

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: ENVIRONMENTAL CONCERNS & REAL PROPERTY TAX SERVICES

DATE: JANUARY 20, 2021

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: DICKINSON
BRAYMER
SMITH
MCDEVITT
SHEPLER

OTHERS PRESENT:

LEXIE DELUREY, DIRECTOR OF REAL PROPERTY TAX SERVICES
RACHAEL E. SEEBER, CHAIRWOMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
AMANDA ALLEN, CLERK OF THE BOARD
ROBERT TERWILLIGER, FIRST ASSISTANT COUNTY ATTORNEY
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS HOGAN
LEGGETT
MAGOWAN
STROUGH
WILD
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
WAYNE LAMOTHE, COUNTY PLANNER
TOSHA BROWNELL, HELP DESK TECHNICIAN
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

Please note, the following contains a summarization of the January 20, 2021 meeting of the Environmental Concerns & Real Property Tax Service Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <https://warrencountyny.gov/gov/comm/Archive/2021/environmental>

Note: As per Governor Cuomo’s Executive Order 202.1: “Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed”. All of the Committee members in attendance participated via video or teleconference except for Supervisors Braymer and Shepler who were physically present.

Copies of the Real Property Tax Services and Environmental Concerns agendas were distributed to those in attendance, those participating remotely accessed the agendas via the Warren County website. *Copies of both agendas are on file with the meeting minutes.*

Mr. Dickinson called the meeting of the Environmental Concerns & Real Property Tax Services Committee to order at 12:26 p.m.

Mr. Dickinson thanked Ms. Braymer for the great job she did as the Chair of the Committee last year and for serving as Vice-Chair this year.

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

Regarding the Environmental Concerns agenda, Ms. Braymer spoke of the Septic Inspection at Transfer of Law which she asked for support of in order to have better water quality. She said there was no input from the

communities. Mr. Dickinson advised this was a step in the right direction to protect the Lake George, indicating it was the obligation of those who lived on the Lake to keep it clean. Ms. Braymer inquired if the law was ready for a public hearing and Robert Terwilliger, *First Assistant County Attorney*, replied it would be ready after a few minor adjustments concerning the language. Ms. Braymer suggested this matter be brought to the next meeting. Lexie Delurey, *Director of Real Property Tax Services*, noted a resolution for a public hearing, would be necessary for the March Board meeting.

Mr. Dickinson asked if there were any public comments and Don Lehman, *Director of Public Relations*, replied in the negative.

There being no further Environment Concerns business to discuss, Ms. Delurey commenced review of the Real Property Tax Services agenda with an update on the Mullen Property located on Bay Road in the Town of Queensbury, informing the project was ongoing. She explained the contractor wanted to amend the variance the County had with New York State Department of Labor which was already approved. She explained anything that was RACM (*Regulated Asbestos Containing Material*) needed to be removed first and then the materials remaining had be washed and cleaned along with the steel, brick and block materials that were on the site. She added that she had email exchanges with Thomas Bronson, *Vice President of Bronze Contracting*, who said they would pay \$960 to ATL (*Atlantic Testing Labs*) to write and submit the amendment for the variance to the State on their behalf. She indicated the County Attorney's Office was aware of what Bronze Contracting was doing, informing Mr. Terwilliger had been working on amending the contract with them to include the additional costs. She apprised the original variance with the State included a project monitor to be there each day the project was on going. She explained the cost at that time was for three days of monitoring in the amount of \$1,986. She indicated she visited the site and they would not be finished by the end of tomorrow which would be the third day and she suggested adding an additional six days to ensure everything was finalized which would cost \$3,576 for a total of nine days of monitoring. She indicated that also provided them a half day with the project manager because there was extra testing which required a generator. She said she could not guarantee the project would be completed in the six days, informing she had asked Bronze Contracting if they could provide her with a time line and they replied this would be difficult with the various actions in play. She noted the \$5,562 did not include the \$960 for the cost of the variance amendment proposed by Bronze Contracting which they agreed to pay. She suggested adding the \$960 in the resolution to appropriate funds because she did not know how to collect reimbursement from Bronze Contracting as the bill from ATL would go directly to the County. She mentioned she did not have the funds in her budget and an appropriation from the Environmental Testing Reserve Fund would be required. Ryan Moore, *County Administrator*, advised he thought Bronze Contracting was paying for everything. Ms. Delurey informed that Bronze Contracting never agreed to pay any additional costs except for the \$960 for the proposed variance amendment, adding the County requested to have the project monitors in the original contract so they had control to ensure the materials removed from the site were handled properly. She mentioned Bronze Contracting indicated to her they did not want the project monitors there. Mr. Moore advised the original RFP (*Request for Proposal*) indicated the contractor would be responsible for any extra costs. Ms. Braymer stated Bronze Contracting said they could complete the project in ten days but they had not done that so she felt it was their responsibility to pay for the additional days of monitoring. She suggested holding back some money the County owed them. Mr. Dickinson suggested following up on Mr. Terwilliger's letter to inform Bronze Contracting what the County's intentions were. Mr. Terwilliger advised he would do whatever the County asked of him, informing after his initial conversation with Bronze Contracting and subsequent conversations with Ms. Delurey, they were reluctant to pay the cost for the amendment and three days of monitoring although they were adamant that monitoring was not necessary. He said since his last conversation with them they were only willing to pay for the variance amendment. Ms. Delurey explained the purpose of the site monitor was to inspect the cleaned material for asbestos. Mr. Dickinson advised it needed to be put in writing that they were required to pay for the monitoring. Mr. Delurey apprised she wanted to have the funds in place to pay ATL and later receive reimbursement

from Bronze Contracting. She advised the cost for monitoring was until Friday of the next week, indicating based on the site they could be finished by Friday or require additional days to complete the project. She conveyed she would return to Committee if additional funds were needed. Ms. Shepler inquired what the recent delays were and what caused them to have continual delays moving forward and Ms. Delurey replied there were communication issues because Bronze Contracting assumed they could amend the variance themselves and remove the debris the way they saw fit. She explained the variance belonged to the County and Bronze Contracting could not amend the variance themselves since they were the contractor hired by the County for the job. Mr. Dickinson advised their problem was making assumptions, adding they were obligated to pay the costs for the project. It was the consensus of the Committee to direct the County Attorneys Office to send a letter to Bronze contracting indicating that the Board of Supervisors expected them to cover all additional project costs caused by the delay in demolition.

Following, Ms. Delurey presented a request to authorize the appropriation of \$6,522 from the Environmental Testing Reserve Fund (A.893.00) to Budget Code A.1355 470, *Real Property Tax Services, Contract*, to cover the cost of the amended variance and the extra days for the monitoring.

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

Mr. Dickinson again asked if there were any public comments and Mr. Lehman replied in the negative.

As there was no further business to come before the Environmental Concerns & Real Property Tax Services Committee, on motion made by Mr. McDevitt and seconded by Ms. Shepler, Mr. Dickinson adjourned the meeting at 1:00 p.m

Respectfully submitted,
Molly Ganotes-Gleason, Legislative Office Specialist