

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: JULY 23, 2014

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS MERLINO  
CONOVER  
WOOD  
TAYLOR  
FRASIER  
DICKINSON  
SIMPSON  
SOKOL  
VANSELOW

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS  
KEVIN GERAGHTY, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ADMINISTRATOR  
MARTIN AUFFREDOU, COUNTY ATTORNEY  
JOAN SADY, CLERK OF THE BOARD  
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR  
FRANK THOMAS, BUDGET OFFICER  
SUPERVISORS MCDEVITT  
MONROE  
STROUGH  
AMANDA METZGER, *THE POST STAR*  
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

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Mr. Merlino called the meeting of the Public Works Committee to order at 11:03 a.m.

Motion was made by Mr. Dickinson, seconded by Ms. Wood and carried unanimously to approve the minutes of the prior Public Works Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, who distributed copies of the Parks, Recreation & Railroad and DPW Agendas to the Committee members; *copies of both Agendas are on file with the meeting minutes.*

Commencing the review of the Parks, Recreation & Railroad Agenda, Mr. Tennyson announced the first item listed pertained to an update from Justin Gonyo, General Superintendent of the Saratoga & North Creek Railway (SNCR). He noted Mr. Gonyo's absence and advised that if he joined the meeting later they could return to this item.

Mr. Merlino said he had noticed an interruption in train operations during the last week and he questioned if anyone knew why this had occurred. Ms. Wood responded that operations had been suspended briefly while SNCR awaited receipt of a part they had ordered. She advised the train had run during the last weekend and she said there had been quite a few riders from the Thurman Station to the North Creek Station and back. Mr. Vanselow said he had recently learned SNCR had been experiencing some maintenance issues, but had purchased some equipment that would assist in better addressing those issues. He added he had also learned that several refurbished railcars would be transported to the northernmost end of the rail line in the near future to begin aggregate freight transportation operations.

Mr. Tennyson advised the next agenda item consisted of a request to authorize use of Hatchery fish by municipalities and not-for-profit organizations for educational purposes. He noted that since the inception of the Fish Hatchery, fish had been provided to many municipalities for various fishing derbies as part of their normal stocking program, as well as to not-for-profit organizations and ecology-related events for informational and educational purposes. Mr. Tennyson advised that they received about six requests of this nature annually, each of which was addressed on a case-by-case basis; he added that in the interest of efficiency and speed, he was requesting authorization to approve these requests without Committee approval, provided the following conditions were met:

1. Sufficient inventory of fish exists for annual stocking needs;
2. The request is for 500 or less;
3. There will be no cost to the County for the transport of fish;
4. All NYSDEC (*New York State Department of Environmental Conservation*) permits are

obtained, when required; and

5. Requesting agency is verified as a municipality or educational not-for-profit organization.

Motion was made by Mr. Dickinson, seconded by Ms. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the August 15<sup>th</sup> Board Meeting. *A copy of the request form is on file with the meeting minutes.*

Continuing, Mr. Tennyson advised the next agenda item pertained to discussion on a request received relative to authorizing dogs on the Warren County Bikeway. He explained that Dr. Fredd Senser-Lee, Founder of Botanical Blossomings on the Bikeway-USA, had spoken at the July 18, 2014 Board of Supervisors Meeting, requesting that consideration be given to amending the current local law governing use of the Warren County Bikeway to allow dogs to be walked there. Mr. Merlino noted that Dr. Senser-Lee had planned to attend the last Public Works Committee meeting to discuss this issue, but had been unable to attend; therefore, he said, he and Mr. Tennyson had agreed the matter should be included on the Agenda in order to make a decision on the request.

Mr. Dickinson made a motion to refrain from making any amendment of this nature to the local law. He commented that the presence of dogs on the Bikeway presented a potential nuisance and danger to cyclists and children as dogs were somewhat unpredictable and could be good in some situations, but not in others. Additionally, Mr. Dickinson said such allowances could present an issue in cases where the dogs were not cleaned up after. Mr. Vanselow seconded Mr. Dickinson's motion and it was carried by a unanimous vote. Mr. Dickinson requested that a letter be sent to Dr. Senser-Lee advising of the Committee's decision and Mr. Merlino noted that the letter should cite the reasons why the request was denied.

With regards to the Items of Interest section, Mr. Tennyson pointed out that he had included 2013-2014 snowmobile registration statistics in the Agenda for the Committee's review. Finally, he addressed the Referrals section, noting that he expected the engineering consulting firm hired by The King's School to attend the August Committee meeting to discuss their plans for a pedestrian railroad crossing.

As there was no further Parks, Recreation & Railroad business to discuss, Mr. Tennyson commenced the review of the DPW Agenda at 11:11 a.m.

The first Agenda item, Mr. Tennyson noted, pertained to the Overtime Report, included on Page 1, which reflected the amount of overtime used so far this year. Moving on to the Fuel Report, Mr. Tennyson advised that the fuel budgets were being very well maintained because the cost of fuel had remained consistently low.

Mr. Tennyson apprised the next four agenda items pertained to Capital Project No. H333.9550 280, Valley Road (CR36) over Patterson Creek Bridge Replacement. He reminded the Committee members that, as discussed in the past, they planned to provide for the replacement of a Town of Thurman bridge in order to use it as a detour route during the Valley Road Bridge reconstruction project. Mr. Tennyson reported this additional work would incur a modest increase in grant funding and he noted that the Town of Thurman had committed to covering the additional local share funding because they would benefit from the town bridge replacement. He then proceeded to outline the four agenda items pertaining to Capital Project No. H333.9550 280, as follows:

- Page 5 - Request to authorize an intermunicipal agreement with the Town of Thurman for the replacement of the Combs Road over Patterson Creek Bridge as part of Capital Project No. H333.9550 280, Valley Road (CR36) over Patterson Creek Bridge Replacement.

Motion was made by Mr. Sokol, seconded by Mr. Vanselow and carried unanimously to approve the request and the necessary resolution was authorized for the August 15<sup>th</sup> Board Meeting. *A copy of the request is on file with the meeting minutes.*

- Page 7 - Request to amend the existing agreement with Creighton Manning Engineering, LLP to include Supplemental Agreement No. 1 for additional design services in an amount not to exceed \$54,000 for the Valley Road (CR36) over Patterson Creek Bridge Replacement Project.
- Page 13 - Request to amend the existing NYSDOT (*New York State Department of Transportation*) grant agreement for the Valley Road (CR36) over Patterson Creek Bridge Replacement Project to increase the grant in the amount of \$75,000.

Motion was made by Ms. Wood, seconded by Mr. Vanselow and carried unanimously to approve both of the aforementioned requests and the necessary resolutions were authorized for the August 15<sup>th</sup> Board Meeting. *Copies of the requests are on file with the meeting minutes.*

- Page 20 - Request to increase Capital Project No. H333.9550 280, Valley Road (CR36) over Patterson Creek Bridge Replacement, in the amount of \$75,000.

Motion was made by Ms. Wood, seconded by Mr. Vanselow and carried unanimously to approve the above referenced request and refer same to the Finance Committee. *A copy of the request is on file with the meeting minutes.*

Continuing to the Transfers section of the Agenda, Mr. Tennyson presented a request to transfer funds totaling \$9,000 between various codes to provide salary adjustments for new staffing patterns. He explained that the DPW Budget did not typically include overtime funding for the Engineering Division, but there was one staff member who was eligible and had incurred some overtime hours, necessitating the transfer. Additionally, Mr. Tennyson pointed out a transfer was necessary to provide funding in the Services to Other Governments overtime and part-time salary sections of the DPW Budget.

Motion was made by Mr. Dickinson, seconded by Ms. Wood and carried unanimously to approve the request for transfer of funds and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the meeting minutes.*

Mr. Tennyson pointed out that a second request for a transfer of funds was included on Agenda Page 22, this one totaling \$16,000 to transfer funds from the Hudson Street and Peaceful Valley Road projects to the Horicon Avenue project. He explained increased costs for the Horicon Avenue project were based on engineering review and modified construction scopes.

Motion was made by Mr. Sokol, seconded by Mr. Dickinson and carried unanimously to approve the request for a transfer of funds and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the meeting minutes.*

Mr. Tennyson apprised that the Pending Items section of the agenda pertained to a new contract for fuel system upgrades at the Lake Luzerne fuel farm site. He said he anticipated bringing the request for the new contract either to the Finance Committee, or directly to the Board of Supervisors at their August 15<sup>th</sup> meeting through an out-of-Committee request process in order to facilitate the necessary upgrades. Mr. Tennyson noted that upgrades to the County's fuel farm sites had been ongoing for several years to replace fuel pumps, underground tank sumps, piping, and a new fire suppression system and bring the equipment into compliance with current safety and fire codes. He advised this work was covered under a capital project previously approved by the Board of Supervisors which contained the appropriate funding for the work. Mr. Tennyson concluded that they had already received proposals for the upgrade work and were currently reviewing them to determine which contractor had submitted the lowest responsible bid; he added that they would like to proceed in awarding the contract before the next Board Meeting and that was why the request would be presented in a non-typical manner.

Moving on, Mr. Tennyson asked Kevin Hajos, Deputy Superintendent of Public Works, to address the

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Items of Interest section of the Agenda, which he proceeded to do, as follows:

Valentine Pond Road (CR55) - Mr. Hajos circulated "before" and "after" photos of a section of Valentine Pond Road depicting a considerable curve in the road. He pointed out that the pictures reflected work completed to remove a rock outcropping to improve visibility and provide room for snow storage which was not previously available. Mr. Tennyson interjected that this area was notorious for automobile accidents, some of which had even included collisions with plow vehicles in the winter. Mr. Tennyson noted that part of the workload assumed by Mr. Hajos and his staff included a review of the history of accidents that had occurred in certain areas to determine whether modifications could be made for improvement. He explained that in this case, the geometry of the road had been changed to allow additional room for snow storage while improving sight distance by decreasing the drastic nature of the road curve. Mr. Tennyson concluded it was their hope that these improvements would lead to a decrease in the number of accidents in this area.

