

**Agenda**  
**County Facilities Committee – Buildings and Grounds**  
**Department of Public Works**  
**September 19 2019 – 11:00 am**

*Committee Members: Beaty, Loeb, Geraghty, Strough, Simpson, Frasier, Wild, McDevitt, Sokol, Diamond, Braymer*

**I. Committee Meeting Call to Order..... Chairman Beaty**

**II. Motion to Approve Minutes of Prior Committee Meeting..... Chairman Beaty**

**III. Action Agenda/New Business**  
Page

**IV. Referral/Pending Items**

Resolution No. 304 of 2019 authorized a six-month lease agreement with D&G Recycling for use of the former Ciba Geigy property to include the use of two bays at a rate of \$7,000 per month. Committee needs to discuss and determine the future of the lease beyond the six-month extension. (07.23.19) Update: Committee authorized an RFP for sale of the County-owned property formerly known as the Ciba-Geigy property. (08.20.19)

**V. Information for Discussion/Review**

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2 Discussion related to the sale of the recycling center..... Kevin Hajos

**VI. Privilege of the Floor to discuss any additional items to come before the Committee**

**VII. Motion to Adjourn ..... Chairman Beaty**

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Attachments - None

D&G Recycling, LLC  
299 Lower Warren Street  
Queensbury, New York 12804  
518-361-8877

To Be Placed in Sealed Envelope Marked "Bid-River Street Tax Map Parcel No. 303.20-2.48.1"

September 12, 2019

Warren County  
Attn: Julie Butler, Warren County Purchasing Agent  
Warren County Human Services Building, 3<sup>rd</sup> Floor  
1340 State Route 9  
Lake George, New York 12845

Ms. Butler:

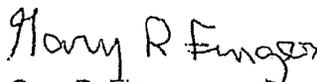
Please consider this as D & G Recycling, LLC's bid to purchase from Warren County the real property in the Town of Queensbury known as tax map number 303.20-2.48.1, consisting of 10.5 acres (the "Property") for \$501,000.00. This bid and D & G Recycling, LLC's offer to purchase the Property is conditioned upon the following:

1. The satisfaction of all terms and conditions as set forth in Warren County's bid proposal (copy attached); and
2. D & G Recycling, LLC ("D & G") receiving financing from a lending institution in the amount of at least \$450,900, upon terms and conditions acceptable to D & G in its sole discretion; and
3. The receipt of any and all "no further action" or "closure" letters from the New York State Department of Environmental Conservation or any other applicable governmental agency with respect to any environmental remediation activities required at the Property.

Also enclosed is D & G's earnest money deposit equal to 10% of the bid price (\$50,100.00) in the form of a certified check.

Thank you for your consideration of D & G's bid.

Sincerely,

  
Gary R. Finger  
Member, D&G Recycling, LLC

enc.

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

# OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

## 83554758-0

52-0133  
112



### Bank

RE: D & G RECYCLING LLC

DATE: 09/12/2019

PAY TO THE ORDER OF Warren County  
Fifty Thousand One Hundred AND 00/100

\$50,100.00



DRAWER: TD BANK, N.A.



*Brenda Carr*

AUTHORIZED SIGNATURE

⑈835547580⑈ ⑆011201335⑆ 6265008718⑈

*Perkins Recycling Corp.*  
315 Corinth Road  
Queensbury, NY 12804  
Phone: 518-798-4041

September 12, 2019

**BID- RIVER STREET TAX MAP PARCEL NO. 303.20-2-48.1**

**BID FROM PERKINS RECYCLING CORPORATION: \$450,000.00.**

**Bid is contingent upon the site being clean according to the New York State Department of Environmental Conservation. Bid is also contingent on the site being cleared of any debris. Overhead doors, docks and baler must be in working condition.**



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**Robert L. Perkins Jr.**  
**Owner**

*Perkins Recycling Corp.*  
315 Corinth Road  
Queensbury, NY 12804  
Phone: 518-798-4041

September 12, 2019

To whom it may concern,

We just wanted to let you know that we are bidding \$450,000.00 due to the fact that it is our understand that the garage you are planning to build for the emergency vehicles is going to cost you \$450,000.00, and we know how important they are and wanted to make sure you had the money to do it.

