

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

Committee Members: Chairman Ellner, Legislators Castellano & Crowley

Tuesday

August 20, 2024

(Immediately Followed the Rules Mtg.)

The meeting was called to order at 6:20p.m. by Chairman Ellner who led in the Pledge of Allegiance. Upon roll call, Legislators Castellano, Crowley, and Chairman Ellner were present.

Item #3 - Approval/ Grant Application/ Crest Grant Program/ Putnam County Office Building ADA Compliant Bathrooms/ Commissioner Planning, Development & Public Transportation Barbara Barosa

Chairman Ellner requested Commissioner Barosa speak to this agenda item.

Commissioner Planning, Development & Public Transportation Barbara Barosa stated the County would like to apply for \$20,000 through the Crest Grant Program.

Legislator Castellano questioned what bathrooms are included.

Commissioner Department of Public Works Thomas Feighery stated that they will be adding an ADA compliant bathroom on each floor of the County Office Building including the basement.

Chairman Ellner made a motion to Approve the Application/ Crest Grant Program/ Putnam County Office Building ADA Compliant Bathrooms; Seconded by Legislator Castellano. All in favor.

Item #4 - Approval/ Ratification of Application for Grant Funds Available through the NYSEKDA Clean Energy Communities Program and NY SWIMS Initiative / Commissioner Planning, Development & Public Transportation Barbara Barosa

Commissioner Planning, Development & Public Transportation Barbara Barosa stated NYSEKDA, through the Climate Smart Program has made the County eligible for funding. She stated there is \$125,000 that the Administration would like to use to address windows at the Donald B. Smith Campus, buildings #2 & #3. She explained these two (2) buildings were not included in the work that was done by Ameresco Inc. She stated there is also \$10,000 and \$5,000 which they would like to put towards electric landscaping equipment.

Legislator Montgomery complimented Commissioner Barosa for moving forward with the Climate Smart Grants and securing funding for the County.

Commissioner Planning, Development & Public Transportation Barbara Barosa stated separately the NY SWIMS has made \$30,000 available to Putnam County for the Parks Department to be put towards Lifeguard Training. She stated that is also included in this proposed resolution.

Chairman Ellner made a motion to Approve Ratification of Application for Grant Funds Available through the NYSERDA Clean Energy Communities Program and NY SWIMS Initiative; Seconded by Legislator Crowley. All in favor.

Item #5 - Approval/ Offer County Property For Sale Utilizing at Public Auction Pursuant to Chapter 31 of the Putnam County Code/ 100 Zimmer Road, Town of Southeast

Commissioner Planning, Development & Public Transportation Barbara Barosa stated that she did present this matter to this Committee at the July meeting. She stated there has been an appraisal done on the property.

Legislator Nacerino stated she recalled during the discussion last month, it was stated due to the low value of the appraisal the County would seek the MLS process.

Chairman Ellner stated discussions continued and he is proposing this resolution to sell the property through the Auction process with a reserve, which will be set by the Legislature.

Legislator Jonke questioned if we are looking at doing a sealed bid Auction or one similar to the one that was recently done by the County.

Chairman Ellner stated it will be similar to the Auction the County recently held (July 10, 2024). He stated Commissioner of Finance Mike Lewis and his staff would be the ones to administer the Auction.

Commissioner Planning, Development & Public Transportation Barbara Barosa clarified this would be conducted as a stand-alone Auction.

Legislator Jonke expressed his agreement that this would be the best way to get the County the best value on the sale of said property.

Chairman Ellner questioned Legislative Counsel Firriolo as to whether the proposed Resolution needed any amendments.

Legislative Counsel Robert Firriolo stated it does not. He stated this was discussed at last month's meeting. He stated because this is a property that was to be used for economic development purposes, there was the option to sell the property via a public Auction or through MLS.

Chairman Ellner stated the County Law Department stated said property could be sold to the highest bidder after public advertisement.

Legislator Nacerino questioned why we are not looking into the MLS process as the way to sell said property.

Chairman Ellner stated he believes the County will get the best price for the people of Putnam County by using the Auction process with a reserve as opposed to MLS.

Commissioner Planning, Development & Public Transportation Barbara Barosa stated the said property is surrounded by the Brewster Yards property. She spoke to the layout, and stated to access the County property you need to drive through the Brewster Yards property.

