COMMITTEE: Frederick G. Potter, Vice Chair Jeffrey P. Horton Aaron I. Mullen
Thomas J. Ryan

STAFF: Jack K. Wheeler Christopher Brewer Jennifer Prossick
Vince Spagnoletti Todd Housel Steve Orcutt
Lisa Tracy Andy Barbado Craig Patrick
Rob Wolverton

LEGISLATORS: Scott J. Van Etten Robin K. Lattimer Carol A. Ferratella
Kelly H. Fitzpatrick Hilda T. Lando Steven P. Maio
John V. Malter Gary D. Swackhamer

ABSENT: Robert V. Nichols, Chair

I. CALL TO ORDER

Mr. Potter called the meeting to order at 10:00 a.m. and asked Mr. Ryan to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JUNE 7, 2021, MEETING MADE BY MR. MULLEN, SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. HIGHWAYS

A. Authorization to Bid Timber – Mr. Spagnoletti requested authorization to put out a bid for timber harvesting at the Carney Lot on Call Hill Road in Hartsville. We have 400 Red Oak, 240 White Ash and 62 White Oak to harvest.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO PUT OUT A BID FOR TIMBER HARVESTING AT THE CARNEY LOT ON CALL HILL ROAD IN THE TOWN OF HARTSVILLE MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. CDL Program – Mr. Spagnoletti stated he had two employees who were already in the program and did not need financial assistance. He requested authorization to add two employees to the program. The first is an MEO that serves as a backup operator for our Paver, which requires a Class A license to operate. The second is for a MEO Supervisor that currently does not have his Class A, but that is a requirement of the title.

MOTION: APPROVING THE FOLLOWING INDIVIDUALS IN THE PUBLIC WORKS DEPARTMENT TO TAKE CDL TRAINING TO OBTAIN THEIR CLASS A LICENSE: CHRIS CERMAK, MEO SUPERVISOR AND JAMES WILLIS, MEO MADE BY MR. MULLEN. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Ryan asked how was it that the Supervisor was hired without having his Class A license if that was a requirement? Mr. Spagnoletti explained we allow it with the understanding that they have to get their Class A license within two years of appointment.
VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Appropriate Grinder Revenue – Mr. Spagnoletti explained we typically spend about $35,000 per year for parts, repairs and teeth for the grinder. This year we will need to spend an additional $10,000 to repair the turbo charger. We currently have $147,000 in grinder revenue and he requested authorization to transfer $50,000 of the revenue into the parts and repairs line item within the grinder capital project.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO TRANSFER $50,000 FROM PAVEMENT GRINDER REVENUE INTO THE PARTS AND REPAIRS LINE ITEM WITHIN THE GRINDER CAPITAL PROJECT MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

D. Support Letter Allowing Towns to Use Salt Brine from Savona Propane Storage Facility – Mr. Spagnoletti explained the State Legislature passed a law that they are waiting for the Governor to sign with regard to the use of salt brine from wells and ponds being used on highways. The towns use salt brine for dust control on roads. In the law it states the purpose is to prohibit waste water from hydrofracking being used on highways. Our town highway departments go to the Savona Propane Storage facility which is a salt cavern; water mixes with salt in the cavern. This has nothing to do with hydrofracking, but under this law it would prohibit the use of the salt water. He commented DEC (Department of Environmental Conservation) has even said the law is too prohibitive. Mr. Spagnoletti stated that Mr. Potter had asked him to include this on the agenda.

Mr. Potter stated the Savona access is not good for the towns in my district, however, there are gas wells in the Town of Independence which is in Allegany County, and are more practical for us to access and are not from hydrofracking. I am asking for support from the County in the way of a resolution asking the Governor to veto that bill so that the towns can get salt brine for dust control.

Mr. Spagnoletti stated in Allegany County they have salt ponds and those are totally lined. The vertical wells drilled in Allegany County are not from Marcellus Shale. Those are wells that are in operation and have been there for months or years. He explained the gas comes out and when it does it also brings up groundwater. They draw it off and put it in the ponds. That is a little different than this. They use the water and DEC makes them test it. The salt in those ponds is stronger and saltier. DEC keeps a close watch on it. The agenda item references Savona and the towns are concerned as they want to be able to use that salt brine.

