

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: AUGUST 20, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON
MERLINO
FRASIER
DICKINSON
LOEB
HYDE
MAGOWAN
WILD

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
RONALD CONOVER, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
AMANDA ALLEN, CLERK OF THE BOARD
AMY LAVINE, FIRST ASSISTANT COUNTY ATTORNEY
FRANK THOMAS, BUDGET OFFICER

COMMITTEE MEMBER ABSENT:

SUPERVISOR DIAMOND

SUPERVISORS BRAYMER
GERAGHTY
LEGGETT
MCDEVITT
SOKOL

RYAN DICKEY, SECOND ASSISTANT COUNTY ATTORNEY
MIKE SWAN, COUNTY TREASURER
JUSTIN GONYO, WARREN COUNTY RESIDENT
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the August 20, 2018 meeting of the Public Works 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/2018/works/>

Mr. Simpson called the meeting of the Public Works Committee to order at 10:21 a.m.

Copies of the DPW agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Motion was made by Mrs. Frasier, seconded by Mr. Wild 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 *Kevin Hajos, Superintendent of Public Works*, presented the following requests:

Page 3 - for transfers of funds between various budget codes, totaling \$6,821.78.

Mr. Hajos explained the first transfer in the amount of \$1,709.73 related to some work the DPW completed for the Town of Lake George which required overtime, but no monies were budgeted for this purpose. He further explained that the second transfer, in the amount of \$5,112.05, would provide funding for the purchase of a mower; he apprised this funding was encumbered in December of last year, but was inadvertently liquidated by the Treasurer's Office resulting in a shortfall of funds to move forward with the purchase this year.

Motion was made by Mr. Loeb, seconded by Mr. Magowan and carried unanimously to approve the request and forward same to the Finance Committee. *A copy of request for Transfer of Funds is on file with the minutes.*

Page 4 - to decrease Capital Project No. H351, *CR 44 Over Hudson River Bridge Painting Project*, in the amount of \$83,873.55 to reconcile capital project funding shares to close the capital project.

Motion was made by Mr. Magowan, seconded by Mrs. Frasier 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. Merlino entered the meeting at 10:24 a.m.

- Page 5- To amend the County Budget in the amount of \$13,729.58 to increase Budget Code D.9950 910, *County Road, Transfers, Capital Projects*, in accordance with transfers of surplus local match funds from various capital projects back to fund source.

Motion was made by Mr. Loeb, seconded by Mrs. Frasier 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. Hajos apprised the following three requests all related to Capital Project H353, *County Bridge Asbestos Abatement and Painting Project*. He explained typically they paved over the top of a rubber membrane that they placed over the top of the deck, but when the contractor removed the asphalt of the existing bridge they determined the deck was in such a state of disrepair they would not put a warranty on the rubber membrane. He reported the County was completing the required deck repairs resulting in a supplemental agreement in change order with the additional expense being covered by the NYSDOT (*New York State Department of Transportation*).

- Page 8- To amend the agreement with the NYSDOT to authorize Supplemental Agreement No. 2 for Change Order No. 1 in the amount of \$67,437 for Capital Project H353, *County Bridge Asbestos Abatement and Painting Project*, commencing upon execution by both parties and terminating August 9, 2028;
- Page 16- To increase Capital Project H353, *County Bridge Asbestos Abatement and Painting Project*, in the amount of \$67,437.01 to increase funding shares in accordance with NYSDOT State-Local Supplemental Agreement No. 2 and Change Order No. 1.
- Page 17- To amend the existing contract with Reale Construction Company to account for Change Order No. 1 for Capital Project H353, *County Bridge Asbestos Abatement and Painting Project*, in the amount of \$67,437.01 for a term commencing upon execution by both parties and terminating upon completion of the work.

Motion was made by Mr. Dickinson, seconded by Mr. Loeb and carried unanimously to approve the three requests outlined above; for the items listed on Pages 8 and 17, the necessary resolutions were authorized for the September 21st Board meeting and the item listed on Page 16 was referred to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

- Pages 19 & 25- To amend the Table of Organization and Salary Schedule to create and fill the new position of Engineer I #3, *Annual Salary \$55,000*, and delete the positions of Assistant Engineer #2, *Annual Salary \$46,260*, and Deputy Superintendent of Public Works, *Annual Salary \$96,035*, effective October 1, 2018.
- Pages 20 & 26- To amend the Table of Organization and Salary Schedule to create and fill the new position of Environmental Analyst, *Annual Salary \$41,000*, effective October 1, 2018.
- Page 21- To increase the salary of the Senior Civil Engineer position, from \$73,649 to \$83,000 effective October 1, 2018.
- Page 22- To increase the salary of Highway Manager #2 from \$73,989 to \$76,989 effective October 1, 2018.
- Page 24- To fill the vacant position of Sr. Civil Engineering Tech., *Annual Salary \$37,835*, due

to promotion.

