

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: OCTOBER 23, 2017

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON  
MACDONALD  
FRASIER  
MERLINO  
SOKOL  
HYDE

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
TIM BENWAY, DIRECTOR, PARKS, RECREATION & RAILROAD  
RONALD CONOVER, CHAIRMAN OF THE BOARD  
KEVIN GERAGHTY, ACTING COUNTY ADMINISTRATOR  
MARY ELIZABETH KISSANE, ACTING COUNTY ATTORNEY  
AMANDA ALLEN, CLERK OF THE BOARD  
FRANK THOMAS, BUDGET OFFICER

COMMITTEE MEMBERS ABSENT:

SUPERVISORS DICKINSON  
VANSELOW  
GIRARD

SUPERVISORS LEGGETT  
MONTESI  
SEEBER  
GINA MINTZER, EXECUTIVE DIRECTOR, LAKE GEORGE CHAMBER OF COMMERCE & CVB  
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT  
DON LEHMAN, *THE POST STAR*  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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Please note, the following contains a summarization of the October 23, 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://warrencountyny.gov/gov/comm/Archive/2017/works/>

Mr. Simpson called the meeting of the Public Works Committee to order at 9:31 a.m.

Motion was made by Mrs. Frasier, seconded by Mr. MacDonald 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 Tim Benway, *Director, Parks, Recreation & Railroad*, who reported on the stocking program which took place October 3-4, 2017 in conjunction with the NYSDEC (*New York State Department of Environmental Conservation*). He reviewed the Yearly Stocking Report in detail, a copy of which is on file with the minutes.

Concluding the Agenda review, Jeffery Tennyson, *Superintendent of Public Works*, apprised of a letter he had received from Ed Zibro, *representing the Warrenburg Bike Rally*, pertaining to Mr. Zibro's concerns regarding the length of his agreement with the County for use of the Warrensburg Fair Grounds for Warrensburg Bike Rally. Mr. Tennyson reminded them Mr. Zibro had expressed the need for a longer term agreement in order to attract more vendors at a previous Committee meeting.

Commencing the review of the DPW Agenda Mr. Tennyson presented the following items:

- Page 1- Request to authorize Supplemental Agreement No. 1 with New York State Department of Transportation for H353, *Bridge Abatement and Painting Project*, in the amount of \$679,323.
- Page 7- Request to increase Capital Project No. H353, *Bridge Abatement and Painting Project*, in the amount of \$679,323 to account for grant funding that was received.

Page 8- Request to amend the existing contract with Camp, Dresser, McKee & Smith to include Supplemental Agreement No. 1, in an amount not to exceed \$99,138, to provide construction inspection services for Capital Project No. H353, *Bridge Abatement and Painting Project*.

Page 17- Request for a new contract with the lowest responsible bidder, to be determined upon bid opening, for County Bridge Asbestos Abatement & Painting Project, pursuant to the terms and provisions of the specifications (WC 56-17) and proposal for a term commencing upon execution by both parties and terminating upon completion of the work.

Mr. Geraghty requested going forward the names of the bridges and where they were located be included on the request forms.

Motion was made by Mrs. Frasier, seconded by Mr. MacDonald and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the items listed on Pages 1, 8 and 17 and the item listed on Page 7 was referred to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

Page 18- Request to increase Capital Project H331, *County Bridge Projects*, in the amount of \$170,000, to cover expenses for bridge replacement.

Mrs. Frasier questioned whether the significant amount of sand adjacent to the bridge related to this Project and Mr. Tennyson replied in the negative.

Motion was made by Mr. Sokol, 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 19- Request for transfer of funds between various Road Projects totaling \$187,164.93.

Mr. Geraghty inquired whether Mr. Tennyson estimated the number of hours each Road Project would take prior to the work commencing and Mr. Tennyson replied in the negative.

Motion was made by Mrs. Frasier, seconded by Mr. MacDonald 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.*

Prior to entering into an executive session, Mr. Simpson offered privilege of the floor to anyone present wishing to address the Committee on any matter. Travis Whitehead, *Town of Queensbury Resident*, expressed his concern regarding the lack of oversight provided to Projects completed by DPW Staff in regards to permits not being sought after or followed when they were required by Law. He said the most recent example of this pertained to a storm water permit for the construction of the Emergency Access Road at the Airport which was never obtained. He informed he had spoken to a representative from the Town of Queensbury, who indicated to him typically they would ensure the necessary permits were issued and followed, but since this particular instance involved the County, they did not require them to adhere to the permitting process. He remarked he would not have an issue with the County being offered a "pass" if they had earned this privilege, but since it was determined they did not adhere to the rules there needed to be some sort of oversight on them. He apprised he believed the DPW should have someone to oversee whether or not they were adhering to the rules and regulations and he questioned who this would be, as he could find no record of who was providing that oversight. He apprised this particular case referred to about two acres of disturbed ground which he was on during

