

Good evening ladies and gentlemen thank you for attending tonight's Public Hearing. Let me set the parameters of how tonight's meeting will be conducted. Seeing that there is a substantial audience present this evening, we want to ensure that everyone will be given an opportunity to speak.

I will start the proceedings and explain the purpose of these proceedings and clear up the tremendous amount of misinformation that has been printed in local papers and broadcast on social media.

Each speaker will be given a ten minute window to speak and once everyone has had an opportunity to speak, a five minute window will be allowed for each speaker to clarify any comments they would like to be further be put on the record. No speaker can yield time to another.

At the end of the meeting, the public hearing will not be closed but will remain open for written comment until Wednesday, February 19, 2020 at 12:00 noon.

Show Slide: Ms. Fanizzi's Ad

- "Scheming" - not by the Town, but by this article which appears to be a well calculated attempt to provide the public with misleading information.
- When residents approved the \$5M open space bond, did the town and open space committee make the public aware that you were agreeing to pay back the equivalent of a \$370K a year mortgage payment for the next 20 years? \$7.4M! That payback rate calculates out to 5% annually. However, the Town is limited by a state mandated tax cap which only allows a 2% increase. Fortunately, though the Town only borrowed \$2.2M which costs the Town \$165K a year, \$3.3M over twenty years, which equates to a 2.2% increase and the state mandated tax cap remains at 2%.

- The taxes you are paying are for an open space bond, regardless of its location, does not, nor will it ever benefit a developer as you are being told! Developers pay their own proportionate share of taxes just like you and I.
- Ms. Fanizzi claims that this is a “let’s make a deal” and that the Town Board are “conniving” public officials. Nothing could be further from the truth and let me try to put this in perspective and to explain it to you what is going on in layman’s terms.

To be able to even consider the transfer of designated open space land, the Town must first obtain permission from the New York State Legislature. To begin, this process, the Town must file a Home Rule Request with the NYS Senate and NYS Assembly.

What is a home-rule request? In this case, the Town of Southeast is requesting that the NYS Assembly and NYS Senate, authorize the Town to swap one parcel of land for another parcel of land that is either similar or in this case, greater in size. Under the current proposal, the Town would swap approximately 81+/- acres located at 132 Pugsley Road for approximately 95+/- acres on 273 Starr Ridge Road. If approved by the NYS Legislature, the owner of the Starr Ridge property would only receive a portion of the land on Pugsley Road and the Town will retain approximately 72 +/- acres. (Show Slide – Pugsley Road, Starr Ridge Road, County owned property) This land swap would generate a net increase of Open Space land in the Town of Southeast by approximately 14 +/- acres.

If the alienation request is denied, the project is dead. If the alienation is approved, the proposal to improve the 81 acres on Pugsley Road as a Baseball / Sports training facility will undergo the same rigorous site plan reviews by County, Town, Federal and State agencies as is the case with all projects that come before the Town. There will be many more public hearings on many levels.

It has been suggested that the Town should “delay” the home rule request to allow the alienation / swap of these parcels. Delaying this alienation request would serve one purpose and that would be to deny those that would like more recreational opportunities in the Town of Southeast from having them. The New York State Legislature meets only from January to June of each year. If we don’t get this request for consideration to the legislature in a timely fashion, which in this case is before the end of February, we will lose a year in the blink of an eye and just to ask a question? A sketch plan for the proposal suggests several big and little league fields, multi-sport fields, batting cages and a 20,000 to 30,000 indoor complex and this appears to be something that would resonate well in this community. This project would become a destination site for tourism during the summer which will add sale tax revenues to the County's coffers. There are a lot of kids out there and you might even have one or two that have big dreams, this project has the potential to make some of those dreams come true.

Let me provide you with some of my personal experiences with Home Rule requests. Back 2001, when I was a PC Legislature, the County approved (8-1) a home-rule request to create a Putnam County Taxi and Limo Commission. It was approved by both the Assembly and Senate; however, once it passed both houses, it was forwarded to the Governor for final approval. In this case, the Governor vetoed the home rule request and it never came to fruition. It received a fair disposition of its request, the same fair hearing this home rule request deserves as well.

Now, in order for this home rule request to move forward, the Town Board will first need to vote next Thursday, February 20, 2020, to determine if that will happen.

At our Town Board meeting on February 6, 2020, Ms. Fanizzi was quite upset and adamant that a Resolution had already been prepared. Yes it was, however that is the standard protocol. Any action taken by a Town Board requires either a Motion or a Resolution be prepared in advance for discussion and an eventual vote. It either passes or it fails. That’s Robert Rules of Order by which most municipalities are governed.

That's neither "scheming" nor "conniving". This Town Board, under my watch, has been very transparent and inclusive when it comes to public input.

Let me share with you some of my own personal experiences with Open Space issues.

