

**Public Works and Capital Projects Committee  
Regular Meeting Minutes**

**DATE & TIME:** December 2, 2020 – 6:30 PM  
**LOCATION:** Powered by Zoom Meeting by Dialing (646) 558-8656,  
Meeting ID: 970 6913 7099  
**PRESIDING OFFICER:** Chair Dean Fabiano  
**LEGISLATIVE STAFF:** Nettie Tomshaw  
**PRESENT:** Legislators Greene, Cahill, Heppner, Litts  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislator Bartels, Legislator Bruno, Legislator Petit, DPW Commissioner Tom Jackson, DPW Deputy Comm. Finance Don Quesnell, Deputy County Exec. Marc Rider, Gary Newkirk UC Fair Grounds Ag Society, Jenny Lang Ag. President, Ernest Hunt Catskill Mtn. Railroad, Deputy Exec. Evelyn Wright, Deputy County Exec. John Milgrim, Dept. of Environment Amanda LaValle

Chair Fabiano called the meeting to order at 6:30 PM.  
Pledge of Allegiance to the Flag.

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**Motion No. 1:** **Moved to Approve Minutes & Transcripts of the November 4, 2020, October 14<sup>th</sup> & October 27<sup>th</sup> Joint Capital Projects Meetings With Ways and Means Committee**  
**Motion By:** Legislator Greene  
**Motion Seconded By:** Legislator Litts  
**Discussion:** None  
**Voting In Favor:** Legislators Fabiano, Greene, Cahill, Heppner, Litts  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** Minutes **APPROVED**

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**Resolutions for the December 15, 2020 Session of the Legislature**

**Resolution No. 447** - Authorizing The Chair Of The Ulster County Legislature To Execute A License Agreement With The Ulster County Agricultural Society, Inc., Granting It The Use Of The Ulster County Fairgrounds – Department Of Public Works (Buildings & Grounds)

Resolution Summary: This resolution authorizes the Ulster County Chair to execute a 5-year license agreement with the UC Agricultural Society, Inc. for the use of the UC fairgrounds.

Motion No. 4: Motion to Discuss & Adopt Resolution No. 447  
Motion By: Legislator Litts  
Motion Seconded By: Legislator Heppner

Discussion: See attached transcript.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner, Litts  
Voting Against: None  
Votes in Favor: 5  
Votes Against: 0  
Disposition: Resolution ADOPTED

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**Resolution No. 462** - Approving The Execution Of A Contract Anticipated To Exceed \$50,000.00 Entered Into By The County – Catskill Mountain Railroad Company, Inc. – Department Of Public Works

Resolution Summary: This resolution approves the execution of a contract anticipated to exceed \$50,000.00 with the Catskill Mtn. Railroad Co. Inc. for a tourist railroad permit for the eastern segment of the U&D corridor. Contract date 1/1/2021 – 12/31/2021.

Motion No. 4: Motion to Discuss & Adopt Resolution No. 462  
Motion By: Legislator Litts  
Motion Seconded By: Legislator Greene

Discussion: See attached transcript.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner, Litts  
Voting Against: None  
Votes in Favor: 5  
Votes Against: 0  
Disposition: Resolution ADOPTED

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**Resolution No. 446** - Authorizing The Chair Of The Ulster County Legislature To Amend An Agreement With The New York State Unified Court System – Department Of Public Works (Buildings And Grounds)

Resolution Summary: This resolution authorizes the Chair of the UC Legislature to amend an agreement with the NYS Unified Court System.

Motion No. 4: Motion to Adopt Resolution No. 446  
Motion By: Legislator Litts  
Motion Seconded By: Legislator Greene

Discussion: None.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner, Litts  
Voting Against: None  
Votes in Favor: 5  
Votes Against: 0  
Disposition: Resolution ADOPTED

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**Resolution No. 449** - Amending Capital Project No. 519, Ulster County Law Enforcement Center Energy Upgrades – Amending The 2020 Capital Fund Budget – Department Of Public Works (Buildings & Grounds)

Resolution Summary: This resolution amends Capital Project No. 519 for energy upgrades to the UCLEC, amending the 2020 Capital Fund Budget.

Motion No. 4: Motion to Discuss & Adopt Resolution No. 449  
Motion By: Legislator Fabiano  
Motion Seconded By: Legislator Heppner

Discussion: See attached transcript.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner  
Voting Against: None  
Votes in Favor: 4  
Votes Against: 0  
Abstention: 1 (Litts)  
Disposition: Resolution ADOPTED

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**Resolution No. 451** - Approving The Execution Of A Contract For \$57,401.00 Entered Into By The County – Ashley Mechanical, Inc. – Department Of Public Works

Resolution Summary: This resolution approves the execution of a contract with Ashley Mechanical, Inc. for boiler maintenance and repair services at the Ulster County Law Enforcement Center. \$57.4K, 100% County 1/1/2021 – 12/31/2022.

Motion No. 4: Motion to Adopt Resolution No. 451  
Motion By: Legislator Cahill  
Motion Seconded By: Legislator Heppner

Discussion: None.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner, Litts  
Voting Against: None  
Votes in Favor: 5  
Votes Against: 0  
Disposition: Resolution ADOPTED

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**Resolution No. 452** - Amending The 2020 - 2025 Capital Improvement Program – Establishing Capital Project No. 577 McKinstry Bridge, Town Of Gardiner – Amending The 2020 Capital Fund Budget – Department Of Public Works

Resolution Summary: This resolution amends the 2020-2025 Capital Improvement Program, establishing Capital Project No. 577 for the replacement of the McKinstry Bridge in the Town of Gardiner.

Motion No. 4: Motion to Adopt Resolution No. 452  
Motion By: Legislator Litts  
Motion Seconded By: Legislator Cahill

Discussion: None.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner, Litts  
Voting Against: None  
Votes in Favor: 5  
Votes Against: 0  
Disposition: Resolution ADOPTED

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**Resolution No. 454** - Approving The Execution Of A Contract For \$113,000.00 Entered Into By The County – Creighton Manning Engineering, L.L.P. – Department Of Public Works

Resolution Summary: This resolution approves the execution of a contract for \$113K with Creighton Manning Engineering, LLP for design services related to the replacement of the McKinstry Bridge in the Town of Gardiner. 100% County, 1/1/2021 – 6/30/2022.

