

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: MARCH 20, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON
MERLINO
FRASIER
DICKINSON
LOEB
HYDE
MAGOWAN

OTHERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

SUPERVISORS DIAMOND
WILD

SUPERVISORS BEATY
BRAYMER
HOGAN
LEGGETT
SOKOL
MIKE SWAN, COUNTY TREASURER
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the March 20, 2018 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/2018/works/>

Mr. Simpson called the meeting of the Public Works Committee to order at 11:00 a.m.

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.

Motion was made by Mr. Loeb, 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.

Commencing the review of the Parks, Recreation & Railroad agenda, privilege of the floor was extended to Kevin Hajos, *Deputy Superintendent of Public Works*, who advised that Justo Gonyo, *Saratoga & North Creek Railway (SNCR) General Superintendent*, was unable to attend today's meeting due to other obligations. He stated Mr. Gonyo was working on trying and get the Sanford Lake portion of the railroad open so they could remove the remaining cars in storage. He said Mr. Gonyo planned on attending the special meeting of the Committee next Thursday morning.

Moving along, Tim Benway, *Director, Parks, Recreation & Railroad*, presented a request to authorize an increase to public and school program fees for the Up Yonda Environmental Education Center from September to June to \$5.00; increase parking fee from September to June to \$5 per car; and increase the parking fee in the months of July and August to \$6 per car. Mr. Benway stated the fees had not been increased in about ten years.

Motion was made by Mr. Loeb, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the April 20th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Continuing with the Agenda review, Mr. Benway presented a request to standardize the purchasing of fish food. He explained fish food was purchased three times a year, noting the amount expended was dependent upon how early or late they commenced stocking due to weather conditions. He said the

average cost was generally between \$10,000 to \$11,000; however, he noted, due to the late start this year the cost could exceed this amount.

Motion was made by Mr. Dickinson, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the April 20th Board meeting. *A copy of the resolution request form is on file with the minutes.*

With regard to the Information for Discussion/Review portion of the Agenda, Mr. Hajos, advised the only response to the RFP (*Request for Proposal*) pertaining to “luxurious glamping” at the Warren County Fairgrounds was Adirondack Safari, whom, he noted, was the business entity that used the Fairgrounds for this purpose last year. He explained one of the criteria included as part of the RFP was cost which meant they did not necessarily award the contract to whomever submitted the highest fee for use of the Fairgrounds. He stated last year Adirondack Safari entered into a facility use agreement with the County for a fee of \$200 per day; however, he noted, the proposal they submitted for use this year was at a rate of \$160 per day.

Mr. Geraghty stated he was under the impression there was a set fee for use of the Fairgrounds and he questioned why this was not included in the RFP and Mr. Hajos replied the fee for use of the Fairgrounds was \$150 per day. He stated since a facility use agreement was in place last year instead of an RFP they charged Adirondack Safari \$200 a day, which was the same amount they charged the Warrensburg Bike Rally.

Mr. Loeb asked whether Adirondack Safari was offering to pay \$160 rather than \$200 a day and Mr. Hajos responded that this was the first year luxury camping went out for proposals as recommended by the County Attorney. Mr. Geraghty interjected the Committee had requested that the RFP process be used and he questioned why they would put out a proposal to accept less money than what they received last year for the same use and Mr. Benway replied that was not what had occurred here. He explained the hope was that any responses to the RFP would include a higher fee than the \$200 per day that was charged last year. He said the purpose was to let the respondents dictate how much they were willing to pay if there were multiple bidders; however, he noted, the resolution which set the fee for use of the Fairgrounds encompassed a fee of \$150 per day. He continued, when the representatives of Adirondack Safari approached the County last year they had offered to pay \$200 per day, but their response to the RFP reduced this amount to \$160. Mr. Geraghty inquired whether it would be permissible to negotiate with Adirondack Safari and Mr. Hajos replied in the affirmative. Mr. Geraghty remarked he would not be inclined to accept less than what they paid last year. Mr. Hajos reiterated since this was a proposal he was authorized to negotiate with Adirondack Safari.

Mr. Magowan questioned how many days Adirondack Safari was proposing to use the site for and Mr. Benway replied their proposal was for 110 days. Mr. Magowan inquired how many days per year the site was rented before Adirondack Safari commenced use for luxury camping and Mr. Benway responded the average use was between 10-14 days per year. Mr. Benway apprised the Warrensburg Bike Rally, who before Adirondack Safari had been their largest multi- use event on the site, had their rate increased from \$150 to \$200 per day this year. He continued, the contract with the Warrensburg Bike Rally was for five years and included an escalation clause that increased the fee every year by 5%.

A motion was made by Mr. Dickinson and seconded by Mr. Magowan to authorize entering into a five year agreement with Adirondack Safari for a fee of \$160 per day for the first year and increasing by 5% every year thereafter. A discussion ensued, following which Mr. Dickinson withdrew his motion, and Mr. Magowan his second, in favor of the consensus of the Committee which was for Mr. Hajos to negotiate an increase to the proposed use fee with Adirondack Safari and return to the Committee with the results.

