

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: MARCH 15, 2021

COMMITTEE MEMBERS PRESENT:

SUPERVISORS CONOVER  
HOGAN  
BRUNO  
GERAGHTY  
MERLINO

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS  
RACHEL E. SEEBER, CHAIRWOMAN OF THE BOARD  
MARY ELIZABETH KISSANE, COUNTY ATTORNEY  
AMANDA ALLEN, CLERK OF THE BOARD

COMMITTEE MEMBERS ABSENT:

SUPERVISORS DICKINSON  
THOMAS

SUPERVISORS BRAYMER  
DRISCOLL  
FRASIER  
MAGOWAN

ROBERT TERWILLIGER, FIRST ASSISTANT COUNTY ATTORNEY  
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR  
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS  
TOSHA BROWNELL, COMPUTER HELP DESK TECHNICIAN  
LESLIE LOVELACE, SECRETARY TO THE CLERK OF THE BOARD

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*Please note, the following contains a summarization of the March 15, 2021 meeting of the Public Works Committee; the meeting in its entirety can be viewed on the Warren County website using the following link:*  
<https://warrencountyny.gov/mma>

Mr. Conover called the meeting of the Public Works Committee to order at 12:15 p.m.

Copies of the DPW and Parks, Recreation & Railroad agendas were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Motion was made by Ms. Hogan, seconded by Mr. Merlino 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, Kevin Hajos, *Superintendent of Public Works*, presented a request to authorize a new contract with Glamp Adk, LLC in the amount of \$26,680 (*\$2,000 deposit with 2 payments on June 14, 2021 and August 7, 2021*) for use of the Warren County Fairgrounds commencing June 14, 2021 and terminating October 1, 2021.

Motion was made by Ms. Hogan, seconded by Mr. Bruno and carried unanimously to approve the request and the necessary resolution was authorized for the March 19<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Ms. Braymer inquired what happened to the company who previously held a contract with the County for similar use of the Fairground property. Mr. Hajos replied the former contract holder had transferred ownership of their equipment to Glamp Adk, LLC. Ms. Hogan stated she was in support of the new company, apprising she had participated in a meeting with them where representatives were very responsive to questions and interested in providing a positive experience for visitors.

Moving along to the review of the DPW agenda, Mr. Hajos stated there were no action/new business items on the DPW agenda, but there was a discussion item concerning "Just Compensation for State and Federal Aid Projects. He apprised Federal Aid projects went through a rigorous process with the Federal Highway Administration which he provided an explanation of. He noted the particular project in question was on Call Street in the Town of Lake Luzerne which had been in the planning process for ten years. He explained this was a State-Aid Project under the BRIDGE NY program and was funded completely by the State. Mr. Hajos explained the determination was made through the rigorous process that right-of-way acquisition was necessary for three parcels to perform the project, two of which were appraised at \$100 each and one was appraised at \$200. He stated they tried to avoid right-of-way easements when doing projects, but these could not be avoided. He explained the process this particular project went through with the parcel owners, noting one owner lived in England and had been hard to contact; he added that a negotiation process had taken place with this individual which resulted in the owner requesting attorney fee compensation of \$1,100 in addition to the \$100 parcel purchase price for a total of \$1,200, which had been the agreed Just Compensation amount. He informed a resolution from 2008 allowed the Chairman of the Board to sign approval for up to \$2,000. He apprised the County attempted to expedite the process and negotiate a settlement to prevent condemnation which would prolong a project by several months, noting he felt the negotiated amount was a fair price to move forward. He advised he had sent an e-mail to supervisors explaining the Uniformed Act

and questions arose. He informed under Just Compensation, an administration settlement was the purchase price of the property which may exceed the offered amount when reasonable agreements at that amount failed, as was the case with this parcel until attorney fees were offered.

Mr. Conover stated he was concerned by the questions Chairwoman Seeber raised relating to the legal fees under Just Compensation and the difference in parcel amounts for the temporary easements. He advised Chairwoman Seeber had the responsibility of signing the documents and had questions that needed to be discussed with the Committee. Chairwoman Seeber apprised both Julie Butler, *Purchasing Agent*, and Mary Elizabeth Kissane, *County Attorney*, had worked hard with the County Administrator's Office on a certification checklist for contracts and the Chair of the Board was the last person to sign. She stated she performed due diligence when reading contracts and posed questions to the Department Heads and County Attorney's Office, as she had in this instance, and Mr. Terwilliger spoke with her regarding the contract. She pointed out there were two resolutions from 2008 and one from 2020 pertaining to Just Compensation, indicating it was important to review older contracts and resolutions and update those as necessary to reflect the will of the present Board of Supervisors. She said she was uncomfortable signing a contract that authorized legal fees after being told by both Ms. Kissane and Mr. Terwilliger that the Chair typically did not have authorization to approve legal fees, resulting in her request for an updated resolution identifying future compensation issues. Chairwoman Seeber explained her intention was to allow the Committee members the opportunity to provide their input on the matter.

Mr. Conover asked the County Attorney's Office if the resolution prepared was satisfactory for legal fee payment. Ms. Kissane replied her Office was comfortable with the contract being signed considering the consultant defined the attorney fees as Just Compensation. Mr. Hajos reiterated he adhered to a stringent process from both the Federal Highway Administration and the State for right-of-way acquisitions. He proceeded to read aloud the Uniformed Act. He stated if the owners decided it was not adequate compensation for the parcel and the County felt it was, an eminent domain proceeding and would be required to go through the condemnation process, but negotiations with Just Compensation or an Administrative Settlement would negate the condemnation process. He read aloud Federal guidelines entitled "Uniform Relocation Assistant and Real Property Acquisition for Federal and Federally Aided Assistant Program". Ms. Braymer pointed out attorney fees were not specified in the document and Mr. Hajos agreed, stating it did not list everything included for Just Compensation and only mentioned Administrative Settlements.

Mr. Hajos informed the document requiring the signature was not a contract, explaining it was correspondence for Just Compensation and the next step was the purchase agreement which was contract to pay.

Following discussion, Mr. Conover stated it was the consensus of the Committee to sign the contract so the project would not be delayed and asked that in the future Mr. Hajos provide as much detail as the regulations provide in regards to Just Compensation. Chairwoman Seeber thanked Mr. Terwilliger for his help and stated a list of inclusions for Just Compensation would also be helpful, as well as updating outdated resolutions as necessary.

There being no further business to come before the Public Works Committee, on motion made by Mr. Geraghty, seconded by Ms. Hogan and carried unanimously, Mr. Conover adjourned the meeting at 12:48 p.m.

Respectfully submitted,  
Leslie Lovelace, Secretary to the Clerk of the Board