

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Public Works & Capital Projects Committee
DATE & TIME: October 4, 2010 @ 7:00 PM
PLACE: Legislative Library, 6th Floor, County Office Building

LEGISLATORS PRESENT: Chairman Dean Fabiano, Deputy Chairman Peter Loughran, Legislators Roy Hochberg, James Maloney, Jeanette Provenzano, Kevin Roberts, Frank Felicello

LEGISLATORS EXCUSED: None

OTHERS ATTENDING: Deputy Commissioner of Public Works, Sue Ronga (Finance), Deputy Commissioner of Public Works, David Bolles (Administrative), Lenore Ridgway (LWV)

MEETING CALLED TO ORDER @ 6:58 PM

APPROVAL OF THE SEPTEMBER 13, 2010 MINUTES:

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

APPROVAL OF THE SEPTEMBER 13, 2010 JOINT MEETING MINUTES:

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

RESOLUTIONS:

1. **Resolution Draft No. 1014, October 19, 2010** - Conveying A Parcel Of County-Owned Real Property Located In The Town Of Lloyd To Provide For Ownership And Maintenance Associated With The Town Of Lloyd Monument Park Constructed By New York State Department Of Transportation

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

Discussion: None

2. **Resolution Draft No. 1005, October 19, 2010** - Authorizing The Chairman Of The Ulster County Legislature To Renew A Memorandum Of Understanding With The New York State Division Of Parole For The Use Of Space In The Former County Jail

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

Discussion: Legislator Provenzano asked why NYS Division of Parole was using the Old Jail versus the New Jail and asked how much space is being used. It was explained that the Division of Parole has been using this space already and that they are already set up over at the Old Jail. The answer of space was answered the next day and was added to the Resolution (**The space that is being used is approximately 1,850 square feet, in the former Administrative portion of the Old Jail**).

3. **Resolution Draft No. 1017, October 19, 2010** - Creating A Subcommittee To Create A Local Law And/Or Policy For Capital Projects Oversight For The County Of Ulster

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

Discussion: Legislator Fabiano explained that it was brought to his attention by Legislative Counsel that because there were two Standing Committees involved, not just the Public Works & Capital Projects Committee that the Special Committee needed to be formed by Resolution. This Resolution will appoint a Special Committee to draft a proposed Local Law and/or Policy for Capital Projects Oversight for the County of Ulster. This Special Committee will be composed of six members (Legislators Bernardo, Fabiano, Loughran, Maio, Ronk, and non-voting member Tom Kadgen).

UPDATE: Legislator Frank Felicello as Chairman of the Ulster County Highway Road Projects Subcommittee offered the following update. He has sent out a questionnaire to all Legislators asking them if they have any questions and/or concerns. He has received responses back from Legislators Petit, Hayes, Hansut, and Maloney. He has spoken to Commissioner Sheeley several times about the current concerns. He stated that tomorrow he would be giving Commissioner Sheeley a letter requesting specific information. This will give Commissioner Sheeley the opportunity to answer all the questions/concerns that individuals are having. Answers will be in writing and the Subcommittee will distribute the answers to everyone. He said that in his conversations with Commissioner Sheeley, he has answered all his questions and gave very legitimate answers. He would like to prevent this from happening again in the future. He stated that a lot of the concerns are occurrences that do come up in the construction field. He feels that there are some areas that they can tighten up to make things better. He has complete confidence that Commissioner Sheeley will do what needs to be done to make this happen. As far as the Fiber Optic issue in Highland, Mr. Sheeley will put all of the answers to everyone's concerns in writing. He asked if anyone on the Public Works & Capital Projects Committee had any questions for him. Chairman Fabiano stated that he looks forward to receiving the report because he himself had concerns with the Fiber Optic issue. Legislator Felicello stated that he believes that there have been some communications issues. He does not believe that anyone is trying to hide information; and added that some of the more serious issues were no fault of the Public Works Department. He stated that the Public Works Department is right on course and that they are doing a good job. Chairman Fabiano thanked Legislator Felicello for the update.

NEW BUSINESS:

- Chairman Fabiano explained that he received an e-mail from Ellen DiFalco, a resident of Glen Street in Kingston regarding a drainage issue. He stated that he spoke to Brian Cunningham awhile ago about this particular issue and that he thought that it was already taken care of but apparently it has not been resolved. He will be meeting with Ms. DiFalco on Saturday at the site so he can visually observe for himself what the concerns are and then he will move forward on getting them resolved.
- Legislator Felicello spoke about his concerns over the layoffs happening at the Department of Public Works due to Budget cuts. He asked what the status of these layoffs is. Sue Ronga stated that they did not come prepared to discuss the Budget at tonight's meeting. She stated that it was her understanding that this Committee would request at a different meeting their presentation on the Budget. The Chairman confirmed that this would be happening in the future and that they will be notified as to when & where. Sue Ronga pointed out to Legislator Felicello that if you refer to page 21 of the Budget Summary it shows the positions not funded in the 2011 Budget. It shows the

Retirement Incentives, Vacant Positions, and the Layoffs. It was decided by the Committee that the Public Works Department's Budget Review will take place at next Month's Committee Meeting. **(Determined later that week, Budget Review will take place on Monday, November 1st from 2:30 PM to 4:30 PM in Chambers, immediately following will be the normal Monthly Committee Meeting)**

OLD BUSINESS: None

UPDATE: Sue Ronga & David Bolles, Deputy Commissioners of the Public Works Department gave an update on the status of outstanding Capital Projects and damage created from all the recent flooding.

Buildings & Grounds

- UCAT/Project 312/313 - Notice to proceed was sent to all the Contractors, work will start November 1, 2010.
- Golden Hill LED Street Lighting - Kick off meeting is scheduled for tomorrow for design with the Engineer.
- Salt Shed - The HVC design is complete and is under review by Safety. They will be submitting the proper documentation for the COA for the garage bays and they expect that to be completed very quickly so the trucks can be stored inside this winter.

Highways & Bridges

- Handed out packets of pictures to the Committee showing Storm Damage and Bridge Updates.
- One packet (Smaller) of pictures shows the flooding on Peekamoose Road, Frost Valley Road, and the Kerhonkson Bridge. They are anticipating getting FEMA funding for reimbursement for the flooding damage.
- The second packet (Larger) shows additional pictures of the Kerhonkson Bridge and also shows the Fiber Optic Line Relocation on New Paltz Road over the Rail Trail.
- Kerhonkson Bridge - The north & south abutments concrete has been poured, Contractor is backfilling, the center pier of the footing and the rock sockets have the concrete poured. The flooding from last week did damage the copper dam (that's the temporary dam). They are expecting a week's delay because of the water. The water was up 12 feet, which means it was 6 feet over the copper dam. The photos show before and after the flooding. Picture #3 shows how high the water was and #7 shows how much it has receded. The blue tarp is the copper dam. Picture #6 is the center pier.
- New Paltz Road over the Rail Trail (Lloyd Bridge) - The pictures show the moving of the Fiber Optic lines. The cost of moving this line was costly and was at the expense of NYDOT. The construction of the bridge consists of 100 foot long abutments on both sides with a medal crown with backfill against it. The forms are up and the abutments are being poured. The project is moving quickly now that the Fiber Optic line has been moved.
- Bear Hole Bridge - Completed
- Ulsterville County Line Bridge - Weather permitting, should be completed this week.
- Silverhollow embankment repair - Completed
- Turnwood Road embankment repair - Will be a six week project, one lane will be open during the duration of the project. A light will be put up to move traffic on the one lane.
- Boices Lane & Enterprise Drive - DOT has requested additional information before the paving can begin. DOT is requesting accident analyses, endangered species report, historic properties report, and traffic volume at the intersections.

- Frost Valley Road & Peekamoose Road (small packet) - Shows all the damage from the flooding. Parts of both of these roads were washed away due to the flooding. They have had crews around the clock working to make the repairs. The damage to Frost Valley Road was extensive.
- Sue Ronga explained how FEMA works and how to meet the specific criteria. Regulations are changing all the time.

Provenzano: Thanked Sue Ronga and David Bolles for the updates, she appreciated the pictures and stated that they demonstrated a lot.

Provenzano: Asked for clarification again on the discrepancy with the Fiber Optic Line and who was responsible. It is her understanding that the Town did not have it marked and did not notify the County of its existence.

Fabiano: Added that he is having a hard time understanding and accepting that no one knew that the line was there.

Maloney: Stated that it should have been in the report submitted by the Engineering Firm.

Fabiano: Stated that he just wants answers so that when people ask him what is going on he can tell them the truth and be sincere about his answer.

Ronga: Added that she and Dave Bolles are here to give all the information that this Committee asks for and will be absolutely forthright and honest with that information, what they cannot do is answer what they do not know. With this particular situation until all was said and done and there was a resolution, they could not say what the issue was. There was a lot of confusion about who knew and who didn't know and when did they find out. They investigated everything and found a resolve and a solution and have now moved ahead.

Bolles: Stated that when you deal with the State DOT there is a lot of bureaucracy. Just moving this line 4 feet over, the Contractor had to submit very specific budgets and plans, he has to have it itemized down to who is going to be on what shovel and for how long and he didn't do it very well. The contract with the Engineer requires that all utilities be identified and that line was not identified.

Roberts: Stated that he does not understand why it took several months to tell this Committee that it was the architects fault.

Ronga: Stated that when it was discovered that the Fiber Optic were there, the next issue was who owned them. It took awhile to find that out. They found out that New York State owned them. There were more complications regarding the agreement between the State and the Town on when they could actually move the lines. Then there was the issue of who was going to pay for it. All these obstacles had to be overcome before their contractor could move forward.

Felicello: Stated that in his opinion, contracts are not written as well as they should be. He believes that they are just not tight enough. There should be escape clauses and specific penalties for Contractors that do not meet specific dates or follow contract details. The contracts need to have strength behind them.

Provenzano: Conversely to Legislator Felicello, she believes that between the County Attorney, the Comptroller, the Purchasing Agent, and Contract Management that sufficient oversight regarding County contracts does exist. She stated that they as Legislators are not the experts, they are.

Ronga: Additional update, prior to February, the employees on the road as Section Supervisors did not have phones with cameras. They have switched over to Verizon and now all have camera phones. When they are on the roads they can now share that information with them. They will soon have Tough Books in their trucks and then that information can then be shared immediately. They will also have talk-to-talk capability. By making those changes the Department will be saving about \$400.00 a month.

Maloney: Asked Legislator Felicello, as Chairman of the UC Highway Road Projects Subcommittee to find out the name of the Architect/Engineer that did the Plan Map and Report on the Lloyd Project? Legislator Felicello asked that he put his question in writing and that he would absolutely get an answer for him.

Motion to adjourn @ 7:45 PM

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

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