Mr. Merlino stated while he was aware that the County was not authorized to charge occupancy tax for camping, he questioned why sales tax could not be charged at campground stores and Mr. Simpson replied that these stores should be charging sales tax. Mike Swan, *County Treasurer*, interjected that these stores were supposed to be charging sales tax, but there was no way for him to determine whether this was being done because the State did not provide the County with a detailed listing of where sales tax was being collected in the County.

Mr. Benway announced the consent order awarded to the County by the APA (*Adirondack Park Agency*) was extended an additional year to allow camping at the Warren County Fairgrounds. He said the APA planned to make a decision regarding the required permit to continue this type of use for the property next year. Mr. Simpson pointed out if the APA did not award the permit, the property could no longer be used in this manner, thereby voiding the contract.

Mrs. Hogan remarked while she concurred that it was not preferable for the Warren County Fairgrounds to go unused she felt it was important for them to keep in mind that the property was classified as public park land and moving forward with an agreement with Adirondack Safari would restrict public use. Mr. Benway stated the contract restricted Adirondack Safari from using Pavilion 3 which was located on the south side of the property. He added the building used by the Warren County Cornell Cooperative Extension to store items for the 4H Youth Fair was off limits to Adirondack Safari, as well. Mrs. Hogan asked whether these restrictions would be enforced and Mr. Benway replied in the affirmative.

Chairman Conover apprised he would be more in favor of a one year contract with the possibility of four additional one year extensions as opposed to locking in a five year contract, noting this would allow the County, or Adirondack Safari, to exit should they so choose to.

Proceeding with the Agenda review, Mr. Hajos informed the Committee National Grid had requested an easement along Warren County Bike Path property in the City of Glens Falls to install a gas line. He said generally when National Grid requested an easement along one of the County Roads they were not charged a fee as long as they obtained a highway right-of-way permit; however, he noted, this was not applicable in this case since the Bikeway was considered a facility. He said the County had entered into service agreements with certain individuals for use of property located on the Warren County Bike Path that were charged an annual fee such as Coopers Cave Ale Company for their deck. He mentioned some of the other fees that were associated with the Bike Path pertained to wire crossings, poles and anchors. He apprised National Grid's plans consisted on installing a 3,500 foot gas line which would be located approximately three feet off of the Bike Trail. He estimated the gas line would be placed a minimum of twenty-four inches underground and an MPT (*Maintenance Protection for Traffic*) for pedestrians would be enforced which required the Bike Trail to be closed when needed with advanced warning provided to the County. He stated he had brought this to the Committee today to determine whether to continue with the fees that were in place. He added there were easements in place for areas on the Bike Path that were located on National Grids property that they did not charge the County for.

Mr. Magowan said since National Grid was a profitable business and the County could be considered a not-for-profit he would be more comfortable with following the fee schedule. Mr. Merlino asked which fee this would fall under and Mr. Hajos replied this was considered linear which no fee existed for.

A discussion ensued.

In regards to the utilization of National Grid property by the County for some of the recreational trails, Chairman Conover stated whatever provisions were included in the agreement with them should be included in the County's agreements, as well. As an example., he apprised if their agreement with the County included exit provisions, then so should the ones the County had with them. He suggested they

look into how National Grid provided the rights to the County to become familiar with this information. Mr. Benway informed he could provide the contract to the County Attorney's Office for review.

Concluding the Parks, Recreation & Railroad Agenda review, Mr. Benway advised the 3rd annual Spring Zing event at the Fish Hatchery was scheduled for May 12th. He informed each year the event grew larger and he encouraged all to attend. Mr. Loeb questioned whether this event was geared for youth only and Mr. Benway replied in the negative, explaining the event was geared for individuals of all ages.

Moving along to the review of the Public Works Agenda, Mr. Hajos presented the following requests:

Page 2 Request to authorize a new contract with Bell & Flynn for Cold-in-Place recycling (Hammermill Method) pursuant to the terms and provisions of the specifications (WC 11-18) and proposal for a term commencing upon execution by both parties and terminating December 31, 2018.

Page 4- Request to authorize a new contract with the lowest responsible bidder for Multidiscipline Engineering Services pursuant to the terms and provisions of the specifications (WC 7-18) and proposal for a term commencing upon execution by both parties and terminating December 31, 2018 with the option to extend for two additional one year terms.

Page 6- Request to authorize a new contract with the lowest responsible bidder for application of pavement markings pursuant to the terms and provisions of the specifications (WC 33-18) and proposal for a term commencing upon by both parties and terminating December 31, 2018 with the option to extend for two additional one year terms

Motion was made by Mrs. Frasier, seconded by Mr. Dickinson and carried unanimously to approve the requests on pages 2, 4 and 6, as outlined above, and the necessary resolutions were authorized for the April 20th Board meeting. *Copies of the resolution request forms are on file with the minutes.*

Page 7 - Request to fill the vacant position of Senior Engineering Technician, *Grade 12, Annual Salary \$37,835*, due to resignation.

