

PUBLIC WORKS COMMITTEE MEETING MINUTES
APRIL 28, 2009

PUBLIC WORKS COMMITTEE MEMBERS PRESENT: Brown, Rymph, Shay, Banks, Lindsay, Suprenant, Hurley

PUBLIC WORKS COMMITTEE MEMBERS ABSENT: Scribner, Campbell

SUPERVISORS: Wilbur, Henke, G. Hall

Debra Prehoda, Clerk

Kevin Hayes, County Administrator

Roger Wickes, County Attorney

Willy Grimmke, Supt. DPW

Public: Andrew Pate, Tracey Frisch, Geoffrey Ovington

AGENDA AS PRESENTED IN NOTICE:

1. Call to Order
2. Approval of Minutes – April 1, 2009
3. Department Request/Reports:
 - A. Department of Public Works
 - a. Discuss Property Acquisition – CR 12 over the Mettowee River
 - b. Discuss Hauler Law
 - c. CHIPS Update
 - d. Discuss DEC Recommendation – Wash. Co. Inclusion in Air Quality Non-Attainment ANGA
 - e. Personnel
4. Subcommittee Discussions
5. Other Business
6. Department Head Evaluation – Executive Director, Sewer District
7. Adjournment

Chairman Brown called the meeting to order at 10:00 A.M.

A motion to accept the minutes of the April 1, 2009 meeting was moved by Mr. Banks, seconded by Mr. Rymph and adopted.

DEPARTMENT OF PUBLIC WORKS: Willy Grimmke, Superintendent of Public Works, addressed the following items with the committee:

CHIPS Update – Willy stated he had placed revised CHIPS figures in the Supervisors' mailboxes. He stated everyone received essentially the same as last year. The County budgeted \$1.4M for CHIPS in paving and are now going to receive \$1.634M. A motion to increase revenue to recognize the increase in CHIPS funding was moved by Mr. Banks, seconded by Mr. Lindsay and adopted.

Property Acquisition – CR 12 over the Mettowee River – In accordance with resolution no. 144 of 2002, on federal aid projects the Superintendent is authorized to sign the agreements with property owners to acquire property after consultation with the committee. He stated there are three strip takings he is proposing to take in Granville adjacent to the Co. Rt. 12 bridge. These are relatively small pieces of property valued at \$2,500 or less. All properties were appraised as required by federal law. A motion to approve property acquisitions as requested by the Superintendent of Public Works for the CR 12 over the Mettowee River project was moved by Mr. Shay, seconded by Mr. Lindsay and adopted.

DEC Recommendation – Washington County Inclusion in Air Quality Non-Attainment ANGA – In March, DEC sent the recommendation to the Environmental Protection Agency recommending Warren and Washington Counties be included in the Capital District non-attainment air quality area for ozone. This recommendation was done based on a single monitor in Stillwater. From Willy's review of the Clean Air Act, he thinks that the DEC and EPA are over reaching beyond what is called for in the law and has referred this matter to the Assistant County Attorney for further review. This would require any federal aid transportation projects undertaken to be in conformance with any steps being taken to reduce the emissions affecting the ozone. The question is if the committee wants to take a position on this ruling. The committee requested that they perform monitoring in our county and have input on where the monitoring device is located. Willy stated there has been failure to demonstrate that we are not in attainment. It was suggested that the Board go on the record that we do not agree with the statement that we are not in non-attainment. The EPA web site has basic information on this topic, handout attached. A motion to present a resolution authorizing the Superintendent of Public Works to take all action prudent to prevent that designation (that any designation is in compliance with the law) was moved by Mr. Banks, seconded by Mr. Brown and adopted.

Transportation Study Update - Sam Hall, Transportation Study Project Manager, addressed the committee. The travel surveys have been completed and they are in the process of compiling the information to be mapped. This information should be available shortly. They are also looking at the long-term transportation needs of the elderly residents of the county. The study is looking to streamline our transportation and recognize savings. Sam will report out at next month's meeting on the immediate phase of this project.

