

WARREN COUNTY BOARD OF SUPERVISORS

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

DATE: MARCH 26, 2013

---

COMMITTEE MEMBERS PRESENT:

SUPERVISORS MERLINO  
CONOVER  
WOOD  
TAYLOR  
FRASIER  
DICKINSON  
MASON  
MONTESI

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS  
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD  
KEVIN GERAGHTY, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ADMINISTRATOR  
JOAN SADY, CLERK OF THE BOARD  
FRANK THOMAS, BUDGET OFFICER  
SUPERVISORS GIRARD  
LOEB  
STRAINER  
MIKE SWAN, COUNTY TREASURER  
TOM APPLE, THE SOCIETY FOR CREATIVE ANACHRONISM, INC., THE SHIRE OF  
GLENN LINN  
PASTOR DEREK BEVAN, THE KING'S SCHOOL  
DON LEHMAN, *THE POST STAR*  
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

---

---

COMMITTEE MEMBER ABSENT:

SUPERVISOR BENTLEY

In the absence of Committee Chairman Bentley, Vice Chairman Merlino called the meeting of the Public Works Committee to order at 9:30 a.m.

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

Privilege of the floor was extended to Paul Butler, Director of the Parks, Recreation & Railroad Division, who distributed copies of his agenda to the Committee members. *A copy of same is on file with the meeting minutes.*

As there were no representatives of the Saratoga North Creek Railway (SNCR) in attendance, Mr. Butler advised the agenda review would commence with discussion on The King's School's request for a pedestrian railroad crossing. He apprised that on March 12<sup>th</sup> a meeting had been held to discuss the crossing request, which had been attended by himself, Jeffery Tennyson, Superintendent of Public Works, Messrs. Bentley and Merlino, as well as representatives from SNCR and The King's School. Mr. Butler said that these discussions had been very productive, leading to the incorporation of several improvements to the crossing plans. Mr. Butler pointed out that the agenda packet included schematic drawings of the proposed crossing, in addition to an aerial photograph of the area in question. Mr. Tennyson interjected that some of the improvements made to the plans included the introduction of physical and procedural controls to eliminate any instances of unguided crossings by incorporating locked gates on either side of the crossing and a list of safety procedures that would be strictly enforced by The King's School; *a copy of the crossing safety procedures is included in the agenda packet.* Mr. Tennyson confirmed that The King's School had committed to funding all reimbursements to SNCR for the crossing construction and he noted that although the County owned the railroad right-of-way (ROW), ownership of the crossing facility would be transferred to The King's School once completed, making any maintenance and future repair expenses their responsibility. He concluded that while there were certain details remaining to be worked out with the County Attorney's Office to ensure all of the proper controls were in place, Board authorization would be necessary to proceed with the project.

The Committee proceeded with a review of the map and schematic drawing provided.

---

Mr. Merlino reminded the Committee members that The King's School was requesting access for a pedestrian crossing to reach their athletic fields which were located on the opposite side of the railroad tracks from the school buildings. He noted that currently, The King's School staff transported younger students by car around the block to reach the fields, although many of the older children walked. Mr. Merlino advised that the children who walked to the fields had to travel along a very busy stretch of highway that did not have any sidewalks; he added that when considering the danger of allowing a pedestrian access for a railroad crossing, the Committee members should keep in mind that some of The King's School's students were already in a dangerous situation by walking to the fields over a section of road that did not include improvements for safe pedestrian use.

Mr. Dickinson questioned if there was sufficient sight and stopping distance for the train in the event that there were children on the tracks and Mr. Tennyson responded that while he did not know the exact footage figures, there was plenty of sight distance for the train engineer to identify pedestrians on the track and sound a horn warning of the oncoming train, allowing sufficient time to clear the tracks. With respect to stopping the train, Mr. Tennyson stated that an unscheduled stop for the train was an impossibility as it took a lot of time to slow down and stop a locomotive. Mr. Dickinson then asked how many trips per day the train would make through this area and Mr. Tennyson responded that when running their full schedule, the passenger train would make three round trips per day. Mr. Merlino advised that SNCR had committed to providing The King's School with a listing of all scheduled passenger and freight runs. In response to a question posed by Mr. Dickinson regarding unscheduled freight runs, Mr. Tennyson advised that by contract, SNCR was required to limit the majority of their freight runs to the evening hours, but he noted that the contract did allow for one freight run per day. Mr. Tennyson further noted that occasionally, smaller maintenance vehicles, such as a high-rail pickup truck, would travel the tracks and this use would be unscheduled.

Mr. Dickinson questioned whether The King's School's athletic fields were used during the evening and Pastor Derek Bevan, President of The King's School, replied that use of the athletic fields would conclude daily at 3:00 p.m., except for during the months of September through October when they were used by the varsity soccer teams until 6:00 p.m.

Mr. Dickinson noted that fences would run along both sides of the tracks, essentially corralling pedestrians to the specified crossing area and he questioned whether the fencing allowed sufficient room for a person to stand within the fences, to the side of the tracks, without being hit by an oncoming train, and Mr. Butler replied affirmatively. Mr. Dickinson concluded that he was not in favor of authorizing the pedestrian crossing as it was drawn and preferred that, due to the number and varying ages of the children that would be using the crossing, a safer, lighted crossing be implemented. He stated that he did not feel the crossing proposed was safe enough for his own grandchildren to use, and, therefore, he was not comfortable approving it for use by other children.

Mr. Butler commented that The King's School took this issue very seriously and would strictly enforce the safety procedures specified which did not allow for the crossing to be used without supervision and guidance from teachers and adults. Mr. Butler noted that disciplinary actions would be taken for any unauthorized use and Pastor Bevan confirmed this statement, adding that they planned to monitor the crossing with video surveillance. Mrs. Wood pointed out that the safety procedures written by The King's School indicated there would be locked gates at each end of the crossing which the staff would have keys for and she questioned the distance between the locked gate and the tracks, noting her concern that there be sufficient room between the two points so that students were not trapped between locked gates, on the tracks. Mr. Butler clarified that the locked gate would be located at the beginning and end of the crossing, far from the railroad tracks; Pastor Bevan said he believed the locked gate would be 75' from the tracks.

Mr. Mason noted his concern with relation to the angle of the crossing, opining that he felt the crossing

should be constructed perpendicular to the railroad in order to provide the best visibility and the shortest crossing; Mr. Tennyson stated that he completely agreed with this suggestion and noted that the construction costs would be lessened by taking these measures. Mr. Tennyson pointed out that the drawing they were referring to was of a conceptual nature that could be changed as they saw fit. Mr. Mason asked if there were restrooms available at the athletic fields or if students were crossing back to the school to use those facilities and Pastor Bevan responded that there were plans to build them and he noted there was already a well in place.

Discussion ensued, during which the issue of insurances and hold harmless agreements was raised, subsequently leading the Committee to table the request pending review by the County Attorney and County Administrator to determine what insurance provisions needed to be put in place to properly indemnify the County of any liability in relation to the crossing. Mr. Dickinson advised that a more detailed map with fence distances and widths would be helpful in the Committee's future consideration of this issue and Mr. Tennyson acknowledged the suggestion.

Moving on, Mr. Butler directed the Committee members to agenda pages 6-11 which outlined a request from The Society for Creative Anachronism, Inc. (SCA), Shire of Glenn Linn, to reserve, for exclusive use, a section of County-owned property located near the Warren County Fairgrounds for archery practice on most Sunday afternoons from May 5, 2013 through October 27, 2013, and their equivalent Sundays for subsequent years. Additionally, he said, the Society had requested that any fees associated with use of the property be waived.

Mr. Butler apprised the SCA expected the practice sessions to be attended by six to ten people, with accommodations for up to eighteen participants, who would be shooting long bows with field arrows, which shot much shorter distances than modern hunting compound bows and crossbows, which were not permitted for use during the practice. He pointed out that agenda page 11 included an aerial map of the property desired for use, with lineages drawn in for the shooting range and the desired parking areas; Mr. Butler advised the map had been produced by Tom Apple, on behalf of the SCA, and he said he had confirmed Mr. Apple's measurements. Additionally, Mr. Butler pointed out that beginning on agenda page 6, he had included copies of the letter written by Mr. Apple requesting use of the property, outlining the specifics of use, detailing safety criteria and advising of the insurance liability coverages available. Mr Butler advised State Law required that neighbors residing within a certain area surrounding the proposed practice area be contacted for their consent to the afore described use of the property and he said that Mr. Apple had already obtained the necessary agreements, as identified in the Map Legend on agenda page 11.

The Committee proceeded with a review of the aerial map, followed by discussion on the request.

