

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Public Works & Capital Projects Committee
DATE & TIME: December 13, 2010 @ 5:30 PM
PLACE: Library Conference Room, 6th Floor, County Office Building

LEGISLATORS PRESENT: Chairman Dean Fabiano, Deputy Chairman Peter Loughran, Legislators Roy Hochberg (arrived @5:36), James Maloney, Kevin Roberts, Frank Felicello, Jeanette Provenzano

LEGISLATORS EXCUSED: None

OTHERS ATTENDING: Legislator Paul Hansut, Legislator Mary Beth Maio, Deputy County Executive Robert Sudlow, Ray Costantino (Town of Lloyd Supervisor), Mark Reynolds (Southern Ulster Times)

MEETING CALLED TO ORDER @ 5:32 PM

APPROVAL OF THE NOVEMBER 1, 2010 MINUTES:

Motion offered by Legislator Maloney, Seconded by Legislator Loughran, All in Favor, Carried.

ULSTER COUNTY HIGHWAY ROAD PROJECTS SUBCOMMITTEE UPDATE: (Update given by Chairman of the Subcommittee Legislator Frank Felicello) Started out by commending Deputy County Executive Robert Sudlow and Commissioner Dave Sheeley (not in attendance) and the Public Works Department for doing an outstanding job. He stated that the report that was requested and received was very informative and that the Committee along with several other Legislators would like to have this report done on a yearly basis. Now that a format has been established it will be easier to produce yearly. He stated that 98% of the Public Works projects have been completed on time and on cost. One of the biggest concerns this year has been, and continues to be, the Lloyd Project. He stated that problems started back in 2001 when a contract was signed with the Town of Lloyd and the Fiber Optics Company (MFSNT Company). There were set backs because the County was unaware of the Fiber Optics. He stated that the Public Works Department has assured him that the project will be completed at the earliest convenience. They are now encountering delays due to the weather. Engineers and traffic control will be putting up signage at the project site and he feels that this should alleviate the traffic problems that exist. Legislator Felicello as a member of the Legislative body apologized to Mr. Costantino and the Town of Lloyd for the problems that have occurred.

Provenzano: Stated that in the report there were problems that occurred that were out of the County's control. The problems were addressed as they came up. She stated that the Town of Lloyd residents should now be notified that with the winter months now here, work will cease. Mr. Costantino stated that you cannot pave this time of year but they can continue with their concrete work on the bridge itself. Legislator Provenzano hopes that is true and that work will continue.

Felicello: Assured that the Public Works Committee, along with the Chairman will push for them to fulfill their obligations, even throughout the winter months. Mr. Costantino stated that they can continue to do concrete work, continue to put the pipe in, all of those things can be done because it is up high and dry. It

is going to take longer to do the concrete because of the cold, but it all could be completed so when the spring comes, they could put the fill in and then pave.

Felicello: Asked Mr. Sudlow to give a report, so the Town of Lloyd residents can be notified as to the status of this project and what work can be expected during the winter months and when a completion date can be anticipated.

Sudlow: Stated that the project is not going to stop but will be weather restricting. Their next point is the winter break; get the first bridge that is under construction now, to be completed as soon as humanly possible after the weather breaks. It is their goal not to enter another school year without this project being completed.

Felicello: Q/Asked again if the project was going to proceed through the winter or shut down? A/Sudlow/Stated to his knowledge that there has not been a stop order given. Legislator Felicello stated that Mr. Costantino and Legislator Hansut have both been at the site and have conveyed that there is very little to no work being done on this project.

Costantino: Stated that he understands, being a Contractor himself, what this Contractor had to do at this site and the lost time with the different site conditions. There was a four months delay; he stopped, put everything on hold and then four months later started up again. His question is how long did the Contractor anticipate being? If he didn't have a different site condition, and if he said six months, then add four months to that and the project should be completed. But it is not. Why didn't the Contractor work diligently? Why didn't he put more men on the Job? Why wasn't he held to a time schedule? He's knows that being a contractor that there are penalties when a job is not completed.

Felicello: Stated that because of the incompleteness of the project, there are certain questions that under the guidance of our Attorney cannot be answered at this point because of confidentiality and also that Mr. Sudlow has reassured him that according to his verbiage with the Contractor, they are still working at the project site. Legislator Hansut stated he just went out to the site and there were three or four guys on site with the foreman.

Roberts: Q/Sudlow/When you refer to school year, do you mean September 2011? Both bridges? A/Yes

Provenzano: Q/So the Committee can be kept current on the status of this particular project; can they receive a monthly report? What progress is being made or not being made? Legislator Felicello added that the Public Works department should be receiving these reports.

Felicello: Q/Sudlow/Shouldn't the Committee see the work orders? That would show the progress. A/He is not totally privy to how the process works, there are Consultants who are responsible for that, there is a Clerk of the Works on site who is monitored by the Consultants and they meet regularly with the Consultants and the Contractors. Q/So you do have that information? A/Yes, but is unsure as to what format that information is exchanged.

Felicello: Stated that he has been on Public Works for close to twenty years and stated that he does not remember encountering this type of highway related problem before.

Provenzano: Stated that was her point, people are hired to oversee the job and that there has to be a written report. She believes that the Committee should be entitled to this written report.

