

PHYSICAL SERVICES COMMITTEE MEETING
40 Gleneida Avenue Room #318
Carmel, NY 10512

Committee Members: Chairman Ellner, Legislators Castellano & Crowley

Tuesday **6:00p.m.** **July 23, 2024**

(The Protective Mtg. Immediately Followed)

The meeting was called to order at 6:00p.m. by Chairman Ellner who requested Legislator Crowley lead in the Pledge of Allegiance. Upon roll call, Legislators Castellano, Crowley, and Chairman Ellner were present.

Item #3 - Acceptance/ Physical Services Meeting Minutes/ June 10, 2024

Chairman Ellner stated the minutes were accepted as submitted.

Item #4 - Approval/ Recommendations - 2024 Agricultural Inclusion of Parcels into the Putnam County Agriculture & Farmland Protection Board/ Interim Director of Soil & Water- Agricultural District Neal Tomann

Chairman Ellner stated Neal Tomann, Interim Director of Soil & Water will be speaking to the applications made for consideration for inclusion into the Agricultural District (Ag District). He stated that depending on how the meeting is going, he may be limiting discussion to 3 minutes for and 3 minutes against, he will see how things are progressing.

Interim Director of Soil & Water Neal Tomann stated he is the Secretary to the Agriculture & Farmland Protection Board (Ag Board). He stated he will be speaking to the review of the Ag Board's review of the 15 parcels, submitted by 9 applicants. He stated that he did provide (2) two statutes: first are the elements that need to be considered when reviewing the Ag District applications and the second statute is from the Agriculture & Markets (AGM), Chapter 69, Article 25-AA. §301 (13), this refers to horse boarding operations. He stated the County's Resolution #139 was approved in 2007 (first statute) and the Ag and Markets amended Article 25-AA was last updated in 2011 to include equestrian operations. He stated the County's statute stayed the same. He stated these will come up in the following conversation.

Chairman Ellner interrupted, stating there was an additional item for this agenda item, and he will make a motion to accept it.

Chairman Ellner made a motion to waive the rules and accept the Additional; Seconded by Legislator Crowley. All in favor. *(Letter dated July 12, 2024, from Babara Barosa AICP, Commissioner of Planning, Development & Public Transportation)*

Chairman Ellner requested Director Tomann begin.

Interim Director of Soil & Water Neal Tomann started with:

#1. – Town of Kent/Angry Goose Farm – Horse Boarding

He stated there were two (2) parcels. He stated this property is heavily encumbered under an easement from the Environmental Protections Act (EPA). He stated the owners would like their Horse Boarding Operation in the Ag District. He stated the easement restricts the number of horses to six (6). The AGM has a requirement of at least 10 horses.

The Ag Board vote was 0 yes 11 no – not recommended for inclusion into the Ag District

Chairman Ellner made a motion to Not Include the Town of Kent/Angry Goose Farm Application; Seconded by Legislator Castellano. All in favor.

Legislator Castellano requested confirmation from Legislative Counsel Firriolo that a motion needs to be made by the Committee.

Legislative Counsel Firriolo stated he believed Chairman Ellner’s plan is to go through each parcel and make the recommendation whether to include or not include the Applicant into the Ag District.

Legislator Jonke stated if the Ag Board did not recommend the application, why is it being discussed and being voted on.

Chairman Ellner stated there will be a Public Hearing before the Full Meeting and would like to follow the process.

Legislator Nacerino stated we can choose to approve an applicant, even if the Ag Board did not approve it.

#2. – Town of Putnam Valley/Rush Drive-Christmas Tree

Interim Director of Soil & Water Neal Tomann stated this property did not meet the requirement of “at least 50% of Prime Farmland and /or statewide important soils which are in the NYS Agricultural Land Soils groups 1-6” (soil requirement). He stated the applicant also did not have the requisite amount of activity in terms of business, to meet the requirement of “are parcels currently being farmed”. He stated there is nothing that stops the applicant from moving forward with his business. He stated the applicant was hoping to get into the Ag District because he felt it would give him more leeway with the local statute, which limits his tree cutting to three (3) a year and he needs to clear a whole field.

Interim Director of Soil & Water Neal Tomann stated as much as we like to support farming, you need to be aware of local zoning laws as well.

The Ag Board vote was 3 yes 8 no - not recommended for inclusion into the Ag District.

Legislator Nacerino stated the Ag Board is an advisory board they do not dictate what should or should not be passed. She stated the final determination rests with the Legislature. She supports that in the Legislators' consideration we need to be cognizant of the local restrictions of the zoning boards.

Legislator Sayegh requested that Director Tomann speak to the soil requirement he referenced.

Interim Director of Soil & Water Neal Tomann stated the New York State Agriculture and Markets Department sets the threshold requirement for farm grade soils. He stated that comes from soil surveys in Putnam and Westchester Counties and put together by the Department of Agriculture in cooperation with Cornell. He continued to speak to the "soils".

Legislator Nacerino stated if an applicant does not get approved into the Ag District that does not preclude them from addressing the reasons which prevented them from being approved and applying again the following year.

Legislator Addonizio questioned if there is a way to address the soil not meeting the requirement.

Interim Director of Soil & Water Neal Tomann stated he is not aware of any way. He stated also in addition the composition of the soil and the grade of the property is a factor which is part of the consideration as well. He stated the grade is considered because of the concerns with erosion and then pollution problems.

Legislator Montgomery questioned Chairman Ellner if we are sure all of the existing properties in the Ag District meet the soil requirement.

Chairman Ellner stated he cannot speak to things that were done in the past, but this criteria has been around for quite sometime and everyone of them should. He stated he will work with what the code is right now.

Chairman Ellner made a motion to Not Include the Town of Putnam Valley/ Rush Drive Application; Seconded by Legislator Castellano. All in favor.

#3. Town of Patterson/ Ridge Ranch – Breeding Program

Interim Director of Soil & Water Neal Tomann stated when this application was first submitted there was an existing violation with the Town of Patterson, and therefore, the Ag Board could not vote on it. He stated they did clear their violation, and the Ag Board did then vote on the applicant.

The Ag Board vote was 9 yes 2 no – recommendation to include into the Ag District.

Interim Director of Soil & Water Neal Tomann stated the majority of the Ag Board felt the parcels "Are currently being farmed". He stated there were concerns expressed by Supervisor of Patterson Richard Williams that there are ancillary uses on the property. He stated the parcels are being used for parties and events. He stated it is adjacent to the wetlands, and on a Short

Environment Assessment Form (SEAF) they want an explanation of what has been done to mitigate the potential hazards. He stated that this applicant does not have a site plan, a storm water protection plan, that was another concern with this property. He stated they are running a robust farm, unfortunately it falls outside of what this statute is meant to do.

