

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: GASLIGHT VILLAGE AD HOC

DATE: JANUARY 28, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS MONROE
MERLINO
DICKINSON
FRASIER

COMMITTEE MEMBER ABSENT:

SUPERVISOR KENNY

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF THE DEPARTMENT OF
PUBLIC WORKS

KEVIN HAJOS, DEPUTY SUPERINTENDENT OF THE DEPARTMENT
OF PUBLIC WORKS

KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD

MARTIN AUFFREDOU, COUNTY ATTORNEY

JOAN SADY, CLERK OF THE BOARD

FRANK E. THOMAS, BUDGET OFFICER

SUPERVISORS BROCK

MCDEVITT

SEEBER

TAYLOR

KATE JOHNSON, DIRECTOR OF TOURISM

ROB YORK, DEPUTY COUNTY TREASURER

ROBERT BLAIS, MAYOR OF THE VILLAGE OF LAKE GEORGE

WILLIAM LAMY, PROJECT MANAGEMENT EXECUTIVE COMMITTEE
MEMBER

CHRISTINE CURLEY, COORDINATOR, LAKE GEORGE CHAMBER OF
COMMERCE & CVB

FRED AUSTIN, WARREN COUNTY RESIDENT

DON LEHMAN, *THE POST STAR*

SARAH MCLENITHAN, SECRETARY TO THE CLERK OF THE BOARD

Mr. Monroe called the meeting of the Gaslight Village Ad Hoc Committee to order at 9:47 a.m.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Gaslight Village Ad Hoc agenda were provided to the Committee members, and a copy of same is on file with the minutes.

Commencing the agenda review, Jeffery Tennyson, Superintendent of the Department of Public Works, addressed Item 1, which pertained to discussion on the Park construction schedule. He said the project would be ready to go to bid once a determination was made as to whether the bid stipulations would adhere to the Federal Disadvantaged Business Enterprise standards (FDBE) or the New York State minority and women owned businesses (MWBE) requirements. He explained that both Federal Highway and New York State Department of State (NYS DOS) funding were being utilized for the project and the FDBE and MWBE standards conflicted with each other. He said the FDBE did not permit the separation of minority and women owned businesses, whereas the DOS requirements did.

Mr. Tennyson advised that he had included in the agenda a copy of the determination in 2010 with regards to the Beach Road Reconstruction Project. He pointed out the memo stated that

the Federal Highway Administration did not permit State or local MWBE standards to be included on contracts involving Federal funds. He said he felt the same determination would be made with regards to the Park Construction Project; however, he apprised, the project would be at a standstill until a final determination was attained.

Mr. Dickinson requested that Mr. Tennyson explain the difference between the FDBE and MWBE. Mr. Tennyson explained the FDBE required 9% of all contracts be awarded to either women or minority owned businesses, while the MWBE required 10% of all contracts be granted to businesses owned by women and another 10% to minority owned businesses. He reiterated that he felt a decision would be rendered stating the FDBE standards superceded those of the MWBE.

Mr. Dickinson asked whether potential bidders would be able to meet the FDBE standards and Mr. Tennyson replied affirmatively. He explained that contractors were able to adhere to the standards by employing subcontractors that met the requirements. Mr. Monroe questioned why the MWBE did not meet the requirements of the FDBE and Mr. Tennyson responded this was because the FDBE did not permit the segregation of the two groups.

Mr. Tennyson advised that if a determination was not able to be reached it would cause issues, as the contract would have to be divided into two separate contracts. He pointed out that the start date for construction would be delayed if a determination was not made shortly. He said the preferred construction start date for the project was on or about April 1, 2014.

Mrs. Seeber entered the meeting at 9:56 a.m.

Agenda item two, Mr. Tennyson apprised, referred to a request to increase Capital Project No. H338.9550 280 Lake George Environmental Park in the amount of \$176,463.56 for the anticipation of the NYS Environmental Facilities Corp. funding in the amount of \$158,817.20 and the Local Share in the amount of \$17,646.36. He stated acceptance of the grant funds had previously been authorized.

Mr. Dickinson questioned whether the grant had already been received and Mr. Tennyson replied affirmatively. He explained the grant was received and a resolution was required to apply funds to the Capital Project.

Motion was made by Mr. Merlino, seconded by Mr. Dickinson and carried unanimously to approve the request to increase Capital Project No. H338.9550 280 Lake George Environmental Park as outlined above and forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

In reference to an update on Capital Project No. H338.9550 280 Lake George Environmental Park, Kevin Hajos, Deputy Superintendent of the Department of Public Works, advised that the agenda included a copy of an expense analysis for the project. He said the contract was awarded to VMJR Companies at the end of November of 2013 and they had commenced construction on or about December 11, 2013. He said as of now they had completed the survey and stake out work, installed erosion and sediment control measures, as well as installing a water and sewer line. He stated that due to the weather as of February 14, 2014 the project was at a standstill until the beginning of April.