Garnet Lake Road (CR72) - Mr. Hajos provided photos of Garnet Lake Road reflecting the overlay work being completed for 1.8 miles of road. He noted that the pipe work for both the Garnet Lake and Valentine Pond Lake Road projects had been done during the spring and construction for both projects was expected to be completed that day.

*Copies of all of the aforementioned photos are on file with the meeting minutes.*

Mr. Conover cited prior discussion regarding revisions to the snow and ice contracts the County held with the towns and the concerns that the current arrangement could risk the loss of some of these contracts due to insufficient reimbursements. He asked Mr. Tennyson if he shared this concern and questioned if an analysis was being completed with regard to the reimbursement amounts and, if so, when would it be complete. Mr. Tennyson responded that he had recently discussed this matter with Paul Dusek, County Administrator, and was asked to complete an analysis to determine what the cost to the County would be if a town were to discontinue their snow and ice contract. Mr. Tennyson advised he had performed this analysis using the Town of Lake Luzerne as an example and submitted his findings to Mr. Dusek; he said he would be happy to share this information with Mr. Conover, as well.

Supervisor Taylor and Mr. Dusek entered the meeting at 11:25 a.m.

Concluding the Agenda review, Mr. Tennyson advised there were no Referral items to address; he announced the need for an executive session to discuss pending litigation. Martin Auffredou, County Attorney, clarified discussion during the executive session would pertain to two pending litigation matters, the first being the case of Morgan and Franklin v. Warren County, and the second the case of Gillette v. Warren County. Mr. Dusek added the executive session would also consist of discussion about the employment history of a particular person and matters leading to the appointment of a particular person.

Motion was made by Mr. Sokol, seconded by Mr. Simpson and carried unanimously to declare an executive session, pursuant to Sections 105(d) and (f) of the Public Officer's Law.

Executive session was held from 11:26 a.m. until 12:46 p.m.

Upon reconvening, Mr. Merlino announced that no action had been taken during the executive session. He noted that the Committee had decided upon two motions, which he asked Mr. Auffredou to recite. Mr. Auffredou advised the first motion would be to recognize settlement in the proceeding of Morgan and Franklin v. Warren County and authorize payment of the County's \$10,000 deductible with the expected source of funding to be the Contingent Fund, as well as to authorize the County Attorney and Chairman of the Board to execute any and all necessary documents.

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Motion was made by Mr. Conover, seconded by Mr. Simpson and carried unanimously to approve a resolution, as outlined by Mr. Auffredou, for presentation at the August 15<sup>th</sup> Board Meeting.

The second motion, Mr. Auffredou advised, would authorize the County Attorney to seek special counsel to represent the County's interest in the Federal proceedings of Gillette v. Warren County, with the County Attorney to canvas at least two law firms who have expertise in this area and select the most competitively priced firm and report back to the Board and/or Committee at a future date.

Motion was made by Mr. Sokol, seconded by Mr. Conover and carried by majority vote, with Mr. Dickinson abstaining, to provide Mr. Auffredou with the authorization to seek out special counsel, as outlined above.

Mrs. Frasier left the meeting at 12:50 p.m.

Mr. Monroe stated that due to recent violent storms in parts of Warren County, there was a considerable amount of brush, stumps and trees that the towns were unable to dispose of by traditional methods due to the NYSDEC burn ban. He noted previous discussions pertaining to the purchase of tub grinders to dispose of the debris and he questioned whether there was any new information relative to this issue. Mr. Merlino responded that they had searched for grant funding to purchase a tub grinder, but had been unable to find any.

Mr. Dickinson questioned what type of equipment was currently available and Mr. Tennyson responded that the County DPW, and most of the town highway divisions, had wood chippers available to deal with brush, but they did not have anything substantial enough to deal with trees and trunks. When asked to estimate the price of a tub grinder appropriate for their needs, Mr. Tennyson approximated the cost of a new unit to be in the neighborhood of \$600,000 to \$800,000. He added that this was an expensive piece of equipment which was very high maintenance; he noted that in speaking with a representative from another County that had already purchased a tub grinder, he was advised the annual maintenance costs were approximately \$30,000. Mr. Tennyson advised that a used tub grinder could be purchased for about \$400,000.

Mr. Auffredou apprised that the Town of Moreau, for whom he had previously served as Town Attorney, had purchased a tub grinder; he said he was sure that as a small town they did not have the capital readily available to purchase something so expensive and he offered to reach out to his former colleagues to determine how the equipment was procured. Mr. Auffredou said he would report his findings to Mr. Tennyson.

Discussion ensued, following which a motion was made by Mr. Simpson, seconded by Ms. Wood and carried unanimously to authorize Mr. Tennyson to prepare and release an RFP (*request for proposals*) for grinding services, with the premise being that the County would contract with the lowest responsible bidder for services to be rendered on an as needed basis, allowing the towns to access the services through an intermunicipal agreement, similar to the process used for the solid waste contracts.

There being no further business to come before the Public Works Committee, on motion made by Mr. Simpson and seconded by Ms. Wood, Mr. Merlino adjourned the meeting at 12:57 p.m.

Respectfully submitted,  
Amanda Allen, Deputy Clerk of the Board