

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - AIRPORT; DPW AND PARKS, RECREATION & RAILROAD

DATE: SEPTEMBER 28, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
STEC
MERLINO
CHAMPAGNE
LOEB
MCCOY
CONOVER

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
WILLIAM LAMY, SEWER ADMINISTRATOR
DON DEGRAW, AIRPORT MANAGER
PAUL BUTLER, DIRECTOR, PARKS, RECREATION & RAILROAD
FREDERICK MONROE, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER

COMMITTEE MEMBERS ABSENT:

VACANT - TOWN OF THURMAN

SUPERVISORS STRAINER
TAYLOR
THOMAS
VANNESS
EVELYN WOOD, TOWN OF THURMAN
DON LEHMAN, THE POST STAR
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Belden called the meeting of the Public Works Committee to order at 10:00 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Loeb and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Don DeGraw, Airport Manager, who distributed copies of the meeting agenda to the Committee members, a copy of which is also on file with the minutes.

Mr. DeGraw began by providing an update on the 2010 Adirondack Hot Air Balloon Festival which was held September 24th through the 26th at the Warren County Airport. He advised that due to windy conditions, there had been no balloon launches on Friday or Saturday, but noted that successful launches had been held on Sunday with 82 balloons participating in the morning launch and 21 in the afternoon. Mr. DeGraw estimated there had been more than 100,000 attendees over the three-day event and he noted the DPW staff had performed flawlessly, providing parking direction and assistance.

Jeffery Tennyson, Superintendent of Public Works, announced that approximately \$21,000 in overtime costs had been incurred during the Balloon Festival, which was lower than the amount expended in 2008 when the last full three-day event was held; he added that they were able to reduce overtime costs by utilizing volunteer help. Mr. Tennyson commended the DPW staff, as well as those who had volunteered assistance, for their considerable efforts and ability to work together during this busy event. He noted that the coordination with the Sheriff's Office for traffic control had been excellent and they would be holding a review session with DPW and Sheriff's Office personnel to discuss what procedures could be altered to make things run more smoothly for the 2011 event. One of the issues they intended to address, Mr. Tennyson advised, was problems with parking space for the high number of visitors attending. He noted that on Saturday morning, when the weather was questionable and the balloon launch did not take place, they had started parking cars at 5:00 a.m. and by 6:10 a.m. when the launch had been scheduled to begin, the traffic was still backed up all the way to Northway Exit 19. Mr. Tennyson said they would discuss possibly opening the parking lots earlier and the feasibility of introducing another parking entrance.

However, he noted, the problem with opening another entrance would be the lack of an unimpeded route for emergency vehicles if such a need arose, as well as the fact that significantly more DPW and Sheriff Patrol staff would be required to man the entrance.

Mr. Tennyson noted there was typically an annual discussion amongst the Committee as to the benefits of the Sunday evening launch and whether it should be continued. He said there had been a significant decrease in attendance for the Sunday evening launch and advised that due to the advertising needs of event participants, he would urge the Committee to discuss and make a decision on the matter in the near future.

Mr. Champagne questioned whether new vendors had been present for the Balloon Festival and Mr. DeGraw replied affirmatively, noting that a craft fair had been held with 25 vendors participating. He added that because the craft fair was deemed successful, they intended to expand the number of participants for the 2011 event.

Mr. Belden said he recalled that a decision had been made to use occupancy tax funding to cover overtime costs and Joan Sady, Clerk of the Board, replied this was not the case as occupancy tax funding could not be used for salary costs. Mr. Tennyson interjected that the DPW budget had formerly included funding for rental of portable restrooms, lighting and generators, costs which were now being assumed by the Adirondack Balloon Festival Committee using the occupancy tax funding allotted to them. Mr. Belden questioned whether there was sufficient funding within the existing DPW budget to cover the increased overtime costs and Mr. Tennyson replied that it would depend upon the severity of the upcoming winter season. Mr. Belden then asked if any allowances had been made in the current or future budget to cover overtime associated with the Balloon Festival and Kevin Geraghty, Budget Officer, advised that funding for these costs had been removed from both the 2010 and 2011 budgets.

