

**PHYSICAL SERVICES COMMITTEE
MINUTES**

**MONDAY, AUGUST 26, 2019
3:30 P.M.**

PRESENT: Barry J. Cheney, Chairman
Leigh J. Benton, Katie Bonelli, James M. Kulisek,
Joseph J. Minuta, Michael D. Paduch, Paul Ruskiewicz,
Peter V. Tuohy

ALSO

PRESENT: L. Stephen Brescia, Chairman
Antoinette Reed, Legislative Counsel
Dan Bloomer, Director of Operations and Cost Control
Langdon Chapman, County Attorney
Stacy Butler, Senior Assistant County Attorney
Kerry Gallagher, Deputy Commissioner of Finance
Brendan R. Casey, Commissioner, Department of Emergency Services
Travis B. Ewald, Deputy Commissioner, Engineering Division, Dept. of Public Works
Brian Titsworth, Deputy Commissioner of Infrastructure Services
(Buildings and Grounds), Dept. of Public Works
James S. Brooks, Commissioner of Parks, Recreation & Conservation
David Church, AICP, Commissioner of Planning
Edward Magryta, Director, Airport
Eric W. Ruscher, Asst. Director, Real Property Tax Service Agency
Deanna Crawford, Budget Analyst
John McCarey, Consultant
Frank Filiciotto, Consultant, Creighton Manning Engineering
Neil S. Dwyer, Mayor, Village of Monroe

Chairman Cheney opened the committee meeting at 3:32 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members with the exception of Legislator Minuta who arrived at 3:34 p.m.

Mr. Casey addressed the committee with the first agenda item which was an update on Solar at the Emergency Services Center. He explained that the panels are up and operational and they generate about 1.25 megawatts per day on a good sunny day. For the month of June, they had 250 megawatts. The panels have not been down this year, but last year they were for a month and in 2017 they were down for two months. He added that the total electrical cost varies and is complicated due to the billing cycles and credits. The panels do save the department money when the weather cooperates, but they do have to pay to maintain the grass around them.

Mr. Kulisek clarified that the panel installation was free.

Mr. Casey stated that is correct.

Mr. Cheney asked if the heating and air conditioning is gas.

Mr. Casey replied, no it is all electric.

Mr. Benton asked how much it costs to mow the lawn surrounding the solar panels.

Mr. Casey replied that it costs around \$4,000.00 which includes equipment rental. He stated that it is labor intensive and has been done twice this year.

Mr. Minuta asked if they are at a net savings.

Mr. Casey replied they saved \$50,000.00 last year and reiterated that it is a hard project to budget for.

Mr. Kulisek asked Mr. Casey how many years the panels have been running.

Mr. Casey replied that they were installed in 2016 but not working, so they officially began running in 2017. He stated that all the data can be found online.

Mr. Tuohy moved the request authorizing to grant a twenty (20) year temporary easement to the Village of Monroe over a portion of the Heritage Trail, for pedestrian and roadway improvements along Lake Street, Carpenter Place and Stage Road, in the Village of Monroe (a portion of Village of Monroe, Section 207, Block 1, Lot 4.2), seconded by Mrs. Bonelli.

Mr. Brooks stated that this request is to adopt a resolution authorizing the County Executive to grant a twenty (20) year temporary easement to the Village of Monroe over a portion of the Heritage Trail, for pedestrian and roadway improvements along Lake Street, Carpenter Place and Stage Road, in the Village of Monroe (a portion of Village of Monroe, Section 207, Block 1, Lot 4.2).

Mr. Filiciotto from Creighton Manning Engineering stated that he is a consultant working on the project and what they are looking to do is improve the alignment of the intersection in the heart of the village. He then reviewed and showed the committee a map of how the intersection will look (see original minutes).

Mr. Minuta asked what will happen at the end of the 20 years since it is a temporary easement.

Mr. Filiciotto replied that they would return to the board that oversees this type of action and make the request at the time. They do not foresee a lot of major change, it is more of an upgrade.