MOTION: REQUESTING THE GOVERNOR TO VETO S355 AND A903 PROHIBITING THE USE OF DRILLING FLUIDS, BRINE AND FLOWBACK WATER FROM WELLS, POOLS OR FIELDS ON ANY HIGHWAY FOR ANY PURPOSE, INCLUDING, BUT NOT LIMITED TO DE-ICING OR DUST SUPRESSION MADE BY MR. MULLEN. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Van Etten asked if these wells don’t qualify as hydrofracking, then why are they included? Ms. Prossick replied the legislation is too broad. Mr. Spagnoletti stated they are saying the purpose is to prevent hydrofracking materials on the roads, but the law prohibits the use of drilling fluids, brine and flowback water from wells, pools or fields on any highway.

Mr. Malter stated hydrofracking is not allowed in New York State. Mr. Spagnoletti replied that is correct. Mr. Malter asked how much are the towns paying for salt brine? Mr. Spagnoletti replied they are paying $5 per load from Savona and they get it free in Allegany County. Mr. Malter asked if the towns don’t use it, what will they do with it? Mr. Spagnoletti replied I don’t know. Mr. Housel commented Savona has a permit that allows them to discharge it into the Cohocton River.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

E. Award Contract for Bridge Engineering – Mr. Spagnoletti stated Steve Catherman has been our bridge engineer since 1990 and he has retired. We put out an RFP to hire an engineering firm for bridge design. We interviewed
six firms. All are LSDA listed which means they are State approved and can be used on federally funded projects. Delta Engineers, Architects, Land Surveyors & Landscape Architects, DPC out of Endwell, NY had hourly rates that were somewhat lower than the other companies. They will utilize our survey crew, their engineer will design the bridge and our CAD people will make the plans. Part of the reason their rates are so low is because they will be utilizing our staff. Mr. Spagnoletti stated we called two counties that have used this firm and they stated they were prompt and they get the work done. Their bridge engineer is an expert on precast concrete beams and designs them for many manufacturers. The firm is also an expert in truss bridges. They design for precast bridge abutments and we do precast box culverts. Mr. Spagnoletti stated he would recommend awarding to Delta for bridge design, bridge repair remediation design and general engineering advice. The rate is $140 per hour for project manager and $110 per hour for project engineer.

**MOTION:** AWARDING THE CONTRACT FOR BRIDGE ENGINEERING SERVICES TO DELTA ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECTS, DPC OUT OF ENDWELL, NY FOR A RATE OF $140 PER HOUR FOR PROJECT MANAGER SERVICES AND $110 PER HOUR FOR PROJECT ENGINEER SERVICES THROUGH DECEMBER 31, 2022 MADE BY MR. MULLEN, SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Ryan asked who is accountable for the hours? Mr. Spagnoletti replied they will send us their hourly figures. In terms of how we check the hours, DOT has a percentage of what they say engineering services should be of the total construction cost and we will look to make sure it is within that.

Mrs. Ferratella stated in the past Steve Catherman was excellent working with the towns and villages. In the future will the towns and villages contract with Delta for those services? Mr. Spagnoletti replied Delta has a reputation of working very well with the field people and they have a good relationship with them. As far as the towns calling us, we could have this engineer go and look, but indirectly he will charge us and I would relay that cost on to the town or village.

Mr. Malter stated Steve Catherman did many other things; how will you fill that void? Mr. Spagnoletti replied his job was primarily the 331 large bridges in the County. He did do some other things, but he almost entirely did bridge work. Mr. Malter asked will we need to use them for engineering work for the landfill or gas monitoring? Mr. Spagnoletti replied very little as Mr. Orcutt does that work with Barton & Loguidice.

