

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: APRIL 26, 2022

COMMITTEE MEMBERS PRESENT:

SUPERVISORS CONOVER
HOGAN (ZOOM)
DICKINSON
THOMAS
BRUNO
MERLINO
STROUGH

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
JIM LIEBERUM, WARREN COUNTY SOIL AND WATER CONSERVATION DISTRICT
MANAGER
KEVIN B. GERAGHTY, CHAIRWOMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
LARRY ELMEN, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
SUPERVISORS BRAYMER (VIA ZOOM)
GERACI (VIA ZOOM)
LEGGETT
MCDEVITT
SEEBER
WILD
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
LEXIE DELUREY, DIRECTOR, REAL PROPERTY & TAX SERVICES
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
MICHAEL R. SWAN, COUNTY TREASURER
ROBERT TERWILLIGER, FIRST ASSISTANT COUNTY ATTORNEY
REPRESENTING WILD WATERS OUTDOOR CENTER:
DOUGLAS AZAERT
BRENT AZAERT
LESLIE LOVELACE, SECRETARY TO THE CLERK OF THE BOARD

Please note, the following contains a summarization of the April 26, 2022 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>

Note: Pursuant to New York State Legislation (S.50001/A.40001): “Notwithstanding the provisions of article 7 of the public officers law to the contrary, any state agency, department, corporation, office, authority, board, or commission, as well as any local public body, or public corporation as defined in section 66 of the general construction law, or political subdivisions as defined in section 100 of the general municipal law, or a committee or subcommittee or other similar body of such entity, shall be authorized to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize 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 were physically present, aside from Supervisor Hogan who attended remotely

Mr. Conover called the meeting of the Public Works Committee to order at 11:02 a.m.

Copies of the DPW and Parks, Recreation & Railroad agendas were distributed to those in attendance, those participating remotely accessed the agenda via the Warren County website. Copies of the agendas are on file with the meeting minutes.

Motion was made by Mr. Strough, seconded by Mr. Merlino and carried by a unanimous vote of those present (*Ms. Hogan absent*) to approve the minutes of the last Committee meeting, subject to correction by the Clerk of the Board.

The Committee commenced with the following requests of the Parks, Recreation & Railroad agenda which included the following:

1. To fill the vacant position of Up Yonda Environmental Education Administrator, *Annual Salary \$55,051*, due to resignation.

Motion was made by Mr. Strough, seconded by Mr. Bruno and carried by a unanimous vote of those present (*Ms. Hogan absent*) to approve the request and refer same to the Personnel, Administration & Higher Education Committee for reporting purposes. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

2. To authorize a new contract with Revolution Rail Company for recreational use (rail bikes) of the County-owned rail line from MP 72.81 to MP 87.

In light of information received that morning about a 15 -20 ft. washout on the tracks, Kevin Hajos, *Superintendent of Public Works*, suggested tabling the matter until the damage was assessed and repair costs were obtained.

Motion was made by Mr. Strough, seconded by Mr. Bruno and carried by a unanimous vote of those present (*Ms. Hogan absent*) to bring the matter to the floor for discussion.

Discussion ensued with regard to the washout damages and the contract requested, during which the Committee heard comments from Douglas Azaert, *Wild Waters Outdoor Center*.

Following discussion, motion was made by Mr. Bruno, seconded by Mr. Wild and carried by a unanimous vote of those present (*Ms. Hogan absent*) to table the matter pending review and assessment of the washout damages and the cost to make repairs.

Proceeding, the Information for Discussion/Review portion of the agenda was addressed with an update on fish stocking being provided, followed by a review of the Referral/Pending Items section which included:

- 1) In regard to the two parcels of land the Town of Johnsbury had expressed an interest acquiring, the Superintendent of Public Works agreed to go before the Town of Johnsbury Planning Board to request that the subdivision move forward. Mr. Hajos advised he continued to work with the Town of Johnsbury on this.
- 2) The Superintendent of Public Works to work with the representative of the Shrine Circus to develop a formal request to bring before the Committee for use of the County property in between the Cornell Cooperative Extension and Countryside Adult Home buildings to hold the Shrine Circus on July 18 - 18, 2022. Mr. Hajos advised he continued to work with the representative of the Shrine Circus and expected to receive a proposal by May, along with more information on the event.

There being no further Parks, Recreation & Railroad business to conduct, the Committee commenced review of the Public Works agenda, which included the following requests:

1. To amend the grant agreement with NYSDOT (*New York State Department of Transportation*) to include Supplemental Agreement No. 3 for construction phase funding for Capital Project No. H381, *South Johnsbury Road (CR 57) over Mill Creek Bridge Replacement*, in the Town of Johnsbury in the amount of \$835,051 for a term commencing upon execution by both parties and terminating December 30, 2027.
2. To Increase Capital Project No. H381, *South Johnsbury Road (CR 57) over Mill Creek Bridge Replacement*, in the amount of \$831,393.
3. To authorize a new construction contract with Rifenburg Construction, Inc. for Capital Project H381, *South Johnsbury Road over Mill Creek Bridge Replacement*, in the Town of Johnsbury pursuant to the terms and provisions of the specifications (*WC 1-22*) and proposal for a term commencing upon execution and terminating upon completion of the work.

