

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Public Works & Capital Projects Committee
DATE & TIME: September 7, 2011 @ 5:30 PM
PLACE: Library Conference Room, 6th Floor, County Office Building

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

LEGISLATORS EXCUSED: Legislator Frank Felicello

OTHERS ATTENDING: Sue Ronga (PW Deputy Commissioner - Finance), David Bolles (PW Deputy Commissioner - Administrative), Greg Vaughn (Catskill Mountain Railroad), Ted Fink (AICP Planning Consultant Greenplan Inc. for Hudson Valley Kingston Meadows Senior Housing Project), Larry Paggi (Engineering Firm of Lawrence S. Paggi, PE,PC Fishkill, NY)

MEETING CALLED TO ORDER @ 5:30 PM

APPROVAL OF THE AUGUST 1, 2011 MINUTES:

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

RESOLUTIONS:

1) Resolution Draft No. 0915, September 20, 2011 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Intermunicipal Shared Services Agreement With Town Of Gardiner For Maintenance Of County Roads - Department Of Public Works (Highways And Bridges)

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

Discussion: None

2) Resolution Draft No. 0916, September 20, 2011 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Intermunicipal Shared Services Agreement With Town Of Hardenburgh For Maintenance Of County Roads - Department Of Public Works (Highways And Bridges)

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

Discussion: None

3) Resolution Draft No. 0917, September 20, 2011 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Intermunicipal Shared Services Agreement With Town Of Saugerties For Maintenance Of County Roads - Department Of Public Works (Highways And Bridges)

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

Discussion: None

4) Resolution Draft No. 0918, September 20, 2011 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Intermunicipal Shared Services Agreement With Town Of Shandaken For Maintenance Of County Roads - Department Of Public Works (Highways And Bridges)

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

Discussion: None

5) Resolution Draft No. 0919, September 20, 2011 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Intermunicipal Shared Services Agreement With Town Of Woodstock For Maintenance Of County Roads - Department Of Public Works (Highways And Bridges)

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

Discussion: None

Late Resolutions:

- 1) Late Resolution Draft No. 0922, September 20, 2011** - All Ferrous And Non-Ferrous (Precious) Metals Policy For The County Of Ulster

The Resolution did not receive majority support. No Vote was taken.

Discussion: Legislator Fabiano explained that the intent of this Policy is to make the recycling of metals more clear. Legislator Provenzano stated that she believes that it is just putting more work on DPW. She said that it was explained by DPW at a prior meeting the process that was used. Sue stated that DPW followed procedure. They (A) followed the Purchasing Departments guidelines that are already established by the County, and (B) DPW already has a recycling bin for metals, where it is kept safe; it is an established policy. She said that it is not clear what the Resolution is asking and that they could provide copies of all the policies that are already in place at DPW. Legislator Provenzano stated that it is very clear in the final resolves of the Resolution what is being asked. Legislator Fabiano feels that the Resolution is to the point. Sue said that with all due respect, she finds the Resolution offensive, that it presumes that DPW is not following Policy, and they are. Legislator Fabiano stated that is not the intent. Sue said she knows that, but that is how it reads, especially with the last paragraph. She said that everything is weighed and that they get tickets for every single load. Their Engineer went out and measured every single piece and estimated, because of the deterioration of the metal, there was an allowance that it would weigh less. Every precaution was taken. She reiterated that she really does not understand the Resolution. Legislator Hochberg feels that it is more of an operational issue and does not see the point of the Resolution. If rules are being followed and the Comptroller apparently supports what DPW is doing, he is a "no" on the Resolution. He said that it is just more rules on top of rules. Legislator Roberts agrees, it makes Government more complicated, and he is also a "no" on the Resolution.