Chairman Ellner stated in his review of the application, there is no gross revenue indicated, which is a requirement of a functioning business.

Interim Director of Soil & Water Neal Tomann stated that is correct, if the parcel is over 7 acres there needs to be over \$10,000 gross income annually.

Chairman Ellner stated there are at least two (2) requirements not being met.

Legislator Jonke questioned if the requirement of collecting over \$10,000 in revenue for a 7 acre parcel applies to this applicant because the AGM states it is specific to Horse Board, and this applicant is not Horse Boarding.

Interim Director of Soil & Water Neal Tomann stated he stands corrected.

Frank J. Smith, III, Attorney at the Law Office of Shilling and Smith located at 1961 Route 6, Carmel, NY, stated he was present on behalf of the applicant, Ridge Ranch, located at 276 Quaker Road, Patterson, NY. He stated there are three parcels, totaling about 113 acres of property. He stated they are a young family looking to establish a lifelong farm in the Town of Patterson. He stated on the site they breed a number of animals, which he listed. He stated the animals they breed are sold as pets. He stated the Ag Board voted 9 – 2 to recommend this applicant into the Ag District. He requested that the Physical Services Committee positively refer them to the Full Legislature. He stated there were financials included in his client's application. He stated also, some of the items that were raised by Interim Director Tomann in relation to the Town of Patterson are being addressed with the Building Inspector, the Supervisor and the Planner. He stated currently, there are no violations on the property. He cited Agriculture and Markets Law 25-AA section 308, the Right to Farm statute, it specifically addresses the Agricultural Tourism which is being embraced by an increasing number of Farm Operators. He quoted a section from said law. He stated it is his position that the Ridge Ranch Farm fits squarely within the purpose of the Agricultural District Law and requested that a positive referral from this committee be made to the Full Legislature Meeting.

Legislator Montgomery stated the County is using Tilly Foster Farm in a very similar way. She stated therefore she believes it would be hypocritical for the Legislature to deny it based on that, because Tilly Foster is used to host rock concerts, weddings, and restaurant operations.

Legislator Sayegh stated she agrees that agriculture is a huge industry, especially in Putnam County. She stated that is how the motto "Putnam County Where the County Begins" came about.

Chairman Ellner stated as Chair of the Physical Services Committee, he is trying to go by the letter of the law. He stated the Full Legislative Body will have a chance to vote at the Full

Meeting in August. He stated he believes the Ridge Ranch applicants are on the right path. He stated there are requirements. He questioned if the property is zoned commercial or residential. Interim Director of Soil & Water Neal Tomann stated it is zoned residential. He stated he is a certified Code Enforcer and therefore he cannot not see things. He stated we are at a crossroads. He stated he gets what people are trying to do, but this is not the land the statute was meant to protect. He stated it is very clear that they want to protect agricultural lands. He stated this specific property is on very steep land. He stated we do not have the site plan, the storm water protection plan, which he wishes were in place so they could be helped along in this process. He stated especially since the property is next to a wetland, which gets pointed out in the SEAF, so that cannot be ignored. He stated he believes the Legislature is at a juncture, because if they let a property in that does not meet the requirements, that will set a precedent. He stated the Ag Board is strictly an advisory board, and he is not in the majority, but his advice is to stick with the statute. He stated if you deviate it will have an impact on the equity of the Ag District and you run into environment concerns. He stated allowing this kind of development on steep slopes, with shallow soils you run into environmental problems.

Chairman Ellner requested clarification on when a property is near a wetland and/ or stream, how does it fall into this property.

Interim Director of Soil & Water Neal Tomann stated a lot like this cannot be worked out at the local level. He stated the County cannot say that they cannot Farm, but they can say they cannot come into the Ag District.

Legislator Sayegh stated she is confused as to why the Ag Board voted 9-2 in favor of Ridge Ranch being in the Ag District, when in fact it did not meet the soil standards.

Interim Director of Soil & Water Neal Tomann stated he believes part of the reason for that is because the 11 person Ag Board have members who look at the process through different lens. He stated a lot of this he believes needs to be worked out at the local level.

Legislator Jonke questioned how long this Farm has been existing.

Interim Director of Soil & Water Neal Tomann stated he believes 3- 4 years.

Legislator Jonke questioned if the statute, in Interim Director Tomann's opinion, is meant to protect existing farms, or encourage new farms, or both.

Interim Director of Soil & Water Neal Tomann stated existing farms. He stated he has not seen any language in 25-AA that talks about creating farmland. He stated there is no shortage of Agricultural Law review articles written about the dangers of creating farmland on inappropriate soil, due to environmental concerns.

Chairman Jonke stated for the record he attended the voting meeting of the Ag Board and it seemed like the members were coming from all different perspectives, and most, if not all the applicants were new farms.

Legislator Montgomery stated she believes the purpose of the Ag Board and the Ag District is to support farming in Putnam County. She stated discussions about jurisdictions about the wetlands and SEQR that is not the County's jurisdiction. She stated that falls under the Towns purview and they will impose those codes. She stated she believes all of that can be sited, as it is, but she does not believe it is within our purview.

Legislator Jonke stated he sees a difference between encouraging farming and protecting existing farms. He stated if the statute is to protect existing farms, then we need to be mindful of that. He stated we also need to have respect for the Towns, and their codes, and respect the residents near by the applicants. He stated he is in favor of farming. He stated these farms may need time to grow and become bonafide farms to then be protected by the Ag District. He stated that it sounds to him that is the purpose of the statute.

Frank J. Smith, III, Attorney at the Law Office of Shilling and Smith stated it is his opinion the Ag District Law is to promote farming and agriculture. He stated if only existing farms would be included, it does not logically make a lot of sense.

Chairman Ellner stated he respectfully disagrees with Attorney Smith's interpretation of the Ag District Law based on the advice he has received and his review of the Ag District Laws. He stated he sees the purpose of said laws are to protect the encroachment of farms by residential neighborhoods.

Frank J. Smith, III, Attorney at the Law Office of Shilling and Smith stated an SEAF or a Site Plan are Town imposed regulations. He stated his client was not required to have an SEAF or Site Plan, it is not part of the County's Ag District Application.

Interim Director of Soil & Water Neal Tomann stated there is an obligation that with any applicant the County approves and submit to the State, it must be accompanied by a SEAF. He stated his point is that it is difficult for the County to deliver in good faith a SEAF absent a Site Plan or a Stormwater Protection Plan, specific to question #13 on the SEAF. He continued to speak and explain the process.