Mrs. Bonelli pointed out that Mayor Dwyer from the Village of Monroe is attendance.

Mr. Cheney asked what will incur on the land for the project.

Mr. Filiciotto replied and showed the committee the upgrades such as; ADA accessibility and parking. He stated that there is no new curb or sidewalk being put in.

Mr. Cheney clarified that the sidewalks are county-owned property.

Mr. Filiciotto stated that is correct.

Mr. Cheney then asked if there is a memorandum of agreement between the village and the county relative to them having the sidewalks there and who will maintain them.

Mr. Brooks replied that he does not recall that being executed.

Mrs. Reed stated that they were there before the county took the trail; therefore, they are preexisting.

Mr. Tuohy clarified that the sidewalks will run parallel to the Heritage Trail where the parking spaces are located.

Mr. Filiciotto stated that is correct.

Motion carried. All in favor.

Mr. Kulisek moved to approve SEQRA-Determination for purposes of easement over Heritage Trail: Type II- No further action required. See, Fed. Env. Approval Worksheet, seconded by Mrs. Bonelli.

Mrs. Reed explained that this was done on the town level, there is no environmental impact and no further action is required.

Motion carried. All in favor.

The next agenda item: Request approval of an acquisition along the southerly line of County Road 44 (Ridge Road) in order to make the necessary drainage improvements to the existing structure. The acquisition runs through the lands of Ronald and Kathy Presti (Tax Map parcel 236-4-6) in the Village of Woodbury/Town of Woodbury has been withdrawn.

Mrs. Bonelli moved the request approval of a Right-of-Way dedication along the westerly line of County Road 44 (Mountain Road) through the lands of Mountainview Condominium II Assoc. (Tax Map parcel 355-1-1) in the Village of Kiryas Joel, Town of Palm Tree. Said dedication was deemed necessary during the review process for sidewalk design criteria within a county road right-of-way, seconded by Mr. Tuohy.

Mr. Ewald stated this request to accept the right-of-way dedication which was deemed necessary as part one of the permit reviews. There is a section of sidewalk that is desired to be constructed along Mountain Road which involves relocating three utility poles and constructing the curbing of the sidewalk. He added there is need for an additional right-of-way so that the sidewalk will be within highway boundaries.

Mr. Cheney clarified that the sidewalk will be constructed and maintained by the developer.

Mr. Ewald stated there is an agreement with the village between the village and the county for the maintenance.

Motion carried. All in favor.

Mr. Minuta moved the request authorizing the County Executive in conjunction with the Orange County Department of Public Works/Airport, to accept the grant from the NYSDOT Aviation Capital Grant Solicitation for the Orange County Airport Water Connection to Town of Montgomery Water System noted to be State PIN 8903.99. Funding shares being State \$1,500,000.00; Local \$900,000.00; and Total Cost as \$2,400,000.00. Funding has been appropriated under Capital Project No. 632 for this grant. A portion of these funds will be used for the planning, design, and engineering phase of this Capital Project and this phase shall include an EAF for the construction phase. However, as NYSDOT grant procedures required a form indicating a SEQR determination at this time, we request authorization of a Type II determination for the design phase, seconded by Mr. Benton.

Mr. Magryta explained that this request came to committee a couple of months ago, but did not get approved because there was a question regarding SEQRA and whether or not Type II would be acceptable on the front end because the original design plan for sewer/water was going into the village. This grant is for the same locations, but the route off the airport will be going up Route 416 which will require design and additional environmental reviews. He stated that the State DOT has accepted that a Type II for design purposes only would be sufficient to enclose with the grant approval to the State so this becomes live and they can draw money from the grant.

Motion carried. All in favor.

Mr. Kulisek moved the request approval for a grant application to the NYS Environmental Facilities Corporation seeking financial assistance for construction costs as part of the Dwaarkill/Pine Bush water supply groundwater supply interconnection program. Project is a partnership between Orange County, the Orange County Water Authority, and Town of Crawford (Pine Bush Water District), seconded by Mr. Paduch.

