

**ULSTER COUNTY LEGISLATURE  
COMMITTEE MEETING MINUTES**

**NAME OF COMMITTEE:** Public Works & Capital Projects Committee  
**DATE & TIME:** September 13, 2010 @ 5:00 PM  
**PLACE:** Legislative Library, 6<sup>th</sup> Floor, County Office Building

**LEGISLATORS PRESENT:** Chairman Dean Fabiano, Deputy Chairman Peter Loughran, Legislators Roy Hochberg, James Maloney, Jeanette Provenzano, Kevin Roberts (arrived @ 5:23 PM)

**LEGISLATORS EXCUSED:** Legislator Frank Felicello

**OTHERS ATTENDING:** Deputy County Executive Robert Sudlow, Legislator Terry Bernardo, Legislator Paul Hansut, Deputy Clerk of the Legislature Vicky Fabella, Lenore Ridgway (LWV), Tom Kadgen (LWV), Fawn Tantillo

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**MEETING CALLED TO ORDER @ 5:00 PM**

**APPROVAL OF THE AUGUST 2, 2010 MINUTES:**

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

Chairman Fabiano explained that by a special request that Legislator Paul Hansut would like to address the Committee to discuss a couple of concerns.

Hansut: Asked that the Committee form an Investigative Hearing Committee. The purpose of this Investigative Hearing Committee would be to look into road projects that are happening throughout the County. There are several that are either behind schedule or delayed. He stated that he can only speak about the New Paltz Road project which started March 29<sup>th</sup> of this year; it was Federal Stimulus money that the Legislature approved on March 16, 2010. They started the project, took the bridge down and closed New Paltz Road, detouring traffic from New Paltz Road out to Rt. 299, and then Rt. 299 back to the other side of New Paltz Road. This has caused a great deal of inconvenience to the Highland School District and their busing routes. After the project was started, it was found that there is a fiber optic cable running underneath the bridge, along the rail trail. That project sat dormant for almost ten weeks. He was advised on Friday by Deputy Executive Robert Sudlow that the fiber optic cable was moved and that they are trying to get back on schedule. He commended Mr. Sudlow for all his efforts. He stated that all his questions and/or concerns were handled by Mr. Sudlow. His hope is that this Subcommittee can find out the background as to why a project would be started such as New Paltz Road, not realizing that there is a utility running right through the middle of a project and why it has taken ten weeks of inconvenience to the Highland School District. The District received an Audit from the State and they were questioned as to why their fuel consumption has drastically increased. He is asking that the Public Works and Capital Projects Committee form an Investigative Hearing Committee with however many members that they choose to have on it. According to the Charter, the Legislature has the right to form this Committee. He stated that the Legislature has the power of subpoena. He requests that this be done in a friendly manner with the County Executive's Office and the Ulster County Public Works Department to invite individuals in to explain to this Committee the process of how these projects are started. He wants answers and hopes that this is a way to get them.

Fabiano: Stated to Mr. Sudlow that he is having a tough time with the fact that this fiber optic was not discovered prior to the start of this project.

Sudlow: Explained that the project design was started by the State and in the Pataki Administration. When Governor Spitzer took over he decided that all projects should be designed locally to cut costs. The project was sent back to them by the State and the State had approved fiber optic cable going through that site. It was not on the engineer plans that came back to them or from the State. It was signed off on, not knowing that the cable was there. He stated that Legislator Hansut indicated that certainly the folks down in Highland knew, but unfortunately they did not know. They did not find out until the project was started at which time they learned that the person who owned the fiber optic line went bankrupt. Therefore by State rules and regulations the ownership then reverts back to the State of New York. The State of New York's only responsibility is to maintain it and not do any additional work that was required as such. Finally after much ado they were able to get the company at DESA (Department of Economic and Social Affairs) with some assistance from the original installer to trench it and move it. He stated that they also have considerable problems with utilities moving their over-head lines. There is a project up in Oliveria that they asked to move a pole that New York State Gas & Electric represents. This was requested in February and they still have not moved the pole. This project is by water, so without the pole being moved, the project is on hold because they have to be out of the water by a certain date with winter approaching.

Fabiano: Q/Sudlow/What do you believe as a Committee we can do to help move that process along?

