

**Herkimer County Legislature
Highways and Ways & Means Committee Meeting
Friday, May 29, 2020
Via Teleconference
9:30 a.m.**

Persons Attending:

Raymond Smith (Chairman, Highways/W&M committee member)
Peter Campione (Highways committee member)
Mark Gaworecki (Highways committee member)
John P. Stephens (Highways /W&M committee member)
Robert J. Schrader (Highways committee member)
Patrick Russell (Chairman, Ways & Means/Highways committee member)
Kurt J. Ackerman (Ways & Means committee member)
Raymond Johnson (Ways & Means committee member)
Frederick J. Shaw, Jr. (Ways & Means committee member)
Vincent J. Bono, Chairman of the Legislature
James W. Wallace, Jr., County Administrator
Brandy Serow, Secretary to Co. Administrator
Lorraine Lewandrowski, County Attorney
Sheri Ferdula, Budget Officer
Steve Billings, Personnel Officer
Mark Nagele, Highway Superintendent
(Non Committee Members signed in)
Legislator Gregory Malta
Legislator Bob D. Hollum
Legislator William Keeler, Sr.
Legislator John L. Brezinski
Legislator Peter F. Manno
Legislator Ray Donley

Absent:

N/A

Mr. Smith and Mr. Russell called the meeting to order at 9:35 a.m.

Items Discussed:

HIGHWAYS AND WAYS & MEANS:

1. Discussion on Highway topics - current funding, projects, staffing
2. Other – Research on Deputy position

Committee Vote Record:

HIGHWAYS/WAYS & MEANS:

Mr. Smith stated “Mark, do you want to start the discussion?”

Mark Nagele stated “Sure. I put this together because I’m getting a little concerned with CHIPS. The Governor, as far as I know, hasn’t released any information on what the appropriation is going to be. I have originally, with the flood from Halloween last year, 22 projects out there. I would say half of them require CHIPS funding. Here again, I just wanted to reiterate that we really don’t know what our allocation is going to be this year but I put

together on the letter, we have about \$724,000 from last year's rollover and if we get funded at the same amounts we have been historically, that's another \$3.5 million so that would bring our total up to \$4.2 million. I am hoping we do see that. My understanding was that PAVE NY was about another \$805,000 would not be allocated this year but Extreme Winter Recovery is going to be, which is about \$500,000. Here again, that's just speculation at this point. With the current projects we have the total comes to about \$3.4 million which at this time is below what I anticipated for CHIPS but that does not include the replacement of Hopson Road Bridge which was washed out during the Halloween storm and it also does not include South Shore Bridge which we just did. I came in with inspection at about \$1.3 million. That would exceed what I am anticipating our CHIPS amount to be by \$351,000 and here again that would leave us in a bind if we award that to also get the Hopson Bridge which is closed currently. South Shore Bridge is still open so that's somewhat of a dilemma. I attribute that high cost for the South Shore Bridge to there only being two bidders. I've heard that with Bridge New York Program all the bridge contractors are pretty full at work. They don't really need any work so I think that also attributes to the high price of that project. We had originally anticipated it to be about a million dollars including construction, inspection and as I mentioned it's well over that. Jumping ahead a little bit I think with Hopson still being out there and being in a closed state I would recommend that we reject the bids for South Shore Road and potentially rebid it in the fall. Hopefully by then the contractors will be looking for work for next year and maybe we will get a little better price and also that will buy us some time with not knowing what we are getting as far as allocations through CHIPS which this project would be funded 100% with CHIPS money. That's my recommendation there. Going forward to Emmonsburg Bridge. That was another project that we had scour on the bank downstream of the bridge itself from the Halloween storm. I would also like to discuss there is basically three things we could do. We could just do a minor repair that would fix right around the bridge abutments. We could extend the wall on the property right adjacent to the stream where it washed out that affects seasonal residence so we prepared a taking map the owner seems to be ok with us taking that portion of the property but there again the cost of doing that is about \$200,000 and the third option would be to buy the property, the residence and then basically just do what we need to do to build the wall to save the bridge. The property is appraised at about \$60 to \$70 thousand dollars so I don't know, here again I'd like to discuss that with the committee as on the direction we go with on that project. A couple things there again, we want to postpone the award to the South Shore Bridge and then secondly, what the committee feels about Emmonsburg. How we want to proceed with that project. That's a FEMA project however the question is, what direction FEMA will go and what option they would fund. We still haven't heard a good response from them. It's been several weeks. We've asked that question and still haven't heard anything. I will turn it back to you Mr. Smith and if you want to discuss those two items."

Mr. Smith asked "What is the thought of the committee? Anyone have any thoughts on this?"