(As per David Church & amended at Rules 8/21/19: Request of Orange County Legislature seeking Resolution in support of Town of Crawford grant application to NYS Environmental Facilities Corp. for Dwaar Kill/Pine Bush Water Supply)

Mr. Church stated that in staying consistent with the Rules Committee meeting discussion, this request is seeking the legislature's support as a partner with the Town of Crawford to apply for a construction grant from the New York State Environmental Facilities Corporation for up to 60% of the construction costs. They have draft permits but are seeking to help the Town of Crawford offset construction costs for the rate payers of the district. Applications are due between three and four weeks and the amount requested from the State will be around \$2 million which will help offset the local costs. He explained that this was modified from his original submittal due to the subsequent discussion that involved leadership from the three partners.

Mr. Minuta clarified that the wells have been tested and are the appropriate size.

Mr. Church stated that is correct.

Mr. Kulisek moved to amend the original resolution as per Mr. Church.

Motion carried. All in favor.

Mr. Ruskiewicz moved the request approval declaring 34.6 acres on Quarry Road (Goshen Quarry Site) as surplus property and offering it for sale as County Law No. 215, seconded by Mr. Benton.

Mr. McCarey stated that this piece of property is located next to Tilcon and the caves which has been discussed for several years. They would like to declare it as surplus property and offer it up for sale then any bids received would be brought back to the committee. There have been additional interests from other parties, so if the committee would like to discuss that further they need to enter into executive session.

Mr. Cheney agreed with Mr. McCarey if the discussion reaches that point.

Mr. McCarey referred to the color-coded map (see original minutes) and reviewed the map key of what the colors mean of each area of property.

Mr. Cheney clarified that the Tectonic Report (see original minutes) recognizes the 100-foot buffer.

Mr. McCarey stated that is correct.

Mr. Kulisek asked Mr. McCarey if the buffer zone is almost 8 acres.

Mr. McCarey stated that is correct.

Mr. Kulisek commented that he is not in favor of selling the county portion of the property because it wraps around the cave area. He asked if the area is currently excavated.

Mr. McCarey replied that a slight portion of it is.

Mr. Kulisek stated that he will not support this if that portion of the land is included in the sale due to the blasting of the area and rock movement.

Mrs. Bonelli clarified that the cave area has a mandated buffer.

Mr. McCarey stated that is correct, the mine permit will be increased by 100 feet.

Chairman Brescia pointed out that by selling the property, the county is protected.

Mr. McCarey stated that by selling the property, they would be protecting the caves more as well as the county against liability from other operations.

Mr. Kulisek asked that the caves be pointed out on the map.

Mr. McCarey showed the committee where the caves are located on the map.

Mr. Church mentioned that he and Mr. McCarey have copies of the mining permits which showed that the buffer was added and what the operator can do under the permit.

Mr. Cheney asked if the buffer overlaps with the 100-foot buffer they are suggesting.

Mr. Church replied that the 100-foot buffer is notably larger.

Mr. Benton pointed out that blasting does affect the surrounding areas because the rock is attached; therefore, vibrations will be felt from a long distance.

Mr. Minuta stated that he does not have enough information on the caves to make a determination on this request. Regarding the blasting, he asked what the 100-foot buffer is for.

Mr. McCarey replied they would not be able to encroach in the area.

Mr. Minuta expressed that the vibrations in all other locations may still affect the buffer. He reiterated that he cannot support this application on that alone.

Mr. Cheney asked that Mr. Church address Mr. Minuta's concerns.

Mr. Church briefed the committee on the recent history of the caves and stated that the property is very studied and a highly unique place.

Mr. Minuta reiterated that he has several concerns about the property and blasting because he is not comfortable with the level of detail within the archaeological site. The facts are; they do not have all the artifacts, or the information and he is uncomfortable with this as it sits; therefore, they should go into executive session to discuss some of the lease provisions.

