

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Wednesday, January 5, 2011

9:00 a.m.

Legislative Chambers

Steuben County Office Building

Bath, New York

****AMENDED MINUTES****

COMMITTEE:	Robert V. Nichols, Chair Brian C. Schu	Michael Hanna, Vice Chair	Patrick J. McAllister
STAFF:	Mark R. Alger Bryce Foster Amy Dlugos	Jack Wheeler Steve Orcutt Alan Reed	Vincent Spagnoletti Steve Catherman
LEGISLATORS:	Joseph J. Hauryski Gary B. Roush Randolph J. Weaver	Lawrence P. Crossett Scott J. Van Etten	Carol A. Ferratella John S. Walsh
ABSENT:	Gary D. Swackhamer		
OTHERS:	Kevin Voorhees, Barton & Loguidice Dave Walczak Bill Weber Jodi Andryskick Rachel Treichler	Susan Multer Jean Wosinski Janet Stone Mary Perham, <i>The Leader</i>	Mike Brother, Barton & Loguidice Jeff Andrystick Lorraine Manelis Jon Champaigne

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 9:00 a.m. and asked Mr. Schu to lead the Pledge of Allegiance.

II. COMMENTS BY MEMBERS OF THE PUBLIC

Mr. Nichols opened the floor for comments by members of the public.

Dave Walczak, Bath, NY, stated that Dr. Earl Robinson has been working with the issue of drill cuttings in Chemung County. As Dr. Robinson was unable to attend today's meeting, Mr. Walczak read his statement to the committee. A copy of Dr. Robinson's statement is on file with the official minutes in the Clerk of the Legislature's Office.

Susan Multer, Steuben County League of Women Voters, stated that last June we had recommended delaying the permits for horizontal drilling and hydrofracturing until the Environmental Protection Agency (EPA) finishes their study which is projected to be completed in 2012. We need to slow down and wait and do this thing right. This subject is so complex and many things have gone wrong where drilling is being done in Pennsylvania, Wyoming and Texas. As a county, we need to know a lot more information before a decision is made. She provided a DVD of a presentation entitled "The Rest of the Story: The Real Impact of Gas Drilling" to the committee and recommended that they at least listen to the first speaker, Louis Allstadt, who was the former Executive Vice President of Mobil Oil Corporation. In addition, the county should get an expert on radiation detection. Do they monitor alpha, beta and gamma rays? What types of radiation detectors will be used? Please do your homework and take your time.

Jeff Andrysick, Pulteney, stated Pennsylvania has more landfills than any other state, however, they are sending their drill cuttings to three landfills in New York. Why doesn't Pennsylvania handle all of their drill cuttings? The Department of Environmental Conservation (DEC) has not tested any of the drill cuttings being brought into the New York landfills. Mr. Andrysick provided the committee with a list of reasons why there should be no radioactive waste in county landfills and this list is on file with the official minutes in the Clerk of the Legislature's Office. He commented that private citizens are willing to pay for tests of this material out of their own pockets and that will not cost the taxpayers or New York State any money. The drill cuttings should not go into the landfill.

Bill Weber, Pulteney, stated that he is in favor of taking drill cuttings into the landfill. This should not be confused with the injection water flowback. He has worked very closely with Commissioner Spagnoletti and they had arranged to provide radioactive safety training. The workers will be wearing badges and will be able to monitor the amount of exposure. This matter is completely overblown and fear has taken hold. When you look at the facts and see what radiation levels exist in the cuttings and look at the protection that can be taken, this will be a safe and worthwhile enterprise for the county.

Jean Wosinski, Corning, stated that she was a groundwater geologist trained in East Lansing, Michigan. When the technology falls behind the need for scientific exploration, the government often spends money on efforts to improve technology. The topic of discussion today relates to the disposal of the well borings. This opens the door to hydrofracturing. If anyone has any concerns about the health issues, they should read the articles in *The Leader* from yesterday and today. They have seen the destruction of water resources in Pennsylvania. That is only strengthening the point that this process is dangerous to the New York State environment and water resources. Put the issue on hold and wait until the technology catches up with the process.

Lorraine Manehis, Howard, stated that she is concerned about this issue. The first thing that came to mind is that the County is making a decision on a study fraught with conflicts of interest.

Jodi Andrysick, Pulteney stated that she is very concerned about this. She distributed a DVD entitled "All Fracked Up" which contains a lot of information regarding landfills. She encouraged the committee to watch this prior to making a decision. The DVD is on file with the official minutes in the Clerk of the Legislature's Office.

Janet Stone, Pulteney, stated if you fill up our landfill with Pennsylvania drill cuttings, what happens if in fact, drilling comes to Steuben County? Where will those cuttings go? That is something to think about.

Jon Champaigne, Bath, stated that we are commenting on a study that we haven't even heard about yet. If there is a one percent chance of pollution, then we shouldn't take that chance at all. Why are we being asked to take chances that we don't need to take? Many distinguished scientists have shown that there would be damage to the water table.

Rachel Treichler, Hammondsport, stated she is an attorney in Hammondsport and she is very concerned about the radioactivity issue in the Marcellus Shale because that is the most radioactive formation. She applauds the Legislature for their caution so far and for the fact that you have looked at this issue and asked questions. She applauds Commissioner Spagnoletti for saying that he will not take the drill cuttings if they are not shown to be safe. That is a very important stand. We don't know what this report provides, but she does have concerns based on what she knows about the Marcellus Shale. There are a number of black shales in western New York and all of them are radioactive. The gas drillers know when they reach the shale because of the gamma radiation they find. The most dangerous is the alpha and beta radiation that comes from the Radium. The alpha radiation can be blocked by a piece of paper. It is much more complicated and expensive to test for the alpha and beta radiation. Currently the Chemung County Landfill is only testing for gamma radiation. Ms. Treichler distributed copies of a news release entitled "Fracking Mobilizes Uranium in Marcellus Shake, UB Research Finds" as well as a copy of a memo from Radioactive Waste Management Associates; copies of both are filed with the official minutes in the Clerk of the Legislature's Office. There are many problems in the report that have not yet been addressed by the DEC. This calls into question the inadequacy of our existing requirements. Local governments can regulate

waste disposal. I would urge the county to consider our own county laws to protect the citizens of the county as the State laws are not adequate at this point.

Mr. Nichols thanked everyone for their comments. There being no further comments, he declared the opportunity for public comment closed.

III. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE DECEMBER 1, 2010, AND DECEMBER 20, 2010, MEETINGS MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

IV. LANDFILLS

A. *Update of Draft Flow Control* – Mr. Spagnoletti stated the committee had asked about drafting a Flow Control Law in case they thought it would ever be needed. Last month a draft was presented to the committee and there were some concerns. He reviewed the changes that were made after the December meeting.