Hauler Law – A proposed hauler law was distributed at last month's meeting, on file. Chairman Brown asked for any comments on this proposed law. Mr. Suprenant stated the wastewater treatment vehicles should not need a placard. A motion to remove wastewater treatment vehicles out of the proposed law was moved by Mr. Suprenant, seconded by Mr. Banks and adopted. Mr. Brown stated the procedure was to next meet with the haulers to discuss this proposed law. Mr. Lindsay stated the fee schedule should be known. Willy stated random independent audits for compliance would be conducted. Roger Wickes, County Attorney, feels from discussion on the previous proposed hauler law that the concerns were not with the fee schedule. A motion to move forward with the proposed hauler law and schedule a meeting with the haulers was moved by Mr. Lindsay and seconded by Mr. Shay. Discussion. This would be an informational meeting with the haulers open to the public. Willy will notify the haulers of this meeting based on the current list of haulers filed in his office. The motion to move forward with the proposed hauler law and schedule a meeting with the haulers was moved by Mr. Lindsay, seconded by Mr. Shay and adopted. Andrew Pate, public, stated he had concerns with the accuracy of the data and are there enough certified scales around the county. Willy stated there are a least a dozen private scales in the county. He also distributed a handout, arguments for local data collection law, attached.

SEWER DISTRICT – Jim Fischbeck, Executive Director, addressed the following items with the committee:

Draft Consent Order – Roger Wickes, County Attorney, notified him yesterday afternoon of a draft consent order alleging violations of the Clean Water Act and SPEDES permit. Mr. Fischbeck stated they do have a lot of miniscule violations that are all based on self-reporting. A lot of them have to do with samples, not calling DEC with the 24-hour period and technical lab issues. The other item in this consent order is their long-term control plan and Mr. Fischbeck stated they are right on schedule with that. DEC stated that the EPA has been after them to make sure all the municipalities along the Hudson have their long term control plans done. Jim stated that several events did happen that should not have happened at the Hudson Falls pump station. He is meeting with Erica Sellar-Ryan, Assistant County Attorney later this week to address these complaints. They will prepare documentation to bring back to DEC. The proposed penalty is \$150,000 and they would waive half of it. Roger Wickes, County Attorney, stated the district reported the events but probably where the failure is in this is communicating the solution/remedy to the problem/event to DEC. Roger Wickes, County Attorney, recommends immediately responding to any violation notice. He also stated when we self report there are citizen groups that look at these reports and we should be careful addressing these matters. The legal fees will be billed to the sewer district.

DEPARTMENT HEAD EVALUATION – Executive Director, Sewer District – The department head evaluation for the Executive Director of the Sewer District was postponed until the next meeting.

Department Staffing – this agenda item was not addressed.

SUB COMMITTEE DISCUSSIONS: this agenda item was not addressed.

OTHER BUSINESS:

Recycling Advisory Board – Chairman Wilbur has appointed the members of the Recycling Advisory Board per Resolution No. 100, entitled To Reactivate and Resdesignate the Recycling Advisory Board adopted April 17, 2009 as follows: Willy Grimmke, Superintendent of Public Works or his designee, Supervisors Alan Brown, John Rymph, Robert Henke, Steven Alexander, and citizens Geoffrey Ovington, Andrew Pate, Robbie McIntosh and Jayme Wood. A meeting of the Recycling Advisory Board was scheduled for Thursday, May 28th at 7 P.M. at the Argyle Town Hall. The Department of Public Works will provide notification of the meetings of this committee. This committee will report on its activities to the Public Works Committee per Resolution No. 100.

Hartford Landfill Property – Kevin Hayes, County Administrator, Kevin displayed a map of the Hartford landfill site. This property could be included in the auction of County parcels (tax sale) to see if there is any interest in this parcel. The Board has the option to reject any and all bids. Warren County does not object to putting it up for sale. Warren and Washington Counties own the property 50/50. Mr. Banks stated the assessed value of the property should be lowered and Grievance Day is coming up. The permit stays with the County but it is transferable. A motion to put the landfill property into the auction and try to get the assessed value changed to match the land value all subject to approval of Warren County, was moved by Mr. Banks and seconded by Mr. Lindsay. Discussion. Mr. Henke thinks that it is premature to sell this parcel and