Motion was made by Mr. Dickinson and seconded by Mrs. Wood to authorize the request made by The Society for Creative Anachronism, Inc., Shire of Glenn Linn, as outlined above.

Paul Dusek, County Administrator, suggested that the approval be made contingent upon assurances from the County's liability insurance carrier that use of this nature would not void the insurance liability coverage for the property identified for use. Both Mr. Dickinson and Mrs. Wood agreed to amend their motion and second to include this provision.

Respective to insurance limits for use of County facilities, Mr. Taylor opined there should be a policy in place requiring a standard insurance limit for all events. Mr. Tennyson responded that there was a policy of this nature in place which required insurance limits of at least \$1 million per occurrence/\$2 million aggregate with the County named as an additional insured. However, he continued, those limits were subject to additional review to ensure the County was appropriately covered in the event of a liability issue. Mr. Tennyson said that for many events, such as a craft fair, the lower insurance

---

---

limits were sufficient, but for uses such as this one, higher liability limits might be desired.

Mr. Conover requested that Mr. Butler develop a recommended policy for others who might want to use this space in the future, to include the designated parking area. Additionally, Mr. Conover suggested that verbiage be included in the agreement with the SCA that would allow the agreement to be terminated if the Committee, or Board of Supervisors, determined there to be a concern associated with the requested use. Mr. Tennyson advised that a termination clause was standard in all Facility Use Permits issued, naming himself as the person designated to revoke Permits as determined necessary. He noted that in this case, a Board Resolution might be necessary to authorize use of the property because it was not located in an area they typically issued Facility Use Permits for; therefore, he continued, he would recommend that the resolution include a termination clause, as well as a provision naming himself as the person authorized to terminate the agreement so that the matter could be addressed quickly, rather than requiring Committee and Board action.

With respect to the waiving of use fees, Mrs. Wood advised that because the property they desired to use was not used for any other purpose, and in light of the SCA's longstanding history of holding events at the Warren County Fairgrounds without incident, she was not opposed to waiving the fees, as requested.

Mr. Dickinson and Mrs. Wood agreed to amend their motion, and second, once again to include provisions for the agreement with the SCA to be terminated by the Superintendent, if a need to do so arose, as well as to waive any fee associated with the use of the property. Mr. Merlino called the question and the motion was carried unanimously, thereby authorizing the necessary resolution for the April 19<sup>th</sup> Board meeting.

Resuming the agenda review, Mr. Butler directed the Committee members to page 13 which included a request to accept the donation of a tree and plaque in memory of Pat Steele, long-time employee of the Town of Bolton, which would be planted at the Up Yonda Farm. He noted that the donation would be made by Emily Mosher, President of the SUNY Adirondack Culinary Club, and other students in the SUNY Adirondack Culinary Arts program. Mr. Tennyson noted that Mr. Butler had contacted the Up Yonda Trust to ensure they had no concerns with respect to this action, and they did not.

Motion was made by Mr. Conover, seconded by Mr. Dickinson and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the April 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler announced that agenda page 15 included a request for a resolution acknowledging the generous donations to Up Yonda Farm by friends and family in memory of Pat Steele, which totaled \$510.

Motion was made by Mr. Conover, seconded by Mrs. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the April 19<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Moving on, Mr. Butler apprised agenda page 16 included a request for a new agreement with the Kingsbury Barnstormers Snowmobile Club, Inc. to allocate NY State snowmobile grant funds, while agenda page 17 included a request to amend Resolution No. 229 of 2010 to include the Kingsbury Barnstormers Snowmobile Club, Inc., allowing automatic amendments to the budget when State snowmobile grant funds were received. Mr. Butler explained that a .59 mile snowmobile trail had been introduced, extending between the Adirondack Bar and Grill Restaurant and the Washington County Trail System which was maintained by the Kinsbury Barnstormers Snowmobile Club, Inc. and because

---

---

the snowmobile clubs were required to obtain funding from the County their trails were located in, this agreement was necessary to allow the Kingsbury Barnstormers Snowmobile Club, Inc. to access funding for the new trail, which amounted to \$365 for the current grant season.

Motion was made by Mr. Montesi, seconded by Mrs. Frasier and carried unanimously to approve both of the aforementioned requests and the necessary resolutions were authorized for the April 19<sup>th</sup> Board meeting. *Copies of the resolution request forms are on file with the minutes.*

Referring to information presented on agenda pages 18-23, Mr. Tennyson outlined a request to authorize the Chairman of the Board to sign and acknowledge an agreement between the New York State Department of Transportation (NYSDOT) and SNCR associated with bridge repair work. Mr. Tennyson explained NYSDOT would be performing repair work on a bridge located on Route 28N in the Town of Johnsbury, which spanned the railroad tracks and would need to enter into an agreement with SNCR to provide flagging and inspection services around the tracks during train operations. He further explained that as part of the agreement, NYSDOT had requested the formal acknowledgment of the agreement by the railroad track owners, Warren County. Mr. Tennyson clarified that Warren County would not be involved in the contract, and through the requested resolution, they would just be formally acknowledging it.

Motion was made by Mr. Montesi, seconded by Mrs. Wood and carried unanimously to approve the previously mentioned request and the necessary resolution was authorized for the April 19<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Tennyson announced that the next agenda item pertained to discussion on the Up Yonda Farm operating budget, but said he would request that the discussion be delayed until the next Committee meeting to allow more preparation time.

Proceeding to the items of interest section, Mr. Butler reported that the Maple Festival and pancake breakfast, held at the Up Yonda Farm on March 3<sup>rd</sup>, had been very well attended, by approximately 180 patrons, achieving the highest attendance levels for the past three years. Mr. Conover said that the Maple Festival had been a wonderful event which many families and children had attended; he asked Mr. Butler to pass along his compliments to all of the staff involved in managing the event, stating that they had done an excellent job. Mr. Tennyson advised that although weather had certainly played a role in decreased attendance levels for prior years, Mr. Butler and his staff should be credited for their outstanding efforts to raise awareness of the Festival and encourage attendance. Mr. Tennyson said that they had purchased additional supplies for the event to increase the seating and the number of pancakes that could be cooked at one time. He commented that Mr. Butler and his staff were always trying to think of ways that the event could be enhanced and they deserved credit for the Maple Festival's continual improvement.

Concluding the agenda review, Mr. Butler announced there were no referral or pending items to address.

Mr. Girard advised he had been approached by Fredd Senser-Lee, PhD, Founder of Botanical Blossomings on the Bikeways-USA, with respect to his project and plantings along the Warren County Bikeway. He noted that Dr. Senser-Lee had been issued a Facility Use Permit by Mr. Tennyson to allow for this work; however, he said, there had been some issues or problems which had caused that Permit to be subsequently revoked. After he had received notice that a Permit would not be authorized for the upcoming spring season, due to past issues, Mr. Girard said that Dr. Senser-Lee had contacted him with a request for assistance, and that was why he was bringing the matter to the Committee's attention.

When asked to comment to the matter, Mr. Tennyson said he maintained his decision to refrain from issuing a Facility Use Permit to Dr. Senser-Lee, due to the issues they had experienced in the past. He stated that he did not wish to relay the issues in open session, as they might embarrass Dr. Senser-Lee, but said that he had kept Martin Auffredou, County Attorney, apprised of all of the issues they had encountered and had sought Mr. Auffredou's counsel before revoking the Permit; he noted that the Committee could confer with Mr. Auffredou for more information on the matter. Mr. Tennyson commented that he had never revoked any other Permits and he said he wished the situation was different because it would be much simpler to authorize the renewal than to deny it. He concluded that he did not enjoy disagreeing with Mr. Girard, who served as Chairman of the County Facilities Committee, which he reported to on behalf of other Public Works Divisions, and did not do so lightly.

Mr. Merlino stated that he did not have knowledge of the issues Mr. Tennyson referred to, and would not ask him to repeat them, but said he would respect and maintain the decision Mr. Tennyson had made. No other members of the Committee expressed any desire to act on the issue.

There being no further business to discuss relating to the Parks, Recreation & Railroad Division, privilege of the floor was extended to Mr. Tennyson, who distributed copies of the DPW agenda to the Committee members; *a copy of the DPW agenda is on file with the minutes.*

Mr. Tennyson advised agenda pages 1 and 2 included the Overtime and Fuel Reports for all DPW Divisions; he noted there was nothing out of the ordinary to explain on either. Mr. Conover commented there was a significant decrease in overtime use between 2012 and 2013, which he said he did not feel should go unmentioned, and he stated his appreciation for any efforts implemented to achieve this reduction. Mr. Tennyson stated that the elevated overtime figures reported for 2012 included those incurred for storm damages, but advised that the implementation of one-person plowing techniques had helped to reduce overtime use, as well.

Continuing to agenda page 5, Mr. Tennyson presented a request to establish paving rates to be charged to local municipalities for work performed by the DPW. He explained that the rates included a couple of changes from the prior year, such as typical increases in labor rates and fringe charges, although for 2013 they had included charges for roller rentals, which had not been assessed in the past. Mr. Tennyson further explained that in past years, the County had not charged the municipalities for the use of County-owned equipment, or roller rentals, but through the updated accounting programs and conversations with the Treasurer's Office, they had been directed to include the daily roller rental rates when calculating charges for municipal projects completed by DPW forces in 2013.

Motion was made by Mr. Montesi, seconded by Mr. Conover and carried unanimously to approve the request to establish paving rates, as presented, and the necessary resolution was authorized for the April 19<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Tennyson announced that agenda page 7 included a request to authorize the DPW to acquire a credit card with a maximum balance of \$1,000 to be used for eBay fees associated with ticket sales for parking at the Adirondack Balloon Festival and to attend the Maple Festival held at the Up Yonda Farm, as well as for the sale of high end items from the Up Yonda Farm gift shop. He advised that they had been very successful in selling parking tickets for the Adirondack Balloon Festival on eBay, but he noted that the administration involved with the ticket sales, performed by the Purchasing Department, had been very difficult to maintain. Mr. Tennyson stated the DPW was proposing to administer their own eBay sales and needed a credit card for the fees associated with them.

Mr. Montesi asked who would have access to the credit card and Mr. Tennyson responded that he would anticipate the card would be in the DPW Fiscal Manager's name, Sandy Kloss, because she took care of

the invoice payment for the Department. Mr. Tennyson noted that permission for the DPW to establish an eBay account had already been advanced through the Support Services Committee, as per a request made by Julie Pacyna, Purchasing Agent; he added that the Purchasing Department and DPW would share a common name for the eBay account, and the fees for sales would be separated and applied to the appropriate division.

Chairman Geraghty questioned whether there were issues with the procedures currently in place and he noted that having more credit card users in the County may lead to more problems in the future. Mr. Tennyson responded that the procedures for eBay sales were working very well, but noted that due to the level of inquiries associated with the parking and attendance tickets sold for the DPW Division, the administration had become a burden to the Purchasing Department, which was only comprised of two staff members. Additionally, Mr. Tennyson noted that they intended to introduce the sale of some of the higher priced items sold in the Up Yonda Gift Shop, which would increase the administrative burden. Mr. Tennyson concluded that he anticipated the future use of the eBay site would be expanding.

Mr. Dusek stated that he was aware of the issues experienced by the Purchasing staff and felt it was a good idea to separate the administration. His only concern, he continued, was that a review should be performed by the Treasurer's Office to consider auditing standards as a system of checks and balances and make sure they were in line before issuing the credit card, allowing them to determine whose name it should be issued under. Mr. Dusek concluded that he was unsure if Ms. Kloss was the appropriate person to hold the credit card because she handled the invoice payments for the DPW.

Motion was made by Mr. Conover, seconded by Mr. Dickinson and carried unanimously to approve the request to authorize a credit card to the DPW, as outlined above, with the Treasurer's Office to perform a review to determine whose name it should be issued in, and the necessary resolution was authorized for the April 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson advised the next five agenda items pertained to road projects and he asked Kevin Hajos, Deputy Superintendent of Public Works, to address them. Mr. Hajos advised agenda page 8 included a request to amend the existing grant agreement with NYSDOT for the Lanfear Road (CR 76) over Stony Creek Bridge Repair Project to include Supplemental Agreement No. 1, in an amount not to exceed \$286,000 (*\$228,800 Federal Share, \$57,200 Local Share (20% share covers the 5% Local Share and the State Marchiselli funding to be committed at a later date)*), while agenda page 13 included a request to increase Capital Project No. H321.9550 280, Lanfear Road Bridge, in the amount of \$280,500. Agenda page 14, he said, consisted of a request to amend the existing contract with Clark Patterson Lee to include Supplemental Agreement No. 1, for an amount not to exceed \$39,000, to cover the costs of additional construction inspection/support services in connection with the Lanfear Road (CR 76) over Stony Creek Bridge Repair Project.

Motion was made by Mrs. Wood, seconded by Mr. Mason and carried unanimously to approve the requests to amend the existing NYSDOT agreement and the existing contract with Clark Patterson Lee, as outlined above, and the necessary resolutions were authorized for the April 19<sup>th</sup> Board meeting. *Copies of both requests are on file with the minutes.*

Motion was made by Mrs. Wood, seconded by Mr. Mason and carried unanimously to approve the request to increase Capital Project No. H321.9550 280, as outlined above, and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Continuing to agenda page 18, Mr. Hajos presented a request to amend the existing contract with

---

---

Greenman-Pedersen, Inc. in an amount not to exceed \$2,161, to include Supplemental Agreement No. 2 for the Hicks Road (CR 52) Reconstruction Project to add ROW acquisition services. He reminded the Committee that they had discussed this ROW acquisition during a prior meeting, when he had advised of plans to widen the intersection of Hicks and Ridge Roads to include a proper turning radius for large trucks and vehicles.

Motion was made by Mr. Montesi, seconded by Mr. Dickinson and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the April 19<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Hajos noted that agenda page 22 included a request similar to the last, this one seeking authorization to amend an existing contract with Creighton Manning Engineering LLP in an amount not to exceed \$3,500 to include Supplemental Agreement No. 1 for the Crane Mountain Road over Mill Creek Bridge Project to add ROW incidentals and acquisition services.

Motion was made by Mr. Conover, seconded by Mr. Montesi and carried unanimously to approve the request and the necessary resolution was authorized for the April 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson announced that agenda page 25 included a request to amend existing Capital Project No. H331.9550 280, County Bridge Projects, in the amount of \$170,000, with said funds to be transferred from Budget Code D.9950 910, County Road, Transfers-Capital Projects, Interfund Transfers. He noted that monies expended from Capital Project No. H331.9550 280 were used to fund various bridge projects completed in-house by DPW staff.

Motion was made by Mrs. Frasier, seconded by Mrs. Wood and carried unanimously to approve the request, 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 prior request, Mr. Tennyson advised agenda page 26 included a request for a transfer of funds in the amount of \$170,000; however, he added, after speaking with the Treasurer's Office, it was determined that the request was not necessary because the appropriate permissions to transfer funds would be included in the prior request to increase Capital Project No. H331.9550 280. Therefore, Mr. Tennyson stated, he would ask the Committee to disregard the request.

As there were no referral or pending items to discuss, the agenda review concluded with the Items of Interest section, which was outlined as follows:

- \* Beach Road Reconstruction Project - Mr. Hajos provided an update on the Beach Road Reconstruction Project, advising that on the prior day, the portion of Beach Road extending between Canada Street and West Brook Road had been closed for construction, and would remain closed until the porous pavement application was complete. He advised that the partial road closure would allow the project to proceed more quickly and he noted that a detour route had been marked. Mr. Dickinson questioned whether the curbing work would be done during this portion of the project, as well, and Mr. Hajos replied affirmatively, but noted that the contractor would be concentrating on completing the porous pavement application first.
- \* Hicks Road Reconstruction Marchiselli and Grant Agreements
- \* Crane Mt. Road Bridge Marchiselli and Grant Agreements - Mr. Tennyson addressed the Hicks Road and Crane Mt. Road Bridge Marchiselli and Grant Agreements together, advising that each project would be progressing to construction during the upcoming season. Mr.

Tennyson advised that these projects faced two funding issues, the first being the delays in receiving executed grant agreements from NYSDOT, which had been averaging eight to ten months to receive; he added that although the construction projects could start at any time, they would not receive any reimbursements until the executed grant documents were received. The second issue, Mr. Tennyson advised, was the availability of State Marchiselli funds which typically constituted reimbursement for 15% of the project costs. He explained that the Marchiselli funds were bonded through the NY State Thruway Authority and distribution of the funds were constantly being re-prioritized. Mr. Tennyson stated that he would like to begin the paperwork portion of both projects now, in anticipation of delayed NYSDOT grant agreement executions so that reimbursements would be available during the project construction; however, he noted, doing so would require the County to commit the 15% Share they anticipated would eventually be reimbursed by Marchiselli funds. Mr. Tennyson commented that if they waited and began the grant process during the summer when the construction began, they might not receive NYSDOT grant reimbursements until the spring of 2014, due to the delay in grant executions. He said he had discussed this issue with Mr. Dusek and it was determined that in order to advance the projects as he suggested, the County would need to advance approximately \$330,000 in Local dollars for the projects, with reimbursements to come at a later date. Mr. Tennyson concluded that in the past, they had been able to shuffle funds around within the County Budget to allow projects to proceed on a designated timeline in anticipation of State and Federal reimbursements.

Mr. Dusek confirmed that he had discussed this matter with Mr. Tennyson and he advised the issue at hand was if the County authorized the necessary agreements to progress the projects to construction, they would also be promising to contribute County dollars amounting to approximately \$330,000, at a time when no assurances were being made that Marchiselli funds would be received for either project. That being said, Mr. Dusek reminded the Committee that, historically, Marchiselli funding had always been approved and they had no reason to expect otherwise for these projects, but because there was no guarantee of funding, there was some risk. He said that if the Committee desired to forward the aforementioned projects in accordance with the timeline requested by Mr. Tennyson, he would recommend referring the matter to the Finance Committee, with the recommendation that the necessary \$330,000 be contributed from the unappropriated surplus fund. The worst case scenario, Mr. Dusek advised, was that the Marchiselli funds would not be approved and, therefore, reimbursement would not be made.

Mr. Montesi apprised that he had discussed this issue with Mr. Tennyson, as well, and he opined the easiest way to address this cashflow issue would be to use monies available in the surplus fund, rather than bonding the expense.

Four resolution requests were submitted to address the Hicks Road Reconstruction and Crane Mountain Road Over Mill Creek Bridge Projects, as follows:

1. Request to amend the existing NYSDOT grant in an amount not to exceed \$2,562,911 to include Supplemental Agreement No. 2 for the Hicks Road (CR 52) Reconstruction Project;
2. Request to increase Capital Project No. H319.9550 280, Hicks Road (CR 52) Reconstruction Project in the amount of \$2,465,446.66 with the source of funding to be:
  - Federal - \$2,050,329
  - State Marchiselli (*partial*) - \$38,986
  - Local (*Local Share and remainder of State Marchiselli Share*) - \$376,131.66

*Note: \$353,634.76 of the Local amount to be funded from the unappropriated surplus fund, remaining \$22,496.90 to be funded by a transfer from Budget Code D.9950 910, County Road, Transfers-Capital Projects, Interfund Transfers;*
3. Request to amend the existing NYSDOT grant in an amount not to exceed \$1,030,000 to

---

---

include Supplemental Agreement No. 1 for the Crane Mountain Road over Mill Creek Bridge Project;

4. Request to increase Capital Project No. H320.9550 280, Crane Mountain Road Over Mill Creek Bridge, in the amount of \$970,393.10, with the source of funding to be:

Federal - \$814,400

State Marchiselli (*partial*) - \$39,000

Local (*Local Share and remainder of State Marchiselli Share*) - \$116,993.10

*Note: Source of funding for the Local amount to be a transfer from Budget Code D.9950 910, County Road, Transfers-Capital Projects, Interfund Transfers.*

Motion was made by Mr. Montesi, seconded by Mr. Dickinson and carried unanimously to approve items 1 and 3, as outlined above, and the necessary resolutions were authorized for the April 19<sup>th</sup> Board meeting. *Copies of both requests are on file with the minutes.*

Motion was made by Mr. Montesi, seconded by Mr. Dickinson and carried unanimously to approve items 2 and 4, as outlined above, and refer same to the Finance Committee. *Copies of both requests are on file with the minutes.*

- \* 2013 CHIPS Increase - Mr. Tennyson advised that agenda page 27 included a breakdown of the anticipated State CHIPS (Consolidated Highway Improvement Project) funding for 2013, which he said he had printed from the State's website. He commented that these figures represented an increase in funding from prior years and he said Mr. Hajos and his staff were reviewing their backlog of projects to determine which ones could be added for construction in 2013; Mr. Tennyson said once the updated list had been completed, he would present it for the Committee's review. In response to a question posed by Mr. Conover, Mr. Tennyson said this was the first increase in CHIPS funding the County had seen in the past five or six years.

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson and seconded by Mrs. Frasier, Mr. Merlino adjourned the meeting at 10:50 a.m.

Respectfully submitted,  
Amanda Allen, Deputy Clerk of the Board