THIS CHECK IS PROTECTED WITH VOID/PANTOGRAPH AND OTHER SECURITY FEATURES DETAILED ON BACK



**ADIRONDACK**  
TRUST COMPANY

473 Broadway  
Saratoga Springs, NY 12866-0326

OFFICIAL CHECK

Branch: 315 1074352

DATE September 11, 2019

REMITTER

PAY FORTY-FIVE THOUSAND AND 00/100

\$\*\*\*\*\*45,000.00

TO THE ORDER OF

WARREN COUNTY TREASURER

PURPOSE

ROBERT L PERKINS

*Robert L Perkins*  
AUTHORIZED SIGNATURE

⑆01074352⑆ ⑆021302884⑆ ⑆0000754⑆

# WARREN COUNTY BOARD OF SUPERVISORS

## COMMITTEE: COUNTY FACILITIES

DATE: SEPTEMBER 19, 2019

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### COMMITTEE MEMBERS PRESENT:

SUPERVISORS: BEATY  
LOEB  
GERAGHTY  
STROUGH  
SIMPSON  
WILD  
MCDEVITT  
SOKOL  
DIAMOND  
BRAYMER

### OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS  
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS  
RONALD CONOVER, CHAIRMAN OF THE BOARD  
RYAN MOORE, COUNTY ADMINISTRATOR  
MARY ELIZABETH KISSANE, COUNTY ATTORNEY  
AMANDA ALLEN, CLERK OF THE BOARD  
FRANK E. THOMAS, BUDGET OFFICER  
SUPERVISOR LEGGETT  
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR  
JULIE BUTLER, PURCHASING AGENT  
ROBERT PERKINS, PERKINS RECYCLING  
MARK REHM, LEGAL COUNSEL FOR PERKINS RECYCLING  
GARY FINGER, D&G RECYCLING  
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT  
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

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### COMMITTEE MEMBER ABSENT:

SUPERVISOR: FRASIER

*Please note, the following contains a summarization of the, September 19, 2019 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/2019/facilities/>*

Mr. Beaty called the meeting of the County Facilities Committee to order at 11:08 a.m.

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

Privilege of the floor was extended to Kevin Hajos, *Superintendent of the Department of Public Works*, who distributed copies of the Buildings & Grounds agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing his agenda review, Mr. Hajos informed the purpose of the meeting was to discuss the lease with D&G Recycling and the potential sale of the County owned property located on Warren Street (*formerly known as the Ciba Geigy property*). He indicated there were two responses to the RFP (*Request for Proposal*) to purchase the property, informing D&G Recycling proposed \$501,000 and Perkins Recycling proposed \$450,000. Ryan Moore, *County Administrator*, notified the resolution for a six month lease with D&G Recycling was tabled at the June 2019 Board Meeting, adding there was an additional RFP for sale or lease of the property, to which D&G Recycling responded to lease the property. He stated there was an agreement for D&G Recycling to pay a higher rental rate for six months that was never executed because the Committee was going in a different direction and did not want to charge the higher rental rate. He advised the third RFP was for sale of the property and was structured to be a cash sale, as-is, and there would be an addendum filed to the deed if the County sold the property. He apprised all existing easements would have to remain in place and an earnest 10% deposit was required, which he said, both bidders had submitted. He read deed restrictions and conveyances that would be attached to the deal. He informed the deed restrictions and conveyances were binding to the property and filed with the County Clerk. He notified that information was included in the RFP, which was accepted by both parties. He apprised D&G Recycling had bid \$501,000, contingent upon

obtaining financing and the receipt of any and all no further action or closure letters from NYSDEC (*New York Department of Environmental Conservation*) with respect to any environmental remediation activities required at the property. Regarding the \$450,000 bid from Perkins Recycling, he explained this was contingent upon the site being clean and cleared of any debris, with the over head doors, docks and bailer being in working order. Mr. Beaty inquired if the bidders were satisfied with contingencies and Bob Perkins, of *Perkins Recycling*, and Gary Finger, of *D&G Recycling*, each replied affirmatively. Mr. Leggett questioned if the subdivision was complete and Mr. Hajos confirmed that it was complete and had been filed with the County Clerk. Mr. Moore notified they had to accept the bid from the highest responsible bidder and address financing, noting the second bidder would be responsible if first bidder was non responsive with financing availability. Mr. Sokol expressed there had already been sufficient time to acquire financing. Mr. Moore advised funding was required before the deed was released. A discussion ensued.

