

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: DPW

DATE: OCTOBER 2, 2007

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
HASKELL
MASON
STEC
GERAGHTY
MERLINO

OTHERS PRESENT:

REPRESENTING THE DPW DEPARTMENT:

WILLIAM LAMY, DPW SUPERINTENDENT
JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF
ENGINEERING
WILLIAM THOMAS, CHAIRMAN
PAUL DUSEK, COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL
SERVICES
JOAN SADY, CLERK OF THE BOARD
SUPERVISORS SOKOL
F. THOMAS
BRENDA HAYES, ADMINISTRATOR OF THE COUNTRYSIDE
ADULT HOME
MAURY THOMPSON, *THE POST STAR*
AMANDA ALLEN, LEGISLATIVE OFFICE SPECIALIST

Mr. Belden called the meeting of the DPW Committee to order at 9:30 a.m.

Motion was made by Mr. Haskell, seconded by Mr. Mason and carried unanimously to approve the minutes from the August 21, 2007 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Mr. Haskell to discuss a referral from the recent Westmount Health Facility & Countryside Adult Home Committee, pertaining to a generator currently housed at the DSS (Department of Social Services). He advised that although he was aware the generator was destined for use at the new DPW shop, he said that he felt it could be put to better use at the Countryside Adult Home as the one they were currently using did not sufficiently maintain the structure during power outages. Mr. Haskell continued, explaining that the generator currently being used could not sufficiently power the heating or cooling systems at Countryside and only supported a minimal amount of appliances and lighting. He noted that although they had included funding for a larger generator for the facility in their 2008 Budget request, it had been removed to meet Budget constraints. Mr. Haskell stated that the request of the Westmount/Countryside Committee was for the generator to be transferred to the Countryside Adult Home rather than the DPW shop, primarily because in the event of a power outage, residents of Countryside had to be transferred to a comparable facility which might cost several thousand dollars, if suitable accommodations could be found. Secondly, he noted, if the generator was used at Countryside, it could be depreciated, meaning that the County would be paid for a portion of the value of the generator that they already owned.

William Lamy, DPW Superintendent, stated that he fully supported the transfer of the generator to the Countryside Adult Home, and he agreed that it was needed more at that location. He added that the DPW shop had a greater ability to work around inconveniences such as power outages and he would certainly lend assistance in transporting the generator to Countryside, if the Committee was in agreement.

Motion was made by Mr. Haskell, seconded by Mr. Merlino and carried unanimously to authorize transfer of the generator from DSS to the Countryside Adult Home.

Brenda Hayes, Administrator of the Countryside Adult Home, left the meeting at 9:38 a.m.

Privilege of the floor was extended to Mr. Lamy, DPW Superintendent, who distributed copies of his agenda to the Committee members. *A copy of the agenda is on file with the minutes.*

Beginning the agenda review, Mr. Lamy stated that because Paul Dusek, County Attorney, was in attendance he preferred to begin with those items requiring his expertise. He directed the Committee members to page 21 of the agenda which reflected a NYSDEC (New York State Department of Environmental Conservation) Consent Order. Mr. Lamy explained on September 7, 2006 the NYSDEC staff had performed an inspection of the County fuel farm located in the Town of Lake Luzerne and had noted violations. He emphasized that at no time had a release of petroleum to either the atmosphere or ground water occurred and there had been no spill. However, Mr. Lamy stated, there were regulations requiring certain measures in managing the facility and controlling, documenting and labeling inventory, and this was where the violations had occurred. He noted that on September 15, 2006 he had assumed the position of DPW Superintendent and immediately upon receiving the notice of violation, had scheduled a meeting with NYSDEC representatives and appropriate staff to discuss the violation, which had taken place on October 2, 2006.

Mr. Lamy apprised that based on the recommendations received from NYSDEC, objectives were determined to bring the fuel farms into compliance with New York State bulk storage regulations. He said that at that time he had put together a project team and they had been working on these objectives ever since. The results of this work were conveyed back to NYSDEC, Mr. Lamy apprised, and it was not until September 6, 2007 that a return visit was made to re-investigate the Lake Luzerne fuel farm site. He added that at that point Jeffrey Tennyson, Deputy Superintendent of Engineering, had become involved with the project team and had met with a NYSDEC representative during the re-inspection, where it was determined that all of the deficiencies at that site had been rectified. However, Mr. Lamy added, subsequent to the re-inspection the NYSDEC representative had forwarded an Order for Consent which would require the County's agreement and also payment of a penalty in the amount of \$500 for the violations noted. He said that he had forwarded this information to Mr. Dusek for his review immediately upon receipt to determine what the course of action should be.

Mr. Lamy noted that with the help of Mr. Tennyson and the project team they continued to review all of the County fuel farms, as the Lake Luzerne site was not the only one in non-compliance. He reminded the Committee that funds had been requested and received to improve the fuel metering system and they were in the process of fixing the three worst sites for inventory control. Mr. Lamy added that if the process was successful at the initial three sites he intended to proceed in implementing the new metering systems at the remainder of the fuel farm sites, and he had requested funding for this in the 2008 Budget. He advised that a portion of the non-compliance issues had been corrected and they had a plan to bring the remainder of the facilities into compliance also; however, he said, he could not guarantee that another inspection would not be performed. Mr. Lamy stated that compliance issues at the County Fuel Farms had been a long standing issue but the efforts to rectify these issues were proceeding nicely.

Mr. Belden asked Mr. Dusek if he recommended payment of the fines imposed by NYSDEC and Mr. Dusek replied affirmatively. Mr. Dusek added that although it was possible to contest the fines, there was no viable excuse in defense of the County for the five violations cited, and it would actually cost more to contest than to pay the fines levied.

Mr. Stec apprised that the Town of Queensbury had faced a similar fine in connection with the Route 9 Sewer project in the past. He noted that the Town had paid the fine, but had requested that it be clear in the record that they were not admitting any type of guilt in the process and had paid the fine because it was the expeditious route. Mr. Stec asked if a similar stance should be taken by the County in this case and Mr. Dusek replied that it was irrelevant in this particular instance because no hazardous release had been cited. He added that the County was simply being fined for failure to follow certain protocols instituted by the State;

however, Mr. Dusek noted, if there had been some sort of spill, he would have negotiated a clause such as the one referenced by Mr. Stec.

Discussion ensued with respect to the matter.

Mr. Lamy apprised that Mr. Tennyson had an extensive background in the field of petroleum based storage and he asked Mr. Tennyson to briefly comment on the improvements they were trying to make. Mr. Tennyson stated that by no means were any of the County fuel farm sites perfect and this had been a very good learning process for the project team as all of the corrections required at the Lake Luzerne Fuel Farm site were being made at others to avoid such violations in the future. He noted that many good things had been done in the past, such as the installation of new storage tanks, and they were proceeding in correcting outstanding issues. Mr. Tennyson added that he felt NYSDEC had been very fair in dealing with the situation.

Motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously to authorize the Chairman of the Board to sign a consent order with NYSDEC and pay a penalty for alleged violations of the Bulk Storage Regulations at the Lake Luzerne Fuel Farm, and the necessary resolution was authorized for the October 19th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy apprised that the next item requiring comment from the County Attorney pertained to improvements to the DPW Maintenance facility as proposed by Siemens Building Technologies, Inc., which began on page 29 of the agenda. He explained that an ongoing issue plaguing the DPW had been the control system on the furnace located at the DPW Maintenance facility. Mr. Lamy advised that in the Fall of 2006 he had contacted Siemens for an evaluation of what work would be required to fix the issues at this site, which had been ongoing since the furnace was first installed approximately 15 years ago. He said that at that time he had received a quotation from Siemens to rectify the situation, which he had presented to the Committee, and the decision had been made to develop an RFP (Request for Proposal) for the necessary services. Mr. Lamy advised that the Siemens proposal received in response to the RFP had expanded their original proposal to include motors and lighting, as well as the furnace controls. He said that he had discussed the proposal with Mr. Dusek and they had decided that Committee approval and understanding should be obtained prior to proceeding with the Siemens proposal.