Sudlow: He doesn't know if dealing with the State in some capacity or dealing with NYPIRG (New York Public Interest Research Group) and putting some pressure there might be effective. What the utility companies tell them is that they have cut back on people in the fields and that you get on the list like everyone else or it is a bad winter and they're behind. What's left, like in Legislator Hansut's case is that the project gets delayed by several weeks that, in turn, affects the School District. The original intent was to have that project completed before school resumed in September.

Bernardo: Also addressed Mr. Sudlow with concerns on behalf of her constituents in Kerhonkson. She has been asked to attend a meeting at the Kerhonkson Fire House to give them an update on the Kerhonkson Bridge project.

Sudlow: Stated to Legislator Bernardo that he has been contacted by many Legislators with concerns about the Kerhonkson Bridge project and its delays and has responded to all questions and/or concerns. He has not been contacted by Legislator Bernardo so he has not been able to share that information. He passed around pictures of the Kerhonkson Bridge. He stated that there will be traffic over the bridge this year. They are hopeful that it will be open by mid-November. He stated that the latest snag, as was shown in one of the pictures, the \$85,000 drill bit was completely chewed up by drilling the granite. He also stated that if you look at the pictures, you will see that substantial progress has been made. He stated that his office receives weekly updates from the Contractors. This bridge is being built differently as it does not have a traditional design. There will be concrete decking and pillars, which is different than your typical steel Bridge. He also had pictures of the progress of the Silver Hollow and the Peekamoose Sundown FEMA projects.

Bernardo: Q/Sudlow/Could you be more specific as to when the Bridge was started and what are the specific delays? She stated the original timeline had a completion date of September 30<sup>th</sup> of this year.

Sudlow: The original timeline of this bridge started over twelve years ago. It has been a priority since last year to complete this project. As for a specific timeline, the September date has been delayed because of the bed rock scenario. There was a utility problem in the beginning. Chairman Fabiano also added that these are delays that this Committee was aware of two to three months ago. Because of the bed rock issue they had to go back to the engineers for re-design. He stated that he would be speaking to Chris Depew in the morning for an update. He will be available Wednesday night for comment at the meeting that will be taking place at the Kerhonkson firehouse. He is associated with the Friends of Historic Kerhonkson.

Fabiano: Q/Sudlow/Will there be anyone at this meeting from the County Executive's office? A/Yes, he also added that his office only became aware of this meeting today.

Provenzano: Addressed whether or not they needed to exercise subpoena power. You're asking for a special Committee. Why would you need another special Committee when you already have the Public Works and Capital Projects Committee here? If you have questions, and you cannot get answers from the Deputy Executive, you would come to this Committee and we would certainly get the answers. There's no reason if you have questions that they shouldn't be responded to. She stated to Legislator Hansut that you stated that Mr. Sudlow was very forthcoming. Legislator Hansut stated that he spoke to Dave Bolles and he said that the problem would be settled in three days, and that was eight months ago. He also added that Commissioner Sheeley sometimes does not return phone calls. They both should be called in and questioned by this Committee. These are all legitimate concerns.

**Legislator Maloney made the motion to form a Subcommittee to review and investigate any questions and/or concerns that may come up concerning any and all Highway and/or Bridge projects. The motion was seconded by Legislator Provenzano. All were in favor. The Subcommittee will be chaired by Legislator Frank Felicello. The other two members will be Legislators Hochberg and Maloney.**

Loughran: Q/Sudlow/What is our recourse when a project is being held up by a utility problem? If it is going to cost us more money because of delays, do we have any recourse? Mr. Sudlow stated that in talking to other Counties, they all seem to be having the same problems. Companies like Central Hudson, Verizon, Time Warner (for examples) are all causing delays for many Counties. He suggested notifying NYSAC.

Sudlow: Reiterated to the Committee that any questions and/or concerns should come right to him and he will address them immediately.

Bernardo: Stated that sometimes the pace of a project can be frustrating. She was approached by constituents about speed limit signs being put up on Kyserike Road in front of the Rondout Valley High School and Middle School and about the road in front of the High school being relined (repainted) back in December. Mr. Sudlow stated that the lines have been re-painted and that the signs are up. But they cannot affect the speed.

Hansut: Constituents have concerns and want answers. He is not looking to blame anyone.

Fabiano: Stated that he is not a Construction Engineer or a Construction Expert, but has been involved with enough construction projects over the years to know that a lot of these problems on these jobs are not issues that are out of the ordinary. Hitting tough rock or finding fiber optics are common occurrences on a job site. Projects do not go from point A to point B without these problems. He has seen sewer districts delayed for years.