**VOTE ON PREVIOUS MOTION:** ALL BEING IN FAVOR. MOTION CARRIES 4-0.

**F. Road Use Agreement with Eight Point Wind** – Mr. Spagnoletti requested authorization to enter into a road use and repair agreement with Eight Point Wind. They will be putting in 25 windmills in Greenwood and West Union. They will start tree cutting in November and building next year. This is essentially the same agreement that we have used in the past.

**MOTION:** AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A ROAD USE AND REPAIR AGREEMENT WITH EIGHT POINT WIND FOR THE WINDMILL PROJECT IN GREENWOOD AND WEST UNION MADE BY MR. HORTON. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

**V. BIDS**

A. Pavement Marking Painting

**MOTION:** AWARDING THE BID FOR PAVEMENT MARKING PAINTING TO THE SOLE BIDDER, ZEBRA PAINT STRIPING, INC. FOR $8,995.00 MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Refuse Transfer Trailer – Mr. Spagnoletti stated he will be holding this until the August meeting.
C. **Two Pump Assemblies for Compactor**

**MOTION:** AWARDING THE BID FOR TWO PUMP ASSEMBLIES FOR COMPACTOR TO FIRE STAR EQUIPMENT FOR THE AFTER MARKET TRIPLE PUMPS FOR A PRICE OF $14,332.56 EACH MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

VI. **OTHER**

A. **Request for Special Meeting** – Mr. Spagnoletti requested a special meeting prior to the July Legislative meeting to award the bid for the Cohocton Shop.

**Secretary’s Note:** The committee was in agreement to hold a special meeting prior to the July 26, 2021, Legislative Meeting to award the bid for the Cohocton Shop.

B. **Status of 2021 Goals** – Mr. Potter stated one of the committee’s goals was the shop study and the other was a study comparing renting equipment versus purchasing equipment. Mr. Spagnoletti stated I have provided Mr. Wheeler with a long-term facility plan for seven projects and just added an eighth project. He stated he is working on the comparison of purchasing versus renting equipment. Also Mr. Nichols had shared his concerns about hiring a bridge engineer and we instead put out a bid for those services. We also hired Todd Housel as Deputy Commissioner.

C. **Tire Dollar Days** – Mr. Spagnoletti stated we recently held Tire Dollar Days at the Bath Landfill and the Hornell Transfer station and we collected 9,600 tires. Last year we collected 9,300 tires. He noted that before we started offering this program we were collecting 11,000 tires per year. The very first year we offered this program we collected 24,000 tires. Mr. Spagnoletti stated we normally charge $2.50 per tire.

D. **Crane** – Mr. Spagnoletti showed pictures of a Terex Crane that Jerry Miller recently purchased off federal surplus. This crane was originally made to lift cargo containers off ocean liners. The crane we have at the bridge shop is 50 years old and we are looking to replace it. To purchase a new one would cost $500,000. Mr. Miller purchased this crane for $12,000 plus the $20,000 it cost to ship it here. There was something wrong with the electrical system and we purchased parts for $6,000. Now we have to put out an RFP for a new attachment as we need one that is smaller. That is good news and Mr. Miller was very proud, and he should be.

Mr. Potter asked what is the total invested cost? Mr. Spagnoletti stated we have spent $35,000 - $40,000 and we will need to purchase a lifting attachment which will be about $50,000. Mr. Ryan asked is the old crane out of commission? Mr. Spagnoletti replied no, it works but we want to have a backup. Mr. Potter asked are there any OSHA concerns with the machine being that old? Mr. Spagnoletti replied no, it is inspected every year.

**MOTION:** TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS’ LAW, ARTICLE 7 § 105.1.H. THE PROPOSED ACQUISITION, SALE OR LEASE OF REAL PROPERTY OR THE PROPOSED ACQUISITION OF SECURITIES, OR SALE OR EXCHANGE OF SECURITIES HELD BY SUCH PUBLIC BODY, BUT ONLY WHEN PUBLICITY WOULD SUBSTANTIALLY AFFECT THE VALUE THEREOF MADE BY MR. RYAN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

**MOTION:** TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 4-0.
MOTION: TO ADJOURN MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR, MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Monday, August 2, 2021
Legislative Chambers
9:30 a.m.

Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Monday, July 26, 2021