

**PHYSICAL SERVICES COMMITTEE
MINUTES**

**MONDAY, SEPTEMBER 23, 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: Michael F. Amo, Independence Party Leader
Laurie R. Tautel, Legislator
Antoinette Reed, Legislative Counsel
Harry Porr, III, Deputy County Executive
Stacy Butler, Senior Assistant County Attorney
Joseph Mahoney, Senior Assistant County Attorney
Erik Denega, Commissioner, Dept. of Public Works
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
Robert Gray, Deputy Commissioner, Environmental Facilities and Services
Anthony Griffin, Principle Sanitary Engineer, Environmental Facilities and Services
James S. Brooks, Commissioner of Parks, Recreation & Conservation
Mike Amodio, Deputy Commissioner, Dept. of Parks, Recreation & Conservation
David Church, AICP, Commissioner of Planning
Kelly Morris, Senior Planner, Planning Department
Kevin Sumner, Director, Orange County Soil and Water Conservation District
Eric W. Ruscher, Asst. Director, Real Property Tax Service Agency
Deanna Crawford, Budget Analyst
John McCarey, Consultant
Neil S. Dwyer, Mayor, Village of Monroe
Michael Queenan, Mayor, Village of Woodbury
Gedalye Szegedin, Administrator, Clerk, Village of Kiryas Joel/Town of Palm Tree
Stephen H. Welle, Mayor, Village of Harriman

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.

Mr. Sumner addressed the committee with an update regarding the Farm Tire Removal Project and a detailed written report that was distributed (see original minutes). He stated that they are near completion which has been very successful. They are below budget because of renegotiations with the vendor. The financial terms have been satisfied and he is working with Mrs. Reed as well as the Finance Department trying to get the second payment submitted to the fourth quarter appropriation. He added that they have collected over 31,000 tires which is based on the counts of the men loading the truck.

Mr. Tuohy asked that Mr. Sumner review the expenses to date and income to date which can be found on page 2 of the report.

The next agenda item was a brief discussion regarding the Orange County Water Authority.

Mr. Church explained that the Water Authority was created in 1989 as a State Public Authority and its mission has been to address the long-term water needs of the county that what originally envisioned as a large-scale capital project. The project was declared "dead" in the early 90's, but there have been many other projects going forward in support of that. There has also been an education and collaborative function within the department which has been backed by securing \$4 million of outside grants in support of the work. He stated that a majority of the money was to support the watershed initiatives that are collaborative with local government and non-profits. There were two projects; one was working with the cities and towns of Newburgh and New Windsor on the prospects of sharing water. They came up with a few design proposals which led subsequently to three municipalities interconnecting their water supply system. Furthermore, there is now two grants in support of this, so they are setting up discussion groups in both cities and towns to collaborate and keep going in that area. He then distributed a handout (see original minute) that contains more information about the Orange County Water Authority.

Mr. Paduch pointed out that there are two vacancies.

Mr. Church stated that Mr. Minuta resigned when he became a legislator and Marcia resigned in April/May.

Mr. Paduch asked when the vacancies will be filled.

Mr. Church replied they can be filled at any time because it is done in terms.

Mr. Paduch commented that he is aware that there have been some very qualified people who were recommended and submitted a resume. He then asked if the resumes have been looked at.

Mr. Church replied they have had some quorum issues, so if they can fill the terms that would be good.

Mr. Cheney clarified that the process for the resumes is they go to the County Executive's Office then he makes a request to the legislature for the appointment.

Mr. Church stated that is correct.

Mr. Cheney stated they stand ready to receive his recommendations.

Mr. Porr explained that all of the terms have expired, so they are looking at making reappointments/appointments, have collected resumes that are under consideration and he suspects that the appointments will be made by the new year.

Mr. Kulisek commented that the Water Authority has been held back by past administrations and it behooves them to get those positions filled because there is a water dilemma throughout the county. He would like to see these vacant positions filled as soon as possible.

Mr. Minuta stated that for full disclosure, he was a member of the Water Authority for several years and it does have an important role. The abilities to bring the parties together in search of the water is crucial for any developing project as well as the community; therefore, he is looking forward to the positions being filled.

Mr. Cheney stated that the next agenda item, IIIa. (**Request authorizing the County Executive, in conjunction with the Orange County Department of Parks, Recreation and Conservation, to accept funds from the Friends of the Heritage Trail (LR#196)**) is being withdrawn.