Motion No. 4: Motion to Discuss & Adopt Resolution No. 454  
Motion By: Legislator Litts  
Motion Seconded By: Legislator Heppner

Discussion: None.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner, Litts  
Voting Against: None  
Votes in Favor: 5  
Votes Against: 0  
Disposition: Resolution ADOPTED

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**Resolution No. 461** - Approving The Execution Of A Contract Amendment For \$19,150.00, Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – Miller Environmental Group, Inc. – Department Of Public Works

Resolution Summary: This resolution approves the execution of a contract amendment #2 for \$19,150.00 with the Miller Environmental Group, Inc. extending the term of the

agreement and increasing funding for cleaning and maintenance of oil water separators. 100% County, 12/31/2020 – 12/31/2021. Total Amt. 102.6K.

Motion No. 4: Motion to Adopt Resolution No. 461  
Motion By: Legislator Heppner  
Motion Seconded By: Legislator Fabiano

Discussion: None.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner, Litts  
Voting Against: None  
Votes in Favor: 5  
Votes Against: 0  
Disposition: Resolution ADOPTED

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**Resolution No. 463** - Approving The Execution Of A Contract For \$213,500.76 Entered Into By The County – County Waste And Recycling Service, Inc. – Department Of Public Works

Resolution Summary: This resolution approves the execution of a contract for \$213.5K with County Waste and Recycling Service, Inc. for trash and recycling services for county facilities. 100% County 1/1/2021 – 12/31/2023.

Motion No. 4: Motion to Discuss & Adopt Resolution No. 463  
Motion By: Legislator Litts  
Motion Seconded By: Legislator Cahill

Discussion: See attached transcript.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner, Litts  
Voting Against: None  
Votes in Favor: 5  
Votes Against: 0  
Disposition: Resolution ADOPTED

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**Resolution No. 464** - Approving The Execution Of A Contract For \$75,200.00 Entered Into By The County – Eastern Heating And Cooling, Inc. – Department Of Public Works

Resolution Summary: This resolution approves the execution of a contract for \$75.2K with Eastern Heating and Cooling, Inc. for maintenance at the UCLEC and UCAT HVAC controls. 100% County, 1/1/2021 – 12/31/2022.

Motion No. 4: Motion to Adopt Resolution No. 464  
Motion By: Legislator Heppner  
Motion Seconded By: Legislator Greene

Discussion: See attached transcript.  
Voting In Favor: Legislator Fabiano, Greene, Cahill, Heppner

Voting Against: None  
Votes in Favor: 4  
Votes Against: 0  
Abstention: 1 (Litts)  
Disposition: Resolution ADOPTED

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New Business / Old Business (see attached transcript)  
Legislator Greene & Chairman Fabiano

Adjournment

Chair Fabiano asked if there was any other business, and hearing none;

Motion Made By: Legislator Litts  
Motion Seconded By: Legislator Greene  
No. of Votes in Favor: 5  
No. of Votes Against: 0

TIME: 7:29 PM

Respectfully submitted: Nettie Tomshaw, Legislative Staff  
Minutes Approved: February 3, 2021

Ulster County Legislature  
**Public Works and Capital Project Committee**

**Meeting Transcript**  
**December 2, 2020**

**Committee Members**

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all.

**Chairman Fabiano**

Thank you.

**Nettie Tomshaw**

Okay, Herb's here, he's coming. Here he is. Hi Herb.

**Chairman Fabiano**

Hi Herb.

**Legislator Litts**

How are you?

**Chairman Fabiano**

Okay, um, tonight, we have actually-three sets of minutes to adopt. We had the one set from October 14th was, which was the joint meeting with the Ways and Means and Capital Projects in our committee. Then we had another joint meeting on the 27th with them, pertaining to Capital Projects. And then obviously, the meeting our regular meeting from November 4th. Has everybody gotten a chance to look at those minutes? If so, does anybody have any questions or comments or deletions that they would like to make?

**Legislator Greene**

I'm just going to make a motion to adopt the minutes, the three sets of minutes.

**Chairman Fabiano**

Okay. Motion made by Legislator Greene. Do I hear a second?

**Legislator Litts**

Second.

**Chairman Fabiano**

Seconded by Legislator Litts. All in favor?

**Committee Members**

Aye. (5-0)

**Chairman Fabiano**

All opposed? Motion carried. Okay.

**Chairman Fabiano**

Tonight, we have Gary Newkirk with us from the Fairgrounds and Ag Society. And we also have Ernie Hunt, who was in charge of the Catskill Mountain Railroad. They each have a resolution as pertains to their area of business. So, not to hold these two gentlemen up, I would like to take those two resolutions first.

**Chairman Fabiano**

The first one would be Resolution 447. And it states: Authorizing The Chair Of The Ulster County Legislature To Execute A License Agreement With The Ulster County Agricultural Society, Inc., Granting It The Use Of The Ulster County Fairgrounds – Department Of Public Works (Buildings & Grounds)

**Legislator Litts**

I'll move it.

**Legislator Heppner**

Second.

**Chairman Fabiano**

Motion made by Legislator Litts, seconded by Legislator Heppner.

**Chairman Fabiano**

Before we vote, Gary, anything would you like to say?

**Gary Newkirk**

No. We were a little disappointed in the resolution from what we thought we were going to be able to get. But after three years of waiting with one-year extensions, were kind of back where we were in 2007. We did at least get a statement in there that they consider renewing the license agreement in our September meeting that we are now scheduled. But ...



**Chairman Fabiano**

So, this is a five-year agreement.

**Gary Newkirk**

Yes.

**Chairman Fabiano**

And so, you're saying that you're not really happy with disagreement? Can you elaborate to me just a little bit why you're not happy about it, because I didn't sit in on the negotiation's -briefly.

**Gary Newkirk**

Very quickly. We hear, you know, to run it, you know, five-year agreements. And we've been asking forever for a rolling five-year agreement. So, we'd have a little bit more security and a little bit more justification for investing the capital money that we are in the fairgrounds. And three years ago, we were told we couldn't get a five-year License Agreement. They only gave us a one-year extension. Because they wanted the time, a year to work on a way to get us a longer-term agreement.

**Gary Newkirk**

Two years ago, we were told we were only going to get a one-year extension so that they could have time to come up with a longer-term agreement.

**Gary Newkirk**

Last year, we were told we were only going to get a one-year extension so that they could come up with a longer term for us. This year, we had a dedicated committee. A lot of work was done when we finally got back, but basically we're back to just a five-year agreement. With no provision to go longer.

**Chairman Fabiano**

You've never had an agreement past five years, is that correct?

**Gary Newkirk**

That's correct.

**Chairman Fabiano**

Okay. Alrighty. Um,

**Deputy Executive Rider**

If I could speak real quick.

**Chairman Fabiano**

Sure, Mark, go ahead. So, um,

**Deputy Executive Rider**

I just want to acknowledge Jenny Lang, who's here as a first time, new president of the Ag Society. And I know John Fitzpatrick isn't here, but acknowledge the work that he has done up until this point. And he's the outgoing president. And so, I want to thank both of them on the work, and the rest of the committee. I think we've done a great job in this working group to, to not maybe get anything that's perfect for both sides, but something that was agreeable to everybody. So, while I acknowledge what Gary had to say, I do think this is a much-improved license agreement. And I'm happy with the product.

