

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - DPW AND PARKS, RECREATION & RAILROAD

DATE: MAY 21, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
STEC
CHAMPAGNE
PITKIN
LOEB
MCCOY
CONOVER

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
MATT SPROW, ENVIRONMENTAL EDUCATION ADMINISTRATOR AT UP
YONDA FARM
FREDERICK MONROE, CHAIRMAN OF THE BOARD
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS GIRARD
GOODSPEED
KENNY
MCDEVITT
STRAINER
TAYLOR
THOMAS
VANNESS
DAVID CEDERSTROM, *THE CHRONICLE*
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *THE ADIRONDACK JOURNAL*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISOR MERLINO

Mr. Belden called the special meeting of the Public Works Committee to order at 9:30 a.m.

Privilege of the floor was extended to William Lamy, Superintendent of Public Works, who announced that the special meeting had been called to discuss funding for paving projects. He reminded the Committee members that during their last meeting, they had discussed the issues surrounding CHIPS (Consolidated Highway Improvement Projects) funding which was earmarked to fund the entire 2010 paving operation but could not be accessed until the State Budget was adopted. At that meeting, Mr. Lamy noted, the Committee had advised him to proceed with paving operations up to a total expenditure of \$500,000, at which point he was to return to the Committee for further direction. He apprised they had recently secured contracts for four road projects that would expend the \$500,000 limit by the second week of June and the special meeting had been scheduled to obtain further Committee direction. Mr. Lamy added although there had been no indication that the level of CHIPS funding would be reduced, there was now a question of how far the paving schedule should proceed without a State Budget, and a guaranteed CHIPS reimbursement amount, in place.

Mr. Lamy counseled that the negative aspect of proceeding with the paving schedule before the adoption of the State Budget was the lack of information respective to the guaranteed CHIPS reimbursement amount, while the positive side was that the paving schedule would be retained and completed before the winter season. He noted that any delay in the paving schedule would cause significant time constraints and although he was confident all of the County paving jobs would be completed, he could not affirm that the Town projects would be finished as well. Mr. Lamy apprised that after conferring with neighboring Counties, he had found most were proceeding with their paving projects in anticipation of the State Budget being adopted and the levels of CHIPS funding maintained. Conversely, he advised there were a number of Towns that had decided to await the adoption of the State Budget before beginning their paving work to ensure the amount of CHIPS funding available. However, Mr. Lamy added, delays at the Town level were not as significant as they would be at the County level, as the Towns had far less

paving work to accomplish than the County. He further noted that delays in the paving schedule would cause the contractors for certain road projects to relocate to other Counties and return to Warren County when they were able, leading to scheduling difficulties and further delays.

Paul Dusek, County Attorney/Commissioner of Administrative & Fiscal Services, said sufficient information had not been received to determine whether CHIPS funding would be maintained as initially indicated. He said that although the scenario could very well be that the State Budget was eventually adopted with no reductions in CHIPS funding, he had concerns about the ramifications to the County if they were to proceed with the paving schedule only to find that drastic reductions were later made to the CHIPS budget, leaving the County responsible for the difference. Mr. Dusek stated another matter to consider was that if the cash flow issue was not rectified, they would have to discuss bonding the funds necessary to complete the paving projects, eventually using the CHIPS funds to repay the bonds; however, he said, they did not currently have enough information to make this analysis.

Mr. Geraghty suggested they continue with the reclamation projects scheduled as these would have to be completed regardless of whether the paving schedule was delayed. Mr. Lamy replied the problem with this was that there were a number of reclamation projects scheduled which represented approximately \$600,000 of the paving budget and these projects had not been started yet. Mr. Geraghty then stated if Mr. Lamy felt strongly that the reclamation work was required to maintain the County's infrastructure, maybe they should seriously consider bonding the funds necessary to complete the paving work scheduled and address the CHIPS funding issues later. Mr. Loeb interjected that regardless of the budget situation on either the County or State level, the citizens of Warren County expected the roads to be sufficiently maintained and it was their duty to meet these expectations. He further noted the summer tourism season would begin in the very near future and because the County relied heavily upon tourism income, it was very important to implement measures to ensure the area remained presentable for residents and visitors. He added, in this instance, road maintenance costs could be considered a business expense for the County.

Mr. Pitkin noted that similar deliberations at the town level had led the Town of Thurman to prioritize the highway projects planned to determine those which were absolutely necessary for completion in 2010, as well as to decide that Town surplus funds would be used to cover the expenses as necessary until CHIPS funding was available. He said that although the option of using surplus funds was not available to the County, they might need to consider completing those jobs that could not be delayed and bond the funds necessary to provide for them.

Mr. Lamy pointed out that only 60% of the necessary paving had been completed annually for the past two years due to budget constraints. He advised projects listed on the 2010 Paving Schedule could be delayed for another year; however, he added, the costs to complete them would increase. Mr. Bentley opined that project delays would seriously escalate the anticipated costs for materials and labor, as well as cause backlog issues for the projects planned in the coming years.

When asked for his opinion on the matter as a former Highway Supervisor, Mr. Belden said he agreed with Mr. Lamy's indications that the construction work would be more costly if delayed. He added that although he anticipated there might be some reductions in CHIPS funding before the State Budget was adopted, he felt it was best to continue with the scheduled paving work, address any reductions in CHIPS funding when realized, and authorize BAN (Bond Anticipation Notes), if necessary.