Mr. Hajos stated following his appointment as Superintendent of Public Works earlier this year he decided not to immediately fill his former Deputy Superintendent position, which allowed him to re-evaluate the Department and determine staffing needs. He explained in his previous position, his main focus was on managing the DPW's Engineering Division and providing oversight for the development of design documents, as well as providing engineering assistance to the towns and the different DPW Divisions, such as Parks, Recreation & Railroad, Buildings and Grounds and the Warren County Airport Departments; he added that he had also assisted the Superintendent and had filled in for the Superintendent when he was absent. Mr. Hajos said he also managed the priorities of the projects the staff engineers worked on, permitting, the asset management system, highway right-of-way permits and fuel systems. He informed that since his promotion, he had transferred these job duties on to the Senior Civil Engineer who in turn transferred the maintenance of the Federal highway projects to one of the Assistant Engineers. He advised he would like permission to create two new positions for the Department, one of which would specifically be responsible for environmental concerns. He stated the DPW had not previously incorporated a position specializing in the management of wetland permitting, or anything relating to the NYSDEC (*New York State Department of Environmental Conservation*) and/or the EPA (*Environmental Protection Agency*), as this work was not typically managed by one particular engineer; however, he noted, due to an increase in these types of issues he felt it was necessary for a position to be created whose job duties were focused on these environmental issues. He mentioned he would like to promote the individual who was currently in the Sr. Civil Engineering Tech position to the Environmental Analyst position. He apprised he was working with the Human Resources and Civil Service Departments on developing a job description for the position, as well as to determine whether the salary he proposed was appropriate. He stated the other requests consisted of backfilling the position that would be vacated as a result of this promotion, as well as two positions he would like to increase the salary of to reflect the additional duties they had taken on following his appointment. He added he would also like to appoint the individual in the Highway Manager #2 position as a Deputy Superintendent to allow him to act in his absence and be authorized to sign off on any documents that could only be signed by the Superintendent of Public Works.

Mr. Dickinson inquired whether funding was available within the Departmental budget to cover the cost of these staffing changes and Mr. Hajos replied in the affirmative. Mr. Hajos referred to Page 23 of the Agenda which consisted of a graph providing an overview of the proposed staffing changes; he noted these changes would result in an approximate savings of slightly less than \$34,000.

A motion was made by Mr. Dickinson and seconded by Mr. Loeb to approve the aforementioned requests as outlined above.

Mr. Loeb questioned whether the individual Mr. Hajos would like to appoint to the Environmental Analyst position would require special training. Mr. Hajos apprised the individual in the Sr. Civil Engineering Tech position had a degree in Environmental Science which was geared toward performing the job duties of the Environmental Analyst position, and he noted that last week they had sent this person to a wetland delineation seminar for three days. He said that while additional training would be taken, this employee already had the background required for the position. Mr. Loeb asked why it was necessary to create the Environmental Analyst position since the employee currently in the Sr. Civil Engineering Tech position was already carrying out these duties and Mr. Hajos responded he would like to create and fill the position to allow greater focus on managing the environmental aspects of the projects handled by the DPW. He continued, this would allow him to fill the Sr. Civil Engineering Tech position with someone whose focus would be in the field, maintaining projects during the summer months and doing design work during the winter months. Mr. Loeb inquired whether Mr. Hajos felt there would ever be a need to bring back the Deputy Superintendent position he was proposing to delete and Mr. Hajos replied in the negative. Mr. Hajos stated that the main purpose of the Deputy position was to act on behalf of himself or sign off on documents, which the Highway Manager #2 would be able to handle should there be a need. He added his Confidential Secretary was also

authorized to sign documents on his behalf.

A discussion ensued following which Mr. Simpson called the question and the aforementioned motion to approve all of the personnel requests listed was carried unanimously and the same were referred to the Personnel & Higher Education Committee. *Copies of the resolution request and Notice of Intent to Fill Vacant Position forms are on file with the minutes.*

With regard to the Information for Discussion/Review section of the agenda, Mr. Hajos apprised that through the Transportation Improvement Program, the NYSDOT and the A/GFTC (*Adirondack/Glens Falls Transportation Council*) were working on a solicitation for pavement preservation projects for Sunnyside East and Sunnyside Roads, both of which were located in the Town of Queensbury. He informed the County had twelve roads that were eligible for Federal funds, only two of which were outside of the Town of Queensbury. He said the two located outside of the Town of Queensbury were Olmstedville Road, located in the Towns of Chester and Pottersville, and Peaceful Valley Road in the Town of Johnsbury. He said the vast majority of the paving work on Peaceful Valley Road had been completed and they were doing minor work on Olmstedville Road this year; however, he noted, due to the location their applications were denied for the work they submitted to do on Olmstedville Road. He informed they had been awarded \$560,000 for work on Sunnyside and \$694,000 for Sunnyside East, advising he would be returning to Committee with a master agreement to allow them to move forward with this work, one of which would be a reclamation and the other would require several different types of treatments. He indicated the professional engineering work on Sunnyside would be completed in-house with the NYSDOT providing reimbursement, but they would be contracting out these services for Sunnyside East due to the scope of work required.