**Chairman Fabiano**

Yeah, I understand that a lot of hard work went into it, which is always good. All right. I'm on the resolution. All in favor?

**Legislator Litts**

Wait, wait a minute Dean. You got a couple of hands up. You've got Tracey Bartels and Jonathan Heppner.

**Chairman Fabiano**

I'm sorry, I did not see them. Go ahead, Tracey.

**Legislator Bartels**

Thank you, Chair Fabiano. Yes, I Marc stole my words. I wanted to acknowledge and congratulate Jenny as well. And thank John for all his hard work. And I also wanted to say, you know, we did we did put a lot of hard work into it and not, you know, it's not perfect all around. But we were attempting to address issues beyond just the term of the contract. And the, you know, that while the term of the contract I respect it, you know, is it is this is a source of concern. For the Ag Society, we made a commitment that on an annual basis, we'll be looking, we'll be meeting we'll be actually staying in contact and at that meeting, we can recommend to the Legislature to re up the five-year agreement that year.

**Legislator Bartels**

So, it wouldn't affect to be a rolling agreement. It's just we don't have a precedent for a rolling agreement. And the County Attorney wasn't comfortable with it. But in effect, all the Legislators in that working Committee, which is a bipartisan committee, Legislator Litts sat on it, sitting here now, that all the legislators in that committee agreed to that in concept. That on a on an, you know, on an annual basis,

we'll be meeting addressing any concerns that either side has, and hopefully moving the legislature to approve a new five-year agreement on an annual basis through amendment. So, it's a workaround to the attorney's concern, but we are trying to address that. We understand the challenges that the Ag Society faces with shorter term agreement.

**Legislator Bartels**

But again, I just want to say that and agree with Deputy Executive Rider that it is a better contract. We were able to address some of the concerns that the Ag Society had in terms of definitions that were vague in terms of responsibility. And some of the concerns that the county had. And then also, the working group was able to look at it and provide input as well. So, I'm very glad that the Ag Society gets a five-year agreement and that we'll be meeting on an annual basis, hopefully, to make it an ongoing five-year agreement.

**Chairman Fabiano**

Now, Legislator Bartels, like I said, I haven't... I got a copy of the agreement today. I haven't gotten a chance to look at it. Now in this agreement, there's nothing there that interferes or interrupts for what the Ag Society has been doing in the past year, such as the Fair, there's no interference with any of that, that that will be business as usual?

**Chairwoman Bartels**

No, yes, that's correct. And it was my understanding, until hearing Mr. Newkirk today, that the Ag Society was happy with it and our county attorneys were happy with it. When I say happy, I use that loosely, the correspondence from John, the outgoing president, the correspondence said, we didn't need to have another meeting. That they were satisfied, and our attorneys were satisfied, which is why it's before you today, given the holidays and the budget cycle, we attempted to have another working group meeting. But I was concerned. I'm the one who put it in because I was concerned that if we didn't get it in, we'd end this year without a contract. So, I wanted to make sure that before the end of the year, the Ag Society and the county had a had this five-year agreement in place.

**Chairman Fabiano**

Very good. Legislator Heppner.

**Legislator Heppner**

Yes, thank you. First, I just want to commend all parties involved in the working group. You know, for, you know, a step forward, and progress. And so, I just wanted to confirm, I think Legislator Bartels actually answered most of my questions. So, in

per Mr. Newkirk's comments, that, you know, kind of we gathering, would be in September of next year? And then kind of that's the annual, you know, kind of me gathering and looking over things again. Is that what he was referring to?

**Legislator Bartels**

Yes.

**Legislator Heppner**

Thank you.

**Chairman Fabiano**

Anyone else have any questions or comments? Legislator Cahill.

**Legislator Cahill**

Mr. Newkirk, good to see you again. I remember my last time-around, we had some activity with the Fairground. So, how long has the ag society been running the Fairground for Ulster County at this point?

**Gary Newkirk**

Fifty over fifty years.

**Legislator Cahill**

Right. So, 50 years, and they've always tried to do that, well, they haven't tried to ,they have done it with a five-year agreement each time or lessor agreements over those course of those years, right?

**Legislator Heppner**

We started out basically, initially with a five-year agreement, and we ran, I think two or three five-year terms. But then everyone kind of recognized that the five-year, you know, we keep asking for a rolling five-year, we know that's not possible at this point.

**Legislator Cahill**

So now...

**Gary Newkirk**

The thing that was frustrating was the last three years, they would only give us a one-year agreement.

**Legislator Cahill**

Okay.

**Gary Newkirk**

With the excuse that we were going to try to get some kind of a longer-term deal. That's all.

**Legislator Cahill**

Right. So, what's the major deterrent to a fixed five-year term versus the rolling five-year term? What are the major issues there? I mean, considering the length of the agreement and the relationship that the Ag Society has had with Ulster County, over half a century, I think it's a pretty solid relationship that I think we can both count on each other for the longer term here. So, I'm just wondering what the big issue is between a rolling five-year and a five-year?

**Legislator Heppner**

The initial the big deal is that, you know, like starting January 1, we will be in good shape for a few years. But when you get out to the about the third year, we have to seriously look at why would we want to invest any more money in the Fairgrounds for capital improvements, whatever, only knowing we had two years left in our license agreement. And we also have to make commitments to all of our outside events. They're looking for one-year, two-year at least, guarantee that they can get the fairgrounds. So, after about the third year into a five-year contract, what kind of kind of hands tied? And to be honest, with you, from businesspeople, we should be shot for investing money in grounds that we have no guarantee that we're going to have. At least with a rolling five-year, you could always have at least, you know, four years, to know that you're able to keep working.

**Legislator Cahill**

Thank you.

**Legislator Litts**

Manna Jo is next.

**Chairman Fabiano**

Go ahead, Manna Jo.

**Legislator Greene**

If this is a response to Gary Newkirk, maybe Tracey should go because what I'm going to ask is a slight change of topic. It's still related to Ag, the Ag Society. Tracey, did you want to respond?

**Legislator Bartels**

I did, but I don't know if Legislator Litts did too. Legislator Litts. Your hand was up also. No.

**Legislator Litts**

I just want to make some explanation to Legislator Cahill. And Gary did an excellent job.

**Chairwoman Bartels**

Okay.