Mr. Minuta moved the request to amend and increase total bonded amount of Resolution No. 251 of 2015 for drinking water system upgrades at Thomas Bull Memorial Park from \$465,000.00 to \$565,000.00. This request was not included in the 2019 Capital Plan. Supplemental appropriation is required, \$100,000.00 (bonding), seconded by Mr. Ruskiewicz.

Mr. Brooks stated that the initial report and design was done in May of 2015. Since it was done before he took over, he reviewed it and spoke with the Department of Public Works. Prior to 2015, they wanted to duplicate the system that was already in place which was a storage tank treated daily. There is a very good well on the property; therefore, he would like to use the existing well to eliminate a lot of the maintenance and upkeep of a holding tank. The old system would be utilized for irrigation for the pond and the golf course by hole number one. He then referred to the map (see original minutes) that outlines the design and reviewed it with the committee.

Discussion ensued with Legislators and Mr. Brooks regarding the cost of the project and taking water from the Walkill.

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

Mr. Kulisek moved to approve the request to amend existing Capital Project No. 742 known as Park Historic Structures Initiative by \$132,000.00 increasing the total project to \$282,000.00. The said increase will allow for physical improvements to the sites and structures. The proposed work at the Algonquin Park Dams includes reconstructing the collapsed portions of the masonry walls surrounding the ponds and repointing of the masonry face of the upper dam wall to prevent seepage and potential future damage. The Algonquin Park Dams are listed in the National Register for the Orange Mill Historic District Supplemental appropriation required, \$132,000.00 (bonding), seconded by Mr. Benton.

Mr. Brooks explained that the Department of Public Works received funding to repair the dam from Superstorm Sandy that happened several years ago. Concurrent to that, he asked to repair the damaged retaining wall around the ponds which was included in the bid specifications. He then referred to the photos attached to the legislative request (see original minutes) and stated that the cost will be \$152,000.00 instead of \$132,000.00 which is a \$20,000.00 increase.

Mr. Cheney pointed out that the committee would need to make an amendment.

Mr. Brooks clarified that the total project budget with the increase would be \$152,000.00.

Mr. Amodio stated that there were several changes to the scope of work that needs to be done; therefore, the funds needed had to be increased by \$20,000.00.

Mr. Cheney asked if any of this was eligible for FEMA monies.

Mr. Brooks replied no.

Mr. Benton moved to amend the original request by adding \$20,000.00 to make the cost of the project \$152,000.00, seconded by Mr. Kulisek.

Motion carried. All in favor.

Mr. Kulisek moved the request to accept and appropriate the 2019 Invasive Species Management Grant Program award from the NYS Department of Conservation. The grant funds will be used to develop a lake management plan with recommended actions and prioritized activities to eradicate invasive species in the mill ponds at Algonquin Park. Upon approval, a new capital project will be established, \$20,000.00, seconded by Mr. Minuta.

Mr. Brooks stated that Mr. Church and Ms. Dobrzynski from the Planning Department brought this to his attention. This is a \$20,000.00 grant to hire an engineering firm that will tell them how to eradicate the species that are there now.

Motion carried. All in favor.

Mr. Tuohy moved to adopt a resolution of the Orange County Legislature Assuming Lead Agency Status under the State Environmental Quality Review Act (SEQRA) with respect to the replacement of the County Route 44 Culvert Rehabilitation in the Village of Woodbury, classifying the action as Unlisted and determining the action will not have any significant adverse environmental impacts, seconded by Mrs. Bonelli.

Mr. Denega stated this request is for a culvert replacement on Ridge Road and Regina Drive where more property is needed to access the drainage pipes. The homeowner has been communicated with and is waiting for them to finalize the process.

Motion carried. All in favor.

Mrs. Bonelli moved the 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, seconded by Mr. Kulisek.

Mr. Denega stated this request is referencing the actual property owners.

Motion carried. All in favor.

Mr. Ruskiewicz moved to adopt a resolution of the Orange County Legislature to declare the Intent to Assume Lead Agency Status under the State Environmental Quality Review Act (SEQRA) with respect to the replacement of the Bank Street Bridge (BIN#3345180) in the Village of Warwick, and preliminarily classifying the action as unlisted, seconded by Mr. Tuohy.

Mr. Denega explained this is a smaller bridge located on Bank Street which is a one way street and was not originally on the Capital Project list for 2019, but they are proposing to switch it with the Jessup Switch Bridge because there were in-house, alternative repairs and solutions done to it; therefore, he would like "freeze" up the leftover funds to complete the project.

Motion carried. All in favor.

Mr. Ruskiewicz moved to adopt a resolution making a supplemental appropriation to the Capital Projects budget for preliminary engineering and design of the Bank Street Bridge Replacement (BIN#3345180) in the Village of Warwick. This project will replace the Jessup Switch Project which has been approved under the 2019 Capital Plan as Project No. 56. Upon approval, a new capital project will be created, \$50,000.00 (bonding), seconded by Mr. Tuohy.

Mr. Denega stated this request is referencing where the funds came from.

Mr. Ruskiewicz asked if the Jessup Switch Bridge will be repaired at a later date.

Mr. Denega replied that Mr. Ewald will give an update on the actual repair work that was done, initially they thought it was in worse condition. After further investigation they found out that it was somewhat of a quicker repair project which will buy them more time.

Mr. Ewald explained that the bridge looked like it was in a lot worse shape than it was, and they received a yellow flag. They used the maintenance crew to strip the asphalt off the deck and noticed that there was a lot of concrete underneath. There were also a few bars left on the deck which was partially screwed off that led water into the deck. He stated that they took the bars out and put new asphalt on which will last for a while.

Motion carried. All in favor.

Mrs. Bonelli moved to adopt a resolution of the the Orange County Legislature Assuming Lead Agency Status under the State Environmental Quality Review Act (SEQRA) with respect to the replacement of the Board Bridge (BIN#3344170) in the Town of Blooming Grove, classifying the action as Unlisted and determining the action will not have any significant adverse environmental impacts, seconded by Mr. Tuohy.

Mr. Ewald stated this request is to close out the SEQRA process for the Board Bridge in Blooming Grove. The bridge was built in 1955, is 40 feet long and has about 1,500 vehicle trips a day.

Motion carried. All in favor.

Mrs. Bonelli moved to adopt a resolution making a supplemental appropriation to the Capital Projects budget for the Board Bridge (BIN#3344170) in the Town of Blooming Grove. This project has been approved under the 2019 Capital Plan as Project No. 52. Upon approval, the funds will increase existing Capital Project No. 460, \$750,000.00 (bonding), seconded by Mr. Benton.

Mr. Ewald explained that this is for the construction funds for the bridge and they intend to use in-house forces to do the reconstruction.

Motion carried. All in favor.

Mr. Paduch moved to adopt a resolution accepting the issuance of New York Department of Transportation Use and Occupancy Permit #82606, for the Heritage Trail, under Dolsontown Road in the Town of Wawayanda and authorizing the Orange County Department of Public Works Commissioner to execute the permit, seconded by Mr. Ruskiewicz.

Mr. Ewald stated this request is for a permit for Dolsontown Road and even though it is a town road, it is owned by the State; therefore, a permit from the State is need in order to permanently occupy the culvert that will go under Dolsontown Road.

Motion carried. All in favor.

Mr. Tuhoy moved to adopt a resolution authorizing the County of Orange to contract with certain town and villages for snow and ice control on certain County roads. Funding in the amount of \$315,024.00 is available in the 2019 Snow Removal budget, seconded by Mr. Minuta.

Mr. Denega stated this is an annual request that is put ahead of the budget cycle. The funds are included in the 2020 budget and includes 65 miles of road. They will be looking to increase the per mile charge in 2021.

Motion carried. All in favor.

Mr. Kulisek moved to adopt a resolution amending Resolution No. 101 of 2019, a resolution authorizing the County Executive, in conjunction with the Orange County Department of Public Works, the implementation and funding 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY Funds, pursuant to Section 99-h of the General Municipal Law and Section 4.09 of the Orange County Charter, seconded by Mr. Paduch.

Mr. Ewald stated that this is for a Bridge New York grant on County Route 12. They previously had a resolution for the project and after that time, they received notification from the State that the resolution language was outdated and needed to be updated.

Motion carried. All in favor.

Mr. Benton moved to adopt a resolution of the Orange County Legislature Assuming Lead Agency Status under State Environmental Quality Review Act (SEQRA) with respect to the sale of a portion of lands off Quarry Road in the Town of Goshen, classifying the action as a Type I Action and determining that the action will not have any significant adverse environmental impacts, seconded by Mrs. Bonelli.
(WITHDRAWN AT 9/5/19 LEGISLATIVE SESSION)

Mr. McCarey pointed out that this was discussed at length last month. They need permission from the legislature so that they can go out for an RFP for the project and once that is complete, he will return to the committee for further approval.

Mr. Kulisek asked if seismic movement is part of the environmental impact statement.

Mr. McCarey replied that he would refer to Mr. Church, but he is not in attendance, so he would say it may be.

