

**WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: COUNTY FACILITIES**

**DATE: JUNE 18, 2018**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS: DIAMOND  
BEATY  
LEGGETT  
LOEB  
GERAGHTY  
STROUGH  
SIMPSON  
FRASIER  
WILD  
MCDEVITT  
SOKOL

**OTHERS PRESENT:**

KEVIN HAJOS, SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS  
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS  
RONALD F. CONOVER, CHAIRMAN OF THE BOARD  
RYAN MOORE, COUNTY ADMINISTRATOR  
AMANDA ALLEN, CLERK OF THE BOARD  
MARY KISSANE, COUNTY ATTORNEY  
FRANK E. THOMAS, BUDGET OFFICER  
SUPERVISORS BRAYMER  
MERLINO  
MICHAEL SWAN, COUNTY TREASURER  
JON LAPPER, LEGAL COUNSEL FOR RICH AIR  
DAN VINCELETTE, VINCELETTE LAW FIRM  
DR. DAVID SCHWENKER, WARREN COUNTY RESIDENT  
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT  
DON LEHMAN, *THE POST STAR*  
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

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*Please note, the following contains a summarization of the June 18, 2018 meeting of the County Facilities 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/2018/facilities/>

Mr. Leggett called the meeting of the County Facilities Committee to order at 11:13 a.m.

Motion was made by Mr. Strough, seconded by Mr. Loeb and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Buildings & Grounds and Airport agendas were distributed to the Committee members and copies of both on are on file with the meeting minutes.

Privilege of the floor was extended to Kevin Hajos, *Superintendent of the Department of Public Works*, who commenced review of the Buildings & Grounds agenda, as follows:

Page 2 Request to ratify the actions of the Superintendent of Public Works in approving Change Order No.4 for Bunkoff General Contractors, Inc. and Change Order No. EC-04 for Kasselmann Electric relating to the Warren County Court Addition & Renovation Project (H350).

Motion was made by Mr. Geraghty, seconded by Mr. Simpson and carried unanimously to approve the request as presented and the necessary resolution was authorized for the July 20<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 3 Request to rescind Resolution No. 601 of 2008, which authorized the Superintendent of Public Works/Deputy Superintendent of Public Works to execute change orders in the amount of \$10,000 per

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change order/\$50,000 aggregate per project without Committee approval, and authorize a new resolution allowing the Superintendent of Public Works to approve change orders based on a percentage of the total project amount without Committee approval.

Mr. Hajos explained at the beginning of the Court Expansion Project he was tasked with completing the project on time and on budget. He informed since the beginning of the project there had been forty change orders, notifying he had signed two that were above the allotted amount. He said the first resolution was to approve the two change orders he had already signed and the second resolution was to revise the change order amounts. He informed Resolution No. 601 of 2008 stated he could sign a single change order up to \$10,000 and not to exceed \$50,000 without Committee approval. He suggested revising the resolution to state change orders could be authorized up to 10% of the total contract price without Committee approval. Mr. Leggett inquired if the Court Expansion Project was under budget and Mr. Hajos replied affirmatively, adding that the project was three and a half months ahead of schedule, as well. Mr. Loeb pointed out 10% of the total project could be \$1 million. Mr. Beaty indicated he was not comfortable with the request and he suggested increasing the authority limit to \$20,000 per change order, instead. Mr. Geraghty said he agreed increased authority would be beneficial, but felt that any change order with large amount should be brought to Committee for approval. A discussion ensued during which Mr. Geraghty proposed amending Resolution No. 601 of 2008 to increase the authority for approving change orders without Committee approval to \$35,000 per change order/\$70,000 aggregate per project.

Motion was made by Mr. Simpson seconded by Mr. Strough and carried unanimously to amend Resolution No. 601 of 2008 to increase the authority of the Superintendent of Public Works/Deputy Superintendent of Public Works to execute change orders without Committee approval on public works contracts from \$10,000 per change order/\$50,000 aggregate per project to \$35,000 per change order/\$70,000 aggregate per project and the necessary resolution was authorized for the July 20<sup>th</sup> Board meeting. *A copy of the revised resolution request form is on file with the minutes.*

Privilege of the floor was extended to Frank Morehouse, *Superintendent of Buildings*, who presented the following requests for the Intent to Fill Vacant Positions:

Page 6 Request to fill the vacant position of Building Maintenance Worker #2, *Grade 6, Annual Base Salary \$31,017*, due to resignation; and

Page 7 Request to fill the vacant position of Cleaner #12, *Grade 2, Annual Base Salary \$26,743*, due to creation in the 2018 Budget.