Chairman Ellner facilitated further comments. He clarified that this Committee vote is a recommendation that will be brought forward to the Full Legislature at the August Full Meeting. He stated there will be a Public Hearing that will be scheduled before the August Full Meeting and this matter will be on the August Full Meeting agenda. He requested confirmation as to whether this parcel met the soil requirements or not.

Interim Director of Soil & Water Neal Tomann stated they did not meet the soil requirements.

Legislator Nacerino stated that she believes it is very important that the Legislature adheres to the statute. She stated if the Legislature deviates from the statute, then a very bad precedent will be set.

Legislator Crowley stated that she believes the applicants need to figure out a few things and go back to the Town and get some questions answered. She stated currently there are unanswered questions and qualifications that are not being met.

Chairman Ellner made a motion Not to include Town of Patterson/ Ridge Ranch into the Putnam County Agriculture & Farmland Protection Board; Seconded by Legislator Crowley. All in favor.

#4. Town of Carmel/ Kascade Enterprises – Commercial Horse Boarding Program

The Ag Board vote was 6 yes 5 no – recommendation to include into the Ag District.

Chairman Ellner stated this applicant does not have 10 horses on this property, so they are not functioning as necessary. He stated that is a major concern of his which is why he will recommend not to include Kascade Enterprises in the Ag District.

Legislator Crowley stated there is also no infrastructure on the property and there is a pending subdivision. She stated also this property is in the Town of Carmel and they want to do horse boarding, but the Town of Carmel only permits five (5) horses.

Chairman Ellner stated Town of Carmel Supervisor Cazzari did submit a letter indicating opposition at this time because some matters need to be taken care of.

Chairman Ellner made a motion Not to include Town of Carmel/ Kascade Enterprises into the Putnam County Agriculture & Farmland Protection Board; Seconded by Legislator Castellano. All in favor.

#5. Town of Southeast/ Lobster Hill Farm – Free Range Pasture Raised Protein

The Ag Board vote was 9 yes 2 no – recommendation to include into the Ag District.

Interim Director of Soil & Water Neal Tomann stated in accordance with Resolution #139 of 2007 if a parcel is adjacent to a sensitive natural resource, it must have a Conservation Plan developed by the Putnam County Soil and Water Conservation District. He stated this parcel is adjacent to a Class C Stream.

Chairman Ellner stated he saw from the backup that they did not meet the soil requirement.

Interim Director of Soil & Water Neal Tomann stated they did not meet the soil requirements. He stated the parcel in Southeast reached 40% and the Patterson parcel reached 7%.

Lynne Eckardt, resident of Town of Southeast, stated she was at this Farm and attended the Ag Board Meeting. She stated she does have concerns with the Class C Stream and its location to the activity of the Farm. She requested clarification about something Director Tomann said at the Ag Board meeting regarding putting a fence up.

Interim Director of Soil & Water Neal Tomann stated he was hoping there would be a Storm Water Protection Plan or a Site Plan, something to allow the vote to support what they are vouching for.

Lynne Eckardt, resident of Town of Southeast, stated agreement to that. She questioned when a violation needs to be in place in order for it to be considered in the vote, and when is the Public Hearing going to be.

Chairman Ellner stated the Public Hearing will take place before the Full Meeting on August 6th.

Lynne Eckardt, resident of Town of Southeast, questioned if there is a violation at that time, will the parcel be considered.

Legislative Counsel Firriolo explained whoever is doing the review for consideration of inclusion in the Ag District at a specific time, an existing violation needs to be taken into consideration. He stated it is an application of objective criteria no matter when it is being done. He stated if a violation is cleared, as was the case with one of the applicants, once the Ag Board was notified, which fell within the Ag Boards review period, they met again to consider the application.

Lynne Eckardt, resident of Town of Southeast, stated she agreed with Legislator Jonke. She stated she too has concerns about this application because of the storm water. She stated they can continue to farm, as long as there are no other violations, but because of the stream and its proximity to a conservation area she has concerns.

Legislator Jonke stated this parcel is in his district. He stated that he met with the owners, and they told him they have heard from the Department of Environmental Protection (DEP) and they were fine with them doing their farming near the stream.

Legislator Crowley questioned if there is anything in writing that can be provided stating that.

Legislator Jonke stated he had a verbal conversation with the applicants.

Legislator Montgomery stated that when the State tried to put a Small Stream Protection Plan in place, it was stated that the Soil and Water Boards were monitoring them, and that is why the proposal did not pass. She questioned if that is the case.

Interim Director of Soil & Water Neal Tomann explained the responsibility of a Class C Stream goes to the municipality not the County. He stated the legislation Legislator Montgomery is referring to would have put the small streams under the auspices of the Department of Environmental Protection (DEP), which would have had an impact on permitting. He stated Soil and Water Department is available to help if needed but are not responsible for orchestrating the application process.

Legislator Sayegh questioned if there is concern on the part of the Town, with the proximity to the Class C Stream.

Interim Director of Soil & Water Neal Tomann stated no. He stated this is a concern he recognized in his review of the parcel. He stated also the soil requirement was not met by the parcel in the Town of Southeast or the Town of Patterson.

Legislator Montgomery stated she believes the Legislature is broadening into areas we have no jurisdiction over.

Legislator Sayegh stated when she was the Legislative Liaison on the Ag Board and Lauri Taylor was the head of it, it was about promoting farming, promoting a business in Town and protecting open spaces and land. She stated she would like to keep our food sources near to where we live.

Interim Director of Soil & Water Neal Tomann stated he understands what Legislator Sayegh is saying. He stated that he asks himself, what was the statute designed to do. He stated the statute was put in place to protect existing farms and agricultural farmland. He stated his recommendations are based in accordance with the statutes in place.

Legislator Sayegh stated they can continue farming, but they will not be in the Ag District, where they would be protected.

Chairman Ellner stated if the farms are not in any violations, then protection of the Ag District would not be necessary.

Legislator Castellano requested clarification from Legislative Counsel on the process: this Committee will make its recommendations, there will be a public hearing, then the recommendation from this Committee will go to the Full Legislature and at that time any Legislator can make a motion to change the Committee's recommendation of a parcel.

Legislative Counsel Robert Firriolo confirmed that was accurate.

Legislator Castellano requested additional information on this parcel.

Legislator Nacerino stated that Commissioner of Planning, Development & Public Transportation Barbara Barosa submitted her recommendation for each parcel, she would like to hear from her.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated she looked at the soil requirements, but she personally considered it only if the applicant was looking to farm vegetables or growing something in the ground. She stated for a horse boarding and or animal operation, she knows that the soil composition is important for steep slopes or wetlands, but not necessarily a composite for prime growing.