Mr. McAllister stated that with regard to Section 5 – Enforcement, he had recommended that during the permitting process to have something that the hauler would sign, usually negotiated, that they would agree to. The haulers would agree to not bring certain things in and agree that damages would be hard to calculate and are agreeing to the liquidated damages clause. He doesn't believe the way you currently have it would be enforceable as unilateral. Mr. Spagnoletti stated that he will review that section again.

Mr. Van Etten asked for an explanation of page 11, Section 4.8.2 with regard to Non-Hazardous Industrial-Commercial-Institutional Solid Waste. Mr. Voorhees explained this is giving the county flexibility to turn away loads of waste that may not be compatible with landfill operations. He noted that basically this would apply to any non-residential waste.

Mr. Van Etten commented that on page 11, Section 5.2, the NOV (Notice of Violation) should be included in the definitions. Mr. Spagnoletti stated they will do that.

Mr. Van Etten asked with regard to page 12, Section 5.3.b, why do we want to have this board hold a hearing handing out fines? Would it be easier to turn that over to a local court? Mr. Voorhees replied we did that to try to make it easier to enforce the local law. Other counties have similar provisions. There is time and expense involved with going to court. Mr. Van Etten commented that he could see us opening ourselves up to suits if the Waste Enforcement Board did not handle enforcement correctly. Mr. Voorhees replied the County Attorney is a member of the Waste Enforcement Board.

Mr. Van Etten asked on page 12, Section 5.3.b.8 if there is a fine, who do they make the payment to? Mr. Voorhees replied the County Treasurer. That is not spelled out and it should be. Mr. Van Etten stated on page 13, Section 3.c, who is going to do enforcement? Is the County going to fund enforcement activities and why three days? Mr. Voorhees replied we included the three day period for long holiday weekends. We included that provision so you don't have to have a 24-hour watch. It also allows you to spot check. Mr. Van Etten asked at what point does the three day clock start? Mr. Voorhees replied three days from when the waste was removed from the location.

Mr. Van Etten asked with regard to overall enforcement of this, is the County planning on having to fund extra positions for the enforcement? Mr. Spagnoletti replied as far as enforcing this, the haulers will police themselves. This is not something that will require a full-time enforcement officer. Mr. Voorhees stated some counties will fund part of a position in the Sheriff's Department. Others have solid waste staff do this. It all depends on how you want to work it up. The arrangement out of the Sheriff's Departments is a good option. Mr. Spagnoletti stated that he will revise this and bring it back to committee for approval.

Mr. Weaver stated the City of Hornell takes their garbage out of county and have a three-year contract. If you implement Flow Control in the middle of Hornell's contract then they would be in violation. There needs to be some clause or something with regard to municipalities enacting this at the end of their current contracts. Mr. Spagnoletti stated the City

of Hornell is taking their garbage to Allegany County for a significantly lower cost. That is something we must add to be fair to the City of Hornell. We could call it a grace period to allow them to finish their contract.

Mr. Schu asked if we finally get the terms settled and adopt this, what is the implementation process? Would it come to Public Works and the Legislature? Mr. Spagnoletti stated if you are agreeable to the format, then we will put it on the shelf. If you decide to implement it, then it would come to the Public Works Committee and then it would be recommended to the Full Legislature for action. Mr. Alger commented we would also need to have a public hearing.

Mr. Van Etten asked for the other counties that have implemented Flow Control, what have been the general outcomes for the neighboring counties? Mr. Voorhees replied there haven't been many counties who have implemented Flow Control. Most of those that have, they had it in place prior to the Supreme Court's decision. The reaction has been next to nothing simply because they were not in the solid waste business.

Mr. Van Etten stated if they were to pass this, he would want to see a study of the large waste producers in the County and what is currently happening with their waste and how it would change if we implemented Flow Control. Mr. Spagnoletti stated we have that information. The county receives 80,000 tons from county residents. There is 30,000 tons that is taken out of the county. We estimate that we have 110,000 – 120,000 tons in the county. The next item on the agenda addresses how we make up for the 30,000 tons that is taken out of the county. Tioga County, NY and Middleton brings us a total of 20,000 tons and that generally helps us to make the landfill self-supporting. The past couple of years have been difficult, although our garbage tonnage is increasing. If you were going to decided to implement this, we would give you a more detailed list of where the garbage is produced.

B. *Tioga County Tipping Fee Contract* – Mr. Spagnoletti informed the committee that because there is 30,000 tons of garbage going out of the county, we have seen a significant drop in revenue. One of the things we have done is to take 6,000 tons per year from Tioga County, New York. Because they have a long haul, naturally, they would not be able to pay the full price that we charge at the gate, which is set at \$40.00 per ton. This is a good example of regional cooperation as it would not make sense for Tioga County to build a landfill for 6,000 tons per year. He requested authorization to enter into a contract with them at a rate of \$29.00 per ton for 2011, \$30.00 per ton for 2012, \$31.00 per ton for 2013, \$32.00 per year for 2014 and \$33.00 per year for 2015.

Mr. Hanna asked is Tioga County in agreement with this? Mr. Spagnoletti replied yes. We are not locked in and there is a mutual withdrawal clause with either 30 or 60 days notice.

Mr. McAllister commented that he never liked the fact that we charge less for them to bring garbage in from out of the county, but we examined that and if we did not take it, we would then have to charge our residents more per bag to make up that difference? Mr. Spagnoletti stated that is correct. The difference to the county taxpayers is \$200,000 to the bottom line, after the cost to us. That \$200,000 goes toward the tipping fee for the residents. The price at our landfill is among the lowest in the state. We have a very efficient operation and this is part of what allows us to have low tipping fee costs. We look at safety and the environment first and then we look at the most cost-effective way to do that.

Mr. Nichols commented that he has always been proud that the landfill supports itself with the revenue it takes in and he would like to keep it that way.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A FIVE-YEAR AGREEMENT WITH TIOGA COUNTY, NEW YORK, TO ACCEPT 6,000 TONS OF GARBAGE PER YEAR FOR A RATE SET AT \$29.00 PER TON FOR 2011, \$30.00 PER TON FOR 2012, \$31.00 PER TON FOR 2013, \$32.00 PER TON FOR 2014 AND \$33.00 PER TON FOR 2015 MADE BY MR. SCHU. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C. *Presentation of Findings; Marcellus Shale Drill Cuttings Study* – Mr. Spagnoletti stated that we have been studying this issue for a month. We appreciate the input that has been given by the Environmental Management Council (EMC) for the last 18 years and they are mostly responsible for the gains we have made in the landfill division. We have a good environmental system. There was a point made early about the rights of nature. That is the basis of what

we do in the landfill division. We knew that this material was allowed in the landfills a year ago, but we wanted to visit sites and study it.