Mr. Dusek noted that the Siemens proposal had been expanded to include additional equipment because the RFP had been developed for an Energy Contractor, similar to the one produced for the Westmount Health Facility, and asked for an evaluation of energy uses at the facility. He explained that if they chose to proceed with the Siemens proposal there would be a fee of approximately \$9,850 for the completion of a full evaluation, which would be built into the total costs of the agreement. Mr. Dusek stated that the Siemens proposal included upgrades that would become Budget neutral over the life of the project, which would be approximately the same length of time that the project could be bonded in. Essentially, he said, if everything worked as per the proposal the decrease in energy costs would pay for the upgrades over the life of the project, which he estimated to be in the area of ten years. Mr. Dusek explained that although the proposal listed the project life as 15 years he had contacted Siemens and advised that such projects could not be bonded over that length of time and, as such, the project length would have to be decreased. He summarized that all of the upgrades were not required and the Committee could decide to complete only the upgrades necessary to the furnace and have those costs broken down over time.

Mr. Haskell stated that if the total project was going to be Budget neutral it did not make sense to authorize only repairs to the furnace and continue to pay higher energy prices for the rest of the Maintenance Facility. He said that it was his opinion that they should go ahead with the whole proposal given by Siemens, and Mr. Bentley agreed.

Mr. Belden asked how many responses to the RFP were received and Mr. Dusek replied that the Siemens proposal had been the only one received. He added that he had been sure to forward the RFP to other area vendors providing such services, such as Johnson Controls and several other such entities. Mr. Belden then asked what the up front costs for the project would be and Mr. Dusek said that the total was unknown. He explained that if the project could be completed as a Budget neutral project, the costs would be broken down over ten years and would be paid for through energy savings, requiring no bonding for the costs of the project. Mr. Dusek added that an installment agreement and the supporting resolutions would be necessary.

Mr. Geraghty asked if there had been any responses to the RFP stating that they declined to bid on the project and Mr. Dusek replied that was not sure of this but could inquire with Julie Pacyna, Purchasing Agent. Mr. Geraghty stated that if they had been received any such responses they should be kept on file for future reference in the event of complaint.

Hal Payne, Commissioner of Administrative & Fiscal Services, stated that they had actually extended the RFP response time for an additional two weeks, at the recommendation of Siemens, to be sure that anyone wanting to respond had the opportunity to do so.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to proceed with the entire proposal received from Siemens Building Technologies Inc. for energy improvements to the DPW Maintenance facility.

Mr. Dusek left the meeting at 9:52 a.m.

Returning to the New Business portion of the agenda, Mr. Lamy apprised that there had been extensive damage in the Town of Horicon as the result of a violent storm that had occurred during the prior week; in particular, he added, on Palisades Road, in Brant Lake. Mr. Lamy distributed photographs reflecting the damage for the Committee members' perusal and he noted that he had received a call from the Sheriff's Department shortly after the storm, and crews had been mobilized at that point to work with the Town of Horicon in cleaning up the damages caused by the storm. Mr. Lamy stated that due to the extensive damage they had to wait for National Grid to de-energize the area of Palisades Road so that it could be cleared sufficient for one lane of traffic to pass. He said that to his knowledge there had been no injuries, regardless of the extent of the damages.

William Thomas, Chairman entered the meeting at 9:54 a.m.