Mr. Hajos pointed out the DPW Overtime and Fuel Usage Reports were included in the agenda packet.

Mr. Wild reiterated his request from last month that Mr. Hajos add a column which displayed the average high/low to the overtime report.

Mr. Loeb inquired about the difference in longevity and cost in road paving for asphalt application versus oil and stone application. Mr. Hajos responded that the form of pavement used in paving projects was based upon the condition of the existing pavement and sub-base of a road. He stated the chip seal Mr. Loeb was referring to consisted of putting down a layer of asphalt and then placing stones over the top of that. He said this type of process was typically used for roads that were only a few years old. He mentioned normally this process was not used on roads in the Town of Queensbury because the stones had to remain in place over a period of time during which they had a tendency to scatter, but it was utilized on rural roads. He pointed out the Town of Chester used this process on the majority of their roads resulting in extending the useful life of the pavement for an additional three to four years. He informed an overlay on a road consisted of laying down asphalt resulting in the build up of pavement which impacted the driveways and business entrances located along the road. He said they only did about five overlays on County Roads this year which likely added about five years of useful life on to the road. He advised his preferred method of paving was to "mill and fill" which required them to remove the surface treatment of the existing pavement and then lay down a new layer of treatment.

In response to a question posed by Chairman Conover, Mr. Hajos apprised that the Town of Bolton was paving a road which the County was responsible for paving their 175 foot section of. He said the amount of money remaining in his budget would determine whether the County did the paving work in-house or contracted it out. He added the drainage would be taken care of through maintenance and he said he believed he had everything in place to move forward.

Mr. Simpson advised prior to adjourning Ryan Moore, *County Administrator*, would like to speak on matters involving the County Railroad. Mr. Moore informed he would be corresponding with the County's outside counsel for matters concerning the railroad, who had just returned from a vacation.

He stated the goal was to obtain in writing this week a removal schedule from SNCR (*Saratoga & North Creek Railway*), a representative for which had verbally indicated to Mr. Hajos that they should have their remaining equipment removed by September 1st. With regards to the Kelly equipment, Mr. Moore apprised he had requested that the County Attorney commence with legal action when she returned from vacation next week as a fallback in case Mr. Kelly did not remove the equipment within the timeframe he provided Mr. Hajos with. Mr. Hajos added that Mr. Kelly had sent him an email indicating he had the inability to locate any reputable companies who were willing to perform the wheel change out on the two rail cars he owned before mid September. He continued, Mr. Kelly advised that the work would commence on or about September 7th, as they were attempting to locate wheel sets to swap which would reduce the time required. He continued, according to Mr. Kelly if the wheel sets were shipped to Pennsylvania he would be unable to take care of everything until around the end of October or the first week in November. He stated that he had denied Mr. Kelly's request to store his rail cars closer to the North Creek Station until they were ready to commence with the repair work to prevent them from becoming an eye soar for the citizens of the Town. Mr. Hajos remarked he was not confident the wheel sets would be located in time for the work to commence on September 7th which meant the cars would not be moved until the end of October or early November. Mr. Moore added once they commenced with the legal process he did not anticipate a decision from the court being rendered until around the end of November or sometime in December. He said they were willing to pursue legal action with the hopes that Mr. Kelly would move the process along faster on his own.

Mr. Magowan questioned whether they could charge Mr. Kelly rent in an attempt to speed the process along and Mr. Moore replied they could seek trespass damages through court action. Mr. Geraghty voiced his disbelief pertaining to Mr. Kelly's statement involving his difficulty to obtain a reputable company to perform the work. Mr. Hajos stated Mr. Kelly had originally made an agreement with SNCR to do the required repairs, but the repairs were never completed. Mr. Geraghty remarked he believed Mr. Kelly was making invalid excuses for why the cars could not be removed resulting in issues for the Town of Johnsborg which he did not believe was fair.

A discussion ensued.

Prior to adjourning Mr. Simpson reminded the Committee that a meeting notice had just been distributed this morning to change the date and time of next week's special meeting from August 31st to August 30th, immediately following the Finance Committee meeting.

Mr. Geraghty commented he thought it was unacceptable for them to take Mr. Kelly's word the required repairs could not be completed until October or early November, pointing out when derailments occurred repairs were made immediately to allow the train to be placed back on the railroad. He added he did not believe they were being fair to the Town of Johnsborg. Mr. Magowan questioned why they could not notify Mr. Kelly he would be charged a certain amount of money per day if he did not have his cars moved out by a specified time and Mr. Moore replied the County could not demand payment and enforce that, as this was something that would need to be handled through the court. Mr. Magowan asked whether Mr. Kelly had been paying SNCR to store his cars and Mr. Hajos responded that Mr. Kelly had an agreement with them, but he was unsure of whether any payments were ever made.

A discussion ensued.

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson and seconded by Mr. Wild, Mr. Simpson adjourned the meeting at 11:02 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board