Page 8 - Request to fill the vacant position of MEO Medium #3, *Grade 9, Annual Salary \$35,296*, due to lateral transfer.

Ms. Braymer questioned whether the MEO Medium #3 position was needed and Mr. Hajos replied in the affirmative. He explained the position was needed for construction season which would be starting shortly to operate most of the medium to heavy equipment on the jobs.

Motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously to approve the requests on pages 7 and 8, as outlined above, and forward same to the Personnel & Higher Education Committee Meeting for reporting purposes. *Copies of the Notice of Intent to Fill Vacant Position forms are on file with the minutes.*

Page 9- Request to fill the vacant position of Superintendent of Public Works, *Annual Salary to be determined*, due to resignation.

Ms. Braymer questioned the process for filling this Department Head position and Mr. Geraghty stated typically every vacancy at this level was posted to seek applicants. He said the intent with this position was the same as the other Department Head positions which were recently filled and encompassed

posting the position, selecting applicants to interview following which an appointment would be made. He added the Committee had the authority to change the process, but said he felt it was important for them to remain consistent. Mr. Loeb remarked he felt it was appropriate for them to continue on with the procedure that was being used. Mr. Geraghty informed he hoped to be able to go through the interview process before the end of April. Ms. Braymer inquired whether approval from the State was required for the position and Mr. Simpson replied in the negative. Mr. Dickinson voiced his disdain for the interviewing process, noting there was a current employee with a proven track record that should be given the opportunity to be promoted from within the Department to the position and Mrs. Frasier concurred. Mr. Geraghty questioned whether they would like to enter into an executive session to discuss the matter further and Mrs. Frasier replied in the affirmative.

Mr. Simpson stated an executive session was required to discuss the employment history of a particular employee.

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

Executive session was held from 11:37 a.m. until 12:00 p.m.

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

Mary Elizabeth Kissane, *County Attorney*, advised approving the request to fill the vacant position of Superintendent of Public Works was required to fill the vacancy; however, she noted, it did not require them to go through the interview process in order to fill the position. Mr. Simpson added the salary for the position would be negotiable.

A motion was made by Mr. Loeb, seconded by Mr. Dickinson and carried unanimously to approve the request to fill the vacant position of Superintendent of Public Works as outlined above and refer same to the Personnel Committee for reporting purposes.

Mr. Dickinson restated that he felt it was appropriate for them to fill the position from within since there was an eligible candidate who was both viable and experienced.

Motion was made by Mr. Dickinson and seconded by Mr. Merlino to appoint Kevin Hajos as Superintendent of Public Works at a salary to be determined.

Mr. Loeb stated there was a process in place that had been followed over the past few months to fill three Department Head positions. He said in regard to the Department Head position for Health Services that was recently filled, there had been a long-term employee who was a capable and qualified candidate who had been required to go through the application and interview process before she was appointed. He said in order to be consistent and to protect the reputation of the Board they should require this position to go through the same process as the others had. He said if they were to move forward with the motion to appoint Mr. Hajos he would be voting in opposition; however, he noted, this had nothing to do with Mr. Hajos, but rather was because he felt in order to be fair they should remain consistent with the method they used to fill other Department Head positions.

A discussion ensued following which Mr. Simpson called the question and the motion to appoint Mr. Hajos as the Superintendent of Public Works was carried by majority vote, with Mr. Loeb voting in opposition, and the necessary resolution was authorized for the April 20th Board meeting.

In response to those who had expressed concerns about moving the appointment forward today, Mr.

Merlino apprised any Supervisor with concerns about the appointment and the process followed could weigh in on the matter at the April 20th Board meeting. Ms. Braymer stated if for some reason this appointment was not approved at the Board meeting, an entire month would have been wasted. She noted the position could have been posted following today's meeting and the interview process undertaken, to recommend appointing someone at the April Board meeting.

Proceeding to the Information for Discussion/Review portion of the Agenda, Mr. Hajos stated over the past two years the County had held two household hazardous waste day events, one in the Town of Warrensburg and the other in the Town of Queensbury, but due to the reduction in the number of participants at the Warrensburg location he was proposing holding one event in the Town of Queensbury and returning to the Town of Warrensburg every other year.

Continuing with the Agenda review, Mr. Hajos distributed photos of the Warrensburg Fuel Pump Replacement Project; *copies of the photos are file with the minutes.*

Mr. Magowan questioned whether the household hazardous waste event would be held at the Rover Street facility in the Town of Queensbury and Mr. Hajos responded the Town of Queensbury facility was used for the event in the Town of Queensbury. He explained the DPW staff set up the containers at the facility and the contractor came and collected a number of items including latex and oil based paints and stains, florescent light bulbs, etc.

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson and seconded by Mr. Loeb, Mr. Simpson adjourned the meeting at 12:10 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board