Mr. Lamy noted that there were still three crews working at the site, and additional overtime costs would be incurred due to this event. He stated that these were the types of occurrences that could not be predicted and accounted for in the budgeting process but would definitely have an impact. He said that his crews were doing the work that needed to be done and they would worry about the costs when the work was completed. Mr. Lamy stated that the reason for his explanation of this matter had been to enforce that although there were projects ongoing in other communities that needed to be completed before the winter season, all of those jobs were secondary to the completion of the restoration going on in the Town of Horicon to allow citizens access to their homes and properties. He asked that the Committee members keep this in mind and be patient while awaiting the completion of projects in their areas.

Mr. F. Thomas entered the meeting at 9:56 a.m.

Mr. Belden suggested that detailed records of the efforts required to repair the storm damage be kept so that at its completion documentation could be sent to the appropriate parties at the State level, along with an

accounting of the total costs incurred and photographs of the damage, to seek Federal and State aid in recouping some of the costs incurred. Mr. Lamy replied that he had been keeping such records and they should have an accurate estimate of the cost impact to the County.

Mr. Bentley apprised that he had spoken with some of the Legislative parties and was advised that because the storm damage was localized it was unlikely that State or Federal aid would be available for this event. Mr. Belden stated that it was his opinion that efforts should be made to recoup a portion of the funds spent for storm cleanup regardless.

Proceeding with the agenda review, Mr. Lamy apprised that a series of personnel requests began on page one of the agenda. He explained that these request were the result of the retirement of Leonard Baker, a long standing County employee currently working at the Toney Pit, as of October 31, 2007. Mr. Lamy stated that Mr. Baker's retirement would create a vacancy in the position of Construction Supervisor, which he intended to fill by promoting an existing employee, necessitating a series chain of promotions. He advised that the agenda included five (5) Notice of Intent to Fill Vacant Position forms, which were as follows:

- 1) Highway Construction Supervisor II #3 - base salary \$34,975 - vacated due to retirement;
- 2) Heavy Equipment Operator - base salary \$28,203 - vacated due to promotion;
- 3) MEO Medium - base salary \$27,085 - vacated due to promotion;
- 4) MEO Light - base salary \$24,601 - vacated due to promotion;
- 5) Laborer - base salary \$22,116 - vacated due to promotion.

Mr. Lamy explained that because Mr. Baker had been a County employee for an excess of 30 years, he was at the top of the longevity scale and there would actually be a savings of \$6,000 in payroll once all of these promotions were made, caused by the difference between Mr. Baker's longevity and that of the new person who would be hired to fill the Laborer position.

Motion was made by Mr. Stec, seconded by Mr. Mason and carried unanimously to approve all five personnel requests, as outlined above, and refer same to the Personnel Committee. *Copies of the requests are on file with the minutes.*

Mr. Lamy stated that agenda page seven reflected another Notice of Intent to Fill Vacant Position form, this one concerning the position of Auto Mechanic Helper #2. He reminded the Committee that during a prior meeting they had authorized the reclassification of an Auto Parts Clerk position to that of an Auto Mechanic and permission had also been given to fill the position of another Auto Mechanic who had retired. Mr. Lamy explained that he had advertised for both vacant Auto Mechanic positions, one of which remained vacant while the other was filled from within by promoting the employee who had previously filled the position of Auto Mechanic Helper #2, and now that position required filling.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to approve the request to fill the vacant position of Auto Mechanic Helper #2, with a base salary of \$27,085, and refer same to the Personnel Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy apprised that the next agenda item referred to a request for a transfer of funds which was reflected on page eight of the agenda. He explained that the transfer was necessary to pay for the retaining wall being erected on Valley Woods Road (CR#11), at a total cost estimated at \$305,000, of which only \$100,000 had been appropriated in the 2007 Budget. Mr. Lamy advised that initially a \$100,000 grant had been obtained from the Lake George Watershed Conference for this project, but due to the increase in costs caused by the inability to utilize T-wall construction in constructing the retaining wall, the Lake George Watershed

Conference had agreed to provide additional grant funding in the amount of \$52,500. In order to facilitate the remaining \$52,500 needed for the project, Mr. Lamy apprised that a transfer of funds was necessary as follows:

<u>From Code</u>		<u>To Code</u>	<u>Amount</u>
A.9950	Transfer - Capital Projects	D.5112 8125 280 CR#11 Valley Wood Rd	\$25,000
D.5110 470	Maintenance of Roads	D.5112 8125 280 CR#11 Valley Wood Rd	27,500

Mr. Lamy noted that the \$25,000 being transferred from Code A.9950 (Transfers - Capital Projects) was storm water money previously earmarked for use in improvements to the Lake George drainage basin.