**Legislator Litts**

To run a business, you know, you need... some of their commitments to their vendors, especially the ones that you know, for the Fair, those vendors have other places. So, if you can't guarantee them, next year, or the year after, they're going to make going to make agreements with Buffalo, or Syracuse, or somewhere else. And then you don't have much of a Fair. So, I can understand the frustration in the Ag Society. I'm hoping that come our September meetings, we can put resolution extended for five years and then ended for five years. So, it turns out to be similar to a rolling five-year agreement so that they're not stuck in the quandary of what happens in year four? And what happens in year five? Sorry, that's all I had was that explanation.

**Chairman Fabiano**

Tracey, did you want to speak again?

**Legislator Bartels**

Yeah, I'm sorry, my phone is ringing in the background. And I can't turn it off without hanging up on it. So, hopefully it won't be too irritating.

**Legislator Bartels**

Yeah, I think Herb addressed that. But and I think Herb's sentiment reflects the sentiment of those people working on the on the committee. Which is a sensitivity to the importance of a longer-term agreement for the Ag Society. And therefore, I have confidence that when we meet on an annual basis, that's what we'll be discussing. We'll be discussing, you know, any issues that have arisen and extending the contract for that reason, on an annualized basis. It's just that there isn't... our County Attorney wasn't comfortable with the so called rolling five-year, which is essentially an indefinite contract. But we're going to be meeting on a regular basis.

**Legislator Bartels**

And to just look back, the... it's very unfortunate that we've had these three years of one-year agreements. And they started, in part, due to the previous administration and a disconnect that was happening.

**Legislator Bartels**

And that's the other thing, I think that we're going to solve with this annual meeting. Because the Legislature is also committed to being more directly involved. So, it's not going to be something that can get away from us entirely. We're going to have a seat at the table with the Executive's people and the Ag Society in order to keep a healthy line of communication open. And I'm confident through the leadership in the Ag Society, through Gary and Jenny, and all those involved, in the passion of all those people, that we're all going to be moving forward in the same direction. I think we all have a real appreciation for what the Ag Society does and has created at that space.

**Chairman Fabiano**

Manna Jo.

**Legislator Greene**

Yeah, this I see, Laura is probably wanting to speak directly to this. But I just want to remind folks that early on in these conversations, and an issue came up in the Climate Smart Committee, and we asked to, as part of these negotiations, to have an opportunity to be about increased waste diversion. You know, on-site composting and other climate solutions that that could be modeled at that site and at the events that take place there.

**Legislator Greene**

And so, I want to bring that back up, again, one way or another. It seems like we're coming to a conclusion that people can live with and work with annually, but I don't want that request to get lost. And, Jenny, if you could sort of make note of that. There are a few people from the Climate Smart Committee, and I expect that maybe Legislator Bartels and Legislator Petit might want to join us, but that was a request. And the meetings were ongoing and focused on the need to resolve the overall agreement, but I think there's opportunity there. So, I wanted to bookmark that.

**Chairman Fabiano**

Laura.

**Legislator Petit**

Thank you. And just to, you know, add on to what Manna Jo said, Tracey and I were on that committee, and we did put recycling into the contract. So, there's that.

**Legislator Petit**

I'm just so [confused]. I had received an email that the outgoing director and the incoming director had spoken to Counsel. And they were okay with the contract. I do agree with Legislator Litts. If we put in the rolling five-years, there is an out clause. So, it's like with any other contract, if we're very unhappy with any of the, you know, the events or any, you know, any programs that are going on or aren't going on, the Legislature and the County Executive had that option to terminate the contract.

**Legislator Petit**

I'm very sympathetic to the concerns by the Ag Society. Because they have put a great deal of money into it. And it would be like any triple net lease. I mean, if you're investing in the capital, you want to make sure that you have a long-term commitment from, you know, the person that you're leasing it from. And, you know, going back 30 or 40 years, that was just a little tiny rinky-dink county fair with really no buildings. And it's amazing. Several facilities right now.

**Legislator Petit**

So, I don't know how you'd like to proceed. But again, I just I wanted to question because I thought everyone was okay with the contract. And, you know, could we put those five-year rolling in and if there's an issue, then we'll terminate the contract.

**Deputy Executive Rider**

If I could just weigh in, because I've asked the county attorney to weigh in, and he's not comfortable with the rolling five-year. I mean, tonight, you have another vendor of the county who I'm sure would love a rolling five-year agreement and is looking at one-year extension. In the past, if lease was longer than five years, the county needed to be surplused over to an LDC, like the IDA, and then a longer-term agreement was done. I don't know if there's the will of this body to do that. But that is the other option besides a regular five-year agreement.

**Legislator Bartels**

Dean, it's Tracey, can I weigh in here too?

**Chairman Fabiano**

Absolutely, Trace, go ahead.

**Legislator Bartels**

So, I just want to read an excerpt from the from the contract because, again, it was my understanding to, since John Fitzpatrick was copied, Gary and Jenny, everyone



was copied on this this email where john said that they're agreeable to the changes, and they would accept the changes. But when I say that we are going to, at the annual meeting, you know, that there's a commitment from the Legislature, it's, it's a commitment in the contract.

**Legislator Bartels**

The contract reads, among the subjects to be discussed at the annual meeting is whether the license agreement should be amended, subject to the provisions of paragraph 2B above, to provide for the renewal of the five-year term.

**Legislator Bartels**

So, we're contractually obligated, annually, to discuss the renewal, annually. Meaning that if everything is agreeable, and in good form, we would be renewing annually. So, effectively, we are going to be doing a rolling five-year lease, it's just our County Attorney is not comfortable with contracting with a rolling five-year lease. But we've met in the middle in terms of putting it actually into the contract saying that we are going to discuss it and consider renewing on an annual basis.

**Legislator Bartels**

And, Dean, if I could add, I worry that if we delay, that, I mean, this is it. This is what we need to do to get it to the floor for December. So, it just concerns me that if we delay, we're out this year, which I wouldn't want to do to the to the Ag Society in any way, shape, or form.

**Chairman Fabiano**

I agree. Exactly. All right. Any other questions or comments?

**Legislator Litts**

Gary's got his hand up.

**Chairman Fabiano**

Yeah, go ahead Gary.

**Legislator Heppner**

I'm sorry, I've got everybody into this. I mean, I've been doing this thirty some years. And the frustration has just got to me. In fact, you'll notice I turned it over to John and Jenny to do a lot of negotiations because I just can't go through it anymore. But it's frustration coming out on my part. I do want to admit the clause that we finally got in there. But I also want to clarify that went in last week or the week before. And it took our lawyer talking to the county attorney, even to get that clause in there that we would discuss the possibility in our September meeting. The fact that that's in

there now. And it's part of the agenda, that meeting, at least makes me feel comfortable. Because I'm sorry, you people change every year, there's different faces on the screen. And September rolls around, people may come in and not know anything about the agreement and the fact that we're going to discuss that. So, the fact that that's in there now, and the contract. And like I say it just went in last week. It makes me feel a lot better. And so, I mean I suggest we just move forward at this point.

**Chairman Fabiano**

Okay, so on the resolution. All in favor?

**Committee Members**

Aye. (5-0)

**Chairman Fabiano**

All opposed. Motion carried. Thank you, Gary, for taking the time to come.

**Gary Newkirk**

Okay, well, thank you guys. I don't see everybody have a very, very happy holiday season. And I look forward to another 50 years working with you folks.(laughter)

**Legislator Litts**

Take care, Gary.

**Legislator Heppner**

Thank you very guys. All right.

**Jenny Lang**

I just want to pop in and say thank you and happy holidays.

**Legislator Litts**

Happy holidays to all.

**Chairman Fabiano**

Right. The next resolution pertains to the Catskill Mountain Railroad. Ernie Hunt is with us tonight. And it's Resolution Number 462: Approving The Execution Of A Contract Anticipated To Exceed \$50,000.00 Entered Into By The County – Catskill Mountain Railroad Company, Inc. – Department Of Public Works.

**Chairman Fabiano**

Any discussion. Ernie.

**Legislator Litts**

I'll move it.

**Legislator Greene**

Second.

**Chairman Fabiano**

Motion made by Legislator Litts. Second by Legislator Greene for discussion.

**Chairman Fabiano**

Ernie, did you want to go first?

**Ernest Hunt**

I'll just be happy to speak. Obviously, you know, we would love to have a longer contract. But we know that the Track Committee is reviewing this issue and the length of the track that we operate on. And we know that's going to be a discussion that we'll be having next year. So, we're fine to move forward with the contract as is. We look forward to discussing a longer contract next year, and potentially more length of track. Thank you.

**Chairman Fabiano**

I read the letter that you sent to Tom Jackson, earlier today. And despite the COVID-19 crisis, things went pretty well.

**Ernest Hunt**

Yes, sir. We've done amazingly well. We have six flat cars that were operating at 30% capacity. 84 people per train and a lot of our trains have been full. I mean, this full they can be.

**Chairman Fabiano**

Very good.

**Ernest Hunt**

We've done very well.

**Chairman Fabiano**

Anybody else have any comments or questions? If not, I'll ask for a motion to move the resolution.

**Legislator Litts**

So moved.

**Chairman Fabiano**

I believe.... A motion made by Legislator Litts.

**Legislator Heppner**

Legislator Fabiano, I believe Deputy Executive Milgrim had his hand up.

**Chairman Fabiano**

I'm sorry, see I can't for some reason I can't see that on my screen. I apologize. Go ahead, John.

**Deputy Executive Milgrim**

Thank you so much. Yeah, I just wanted to let you know I was here. I have been working with Matt and Ernie to come up with this contract extension. There were a few kind of minor changes I assume everyone's fairly familiar with regarding just the insurance level. And the second payment next year, considering whether COVID is still going to be here or not, but anticipating that.

**Deputy Executive Milgrim**

They have done a nice job pivoting, keeping these open-air cars operating, which is appreciated. And I have seen the trains moving with groups on them that are spaced nicely. So, you know, I'm hoping they can get as much out of the season as possible before it's just not, you know, temperate enough to keep running. But if anyone had any questions, I just want you to know that I was here and that's... that was it.

**Chairman Fabiano**

Okay, so we have a motion by Legislator Litts. Do I have a second?

**Legislator Greene**

Yes. Second.

**Chairman Fabiano**

Seconded by Legislator Greene. All in favor on the resolution?

**Committee Members**

Aye. (5-0)

**Chairman Fabiano**

Opposed? Motion carried. Okay, thank you Ernie for coming.

**Ernest Hunt**

Thank you all very much. And please have a have a happy holiday.

**Chairman Fabiano**

And you do the same.

**Ernest Hunt**

And if you want to ride a train, come on by.

**Chairman Fabiano**

Take care.

**Chairman Fabiano**

Okay. Now we'll go back to the order of the resolutions. Resolution Number 446: Authorizing The Chair Of The Ulster County Legislature To Amend An Agreement With The New York State Unified Court System – Department Of Public Works (Buildings And Grounds). This is a one year...

**Legislator Litts**

Moved.

**Chairman Fabiano**

Motion made by Legislator Litts.

**Legislator Greene**

Second.

**Chairman Fabiano**

Seconded by Legislator Greene. All in favor?

**Committee Members**

Aye. (5-0)

**Chairman Fabiano**

All opposed. Motion carried.

**Chairman Fabiano**

Resolution Number 449. Amending Capital Project No. 519, Ulster County Law Enforcement Center Energy Upgrades – Amending The 2020 Capital Fund Budget – Department Of Public Works (Buildings & Grounds). We just passed this in Law Enforcement and Public Safety.

**Chairman Fabiano**

I'll move this.

**Legislator Heppner**

I'll second.

**Chairman Fabiano**

Seconded by Legislator Heppner All in favor.

**Legislator Litts**

Marc Rider had his hand up.

**Chairman Fabiano**

Oh, I'm sorry, Marc, go ahead.

**Deputy Executive Rider**

I don't need to speak upon it. I don't want to delay the vote.

**Legislator Litts**

So, what like, I'd like to hear what the improvements are going to be.

**Deputy Executive Rider**

Yeah, sure. This is an... it's I believe in the backup, but these are design services for the replacement of the boilers. It's approximately \$49,000 with the \$5,000 contingency, bringing the total project up to \$685,000.

**Legislator Litts**

That is not...

**Deputy Executive Rider**

This was done, just as a background and why Amanda's here. We did a flextech energy study, to evaluate the best, you know, fuel sources for this facility. And it was determined that this was the best way to go at this time.

**Legislator Litts**

Who did that study?

**Deputy Executive Rider**

[NYPA] NYSERDA? Amanda, are you on or maybe Evelyn?

**Deputy Executive Wright**

That study was partially funded through the flextech program with NYSERDA. It was GPI and LNS who did the actual energy master plan study.

**Legislator Litts**

Thank you.

**Legislator Greene**

I would like to make a comment. And I know that Legislator Bruno and others had some concerns about cost in Energy and Environment. But, you know, I, I trust that this was the best conclusion that could have, we could have come up with at the time. But to me, this is like an addict who says, get clean tomorrow, next week. And you know, that's how I feel about it. I believe I made sort of a protest vote last time. But I think we have to stop saying we're going to fix things tomorrow.