Mr. Minuta commented that he made some inquiries regarding the property and the existing lease. To his surprise, a lot of the language is already in the existing lease with respect to protection of lands, blasting, etc.

Mr. McCarey showed the committee a map (see original minutes) and explained the buffer area and the caves.

Discussion continued regarding the review of the maps, blasting, and the buffer area.

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

Mr. Benton moved to adopt a resolution pursuant to County Law Section 215(5) of the Orange County Legislature determining certain real property is not required for public use and authorizing the receipt of bids for the same, seconded by Mrs. Bonelli.
(Portion of land off Quarry Road, Town of Goshen)
(WITHDRAWN AT 9/5/19 LEGISLATIVE SESSION)

Mr. McCarey showed the committee a map (see original minutes) and stated that they increased the size of the cave parcel which was 13 acres and the buffer was 100 feet wide. He added that it is important for the county to control the buffer zone rather than sell it.

Brief discussion ensued with Mr. McCarey and committee members regarding blasting and the regulations.

Mr. Cheney stated that he will need a motion to amend the 34.6 +/- acres to 31 acres as well as add any additional language that is needed.

Mr. Benton moved to amend the original request by changing 34.6 +/- acres to 31 acres and change any necessary language, seconded by Mr. Ruskiewicz.

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

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

Mr. Benton moved to adopt a resolution requesting the support of the County Legislature to issue an RFP for the sale of the "Grand Street" properties in the City of Newburgh, seconded by Mr. Tuohy.

Mr. McCarey distributed a map (see original minutes) and explained that they would like to put out an RFP for the former YMCA building on 54 Grand Street in Middletown so it can be utilized. He added that there have been several inquiries.

Mr. Kulisek clarified that the college is no longer interested in the building.

Mr. Porr stated that he had several conversations with Dr. Young where she explained the colleges' interest in Grand Street is getting good neighbors and they are 100% open to discussions with any possible probable owner about mutually beneficial collaborations.

Mr. Kulisek commented it is a shame because some of the buildings could be used for the college.

Mr. McCarey stated that hopefully any purchaser of the three buildings will be in the mindset that something can be done jointly or compatible to the college property.

Mr. Kulisek asked if the three buildings will be a package deal.

Mr. McCarey replied they will be in the RFP as a package.

Mrs. Bonelli agreed with Legislator Kulisek in that it is a shame the college has abandoned what was supposed to be a very good project. At this point in time, they do not have any other alternative than to proceed in this fashion and see what can be developed for the benefit of the college.

Mr. Minuta stated that each building has its own intrinsic use, so finding someone to make use of it in concert with the college will be a difficult task. He is worried about that type of restriction being placed on the property.

Mr. Porr pointed out that it is a soft restriction and he will make sure that they are a part of the discussions.

Mr. Ruskiewicz clarified that the college had developed a plan for all three buildings and as they informally discussed this, the Board of Trustees decided to change the plans and not use any of the buildings. He is a little upset about the way it happened because it is unfortunate that these buildings will not be used for college purposes which they originally bonded for.

Mr. McCarey stated they may come back with another proposal. He reiterated that it is critical to do something with the buildings before they get worse.

Mr. Kulisek asked the timeframe of the RFP and how long it will be out for.

Mr. Porr replied it will go out as quickly as possible and they will leave it out long enough for responsible bidders to reply. He stated that it will also be publicized as a general information article.

Motion carried. All in favor.

Mr. Kulisek moved to adopt a resolution of the Orange County Legislature Assuming Lead Agency Status under the State Environmental Review Act (SEQRA) with respect to the permit modification and the construction and other activities described within the permit modification for the Orange County Transfer Station #1 in the Town of Goshen, classifying the action as unlisted and determining the action will not have any significant adverse environmental impacts, seconded by Mr. Benton.

Mr. Denega stated this is a permit modification which includes the first modifications needed in order to shut down the Orange County Transfer Station No. 2 which is in Newburgh for the demolition and rebuild which is anticipated to be out to bid in the coming weeks. As part of that closure, they would anticipate that approximately 75% of the tonnage would go to the New Hampton Transfer Station which they have budgeted for in the proposed 2020 budget.

Mr. Griffin reviewed the five components of the modifications (see original minutes).

Motion carried. All in favor.

Mr. Paduch moved to adopt a resolution requesting the Orange County Legislature set a date for a public hearing pursuant to Article 5-A of the County Law to amend the Orange County Sewer Use Law, Local Law No. 4 of 2008, in relation to the discharge of wastes into the sewer collection system of the Harriman Sewage Treatment Plant. The County Law requires a public hearing and publication of notice of the hearing before Local Law No. 4 of 2008 can be amended, seconded by Mr. Tuohy.
(PUBLIC HEARING: 11/7/19 – 3:15 P.M.)

Mr. Griffin explained that when the plant went from 4.5 mdg to 6 mdg, the SPEDES permit required that they develop and implement an EPA approved Industrial Pre-Treatment Program. In doing that, they did a headworks analysis for the inherent plant which develops limits for the industries within the area based upon what the SPEDES permit is as well as what the quality standards are that they are discharging into. That evaluation was done in 2006 which was when they developed local limits based on an evaluation of the influent going into the plant and the effluent going out to make sure they are not violating the permit.

Mrs. Bonelli asked if the limits being proposed today are the same limits that were being proposed before that were pulled or was something changed.

Mr. Griffin replied that nothing was changed.

Mr. Tuohy asked if there is a chloride limit.

Mr. Griffin replied no there is not.

Motion carried. All in favor.

Mr. Cheney stated that the last agenda item is a discussion regarding the Draft Executive Summary - Facility Plan to increase the wastewater capacity of Orange County Sewer District No. 1 as prepared by Delaware Engineering, D.P.C. dated August 2016 revised September 2019.

Mr. Tuohy thanked Chairman Cheney and fellow legislators for their time and consideration this afternoon as well as the members of the Orange County Sewer District No. 1 Advisory Committee, the Orange County Department of Public Works/EF&S, Orange County Attorney's Office, Legislative Counsel and Delaware Engineering for their commitment, contributions and valuable input.

He stated that the Orange County Sewer District No. 1 Advisory Committee was created by Legislative Resolution No. 61 of 2019 and tasked with making determinations relating to the increase and improvement of the Orange County Sewer District No. 1. Since March of this year, the committee and its experts have met bi-monthly and reviewed the draft Facility Plan created by Delaware Engineering, that contains an analysis and evaluation of a number of options for increasing the available capacity and improvements of the Harriman Waste Water Treatment Plant. In addition to the regularly scheduled meeting, each municipality within the Harriman Waste Water Treatment Plant service area were notified and individual meetings took place in each community to update them on the committee's review and to understand the different methodologies used for calculations related to rate payer fees. The municipalities and committee were both very appreciative of the outreach, however it should not be taken as an endorsement at this time, as there is still so much to be considered as we all move forward together in this process. The Harriman Waste Water Treatment Plant service area consists of the Villages of Harriman, Monroe and Kiryas Joel, as well as portions of the Towns of Chester, Monroe, Woodbury and the Village of South Blooming Grove. He then referred to Commissioner Denega from the Orange County Dept of Public Works.

Mr. Denega stated that unfortunately Delaware Engineering is not here, but they have been walking them through this process and have been very good.

Mrs. Reed informed the committee that she spoke to Chairman Brescia and the legislature will convene a Committee of the Whole Legislature on October 3rd at 2:00 p.m. before the legislative session. The County Attorney has arranged for Delaware Engineering to do a presentation for all legislators.

Mr. Denega continued by reviewing the Draft Executive Summary (see original minutes).

Mr. Minuta clarified that the more water they have, the more difficult it is.

Mr. Griffin stated that is correct.

Mr. Minuta asked if it is accurate that they have more items coming into the system that they can handle.

Mr. Griffin replied that he is unsure.

Mr. Cheney stated that within the treatment processes, one can have an exceedance of volume allowed.

Mr. Minuta asked if the real issue is capacity.

Mr. Griffin replied yes.

Mr. Paduch left the committee at 6:10 p.m.

Mr. Benton commented that he is glad they are exploring the Hudson River option and if they were to do a plan, they should make sure it is as large as possible. He asked if the federal government will have a problem with that.

Mr. Denega replied that a majority of this is becoming a drinking water quality issue that is being imposed on the sewer plant.

Mr. Cheney pointed out that there is further explanation on page 4 of the summary.

Mr. Kulisek asked if other municipalities will be invited to use the plant.

Mr. Denega replied that the cost would be shared.

Discussion continued between Mr. Griffin and the committee regarding municipalities and working with them on the plant.

Mr. Tuohy thanked the committee for their hard work and dedication and is looking forward to the presentation on October 3rd.

Mrs. Bonelli commented that they have made great strides since the committee was put together and thanked Mr. Tuohy for a job well done. She added that they need the support of all legislators to understand that this is not going away and now is the time to face it in the correct manner.

The meeting adjourned at 6:25 p.m.