Motion was made by Mr. Merlino, seconded by Mr. Strough and carried by a unanimous vote of those present (*Ms. Hogan absent*) to approve the requests as outlined above and the necessary resolutions were authorized for the May 20th Board meeting for Items 1 and 3; Item 2 was referred to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

4. To amend the grant agreement with NYSDOT (*New York State Department of Transportation*) to include Supplemental Agreement No. 2 for Capital Project No. H396, *East River Drive (CR16) and Call Street (CR32) Pavement Rehabilitation*, in the Town of Lake Luzerne in the amount of \$460,818.
5. To Increase Capital Project No. H396, *East River Drive (CR16) & Call Street (CR32) Pavement Rehabilitation*, in the amount of \$460,818.
6. To amend the existing contract with Peckham Road Corp. for additional services for Capital Project No. H396, *East River Drive (CR16) & Call Street (CR32) Pavement Rehabilitation Project*, in the Town of Lake Luzerne in the amount of \$460,817.88.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried by a unanimous vote of those present (*Ms. Hogan absent*) to approve the requests as outlined above and the necessary resolutions were approved for the May 20th Board meeting for Items 4 and 6; Item 5 was referred to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

7. To authorize a new construction contract with Reale Construction Company, Inc. for Capital Project No. H386, *Bay Road (CR 7) over Halfway Brook Bridge Replacement*, in the Town of Queensbury pursuant to the terms and provisions of the specifications (WC 2-22) and proposal in an amount not to exceed \$2,896,000 for a term commencing upon execution and terminating upon completion of the work.

Ms. Hogan entered the meeting at 11:13 a.m.

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

8. To close Capital Project H351, *CR44 Bridge over Hudson River Bridge Painting*, and return estimated funds in the amount of \$2.70 to Budget Code D.9950 910, *Transfers - Capital Projects*.

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

9. To authorize submission of a grant application to New York State Homeland Security and Emergency Services for funding in an amount to be determined which is intended for hazard mitigation on the Olmstedville Road (CR 19) over Marshall Brook culvert replacement project in the Town of Chester.

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

10. To fill the vacant position of MEO (L) #16, *Grade 7, Base Annual Salary \$36,414*, due to promotion.

Motion was made by Mr. Dickinson, seconded by Mr. Bruno and carried unanimously to approve the request and refer same to the Personnel, Administration & Higher Education Committee for reporting purposes. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

11. To Increase Capital Project H401, *Sagamore Road Retaining Wall*, in the Town of Bolton in the amount of \$17,500.

Motion was made by Mr. Dickinson, seconded by Mr. Thomas 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.*

12. To authorize a new contract with Tracey Road for the rebuild of the DPW container truck engine in an amount not to exceed \$25,000 for a term commencing upon execution and terminating upon completion of the job.

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

13. To establish Capital Project H415, *2022 Bonded Road Projects*, in the amount of \$6,200,000.

Motion was made by Mr. Dickinson, seconded by Mr. Bruno and carried unanimously to approve the request as outlined above and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

14. To amend the County Budget in the amount of \$6,200,000 to reduce various 2022 County Road Budgets funded with \$6,200,000 in serial bonds.

Motion was made by Mr. Dickinson, seconded by Mr. Bruno 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.*

15. To authorize a transfer of funds in the amount of \$77,900 from Budget Code A.1355 470, *Real Property Tax Service Agency, Contract*, to Budget Code A.1490 470, *DPW-Admin, Contracts*, to cover the cost of the Mosher Garage Abatement and Demolition.

Motion was made by Mr. Dickinson and seconded by Mr. Strough to approve the request; following discussion, Mr. Conover called the question and the motion was 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.*

16. To amend Resolution No. 129 of 2022 to reflect funds will be expended from Budget Code A.1490 470, *DPW-Admin, Contracts*.

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

17. To appropriate funds in the amount of \$10,000 from Budget Code A.893.00, *Reserve, Environmental Testing Fund*, to the Department of Public Works budget to pay for the Asbestos Project Monitoring fees to provide the abatement of Johnsbury parcel 133.8-1-27, 3485 State Route 8 completed by Atlantic Testing Laboratories.