Ms. Braymer inquired how long it would take to close the purchase and Mary Elizabeth Kissane, *County Attorney*, replied two to three weeks. Mr. Wild remarked they needed to look into the possible risks. Mr. Beaty inquired if Mr. Finger could secure the funding by Tuesday September 24, 2019 and Mr. Finger replied affirmatively. Mark Rehm, *Legal Council for Perkins Recycling*, clarified there was a difference between a commitment letter and being prepared to close, adding there had to be a title search and title insurance for the bank. He said he did not know what terms were within the commitment letter, informing having a commitment letter did not always guarantee financing. Mr. Conover reminded a specification of the bid was that it was a cash sale, adding Mr. Perkins had cash on hand and Mr. Finger's bid was contingent upon obtaining financing. Ms. Kissane explained if the property was sold to Mr. Perkins, D&G Recycling would have to be evicted. She informed if a letter was written Monday after the Board Meeting, that would give D&G Recycling until the end of October to vacate the property.

Following further discussion, Mr. Moore asked for a necessary motion to declare the County-owned property located on Warren Street (*formerly known as the Ciba Geigy property*) no longer necessary for public use.

The necessary motion was made by Mr. Wild, seconded by Mr. Simpson and carried by majority vote, with Mr. McDevitt voting in opposition, and the necessary resolution was authorized for the September 20<sup>th</sup> Board Meeting.

Ms. Kissane announced an executive session was necessary to discuss the property sale.

Motion was made by Mr. Loeb, seconded by Mr. Geraghty and carried by majority vote, with Mr. Beaty voting in opposition, to enter into executive session pursuant to Section 105(h) of the Public Officer's Law.

Executive session was held from 11:44 a.m. until 12:03 p.m.

Upon reconvening, Mr. Beaty noted that no action had been taken during the executive session.

Mr. Moore asked for a motion to authorize the sale of the County-owned property located on Warren Street (*formerly known as the Ciba Geigy property*) to Perkins Recycling for \$450,000 and rescind prior resolutions authorizing six-month leases with D&G Recycling for use of the property.

Ms. Braymer noted the past practices of D&G Recycling played a part in her decision. Mr. Loeb inquired why Perkins Recycling was the highest responsible bidder and Mr. Moore pointed out the RFP was based on an as-is cash sale; he pointed out that Mr. Finger's financial contingency and requirements regarding environmental issues posed a risk in accepting the bid as it was not likely that a bank would be willing to finance the purchase of this property.

Ms. Braymer said she believed Mr. Perkins could do what was required to comply with the addendum long-term. Mr. Strough advised they were accepting a bid \$215,000 less than the appraised value of the property, which

he was opposed to. Mr. Perkins explained he would anticipated expending an additional \$300,000 to upgrade the building to make it useable for his business.

A motion was made by Mr. Simpson, seconded by Ms. Braymer and carried by majority vote, with Messrs. McDevitt, Loeb, Strough and Beaty voting in opposition, to authorize the sale of the County-owned property located on Warren Street (*formerly known as the Ciba Geigy property*) to Perkins Recycling for \$450,000 and rescind prior resolutions authorizing six-month leases with D&G Recycling for use of the property, and the necessary resolution was authorized for the September 20<sup>th</sup> Board Meeting.

Mr. Diamond exited the meeting at 12:10 p.m.

Mr. Finger inquired why he was not the highest responsible bidder and Mr. Moore replied Mr. Perkins could provide a certified check within thirty minutes, rather than take a chance on securing bank financing.

As there was no further business to come before the County Facilities Committee, on motion made by Mr. Geraghty and seconded by Mr. Strough, Mr. Beaty adjourned the meeting at 12:11 p.m.

Respectfully submitted,  
Molly Ganotes-Gleason, Legislative Office Specialist