Mr. Monroe asked whether VMJR had completed the rough grading and Mr. Hajos replied in the negative. He explained that the County had completed the rough grading.

Mr. Tennyson advised the expense analysis summarized what had been spent on the project thus far. He said most of the bills pertained to design and survey work. He explained the in-kind journal entries accounted for the work the DPW Highway Personnel completed on the site, which would be credited to the local match portion of the grant. He said there would be additional work completed by the DPW Highway Personnel that was not accounted for on the expense analysis.

Mr. Tennyson apprised that payments for Encumbrances would be submitted as soon as the Closure Report was submitted to the Department of Environmental Conservation (DEC) for review. He said once the DEC finished reviewing the report they would notify the County if any additional action was required.

In regards to the Wood Foundation Donations, Mr. Tennyson asked Robert Blais, Mayor of the Village of Lake George, to provide an update to the Committee. Mayor Blais advised the Village of Lake George had inadvertently received the \$150,000 payment from the Wood Foundation that was intended for the County along with the \$125,000 payment to match the Transportation Enhancement Program (TEP) grant the Village had received. He stated the Village would be issuing a check to the County for the \$150,000 after their audit was completed next week.

Martin Auffredou, County Attorney, stated that the funds were sent to the Village of Lake George due to a bookkeeping error and he notified the Wood Foundation to send the next payment of \$150,000 to the County. Mr. Monroe questioned whether the County Treasurer determined what portion of the funds would be allocated back to the Village of Lake George since there was a cost sharing agreement in place and Mr. Tennyson replied in the negative. Mr. Tennyson explained the cost sharing agreement had not been exercised as of yet, as they had not received any requests for reimbursement from the Village of Lake George.

Mr. Tennyson apprised that once a request was received from the Village of Lake George a ledger would be maintained to track what was paid to the Village of Lake George for cash flow purposes and what was paid back to the County when revenues were received. He pointed out that since the cost sharing agreement with the Village of Lake George was adopted in November of 2013, the cash flow issues for the Village had been resolved; however, he said, he anticipated the Village would require funds once construction commenced in the spring.

Mayor Blais advised that the Village of Lake George would be borrowing one million dollars to pay back the original note of \$400,000 and anticipated utilizing the remaining \$600,000 for the up front costs related to the larger construction projects commencing in the spring. Mr. Tennyson added he would report back to the full Board, as well as the Village of Lake George on the recommendation from the Project Management Executive Committee (PMEC) on how to apply the \$150,000 received from the Wood Foundation to all of the Projects.

Mrs. Wood entered the meeting at 10:08 a.m.

William Lamy, PMEC Member, stated it was necessary to make a determination on how the \$150,000 received from the Wood Foundation would be allocated to ensure that the cash flow

sheet was accurate. Mr. Monroe apprised the agreement was authorized between the Village of Lake George and Warren County with regards to cost sharing to prevent any future cash flow issues from occurring. Mr. Lamy pointed out that no cash flow issues had occurred because the construction was delayed; however, he said, he anticipated cash flow issues when construction commenced in the spring. Rob Lynch, Deputy County Treasurer, advised that when the Village of Lake George submitted requests for reimbursement the County Treasurer would advance the Village the funds for their percentage of the expenses.

Martin Auffredou, County Attorney, interjected that he felt the intention of the agreement was to assist the Village of Lake George with expenditures that have already been made to support its cash flow, and to avoid future issues of this nature the Village should submit any bills as soon as they are received so the County could reimburse the Village for its 62% share.

Discussion ensued.

Pursuant to the discussion it was determined that the Village of Lake George would issue the County a check for \$150,000 for the Wood Foundation donation and the PMEC would make a determination as to what expenses would be paid and how the funds would be disbursed.

Mayor Blais advised that since the Big Apple Circus would not be returning in 2014 he was meeting with the Shriners Circus about possibly committing to a date this summer, as well as for future dates. He added he had reached out to Mass Media which handled large festivals across the United States. He said the original idea presented was a County Festival; however, he stated, it may change to an Irish Festival and he would be notified later this week if this would come to fruition. He asked whether the Festival Space would be available for events in the summer and Mr. Tennyson replied he estimated the turf would not be established until September.

Christine Curley, Coordinator, Lake George Chamber of Commerce & CVB, apprised she had been distributing brochures to market the Festival Space. She expressed her desire for the Festival Space to be available for the summer months.

There being no further business to come before the Committee, on motion made by Mr. Dickinson and seconded by Mr. Merlino, Mr. Monroe adjourned the meeting at 10:15 a.m.

Respectfully submitted,

Sarah McLenithan, Secretary to the Clerk of the Board