**Legislator Greene**

And I was very pleased to hear in Energy and Environment that all future projects, you know, this is this was a project built kind of right at the cusp, where people were not quite convinced that we were in the climate crisis. That is the jail itself, the Law Enforcement Center, we were clear about the climate crisis when this decision was made. And it was made on a practical basis. And in this year of COVID, we're being more practical, we have to be more practical than ever. But I was really glad to hear that moving forward, that climate considerations, sustainability considerations will be taken into account for all projects moving forward. And I really do appreciate that. And I want to acknowledge that. Because we just can't afford not to.

**Legislator Greene**

But there were some real financial questions too I know that Legislator Bruno and others had.

**Chairman Fabiano**

Legislator Bruno, do you have any questions?

**Legislator Bruno**

Yeah, questions/comments. And thank you Manna Jo. My concerns is like, they kind of mirror Manna Jo's. I understand. We want to do the best that we can for the county for the environment with the technology available today. The question I asked her in Energy Environment whether this project was being done because it was a needed project because the boilers are no longer working, and we have a possibility of running into a no heat situation. Or whether they're just being done as a wish list item. I was told that it's a serviceability issue.

**Legislator Bruno**

That being said, I also know I was concerned that this additional \$50,000 is being added to a budget that was already laid out. Under 449, under the Schedule A, it pretty much laid out what was going to be done. The boilers are going to be replaced with modulating condensing gas boilers, and they were the most energy efficient at this time, for this project.

**Legislator Bruno**

My concern is seeing that \$49,000 and then today reading the other resolutions that are before this committee tonight, which is resolution 451, which is asking for \$57,401 for a service contract with Ashley Mechanical, who does excellent work. I've worked with them in the past, for service work on the old system through the years to 2020-2022.

**Legislator Bruno**

There's also Resolution 464 for an execution of a contract of \$75,200 for Eastern Heating and Cooling, for control work for the HVAC system for the new system. To me, it seems like this job is being done piece-meal. And I don't think it's being done. for lack of a better way of putting it, it sounds like they know what the number is going to be. But they don't want to put it all out there because it's extremely expensive. So, they're going to do with little pieces. And little piece at a time, is not so bad. But if you put it all together, this thing should be going out the public bid.

**Deputy Executive Rider**

And this is public bid. I just want to clarify that these were bid contracts.

**Legislator Bruno**

Separately. But my question is, why wasn't all of these things, this, the serviceability the gas lines, the new boilers, the design work, the maintenance of it, and the controls to make it all work, because you went out to controls, it doesn't work. All put in on one number, so we can get a real honest number, what this system is going to cost us.



**Deputy Executive Rider**

I'll let Tom speak to that. But um, I mean, you have different firms that specialize in different things, but go ahead.

**Legislator Bruno**

That's called subcontractors.

**Chairman Fabiano**

You made a good point.

**Tom Jackson**

If I, if I could just say that under procurement guidelines, we can't do design-build contracts. So, there has to be a design firm, an engineering design firm, to design and then it's not just producing drawings, the full scope of this contract with this engineering company includes construction management, construction inspection, holding construction meetings, reviewing submissions from the contractor that does the work. But they have to be separate entities that can't be under one contract.

**Tom Jackson**

And I would just say this, Legislator Bruno, we have to come to the Legislature incrementally, because we don't know what the full costs are up front until we have the design for the installation of these boilers, we won't have the bid specs. Once we have the bid specs and we put it out to bid, then we'll have an actual number to come to the Legislature to approve as an amendment to the Capital Project. Meanwhile, in the Capital Plan, we try to accommodate what we what we anticipate the costs might be, but there not actual costs. So, we do come back, we do come back to the Legislature repeatedly, but that's by design.

**Legislator Bruno**

Um, thank you. I appreciate that. Um, if I may, Chairman Fabiano. Then it seems to me that the first thing that should be in front of us, and the only thing that should be in front of us at this point, should be the design. Not the guesswork. Not the service work, not the control work. None of that should even be on the table until after it's designed. It's like putting the cart before the horse. I agree with you, I understand what you're saying, but so why are we? Why are we laying money out for stuff that we don't even know what's going to cost us yet? We're just throwing the [inaudible] sticks.

**Tom Jackson**

The Ashley Mechanical contract expires at the end of this year. And we don't see those boilers getting replaced until sometime in 2021. So, they have to continue to be operated. And that's what Ashley Mechanical does. They do a very good job of that.

**Don Quesnell**

And even when we have our new boilers, we're still going to need a maintenance contract to maintain them. So, this is one of our general preventive maintenance contracts we had during the year that doesn't get paid out of the Capital Program, but instead gets paid out of our Operating Budget. It's a really a rolling, excuse the term, it's a rolling contract for us. And that's also part of the reason why I got bid separately, because it's not a part of the Capital Project itself.

**Legislator Bruno**

I can tell you that the difference between Cleaver Brooks, massive Cleaver Brooks oil fired boilers, and modulating condensing gas boilers are completely like apples and oranges. They're totally two different items. They're totally two different services. And there should be totally two different service numbers on those from Ashley. So, I understand you have to maintain this plan as long as it's operating, to keep it operating until we can get the new ones in that I get. But if you say it's going to be early into 2021, that's one year, it almost makes sense to have almost a [T&M] job on this. Not that you can really do that because it leaves itself wide open. But I'm just concerned that there's so many layers that we don't, like us yourself, said Mr. Jackson, that we don't know what the costs are going to be it, we get before us our resolutions asking us to approve costs. I have an issue with that. I'm sorry. That's just personal opinion first from my professional experience.

And just so anybody who isn't aware, I come from the eating business. I've been in the heating and air conditioning business all my life. I work for a building, you know, which is upwards around 1600, 16,000 square feet, I'm sorry. 1.6 million square feet. Excuse me. We have two boiler plants and massive things that we're constantly on the docket for replacing and repairing. So, I'm not talking from inexperience. And that's why I'm concerned with those. I see how these projects can get out of control very quickly.

**Nettie Tomshaw**

Legislator Heppner.

**Chairman Fabiano**

Go ahead Legislator Heppner.

**Legislator Heppner**

Thank you. So, I remember when this process started with the JR, boilers. And I remember, you know, we were waiting on the spec study. I'm just curious, can you? I'm not sure if this was discussed in energy and environment. But can you remind me because I remember. So, the installation of the gas that was covered? Correct?

**Deputy Executive Rider**

So...

**Legislator Heppner**

Because it so happened, we were fortunate

**Deputy Executive Rider**

that that was central Hudson was already laying gas lines along the road?

**Legislator Heppner**

Yeah, I remember that.

**Deputy Executive Rider**

And it was most cost effective for us to do it at that time. We saved a lot of money doing it. And that was a prior amount. \$242,000, Resolution 203, back in 2019.

**Legislator Heppner**

Okay. And so, and what is the status of the contract for the fuel now? For this new system?

**Don Quesnell**

Yes. We are running on natural gas currently at the jail.

**Legislator Heppner**

Yeah. So, but... so what... can you remind me what the status, is of that contract yearly? How does that contract work in terms of...

**Don Quesnell**

I honestly, I'd have to look that one up for you. I know it says it's on as needed basis. They may turn back the amount we get if a hospital decides they need more. That's why I'm always...

**Legislator Heppner**

Because I remember...

**Tom Jackson**

If I could address that, Don?

**Amanda LaValle**

Okay, I'll jump in. It is an interruptible rate. That was part of the reason why we paid to have the gas line extended. If we had negotiated in uninterruptible service, Central Hudson would have covered the cost of that extension. However, it was important for us not to be locked in long term to gas only at that facility.

**Legislator Heppner**

I remember that. So, that's, that's what I was asking.

**Chairman Fabiano**

I remember that too.

**Legislator Heppner**

I knew there was something that was we would say in terms of being locked in or not. Okay, thank you.

**Chairman Fabiano**

Anybody else? Okay. On the resolution, all in favor?

**Committee Members**

(Raised hands: Fabiano, Cahill, Heppner, Greene 4-0).

**Chairman Fabiano**

All opposed?

**Legislator Litts**

Mr. Chairman, I'll be abstaining.

**Chairman Fabiano**

Abstention from Legislator Litts.

**Chairman Fabiano**

All in favor?

**Committee Members**

Aye.

**Chairman Fabiano**

All opposed? Aye, what? You're in favor or opposed?

**Legislator Heppner**

In favor.

**Chairman Fabiano**

Okay, Legislator, Cahill. Are you in favor?

**Legislator Cahill**

Yes, sir. Aye.

**Chairman Fabiano**

Okay. Manna Jo?

**Nettie Tomshaw**

Unmute yourself, Manna.

**Chairman Fabiano**

Boy, oh, boy. I'm telling you.

**Legislator Greene**

Thank you. Yes, reluctantly, I'll be an aye.

**Chairman Fabiano**

And I'm a yes. Motion carried. (4-0, Litts abstained)

**Chairman Fabiano**

Resolution Number 451: Approving The Execution Of A Contract For \$57,401.00 Entered Into By The County – Ashley Mechanical, Inc. – Department Of Public Works.

**Legislator Cahill**

I'll move it.

**Legislator Heppner**

I'll second.

**Chairman Fabiano**

Motion made by Legislator Cahill, seconded by Legislator Heppner.

**Chairman Fabiano**

All in favor?

**Chairman Fabiano**

Aye. (5-0)

**Chairman Fabiano**

All opposed. Motion carried.

**Chairman Fabiano**

Resolution number 452: Amending The 2020 - 2025 Capital Improvement Program – Establishing Capital Project No. 577 McKinstry Bridge, Town Of Gardiner – Amending The 2020 Capital Fund Budget – Department Of Public Works

**Chairman Fabiano**

I'll move it.

**Chairman Fabiano**

Motion made by Legislator Litts.

**Legislator Cahill**

I'll second.

**Chairman Fabiano**

Seconded by Legislator Cahill.

**Chairman Fabiano**

All in favor?

**Committee Members**

Aye. (5-0)

**Chairman Fabiano**

All opposed? Motion carried.

**Chairman Fabiano**

Resolution Number 454: Approving The Execution Of A Contract For \$113,000.00 Entered Into By The County – Creighton Manning Engineering, L.L.P. – Department Of Public Works.

**Chairman Fabiano**

no more.

**Chairman Fabiano**

Motion made by Legislator Litts.

**Legislator Heppner**

I'll second.

**Chairman Fabiano**

Seconded by Legislator Heppner.

**Chairman Fabiano**

All in favor?

**Chairman Fabiano**

Aye. (5-0)

**Chairman Fabiano**

All opposed. Motion carried.

**Chairman Fabiano**

Resolution Number 461: Approving The Execution Of A Contract Amendment For \$19,150.00, Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – Miller Environmental Group, Inc. – Department Of Public Works. This is for increased funding for cleaning and maintenance of an oil water separator.

**Legislator Heppner**

I'll move.

**Chairman Fabiano**

Move made by Legislator Heppner. Seconded by Legislator Fabiano.

**Chairman Fabiano**

All in favor?

**Chairman Fabiano**

Aye. (5-0)

**Chairman Fabiano**

All opposed. Motion carried.

**Chairman Fabiano**

Resolution Number 463: Approving The Execution Of A Contract For \$213,500.76 Entered Into By The County – County Waste And Recycling Service, Inc. – Department Of Public Works

**Legislator Litts**

I'll move it.

**Chairman Fabiano**

Motion made by Legislator Litts.

**Legislator Cahill**

I'll second and I have a question.

**Chairman Fabiano**

Seconded by Legislator Cahill. Legislator, what's your question?

**Legislator Cahill**

Tom, Commissioner Jackson, what is that for? What is County Waste taking away from the county.

**Tom Jackson**

Do all the refuse removal and they carted to the resource recovery agency.

**Legislator Cahill**

So, that's for all county visit all county buildings.

**Tom Jackson**

Yes, it is. Okay. This contract was held previously by Rail Carting, so it's... we contract this out every year. It's not a specialty thing.



**Legislator Cahill**

Gotcha. Thank you.

**Tom Jackson**

They got... this company got the bid this time around.

**Legislator Greene**

I have a question, also.

**Chairman Fabiano**

Legislator Greene. Go ahead.

**Legislator Greene**

Thank you. It just... I think I asked this a year ago or so. But it's about whether or not we're participating in dual stream recycling. That question came up. The Agency is no longer accepting single stream. And I know that it is sort-separated in the building. That there was a period of time where, I think probably the previous carter, was not keeping it separated.

**Tom Jackson**

So, this contract requires dual stream.

**Legislator Greene**

Thank you.

**Chairman Fabiano**

On the resolution. All in favor?

**Legislator Litts**

Al Bruno's got his hand up.

**Chairman Fabiano**

Sorry, go ahead, Al.

**Legislator Bruno**

Thank you, Chairman. Fabiano. I know this is probably a question coming out of ignorance, so, I apologize ahead of time. But is there any reason why the Ulster County Resource Recovery Agency isn't just trucking this stuff themselves so, we can save the contract? I mean, why can't we just haul it ourselves? Why are we spending all this money?

**Deputy Executive Rider**

So, the RRA would charge, they charge tipping fees. They charge municipalities when they go to their transfer stations, fees. I mean, it would not be free because it's not an agency that we per se control. It's an independent agency.

**Legislator Bruno**

[Laughter] You understand my misgivings on that, right?

**Legislator Litts**

Al, I think they pick up from like 40 or 60 different buildings.

**Legislator Cahill**

Yeah, RRA doesn't do refuse collection do they?

**Deputy Executive Rider**

No.

**Legislator Bruno**

Okay, it just seems odd we have an Agency within the county, and under the control of the county, per se, and then we're contracting out to a third party. seems interesting, as a government that we do that. It almost makes sense of the amount of money we spend on this used to buy our own garbage truck to pay somebody to do it. You know, put somebody on our payroll to haul our garbage. Sorry, I'm just thinking, you know, common sense way.

**Deputy Executive Rider**

I just want to point out one thing that this is a three-year contract. This is not a one-year contract. This was bid recently in the last time it was bid was 2014. So, the amount is actually for three years.

**Legislator Bruno**

Okay, that's a little different.

**Chairman Fabiano**

Okay, on the resolution. All in favor?

**Committee Members**

Aye. (5-0)

**Chairman Fabiano**

All opposed. Motion carried.

**Chairman Fabiano**

And the last resolution we have for tonight is Resolution Number 464: Approving The Execution Of A Contract For \$75,200.00 Entered Into By The County – Eastern Heating And Cooling, Inc. – Department Of Public Works. I think we just discussed this.

**Legislator Heppner**

I'll move it.

**Chairman Fabiano**

Motion made by Legislator Heppner.

**Legislator Greene**

Second.

**Chairman Fabiano**

Seconded by Legislator Greene.

**Chairman Fabiano**

All in favor.

**Committee Members**

Aye. (4-0, Litts abstained)

**Chairman Fabiano**

All opposed?

**Legislator Litts**

I have to abstain, Mr. Chairman.

**Chairman Fabiano**

Okay. Legislator Litts has to abstain. Resolution is adopted.

**Chairman Fabiano**

Anybody have any old business that they would like to discuss?

**Legislator Greene**

I would.

**Chairman Fabiano**

Go ahead, Legislator Greene.

**Legislator Greene**

This is a question that's come up recently, relating to the Zero Waste Implementation Plan, which is moving along really well. And it has to do with the question of crumb rubber. It seems to me years ago. actually, I remember when Congressman Hinchey was Assemblyman Hinchey. He brought forward a bill promoting crumb rubber in New York And there was several years where that seemed very popular and the State Department of Transportation had specifications and they were even they even had some statistics to show that it was beneficial on the kind of windy and hilly country roads that we have a lot of. And then I recall that as we started to do more recycling of asphalt in place, that you couldn't do that if it was crumb rubber. And I just wanted to with Tom Jackson, and others here who might know, I wanted to double check about that. So, I could bring the right information back to bat Zero Waste Implementation Plan.

**Chairman Fabiano**

Tom?

**Tom Jackson**

Herb has his hand up. He probably knows more about this than I do.

**Chairman Fabiano**

Go ahead.

**Legislator Litts**

As a young fellow I wrote the specification for the Department of Transportation utilizing recycled crumb rubber in our pavements. And not only pavements, we used it in embankments, we layered it in embankments. Interchange 17, down at Newburgh has crumb rubber that came from Saugerties, by the way, the dump.

**Legislator Litts**

They developed issues and problems. Running crumb rubber, or the recycled rubber through the asphalt plant gums it up and creates issues for them. So, they had to decrease the amount that they put in. And they were having some issues with lay down and fatigue over a period of time.

**Legislator Litts**

And then in the embankments, if you put it into thick, or you have free water and with the steel belts in the tires, it actually, instantaneously combusts. And there is a fire in Maine, in a in a rubber tire embankment, that started, I believe in 1989, and it's still burning. And will continue to burn for a number of years, if not a 100- years.

**Legislator Litts**

So, there's been some issues with using crumb rubber. The other issue is there was a plant in Hudson that was utilizing, they chipped the rubber, and then they ran it through liquid nitrogen so they could separate it all out into small pills. And they were making, you know, parking lot bumpers and a whole bunch of other things. They were making park benches out of it. The only thing is, it is very cost prohibitive. That that process is very costly. When the federal government and state government were giving him grant money to do it, it was worth their while. But once that money dried up, it became too expensive to produce those products. So, the plant went out of business.

**Legislator Litts**

Anyway, that's the short and long of crumb rubber.

**Chairman Fabiano**

Anybody else? Any old business?

**Chairman Fabiano**

Okay, under new business. Mr. Jackson, I only have one thing. In my Legislative district, I've been receiving a few phone calls and a few complaints in the area of 637 Kings Highway, near the Mount Marion Cemetery. There's a quite large dead tree on the shoulder of the road. And it's starting to drop branches, quite large branches sometimes, into the road and are fearful that a car or truck might get hit. I went and checked it out. They have a ribbon around the tree to identify it. And the tree is dead as a doornail. So, if they could take a look at that and see, you know, if they get some time that maybe they can trim it down or just take it down.

**Tom Jackson**

Sure, of course. Dean, would you mind shooting me an email with a copy to Marc, and a copy of Brendan? Just going on record with this and we'll certainly take care of it.

**Legislator Fabiano**

Okay. So, to you and to Brendan?

**Tom Jackson**

And a copy to Marc so he's aware of the request. Marc Rider?

**Tom Jackson**

Yes. Marc Rider.

**Chairman Fabiano**

Okay. No problem.

**Deputy Executive Rider**

You said 636. What road?

**Chairman Fabiano**

637 Kings Highway.

**Deputy Executive Rider**

Okay. Right.

**Chairman Fabiano**

It's right by Mount Marion Cemetery. It's right on the edge. And the tree is like, I don't know, maybe a foot, two feet off the white line. And it's quite large. And it's dead. But I'll send you an email.

**Tom Jackson**

Do that. And I'll talk to Brendan first thing in the morning and he'll send somebody out to take a look at it. Probably Jonathan [Craft] who's the section supervisor there. We'll get we'll get a quick look at it and assess it. And shoot me an email. I'll get back to you and keep you posted with what we intend to do and when we're going to do it. Okay?

**Chairman Fabiano**

Okay. Thank you so much. Yeah.

**Tom Jackson**

And when it's done, okay? Thank you.

**Chairman Fabiano**

Anybody else have anything?

**Legislator Litts**

I'll make a motion for adjournment, Mr. Chairman.

**Chairman Fabiano**

Okay. Legislator Litts. makes a motion to adjourn. Do I have a second?

**Legislator Greene**

Second.

**Chairman Fabiano**

Seconded by Manna Jo Greene. All in favor?

**Committee Members**

Aye. (5-0)

**Chairman Fabiano**

All opposed? Motion carried.

**Chairman Fabiano**

Everybody have a good night. And we will see you soon. Thank you.