Mr. Spagnoletti stated the process the gas companies use, is to drill down, vertically to depths of 3,000 – 4,000 feet, in New York State. Then the drill is turned horizontally and they drill approximately 6,500 feet. Those cuttings, the rock and soil, are all that we are talking about. We are not talking about the high pressure water that goes down, the water released from the Marcellus Shale formation, or the sludge in the sediment ponds. We don't want any part of that. The cost to build a plant to treat that water would be \$30 million. That is not our job. Today, we are just talking about the rock and dirt that comes up when the hole is drilled. The point was brought up earlier that if we approve this, that we are approving the entire process. We are only talking about the rock and dirt. We are not passing judgment on the entire process.

Mr. Spagnoletti stated radioactivity is found in all rock and soil. In your backyard, you have soil that has radioactivity in it; the question is how much and the affect on the water, land and sky. When I first heard about people bringing in drill cuttings, we started to get requests for it. There are two things that I was immediately concerned about. First, the safety of the workers at the landfill and second, the affect of the cuttings on the leachate. The report by Barton & Loguidice, brought up a third concern, which is what will happen when the landfill is full and capped.

Mr. Spagnoletti provided the committee with historical information on the construction of the landfill. In the 1970's there was no liner. In the early 1990's we spent \$3.5 million to clean up the landfill and another \$9 million to build a leachate treatment plant. In 1988 the new Bath Landfill was built. This is located on a 23-acre site and is 900 feet long and 400 feet wide. We just finished filling that up. About three years ago, we built Cell 1 using a new design and he explained that design to the committee. Cell 1 will take six years to fill. Cell 2 is in now operational and will hold 500,000 tons and should last five years. The County has been permitted to build another two cells. In the long-term, we have 400 acres of property. Very roughly speaking, we have 150 years worth of space. Surrounding the landfill are a total of 111 testing wells and four times a year samples are taken to see if anything is showing up that isn't normal. The cost to build one of these cells is \$7.5 million and after it is full, then there is an additional cost of \$1.5 million to cap it. The DEC has a requirement that we have to take care of the cell for 30 years after it is capped and we have to set aside another \$1 million for testing and routine maintenance.

Mr. Spagnoletti provided a brief overview of the Marcellus Shale formation. The shale is about 3,000 feet deep in the northern portion of the county and 4,000 feet deep in the southern portion. The thickness of the shale in Steuben County is 75 feet and as you move east into Broome County it is 200 – 300 feet thick; and in the Catskills it is 300 feet thick. The general rule of thumb of the gas drillers is that every 1 mile by 2 mile rectangle of land they put in one pad which consists of six wells and they drill each well 3,500 feet vertically and then 6,500 feet horizontally. There is the potential of having 700 pads in Steuben County. That is the magnitude of what is being projected here.

Mr. Spagnoletti stated the report was commissioned by Casella Waste Management and they hired Barton & Loguidice who also are our engineers. He introduced Mike Brother, Senior Engineer Hydrologist. Mr. Brother stated we were engaged by Casella to conduct an evaluation of the drill cuttings. Samples were collected from multiple sites in Pennsylvania as well as from stockpiled cuttings at three landfills in New York State. The samples were taken directly from drilling sites that were actively being drilled in Tioga and Bradford, Pennsylvania counties. The information gathered included total vertical depth as well as the distance along the lateral. Any suggestion of the uncertainty of where the samples were collected is simply unfounded.

Mr. Spagnoletti stated the executive summary states that drill cuttings are being taken at the Chemung County Landfill, Casella landfill in Painted Post and at Highland. Keep in mind that the soil in your own backyard is radioactive, but again, the question is at what level? Five samples of the drill cuttings came from the horizontal drilling from four drill sites, as well as from the three landfills. Those samples ranged from .6 **pico curies**/gram to 4.3 curie/gram. This averages out to 2.5 **pico curies**/gram. When you look at the natural soil in the area, the average is 9 **pico curies**/gram. The U. S. EPA has standards for cleaning up sites that have radioactivity. The maximum rate for drill cuttings is 4.3 **pico curies**. Under the current EPA regulations, you could spread the drill cuttings out six inches thick and build a school on it.

Mr. Spagnoletti stated with regard to the impact on the leachate, if you bury the drill cuttings and keep them six feet above the liner, and based on that distance, if you take away the radioactivity of the Marcellus Shale, the radioactivity would be measured at 2.5 **pico curies/gram**. As a comparison, the maximum radioactivity for drinking water is 5 **pico curies/liter**. How long would it take for the leachate going into the collection pipes to get up to 5 **pico curies/liter** so that it would no longer be acceptable by drinking water standards? It would take 2,800 years from now. The next demarcation point is that at 60 **pico curies/liter**, you would no longer be able to process that liquid through the leachate plant because the radiation would be too high. At 2.5 **pico curies/gram**, we would never reach that mark.

Mr. Spagnoletti stated in terms of worker safety, the workers involved would be the truck drivers bringing the material to the landfill and the dozer operators who would spread and cover the material. We did an analysis if we were to bring in 59,000 tons per year and assumed that the radioactivity was 50 **pico curies/gram**. At that rate, the exposure to the workers would not exceed the guidelines for the general public. If we had a dozer operator working 8 hours per day and the radioactivity was 5 **pico curies/gram**, they would be exposed to 3.7 millirems per year. That would be the equivalent exposure to someone who lives in the higher elevation of Cohocton. If you lived in Santa Fe, the millirems would increase by 30. The truck driver who is bringing in 130 loads of drill cuttings a year at 5 **pico curies/gram** would receive 0.6 millirems of exposure over the course of a year. You are exposed to that by watching television each year. Additionally, if you live in a stone, brick or concrete frame house, the millirems increase by 7.

Mr. Spagnoletti stated the last area we looked at is what will happen when the landfill is capped and someone is mowing or walking over that area. Assuming we took the soil from your backyard and filled the landfill with it and buried it three feet below the cap, the radioactivity you would receive is the same as if you buried 59,000 tons of drill cuttings with a radioactivity level of 50 **pico curies/gram** five feet below the cap. You would receive more radiation from the soil in your backyard. If we decide to take the drill cuttings, we would bury them 10 feet below the surface and that would have a level of 0.12 millirems.

Mr. Spagnoletti stated all of this analysis is based on the material that is drilled from the lateral hole of the well. Almost half of the drill cuttings will be from the vertical hole, which is from normal soil. These figures are all conservative. When they take it out of the drill hole, we have restrictions by the DEC on how liquid it is. Some of those cuttings are more liquid than we are allowed to have. The gas companies mix lime and or sawdust in the cuttings to dry them out.

Mr. Brother stated he would like to comment on some earlier remarks indicating that there was an absence of certification for the lab that conducted the analysis. New York State does not offer lab certifications to any lab in New York State for radium. Mr. Nichols asked in the study, did they also include the alpha and beta radiation? Mr. Brother replied the different radiations are included. Concerns were expressed earlier that the monitoring devices at the scale houses would not be able to detect high concentrations. That instrument can be calibrated to be very sensitive. These kinds of monitoring devices have been in use at landfills nationwide for decades. This is not new technology.

Scott Fody, NYS DEC, stated that he is the Region 8 Materials Management Engineer and we are responsible for regulating landfills. Region 8 consists of eleven counties and includes six of the eight largest landfills in the State. Mr. Spagnoletti had asked for our determination on the issue of accepting drill cuttings. We at the DEC have no preference at all if you decide to take in drill cuttings. DEC has evaluated the regulatory and technical issues involved with this question and has determined that disposal of these drill cuttings in permitted landfills is consistent with regulatory requirements and the protection of the environment. We are not proponents or opponents to this. Mr. Fody stated the Steuben County landfill is well designed and operated. It is built to the standards of a hazardous landfills and you do not accept hazardous waste. The issue that is being discussed is not the hydrofracturing liquid, but rather the drill cuttings from the first boring down and out. This is just describing the drill cuttings, which is rock, and the lubricants that are used for the drill boring as it goes through. The cuttings look like coal-colored black dirt. Many things you deal with everyday have radioactivity and the drill cuttings are less radioactive than many things we had available to test. An analysis of all applicable regulations concludes that drill cuttings are not prohibited from disposal in permitted New York State landfills. They are safe and we looked at the radioactivity as well as the chemistry. The DEC does have restrictions on the liquid content of landfill material. If Steuben County decides to accept drill cuttings, the DEC offers the following management considerations: For drill cuttings generated in oil-based drilling operations, a landfill should request and review analytical results and provide prior approval before accepting for disposal, similar to the process for accepting industrial waste. Oil-

based drill cuttings should be transported by haulers with Part 364 transporter permits. The three landfills in New York that are accepting drill cuttings are asking for an analysis of the loads that are coming in and then they decide if they will accept it.

Mr. Fody stated that with regard to radiation, samples were collected at both the landfills and the drill sites. We took our own samples and the drill companies offered their data. The radioactivity is between 1 – 4 **pico curies**/gram and all numbers are consistent regardless of where the drill cuttings came from. He commented that the Marcellus Shale is named after Marcellus, NY, just outside of Syracuse. People live on the shale and drill wells. These drill cuttings are the same, just the ground up version of that. In Albion, NY, their county office building is built out of Marcellus Shale. He commented that of the three landfills in New York that accept drill cuttings, the Hakes C & D Landfill can only take water-based cuttings. Mr. Fody stated there are no recommendations from the DEC on whether or not the county should accept the drill cuttings, you just need to take into account capacity concerns. Also, the drill cuttings don't have to be put in the landfill. Under law, the drill cuttings could just be left at the drill site. Mr. Nichols asked if we accepted the cuttings, would they affect the gas coming out of the landfill for electric generation? Mr. Fody replied he doesn't think it would be an issue, any more than concrete or other materials.

Mr. Voorhees commented the County has a history of being very cautious and being an environmental steward. This issue was first brought up a year or so ago and we have been in touch with the DEC. From a regulatory and environmental standpoint, this is okay to do and Commissioner Spagnoletti and the Public Works Committee wanted to wait and do a study. You have done your due diligence. Mr. Spagnoletti stated if we did ask to do this, we would only be talking about 10,000 – 15,000 tons. We all must look long-term. If they come to Steuben County and drill the entire county, we are looking at 600,000 tons. The question came up of do you want them to spread it across the field by the well? It is possible that you could set aside a cell just for this material if it gets to a point that you wanted to accept it. This is just a presentation of the findings and he will also be presenting this study to the Environmental Management Council.

V. BIDS

A. *Heavy Steel Pipe and Boiler Shells* – Mr. Spagnoletti recommended awarding to all bidders on a line item basis.

MOTION: AWARDING THE BID FOR HEAVY STEEL PIPE AND BOILER SHELLS ON A LINE ITEM BASIS TO ALLEGANY PIPE & TUBULAR PRODUCTS, CHEMUNG SUPPLY CORP. AND GATEWAY PIPE & SUPPLY MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. SCHU. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. HANNA. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

MOTION: TO ADJOURN MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, February 2, 2011
9:00 a.m.**

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STAFF:	Mark R. Alger Bryce Foster Rich Bills Anne Collson	Jack Wheeler Phil Hink John Emo Jerry Miller	Vincent Spagnoletti Steve Orcutt Steve Catherman Amy Dlugos
LEGISLATORS:	Lawrence P. Crossett Scott J. Van Etten	Carol A. Ferratella John S. Walsh	Thomas J. Ryan
ABSENT:	Patrick F. McAllister	Brian C. Schu	Gary D. Swackhamer
OTHERS:	Mary Perham, <i>The Leader</i> Dave Walczak	Mark Schlechter Jodi Andrysick	Rachel Treichler Jeff Andrysick

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 9:00 a.m. and asked Mr. Hanna to lead the Pledge of Allegiance.

II. PUBLIC COMMENT

Mr. Nichols opened the floor for comments by members of the public.

Mark Schlechter stated that he is here today to talk about the acceptance of drilling cuttings into the Steuben County Landfill. There was a group of us that met with Commissioner Spagnoletti to discuss this issue for quite a while and he appreciates Commissioner Spagnoletti's consideration in speaking to them. He has two points that he would like to make. The first is that after meeting with Commissioner Spagnoletti, his understanding is that they are going to suggest acceptance of the drill cuttings, but also will be indicating putting a specific testing protocol in place to determine if in fact the materials are safe. He would urge the committee that no decision be made to accept the material until a testing protocol is in place. The second point is that the main difference in opinion is the reliance on the gas industry. When you are dealing with fracking issues that requires faith that the industry will do what they are supposed to do. The experience has been that the industry cuts corners and have not been forthcoming with information. There have been 96 violations in Pennsylvania and relying on the industry to do the right thing has not been what history has shown. One of the frustrations is that the industry does not provide information unless they absolutely have to. Before you agree to accept the cuttings, make sure that the industry is doing the right thing. He urged the committee not to accept the cuttings until the testing is done and until the industry demonstrates that we can rely on them.

Rachel Treichler stated that she appreciates Commissioner Spagnoletti and his staff for meeting with the Environmental Management Council (EMC). She stated that she has obtained a copy of the Barton & Loguidice report that was presented at last month's Public Works Committee meeting. Our concern is that Co-Physical is not certified to do the types of testing they do. She stated that she contacted a company, Test America, who has sites around the Country and has experience with the oil and gas industries. This company conducted testing for the granite industry and found that there are concerning levels of radioactivity and used radon measurement which gives a more accurate estimate of the different types of radioactivity coming off the samples. Co-Physical only is

measuring gamma radiation. Test America indicated there are better methods available for testing. In addition, the samples were not dried. This material should not be built on. The number of samples tested was low for determining radioactivity. In conclusion, this is not a problem if you keep the drill cuttings completely isolated from water for the next 18,000 years. The question is the assumption that the cuttings will be isolated from water for hundred, if not thousands, of years. They should be asked to give a different scenario showing what would happen if the cuttings were exposed to water. There needs to be more information about how water can leach out radioactive material. In addition, this has been an issue with uranium mines. Ms. Treichler stated she thinks the County needs to look into this issue just a little bit more. She stated her final point is with regard to the cost of testing. These tests are pretty expensive. Why should the County pay for the tests. The gas industry should pay.