Mr. Cheney asked Mr. Minuta what his concerns about the lease are because it is a public document.

Mr. Minuta replied that he would like to know the details about it.

Mr. McCarey stated that the lease expired 4 years ago and since then, there has been a month-to-month tenant who has not been mining on the county property. They have been concentrating on other property and next year they are moving back toward our property. He added that they are paying the county .45 cents a ton.

Mr. Minuta clarified that since the lease is month to month, there is no specific lease to discuss.

Mr. McCarey stated that is correct and there is no active mining permit on the property.

Mr. Minuta asked if it is appropriate for the committee to discuss any portion of a lease going forward in executive session.

Mr. Cheney clarified that Mr. Minuta would like to go into executive session to discuss terms of a future lease.

Mr. Minuta stated that is correct as well as the obligations and/or liabilities they may have to the property.

Mrs. Reed responded that she does not know that it is up to the committee to decide on future leases because this request is to sell it.

Mr. McCarey stated they must declare a surplus so they can offer it for sale.

Mr. Benton clarified that there will be an RFP for bids.

Mr. McCarey stated that is correct. There are additional interests from the current offer.

Mr. Cheney commented that in thinking about how this should progress, he would hope that the legislature is involved in the RFP and the use of the evaluation consultant.

Mrs. Reed mentioned that if they would like to go into executive session to discuss the terms and conditions that they would like to see in the RFP since it will affect the value of the offer, they should do so.

Mr. Cheney stated that this points out the fact that they need help to come up with the evaluation.

Further discussion continued among the committee regarding the quality of the caves and the impacts of blasting.

Mrs. Reed stated that the issue before the committee is whether they would like to declare the property surplus or keep it.

Mr. Minuta stated that he believes the property is invaluable at this point and they should not be discussing selling the property when they have insignificant data; therefore, he is against it.

Mr. Paduch agreed with Mr. Minuta and would also like more information on the property.

Mr. Cheney offered an amendment to the motion to state that any sale would be contingent upon legislative approval and a portion of the proceeds of the sale would be used for the appropriate protection and educational interpretation of the caves.

Mr. Cheney moved to amend the original request to read, "any sale would be contingent upon legislative approval and a portion of the proceeds of the sale would be used for the appropriate protection and educational interpretation of the caves", seconded by Mr. Ruskiewicz.

Mrs. Reed stated that a two-thirds vote is needed to declare the property as surplus.

Motion carried 6-2 with Legislators Benton, Bonelli, Paduch, Ruskiewicz, Tuohy and Cheney voting in favor of the amendment and Legislators Kulisek and Minuta voting against.

Mr. Cheney asked if there is any further discussion on the amended motion.

Motion carried 5-3 with Legislators Benton, Bonelli, Ruskiewicz, Tuohy and Cheney voting in favor and Legislators Kulisek, Minuta, and Paduch voting against.

The next agenda item was a SEQRA determination relative to declaring the property as surplus and offering it for sale.

Mr. Cheney asked what the motion entails.

Mrs. Reed replied that it would be a Type I and a Notice of Intent would be done to assume lead agency because the property is adjacent to the caves and the caves are on the National Register of Historic Places. She stated they would also have to notice the DEC, SHIPO, and the Town of Goshen.

Mr. Ruskiewicz moved to approve SEQRA as a Type I action and issuing Notice of Intent, seconded by Mrs. Bonelli.

Motion carried 6-2 with Legislators Benton, Bonelli, Minuta, Ruskiewicz, Tuohy and Cheney voting in favor and Legislators Kulisek, and Paduch voting against.

Mr. Titsworth addressed the last agenda which was an update on the Government Center. He explained that the new signage is being installed, a different sign will be place on the main door, SW24 and Simplex Grinnell are complete, and he is still working on the follow-up call regarding the HVAC system. He added that there is a window cleaning contract underway, so he is hoping to get the exterior windows done within a month.

The meeting adjourned at 5:38 p.m.