not keep up our permit when we are unsure what will happen in two years at the end of the burn plant contract. A motion to amend to provide the property for sale at the auction and the permit for the landfill is not part of the deal was moved by Mr. Hurley and seconded by Mr. Rymph. Discussion. Mr. Suprenant asked if we had a plan for when the burn plant contract ends. No plan at this time and Mr. Brown stated this is something that the Recycling Advisory Board might explore. Discussion on whether or not to set a minimum bid. Kevin stated that Steve Lynch, Solid Waste Coordinator, has mentioned that if the counties were to sell this landfill property that they consider putting a deed restriction on the property stating that if the property is resold within ten years for a landfill then the County wants a host fee. The motion to amend to provide the property for sale at the auction and the permit for the landfill is not part of the deal was moved by Mr. Hurley, seconded by Mr. Rymph and adopted. The motion to put the landfill property into the auction and try to get the assessed value changed to match the land value all subject to approval of Warren County was moved by Mr. Banks, seconded by Mr. Lindsay and adopted as amended.

United Way – Kevin Hayes, County Administrator, stated he attended United Way meetings discussing heating season problems facing the residents. He suggested a wood inventory for those that have exhausted all other options. He has talked to the highway superintendents and would like to start a campaign now to provide a central location for available wood that is cut to stove length and ready to burn, not green. He recommends a central location for approximately 17-20 cord of wood, all donated and develop a procedure for disbursement of this wood through the United Way/Salvation Army. He needs agreements to comply with NYS Audit and Control. He will address this proposal with all the towns. The committee consensus was to allow Kevin Hayes, County Administrator, to move forward with his proposal to stockpile wood for those in need.

Public Works Miscellaneous Items – Willy Grimmke, Superintendent of Public Works, addressed the following miscellaneous items:

Snow Plow Routes Study – The Department of State is going to fund the snowplow routing efficiency study. He is awaiting grant information and believes it will be in the amount of \$50,000. Mr. Hurley wants to know the format of the study.

Additional Marchiselli Agreements for Clinton/Division Street Design (Whitehall) and Rexleigh (revisit due to authorization). A motion to authorize Marchiselli agreements for Clinton/Division Street Design (Whitehall) and revisit Rexleigh authorization was moved by Mr. Banks, seconded by Mr. Lindsay and adopted.

FEMA Storm Clean Up – He anticipates the County receiving about \$73,000 for category B, temporary protective measures, such as salting County Roads and getting trees out of the way. He is still working on clean up costs that could possibly be double that amount.

Approval to Review Tax Sale List – He would like approval to review the list of tax sale parcels to see if any interest in parcels that would be beneficial to County highway purposes.

Asphalt Costs – He bid asphalt delivered and with County forces, handout attached.

Bid Award for Lowboy Trailer – Bids were opened for the lowboy trailer and the low bidder was Tracy Road Equipment in the amount of \$55,763. Five bids were received ranging in price from \$55,763 to \$68,490. A motion to accept low bid of Tracy Road Equipment for lowboy trailer was moved by Mr. Banks, seconded by Mr. Shay and adopted. The old trailer will be auctioned.

Shoulder machine is at Howe Brothers being worked on.

Bids Opened for Disposal of Demolition and Debris – Waste Management bid \$68.75 for disposal in Fort Edward and Springer bid \$62.57 for disposal at Hiram Hollow, Town of Moreau. Straight disposal cost is lower with Springer but it is an additional half hour each way to Hiram Hollow with truck and equipment so it makes it makes the haul price \$11/ton. A motion to award bid for disposal of demolition and debris to Waste Management (current provider) was moved by Mr. Banks, seconded by Mr. Lindsay and adopted.

Stimulus Funds – Willy stated it is very likely Co. Rt. 42 will be repaved with stimulus funds (County project) and also stimulus funds will be available to pave Sumpter and Allen Streets Fort Edward/Village of Hudson Falls project.

DOT – possible grant for Northeast Rail – Willy stated he will be attending a meeting on Thursday regarding a possible grant for Northeast Rail to rehabilitate and stabilize the railroad bridge between St. Rt. 372 and the Battenkill in the Town of Easton. He will provide more details when available.

The meeting adjourned at 12:19 P.M.