Dave Walczak stated that he would like to thank Commissioner Spagnoletti for speaking to the Environmental Management Council (EMC). He suggested that the public be given a comment period after the public officials make their comments as that would be more productive. He doesn't think the County is a corporation, and therefore, the County should not be looking at radioactive waste for revenue. We should not be an interstate importer of drill cuttings. We cannot allow the fox to guard the henhouse. He urged the committee not to accept this waste into the landfill. The gas industry should be able to prove, without a doubt, that no radioactivity will enter the landfill.

Jodi Andrysick stated that she would like to reiterate that we should not be looking at money. We need to look at the danger that the cuttings present to this County.

Jeff Andrysick stated that the gas plant at the landfill was a great idea; however, this issue of accepting drill cuttings is totally different. When you look at the New York City Watershed, they said they wanted the DEC to test the radioactivity of the Marcellus Shale. To avoid a legal showdown, the DEC gave them well by well permitting, making them safe against fracking. If drill cuttings are allowed, it will be a victory for the gas companies in Pennsylvania because they are taking their problems and shipping them up to us. It will also be a victory for Casella which stands to make billions. The most clever people were the ones in Pennsylvania when they lobbied the Pennsylvania Department of Environmental Protection to not have to log each well. Then there is no chance that we would have hard evidence that the Marcellus Shale is radioactive. They don't want to burden their landfills. If fracking is allowed, then the DEC will finally have to gather data.

Beth Miller stated that she owns and operates an organic farm in the Town of Wheeler. She is here today as a mother and a farmer. She has spoken to Commissioner Spagnoletti several times and he is very thorough. She stated that she is not convinced by the evidence. We need to be completely convinced. Does anybody completely understand radioactivity? After ten years, what amount would we have in the landfill? There will be tons of this material. The earth is our body and everything we are is from the earth. Recent studies have shown that Steuben County already is not doing well in terms of health. You are relying on a study that was done by a laboratory that was not certified. She urged the committee not to accept the drilling cuttings.

Joan Sloan, Avoca, stated that everybody in this room has children and/or grandchildren and you want them to have safe and healthy lives. If someone put a glass in front of your child/grandchild and said they were pretty sure it was poison, but there was no data, and asked your child/grandchild to drink it, would you say sure? This is really something just that simple. This is something that you are not sure about. What do you want to leave to your families?

Mr. Nichols thanked everyone for their comments and declared the opportunity for public comment closed.

III. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 5, 2011, MEETING MADE BY MR. HAURYSKI. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

IV. LANDFILLS

A. *Update of Draft Flow Control Law* – Mr. Spagnoletti distributed copies of the revised Draft Flow Control Law. There was interest expressed in having this on the shelf in case we ever wanted to use it. If enacted, this would force 25,000 tons of garbage that is currently taken out of County now, to be taken to our County landfill. Over the past couple of months you have asked for changes to this draft law. Mr. Spagnoletti reviewed the most recent changes to the draft law. He also distributed a list of haulers which Mr. Van Etten had requested. If there ever comes a time when you want to do this, it would be brought back to Committee and then passed on to the Full Legislature for approval.

B. *Marcellus Shale Drill Cuttings* – Mr. Spagnoletti stated last month he reviewed the Barton and Loguidice report with the committee. He would like to emphasize that what we are focusing on is the safety of our workers and the safety of the public. We are not balancing safety against revenue. The talk is about the radioactivity. All soil and rock is radioactive. The soil in your backyard is radioactive. The soil you grow your organic food in is radioactive. The question is how radioactive and is it safe. After meeting with the Environmental Management Council and another group last week, the single biggest thing to clear up is the report that talks about the Marcellus Shale being 25 times the background; meaning the Marcellus Shale is 25 times more radioactive than natural soil. We investigated that report. What they did in the report, is take a dozen parameters; different radioactive elements and added up the radioactivity in the Marcellus Shale and came up with about 25. They took one element of the Marcellus Shale and said the radioactivity was 1. Then they said that it was 25 times more radioactive in Marcellus Shale than in normal soil. When the DEC said they mischaracterized this, they were being kind. This is a very misleading report. When you do the tests, the background soil to the Marcellus Shale is very close. When you add up all of the different elements, the Marcellus Shale is less radioactive than background soil. We concentrated on the radium and that was slightly more than background.

Mr. Spagnoletti stated there is disagreement and questions regarding the Barton & Loguidice report. The laboratory was Co-Physical and they specialize in radioactivity. They have been approved by the EPA, the DEC and the President of the Pennsylvania Geological Society approved their methods of study. There is no doubt on their qualifications. The comment was made earlier that the study isolated the drill cuttings from water and that is not true. The study looked at leachate, which is rainwater that goes through garbage, and looked at what would happen if rainwater went through garbage and through the drill cuttings. When we met with the Environmental Management Council, there were about 20 issues they brought up. Ms. Dlugos and I made sure that we looked at all 20 issues. Two main issues were brought up. The first was the allegation that the Marcellus Shale is 25 times more radioactive than the background soil and that is wrong. The second was the report from the Department of Health to the Department of Environmental Conservation regarding the question of safety. That report was not concerned with drill cuttings, but with the fracking water. They did say that testing should be done on the drill cuttings. We are just talking about the drill cuttings. Mr. Spagnoletti stated that after going through these questions, it reaffirmed his thought that this material is safe. Scott Fody from the Department of Environmental Conservation came to our meeting last month and is not telling us to do or not do this. They are saying the drill cuttings are safe.

Mr. Spagnoletti stated the main point of the report is that the EPA standard is that material should not be higher than 5 pico curies per gram and these drill cuttings were at the highest 4.3 pico curies per gram. With regard to the leachate, the cuttings will be buried six feet from the collection pipes. The average rate for the drill cuttings is 2.5 pico curies per gram and that will never reach the point where our leachate plant can't clean up the leachate. He stated that our roller and dozer workers who would work 8 hours per day would be exposed to the same amount of radiation they would if they moved to the Lent Hill in Cohocton. He explained that typically radiation in soil is higher in higher elevations. The truck drivers who would haul 130 loads per year would be exposed to as much radiation as they would be from watching television for one year. Mr. Spagnoletti explained if you dug up the soil in your backyard and buried that three feet below the cap of our landfill, the radiation from that would be the same as if you bury the drill cuttings five feet below the cap.

Mr. Spagnoletti stated that he doesn't intend to bring in the drill cuttings and forget about them. We are going to test the material and verify that it is safe. Before the material arrives, we will have a test run at the drill pad where the material is coming from. When it arrives, we will run the Geiger counter over it and then after it is disposed on the ground, we will take tests of that material to see the radioactive level.