Maloney: Echoes what Legislator Provenzano is saying. Also after the comments by Mr. Costantino and Legislator Hansut, if there is a problem and workers have not been on the job for an extended time period that this Committee should have been the first to know. He stated that something needs to be put in place to prevent this from happening again. These questions and answers need to happen at every monthly meeting even if it is only a brief update.

Felicello: Stated that prior to the Charter this Committee did in fact receive a monthly progress report and that does not happen any longer.

Maloney: Reiterated that after a four month delay that the Committee should have been informed.

Provenzano: Stated that a couple of months ago that this Committee did receive an update on all projects from Sue Ronga, and pictures were included. That was an excellent report and if that cannot happen monthly than she recommends it bi-monthly. Legislator Fabiano stated that the pictures from that report involved the Kerhonkson Bridge site. It showed the damage that the flooding caused. Legislator Provenzano added that there were discussions, just like the discussions tonight regarding the Lloyd project.

Hansut: Q/Where was Sue Ronga getting her information from? From the Consultants? Perhaps she was receiving the wrong information because in that report it stated that the project would be completed by December.

Costantino: Stated that he heard the schedule, it is a year project and each bridge receives six months. If the drop dead date is September 2011 for the second bridge and if you count back six months, then that means the second bridge needs to start in March. The first bridge is not completed yet and is not anticipated to be completed until July. Does not believe that it will be completed in the schedule that is being given.

Felicello: Stated to Mr. Sudlow that there will have to be a pretty aggressive schedule to meet this deadline. Mr. Sudlow stated that the goal is to have the road open by September. He can not foresee any problems that may happen.

Costantino: You would have to demolish the second bridge before the first one is completed to meet that schedule.

Loughran: Would like to know what the completion dates of the contract are and what the penalties are if not completed.

Costantino: Stated that the Contractor will claim that there were difficult site conditions and there were delays with trying to figure them out.

Sudlow: Will acquire a strict timeline and will report the information to the Committee.

Reynolds (Southern Ulster Times Paper): Q/Is there documentation of a call that was made about an underground cable? Is there anything written? A/Felicello/Stated he was unsure as to the answer. Q/Where they working from an old map? A/Costantino/That is what they are claiming. A/Fabiano/They were working off the State maps when the project started. Those maps indicated that there was nothing there. Q/Is there any cost for the change orders? Do you have that figure? A/Felicello/That is

confidential and is being negotiated. The Attorneys are looking into that and they have no legal recourse until the project is completed. Q/And who the responsible party is also? A/Felicello/Yes

Costantino: If you're working off an old map and there was no fiber-optic cable on that map, then there was no rail trail either, but there's a rail trail on the new map. So therefore, someone modified that map to bring it up to date and they left off the fiber-optic cable. The new plans show the existing rail trail, so the Engineer did have to come back and look at it.

Felicello: Stated we as a County hired an Engineer, we hired a Clerk of the Works, we entrusted them to do their jobs. When this job is finished, then it will be identified who is at fault. Until then, we do not want to encounter any more delays. We need the project to be completed, and that is the route we need to go in now. He understands and empathizes with Supervisor Costantino and the Legislators from that district. He knows that they are receiving a lot of heat from this project.

Fabiano: In Summary, as Chairman of this Committee he is going to request from Commissioner Sheeley and Mr. Sudlow to receive a monthly report on those two bridges until they are completed. Under the circumstances he does not feel that this is an unreasonable request. This will keep the Legislature, the Town of Lloyd and the press up to date with regards to the status of the project.

Sudlow: Stated that if they are going to do reports on these two ongoing projects then you must keep in mind that you have different project sites, different physical plants, ones in a stream, ones on the rail trail, you have different size Contractors, and that you cannot compare apples to apples.

Maloney: Stated the report should not be just limited to only these two projects. The updates should state all projects. The Committee agreed.

Fabiano: Thanked Mr. Sudlow and Legislator Felicello for all their efforts.

RESOLUTIONS:

1. **Resolution Draft No. 122103, December 21, 2010** -Amending Capital Project No. 284 For Purchase Of Highway Equipment - Amending The 2010 Capital Project Fund Budget - Department Of Public Works (Highways And Bridges)

Motion offered by Legislator Felicello, Seconded by Legislator Provenzano, All in Favor, Carried.

Discussion: List of equipment is attached to the Resolution.

2. **Resolution Draft No. 122104, December 21, 2010** - Authorizing The Purchase Of Highway Equipment Of And For The County Of Ulster, New York, At A Maximum Estimated Cost of \$525,000.00 And Authorizing The Issuance Of \$525,000.00 Bonds Of Said County To Pay The Cost Thereof

Motion offered by Legislator Maloney, Seconded by Legislator Felicello, All in Favor, Carried.

Discussion: None

NEW BUSINESS: None

OLD BUSINESS:

- Discussion above regarding the Lloyd Project.
- Chairman Fabiano stated that the next meeting of the Special Committee to Draft a Local Law and/or Policy on Capital Projects will be the first Wednesday in January at 5:30 in the Legislative Conference Room. He will keep the Committee updated. He is very satisfied as to the progress that they are making and believes the Legislature will be very impressed.

Motion to adjourn @ 6:12 PM

Motion offered by Legislator Loughran, Seconded by Legislator Felicello, All in Favor, Carried.

**Respectfully submitted,
Tammy Wilson, Senior Legislative Employee**