Following further discussion, it was the consensus of the Committee that a meeting should be scheduled with members of the Adirondack Balloon Festival Committee to discuss funding for future Balloon Festival events.

Resuming the agenda review, Mr. DeGraw announced two upcoming events, those being the Young Eagles event taking place on the following weekend where local aviators would offer free airplane rides for children between the ages of 8 and 12. He added that on November 10, 2010 the second public meeting would be held regarding the environmental assessment for the proposed Runway Extension Project.

Concluding the agenda review, Mr. Belden asked Paul Dusek, County Attorney/Administrator, to comment on the referral item listed which pertained to the Forest Enterprises parcel and the possibility of an exchange of properties with the landowner in order to obtain property necessary for extension of the runway. Mr. Dusek apprised that a very productive meeting had recently been held with Victor Macri, property owner, to discuss this issue. He said Mr. Macri had requested the opportunity to review the documentation provided to him and that a second meeting had been scheduled for October 1st, following which he hoped to have new information available for presentation to the Committee.

As there was no further Airport business to come before the Committee, privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of the meeting agenda to the Committee members. *A copy of the agenda is also on file with the minutes.*

Mr. Butler began by distributing photographs of the recently completed Sheriff's dock, as well as those of a stairway and landing built at the Soil & Water Building. *Copies of the photographs are on file with the minutes.* He advised they were currently awaiting reimbursement for materials purchased as promised by the Lake George Park Commission which would be returned to the Departmental budget when received.

Proceeding, Mr. Butler addressed the listing of referrals from prior Committee meetings, which he outlined as follows:

1. Relative to the proposed Stony Creek Platform, Mr. Tennyson advised the project was still on hold pending the receipt of a signed easement agreement from Jack Arehart, owner of the 1,000 Acres Ranch Resort. He explained an easement was required by the Department of State (DOS) as they were providing grant funding for the project; he added that although the DOS had approved the draft easement agreement, an executed agreement was necessary before they would approve any material purchases. Mr. Tennyson noted that the material bids would expire on October 8th.

Messrs. Belden and Thomas both indicated that they had spoken with Mr. Arehart in an attempt to relay the time sensitive nature of the matter, but neither had received a response as to whether he planned to accept the easement agreement. Mr. Dusek apprised that the initial agreement had been revised at Mr. Arehart's request and returned to him about a month ago. He added that despite several telephone calls to Mr. Arehart's legal counsel, he had yet to receive a response as to whether or not the agreement was acceptable.

Mr. Tennyson said the construction schedule for the platform had been determined and he was concerned that even if the final easement agreement was received that day, there would not be sufficient time to complete the project before the December 31st grant deadline. He explained the grant documents specified that all work must be completed before the stated deadline in order to receive reimbursement. Mr. Tennyson noted the grant had already been extended once and although Wayne LaMothe, Deputy Director of Planning & Community Development, had indicated that the grant might be extended once more, there was no guarantee the DOS would approve this action. He said the County risked having to fund the entire project independently if they were unable to complete the platform before December 31st and the DOS refused their request for a grant extension.

Subsequent to further discussion on the matter, the Committee determined that Mr. Dusek should forward a letter to Mr. Arehart and his legal counsel indicating that the final deadline for response to the easement agreement would be Friday, October 1st, at which point the project would be discontinued.