Motion was made by Mr. Sokol, seconded by Mr. Geraghty and carried unanimously to approve the requests as outlined above and forward same to the Personnel & Higher Education Committee for reporting purposes. *Copies of the Notice of Intent to Fill Vacant Position forms are on file with the minutes.*

Next, Mr. Morehouse introduced a request for a new contract with Eckert Mechanical LLC, for plumbing services.

The Committee reviewed the Bid Tabulation Sheet included in the agenda packet and discussed the merits of the bids submitted, subsequently determining the second lowest bidder was preferable due to the quicker response time for emergency repairs and the lower percent mark-up for parts and materials.

Motion was made by Mr. Beaty, seconded by Mr. McDevitt and carried unanimously to reject the low bid submitted by Eckert Mechanical, LLC and award the contract to Rozell East for plumbing services (*WC 10-18*) and the

necessary resolution was authorized for the July 20<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Diamond remarked there would be an executive session to discuss the D & G contract following the Airport agenda review.

Concluding his agenda review Mr. Morehouse provided an update on the Court Expansion Project, informing the sheet rocking and Phase II renovations were 60% complete and the demolition was fully completed. He indicated the columns would be removed next week and replaced with supports. Regarding paving, he indicated half of the west parking lot would be shut down for a time and the paving would be completed next week. He notified the contractors were ahead of schedule and were planning on completing the project in the fall.

Commencing the Airport agenda review, Mr. Hajos presented a request to submit an application to the FAA/NYS DOT (*Federal Aviation Administration/New York State Department of Transportation*) for grant funding in an amount not to exceed \$1,288,500 to support an environmental assessment of the Runway 1-19 Extension Project Phase IV and Preliminary Design.

Ms. Braymer inquired if they had already approved a resolution for this request and Mr. Hajos replied in the negative, informing he had brought the same grant application to Committee last month and it was approved. He added the request was approved before the conference call with New NYSDEC (*New York State Department of Environmental Conservation*), Army Core of Engineers and the EPA (*Environmental Protection Agency*) resulting in a hydrology study being performed before a decision was made about the environmental assessment that was recommended by the NYSDEC, C & S Engineers, and Warren County. He notified the request was no longer for the final design, informing it was for the environmental assessment. Mr. Wild stated the local match was \$64,000, adding the tax payers were responsible for the cost to discover if Runway 1-19 could be expanded. Ms. Braymer asked what the cost was for the environmental assessment was and Mr. Hajos replied he would email the figures after the meeting. She inquired if C & S Engineers were being paid and Mr. Hajos replied in the positive. She questioned the status of the SEQRA (*State Environmental Quality Review Act*) process and Mr. Hajos advised it was a draft that was never completed and would have to be started over. Mr. Wild remarked C & S Engineers were hired to guide the County through the Runway 1-19 Extension process and should be held responsible for the additional cost of a second environmental assessment. Mr. Hajos notified C & S Engineers were not responsible. He stated the NYSDEC pushed the FAA to not move forward with the environmental assessment they currently had. Mr. Wild commented the environmental assessment had previously been competed and was going to cost another \$64,000.

Motion was made by Mr. Loeb, seconded by Mr. Beaty and carried unanimously to approve an FAA/NYS DOT grant application in an amount not to exceed \$1,288,500 to support an environmental assessment of the Runway 1-19 Extension Project Phase IV and Preliminary Design and the necessary resolution was authorized for the July 20<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Mr. Hajos presented a request to authorize submission of an application to NYSDOT for grant funding in an amount not to exceed \$640,000 for the purchase of airfield maintenance equipment (*multi-purpose sweeper and plow*).

Mr. Geraghty inquired what the cost was for maintenance of the current equipment and Mr. Hajos replied it was \$3,000-\$5,000 annually; he added the parts for the thirty-one year old sweeper were difficult to locate. Mr. Diamond asked what portion the County would be responsible for and Mr. Hajos replied 10% of the total cost. He informed the equipment was thirty-one years old and should have been replaced ten to twelve years prior. He notified the

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equipment would sweep the taxiways and runways and included a snow plow, informing it was recommend to be the next equipment purchase at the Airport. Ms. Braymer inquired what the cost would be to replace that piece of equipment and Mr. Hajos responded \$300,000-400,000. Ryan Moore, *County Administrator*, inquired when notification of the grant award would be received and Mr. Hajos replied in October.