- 2) Late Resolution Draft No. 0923, September 20, 2011** - Establishing Capital Project No. 354 - Reconstruction Of Roads, Bridges, Culverts And Other Improvements Necessitated By Damages Incurred From Tropical Storm Irene Or To Prevent Damage From Encroachment Of Flood Or Storm Waters- Federal Emergency Management Agency (FEMA) - Public Works

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

Discussion: Sue Ronga stated that all FEMA guidelines were followed with regard to the Resolution. Nothing that will be spent will be outside of what they know will be reimbursable by FEMA. Procedures are in place so that every single project is being documented. Photos are taken of every Contractor on site. Files are set up for every single project. One road could have multiple issues, and each one, using FEMA guidelines is to be handled individually. They are documenting all their overtime. Materials being brought to sites are being purchased individually and documented separately. They do not anticipate any problems with FEMA reimbursements. She said that they just found out that there may be additional funding through FHWA (Federal Highway Administration). FEMA first, FHWA second.

PUBLIC WORKS UPDATE:

- **Hurricane Irene Update:**

Sue Ronga and Dave Bolles explained that there are several road projects that were previously estimated for completion but due to Hurricane Irene have been put on hold.

Hurricane Irene Update: Many photos were distributed showing the damage from the storm. The pictures show the damage to many bridges and roads. Dave explained the provisions that are being done by the DEC that will allow them to remove their roads from the streams. They can retrieve material from the stream or they can put a shovel in and remove the road. That can be done right now because they have a general permit that is only County Wide for one month.

Loughran: Spoke of a meeting that he attended with the DEC. He stated that many people feel that the flooding occurs because the DEC does not remove debris from the streams and river beds. Sue Ronga said that according to the DPW Employees, who know the streams and roads, stated that 30 - 50 percent of the damage would not have occurred if the debris had been removed.

Bolles: Referred to the picture of Ulster Heights Road to demonstrate the problem that is happening all around Ulster County. In the picture it was indicated that everywhere you see rock is where the stream was prior to the storm. The water diverts. They are in agreement that the DEC needs to take action. The next step would be to go into the streams and remove the islands of rocks and restore the streams to their previous condition. DEC has authorized the DPW to remove islands of rocks that are misdirecting water to any DPW bridge.

Ronga: A complete list of Ulster County Road and Bridge Closures as of 9/7/11 @ 11:15 PM was distributed to the Committee. The items on the left indicate the problems that have already been fixed. Anything in RED Ink indicates problems that are new as of the date stated above. The description column indicated roads and bridges that are still compromised.

Both Sue and Dave commended their crews for all their herculean efforts. Sue stated that she could not express the importance of the fact that the Bridges that were built by County Bridge Crews were fine; it was the Bridges that were subbed out that had problems.

The entire Committee expressed their gratitude to the entire Public Works Department for their exemplary efforts with regard to Hurricane Irene.

Fabiano: Q/Because of the storm and all the work that is being delayed and more work being created, is this going to halt DPW in preparing for the winter months? Getting Sand & Salt in on time? A/No, that is a concern that is being addressed; the roads need to be in good condition for plowing.

- **New Paltz Road Bridge Project Update**

Bolles: An extension was approved due to the weather. He expects it to be another month, end of September. The material must be dry to be compacted properly. The inspectors cannot allow them to work if the material is wet.

- **Malden Turnpike Bridge, Saugerties**

Ronga: Stated that she spoke to the County Attorney again and affirms that it is the State's responsibility, not the County's. The State's response that they received gave no specific reason why they believe that it is the County's responsibility.

Fabiano: He received documentation from Senator Bonacic's Office. There is a letter dated from 1955 where it clearly states that the County assumed responsibility of that entire situation.

Bolles: Stated that minds can differ. The County Attorney's position is that the Thruway Authority is responsible for reconstruction, and the County is responsible for maintenance and repair. The County Attorney's position is that if both of those pipes (culverts) need replacement, then that is reconstruction, not repair. The argument is the responsibility.