Chairman Ellner made a motion Not to include Town of Southeast/ Lobster Hill Farm into the Putnam County Agriculture & Farmland Protection Board; Seconded by Legislator Castellano. All in favor.

#6. Town of Putnam Valley/ Big Red Barn Farm – Commercial Horse Boarding

The Ag Board vote was 9 yes 2 no – recommendation to include into the Ag District.

Interim Director of Soil & Water Neal Tomann stated at the time of the site visit there were three (3) horses being boarded.

Chairman Ellner stated the requirement is to have 10 horses on the property to be considered for inclusion in the Ag District.

Legislator Addonizio stated that there have been three (3) properties that the Ag Board recommended with a vote of 9 yes and 2 no for inclusion into the Ag District. She stated this is one of those properties. She stated she is confused by this.

Interim Director of Soil & Water Neal Tomann stated that is why he prefaced that there are 15 parcels being considered, 11 people on the Ag Board and he is reporting what the vote was.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated this property has 10 stalls for the horses. She stated there were three (3) horses on the property, and she believes they were personal and there were chickens and goats on the property as well. She stated the criteria of the horse boarding is they need 10 horses. She stated currently they had one (1) field for the horses. She stated she did not believe they could have 10 horses, and therefore does not support their application to be in the Ag District. She stated other members of the Ag Board believed because there were 10 stalls they should be approved to be in the Ag District.

Joey Mancuso, Owner of the Big Red Barn Farm, spoke to the fact that she does have adequate land to house 10 horses, according to law. She stated she is having difficulty navigating within the Town, securing the permits needed. She stated in her discussions with the Zoning Officer and Town Planner they encouraged her to apply to be in the Ag District because it would help her overcome a lot of the hurdles so she can move forward and get the 10 horses on her property. She stated an example of the getting the grading and zoning of the property, would require a lot more in-depth process if she is not in the Ag District. She stated also financially if she is in the Ag District it would cost her \$1,000 vs. \$11,000 in fee payments. She stated she has boarders who will be coming, but they require an indoor arena. She stated Putnam Valley has a lot of rocks, to provide the adequate space to ride she will provide the indoor arena. She stated she currently has three (3) horses on property and seven (7) more lined up to come to her farm.

Chairman Ellner questioned what her timeframe was.

Joey Mancuso, Owner of the Big Red Barn Farm, stated as soon as possible, before the weather changes.

Chairman Ellner stated he did reach out to Town of Putnam Valley Supervisor Annabi. He stated for the record, Supervisor Annabi stated her support for this application. He stated yet we are faced with the same quandary, the same requirements must be applied across the board.

Legislator Gouldman stated he would support this application. He stated the Big Red Barn Farm is in his Legislative district. He stated he has not been on the property but has driven by it. He stated with the arena it will give them the opportunity to have the 10 horses and possibly more.

Legislator Sayegh stated her concern with this property.

Interim Director of Soil & Water Neal Tomann stated there is a remedy for this applicant which is to get a local variance. He stated he does not like this anymore than anyone else. He stated the statute says what it says and is designed to do a certain thing. He stated he did point out that the statute 25 AA was amended in 2011 to accommodate horse boarding operations, which was not part of the consideration for the Legislature's Resolution #139 of 2007. He stated possibly there is room for the Legislature to consider an amendment to said resolution. He stated he would like to see that go through the Legislative process versus making exceptions to the existing statute.

Legislator Sayegh stated that is a valid point.

Legislator Nacerino questioned where does the authority lie in terms of the recommendations coming from the Ag Board. She stated the final determination is made by the Legislature, but in this case we have the Ag Board approving the application, the Town Supervisor is in support of the application, Interim Director Tomann is not in support.

Legislator Crowley stated as the Legislative Liaison to the Ag Board, there are three (3) members who represent the County and the rest of the Board members represent the farmers, etc. She stated with that said she believes a lot of the times when State Law is raised, their love for farming sometimes does not allow them to see the State Law, and it becomes more advocacy at times.

Legislator Nacerino stated in the past she sat as the Legislative Liaison to the Ag Board and it would be her assumption and expectation that the members of the Ag Board are cognizant of what the statutes are and what needs to be done before they cast their vote.

Chairman Ellner questioned Legislative Counsel Firriolo if the Full Legislature approves a parcel that does not meet the very clear State requirements, what issues does that create.

Legislative Counsel Robert Firriolo stated when there is criteria that is being applied, if they are applied inconsistently it allows challenges on the action of a board on a future applicant is arbitrary and capricious.

Chairman Ellner questioned if we would have exposure to the State, if we are knowingly circumventing State Law.

Legislative Counsel Robert Firriolo stated he was not able to give a quick answer to that. He stated that does bring in the larger issue, that this is criteria set by the State and even our resolution incorporates the State's requirements, so if people are unhappy with how this is working, it is the way the State has created it.

Chairman Ellner stated as Chairman of this committee he has to follow the rules.

Legislator Nacerino stated she agrees with that. She stated she is concerned, the members of the Ag Board are trained to make these decisions and have the knowledge they need to make the decisions.

Chairman Ellner made a motion Not to include Town of Putnam Valley/ Big Red Barn Farm into the Putnam County Agriculture & Farmland Protection Board; Seconded by Legislator Crowley. All in favor.

#7. Town of Patterson/ Hidden Hope Farm – Combination of Agricultural Activities including vegetable gardening, orchards, horticulture and beekeeping

The Ag Board vote was 4 yes 7 no – not recommended for inclusion into the Ag District.

Interim Director of Soil & Water Neal Tomann stated the majority of the Ag Board agreed that the property was yet to be developed and therefore the property is not sufficiently developed for inclusion in the Ag District, citing resolution #139 of 2007.

Chairman Ellner questioned if it met the soil requirement.

Interim Director of Soil & Water Neal Tomann stated they did not.

Legislator Nacerino requested the record reflect Town of Patterson Supervisor Richard Williams in not in favor of this application for inclusion into the Ag District, due to the property's location to wetlands and Great Swamp.

Chairman Ellner made a motion Not to include Town of Patterson/ Hidden Hope Farm into the Putnam County Agriculture & Farmland Protection Board; Seconded by Legislator Castellano. All in favor.

#8. Town of Patterson/ Mother Farm – Tree Farm

The Ag Board vote was 4 yes 7 no – not recommended for inclusion into the Ag District.

Interim Director of Soil & Water Neal Tomann stated feedback from the majority of the board members was the area was too small to be considered viable agricultural land.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated there was nothing growing, it was not actively farmed.

Chairman Ellner made a motion Not to include Town of Patterson/ Mother Farm into the Putnam County Agriculture & Farmland Protection Board; Seconded by Legislator Castellano. All in favor.

#9. Town of Philipstown/ Whipple – Incorporate Four (4) Parcels into Existing Agricultural Enterprise with Heritage Cows

The Ag Board vote was 9 yes 2 no – recommendation to include into the Ag District.

Interim Director of Soil & Water Neal Tomann stated he did not participate in the site visit, due to a scheduling conflict. He stated some of the feedback from the Ag Board was that in their opinion there was sufficient agricultural activity.

Chairman Ellner questioned if the soil requirement was met.

Interim Director of Soil & Water Neal Tomann stated out of the four (4) properties, three (3) of them had 0% he stated one (1) parcel had 46%. He stated he would recommend the applicant get their own soil test done on the one (1) parcel because 46% is close. He stated then make the application for just the one (1) parcel and supply his own soil report. He stated the members of the Ag Board did not agree, they did not believe the parcel should be considered separate from the other three (3) parcels.

Legislator Nacerino questioned how can we make exceptions for some but not the others.

Chairman Ellner stated you do not.

Legislator Montgomery stated this applicant is not growing anything, and that property in that area has been farmed for centuries. She stated again the issue with the soil group. She questioned if the State checks the soil every year.

Interim Director of Soil & Water Neal Tomann stated the Soil Reports are available through a webpage run jointly by the USDA and the NRCS.

Legislator Jonke questioned is there anywhere to reach out to and check if there is an opinion if there is a distinction between horse boarding, production of livestock, crop production. He stated it seems to him that soil type would go along with the production of crops.

Interim Director of Soil & Water Neal Tomann stated the matter of soil is not just about the topsoil quality. He stated it takes into consideration the grade. He stated when you try to incorporate agricultural activity on steep slopes you start running into erosion and runoff issues.

Legislator Jonke questioned why there is an Ag District if the soil and topography of Putnam County is not conducive to farming.

Interim Director of Soil & Water Neal Tomann stated it is possible under this statute that Putnam County will run out of candidates for the Ag District.

Legislative Counsel Firriolo presented two (2) options: a question could be posed to the New York State Ag & Market Board (NYS Ag & Market Board). He stated the second option is for

the County Attorney to write to the Office of the Attorney General and ask for an advisory opinion on a Law. He stated those are two mechanisms off the top of his head that could be used.

Legislator Jonke questioned if Interim Director Tomann had discussed this with the County Attorney's Office.

Interim Director of Soil & Water Neal Tomann stated he has and has gotten approval to engage former First Deputy Putnam County Attorney Andrew Negro, who has given the Ag Board advice over the years. He stated he has begun discussions with Attorney Negro. He stated the way the statute is written puts the County in a tough situation; you can be accused of being anti-farming or be called out about not caring about the environment. He stated he believes if we all get involved and dig into some of the key issues, such as we are advocating for a commercial business in a residential zone, that is a problem. He stated also what are the ramifications of sticking to the 50% soil rule and what are the ramifications of not sticking to the 50% soil rule. He stated in relation to the Horse Boarding, there were never any adjustments made. He stated there are absolutely some things to think about with this statute. He pointed out the statute never mentions the word create, it only says maintain, protect, and support.

Legislator Jonke stated he understands all of that, but he would like to get a clarification from the NYS Ag & Market.

Interim Director of Soil & Water Neal Tomann stated it is in the works.

Legislator Montgomery stated that it was the opinion of some of the Ag Board members that there was agricultural activity on this property, and the mission of the Ag Board and Putnam County is to preserve and protect that activity. She stated she would like to understand how this soil criteria is developed. She stated for the record, there is property adjacent to these parcels that the Town of Philipstown recently gave to allow farming of crops for the food pantry.

Chairman Ellner stated there is another topic related to the Ag District. He explained once an applicant is approved in the Ag District there is another step and there is a potential, if approved, the owners would receive tax abatements. He stated again any decision made by the Legislature cannot prevent the applicants from moving forward with their plans to farm. He stated this Committee is making its recommendation to Full Legislature.

Chairman Ellner made a motion Not to include Town of Philipstown/ Whipple into the Putnam County Agriculture & Farmland Protection Board; Seconded by Legislator Castellano. All in favor.

Item #16 – Other Business

a.) Approval/ Soil & Water District Board Appointments/ F. Finger, M. Garfinkle & D. Vickery/ Interim Director of Soil & Water- Agricultural District Neal Tomann

Chairman Ellner made a motion to Waive the Rules and Go out of Order and Accept Other Business #16a.; Seconded by Legislator Crowley. All in favor.

Interim Director of Soil & Water Neal Tomann stated there was some turnover with members of the Soil & Water District Board. He stated they were fortunate to get these volunteers to join the board. He stated one (1) of the volunteers is from the Philipstown Conservation Board and the other two (2) are from the Ag Board.

Chairman Ellner questioned which position will Mr. Garfinkle be filling and is it acceptable that he does not live in Putnam County.

Interim Director of Soil & Water Neal Tomann stated Mr. Garfinkle will be filling the Conservation position on the Soil & Water District Board.

Legislative Counsel Firriolo stated he does not have the Soil & Water District Board criteria with him, but he had sent it to Interim Director Tomann.

Interim Director of Soil & Water Neal Tomann stated there is no mention of a residency requirement until you get to seven (7) members, they have five (5) members.

Legislator Montgomery stated her support of the appointment of Mr. Garfinkle.

Legislator Sayegh stated she too was in support of the appointment of Mr. Garfinkle.

Chairman Ellner made a motion to approve the appointments to the Soil & Water District Board; Seconded by Legislator Crowley. All in favor.

Item #5 - Discussion/ Approval/ Disposal of County-Owned Property TM#45.-1-60 100 Zimmer Road, Brewster/ Commissioner of Planning, Development & Public Transportation Barbara Barosa

- a. Discussion/Approval/ Offer County Property for Sale Utilizing at Public Auction Pursuant to Chapter 31 of the PC Code/ 100 Zimmer Road Town of Southeast**

OR

- b. Discussion/ Approval/ Offer County Property for Sale Utilizing Real Estate Broker & MLS Pursuant to Chapter 31 of the PC Code/ 100 Zimmer Road, Town of Southeast**

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated several months ago the adjacent property owner to the County owned Property, 100 Zimmer Road, and his counsel contacted her and the Putnam County Executive expressing an interest to purchase County owned property, TM#45.-1-60, 100 Zimmer Road. She stated the property is located off Pugsley Road in the Town of Southeast, she stated that it was part of a land swap, approximately 15 years ago. She stated the intent back at that time was for the property to be used for the animal shelter, the Humane Society. She stated as of now the property is not being used and there are no plans to use it. She stated the adjoining property that surrounds this parcel, and that is being proposed to build a ball field complex, to be called Brewster Yards. She stated it is

projected to be run like Cooperstown. She stated their plan is to bring in regional weekend activity. She stated that would have a growth impact on Putnam County's tourism and economic growth. She stated the hope is to dispose of said property, and the preference from the County Executive would be to utilize the Auction process. She stated with that said the decision is ultimately the Legislature's.

Chairman Ellner requested confirmation that this property would be for economic development purposes.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated that was correct.

Chairman Ellner stated he would like to see this parcel Auctioned with a reserve because it is his opinion that the appraisal is low.

Legislative Counsel Firriolo stated there is a provision of the Code that he has to point out in light of what Commissioner Barosa said about economic development and your question about economic development. He stated there is a specific provision in the code that *says in no event shall any property be sold at private sale pursuant to this article for the purpose of promoting economic development, except for a sale through the applicable Multiple Listing Service (MLS), by utilizing the services of a licensed Real Estate Broker.* He stated he believes under the code if the purpose is to promote economic development the sale would have to be through MLS.

Legislator Jonke stated this is in his district, and he is in favor of the baseball project. He stated he would like to see the County get the maximum amount out of the property, whether it is through an Auction or through MLS. He stated there can still be a bidding process through the MLS.

Legislator Nacerino stated it is her understanding, but it has not been confirmed, that there may be plans to have dormitories erected on the property for guests. She questioned if that is the purpose for this property.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated yes that was mentioned when the applicant came a made their proposal to purchase the property. She stated at this point of time the applicant would have to go to the Town with any use of the property. She explained once it becomes private, they become subject to Town Law, going through site plan approval, SEQRA, etc.

Legislator Nacerino stated what would define a dormitory versus a motel or hotel, because there is a hotel being built one exit away off Interstate 84 in Patterson.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated this is geared towards baseball. She stated the players come and they are the ones who stay in the dormitory with their team. She stated it is like a bunkhouse. She stated the parents would find a hotel/motel in the surrounding area to stay.

Legislator Montgomery questioned if we have heard from the Town.

Chairman Ellner stated he has not heard anything directly, but he will make sure they are contacted. He stated he does not believe the price of this parcel should be listed at the appraised value of \$290,000. He stated this is 10 acres of commercial property, he believes the appraised value is low, and wants to make sure the taxpayers get the best price. He stated this matter tonight is only for discussion.

Legislator Montgomery questioned what if the Town wants this property.

Chairman Ellner stated he will defer to the Legislators from the Town.

Legislator Jonke stated the County did a land swap with the Town, so the Town has been compensated. He stated if the Town is interested in the parcel, they can purchase it, or come up with another land swap.

Legislator Castellano will speak with the Town representatives. He stated there was a mention of the Town possibly wanting to use the parcel for a parking lot, which this was the first he has heard of it.

Legislator Jonke stated if the property is purchased by a private enterprise, the Town would have nothing to do with that.

Chairman Ellner stated with a baseball business like what is being discussed, parking comes as a huge premium.

Legislator Nacerino stated she believes parking would be considered in the site plan of the evaluation of the project.

Legislator Montgomery stated she can contact the Town representatives, but she believes it would be in the best interest to have the Committee reach out to the municipality via a formal memo.

Legislator Nacerino stated Legislators Castellano and Jonke whose Legislative Districts this project involves can reach out to their Town Officials.

Legislative Counsel Firriolo offered clarification on the provision from the Code he referenced earlier, requiring the sale to be done through MLS if it is to be for economic development, in section 31-8, pertains to property obtained through foreclosures. He explained the reason he mentions that is because there was a draft resolution recommending to sell this parcel through Public Auction, and he believes that can only be done with a property that has gone through foreclosure. He stated he was assuming this was a foreclosure property. He questioned if said parcel was acquired through foreclosure.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated no it was not.

Legislative Counsel Firriolo stated he does not believe this parcel could be sold through the Auction process.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated a member of the County Law Department, who is no longer with the County, Connor McKiernan, did look into this, and confirmed this parcel could be sold through the Auction process or the MLS process. She stated that she will go back and discuss this with the County Law Department.

Legislative Counsel Firriolo stated he would appreciate that. He stated he believes the only reference to Auction is in section 31-8 taken by delinquency.

Lynne Ekhardt, Member of the Southeast Planning Board, questioned if anyone knows what the zoning is for that parcel.

Chairman Ellner stated no he does not.

Lynne Ekhardt, Member of the Southeast Planning Board, stated she has not heard any discussion about the Town's consideration of a parking lot. She explained as a point of reference that over the years, not now, quite a while ago, a lot of stuff, beyond logs were dumped there. She stated she is not sure who would have the liability on it. She also mentioned there is a lot of traffic in that area with the ongoing construction and with the addition of Brewster Yards, she imagines it will add to the traffic issues in that area.

Legislative Counsel Firriolo apologize for doing this on the fly, but he just doubled check and found in section 31-4, which is the regular section of the conveyance. He read from said section: *In no event shall the Legislature approve the transfer of any property pursuant to this section for the purpose of promoting economic development, except when sold either to the highest responsible bidder after public advertisement, or through the applicable multiple listing service by utilizing the services of a licensed real estate broker.* has the same provision without using the word "auction", which wording may allow the auction process to be utilized.

Chairman Ellner stated he believed the resolutions need to be cleaned up. He stated that he is in favor of liquidating the property.

Legislator Montgomery stated again, she would like to make sure that the County will not be putting an undo burden on the Town.

Legislator Jonke stated he agrees that we get some feedback from the Town Supervisor and Town Council Members. He stated our job is to get the best deal on this property. He stated what the use of the property will be in the future, that is what the Town Planning Board is for.

Legislator Montgomery stated she does not agree.

Chairman Ellner we have begun the discussion, the Town will be contacted, and we will move along as appropriate.

Commissioner of Finance Mike Lewis stated from his perspective the ultimate goal is to get this back on the tax role.

Legislator Castellano stated he would lean toward the MLS process to sell the property. He stated he will look further into this, and he will reach out to the people in the Town of Southeast, to hear their opinion.