Motion was made by Mr. Geraghty, seconded by Mr. Haskell and carried unanimously to approve the request for transfer of funds as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

In connection with the previous request, Mr. Lamy advised that page nine of the agenda included a request to amend the County Budget to reflect the acceptance of grant funding in the amount of \$52,500 from the Lake George Watershed Conference to be used in the construction of the retaining wall on Valley Wood Road (CR#11).

Motion was made by Mr. Mason, seconded by Mr. Merlino and carried unanimously to approve the request to amend the County Budget in the amount of \$52,500 to reflect the acceptance of grant funding as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy directed the Committee to page ten of the agenda, which pertained to another request for transfer of funds, this time in relation to the Lake George Basin Sewer. He explained that the request to transfer the Local Share of project funds was being presented because a meeting of the Sewer Committee had not been scheduled. Mr. Lamy stated that the request asked for funds to be transferred as follows:

<u>From Code</u>		<u>To Code</u>	<u>Amount</u>
A.9950 (Transfers-Capital Projects)		H.9551 66 280 (Lake George Basin Sewer)	\$135,000

Motion was made by Mr. Haskell, seconded by Mr. Mason and carried unanimously to approve the request for transfer of funds as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy stated that agenda page 11 reflected a request to increase Capital Project No. H.9551 66 280 - Lake George Basin Sewer by \$135,000 to show that the Local Share of project costs had been added, as approved in the previous request.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to approve the request to increase Capital Project No. H.9551 66 280 - Lake George Basin Sewer by \$135,000 to reflect the addition of the Local Share of project costs and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy advised the Committee that beginning on page 12 of the agenda he had included correspondence received from RKH (R.K. Hite & Co., Inc.) pertaining to appraisal reviews of property sought for the Corinth Road project. He said that although a resolution was not necessary, because a generic version had previously been approved, he wanted the Committee to be aware that they had agreed to pay \$4,500 for Map No. 24

and \$6,150 for Map No. 13 and he noted that the supporting appraisals and documentation were included in the agenda. Mr. Lamy stated that the authority to offer payment was included in the generic resolution previously approved; however, he added, he was requesting Committee approval to make payment in these amounts.

Motion was made by Mr. Stec, seconded by Mr. Geraghty and carried unanimously to forward payment as outlined above, allotting \$4,500 to the owner of the property labeled as Map No. 24 and \$6,150 to the owner of the property labeled as Map No. 13.

Mr. Lamy apprised that he and his staff had met with Mr. Stec and other officials from the Town of Queensbury, as well as NYSDOT (New York State Department of Transportation) officials with respect to the Quaker Road signal project as it was felt that there was something wrong with the hardware and signal timing in place. Upon relaying these concerns, he explained, NYSDOT dispatched one of their experts to evaluate the control boxes at the different signals and came to the conclusion that all of the hardware was intact, but needed to be re-timed. Mr. Lamy added that NYSDOT was willing to lend one of their staff to re-time the signals and arrangements were being made to have the person servicing the lights for the Town of Queensbury present to learn about the new equipment and timing procedures. Mr. Lamy noted that no Committee action was necessary in this matter; he was simply providing this for informational purposes.