Motion was made by Mr. McDevitt, seconded by Mrs. Frasier and carried unanimously to authorize submission of the grant application for airfield maintenance equipment as outlined above and the necessary resolution was authorized for the July 20<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Regarding the Information for Discussion/Review portion of the agenda, Mr. Diamond apprised the first item pertained to amending Resolution No. 671 of 2015 which was associated with an increase for legal fees in relation to Eminent Domain Procedures Law. Mr. Hajos advised there was a detailed hearing and he asked Dan Vincelette, *Vincelette Law Firm*, to attend the meeting to explain the invoice he submitted to the County. Mr. Vincelette explained the trial was held April 11<sup>th</sup> and 12<sup>th</sup> in front of Supreme Court Judge Robert J. Muller. He stated the purpose of the trial pertained to the County taking four acres of an eighty-eight acre parcel through Eminent Domain Proceedings, adding there was also an easement that allowed the County to remove trees and structures that were over a certain height. He reported as part of Eminent Domain and taking of land the property owner was entitled to fair compensation. He said the County paid \$320,000 for the four acres and the avigation easement. He indicated the property owner claimed the property in question was worth \$2.5 million; however, he noted, his expert valued the property at \$280,000. He stated there was a two day trial which included experts, trial preparation, conferences, a cash advance and trial transcript. He notified there would be ten additional hours of work preparing the post trial memorandum and a possible conference.

Ms. Braymer voiced her concern that the resolution authorizing these services stated a not to exceed amount; Mr. Vincelette said he believed there was a resolution specifying a certain amount, but said he had never seen it. Ms. Braymer notified his invoice was \$15,000 more than the not to exceed amount and he replied the invoice was for services rendered. Ms. Braymer commented they were unexpected expenditures over the initial cap that they were never notified about. Mr. Vincelette stated he had provided the County Attorney with a spreadsheet and memorandum in January regarding these costs, to inform of what they were spending, anticipating and providing on behalf of the County. Mr. Hajos advised there was money in the project to cover the increased cost. Mr. Beaty commented he was not comfortable paying for more than the contracted amount. Mr. Geraghty pointed out that in cases where law firms changed during the course of a project costs may increase over those projected by the original law firm and he said the County had an obligation to pay for services rendered. Mr. Wild asked Mary Kissane, *County Attorney*, if this was a “not to exceed” contract and she replied she had not attended the previous meeting and would have to research the matter before she could comment.

Motion was made by Mr. McDevitt, seconded by Mr. Geraghty and carried by majority vote, with Mr. Beaty voting in opposition, to approve amending Resolution No. 671 of 2015 to authorize additional expenses of \$16,500, plus up to an additional 10 hours of service yet to be billed to the County, incurred relative to legal services rendered in relation to the Eminent Domain Procedures Law process for the land/avigation easements obtained from Forest Enterprises for the approach to Runway 1 at the Warren County Airport and the necessary resolution was authorized for the July 20<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Travis Whitehead, *Town of Queensbury Resident*, spoke regarding C & S Engineers and their errors which had cost the County additional money over the years. He indicated they would not be able to recover funds from them, adding there were other firms they could do business with. He informed there was a public hearing two years prior that they did not advertise and the hearing was stricken from the record. He reported they had multiple mishaps and opined

the County should look for another firm and replace C & S Engineers.

Mr. Diamond announced an executive session would be necessary to discuss negotiations regarding Rich Air and D & G Recycling.

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

Executive session was held from 12:03 p.m. until 12:54 p.m. Messrs. Beaty and Strough exited the meeting during the executive session.

Upon reconvening, Mr. Diamond announced that no action had been taken during the executive session.

As there was no further business to come before the County Facilities Committee, on motion made by Mr. Loeb and seconded by Mr. Geraghty, Mr. Diamond adjourned the meeting at 12:54 p.m.

Respectfully submitted,  
Molly Ganotes-Gleason, Legislative Office Specialist