Maloney: He agrees with Chairman Fabiano but, on a project of that magnitude, someone missed something. Someone did not do all their homework.

Provenzano: Why wouldn't the State know that there were fiber optics?

Maloney: This falls under, "Why didn't you do your own homework?" Whoever did the search to draw the map did not find everything.

Provenzano: Suggested that a memo go out to all the Legislators informing them of the Subcommittee so they will know who to contact with their questions and/or concerns. (A Press Release was issued on September 14, 2010 by Majority Leader Paul Hansut announcing the creation of the Subcommittee to Review and investigate all Ulster County Highway Road Projects.)

Sudlow: Stated to Legislator Bernardo that on the Ulster Line Bridge in Wawarsing, the decking will be going on shortly and should be completed by the end of the month. The PV on the salt shed in New Paltz is up and running as of today.

## RESOLUTIONS:

1. Resolution Draft No. 0906, September 21, 2010 - Authorizing The Chairman Of The Ulster County Legislature To Execute A Lease Agreement With Willow Park, Inc., For Office Space For Department Of Health - Department Of Public Works

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

Discussion: Mr. Sudlow explained to the Committee that the Ulster County Department of Health is consolidating leases for clinics in order to achieve more efficient use of space and to save money. The WIC Program is being relocated from New Paltz to Kingston to better serve individuals in need of WIC services. They are terminating three leases and turning it onto one. There will be four separate programs now at one place.

Provenzano: Q/Asked what the savings would be. A/Sudlow stated that he would provide that information to the Committee before tomorrow night's Caucus. He state that there is efficiency being gained in the space.

Roberts: Q/When people apply for WIC; does it have to be done in person? Can you apply on-line or over the phone? He is concerned about accessibility. A/Sudlow stated that the clinic in New Paltz was much underutilized. He also added that you can apply on-line and there is eventually going to be Mobile Outreach. They will be going to many different sites all over the County.

Provenzano: Q/Is the Mobile Unit in place? A/The old CARE van is going to be used. It will be re-titled as the HEALTHY ULSTER van. It will be an outreach from senior citizens to infants. It will be like the Motor Vehicle van. Legislator Provenzano added that she would like to see a schedule when it is available and would like to see it advertised.

Roberts: Q/What is the time frame for this Mobile Unit? A/The lease starts November 1, 2010.

2. **Resolution Draft No. 0907, September 21, 2010** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Inter-Municipal Agreement With Town Of Shandaken For Maintenance Of County Roads - Department Of Public Works

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

Discussion: Legislator Hochberg asked Mr. Sudlow if there are any other agreements in the pipeline. A/Not that he is aware of. Q/How long do the towns still have to enter into agreements with the County? A/Their town budgets are due on Wednesday. To include that as revenue, they would have to amend their budgets. He doesn't anticipate it.

3. **Resolution Draft No. 0910, September 21, 2010** - Authorizing The Chairman Of The Ulster County Legislature To Execute A New Inter-Municipal Agreement And Amend The Existing Inter-Municipal Agreement With The Town Of Hardenburgh For Maintenance Of County Roads - Department Of Public Works

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

Discussion: Legislator Maloney asked what the amendment was. A/To change the end date from December 31, 2010 to an earlier date of September 30, 2010 and to reduce the contract fee amount accordingly.

4. **Resolution Draft No. 0917, September 21, 2010** - Amending Capital Project No. 312 For Ulster County Area Transit Building Upgrade And HVAC Controls Facility - Additional Federal Funds and Reallocation of Funds - Department Of Public Transportation (Ulster County Area Transit) And Department Of Public Works

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

Discussion: None

**NEW BUSINESS:** None

**OLD BUSINESS:** None

Fawn Tantillo asked Chairman Fabiano a question regarding Shared Municipal Services.

Q/It was her understanding that when it was first discussed that there had to be a certain amount of towns that needed to sign up to make it financially feasible. Will there be an equal savings from the Highway Departments Budget or is this additional funds. A/Chairman Fabiano stated that there was never a number that had to be met. Q/Has there been any savings yet? Q/We are not eliminating any positions or cutting any vehicles? A/At this point as far as saving go, you won't know till next year, it has to be implemented first.

**Motion to adjourn @ 5:38 PM**

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

**Respectfully submitted,**

**Tammy Wilson, Senior Legislative Employee**