the Adirondack Balloon Festival, as well as thousands of other attendees who used the Emergency Access Road to enter the Airport grounds. He added no silt fencing or notices were issued to local residents informing of a storm water permit being issued. He mentioned this issue paled in comparison to when the County's Consultant for the Airport wrote to the representative at the NYSDEC who was charged with reviewing the condition of the marl fen, inquiring whether the marl fen had ceased to exist due to the area being consistently flooded over the past few months because having surface water present in a feature that was fed from underground would change the features there. He commented he thought the Consultant for the Airport was disappointed to learn despite the present conditions the marl fen remained in good form. He pointed out this raised the question why this area was flooded for several months when there was an order of consent that was written in 1987 by the NYSDEC after they fined the previous owner of the land significantly. He reminded the property was foreclosed upon by the County for non-payment of delinquent taxes because the previous owner felt the property was useless due to all the environmental issues associated with it. He mentioned the order of consent stated "all successors on that property must follow the orders of consent". He advised there were drainage ditches present on this property which were constructed quite some time ago and contained weirs to control the flow. He continued, it was evident the beaver population had taken advantage of the work completed many years ago to build dams there resulting in persistent flooding which the DPW staff was well aware of. He commented he could not comprehend why the County was not forced to adhere to the same conditions as the previous owner. He stated the consent of order required that the weir height must be maintained. He apprised his general complaint related to these particular areas, as well as another one located on Queensbury Avenue that pertained to an unvegetated buffer which as per the permit was required to be maintained and yet was clear cut and replaced with bushes several months later. He informed his point in general was to question who provided oversight to the DPW, who had a history of non-compliance; he added if they required oversight he would like to see oversight on those Projects. He mentioned he had conveyed this complaint to Chairman Conover, Mr. Tennyson, the FAA (*Federal Aviation Administration*), and several area lawyers. He asked how the County could seek Lead Agency Status to make all of the decisions at the Airport for the Runway Extension Project pertaining to the environmental concerns when their record for adhering to the conditions set forth was so deplorable.

Mr. Simpson questioned who provided oversight for the storm water permits or any other permits and Mr. Tennyson responded that it varied. He explained some of the projects had outside consultants; however, he noted, in regards to the beaver population, the DPW Staff continually trapped and removed beaver dams, but they repeatedly returned. Mr. Simpson asked specifically who managed the permitting process for the Airport Access Road and Mr. Tennyson replied the work was completed in-house through coordination with the Army Corps. of Engineers, as well as the NSYDEC. He mentioned following the completion of the Road, they had continually discussed with these Agencies what the next steps for the Project were and whether there was any impact present requiring mitigation to which they responded there were no negative impacts even with the lack of a silt fence. He advised he was in constant communication with the Environmental Oversight Agencies to determine whether any additional work was required to refine the situation, but as of yet nothing had been founded.

Mr. Geraghty questioned whether this was a case where the road had been widened and Mr. Tennyson replied in the affirmative. He explained the road was widened a few feet on each end to provide more flexibility. Mr. Geraghty asked whether the NYSDEC issued any fines for this and Mr. Tennyson replied in the negative. He said the Environmental Oversight Agencies had visited the site and determined the County had gone over the threshold when they widened the road; he added they were awaiting orders from these Agencies on whether additional work was required on the County's part to rectify the situation.

A discussion ensued during which Mr. Whitehead remarked the point he was trying to make was that there were laws in place for a reason and they should be followed and enforced.

Mr. Thomas questioned why the overtime expenses for the past month were so high and Mr. Tennyson replied staff were required to work longer hours during the Adirondack Balloon Festival event due to the favorable weather conditions. He added the favorable weather conditions also contributed to the extension of the construction season thereby increasing the overtime expenses. Mr. Thomas apprised he had observed some of the staff mowing the roadsides after hours. Mr. Tennyson stated due to the extension of the construction season, the only time staff was able to take care of mowing was during the after hours. He explained employees were offered the opportunity to work a few hours of overtime to take care of the mowing, otherwise it would not be completed.

With regards to Information for Discussion/Review, Mr. Tennyson distributed copies of photographs of Road Projects, as well as one of the Padanarum Road Bridge; *copies of which are file with the minutes.*

Mr. Simpson announced an executive session was necessary to discuss current litigation, as well as the performance of a particular employee.

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

Executive session was held from 9:56 a.m. until 11:25 a.m.

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

Motion was made by Mr. Sokol, seconded by Mrs. Frasier and carried unanimously to accept settlement agreement with an insurance company regarding damage to a DPW vehicle.

There being no further business to come before the Public Works Committee, on motion made by Mr. MacDonald and seconded by Mr. Merlino, Mr. Simpson adjourned the meeting at 11:26 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board