Mr. Nichols asked with regard to testing at the pad where the drill cuttings are coming from, who will do that? Mr. Spagnoletti replied we must go to the DEC and have them approve our testing protocol. Who goes how often to test the

cutting on-site will be written into our protocol. We will come to the committee and review the protocol with you prior to taking the drill cuttings. He explained at the landfill, we have 110 wells around the perimeter. We test those wells four times per year. We have those tests now and if and when we take the drill cuttings, we will still take tests of those wells to see if there are any changes.

Mr. Hauryski asked how will you handle having more than one company sending drill cuttings? Mr. Spagnoletti replied when we get the industrial waste, Mr. Orcutt gets a report from that source of what that is. We will get a report from each well site. My intent is to do the protocol and bring it to the committee. The DEC will have already approved the protocol. There will be 10,000 – 15,000 tons of that material brought in this year. We will let you know where we are going to get that material from. This material is not outside of the regulations of anything we do right now. It is within the EPA and DEC requirements.

Mr. Hauryski asked what is the timeframe for the testing protocol? Mr. Spagnoletti replied that will depend on the DEC. It could be 1 – 3 months. By taking in 10,000 – 15,000 tons, that equates to two or three loads per day.

Mr. Hanna commented he has had several conversations with Commissioner Spagnoletti and he knows how I feel. The timing is off on this project. If the drilling is coming to New York, then that would be the time to address this. He stated that he has all the confidence that Commissioner Spagnoletti can do this and he knows that Commissioner Spagnoletti knows what he is doing.

Mr. Nichols stated as long as you set up a testing protocol, he has no problems with this.

VI. ROADS AND BRIDGES

A. *Road Use Agreement with Empire Pipeline* – Mr. Spagnoletti stated that Empire Pipeline will be using CR32, CR34, CR44, CR45, CR107 as well as CR106. These roads are located primarily in Caton and Hornby. They will provide a \$1.7 million bond to cover these roads. The bond equates to the amount that it would cost for a contractor to build the roads. We will not be able to keep up if drilling comes to our area as you would be talking about 20 – 30 miles of road.

Mr. Foster stated the contractor will pay 100 percent of the incurred cost of the road. Empire Pipeline is hiring a contractor to do work based on our approval. The bond is in place in case the developer reneges on the road use agreement and we can call on the bond to hire someone to do the roads.

Mr. Nichols asked if drilling does come, is this something that the towns can use? Mr. Spagnoletti replied our road use agreement is there for the towns to use. He requested approval to enter into the road use agreement with Empire Pipeline.

Mr. Van Etten asked is there a trigger as to when they make the repairs? Does that happen when the project is completed? Mr. Foster replied the repairs can be made at any time that we tell them from the time the road use agreement is signed.

Mr. Hanna asked are the roads evaluated before the developer starts using them? Mr. Spagnoletti replied yes. They hire an engineer to evaluate the condition of the roads prior to use and again after. Then we decide what repairs need to be done.

Mr. Nichols asked what will happen if someone does not sign the road use agreement? Mr. Spagnoletti stated right now, if a road use agreement is not signed, we will post the road. That said, the question has come up if we can have a County law that requires developers to come in and sign a road use agreement without having to force them to the table by posting the road. We worked up a draft law, but it needs to be under a permit system. We are not talking about overweight loads. We are talking about 100 tandem trucks that are legally filled. He stated that they looked at signing a road use agreement with a bond rather than paying a fee per truck.

Mr. Hauryski asked with this road use agreement with Empire Pipeline, are you still working on an agreement with the towns for a provision for drill companies coming to the table to sign agreements? Mr. Spagnoletti replied there are two separate issues. We are working on a county law to enable us to have the drill companies come to the table and sign road use agreements without forcing them to come by posting the roads. The other thing we are working on is simplifying the

current road use agreement we have. Mr. Nichols commented a lot of towns are waiting on the County to put something together.

MOTION: AUTHORIZING THE PUBLIC WORKS COMMISSIONER TO SIGN A ROAD USE AGREEMENT WITH EMPIRE PIPELINE MADE BY MR. HAURYSKI. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

B. *Gravel Pit Lease in Rathbone* – Mr. Spagnoletti stated if the drill companies come into the County, they will gobble up gravel. We own one gravel pit in Bath and we have two agreements with a gravel pit in Avoca. He requested authorization to enter into a 15-year lease with Bill Reagan in Rathbone. The first five years would be at a price of \$1.25 per yard. Years 6 – 10 would be \$1.38 per yard and years 11 – 15 would be at a cost of \$1.52 per yard. There would be a minimum purchase of three tons per year. If we enter into this lease, this would give us a pit in the southern part of the County, which we need. We did test the gravel and it is good material.

Mr. Van Etten asked is there any exclusivity with this? Mr. Foster replied we have exclusive rights to what we are leasing at the time. The owner is not allowed to sell gravel to anyone else.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A 15-YEAR LEASE FOR A GRAVEL PIT OWNED BY BILL REAGAN, IN RATHBONE, NY MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

VII. **BIDS**

A. *Cold In-Place Recycling*

MOTION: AWARDING THE BID FOR COLD IN-PLACE RECYCLING TO THE LOW BIDDER, SUIT-KOTE CORPORATION OF WATKINS GLEN, NY, FOR A TOTAL PRICE OF \$479,323.10 MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

B. *Pavement Grinding*

MOTION: AWARDING THE BID FOR PAVEMENT GRINDING TO MIDLAND ASPHALT MATERIALS, INC., OF TONAWANDA, NY AND SUIT-KOTE CORPORATION OF WATKINS GLEN, NY FOR QUADRANT 1, QUADRANT 2, QUADRANT 3 AND QUADRANT 4 MADE BY MR. HAURYSKI. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

C. *Liquid Bituminous Material; AEPM*

MOTION: AWARDING THE BID FOR LIQUID BITUMINOUS MATERIAL; AEPM TO THE LOW BIDDER, SUIT-KOTE CORPORATION OF WATKINS GLEN, NY, FOR A TOTAL PRICE OF \$1.396 PER GALLON MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

D1. *Liquid Bituminous Material(s); State Specifications – FOB Plant Site*

MOTION: AWARDING THE BID FOR LIQUID BITUMINOUS MATERIAL(S); STATE SPECIFICATIONS – FOB PLANT SITE TO SUIT-KOTE CORPORATION OF WATKINS GLEN, NY, VESTAL ASPHALT, INC. OF VESTAL, NY; MIDLAND ASPHALT MATERIALS, INC. OF TONAWANDA, NY; AND DOLOMITE PRODUCTS COMPANY D/B/A AL BLADES & SONS, INC. OF HORNELL, NY, MADE BY MR. HAURYSKI. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

D2. *Liquid Bituminous Material(s); State Specifications – Emulsion with Distributor*