Fabiano: Q/Asked about time. A/Bolles/believes that the issue stated above is not the problem; he thinks those two pipes are not the pipes creating the problem. He said that if you look at the area from about 5000 feet up, you can see that there are two pipes from under the Thruway, that drain water from the west side of the Thruway to the east side to a creek along Old Canoe Hill Road. That stream runs along Old Canoe Hill Road and runs thru these two pipes under the Malden Turnpike, on through a sump area, and then it goes thru two more pipes underneath an access road that leads to the Thruway Hotshop. Those two pipes have obviously deteriorated because the roadway has sunk four to six inches. You can see that one of the pipes has collapsed and is creating a bottleneck of water. The stream then runs further north and merges with another stream, makes a hard right that goes under a private road behind the Restaurant. Years ago the pipe was not under the private road, it was a gravel road, and the water would run right over the top of it. He believes that the smaller pipe on the private road is restricting the flow of water and that is the cause of the flooding.

Fabiano: Asked about what could be done, and both Dave & Sue commented that it is a private road, not a County road and therefore could not comment. It was suggested that he contact the County Attorney. Legislator Fabiano said that he would. He needs clarification to tell his constituents who are being affected by property flooding. Dave said that the County is still planning to run sewer cameras through the pipes under Malden Turnpike; this was delayed because of the Hurricane.

NEW BUSINESS:

1) Green Meadows Project: Chairman Fabiano introduced Mr. Ted Fink & Mr. Larry Paggi (Engineer), who is at tonight's meeting proposing the Kingston Meadows Senior Housing Project in the City of Kingston. They are requesting an easement over the railroad to gain access to the proposed property.

Fink: Works for Green Plan, he is a Planner for the applicant. The applicant is Hudson Valley Housing Development Fund Company. It is a Not-For-Profit housing agency that works exclusively, and has for thirty years, to build affordable housing throughout the Hudson Valley. What has been proposed within the City of Kingston is a project called Kingston Meadows. It is a 60 unit senior housing development with 58 one bedroom apartments, and 2 two bedroom apartments. This housing unit will be exclusive for seniors (62 and older) and disabled Veterans (15% will be set aside for the Veterans). The range of income he believes to be 30 thousand or less a year to qualify for housing within this development. The property is currently owned by Ulster Savings Bank, it is bounded by the NYS Thruway, the Esopus Creek, and the County Railroad Property. There are two parcels; one is a 19 acre parcel. Mr. Fink passed around a property access map, showing the County Railroad Property right of way. He showed that Ulster Savings Bank also owns a strip of land that goes from Washington Avenue to Trailways Drive. It is a privately owned road that serves the Trailways Bus facility and St. Clara's Church/Pointe of Praise Church. There are two forms of access proposed, an Emergency access from Washington Avenue and the main access to the development from Hurley Avenue to Trailways Drive. There are two tunnels underneath the thruway, one is the Ulster County Railroad Tunnel, and the other one is the old O&W Rail Line. The entrance is proposed on the O&W Rail Line and then across the County owned lands. It is the only access to the Development because of the proximity to the Esopus, the Thruway, and the privately owned Hotel. This property would become land locked if right of way was not granted over the railroad. The intent of the

applicant is to use the railroad as a crossing. The railroad would not be altered in any way. Mr. Fink passed around additional maps.

Fabiano: Q/Asked if the main entrance to this project is over the Railroad tracks? A/Paggi/Yes, it will be two lanes.

Paggi: Stated that they met with the Railroad Advisory Committee in June and discussed the provisions for that crossing. It will be a standard commercial driveway, twenty-four foot wide, and two lanes. There is an internal speed limit for the site (5 mph). This will be a private crossing and they are expecting it to be a very safe crossing. There will be no gates at this crossing; there will be stop signs and crossbuck posts on both sides of the crossing. It is the same rail line that crosses Washington Avenue. (Minutes of the Railroad Advisory Committee are on file with the Clerk of the Legislature - Meeting Date June 23, 2011)

Fink: They have applied for site plan approval from the City of Kingston. A site plan variance was needed and granted. He passed around the site plan elevations. The plans are very similar to another housing project in Beacon called Meadow Ridge. It is the same concept, Adirondack buildings, made of wood, stone, and brick. The Traffic Engineer was Bill Fitzpatrick. He completed all the traffic studies. An Accident Analysis was completed. A Capacity Analysis was done at the intersection of Hurley Avenue and Trailways Drive. The amount of traffic that will be generated will be far less than a normal housing development. They did a 24 hour Noise Analysis because of the proximity to the Thruway. Many studies/reports have been completed.