Referring to ongoing discussion concerning a development planned in the Town of North Creek, Mr. Lamy apprised that he had received limited notification of ongoing negotiations to swap property occupied by a County fuel farm. He said that they were trying to determine if any of the property involved was owned by the County and how the swap might affect the County. Mr. Lamy stated that it was suspected that there might be an affect on the County Maintenance Facility and Fuel Farm; however, he said, he was not sure of the extent. He noted that although he had no further details for presentation, he wanted to be sure that the Committee was aware of the issue.

William Thomas, Chairman, apprised that although he did not have many details available either, he was aware that the developer involved in the process was looking at the parcel for use in a development project. Mr. Thomas noted that no decisions had been made by the Town Board, although it was solely their decision as to whether or not the property swap would be made. Mr. Lamy asked if the County actually owned the property housing the Fuel Farm or if it was being leased from the Town and Mr. W. Thomas replied that it was his impression that the property was owned solely by the Town and not by the County. Mr. Lamy noted that if the swap were approved, there would be an impact to the County's maintenance Facility and Fuel Farm but he would keep the Committee up to date on the details surrounding the matter as they were uncovered.

Mr. Belden asked if the developer would be responsible for the costs to transfer the Fuel Farm and Maintenance Facility and Mr. W. Thomas replied that the developer would be paying for a piece of property to move the Fuel farm and maintenance facility to, as well as the moving costs, in order to receive the Town's agreement.

Discussion ensued with respect to the matter.

Mr. Lamy advised that another issue for discussion, which had not been included on the agenda, concerned the internet and email services used at the Warrensburg DPW Shop. He said that he wanted to speak with Rob Metthe, Director of Information Technology, about the situation but had been told that he had only until the end of October to decide whether or not to continue the services currently in use. He said that he did not have all of the details with respect to the matter and had only received notification that morning, and consequently, asked the Committee if it would be agreeable to bring his recommendation to the October 19th

Board meeting for presentation pursuant to his discussion with Mr. Metthe. It was the consensus of the Committee that Mr. Lamy should proceed in this matter and bring his recommendation back to the October 19th Board meeting.

Concluding the agenda review, Mr. Lamy reviewed the listing of items pending from prior Committee meetings and he updated them as follows:

- 1) Referring to the Corinth Road Reconstruction project, Mr. Lamy apprised that both the inventory of meter/panel boxes, being conducted by the Town of Queensbury, and ROW (Right-of-Way) negotiations were ongoing and there was no further update on their status;
- 2) Mr. Lamy stated that Town of Johnsbury Tax Map Parcel No. 118.10-1-33 had been reviewed in connection with Mr. Dusek for possible conveyance to the Wevertown Fire Company but it had been determined that the entire parcel could not be conveyed. He explained that according to County Highway Law they were required to keep a 60' - 66' ROW on this parcel. Mr. Lamy noted that Mr. Dusek had been in contact with the attorney representing the Fire Company to advise that if they were willing to provide a survey map reflecting an appropriate split of the property, the County would continue to consider the possibility of conveying the property;
- 3) The Budget Performance Report would be presented at the next Committee meeting when all figures would be posted through the end of the third quarter, Mr. Lamy advised;
- 4) Mr. Lamy stated that he had nothing to report on bio-diesel fuels.

Mr. Stec asked what the progress was on the berm suggested for Haviland Road. Mr. Lamy apprised that discussion had been held with the residents of Waverley Place on Meadowbrook Road and they had found that when the road had been realigned it caused headlights to shine into some of the existing structures. He said that they had gotten a grading release and had met with the Waverley Place Homeowner's Association with respect to the matter and it had been determined that a berm and vegetation would be implemented to intercept the headlights affecting these homes. Mr. Lamy stated that all parties involved seemed to be pleased with these efforts; however, he noted, the storm damage work taking place in the Town of Horicon would delay the project from being completed in the time frame initially anticipated.

As there was no further business to come before the DPW Committee, on motion made by Mr. Geraghty and seconded by Mr. Bentley, Mr. Belden adjourned the meeting at 10:16 a.m.

Respectfully submitted,
Amanda Allen, Legislative Office Specialist