MOTION: AWARDING THE BID FOR LIQUID BITUMINOUS MATERIAL(S); STATE SPECIFICATIONS – EMULSION WITH DISTRIBUTION TO THE LOW BIDDERS, SUIT-KOTE CORPORATION OF WATKINS GLEN, NY; VESTAL ASPHALT, INC. OF VESTAL, NY; AND MIDLAND ASPHALT MATERIALS, INC. OF TONAWANDA, NY, ON A LINE ITEM BASIS MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

D3. *Liquid Bituminous Material(s); State Specifications – Emulsion for Cold Mix/Pugmill Machine*

MOTION: AWARDING THE BID FOR LIQUID BITUMINOUS MATERIAL(S); STATE SPECIFICATIONS – EMULSION FOR COLD MIX/PUGMILL MACHINE TO THE LOW BIDDERS, SUIT-KOTE CORPORATION OF WATKINS GLEN, NY, AND VESTAL ASPHALT, INC. OF VESTAL, NY, ON A LINE ITEM BASIS MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

D4. *Liquid Bituminous Material(s); State Specifications – Rental Equipment*

MOTION: AWARDING THE BID FOR LIQUID BITUMINOUS MATERIAL(S); STATE SPECIFICATIONS – RENTAL EQUIPMENT TO SUIT-KOTE CORPORATION OF WATKINS GLEN, NY; VESTAL ASPHALT, INC. OF VESTAL, NY; MIDLAND ASPHALT MATERIALS, INC. OF TONAWANDA, NY; AND DOLOMITE PRODUCTS COMPANY D/B/A AL BLADES & SONS, INC. OF HORNELL, NY, MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

E. *Asphalt Concrete; Specified in-Place Project(s)*

MOTION: AWARDING THE BID FOR ASPHALT CONCRETE; SPECIFIED IN-PLACE PROJECT(S) TO THE LOW BIDDER, DOLOMITE PRODUCTS CO., INC. D/B/A AS AL BLADES OF HORNELL, NY, FOR A TOTAL PRICE OF \$2,414,441.75 MADE BY MR. HAURYSKI. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

F. *Reinforcing Steel Bars*

MOTION: AWARDING THE BID FOR REINFORCING STEEL BARS TO THE LOW BIDDER, CHEMUNG SUPPLY CORPORATION OF ELMIRA, NY, FOR A TOTAL PRICE OF \$55,425.00 MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

G. *Guide Rail Materials*

MOTION: AWARDING THE BID FOR GUIDE RAIL MATERIALS TO THE LOW BIDDER, CHEMUNG SUPPLY CORPORATION OF ELMIRA, NY, FOR A TOTAL PRICE OF \$156,614.00 MADE BY MR. HAURYSKI. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

H. *Removal and Lawful Disposal of Deer Carcass(es)*

MOTION: AWARDING THE BID FOR THE REMOVAL AND LAWFUL DISPOSAL OF DEER CARCASS(ES) TO DICKS ENTERPRISES OF CAMPBELL, NY, FOR A COST OF \$30.00 PER CARCASS MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

I. *Heavy-Duty Highway Trucks* – Mr. Spagnoletti informed the committee they have purchased 8 tri-axle dump trucks and he would like to purchase 3 more and that would complete their fleet. These Peterbilt trucks can carry 65 percent more than the tandems. He recommended awarding to the low bidder, Utica General Truck Co., Inc.

MOTION: AWARDING THE BID FOR THREE HEAVY-DUTY HIGHWAY TRUCKS TO THE LOW BIDDER, UTICA GENERAL TRUCK CO., INC. OF UTICA, NY FOR A TOTAL COST OF \$676,428.00 MADE BY MR. HAURYSKI. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

J. *Asphalt Milling*

MOTION: AWARDING THE BID FOR ASPHALT MILLING TO VILLAGER CONSTRUCTION OF FAIRPORT, NY; BOTHAR CONSTRUCTION OF BINGHAMTON, NY; KILLIAN CONSTRUCTION INC. OF ROCHESTER, NY; THE L. C. WHITFORD CO., INC. OF WELLSVILLE, NY; MIDLAND ASPHALT MATERIALS INC. OF TONAWANDA, NY; SUIT-KOTE CORPORATION OF WATKINS GLEN, NY; AND DONEGAL CONSTRUCTION CORPORATION OF GREENSBURG, PA, MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

K. *Oxygen & Acetylene* – Mr. Spagnoletti informed the committee that currently Airgas has the bid for Oxygen and Acetylene. State law says that when they pick up the tanks, they have to take the tanks that still have oxygen and acetylene in them. We still have \$2,500 - \$3,000 of gas in those tanks that we paid for that we will lose if we go with the low bidder. This is an RFP and it does not make sense to go with the low bidder. Mr. Spagnoletti recommended awarding the bid to Airgas for \$8,322.00 and we will save the \$3,000 that you have already spent.

Mr. Van Etten asked would we be better off getting a five-year arrangement where this wouldn't come into play? Mr. Spagnoletti replied we will have to look at it; maybe a three or five year contract. The advantage now is to Airgas. He would recommend the award, but we will look at how to do this differently.

MOTION: AWARDING THE BID FOR OXYGEN AND ACETYLENE TO AIRGAS FOR A TOTAL COST OF \$8,322.00 MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

VIII. OTHER BUSINESS

A. *Mobile Work Program* – Mr. Spagnoletti distributed the 2010 Mobile Work Program report. During 2010, they worked 16,111 hours on projects around the County. This is a very good program.

B. *Truck Repairs* – Mr. Hauryski asked if the repairs had been made to the truck that was in the accident in Hornell a couple of months ago? Mr. Miller replied we expect the truck back any day.

C. *Forestland* – Mr. Hauryski asked for an update. Mr. Spagnoletti stated that he and Mr. Gleason met with Forester Billy Morris. We have a plan in place for some of our properties and we are working up plans for the remainder. There is significant timber with significant dollar value.

MOTION: TO ADJOURN MADE BY MR. HANNA. SECONDED BY MR. HAURYSKI. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
March 2, 2011
9:00 a.m.**

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Wednesday, March 2, 2011

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Robert V. Nichols, Chair Brian C. Schu	Michael Hanna, Vice Chair Gary D. Swackhamer	Patrick F. McAllister
STAFF:	Mark R. Alger Bryce Foster Steve Orcutt Doreen Ames Shawn Corey	Jack Wheeler Phil Hink Jerry Miller Jim Gleason	Vincent Spagnoletti John Emo Steve Catherman Alan Reed
LEGISLATORS:	Joseph J. Hauryski Thomas J. Ryan	Lawrence P. Crossett John S. Walsh	Gary B. Roush Randolph J. Weaver
OTHERS:	Hal Smith Beth Miller Mary Perham, <i>The Leader</i>	Janet Smith Rachel Treichler Jeff Andrysick	Rosellen McFarland Gudren Scott Jodi Andrysick

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 9:00 a.m. He asked Mr. Swackhamer to lead the Pledge of Allegiance.

