

WARREN COUNTY GASLIGHT ADHOC COMMITTEE MEETING

Tuesday, January 28, 2014

9:45 am

AGENDA

CALL TO ORDER..... Chairman Monroe

APPROVAL OF MINUTES..... Chairman Monroe

NEW BUSINESS.....Chairman Monroe

Item #

- 1 Discussion: Park Construction Schedule (Village Project)..... Jeff Tennyson**
- 2 (R) Increase Capital Project – H338 LG Environmental Park. Jeff Tennyson**
- 3 H338 Festival Space Construction Status..... Jeff Tennyson**
- 4 Discussion: Wood Foundation Donations..... Jeff Tennyson**

OLD BUSINESS..... Chairman Monroe

REFERRALS (none)..... Chairman Monroe

PRIVILEGE OF THE FLOOR.....Chairman Monroe

ADJOURNMENT..... Chairman Monroe



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

1

Subject: INFORMATION: Minority and/or Women
Business Enterprise Goals on Federal-aid
Contract/DBE Goals

Date: MAR 22 2010

From: *James A. Cheatham*
James Cheatham
Acting Associate Administrator for Civil Rights

In Reply Refer To:
HCR-20

To: Michael Davies
Acting Division Administrator
New York, NY

This is in response to your email dated March 11, 2011 regarding your question "Can the New York State Department of Transportation (NYSDOT) place Minority and/or Women Business Enterprise goals on Federal-aid contracts in addition to the DBE goal?" Federal Highway Administration (FHWA) does not permit State or local minority business enterprise and women business enterprise goals to be included with Disadvantaged Business Enterprise (DBE) goals on contracts that include Federal funds. While we understand the State's interest in promoting its own affirmative action program, we have carefully structured the Federal DBE program not only to promote equal opportunity and ensure nondiscrimination in the award of Department of Transportation (DOT) assisted contracts but also to adhere to the legal requirement laid down by the United States Supreme Court that these programs must be narrowly tailored. Therefore, on FHWA-funded projects, a State/local minority and/or women business enterprise program must yield to the Federal DBE program, particularly if the implementation of the State/local program conflicts with the Federal program, which is often the case.

One example of a conflict is the use of group specific goals (e.g., minority business enterprise and women business enterprise goals) runs counter to 49 CFR 26.51(e)(4), which states that contract goals must provide for participation by all certified DBEs and must not be sub-divided into group specific goals. The DOT Secretary may waive this requirement under the authority of 49 CFR 26.15 when presented with sufficient evidence from a recipient to support such a request (i.e., a valid, applicable disparity study). Even then, the use of group-specific contract goals would be employed within the legal framework of the DBE program.

The FHWA has a strong interest in ensuring the constitutionality of the DBE program. It is essential that our grant recipients, like the State of New York, comply fully with our requirements to remain eligible to receive Federal Transportation Funds.



RESOLUTION REQUEST FORM NO. 9

***Request to Increase or Decrease or Amend Existing Capital Project or
Capital Reserve Project****

**If this is the result of a grant award, also complete and submit Form No. 5 or 6*

DEPARTMENT NAME: DPW

DATE: 1/28/14

(a) Exact Title and Number of Project*: Lake George Environmental Park
(H338.9550 280)

(b) Is this a Capital Project? Yes

(c) Is this a Capital Reserve Project? No

(d) Amount of Increase (if applicable): \$176,463.56

(e) Amount of Decrease (if applicable): NA

(f) Source of Funding (if Increase) (including name & title of codes, etc.):

\$158,817.20 NYS Environmental Facilities Corp. (90%)

\$ 17,646.36 Local Match Share (10% local match from in-kind services)

\$176,463.56 Total

(g) Changes in Funding (if Amendment):

(h) Purpose of Increase or Decrease or Amendment: To increase the capital project
for the NYS Environmental Facilities Corp. funding

3

WARREN COUNTY

Expense Analysis

From Date: 1/1/2012 - To Date: 1/31/2014

H338.9550 280 Lake George Environmental Park		Reference	Check #	Amount	Balance
Description	Date				
Project Total Amendment				\$ 762,000.00	\$ 762,000.00
ELAN PLANNING & DESIGN, INC.	11/1/2012	Check	197717	\$24,669.09	
FITZGERALD MORRIS BAKER FIRTH PC	12/10/2012	Check	199152	\$151.00	
ELAN PLANNING & DESIGN, INC.	3/7/2013	Check	201589	\$6,167.28	
ELAN PLANNING & DESIGN, INC.	5/24/2013	Check	205878	\$6,119.45	
DENTON PUBLICATIONS, INC.	8/31/2013	Check	207176	\$99.71	
THE POST-STAR	8/31/2013	Check	207472	\$117.00	
FITZGERALD MORRIS BAKER FIRTH PC	10/31/2013	Check	208650	\$58.00	
LABERGE ENGINEERING & CONSULTING GROUP	10/31/2013	Check	208723	\$3,282.50	
ENVIRONMENTAL SOIL MANAGEMENT OF NEW YORK, LLC.	11/26/2013	Check	209311	\$19,789.40	
LANE ENTERPRISES, INC.	11/19/2013	Check	209401	\$60.44	
ELAN PLANNING & DESIGN, INC.	9/16/2013	Check	209307	\$2,029.86	
FINKE EQUIPMENT	12/19/2013	Check	209753	\$7,157.50	
			Total Checks	\$71,721.23	
10/29/2013		JE		\$2,055.90	
12/31/2013		JE		\$20,760.79	
12/31/2013		JE		\$27,828.78	
12/31/2013		JE		\$468.16	
			Total Journal Entries	\$51,113.63	
			Total Expenditures	\$122,834.86	\$639,165.14

Encumbrances	Total Encumbrances	Balance Less Encumbrances
Action Environmental	\$36,000.00	
Elan	\$13,014.32	
	\$49,014.32	\$590,150.82