

PUBLIC WORKS AND CAPITAL PROJECTS COMMITTEE

OF THE

DUTCHESS COUNTY LEGISLATURE

Thursday, February 7, 2019

Committee Chair Miccio called the committee to order at 6:10 p.m.

PRESENT: 10 BLACK, BOLNER, INCORONATO, METZGER, MICCIO,  
MUNN, PULVER, SAGLIANO, SURMAN, and ZERNIKE

ABSENT: 2 AMPARO and BRENDLI

PRESENT/LATE: 0

QUORUM PRESENT

Committee Chair Miccio entertained a motion from the floor, which was seconded and carried, to allow the public to address the Committee on agenda items.

No one wishing to speak, Committee Chair Miccio entertained a motion from the floor, which was seconded and carried, and the regular order of business was resumed.

**2019050 A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,525,000 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE REPLACEMENT OF BRIDGES ON BRUZGAL ROAD (COUNTY ROUTE 21), IN AND FOR SAID COUNTY (FOR DISCUSSION ONLY)**

The foregoing resolution was on for discussion only.

**2019051 A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,697,810 SERIAL BONDS OF THE COUNTY OF DUTCHESS, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF PARCELS OF LAND FOR PASSIVE PARK PURPOSES IN AND FOR SAID COUNTY (FOR DISCUSSION ONLY)**

The foregoing resolution was on for discussion only.

Minority Leader Black requested DEC paperwork regarding remediation. Owen Rafter, Commissioner of Planning, provided the attachments.

There being no further business, the meeting was adjourned.

## Lake Walton Acquisition – Legislature Follow Up Questions

1. Why did the developer who was going to build the homes at Lake Walton, circa 2004, walk away from the site?

*While we can't speak for the developer the general belief is that the market downturn caused the developer issues and they were unable to proceed with their proposal.*

2. When did Scenic Hudson and the county first discuss Scenic Hudson's purchase? Was there any written agreement between the county and SH at that time?

*Initial discussions began in 2014 about the concept where Scenic Hudson indicated their desire that the County take ownership of the parcel, there were no written agreements. The concept of a passive park space along the DRT in the Town of East Fishkill was discussed in the 2017 State of the County. Negotiations began in earnest in late Fall 2018 after Scenic Hudson had completed their first transaction with the prior property owner for a different parcel in another County, on which acquisition of Lake Walton was contingent. Scenic Hudson acquired the Lake Walton Parcels on January 7, 2019. Legislative leadership was also briefed on the project in January.*

3. What is the condition of the Lake? What can it be used for? Has Scenic Hudson taken water samples, especially for phosphates and nitrate nitrogen? (I think the lake is not actually a closed system, but empties into Fishkill Creek.)

*The prior developer had conducted water samples as part of their DEIS for their project: <http://www.johnmeyerconsulting.com/lakewalton/DEIS/APPENDICES/APPENDIX%20B/lake%20restoration%20and%20long-term%20management%20proposal.pdf> Scenic Hudson is contacting NYSDEC to see if additional samples were taken. The report noted that: "The measurements taken in the spring of 2004 indicates that the primary input of nutrients to the lake in the early spring comes from the two inlet streams (WQ 4 and WQ 6), with relatively little internal loading from the spring turnover or the surrounding septic fields." The lake is spring-fed, and a first-order stream flows through the lake and the property at large, emptying into the Whortlekill (a tributary to Fishkill Creek). The County's intent is to use the lake for fishing and kayaking, we are not intending to allow swimming.*

4. Has there been a Natural Resources Inventory of the lake area at any point? Or a list of flora or fauna species that are now protected?

*Scenic Hudson prepared a Rapid Ecological Assessment Report (attached). A detailed park development plan will be necessary to identify specific park amenities to be developed and how those facilities can be planned to avoid any significant impacts to the resources identified on the site. Once the desired park amenities are determined, schematic designs would have to be developed, estimates provided, and funding sought to implement these plans. Further studies into the extent and value of the identified natural resources will be required, as will the careful planning of the proposed facilities to take full advantage of the existing roadway and previously disturbed sites to avoid additional impacts on the property's environment. The future, site-specific development plan would then be subject to a separate SEQR analysis, prior to approval and implementation.*

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5. What kind of flood protection does the lake provide? And what's the estimated lifespan of the dam? (The lake is shallow but there's an awful lot of water in it. If the dam ever failed, it looks like a fair chunk of Hopewell Junction is downstream, yes?)

*Scenic Hudson noted that the lake was overtopping the dam for more than 12 months prior to the repairs and was not causing any flooding problems due in large part to the existing wetlands downstream of the dam that act as a buffer. The inundation flow for the lake goes to the south of the hamlet of Hopewell Junction.*

*The DAM is a NYSDEC Class "B" or "Intermediate Hazard" dam: A dam failure may result in damage to isolated homes, main highways, and minor railroads; may result in the interruption of important utilities, including water supply, sewage treatment, fuel, power, cable or telephone infrastructure; and/or is otherwise likely to pose the threat of personal injury and/or substantial economic loss or substantial environmental damage. Loss of human life is not expected.*

*The Hazard Classification analysis conducted in 2016 noted that:*

- a) Minimus existing development is located between the dam and the downstream receiving natural depressions.*
- b) A prolific storage volume is available within the existing natural depressions located downstream of the dam.*
- c) A dam break will result in flooding of a total of two homes located downstream of Lake Walton Dam.*
- d) One home will be flooded up to 1 foot (0.3 ft.) above the lowest occupied floor*

*NYSDEC declared the condition of the earthen dam as "No Deficiencies Noted" on November 28, 2018. This was after completion of all the items required by a NYSDEC Consent Order. An annual safety report must be completed to assess the condition of the dam.*

6. What are the relative advantages and disadvantages of the park being owned and managed by Scenic Hudson, and by Dutchess County? We have of course Mt. Beacon, Burger Hill, and other wonderful parks and open spaces that are under Scenic Hudson's umbrella. What's the rationale for transferring this one to the county?

*This property fulfills the mission of Dutchess County Parks to provide regional recreational opportunities to our residents. These parcels present a unique opportunity to provide a park that will act as a nature preserve by designing opportunities such as trails and picnic areas that will allow users to interact with the unique ecological attributes of the site while not disturbing them. Lake Walton's location adjoining the DRT (part of the future Empire State Trail), which is operated by Dutchess County Parks, creates a natural synergy between the two parks both in terms of amenities for users and operation.*

*Scenic Hudson purchased the property from a private hedge fund owner with the express intention of transferring it to public ownership, and the organization is pleased that the County is interested in seizing the opportunity to expand its park system to serve southeastern Dutchess County, and future users of the Empire State Trail, by creating universal access. Scenic Hudson has clearly indicated their desire to transfer ownership to Dutchess County since their primary mission is related to parks/facilities adjacent to the Hudson River and they do not have the resources to maintain the parcels as a park. Scenic Hudson believes this would be the best*

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*possible outcome for this property, and that is in large part why the organization agreed to contribute \$500,000 of the purchase price.*

7. What are the standards for the cleanup on the site?

*The cleanup that is being done is to meet state-level required soil standards that would have to be met for future residential uses, not a NYSEDC required remediation of a contaminated site or spill. The Asbestos-containing Material (ACM) removal is also based on the potential future use not on a requirement to remove illegally dumped materials. A future use of 'residential' was chosen as the standard for cleanup because it was the closest standard to anticipated use as public park land.*

8. What is included in Repairs/Alt to Real Property?

*Gates for Homestead and Cottage Drive Entrances; no trespassing signage; other signs; site assessment costs; and other minor incidental costs that may arrive.*