Mr. Schrader asked "My question is, if we spend the \$200,000 on a retaining wall rather than buy the parcel for the \$70,000 or whatever, what future costs will we have? Should we just buy the property and utilize it down the road also or are we going to have to keep going back?"

Mr. Gaworecki asked "What's the cost of just fixing the area right around the bridge without extending the wall? Did I miss that?"

Mark Nagele responded "We really haven't decided what the cost would be just to fix around the bridge. It would be a shorter wall. I still think it would be around the \$100,000 range. The

\$200,000 is roughly a 60 foot long wall and it goes down stream of the bridge which there used to be a laid up stone where the original bridge design which was back in 2004. There was a laid up stone wall that had collapsed into the creek and that's why the bank is scouring out now."

Mr. Gaworecki asked "But that bank is on the private property?"

Mark Nagele responded "Yes. It extends from the abutment and then goes on to private property."

Mr. Johnson asked "Can he take the CHIPS funding and we get nothing this year or no?"

Mr. Wallace responded "That's a very good question. We asked about 8 weeks ago and didn't get an answer. We asked again about 4 weeks ago and didn't get an answer. Jimmy and I submitted it to our control group last week about CHIPS authorization, when is that going to happen? We have heard nothing. And the argument that we've made is 90% of this is borrowed money through the Thruway Authority. I believe the money will come. The question is when will it come."

Mr. Gaworecki asked "How long is the detour for Hopson Road and what's the penalty for rescinding the award?"

Mark Nagele responded "The detour is probably 4 miles. These projects haven't been awarded yet so there is no penalty. Essentially we just have consultants that we hired on board. Their fees are in the range of \$80,000. South Shore Road has already been designed so that money has already been spent and we are probably half way into Hopson Road engineering piece."

Mr. Gaworecki stated "The engineering, that could be just put on a shelf once it's done and saved for when we have the money correct?"

Mark Nagele responded "Yes. If you are referring to South Shore Road, that could be just shelved until next year. Hopson Road though I'm sure the residents will be a little concerned if we don't open up that road for them but here again we have not bid that project yet because the design is not complete."

Mr. Gaworecki thanked Mark Nagele.

Mr. Smith asked "Anyone else got anything?"

Mr. Schrader asked "What are you looking for on a motion for this?"

Mr. Smith Stated "We need a motion to postpone the South Shore Road and to move ahead with the Hopson Bridge."

Item #1 - On motion of Mr. Schrader, seconded by Mr. Campione for Highways, and on motion of Mr. Bono, seconded by Mr. Stephens for Ways & Means, Item #1 was voted on and approved. Unanimous.

Jim Wallace asked "Can we talk about the staffing Mark listed?"

Mark Nagele stated “As you know my deputy Jim Lindholm resigned from his position. I think he’s been gone about 2 or 3 weeks now and we’ve advertised prior to his leaving for the position. We had one candidate apply but didn’t meet the qualifications and we currently have the ad out there. It’s on the State’s website, Working Solutions and I believe it may be on Indeed as well. We have not received any resumes for the second posting as of yet. I’m not sure if anyone will apply, but that’s the status of where we are at this point. We don’t have anyone that we can actually interview at this point.”

John Stephens stated “I brought this up when we hired Jim. This is just my personal thoughts but I don’t think we need to have a Deputy Superintendent that has a PE and that might be part of what our issue is of not getting candidate. We are asking the Deputy Superintendent to basically have the same job description and job duties as the Superintendent. I just don’t see the need. That’s just my thought. It might open up our pool a little bit better or a little bit more for maybe a little less money maybe. I know we discussed this last time and it didn’t go anywhere but I just figured now was a good time to bring it up”

Mr. Gaworecki stated “There are several Counties where the Superintendent doesn’t have PE.”

Mr. Smith asked “Mark, What do you feel about this?”

Mark Nagele responded “Well here again when I’m gone or on vacation the Deputy is basically me. That’s somewhat of an issue. I think in Highway Law if the project is over \$500,000 it has to be supervised by someone with a Professional Engineering Degree so that could be an issue too should I be out or something like that. You’re not really meeting the requirements. Some of these other Counties that don’t have a PE either contract all of that work out like if they have a road project they may hire a consultant that would have a PE to oversee the project or they have multiple PE’s under them. A lot of Counties that don’t have a Highway Superintendent, they have a Highway Commissioner and that person technically would have PE’s. There could potentially be issues with that. I know in the past when we originally talked about the position, prior to Jim signing on, Mr. Wallace had some concerns about not having a PE in that position as well so I don’t know if he would like to elaborate on that. That’s kind of why it was included to be a PE position”

Mr. Smith stated “My thoughts would be without one on staff we are leaving ourselves open to unknown amounts of money that it would cost to hire somebody for specific jobs. When we have a person on staff we know what that bill is going to be every year. I would like to see an assistant hired.”