Back in 2002, while I was on the PC Legislature, the County proposed purchasing 199 acres of land in the Town of Southeast, Tilly Foster Farm. I don't quite recall the rationale used for the purchase at the time, but it was purchased for \$3.9M. It was approved by the Putnam County Legislature by a 9-0 vote.

Also back in 2003, while I was on the PC Legislature, the County proposed purchasing 376 acres of land in the Town of Carmel. Rumor had it that the land which consisted of an airport, farm and golf course was going to be sold to a developer to build condominiums. The price tag was \$11.3M. It was approved by the Putnam County Legislature by a 6 to 3 vote. After it was approved, an amendment was put forward and 36 acres were leased back to the Town of Carmel for recreational purposes for 99 years. So the Town of Southeast is not setting a precedent by mixing open space and recreational fields.

Now let's move on to how and why we are here tonight.

On December 7, 2004, the Town of Southeast Open Space Advisory Committee had its inaugural meeting. Then, after several meetings, on February 22, 2006, the Open Space Committee similarly discussed as we are this evening, a home rule legislation request that would allow the Town to adopt a mechanism which would allow the Town to create and build an Open Space Preservation Fund by levying a tax on the sale of property within the Town. That home rule legislation was never pursued, but it would have involved requesting home rule legislation.

On August 2, 2006, the Open Space Advisory Committee forwarded language to the Town Board to put a \$5 million bond resolution up for a vote, which was subsequently

approved by the residents on November 7, 2006. That referendum authorized the Town to borrow "up to" \$5 million for the purpose of acquiring "open space".

What I really find ironic about the "scheming and fast tracking" charges being levied by a former member of the Open Space Advisory Committee and Town resident Ms. Fanizzi, is that on January 31, 2007 the Open Space Advisory Committee discussed that the Trust for Public Land had an option that would expire at the end of March and that several hurdles would have to be surmounted, i.e., publicity campaign, public notification in media, public hearing by no later than March 8th, etc. that needed to take place in less than 36 days! However, here we are this evening with the very same challenges they faced, the only exception being that we only have 17 days to do it. It was OK for them to have done it, but not us.

What we are doing and the speed in which we are doing it is dictated by NYS Legislative Procedure which must be followed.

Another interesting fact that can be found in the minutes of the Open Space Advisory Committee held on March 28, 2007, there was some strong discontent of a member of the Board, who eventually resigned. It is stated in the minutes that the Resolution adopted by the Town Board for the acquisition of the UJA property did not reflect the actual resolution adopted by the Advisory Board. I also could not find the actual vote if there was one by the open space committee.

However, on May 17, 2007, the Town Board, by Resolution, authorized the purchase of land from United Jewish Appeal (UJA) for \$2.2M.

Then, on July 2007 (two months AFTER the Town Board resolved to purchase the UJA property) six of the Open Space Advisory Board Members filled out an Open Space Parcel Evaluation Survey. Four of the six members indicated that the Pugsley Road site had potential for active recreation.

(Show Slide – Valuation Chart) On November 7, 2007, the purchase was finalized and the Town paid \$2,245,662.08. This, by the way, leads to yet another ironic situation. In a February 10, 2020, letter from James Bryan Bacon, ESQ. P.C., states that the Pugsley Road property is “twice as valuable” as the proposed Starr Ridge property. So I went back to the Town of Southeast Assessor’s office and pulled the value of the Pugsley Road property. In 2007, Lot #10 – 94.82 acres had an assessed valuation of \$467,600 and Lot #11 – 61.36 acres had an assessed valuation of \$700,000 – a combined total assessed valuation of \$1,167,000. All Town properties taxable and exempt are assessed annually at 100% of market value. So how did this parcel sell for twice its assessed valuation, \$2,245,662.08 back in 2007? By the way, based on the 2019 assessed valuation, Lot #10’s current assessed valuation is \$789,040 and Lot #11’s current assessed valuation is \$313,840 – a total of \$1,202,888 – which is a far cry from the \$2,245,662.08 price paid in 2007.

Other interesting facts:

I find it ironic that lands that were being purchased to preserve open space carved out 10 prime acres for development.

This proposed land swap will not only recoup those lost ten acres of open space, but will provide an additional 4 acres adding an additional 14 acres to the Town's open space inventory.

Pugsley Road is a seasonal road and that the proposed land that the Town wants to swap for has frontage on two designated Town Scenic and Historic Routes, Starr Ridge Road and Turk Hill Road? Open Space, scenic views and historic routes are a perfect combination for open space preservation.

Contrary to the misinformation being circulated in newspapers and social media, the proposed recreation planned for the Pugsley Road site will be privately owned and operated. A concept sketch for Starr Ridge Road showed 4 little and 4 big league fields,

3 multi-sport fields, batting cages and a 20,000 to 30,000 sq. ft. indoor facility. Again this project is not being contemplated by the town but a private company and they will pay their full share of taxes like any other development!

Personally, I feel this trade off will off will be one that will preserve even more open space due to the fact that the 81 acres will be well manicured fields.