Legislator Nacerino requested clarification that the County Property is contiguous to the Brewster Yards property.

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

Legislator Nacerino stated for the record, she believes regardless of the property being contiguous to the Brewster Yards property, with it being 10 acres it would be property other bidders through the MLS process may be interested in buying.

Legislator Crowley questioned if Brewster Yards has expressed interest in this property.

Commissioner Planning, Development & Public Transportation Barbara Barosa stated yes, they are the ones who initially approached the County and asked if the County would be willing to sell it to them.

Legislator Montgomery stated some feel we want the most money for this property. She stated that she sees this as a recreational opportunity. She stated she is not sure how the Town of Southeast feels about the Brewster Yards project, but it is already being developed and continues to be developed. She stated she is not sure this can be done, but would like it to be considered, that a stipulation be put on the sale for use of these fields at a lower cost for different organizations that may want to make use of the fields, such as the County's Youth Bureau. She stated she thinks this is a great project and it is much needed. She continued to speak to her proposal.

Commissioner Planning, Development & Public Transportation Barbara Barosa stated currently the property is undeveloped and not in optimal use for a ball field. She stated Brewster Yards will need to do the work on getting it up to par for their use.

Legislator Crowley questioned if there is any mention of a second PILOT (Payment in Lieu of Taxes), because this is their second property. She stated as an example, Ace Endico has done this in the past, they have gotten a second PILOT for their different piece.

Commissioner Planning, Development & Public Transportation Barbara Barosa stated she had no information on that.

Legislator Jonke stated he does not believe Brewster Yards has a PILOT. He stated this project is in his Legislative District. He stated the Town Board has indicated to him that they are in support of this project, and if Brewster Yards wants to put in dormitories, they will need to present to the Town of Southeast Planning Board. He stated the Town will have the local control over what will happen to the property. He stated currently the property is being used to deposit stumps and trash.

Commissioner of Department of Public Works Thomas Feighery stated the majority the debris has been removed.

Legislator Jonke stated it is not an optimal piece of property, it has no frontage on Zimmer Road. He stated he has heard there were other people interested in the property. He stated he does still believe an Auction is the way to expose the property to the market and get the best price. He stated he is familiar with the Appraisers who did this appraisal they are very qualified.

Lynne Eckardt, Resident and Town of Southeast Planning Board Member questioned how will the Legislature arrive at the reserve amount.

Chairman Ellner stated his intention was to increase it above the appraisal amount by looking at some comparable properties in the area. He stated the appraisal on this property was \$290,000, which to him seems very low for a commercial property.

Lynne Eckardt, Resident and Town of Southeast Planning Board Member, questioned will the property be sold "as is".

Chairman Ellner stated that is the intention.

Lynne Eckardt, Resident and Town of Southeast Planning Board Member, stated she mentioned at the meeting last month, that area was used for dumping for a very long time. She stated she is not saying anything bad is there, she does not know, but she does know that asphalt had been dumped there. She stated she believes it is something to be considered. She stated to address a suggestion made by Legislator Montgomery, it was agreed that there will be reduced prices for the schools, and others (not specified) when Brewster Yards came to the Town of Southeast, however, nothing was etched in stone, so it would not be a bad idea for the County to request that if they end up buying it. She stated as far as building dorms, right now that would not be an approved use, they would need to bring that to the Town of Southeast Planning Board. She stated whatever they are planning to use the property for, they would need to come to the Town of Southeast Planning Board to get approval.

Chairman Ellner requested confirmation from Legislative Counsel Firriolo that the proposed resolution is proper to move forward with and that the Legislature can set the reserve on this.

Legislative Counsel Robert Firriolo stated that is a good question. He stated he does not believe that has been discussed. He stated under the terms of the Code typically the County Attorney and Finance Commissioner have discretion on the procedural and administrative running of the Auction in conjunction with the Auction House. He stated if the Legislature would like to set a

starting bid, he recommends that wording be added to the resolution. He stated he is not sure that a reserve could be established, if it could, it would need to be done by resolution and it would be public.

Legislator Sayegh questioned if it would make more sense, if you are looking to use a reserve, to sell the property through the MLS process.