Mr. Stephens stated “I’m not saying we don’t need to hire a Deputy Superintendent but I don’t think the qualifications of having a PE are necessary. It’s been done previous.”

Mr. Smith stated “The cost would still be there if you don’t have the qualifications.”

Mr. Stephens stated “What I’m saying is we are not getting candidates because the pay is so low to require a PE. You’ve got the Superintendent and the Deputy Superintendent with basically the same job description and job duties but there is a \$30,000 or \$40,000 difference in pay. I just don’t see the need to have a PE as number two. To Mark’s point, if he is going to be on vacation or he is going to be out for an extended period of time, we deal with it when that happens. If he’s on vacation we just don’t have them stamp anything. I’m not quite sure how much Mark stamps anymore anyways.”

Mr. Smith asked "What's the rest of the committee think?"

Mr. Campione stated "I've got a question. Jim Wallace I would like to know what you think about this?"

Mr. Wallace stated "Pete asked me what my thoughts were and I've always believed that for the best of the County it's great to have somebody with a license both to help now and in the future because it is very difficult for us to recruit. My recommendation is, talking with Mark and Steve that we would let this process run its course and we can do some leg work on salaries for a Deputy and also take a look at what John's recommended and get back to you."

Mr. Smith stated "You know, maybe with graduation coming up too we could hire some young engineer that just graduated from college that would be interested."

Mr. Gaworecki stated "We could also think about hiring without a PE that's working towards a PE that way you could start off low and you know they are working towards it, give them a certain amount of time to get it and if they don't get it hire someone else."

Mr. Russell stated "Which we've done before."

Mark Nagele stated "That's currently in the specification now that they have to get their PE within 4 years I believe or a couple years and that's essentially what Jim had done. He came here without his PE and was able to get it while he was here."

Mr. Smith stated "There's a thing right there. Maybe we should have some stipulation in there too that if he gets it during those 4 years he owes us some time. What do you guys think?"

Ray Johnson stated "Have we looked at not having a PE and just subbing out what work we have? I don't know how much work we do. Is it cheaper just to have a person come in at a flat rate and pay the cost of it?"

Mr. Bono stated "I think that you need a PE on site myself because you know as things come up in the field that you need immediate response from and then if you sub some of that stuff out and that PE is on vacation or you know we're building a jail and people point fingers. I'd rather have somebody directly that can answer the questions. That's just my concern. On some of those other things Ray, we've talked about before like hiring services out like tree cutting and things like that and ditching and things but as far as a PE I think we need one on staff."

Mr. Russell stated "Years ago we did not have PEs. The reason from what I recall was that we wanted that PE to be able to do work in house on various projects which I believe has happened but I'm seeing more and more that a lot of these projects are being handled by outside engineers so I question too whether we need a PE as well. Based on the fact that we're going to utilize that person for towns and villages which I don't believe we did or have. It just seems like more and more work again is going out to other engineering firms to do the work that I thought was going to be done in house."

Mr. Stephens stated "I'm not sure who this question is for. Might be Jim Wallace or it might be Mark Nagele. Does the Superintendent have to be a PE by any law in the state? I agree that the Superintendent of Highways should have a PE. I don't have an issue with that. My thought process is the Deputy Superintendent does not have to have a PE. It's going to open up our pool."

Mr. Wallace stated “Legally no.”

Mr. Stephens stated “I agree we need a PE in the Superintendents spot. I believe that’s probably been that way for many many years at least it was back when I was there but the Deputy hasn’t always had a PE in the past. Don’t ask me why I know that.”

Mr. Schrader stated “Mr. Chairman, are you looking for a motion to review this a little bit more or what are you looking for so we can move on?”

Mr. Smith stated “Yes. We need a motion on this. I would like to see what Jim and Steve are trying to do. They said to maybe stretch it out if Mark isn’t pressed for someone right away maybe we can wait a month or so and see how things develop.”

Mr. Schrader stated “So I’m going to make a motion that we let Mark do his due diligence and get a report back from him and go from there.”

Item #2 - On motion of Mr. Schrader, seconded by Mr. Campione for Highways, Item #2 was voted on and approved. Unanimous.

Mr. Smith requested a motion to adjourn.

At 10:00 a.m., on motion of Mr. Stephens, seconded by Mr. Campione, the Highway Committee was adjourned.

The Ways & Means Committee continued.