

PUBLIC WORKS COMMITTEE MEETING MINUTES
MAY 26, 2009

PUBLIC WORKS COMMITTEE MEMBERS PRESENT: Brown, Rymph, Scribner, Shay, Banks, Hurley, Campbell

PUBLIC WORKS COMMITTEE MEMBERS ABSENT: Lindsay, Suprenant

SUPERVISORS: Wilbur, LaPointe, G. Hall

Debra Prehoda, Clerk

Kevin Hayes, County Administrator

Roger Wickes, County Attorney

Willy Grimmke, Supt. DPW

Erika Sellar-Ryan, Assistant County Attorney

Nick Riesman, Post Star

Public: Andrew Pate, Tracey Frisch, Geoffrey Ovington

AGENDA AS PRESENTED IN NOTICE:

1. Call to Order
2. Approval of Minutes – April 28, 2009
3. Department Request/Reports:
 - A. Sewer District
 - a. Draft Consent Order
 - B. Department of Public Works
 - a. Discuss Boom Truck
 - b. Paving Program Update
 - c. Shoulder Machine Update
 - d. Discuss Hauler Law
 - e. Recycling Advisory Committee
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 28, 2009 meeting was moved by Mr. Shay, seconded by Mr. Scribner and adopted.

Transportation Report – Sam Hall, Project Director, distributed and explained the attached phase 1 – Immediate Action – Car Pool handout. “Pool Car – Vehicle is signed out to an individual employee or department for a limited period of time. Department charged by mile.” Based on the usage of the pool cars, the handout indicates thirteen vehicles can be auctioned with a projected cost savings of \$7,150.00. The estimated revenue from the sale of these vehicles is \$6,500.00. Next month, he will address Phase 2 Intermediate Action, fleet vehicle usage.

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

Draft Consent Order – Erika Sellar-Ryan, Assistant County Attorney, addressed the committee regarding the consent order against the Sewer District received in late April. The Sewer District’s SPDES permit that the Sewer District operates under regulates how often they are to do sampling and monitors what we put out into the environment, i.e. Hudson River. DEC is in charge of the local enforcement of the SPDES permit and part of the requirement is that the local agency reports any incidents of non-compliance. Incidents of non-compliance include faulty lab test results or a huge storm that throws

the levels off. Over the last two and half years, the Sewer District has had several non-compliance events and reported those to DEC. The reports are sent back to the DEC to the technician/engineering department and they now realize that this information is not shared within DEC's other departments, i.e. legal department or the Director. The EPA has been pressuring the DEC to bring action against the Sewer District over the number of non-compliance reports. DEC issued a \$150,000 penalty but will lower to \$75,000.00. The Sewer District has responded with a list of remediation items that have been done at the facility. The Sewer District has been addressing these non-compliant issues. They have agreed to further reduce the penalty to \$30,000.00 and if the consent order was signed within a month, the penalty would be \$25,000.00 and they would suspend the remainder of the penalty but if an additional significant non-compliant event (an event that could have been avoided) occurs then the full amount would be due. The penalties actually added up to \$291,000.00. Erika feels this new penalty is a fair assessment based on the non-compliant events. She stated they are also looking to have the permit modified to reduce the Sewer District's testing/monitoring requirements. A motion to accept DEC offer regarding consent order, \$25,000 penalty, was moved by Mr. Banks and seconded by Mr. Rymph. Discussion ensued. Mr. Fischbeck agrees with Erika's recommendation to settle with DEC. These penalties are due to violations of their SPDES permit, testing and effluent. Going forward, DEC and the Sewer District will be copying all correspondence to and working with the County Attorney's Office. The motion to accept DEC offer regarding consent order, \$25,000 penalty, was moved by Mr. Banks, seconded by Mr. Rymph and adopted. Kevin Hayes, County Administrator, stated that this should be contingent upon confirmation by the Sewer District Board of Commissioners.

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

Discuss Boom Truck – They did go look at a used boom truck and the DPW equipment manager did not like the condition of the vehicle. The current boom truck is no longer useful. A new truck would cost approximately \$90,000.00. Chairman Brown recommended continuing to look at auctions for a replacement.

Paving Program Update – handout attached. Willy stated they budget for and have the funds to pave county routes 2,3,43,49,59,48 and 69. If they come out ahead on those projects then they will move forward with county route 24 and then 25. County route 42 is being paved with stimulus funding. Assuming a ten-year life cycle, the highway should be paving 28.5 miles of road a year (10% of our county road system).

Shoulder Machine Update – Howe Brothers repaired the shoulder machine at a cost of \$18,950.00. A different wheel assembly was needed to accommodate the new braking system.

Discuss Hauler Law – A meeting with the haulers has tentatively been scheduled for Tuesday, June 9th at 1 P.M. Invitations will be going out to the haulers this week. He does not plan to invite other government agencies. The draft of the law was previously distributed. Willy asked Supervisors for any comments or forward them to his office or the County Attorney's office. Kevin Hayes, County Administrator, recommended a courtesy invitation to Warren County.

Recycling Advisory Committee – The first meeting of the Recycling Advisory Committee is scheduled for Thursday, May at 7P.M. at the Argyle Town Hall. Roger Wickes, County Attorney, recommends noticing the meeting.

Miscellaneous – Willy stated he was contacted by a property owner in the Town of Salem adjacent to Co. Rt. 64. At some point in the past with the realignment of the road, an approximate one acre piece of county right-of-way that extends to his property. He does not believe the County will have any use for this piece of property. The property owner asked if the County is willing to abandon this property, dissolving right-of-way. Willy will confirm this is a right-of-way not a tract of land purchased for the road realignment. Roger Wickes, County Attorney, stated we have a history of doing that in other cases. A motion to have the Superintendent of Public Works look into this property (right-of-way) with the intention to get rid of it was moved by Mr. Banks, seconded by Mr. Hurley and adopted. Willy will report out at the next meeting.

SUB COMMITTEE DISCUSSIONS: None.

OTHER BUSINESS:

State Police Vehicle Checkpoint in the Vicinity of Buskirk Bridge – Mr. Shay, Supervisor Town of White Creek, stated he received a call yesterday from a resident in Buskirk regarding a state police road/safety check near the vicinity of the Buskirk bridge and that trucks were being sent over the Buskirk bridge. Mr. Shay called the state police and informed them not to send trucks over the bridge. Mrs. Trinkle, Supervisor Town of Cambridge, also received calls on this matter. A motion to have a letter sent to the state police advising them not to send trucks (vehicles exceeding the weight limit) over the bridge was moved by Mr. Scribner, seconded by Mr. Shay and adopted.

Volume at the Transfer Stations – The volume is actually where it was at this time last year. It is too early to tell if there is any impact from increasing the sticker price.

Wood Chips – In the 2009 budget, revenue was adjusted for the increased price of wood chips but this has not happened yet because part of the reimbursement from FEMA is for the elimination of the storm debris. Any woodchips being sold from the storm cleanup debris is being deducted from the FEMA reimbursement. The price will be adjusted, increased, once the FEMA reimbursement is received.

Budget Meeting – Willy is meeting with the budget officer later today and based on the first four months of 2009, the Solid Waste department was projected to have an \$870,000 deficit (use of fund balance) and also at the beginning of the year, the burn plant was also projected to have an additional \$240,000 deficit and a reduction in recycling revenue totaling \$1.2M deficit for the year. Willy is now projecting \$450,000 deficit (due to containing labor costs, lower oil costs, less electricity uses, not hauling as much) for the year and \$250,000 of that is burn plant. Mr. Banks stated the burn plant shortfall should decline.

DEPARTMENT HEAD EVALUATION – Executive Director, Sewer District – A motion to enter an executive session to conduct a department head evaluation, “the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation”, was moved by Mr. Rymph, seconded by Mr. Brown and adopted.

No action was taken during the executive session.

The meeting adjourned at 11:31 A.M.