

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: MAY 1, 2017

COMMITTEE MEMBERS PRESENT:

SUPERVISORS MACDONALD
FRASIER
SOKOL
GIRARD
HYDE

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS
TIM BENWAY, DIRECTOR, PARKS, RECREATION & RAILROAD
JEFF INGLEE, FISH MANAGEMENT SPECIALIST
JIM LIEBERUM, DISTRICT MANAGER, WARREN COUNTY SOIL & WATER
CONSERVATION DISTRICT

COMMITTEE MEMBERS ABSENT:

SUPERVISORS SIMPSON
DICKINSON
MERLINO
VANSELOW

JUSTIN GONYO, GENERAL SUPERINTENDENT, SARATOGA & NORTH CREEK
RAILWAY
KEVIN GERAGHTY, ACTING COUNTY ADMINISTRATOR
BRIAN REICHENBACH, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS LEGGETT
SEEBER
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the May 1, 2017 meeting of the Public Works Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://www.warrencountyny.gov/gov/comm/Archive/2017/works/>

In the absence of Committee Chairman Simpson, Supervisor MacDonald, as Vice-Chair, called the meeting of the Public Works Committee to order at 4:01 p.m. (Please note due to a lack of attendance, Chairman Conover served to make a quorum of the Committee).

Motion was made by Mr. Sokol, seconded by Mrs. Frasier and carried unanimously to approve the minutes of the last Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Parks, Recreation & Railroad and DPW Agendas were distributed to the Committee members, copies of same are on file with the meeting minutes.

Commencing the review of the Parks, Recreation & Railroad Agenda, privilege of the floor was extended to Justin Gonyo, *Saratoga & North Creek Railway (SNCR) General Superintendent*, to provide an update on SNCR operations. Mr. Gonyo apprised that a determination had been made at the corporate level to operate weekends only during 2017 pending approval from the full Board as required by their contract. He informed they were aware of their significance to the region and the major undertaking it was for the County to resurrect and start the railroad several years ago with the goal of it becoming an economic driver for the area. He stated SNCR was pleased to be involved with this undertaking and he noted they would like to continue to partner with the County to achieve this goal. He continued, the realization was that SNCR's expenses had to be more in line with the amount of revenue they received. He said they used the ridership patterns of some of the other railroad they owned, all of which indicated the weekends were when they attracted more passengers which was why they determined going forward it was in their best interest to operate only on weekends.

In regards to SNCR being a fixture in the region, Mr. Gonyo pointed out they provided good paying jobs to their employees, including his own. He advised they provided revenue to local businesses for goods and services purchased, as well as through their passengers who made purchases at local shops, restaurants and events. He added they also provided revenue to Warren County through their ticket sales and the lease of the rail line. He reiterated their hope was to continue to partner with the County and be a good corporate citizen within the County. He pointed out a portion of the proceeds from ticket

sales for the train rides they offered at the "Hadley Maple in April" Festival were donated to the Hadley Business Alliance to assist them with providing scholarships to the Hadley Luzerne School District. He informed every year they donated \$10,000 to the North Creek Business Alliance for the operation of their shuttle even though a portion of the time it operated was during the off-season for the railroad when it was not in service. He added they had completed a number of upgrades to the Hadley and Thurman Train Stations. He advised he took the time to highlight the positive impact the train had on the region to ensure they were aware SNCR was committed for the long-term to the region which was why it was so essential for them to make important business decisions. He stated that they were not considering operating on weekends only for the long-term but rather an experiment. He informed they were still pursuing freight options, as they firmly believed there was a commercial need for the stone located in Tahawus, New York which was why they expended a significant amount of money to purchase the railline located north of North Creek.

Chairman Conover informed he felt an executive session was called for to discuss a contractual matter and matters pertaining to possible negotiations dealing with a contractual matter and he asked Brian Reichenbach, *County Attorney*, to elaborate on why an executive session was needed. Mr. Reichenbach apprised that an executive session was required to discuss negotiations or other discussions regarding a current or perspective contract. He advised six votes in favor were required in order to enter into executive session, as the simple majority was necessary in this case.

Motion was made by Mr. Conover, seconded by Mr. Sokol and carried unanimously to enter into executive session pursuant to Section 105(f) of the Public Officer's Law.

Executive session was held from 4:08 p.m. until 4:32 p.m.

Upon reconvening Mr. MacDonald announced no action was taken during the executive session.

Continuing with the Agenda review, Tim Benway, *Director, Parks, Recreation & Railroad*, presented the following request:

Page 1- To authorize Warren County Bikeway right-of-way Private Use Agreement with Bethel Enterprises LTD, C/O Patricia Bethel for a parking lot.

Motion was made by Mr. Girard, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the May 19th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Resuming the Agenda review with Referral/Pending Items, Mr. Benway, provided an update on the spring stocking. He stated the only thing remaining was the stocking of the Schroon River, as well as for some upcoming derbies.

Continuing with the agenda review, Jeff Inglee, *Fish Management Specialist*, advised that the second annual Spring Zing event at the Fish Hatchery was scheduled for May 13th and encouraged all to attend. He explained the event had been developed for promotional purposes so individuals had a better idea of what they did at the Fish Hatchery. He informed the event had been a success last year with 470 patrons, 200 of which were children. Mr. Inglee reviewed the brochure for the event which the Tourism Department had created for them and contained a listing the schedule and events that would be taking place there, as well as the list of the sponsors for the event, *a copy of which is on file with the minutes.*

Prior to commencing the review of the DPW Agenda, Mr. Reichenbach stated that he had spoken to Mr. Gonyo regarding SNCR's past due payment and Mr. Gonyo indicated he was unaware that they had fallen behind on their payments. He advised that Mr. Gonyo would be discussing the matter with the

Corporate office and would report back to Mr. Reichenbach.

Commencing the review of the DPW Agenda, privilege of the floor was offered to Jim Lieberum, *District Manager, Warren County Soil & Water Conservation District*, who provided an update on the Warren County MS4 report that was prepared by his Office on an annual basis.

Proceeding with the Agenda Review, Jeffery Tennyson, *Superintendent of Public Works*, presented the following items:

- Page 2- Request to authorize a new contract with Wood Waste Reduction Services for waste wood reduction pursuant to the terms and provisions of the specifications (WC 31-17) and proposal for a term to commence upon execution by both parties and terminating December 31, 2017 with the option for two possible one year extensions.
- Page 4- Request to authorize a new contract with Bell & Flynn for Cold Milling of Pavement for Highway Rehabilitation pursuant to the terms and provisions of the specifications (WC 23-17) and proposal for a term to commence upon execution by both parties and terminating December 31, 2017.
- Page 6 - Request to authorize a new contract with the lowest responsible bidder for Warren County Highway Reclamation and Restoration Projects pursuant to the terms and provisions of the specifications (WC 32-17) and proposal for a term to commence upon execution by both parties and terminating upon completion of the work.

Motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to approve the aforementioned requests and the necessary resolutions were authorized for the May 19th Board meeting. *Copies of the resolution request forms are on file with the minutes.*

- Page 8- Request for authorization to establish new County Road Project 2017 Warrensburg Road West, (CR3) in the amount of \$180,000.
- Page 9- Request to amend the County Budget in the amount of \$230,748.42 to reflect the receipt of 2017 Extreme Winter Recovery funds through the CHIPS Program.

Motion was made by Mr. Sokol, seconded by Mr. Conover and carried unanimously to approve the aforementioned requests and forward same to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

- Page 12- Request to appropriate funding in the amount of \$10,000 from the Unappropriated Road Surplus, *Budget Code D.909.00*, to cover the cost of an insurance deductible relating to a jury verdict.

Mr. Reichenbach clarified a jury verdict was modified by Supreme Court Judge Mueller from \$400,000 to \$350,000 in the County's favor and the County's share of the expense was \$10,000 to cover the cost of the insurance deductible.

Motion was made by Mr. Girard, seconded by Mrs. Frasier and carried unanimously to approve the request and forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Page 14- Request for a transfer of funds between various Road Projects totaling \$64,952.66

Motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to approve the request and forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Page 15 - Request to fill vacant position of Motor Equipment Operator #21, *Grade 5, Annual Salary \$28,951*, due to retirement.