Item #6 - Approval/ SEQRA/ Negative Declaration/ County Office Building ADA Ramp and Entry Door Project/ Town of Carmel/ Commissioner of Planning, Development & Public Transportation Barbara Barosa

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated Lead Agency was declared and there was the 30-day circulation to all of the involved agencies. She stated only one (1) agency responded, and they stated they had no issue with the construction at the County Office Building. She stated reason for this environmental review is because of the projected project's location which is adjacent to a historic structure (the historic courthouse). She stated typically a project like this would not rise to the level of requiring review. She stated as a result of the requirement she has prepared a negative declaration for consideration by the Legislature.

Chairman Ellner made a motion to approve the SEQRA/ Negative Declaration/ County Office Building ADA Ramp and Entry Door Project/ Town of Carmel; Seconded by Legislator Castellano. All in favor.

Item #7 - Discussion/ Budgetary Amendment Request for Maybrook Bikeway II Phase A (Bridge 5)/ Commissioner of Planning, Development & Public Transportation Barbara Barosa

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated the Maybrook Bikeway II Phase A construction was done years ago except for Bridge 5. She stated they went out to bid in 2023 there was only one (1) responsible bidder. She stated they went out to bid again, and a number of bidders responded. She stated the costs for this project has increased.

Chairman Ellner facilitated discussion about the projected price versus the lowest bidder price. He stated he understands this is an important project.

Legislator Castellano stated that he has gotten calls regarding this Bridge 5 and it is vitally important in terms of security in that area to get the work done. He stated the Sheriff's Department has been patrolling the area, and this bridge would bring additional access for the Sheriff to patrol this area.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated she agrees based on a past incident, there is a need to complete this bridge.

Chairman Ellner made a motion to Waive the Rules and Accept Additional #7, Budgetary Amendment 24A074 for Consideration for Approval; Seconded by Legislator Castellano. All in favor.

Chairman Ellner requested Commissioner of DPW Feighery offer his professional insight to this matter.

Commissioner of DPW Thomas Feighery stated this bridge is a tough design build, and that is part of the high cost and the reason for only a few companies qualified to work on this bridge. He stated he agrees with Legislator Castellano in that this work needs to get done.

Legislator Castellano questioned when the work would be done.

Commissioner of DPW Thomas Feighery stated this year 2024 the construction will begin, and it is a projected 9-month project.

Commissioner of Planning, Development & Public Transportation Barbara Barosa stated as a reference, bids go stale, so if the project is not awarded by August 10, 2024, the County would have to go out for bid again, and the construction costs will likely rise.

Chairman Ellner requested that there be a negotiation with the contractor conducted prior to finalizing.

Chairman Ellner made a motion to approve Budgetary Amendment (24A074) – Planning – Maybrook Bikeway II Phase A Bridge 5 Project PIN 8756.84; Seconded by Legislator Castellano. All in favor.

Item #8 - Approval/ Budgetary Amendment 24A065/ Guardrail Damage Compensation/ Insurance Recoveries/ Four (4) Separate Accidents which Resulted in Guardrail Damage on County Roads/ Risk Manager Mat Bruno

Chairman Ellner made a motion to approve Budgetary Amendment 24A065/ Guardrail Damage Compensation/ Insurance Recoveries/ Four (4) Separate Accidents which Resulted in Guardrail Damage on County Roads; Seconded by Legislator Crowley.

Item #9 - Approval/ The Implementation and Funding of 100% of the Costs of a Transportation Project, (*Croton Falls Road/Mud Pond Outlet Culvert Rehabilitation-Carmel*) of Which Qualified Costs May Be Reimbursed from Bridge NY Funds/ Commissioner of Department of Public Works Thomas Feighery

Deputy Commissioner of DPW Joseph Bellucci explained the funding for this work was not sufficient. He stated if the next agenda item budgetary amendment 24A069 is approved, that will cover the additional costs. He stated the additional funding will be reimbursed to the County by the Bridge NY Funds.

Chairman Ellner made a motion to approve The Implementation and Funding of 100% of the Costs of a Transportation Project, (*Croton Falls Road/Mud Pond Outlet Culvert Rehabilitation-Carmel*) of Which Qualified Costs May Be Reimbursed from Bridge NY Funds; Seconded by Legislator Crowley. All in favor.

Item #10 - Approval/ Budgetary Amendment 24A069/ Use of NYS Dept. of Transportation-Bridge NY Funds/ Croton Falls Road/Mud Pond Outlet Culvert Rehabilitation in Town of Carmel/ Commissioner of Department of Public Works Thomas Feighery

Chairman Ellner made a motion to approve Budgetary Amendment 24A069/ Use of NYS Dept. of Transportation- Bridge NY Funds/ Croton Falls Road/Mud Pond Outlet Culvert Rehabilitation in Town of Carmel; Seconded by Legislator Crowley. All in favor.

Item #11- Approval/ The Implementation and Funding of 100% of the Costs of a Transportation Project, (*Peekskill Hollow Rd./Peekskill Hollow Creek Culvert Replacement - Kent*) of Which Qualified Costs May Be Reimbursed from Bridge NY Funds / Commissioner of Department of Public Works Thomas Feighery

Deputy Commissioner of DPW Joseph Bellucci stated this is part of the same batch as the previous agenda item. He stated they worked with the Department of Transportation (DOT) to get additional funding to finish the project. He stated the following Budgetary Amendment is the amount they have projected to finish the project.

Chairman Ellner made a motion to approve The Implementation and Funding of 100% of the Costs of a Transportation Project, (*Peekskill Hollow Rd./Peekskill Hollow Creek Culvert Replacement - Kent*) of Which Qualified Costs May Be Reimbursed from Bridge NY Funds Transportation Project, (*Peekskill Hollow Rd./Peekskill Hollow Creek Culvert Replacement - Kent*) of Which Qualified Costs May Be Reimbursed from Bridge NY Funds; Seconded by Legislator Castellano. All in favor.

Item #12 - Approval/ Budgetary Amendment 24A072/ Use of NYS Dept. of Transportation-Bridge NY Funds/ Peekskill Hollow Rd./Peekskill Hollow Creek Culvert Replacement – Kent (PIN 8815.12)/ Commissioner of Department of Public Works Thomas Feighery

Chairman Ellner made a motion to approve Budgetary Amendment 24A072/ Use of NYS Dept. of Transportation- Bridge NY Funds/ Peekskill Hollow Rd./Peekskill Hollow Creek Culvert Replacement – Kent (PIN 8815.12); Seconded by Legislator Crowley. All in favor.

