carried. All in favor.

Ms. Tautel moved to approve the request for supplemental appropriation to the capital projects budget for Asbestos and Lead Removal at Various Locations. This project has been approved under the 2023 Capital Plan as Project No. 25. Upon approval, a new capital project will be created, \$50,000.00 (bonding), seconded by Mr. Paduch.

Mr. Titsworth explained this is also an annual program for asbestos and lead removal at various locations in the amount of \$50,000.00 which will be used for some older buildings that have asbestos issues. He added there is \$45,000.00 leftover from last year.

Motion carried. All in favor.

Mr. Gray addressed the committee with the last agenda item was a discussion/update regarding State Superfund Site Classification of The Orange County Landfill. He noted that everyone should have received a packet with information pertaining to this topic (on file in Clerk, Legislative Office). In May, the site was reclassified from class two to class four. There are classification codes that run from one through five (listed in packet), one being the most problematic and five being that the site has been properly closed and requires no further action. After five, it becomes unlisted. The landfill operated from 1974 until 1992 and has been closed since January 31, 1992, which has caused a lot of attention. There is currently a Post Closure Monitoring Report (PCM) which is given to the DEC on an annual basis. The report includes sampling of the atmosphere, gas emissions, water sampling, etc.

Mr. Cheney asked if this changes their ongoing obligations.

Mr. Gray replied no, not at this point. The goal would be to get it to a classification of five and ultimately declassified. He stated that the whole facility is 300 acres.

With no further questions or comments, the meeting adjourned at 5:11 p.m.