Mr. Tennyson informed this particular position could result in vacancies being created due to promotion and/or lateral moves from other divisions which is why he would like permission to fill any vacancies due to the promotion of other employees.

Motion was made by Mr. Girard and seconded by Mrs. Frasier to approve the request.

Mr. Geraghty stated he was under the impression they were moving away from filling Medium Equipment Operator light positions. Mr. Tennyson advised he would be meeting with Chairman Conover and Mr. Simpson to discuss the structure of the Department and the pros and cons associated with the elimination of certain positions within it. Supervisor Geraghty remarked he would like to attend this meeting, as well.

Mr. MacDonald called the question and the motion carried unanimously to approve the aforementioned request and forward same to the Personnel & Higher Education Committee for reporting purposes. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

Chairman Conover apprised that he felt it was imperative for the meeting to discuss the organization of the DPW to be scheduled sooner rather than later so they could determine whether changes with classifications of employees within the DPW were necessary.

In regards to Information for Discussion/Review, Mr. Tennyson advised in response to his discussion with Mr. Thomas regarding the potential for the County to fund additional Road Projects he included a listing of proposed Road Projects in the Agenda packet if this money was set aside for this purpose.

A discussion ensued following which it was determined that no action would be taken at this time.

Continuing, Mr. Tennyson stated that Page 16 of the Agenda consisted of a summary of the County Bridge work that would be completed in-house this year. He explained an Equipment Operator was paid at a higher rate during the construction season and personnel was assigned as needed to conduct various repairs. He mentioned the staff was in the process of completing the sweeping and washing of bridges that occurred on about twenty bridges, six of which remained following which they transitioned into structural and deck repairs, as well as a bridge replacement plan for a bridge located in the Town of Bolton scheduled to commence later this year.

Mr. Tennyson advised the DPW had been asked in January to assist the Office of Emergency Services in the development of a bid to install the waterline for their Emergency Training Center following which it was determined the Town of Queensbury would like to donate or sell some existing waterlines. He said his engineering staff were working with the Town of Queensbury to get particular fittings on the pipeline that they would want specified. He said they were in the process of preparing the bid to go out for the installation of that particular waterline for the Fire Training Center. He mentioned once that was completed the DPW crew would install the culvert that was included in the roadway plan which had received all of the necessary approvals.

Mr. Sokol inquired why overtime expenses for March were so high and Mr. Tennyson responded that it related to snow and ice removal, as a significant snowstorm occurred during the month of March.

Concluding his Agenda review, Mr. Tennyson informed he would like to discuss the oversight of vacancy approvals for DPW. He stated that he had a substantial amount of information to review but his understanding was that this discussion would be undertaken during the May 4th meeting of the Personnel & Higher Education Committee. Mr. Geraghty advised that if Mr. Tennyson wanted those positions to be paid he should bring them before the Committee today. Mr. Tennyson stated that he had a significant amount of positions to review. Mr. Geraghty interjected he was under the impression that Mr. Tennyson would only be discussing the Temporary Foreman and Mr. Tennyson responded that he was asked to bring all of his vacancies. He displayed a summary of the vacancies which fell under his supervision and included vacancies at the Airport, Buildings and Grounds, Parks, Recreation & Railroad and DPW; a copy of which is on file with the minutes. He informed the ones listed at the top were all pending approval, some of which were presented today who were recent retirees within the Buildings and Grounds division. He apprised one of the positions that was being held up from filling was a new position that was created during the budget process for the Parks, Recreation & Railroad Department. He explained the County Policy stated that if a position was created as part of the Budget no further approvals were required which was why an intent to backfill had not been completed in years through the Committee process. He stated that the position for Parks, Recreation & Railroad he was referring to was approved through the budget process which was adopted by the full Board and resulted in a savings of \$28,000 on an annual basis. He mentioned he promoted someone into the position; however, he noted, it was being held up because he did not have an intent to backfill form which required a separate policy.