Loughran: Q/Asked if they have all of these reports? A/Fink/Everything has been submitted to the City of Kingston Planning Board. Any report could be provided upon request.

Provenzano: Q/Asked what the square footage of the project was? A/Fink/5,900 square feet, internal.

Hochberg: Q/What is the approximate amount of the project? A/Fink/15 million.

Paggi: Addressed the Flood Plain concerns. Stated that those concerns were addressed first in the planning process. The Flood Studies have been submitted to Ralph Swenson, the Engineer for the City of Kingston. He stated that Mr. Swenson is aware of everything that was submitted and has signed off. Mr. Paggi explained the flood elevation and stated that they are proposing to build their building at a location that is above the flood plain, plus they are proposing to fill it. The proposal for the first floor elevation is $6 \frac{1}{2}$ feet above the flood elevation. The lowest point in the development is the railroad tracks. The elevation of the tracks is 161.5, which is $3 \frac{1}{2}$ feet above the flood elevation. The parking and storm waters are above the flood plain. He stated that with all the heavy rains in the last couple of weeks they have been over to the site, have taken photos. He feels that they have the flood issues very well in hand and that Mr. Swenson is in agreement.

Paggi: A Zoning Variance was needed from the City Zoning Board of Appeals and that was granted. The City is reluctant to move on the site plan application. The City has not taken any action for quite some time because of the issue of access and the fact that access over the County Railroad has not yet been granted. They felt that there was no point in moving forward because without access the property will be landlocked. He stated that the City is very favorable to the development; they have made numerous statements that senior housing is very much in need.

Loughran: Q/Asked if they have been in contact with the NYS DHCR (Division of Housing and Community Renewal)? He stated that he feels that this site is totally inappropriate for Senior Housing and has huge concerns about it being built on a flood plain. He stated that to go shopping you would have to cross one of

the busiest roads (Washington Avenue) in the City of Kingston. He feels that the site is better suited for a retail development. Mr. Fink stated that the City of Kingston Zoning prohibits retail use on that site.

Paggi: Stated that he does a lot of Senior Housing Projects and feels that it is a very appropriate area. He stated that seniors will not be walking to stores; they will be utilizing the public transportation, shuttles, the City bus, possibly UCAT Buses. Walking trails will be built for recreational use. The grounds will be built to look like a park.

Committee: There was discussion about the railroad and the possibility of it being used for recreational/transportation purposes in the future.

Paggi: Encouraged the Committee to visit other Senior Developments. He said the one in Beacon is a perfect example. He said to contact the Director, Peg O'Leary.

Provenzano: Stated that as a senior herself, she doesn't walk to the grocery store. She agrees that you are either going to take your own car or use public transportation. She talked about the noise level with regard to the Thruway and gave an example that years ago she lived a stones throw away from Thruway and the noise level was never an issue. Mr. Fink stated that with regard to noise levels, the development will be in full compliance with HUD standards.

Provenzano:Q/Would it be Kingston Water & Sewer? A/yes

Provenzano: Q/Did the Ulster County Planning Department approve this development? A/no

Fink: The UC Planning Department did review it and there was a referral from the City Planning Board and from the City Zoning Board of Appeals to the County Planning Board. They did not approve the project and Mr. Fink feels that the UC Planning Board did not have all the information to make their decision. He stated that unfortunately when it was first submitted to the City Planning Board, a lot of the answers had not been provided, because there were still studies under way. When you look at the County's Letter and it states that there is no Traffic Study, it had not been completed yet. They were not satisfied with the Noise Study, but that also was not completely reconciled. The answers to all the County's concerns have been addressed.

Provenzano: This Committee needs the response from the UC Planning Board. She said that in her opinion she did not think that any Legislator would give their support without the UC Planning Board's approval and direction. She stated that if the first report was disapproved that a second report should be acquired.

Fink: Has provided that response to the City because they were the recipients of that letter. He will provide a copy of that response to the Committee. It answers every question and every concern that the County Planning Board had.