2. Mr. Dusek reminded the Committee members that the 2011 Railroad Operator RFP (Request for Proposal) had been released with a response deadline of October 27, 2010. He advised he was currently preparing an addendum to the RFP which would be released in the near future and noted that some interest had already been expressed by potential bidders and he hoped to receive multiple responses;
3. Respective to the potential sale of the Fairgrounds property, Mr. Dusek advised he was awaiting a legal report on the matter and would update the Committee when further information was received;
4. With respect to the introduction of guidelines for the use of bounce houses on County-owned property, Mr. Dusek reminded the Committee that he had distributed the proposed guidelines at their last meeting and noted that a copy was included in the agenda. He continued to read aloud the guidelines for the Committee's benefit. Mr. Dusek stated that although extensive, the guidelines would provide the County with proper protection and minimize liability exposure in the event that an accident were to occur. When it was indicated by some Committee members that the extensive requirements might dissuade the use of bounce houses, Mr. Dusek replied that while he did not feel the guidelines were unreasonable, they could certainly be altered in the future when such determinations were made. Mr. Taylor suggested that the Section C be revised to require the signature of a "responsible adult" for each child, rather than a parent and Mr. Dusek agreed the change would be made.

Following a brief discussion, motion was made by Mr. Bentley, seconded by Mr. Loeb and carried unanimously to approve the guidelines for bounce house use as set forth by the County Attorney, and the necessary resolution was authorized for the October 15th Board meeting. *A copy of the resolution request is on file with the minutes.*

5. Mr. Tennyson noted that at the prior Committee meeting they had discussed the possible availability of additional grant funding in connection with the Railroad Project, following which he had been directed to contact Congressman Scott Murphy to seek an extension on the submission deadline in order to determine whether the future Railroad Operator would be willing to apply for the grant and fund the associated Local Share. He apprised he had not contacted Congressman Murphy in light of new information received from a NYSDOT (New York State Department of Transportation) representative who indicated that the funding was not actually available. Mr. Tennyson said the NYSDOT representative seemed to feel the funding did not exist and that the offer was made in error. He advised he was awaiting a call back for definitive confirmation on the issue and would keep the Committee apprised of the situation.

As there was no further Parks, Recreation & Railroad business to review, privilege of the floor was extended to Mr. Tennyson to begin the DPW portion of the Committee meeting. Copies of the meeting agenda were distributed to the Committee members and a copy is also on file with the minutes.

Mr. Tennyson announced that the first agenda item pertained to the Town of Bolton Sewer Project and he asked William Lamy, Sewer Administrator, to expound on the matter. Mr. Lamy advised they were nearing the end of the Bolton Sewer Project, the last portion of which consisted of introducing slip-lining within the collections system facilitated by placing a sleeve in the existing sewer lines to reduce infiltration and in-flow. He said that in reviewing the Project to determine the amount of unexpended funds, he had found there was approximately \$300,997 remaining in the Project, as well as \$61,000 in sewer grant funds and \$99,000 in Local Share funding that had not been allocated to a specific portion of the Sewer Project. Because the Lake George and Hague Sewer Projects had already been completed and all associated costs funded, he suggested allocating the remaining \$160,000 in sewer grant and Local Share funding to the Bolton Sewer Project to be used in connection with the remaining \$300,997 in Project funding to complete as much slip-lining work as possible.

Mr. Belden questioned whether there would be enough funding available within the Project to fund the Sewer Administrator salary through its completion and Mr. Lamy replied affirmatively. Mr. Lamy noted that they should be prepared for an EPA (Environmental Protection Agency) audit to ensure that all Project related costs were appropriate. He said he felt they should be in good shape for the audit as over the life of the Project he had worked with the County Attorney's Office to ensure that all necessary EPA approvals were received and documented. Mr. Lamy added that there were some records that had not been organized appropriately due to time constraints over the past few years while serving as Superintendent of Public Works; however, he added he was working to rectify this situation. He concluded that he had been working with the Treasurer's Office to submit all reimbursement requests requiring EPA approval and anticipated an additional return of approximately \$170,000 to the County to bring the reimbursements up to date.

Discussion ensued.

Motion was made by Mr. Bentley, seconded by Mr. Champagne and carried unanimously to approve the request to allocate the remainder of sewer grant funds (\$61,000) and Local Share funds (\$99,000) to the Bolton Sewer Project and the necessary resolution was authorized for the October 15th Board meeting. *A copy of the request is on file with*

the minutes.