Motion was made by Mr. Dickinson and seconded by Mr. Strough to approve the request, as presented. A discussion ensued with regard to the amount of the request, which exceeded the amount of the initial contract with Atlantic Testing, during which it was explained that a higher amount was requested for the appropriation to allow for change orders which would likely be encountered for the work. Following discussion, Mr. Conover called the question and the motion was 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.*

Discussion was held regarding the contract with Ritter & Paratore Contracting, Inc. for asbestos and lead abatement services, building demolition and site debris cleanup for property located at 3485 State Route 8, Johnsbury, NY, as outlined in Agenda Item 16, and the likelihood that the actual cost would exceed the bid amount of \$77,900 based on change orders encountered for unforeseen conditions once the demolition started. It was the consensus of the Committee that additional funding should be appropriated to the project which would allow the Superintendent of Public Works to authorize change orders under existing authority to keep the project moving forward without the need for Committee approval.

Motion was made by Mr. Dickinson, seconded by Mr. Bruno and carried by a majority vote, with Mr. Thomas voting in opposition, to appropriate funds in the amount of \$22,100 from Budget Code A.893.00, *Reserve, Environmental Testing Fund*, to the Department of Public Works Budget to pay for unknown or unforeseen conditions that may arise during construction regarding the Johnsbury parcel 133.8-1-27, 3485 State Route 8 and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Privilege of the floor was extended to James Lieberum, *District Manager, Warren County Soil & Water Conservation District*, who provided an update on the Warren County MS4 report that was prepared by his Office on an annual basis.

The Discussion Items portion of the agenda was reviewed as follows:

1. Bay Road (CR 7) over Halfway Brook Bridge Replacement (Pending Items for Finance) - the Committee was advised a contractor was awarded the contract and Mr. Hajos was awaiting an amendment to the NYSDOT grant to increase the capital project. He informed the substantial completion date was scheduled for October 20th with a total completion date of November.
2. Bay Road (CR 7) over Glen Lake Outlet Culvert Replacement - the Committee was advised requests for proposals from on-call engineering firms and heavy highway contractors for design and work were being sought simultaneously and would require review.
3. Stony Creek Road (CR 2) over Number Nine Brook Culvert Replacement - the Committee was advised the Road was closed while foundation types required to support the structure were obtained with a forthcoming schedule. It was noted a temporary bridge would be in place with temporary signals.
4. Sagamore Road Retaining Wall - the Committee was advised the project was progressing with an

- alternative design to limit the impacts on the roadway with a start date after Labor Day and completion in November.
5. Middleton Bridge - the Committee was advised the bridge had been closed since 2008 and needed to go through a forest preserve land-swap process. Mr. Hajos noted funding had been exceeded and he was awaiting funding to become available. Mr. Hajos would contact the Town Supervisors, Senator Stec and Assemblyman Simpson and provide an update next month.
 6. Horicon Avenue (CR 11) over Finkle Brook - the Committee was advised construction would begin in late May with a completion date of September 2022 with County Route 28 closed to all traffic and a detour route would be advertised.
 7. MS4 Report - the report was presented earlier in the meeting.
 8. Authorize Superintendent to approve change orders - Mr. Hajos requested the Committee delegate authority to the Superintendent of Public Works to authorize change orders for construction costs up to 10% of the original contract cost or \$50,000, whichever may be greater.

Motion was made by Mr. Dickinson and seconded by Mr. Bruno to authorize the Superintendent of Public Works to authorize change orders as outlined above.

Larry Elmen, *County Attorney*, apprised of discussions he'd had with the County Auditor on the matter for appropriate wording to allow for payment and he suggested if the amount of the change order exceeded the limits proposed by Mr. Hajos, the Superintendent of Public Works be authorized to seek approvals from the oversight Committee Chair (or Vice-Chair) and the Budget Officer, rather than seeking Committee approval. Discussion ensued.

Mr. Elmen suggested Mr. Dickinson amend his motion, and Mr. Bruno his second, to include the caveat he had mentioned regarding approval requirements for change orders exceeding the limits mentioned, as well as to rescind all previous resolutions providing change order approval authority to the Superintendent of Public Works in favor of the new limits. Mr. Dickinson agreed to amend his motion, and Mr. Bruno his second, as requested. Mr. Conover called the question and the motion was carried unanimously to rescind Resolution Nos. 496 of 2003, 601 of 2008 and 269 of 2018 which provided authorization for the Superintendent of Public Works to approve change orders without Board approval; and granting the Superintendent of Public Works authority to approve change orders for construction costs up to 10% of the original contract amount or \$50,000, whichever may be greater, with any change orders exceeding those limits requiring approval from the oversight Committee Chair (or Vice-Chair) and the Budget Officer and the necessary resolution was authorized for the May 20th Board meeting.

Mr. Conover called for any public comment and Don Lehman, *Director of Public Affairs*, read aloud the comments submitted by Diane Collins from the Warren County Zero Waste Working Group.

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson, seconded by Mr. Bruno and carried unanimously, Mr. Conover adjourned the meeting at 12:26 p.m.

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