Item #13 - Approval/ Authorizing the Implementation and Funding in the First Instance 100% of Federal – Aid and State “Marchiselli” Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Fair St. Reconstruction Project)/ Commissioner of Department of Public Works Thomas Feighery

Deputy Commissioner of DPW Joseph Bellucci stated the Marchiselli program funding helps to offset a portion of the non-federal share of a project’s cost. He stated in this case Marchiselli

will cover 15% of the local match amount. He stated that is significant due to the fact this is the Fair Street Project, which will cost a substantial amount of money. He stated this is offsetting the 20% which is the County's portion.

Chairman Ellner Made a motion to approve Authorizing the Implementation and Funding in the First Instance 100% of Federal – Aid and State “Marchiselli” Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Fair St. Reconstruction Project); Seconded by Legislator Castellano. All in favor.

Item #14 - Approval/ Budgetary Amendment 24A070/ Repurposing of Funds to the Fair Street Reconstruction Project (*From the Farmers Mill Road Bridge Project*)/ Commissioner of Department of Public Works Thomas Feighery

Chairman Ellner made a motion to approve Budgetary Amendment 24A070/ Repurposing of Funds to the Fair Street Reconstruction Project; Seconded by Legislator Crowley. All in favor.

Item #15 - Approval/ Ratification of the 2024 Real Property Tax Sale (*PC Public Auction held July 10, 2024*)/ Commissioner Finance Michael Lewis

Chairman Ellner made a motion to Waive the Rules and Accept the Additional; Seconded by Legislator Crowley. All in favor.

Commissioner of Finance Michael Lewis stated he had Tax Collection Supervisor Mike Dean with him who is well versed in the County's auction process. He stated Putnam County is way behind in the category of filing tax liens, which he was not happy to learn that. He stated there have been obstacles that have contributed to that, COVID, being a big one.

Tax Collection Supervisor Mike Dean stated 2016 has been filed, just waiting for a date 2017 is filed beyond a redemption date and they are waiting for a summary judgement to complete the foreclosure, at that point Attorney Jennifer Herodes (Attorney Herodes) will file a deed for that. He stated 2018 title searches are complete, they are waiting for Attorney Herodes to file the petition foreclosure. He stated they are currently working on the 2019 title searches.

Commissioner of Finance Michael Lewis stated an Auction was held on July 10, 2024. He stated 161 properties were auctioned, only 14 of them were not bid on. He provided an over of the results from the Auction. He stated the goal is to get these properties back on the tax role, because by Law the County is responsible to make the Towns, Villages and Schools whole. He continued to the financial impact of not having the properties on the tax role. He pointed out that Lot 1 Tax Map #44.-2-7.2 Town of Carmel and Lot 5 Tax Map #63.-1-6 Town of Carmel needed to be addressed.

Chairman Ellner stated he was contacted about these two (2) properties by Commissioner Lewis. He explained Lot 1 Tax Map #44.-2-7.2 Town of Carmel was listed as Landlocked, that is

wrong. He stated the property is not landlocked, and therefore is potentially worth more and it is potentially combinable with another County owned property, which is landlocked. He stated the Water and Agriculture Council may come into play with these properties. He stated the Administration would like to separate Lot 1 Tax Map #44.-2-7.2 Town of Carmel. He stated Lot 5 Tax Map #63.-1-6 Town of Carmel had a bidder error. He stated the price went from \$15,000 to \$160,000. He stated to protect the bidder and the property the Committee is being requested not to accept that property.

Commissioner Michael Lewis stated in addition to the amount error, they learned that the potential bidder thought the property was located in Putnam County in Florida.

Tax Collection Supervisor Mike Dean stated as a note according to the terms and conditions of the Auction process, research is to be done prior to placing a bid. He stated from his experience that is a problem. He stated about Lot 5 Tax Map #63.-1-6 Town of Carmel an individual came to his office and claims that he was the second bidder at a price of \$15,000. He stated he would like to purchase that property as an adjoining property owner. He stated that is up to the Legislature.

Chairman Ellner stated he believed the fairest way to handle this would be to put the property out to bid again.

Legislator Addonizio questioned when the next Auction would be held.

Tax Collection Supervisor Mike Dean stated it would probably not be until sometime in 2025.

Chairman Ellner facilitated further discussion on this matter. He referred to Legislative Counsel Firriolo to speak to the process.

Legislative Counsel Robert Firriolo stated in his discussion with Commissioner of Finance Lewis it was stated that the Code states if there is an error in bidding the County Commissioner of Finance and the County Attorney have discretionary power to deal with anything procedural or administrative with an Auction. He stated now learning that the next highest bidder is interested in buying the parcel, he has not seen the terms a condition of the Auction, but if they have a right as the next highest bidder, in the event the first bidder defaults to purchase the property, that may be something the Law Department would have to weigh in on.

Tax Collection Supervisor Mike Dean stated procedurally they have done that in the past. He stated when the original bidder defaults, they go to the 2nd highest bidder.

Legislator Jonke suggested that the County make appointments with the Assessors of the Town regarding these parcels to see if they are not willing to work with you on the assessed values and if they are not then the County files a grievance.

Legislator Nacerino spoke to why she believes it would be wise to go with the next highest bidder, who own the adjoining property and this is a substandard lot. She agrees that the Law Department needs to be contacted to get their professional opinion on what can be done from this point forward.

Chairman Ellner stated he agrees that the Law Department needs to be contacted. He stated he will make a motion to remove Lot 1 and Lot 5 from the list in the Physical Services Committee's consideration of this matter for approval, based on the reasons explained.

Legislator Castellano questioned if the County still contacts the adjoining property owners before the parcels go to Auction. He stated he knows that was done in the past.

Tax Collection Supervisor Mike Dean stated the last time an adjoining property sale was done it was in 2015. He stated the County goes to the Auction Process as favorable as possible. He stated the idea is to give it all to the Auction Company.

Legislator Jonke questioned how much the Auction Company gets paid.

Tax Collection Supervisor Mike Dean stated he believes it is 7% of the purchase price.

Legislative Counsel Robert Firriolo pointed out that Lot 5 is not listed on the Schedule A, because of the procedural issue that has been discussed.

Chairman Ellner expressed confirmation of that.

Chairman Ellner made a motion to Approve the Amendment of the Schedule A by removing Lot 1 Tax Map #44.-2-7.2 Town of Carmel and the Lots that received no bid Lots: 44, 70, 80, 89, 90, 93, 94, 126, 128, 129, 142, 150, 152; Seconded by Legislator Crowley

Chairman Ellner made a motion to Approve the Ratification of the 2024 Real Property Tax Sale based on the Amendments; Seconded by Legislator Crowley. All in favor.

Item #17 - Adjournment

There being no further business at 8:41 P.M. Chairman Ellner made a motion to adjourn; Seconded by Legislator Crowley. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.