Maloney: Stated that the Committee should not be acting like a Planning Board. An approval of an easement is what is being asked of by the Committee.

Fabiano: Q/Does this project need the approval of the UC Planning Board. A/no, it is a review recommendation.

Hochberg: He reiterated that their role as a Committee is to approve the crossing at the railroad. He said that the Committee is not the County or City Planning Departments. The Railroad Advisory Committee has already approved access to the property. He believes the rest of the concerns are up to the City of Kingston to sort out.

Fabiano: The Committee agreed that no action will be taken at tonight's meeting and that more information needs to be obtained. The matter will be moved to October's Agenda. He will contact the UC Planning Department with his and the Committee's concerns.

Paggi: Suggested that if the Committee talks to the UC Planning Board that they ask what they think of the the crossing, not the project.

Loughran: Q/Why wouldn't I question the project if I feel that seniors are being put at risk? He said that he will definitely ask. Q/Paggi/Is it putting them at risk because of the railroad crossing? Legislator Loughran said no, because of the water, because of the moisture. Mr. Paggi stated that a lot of time and effort has been made to address those conditions to present them to Engineers that understand the ramifications of those conditions and they have accepted those reports and studies. He stated that they went to the right sources, the UC Planning Department did not have an Engineer to study their findings, and the City of Kingston did. He stated they have gone above and beyond. They are building 6 ½ feet above Flood Plain.

Fabiano: Told Mr. Fink and Mr. Paggi that the Committee will contact them at a later date. He is going to speak with the UC Planning Department and the County Attorney before they proceed. Legislator Provenzano is going to contact the City Officials and stated that if they are on board, then she doesn't see a problem with approval.

Fink & Paggi: Offered their business cards to the Committee and stated that they would be happy to meet anyone over on the site to further explain the project and to answer any concerns. They also could arrange a visit to the Senior Housing Residence in Beacon.

2) Catskill Mountain Railroad / Hurricane Irene Damage: Greg Vaughn from the Catskill Mountain Railroad handed out the following attachment and pictures showing the damage from Hurricane Irene.

CATSKILL MOUNTAIN RAILROAD TROPICAL STORM IRENE DAMAGE STATEMENT

Ulster County's Catskill Mountain Branch sustained the following damage from Irene:

MP 21.3 - Bridge C30 (Esopus Creek) loss of three spans, east abutment and two piers.

MP 22.6 - 22.7 Approx. 500' Severe scouring, loss of 377 cu.yds. ballast.

MP 23.3 Approx. 250' Scouring/erosion of creek-side embankment, 50% ballast, approx. 900 cu.yds. roadbed lost.

MP 24.5 Small scouring of ballast and damage to creek bed. Ballast repaired, no estimate for creek bed.

MP 25.8 Approx. 200' Scouring/erosion of creek-side embankment. 225 cu.yds. lost to Irene, 225 cu.yds. lost to 2010 Fall flood (FEMA-1993 event).

MP 26.37 - 26.45 430' Roadbed lost. 25' d x 40' w at maximum.

MP 27.25 - 27.9 Phoenicia Yard. Approx. 3800' track scoured. Over 90% ballast lost, approx. 2500 cu.yds.

MP 27.82 Bridge Street grade crossing scoured, crossing protection damaged.

West of Phoenicia (the unopened portion of the branch) several small washouts are now large or very large. Major Irene damage known at this time is as follows:

MP 27.9 - 28.1 Approx. 1000' of ROW lost. Estimated 15' d x 70' w, Esopus is now on south side of track.

MP 32.1 Approx. 600' of ROW lost.

MP 34.1 Approx. 300' of ROW lost.

MP 36.77 - Bridge C41 (Esopus Creek Big Indian) severe damage to abutments, pier and spans. Partially collapsed.

In addition, significant tree falls were cleaned up between MP7 and MP20 and the section house at Phoenicia suffered flooding.

No damage other than the downed trees has been noted between Kingston and Bridge C30.

OLD BUSINESS: None

Motion to adjourn @ 6:55 PM

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

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