Motion was made by Mr. Bentley and seconded by Mr. Pitkin to authorize Mr. Lamy to proceed in implementing the 2010 Paving Schedule to its full extent.

Chairman Monroe stated his feeling that they should be cautious when authorizing the expenditure of funds in

connection with the paving projects as the current schedule was developed based solely on the use of \$1.4 million in CHIPS funding, with no County contribution. He noted that if the paving schedule was enacted as written to expend the total \$1.4 million allocated, the County would be responsible for supporting the costs of any reductions in CHIPS funding at the State level. Mr. Belden responded that although funding reductions were a possibility, he maintained his opinion that the paving work should proceed. Mr. Loeb added that even if the CHIPS funding was completely eliminated from the State Budget, the County would still be required to maintain the highway infrastructure through whatever means necessary. Mr. Conover noted that while he agreed with the financial concerns Chairman Monroe had pointed out, he also acknowledged there were public safety issues to consider, as well as the costs already incurred for planning and mobilization efforts which would be duplicated if the paving projects were delayed.

Subsequent to further discussion on the matter, Mr. Belden called the question and the motion to authorize Mr. Lamy to proceed in implementing the 2010 Paving Schedule to its full extent was carried by majority vote, with Messrs. Champagne and McCoy voting in opposition.

Mr. Lamy announced there was another item to discuss, relative to insurance requirements for the upcoming Wildlife Expo to be held at Up Yonda Farm and he introduced Matt Sprow, Environmental Education Administrator, to address the issue. Mr. Sprow apprised they were currently in the planning stages for the Wildlife Expo which was scheduled to be held on July 10th and would feature paid presenters that would show live birds of prey, mammals and reptiles to the public. In addition, he said there would be an opportunity for other regional environmental organizations to display their information and interact with visitors. Mr. Sprow noted that live music, storytelling and food would also be available, as well as guided hikes, falconry demonstrations and pond-life programs. He advised that the event, which was made possible by the funding contributed by the Town of Bolton, would be an important community event, attracting tourists and appealing to local residents, as well, while serving as an important funding source for Up Yonda. Mr. Sprow said the goal was to put on a quality program that would be both entertaining and educational.

Mr. Sprow stated that as per current guidelines, agreements would be required of the paid presenters to include insurance documentation. He noted that of the six paid presenters involved in the event, only two carried insurance coverage, with the remaining four citing cost as the reason for the lack of coverage. In order for the event to take place, he said they were requesting the approval of the Board of Supervisors to waive the rules requiring the presenters to provide proof of insurance and allowing for all six to be covered under the liability policy held by Warren County. Mr. Sprow stated there was still a lot of work to be done to prepare for the event and they needed to begin promotional efforts to ensure success. He added that a similar event had been successfully held in 2002, with presenters attending on a volunteer basis with Up Yonda serving as the host facility. In that case, Mr. Sprow noted there were no fees or payments involved so the cost of insurance was not a factor.

When asked to provide counsel on the matter, Mr. Dusek apprised that traditionally, the County would require independent insurance coverage for presenters at any event to serve as a risk allocation measure. He explained that if insurance coverage was not required of each presenter and a loss should occur, Warren County would likely be held responsible as the event was being held on their property; in the case of a loss there were also insurance deductibles to consider, he added. He noted that while it was within the Board of Supervisors' power to waive the prevailing requirements and allow the County's insurance policies to provide coverage for the event, this was not the typical procedure in terms of business practices due to liability concerns. Mr. Dusek advised that before making a decision on the matter, the Committee should decide whether the benefits of the event to Warren County would outweigh the increased liability exposure faced.

Mr. Champagne noted his concern that they might be setting an unwanted precedent by allowing coverage for uninsured presenters under the County's insurance policy during this event. He added his feeling that this request posed a greater risk than he was willing to assume. Mr. Belden questioned whether a response was immediately required and Mr. Sprow replied affirmatively, explaining that they sought an answer as quickly as possible in order to properly begin the event advertising process.

Mr. Sprow apprised they could control some of the exposure liability by insisting that there would be no physical interaction between the animals and the public and noted that none of the presenters had any history of past animal related injuries.

Mr. Loeb said he agreed with Mr. Champagne's opinion and added that there was in issue of inequity to consider as it was not fair to provide insurance coverage for those presenters without it while requiring proof of insurance from those with the foresight to obtain it. Mr. Pitkin said he agreed with Mr. Champagne, as well, noting that animals were very unpredictable and he did not feel the County should assume any liability for possible losses in relation to this event. Mr. Conover questioned whether there had been any effort to secure a blanket liability policy that would provide coverage for all of the presenters attending the event and Mr. Sprow replied in the negative, but noted that he could research this possibility.

Subsequent to further discussion on the matter, it was the consensus of the Committee that they were unwilling to approve Mr. Sprow's request to waive insurance requirements for presenters at the Wildlife Expo. Mr. Dusek advised that he would work with Mr. Sprow to determine if alternate solutions to the lack of insurance coverage were available in order to continue the event.

As there was no further business to come before the Committee, on motion made by Mr. McCoy and seconded by Mr. Champagne, Mr. Belden adjourned the meeting at 10:11 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist