

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: SEPTEMBER 19, 2019

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

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 20th 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 20th 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