Continuing, Mr. Tennyson directed the Committee members to agenda page four which included a request to authorize compensation to property owners relative to temporary access agreements for the Chatiemac Road Bridge Project. He explained they had executed temporary access agreements with two property owners to enable placement of a temporary bridge in support of the bridge replacement project, part of which allowed compensation for loss of use at a value determined by Michael Swan, Director of Real Property Tax Services, as well as for the replacement of property improvements that would be removed during the bridge project. Mr. Tennyson noted that although he was authorized by prior resolution to execute temporary access agreements, the resolution did not include authorization for just compensation to property owners; therefore he added, Committee action was required to authorize payment. He said that as per Mr. Swan's estimations, \$1,668 would be paid to Herb Hudnut and \$1,042 to Tom Hudnut for loss of use compensation. Additionally, he advised that \$3,000 would be paid to Mr. T. Hudnut for the removal of two stone pillars with the understanding that the property owner would be responsible for replacing the pillars himself without further County assistance or compensation, once the bridge project was complete.

Motion was made by Mr. Champagne, seconded by Mr. McCoy and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the October 15th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson advised the next agenda item consisted of a request for a new contract with EMI Guide Rail, LLC for the guide rail system on the Chatiemac Road Bridge Replacement Project which was reflected on page 18 of the agenda packet. He said that due to an oversight, he had previously reported to the Committee that the contract had already been awarded but had subsequently found this was not the case as prior Committee approval had not been received. Mr. Tennyson noted that although the request was for permission to award the contract, he would actually require a resolution ratifying his actions in awarding the contract as the associated bid was set to expire before the October 15th Board meeting.

Mr. Belden questioned whether EMI Guide Rail, LLC was determined to be the lowest responsible bidder for the guide rail work and Mr. Tennyson responded affirmatively.

Motion was made by Mr. Stec, seconded by Mr. McCoy and carried unanimously to approve the request for a new contract with EMI Guide Rail, LLC for a lump sum amount of \$15,000 and ratify the actions of the Superintendent of Public Works, as outlined above, and the necessary resolution was authorized for the October 15th Board meeting. *A copy of the request is on file with the minutes.*

Moving on, Mr. Tennyson announced that agenda page 20 consisted of a request for a transfer of funds in the amount of \$33,000 from Code D.5020 110, Engineering - Salaries, to Code A.1490 110, DPW Administration - Salaries. He said this transfer was necessary to replace the amount paid to the former DPW Superintendent upon retirement for his accumulated vacation and sick time, as well as to cover his own salary for the remainder of the year.

Mr. Champagne asked if \$33,000 was the total amount paid to the former Superintendent in connection with his retirement and Mr. Tennyson replied in the negative, noting that the total was actually higher but there had been some money available within the budget to cover a portion of the costs. In response to Mr. Belden's inquiry, Mr. Tennyson advised existing funding would be used to support the transfer request. Mr. Champagne questioned why

the retirement payment was so high and Mr. Dusek advised that a policy adopted many years ago allowed union contract terms to be carried over for non-union employees which specified that those retiring would be paid for 50% of their accumulated sick time, up to a total of 70 days, as well as for any accumulated vacation time. Mr. Champagne asked if the policy could be reviewed for possible revision and Mr. Dusek replied affirmatively, noting that the matter should be referred to the Personnel Committee for further discussion. Mr. Bentley interjected his feeling that it was unfair to further reduce the benefits allotted to non-union employees, as their salary increase and longevity payments had already been withdrawn. He added that if these benefits were removed, it would be akin to rewarding employees who abused their sick time benefits and penalizing those who used them sparingly.