Chairman Ellner stated he is open to whatever process which will result in getting the Putnam County Taxpayers the best price.

Legislative Counsel Robert Firriolo stated in the last Resolve clause of the proposed resolution it states “pursuant to Section 31-4 of the Putnam County Code the initial offer amount of the Property shall be hereinafter determined by the Putnam County Executive based on the appraisal and the comparative market analysis, and with the advice and recommendation of the Legislature...”. He stated it gives the authority, discretion, to the County Executive to set the starting price.

Chairman Ellner made a motion to Table the Approval/ Offer County Property For Sale Utilizing at Public Auction Pursuant to Chapter 31 of the Putnam County Code/ 100 Zimmer Road, Town of Southeast; No Second. Motion Failed.

Legislator Crowley questioned if we wanted to utilize the MLS process would we need a new resolution.

Legislative Counsel Robert Firriolo stated it could be moved to be amended.

Legislator Castellano stated that he believes we need to move quickly on this, and he agrees an Auction is the proper process for this. He stated it would be a unique buyer who would be interested in this process.

Chairman Ellner facilitated further discussion.

Legislator Castellano made a motion to Approve amending the wording in the last Resolve Clause, replacing the word: “recommendation” with “approval”; Seconded by Chairman Ellner. All in favor.

Legislator Castellano stated the next step in his mind is to make sure that the fees that will be charged to hold the Auction will be covered by the cost. He stated it was mentioned that the fee is approximately 7% of the selling price. He stated that needs to be confirmed and then a price should be set that will include the fees.

Legislator Castellano made a motion to Approve and move the amended resolution to the Audit & Administration Meeting pending receipt of a selling price from the Administration and the amounts that would be incurred whether the decision is to sell 100 Zimmer Road by Auction or the MLS process; Seconded by Legislator Ellner. All in favor.

Legislator Crowley stated she would like to have Commissioner of Finance Michael Lewis present at the Audit & Administration Meeting to speak to this item.

Item #6 - Discussion/ Approval/ 2024 Tax Sale Auction Lot #5/ Commissioner of Finance Michael Lewis

Chairman Ellner stated there was an error that occurred during the bidding at the County's Auction (July 10, 2024) on Lot #5. He stated the bids went from \$1,500 and then the next bid came in as \$160,000. He stated the second low bidder has approached by the County and are willing to pay \$1,500 for this property and they will merge it with their adjacent property. He stated that he is in full support of this.

Legislator Castellano stated this is always the best way to do this, having the adjacent property owner purchase the parcel, it solves the problem going into the future. He stated he is also in favor of this.

Legislator Jonke stated he is in agreement as well. He stated that the person who did bid the \$160,000, meant to bid \$1,600, and they are not residents of Putnam County, NY.

Chairman Ellner stated since this was brought to the Legislature by the Commissioner of Finance who has Administrative control over the Auction, he agrees with this proposal.

Legislative Counsel Firriolo stated that it was unclear by Commissioner Lewis's memo as to whether the second highest bidder (\$1,500) has been offered the property and if the bidder has accepted the offer to move forward with a purchase of said property at \$1,500. He stated he is not clear where the process stands.

Chairman Ellner stated that the second bidder has been contacted and accepted the offer to purchase the property at a price of \$1,500.

Legislator Jonke stated that he has spoken to the second bidder, and he does want to buy the property at \$1,500.

Legislative Counsel Robert Firriolo stated if it is the interpretation of Chairman Ellner, he could move forward to accept the bid, which the Legislature is statutorily authorized to do.

Chairman Ellner made a motion to Approve the 2024 Tax Sale Auction Lot #5 bid of \$1,500, pursuant to the second highest bidder; Seconded by Legislator Castellano. All in favor.

Legislative Counsel Robert Firriolo stated he believes a resolution should be requested from the Finance or Law Department, so it is prepared to be considered by the Full Legislature at the September Meeting.

Item #7 – FYI/ Fund Transfer 24T206/ Sheriff's Department – Amended Jail Cleaning, Sheriff's Garage Cleaning, and Courthouse Cleaning Bid -Duly Noted.

Item #8 - Other Business – None

Item #7 - Adjournment

There being no further business at 6:59 P.M. Chairman Ellner made a motion to adjourn;
Seconded by Legislator Crowley. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.