Mr. Geraghty interjected he believed what was being held up was the Four Temporary Foreman positions that Mr. Tennyson wanted to temporarily appoint existing staff to over the summer and not to backfill their positions. He explained this would allow them to be paid at a higher rate during construction season and he asked Mr. Tennyson if that was the purpose of his request and Mr. Tennyson responded in the negative. He informed he was being held up on the position for Parks, Recreation & Railroad that had been approved through the budget process, as well. Mr. Geraghty stated that he was unaware of the issue with that particular position, as he was referring to the employees who were paid at a higher rate during construction season so the work could be completed. Mr. Tennyson stated that he could discuss those positions, as well; however, he noted, currently he was struggling with getting the aforementioned position filled. He explained he eliminated Mr. Benway's prior position and created a lower grade position which resulted in a savings of \$28,000 a year to the County but he had been unable to fill it. Mr. Geraghty asked whether Mr. Tennyson had brought the request through the Committee process and he responded in the negative.

Chairman Conover apprised he remembered discussing the position when it went through the budget process and unless Messrs. Thomas and Geraghty objected, he was not opposed to Mr. Tennyson filling the position. Mr. Geraghty stated he was not opposed to filling the position as long as it was brought before the Committee for approval. He added he was unsure why Mr. Tennyson had not brought forward the request at today's meeting. Chairman Conover remarked if anyone objected to filling the position they should voice their opposition now, but as far as he was concerned it was permissible for Mr. Tennyson to move forward with filling the position.

Chairman Conover stated that it was his desire for all requests to come before the Committee before they were filled. He said if the consensus of the Committee was nothing had changed then they should move forward. Mr. Sokol interjected a resolution was not required since the position was included within the budget. Chairman Conover concurred with Mr. Sokol and added their desire was for these requests to be brought before the Committee for approval to ensure that all of these positions were

filled and/or that they were in agreement with them. Mr. Tennyson commented he hoped he would be able to move the request forward if it was reflected within the minutes because it was indicated to him an intent to backfill was required for this position.

Chairman Conover advised that he believed all that was required was approval from the County Administrator. Mr. Geraghty informed approval was required from the Committee in order to fill these positions which was what they were attempting to do now.

A motion was made by Chairman Conover, seconded by Mr. Sokol and carried unanimously to approve the request to fill the vacant position of Building Maintenance Mechanic #4, *Grade 13, \$36,859*, due to retirement and refer same to Personnel & Higher Education for reporting purposes. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Mr. Tennyson mentioned he would like to discuss a matter which related to that request. He explained one of the key elements pertained to the ability to backfill due to promotions. He informed the individual he promoted to Building Maintenance Mechanic #4 vacated a Grade 10 position within the Buildings and Grounds day crew. He continued, at this point he had been unable to process an intent to backfill for that position because according to the Human Resources and Civil Service Departments the position remained occupied by the individual he promoted under the new position policy. He announced there would be a round of promotions which would take him until next fall to complete if he was required to go through the Committee process for each individual promotion.

Chairman Conover suggested that Mr. Tennyson present all of the requests today. Mrs. Frasier interjected that she would have to exit the meeting shortly. Chairman Conover pointed out when Mrs. Frasier exited the meeting they would no longer have a quorum of the Committee which meant no action could be taken. Mr. Geraghty questioned whether Mr. Tennyson could hold off on all other requests with the exception of the four Temporary Foreman.

Mr. Tennyson advised as previously mentioned in regards to Bridge and Paving Work, they stand up a new crew for both. He explained he had four full-time Foreman and in the summer they added two additional crews that required Foreman to lead. He continued, these were not positions that were new bodies but rather paying an existing Equipment Operator at a higher level. He said they had already initiated this for the Paving Foreman since paving work had commenced this week and the prior weeks consisting of coordination, as well as review/planning of projects. He said for years now they paid the individual who managed this crew at a higher rate. He added there was no additional backfill associated with this particular position, as it was one individual paid at a higher level with the expenses covered under the normal salary codes which they finished under budget every year. He said no additional funding was required nor was it funded under a separate line item. Chairman Conover asked Mr Geraghty if he was comfortable moving forward with the four temporary positions and he replied in the affirmative.

Motion was made by Chairman Conover and seconded by Mrs. Frasier to approve the request for the four temporary appointments at a higher level within the Highway Division of the DPW for the construction season.

Mr. Tennyson informed one of the temporary Foreman positions referred to "Various by Need". He stated as an example, the paving crew had three individuals that were Light Equipment Operators who were really operating more complex equipment than they would normally have Medium Equipment Operators on. He mentioned this was an immediate need which meant he wanted to pay them as Medium Equipment Operators while they were operating the more complex equipment such as the paver and screen. He mentioned this occurred on occasion when personnel left and the work still

needed to be done and was for short durations or intermittent as the contract allowed. He said this used to be referred to as out-of-title pay but now its referred to as pay at a higher level. He informed these occurred on a regular basis and they were generally an immediate need which was why in the past no funding or additional approvals were required. He apprised that since situations such as this occurred on a regular basis he would like to be provided with Committee authorization to pay individuals at a higher rate when he deemed it necessary.

Chairman Conover made a motion to authorize Mr. Tennyson to move forward with what used to be referred to as out-of-class pay for this year; however, he noted, if they resolved the issue with the Medium Equipment Operator position approval would not be required but they had not been able to meet thus far.

Mr. MacDonald clarified that the motion before them was to authorize the filling of the four temporary appointments and he asked whether there was a second to the motion; Mrs. Frasier seconded the motion.

Mr. Tennyson interjected that what he had listed was categories for multiple appointments one of which was a Paving Foreman. He said there were two different methods he used to appoint the Bridge Foreman, one of which was during the beginning of the season when the individual was not doing construction. He pointed out he paid that individual at a Grade 10 level when they were washing bridges and then transitioned them to a Grade 16 when they commenced bridge construction work. He mentioned the last item listed represented several positions that occurred throughout the year when there was an immediate need to pay someone at a higher Grade; he noted this was not just four positions.

Chairman Conover questioned whether it was required by the contract anyway and Mr. Geraghty replied that this referred to the former out-of-title positions which no one had ever questioned. Mr. Tennyson remarked he was pleased to hear this, as he was being questioned. Mr. Geraghty advised that Mr. Tennyson was only being questioned on the twelve week appointments.

Mr. MacDonald called the question and the aforementioned motion carried unanimously.

Mrs. Frasier exited the meeting at 5:04 p.m.

Mr. Tennyson stated they could review the full-time positions if they wanted to but he noted they would not have a consensus of the Committee to vote on any of them. He informed he currently had eleven vacancies out of 111 full-time positions. Mr. Geraghty questioned whether the vacant cleaner positions had already been approved and he asked whether they were rehashing positions that had been approved earlier today and Mr. Tennyson replied in the negative. He explained there were additional positions included in the list. Mr. Geraghty inquired why Mr. Tennyson had not brought them forward today and Mr. Tennyson replied that he had attempted to bring them up during the County Facilities Committee meeting earlier today. Mr. MacDonald interjected given that there was a lack of a quorum which meant they could take no action he suggested the discussion be taken elsewhere so the meeting could be adjourned. Mr. Sokol apprised that the matter could be discussed further at the May 4th meeting of the Personnel & Higher Education Committee. Mr. MacDonald informed the matter would be forwarded to the Personnel & Higher Education Committee to discuss further later this week and attempt to come up with a solution. Mr. Geraghty suggested that they clarify whether there were additional cleaning positions besides the ones that had been approved earlier today at the County Facilities Committee meeting that were vacant. Mr. Tennyson apprised that he had compiled the listing of current vacancies prior to today's meetings which was why it included all of his current vacancies. Mr. Geraghty asked whether the positions that were approved today were included on the list and Mr.

Tennyson responded that they were referenced. Mr. Geraghty interjected that this meant there were duplicates, as some of them had been approved. Mr. Tennyson mentioned he was attempting to review the other positions which had not been approved. He reiterated he listed all of his vacancies as of today some of which required discussion while others did not.

Chairman Conover stated that they could continue to meet but they could not take any action. He remarked he believed it was important for Mr. Tennyson to provide the vacancies he was seeking to fill to Mr. Geraghty so he could communicate with the individuals required. Mr. Geraghty requested that Mr. Tennyson supply him with the list of vacancies that were not acted on prior to Thursday.

Mr. MacDonald adjourned the meeting at 5:06 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board