Following a brief conversation, motion was made by Mr. Bentley, seconded by Mr. McCoy and carried unanimously to approve the request for a transfer of funds as previously noted and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Tennyson then directed the Committee members to agenda page 21 which included a request for a transfer of funds in the amount of \$680 from Code D.5110 110, County Road - Salaries, to Code D.9050 850, County Road - Unemployment, to cover unforeseen unemployment costs.

Motion was made by Mr. McCoy, seconded by Mr. Bentley and carried unanimously to approve the request for a transfer of funds and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Proceeding, Mr. Tennyson addressed the Items of Interest section of the agenda, which he outlined as follows:

- Senior Civil Engineer Position Status. Mr. Tennyson advised interviews for the position had been performed and the applicants narrowed down to two candidates who had been re-interviewed before making a final decision. He said they would be contacting this individual later that week and he believed they would be able to save some money in salary costs over the amount previously authorized for the position.
- Auto Mechanic Position Status. The position had been filled, Mr. Tennyson stated, and he noted he was amazed with the qualifications of the many people who had applied which allowed them to hire a very well trained individual for the position.
- 2011 Road Projects. Mr. Tennyson said a copy of the Paving and Construction Schedule 2011 in its draft form was included in the agenda packet. He pointed out that the Schedule had been developed based on the use of only CHIPS (Consolidated Highway Improvement Project) funding at the 2010 level, with no Local Share. Mr. Tennyson advised the Schedule would be revised several times before final decisions were made on how the available funding could be best expended to suit the paving needs within the County. When making these decisions, he said they relied upon an estimated service life (ESL) formula to determine whether the appropriate amount of roadway was being repaired each year to properly maintain the highway infrastructure. Mr. Tennyson theorized that in order to appropriately address and maintain the road surface, they should be repairing approximately 254 ESL miles each year; however, he added, due to funding reductions, they were only able to address 122 ESL miles for 2011, which would cause them to fall behind in their paving goals. Mr. Tennyson said it was his hope that funding would be returned to the paving and construction operation in future years, allowing them to resume appropriate maintenance measures.

Discussion ensued.

- Ongoing Construction. Mr. Tennyson distributed several photographs of current bridge project construction being addressed by DPW staff, copies of which are on file with the minutes.

Mr. Belden noted there was only one Referral item to address, pertaining to the Stormwater Officer position, and he asked Mr. Tennyson if there was any new information to present on the subject. Mr. Tennyson replied affirmatively, explaining that Dave Wick, District Manager for the Soil & Water Conservation District, was considering assuming the responsibilities of the position within his Department. Mr. Thomas, speaking as Chairman of the Board of Directors for the Soil & Water Conservation District, confirmed Mr. Tennyson's statement and noted that Mr. Wick was currently assessing the situation to determine whether additional staffing would be required to cover the duties associated with the Stormwater Officer position. Mr. Stec questioned whether Mr. Wick could provide services for the Town of Queensbury and City of Glens Falls in addition to the County and Mr. Thomas responded that it was Mr. Wick's assumption that the Town and City already had measures in place to address the requirements associated with the position. Mr. Stec replied that the Town did not have such capabilities in place and they would be interested in obtaining such services from Mr. Wick's Department. Mr. Dusek interjected that harnessing the staffing resources already in place to address the responsibilities associated with the Stormwater Officer position was a good opportunity for all parties involved and might help to defray related costs.

Following a brief discussion, Mr. Tennyson said he would keep the Committee apprised of any new developments.

Concluding the agenda review, Mr. Tennyson requested an executive session to discuss possible disciplinary action for a current employee.

Motion was made by Mr. Conover, seconded by Mr. Stec and carried unanimously to enter into executive session to discuss matters leading to the possible discipline of a particular person, pursuant to Section 105(f) of the Public Officer's Law.

Executive session was held from 11:30 a.m. to 12:10 p.m.

Upon reconvening, Mr. Belden announced that no action was necessary pursuant to executive session.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Bentley and seconded by Mr. Loeb, Mr. Belden adjourned the meeting at 12:11 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist