

**PHYSICAL SERVICES COMMITTEE
MINUTES**

**(REMOTELY)
MONDAY, NOVEMBER 23, 2020
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
Kevin W. Hines, Legislator
John S. Vero, Legislator
Antoinette Reed, Legislative Counsel
Harry Porr, Deputy County Executive
Dan Bloomer, Director, Operations and Cost Control
Langdon Chapman, County Attorney
Damian Brady, Chief Assistant County Attorney
Erik Denega, Commissioner, Dept. of Public Works
Travis Ewald, Deputy Commissioner, Dept. of Public Works/Engineering Div.
James S. Brooks, Commissioner of Parks, Recreation & Conservation
Alan Sorensen, Commissioner of Planning
Eric Ruscher, Director, Real Property Tax Service
Deanna Crawford, 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.

Mrs. Bonelli moved to adopt a resolution of the Orange County Legislature assuming Lead Agency status under 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 under SEQRA and determining that the action will not have any significant adverse environmental impacts, seconded by Mr. Benton.

Mr. Chapman stated the first resolution is for the SEQRA which is a Type I Action because more than 25 acres of land is being sold near an historic site. It is simply a change in ownership. It will be put out for bid and awarded to the highest bidder. To the extent that the highest bidder needs to do further studies, they would have to do their own SEQRA. He explained that the question may come up, "why are you not doing the EIS because this is a Type I Action?" and the answer to that would be that it is not necessary because a Type I Action is presumed to have some environmental impact, but does not necessarily have to. Furthermore, this is a change in ownership which does not require having an EIS (see original minutes).

Mr. Cheney commented that there are a lot of moving parts to this particular action. One part being that the possible future owner of the property is going to continue mining operations there and the second part concerns the property we are maintaining. There are intentions on the part of this legislature to see that the property is preserved, maintained, secured and possibly having an information center there that would allow people a level of understanding of this gem that we have with the caves that exist. He then asked if Mr. Chapman can speak to the issue of segmentation as it relates to SEQRA with respect to all the moving parts.

Mr. Chapman stated there are distinct actions, one being the sale of the property which means who will have title to it on a deed in the County Clerk's Office. The second action is what will be done with the property once it is sold. He does not want to presume that the mining operator will be the buyer because there are more interested parties in this property. Those actions would be subject to their own SEQRA review. In terms of doing some sort of exhibit on the caves, that will be on a separate parcel that the county is continuing to maintain and own. Furthermore, depending on what the county does locally or does not do, SEQRA may not be required. He stated that they have not yet reached that point because as the next resolution will say that will be subject to report of the county which will ultimately go to the committee for advice and consent. The only SEQRA action that needs to be taken is for the sale of the property.

Regarding Part B of the Environmental Assessment Form (see original minutes), Mr. Cheney and Mr. Chapman reviewed and discussed some of the responses to the EAF form.

Mr. Minuta reiterated that this request is simply for the sale of the property.

Mr. Langdon stated that is correct.

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

Mrs. Bonelli moved to request the approval to sell the Quarry Property in Goshen (31 acres+-, portion of Goshen 20-1-10.21) for not less than its current appraised value of \$1,275,000.00, seconded by Mr. Benton.

Mr. Chapman stated this request is to sell the acres to the highest bidder which was previously discussed.

Mr. Cheney clarified this is intended to include the wording provided by Mrs. Reed relative to setting aside funds from the sale to be allocated to the 2021 Parks Department Capital Program.

Mr. Chapman stated that is correct. They will have to do a subsequent budget amendment after the cash comes when the sale occurs.

Mr. Minuta asked if the \$1.27 million appraisal was based on the geological factor of the property.

Mr. Ruscher replied there were some previous engineering studies done about to estimate the material left and available on the property. The engineers did a calculation on materials available by converting cubic yards into tons and based upon that, the appraiser looked at an income approach to see what the going rate of the stone would be. He then applied a discount rate which came out to the \$1.2 million factor.

Mr. Paduch reminded the committee that by approving this resolution, they are giving up the legislators' ownership to the County Executive and the Law Department. By doing this, they will not have any control over what or how the contract reads, there will be no control over any additional protections the legislature may want regarding the most important historical artifacts in Orange County, and there will be no guarantees on anything they would like to add in the contract. Furthermore, the legislature will not have the opportunity to review the contract if ownership is given to the County Executive. He stated this is unacceptable, the legislature owns the property, not the County Executive; therefore, he will not be supporting it.

Mr. Chapman responded that it is the County Executive's position as the taxpayers of Orange County own the real property that is owned by the County of Orange. They do not get to choose whether it is a preservation company or a mine because it is not a factual statement. The sale goes to the highest bidder.

Mr. Paduch clarified that the legislature does not own any properties in Orange County.

Mr. Chapman stated the County Executive does not own the properties; the legislators are trustees for the people of Orange County.

Chairman Brescia added the legislators are the steward of the property, the taxpayers own the property.

Mr. Paduch stated that is not his point. The point is they will not see contracts or anything else that takes place if they give up their responsibilities.

Chairman Brescia commented they will never see a sale if they keep micro-managing like they have done for years.

Brief discussion ensued amongst Mr. Ruscher and the committee regarding the distribution of water and other sources to the water tank located on a parcel adjacent to the Quarry. Mr. Ruscher also expressed his concerns and reason why he is in favor of selling the property.

Mr. Vero commented that some legislators already heard him previously speak about his concern about the inherent liability of the property. They have owned it and got away liability free up until now even though there has been some litigation. In the event they don't move forward they own that property and the mine shuts down, there will be issues and expenses. He stated he is fearful that could happen here, so this is an opportunity for them to get rid of it and remove exposure to liability.

Mr. Cheney stated that for those who did not get a chance to listen in on the Rules Committee meeting, during the meeting he felt very strongly that the amount to be set aside should be \$200,000.00. He will not offer any motion because the sentiments for leaving it at \$100,000.00 were very strong and he respects that, but still thinks to do things correctly they will be spending more than \$100,000.00.

Motion carried. All in favor with the exceptions of legislators Kulisek and Paduch who voted against.

Mr. Paduch moved to adopt a resolution authorizing the County Executive to execute "Heritage Trail Work Agreement" between the New York State Department of Transportation and the County of Orange, seconded by Mr. Kulisek.

Mr. Brooks stated this request is self-explanatory and the County Executive must sign to continue the work.

Motion carried. All in favor.

Mr. Kulisek moved to the request approval of a Right-of-Way dedication along the County Route 6 (Pulaski Highway, through the lands of Dykshoorn Dirt, LLC (17-1-24.11) in the Town of Goshen. Said dedication was deemed necessary for Road Width design criteria during the review process, seconded by Mr. Cheney.

Mr. Denega explained this request is in the vicinity of Quarry Road and is a standard procedure which requires approval for 30 feet from the center line of the road for extra space for culvert repairs.

Motion carried. All in favor.

Mr. Kulisek moved to approve the request for supplemental appropriation to the capital projects budget for the Intersection Improvement Project. This project has been approved under the 2020 Capital Plan as Project No. 38. Upon approval, a new capital project will be created, \$250,000.00 (bonding), seconded by Mrs. Bonelli.

Mr. Denega stated this is an annual semi-request for intersection improvements that may occur during the year. There is \$200,000.00 in the previous capital plan, so these additional funds will bring the amount to \$450,000.00.

Motion carried. All in favor.

Mr. Kulisek moved to approve the request for supplemental appropriation to the capital projects budget for the preliminary engineering and design of Main Street No. 2 Bridge (BIN 3345440) in the Town of Cornwall. This project has been approved as Capital Project No. 459 and the supplemental appropriation will be offset by the elimination of the

Guymard Bridge Scour Protection Project which has been approved under the 2020 Capital Plan as Project No. 67. Upon approval, the funds will increase existing Capital Project No. 459, \$75,000.00 (bonding), seconded by Mrs. Bonelli.

Mr. Denega explained this is near the traffic circle in the Town of Cornwall adjacent to the Caddy Brook Restaurant. They went out for proposals for design that came in higher than the originally requested money which was \$125,000.00; therefore, he is asking for the additional funds for design. The bridge is 45 feet long and was built in 1921.

Mr. Minuta asked if this has been value engineered or resent out for bid.

Mr. Denega replied there are design alternatives along with a few challenges being there is a roundabout.

Mr. Hines commented that they have to keep the road open because the fire department and ambulance corps. are right there, and the main street business will be bankrupt which would be too traumatic to the town. He asked that leaving one lane open be supported.

Mr. Kulisek clarified that the span of the bridge is 45 feet.

Mr. Denega stated that is correct and it was built in 1921.

Mr. Benton asked how this will affect parking for the businesses that are located on the main street.

Mr. Denega replied they must evaluate that during the design process, but there is parallel parking on the street as well as a municipal lot a little further down from the circle which will not be affected. He stated there may only be minimal impact to a few parking spaces.

Motion carried. All in favor.

Mrs. Bonelli 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 Cornwall Bridge Replacement (BIN 3344280) in the Town of Cornwall, and preliminarily classifying the action as unlisted, seconded by Mr. Kulisek.

Mr. Denega stated this is the same traffic circle, but on the other side. The bridge was built in 1940, has a 38-foot-long span and has less traffic than the previous bridge he just spoke about. He pointed out that they did not plan to do these bridges at the same time, they are trying to get things ready so they can be built in the proper sequence.

Motion carried. All in favor.

Mr. Kulisek moved to approve the request for supplemental appropriation to the capital projects budget for preliminary engineering and design of

the Cornwall Bridge Replacement (BIN 3344280) in the Town of Cornwall. This project has been approved under the 2020 Capital Plan as Project No. 57. Upon approval, a new capital project will be created, \$100,000.00 (bonding), seconded by Mr. Cheney.

Mr. Denega stated the bridge design and construction will be done in-house and this request is to accept the funds.

Motion carried. All in favor.

Mr. Kulisek moved to approve the request for supplemental appropriation to the capital projects budget for the Powdermill Bridge Rehabilitation (BIN 3360200) in the Town of Newburgh. This project has been approved under the 2020 Capital Plan as Project No. 68. Upon approval, a new capital project will be created, \$385,000.00 (bonding), seconded by Mr. Benton.

Mr. Denega explained this is a 55-foot span bridge located in the Town of Cornwall, built in 1977 and the daily traffic is anticipated to be 1,800 vehicles per day. The design and construction will be done in-house.

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 McVeigh Bridge Replacement (BIN 3345340) in the Town of Wawayanda, and preliminarily classifying the action as Unlisted, seconded by Mr. Kulisek.

Mr. Denega stated the McVeigh Bridge is 55-foot span bridge built in 1977 located on Powdermill Road over the Quassaick Creek. The annual daily traffic is 3,800 vehicles. He added this is primarily a deck replacement only and anticipated to be done in-house with a minimal amount of design engineering required.

Motion carried. All in favor.

Mr. Ruskiewicz moved to approve the request for supplemental appropriation to the capital projects budget for preliminary engineering and design of the McVeigh Bridge Replacement (BIN 3345340) in the Town of Wawayanda. This project has been approved under the 2020 Capital Plan as Project No. 49. Upon approval, a new capital project will be created, \$100,000.00 (bonding), seconded by Mr. Minuta.

Mr. Denega stated this request is to accept the funding for the bridge replacement.

Motion carried. All in favor.

Mr. Tuohy moved to approve the Sale of the Newburgh Grand Street Properties, seconded by Mr. Ruskiewicz.

**(Foster Supply Hospitality approved at Education and Economic Development Committee meeting on 11/16/2020, vote: 7-1)
(SUBJECT TO ATTORNEY/CLIENT PRIVILEGE & EXECUTIVE SESSION PER N.Y.S. OPEN MEETINGS LAW SECTION 105 (1)(h))**

Mr. Tuohy made the motion to go into Executive Session at 4:52 p.m. for attorney client privilege under Open Meetings Law to discuss the potential sale of the Grand Street properties in the City of Newburgh, seconded by Mr. Paduch.

Mr. Paduch made the motion to come out of Executive Session at 5:00 p.m., seconded by Mr. Kulisek.

Motion carried. All in favor of proceeding with the sale of the Grand Street Properties.

The meeting adjourned at 5:08 p.m.