II. OPPORTUNITY FOR PUBLIC COMMENT

Mr. Nichols opened the floor for public comment.

Rachel Treichler, Hammondspport, informed the committee that there was an article in the Sunday *New York Times* regarding waste water from natural gas wells in Pennsylvania. As part of that article, they included a map showing the toxic contamination from the natural gas wells. The map shows data from the Environmental Protection Agency (EPA) showing wells in Pennsylvania that have radioactivity levels up to 2,000 times the safe drinking water level. Most concerning is that the greater amounts of radioactivity are just South of us. Questions that need to be asked are where is this radioactivity coming from? Does the Marcellus Shale have different levels of radioactivity? Are the drill cuttings coming from the areas on the map that shows the higher radioactivity levels. This does point out the need to know where the wells are located that test the drill cuttings. Ms. Treichler distributed a letter from Congressman Edward Markey who is the ranking Democratic Member of the Committee on Natural Resources, to Lisa Jackson the Administrator of the U.S. Environmental Protection Agency. In his letter, he has asked that the EPA take immediate action in responding to the report in the February 26, 2011 *New York Times* indicating that there is a serious risk to the health of millions of people who live near sites at which extraction of natural gas is occurring via a process known as hydraulic fracturing.

Secretary's Note: A copy of Congressman Markey's letter as well as the map entitled "Toxic Contamination from Natural Gas Wells" is filed with the Official Minutes in the Clerk of the Legislature's Office.

Janet Smith, Steuben County League of Women Voters, stated that she hopes this body will be cautious and keep an open mind. Study and find out what needs to be known prior to moving forward. There are potential health issues as a result of drilling that cannot be reversed. Listen, wait and proceed with caution.

Beth Miller, Wheeler, distributed a copy of a letter from Scott Foti, DEC Regional Materials Management Engineer. This letter was referenced during Mr. Spagnoletti's report on drill cuttings. Taking a closer look at this letter, it says that Federal Title 40 Part 261.4(b)(5) excludes wastes associated with the development or production of natural gas from being identified as hazardous waste. New York State's solid waste regulations, Part 360-1.2(b)(88) excludes gas drilling wastes from being defined as industrial waste. This says that they are not within regulations, they are excluded from regulations and that is entirely different. If the Federal and State governments are not willing to look at this, it doesn't mean that we should not look at this. This has the potential to poison our land, our water and the people downstream. The gas industry has lobbied their way to being excluded from the regulations. With regard to safety issues, Mr. Spagnoletti had stated that the radioactivity levels in the drill cuttings is not much greater than what is in the soil. That begs the question of why are they not keeping the drill cuttings in Pennsylvania? Why are they not using this material and why are they excluded from regulations? It clearly is not benign. This is just common sense. In history, over time, we see that what is considered safe in one period is not necessarily considered safe at a later period in time. We have to wait. The drilling in the Marcellus Shale is very new. Why should we be the guinea pigs? Drilling is not legal in New York State, but we are willing to take other state's waste. You are talking about putting 30 million pounds of drill cuttings in our landfill. This is not the right time. Let's take our time.

Secretary's Note: A copy of the DEC Letter from Scott Foti is filed with the Official Minutes in the Clerk of the Legislature's Office.

Jeff Andrysick stated that he read *The New York Times* article where they said that some gas wells in Pennsylvania had 1,500 times the safe level of Radium in their wastewater. My main concern is the people who will be working at the landfill and pushing this stuff around. They should not be put in harm's way. Over the course of the last three meetings, during the public comment period, there has only been one person who has said it is safe. Everyone else has had issues with this. You will be paid \$40.00 per ton to accept drill cuttings. The gas industry is trying to get as many landfills as they can to accept the cuttings. Don't you think they will play each landfill off each other and drop the price? I hope the Legislature does the right thing.

Gudren Scott, Andover, stated she lives five miles from the Steuben County border. She is a retired nurse, but also was a Chemistry teacher. On the periodic table, Radium is in the same group as Calcium. Radium is confused by the body as being part of what is needed to make bone. The article in *The New York Times* indicates that drill cuttings are not categorized as being hazardous and that is not correct. There are a lot of things that still need to be done.

Mr. Nichols thanked everyone for their comments and declared the opportunity for public comment closed.

III. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 2, 2011, MEETING MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Spagnoletti asked that the minutes of the January 5, 2011, meeting be corrected. During the presentation of the drill cuttings study, the measure of radiation was supposed to be pico curies and in the minutes was reflected as curies.

MOTION: AMENDING THE JANUARY 5, 2011, MINUTES TO REFLECT THE CHANGE OF CURIES TO PICO CURIES MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

IV. ROADS AND BRIDGES

A. *Road Ratings* – Mr. Spagnoletti reviewed the road ratings with the committee. We have 679 miles of County roads. In addition, we have a large number of bridges longer than 20 foot spread over these 679 miles of road; that equates to a bridge every two miles. We have the third highest mileage of any county in the State and we also have more bridges than any other county. The difficulty is we only have 100,000 people to support that road and bridge

system. There are two counties that have more miles of roads than us; Onondaga with a population of 500,000 and Erie with a population of 1,000,000.

We rate our roads, based on eight different categories. This rating usually occurs during September, October and November. From that rating we get the pavement condition index. In October 2010, 8 percent or 51 miles of our roads were rated as poor. That was a sharp decline from 2009 when 11.5 percent were poor. Due to the budget, we may consider doing a portion of CR41 as a gravel road until next year.

Mr. Hanna stated your calculations are based on volume of traffic. Are there any exceptions? Mr. Spagnoletti replied we have a 5-year plan which is priority based as we want to keep our good roads good. We also look at traffic count and the condition of the road when we determine what our 5-year plan will be. Our decision is based 5 percent on importance, meaning if there is a school or hospital on the road, 40 percent on traffic, 40 percent on roughness and 15 percent on condition of the road. There are exceptions, for example, if the road were to become dangerous.

Mr. Spagnoletti stated they are thinking about doing gravel and snowpack roads during the winter to help extend the life of the roads, although we do have to look at safety concerns. Basically we would be looking at treating some of our roads as town roads.

Mr. Hauryski asked what is the price for premix, blacktop, etc.? Mr. Foster replied the base price this month was \$5.04 per ton. Based on the budget, we have room to go up to \$5.35 per ton for the base price before we would have to get into our contingency money that we have set aside. The price may top out between \$5.40 - \$5.50 per ton. Right now we have targeted \$1.8 million for work to be completed by the end of May and that should help us. All hot mix paving will be done by the end of May or first week of June.

Mr. Hauryski stated with regard to the idea of going to snowpack roads, we are going to be faced with the realization that the money will be in short supply and we will have to think outside the box and this is a good approach. The public has got to understand the predicament that we are in. The towns have had gravel roads for years. It is sad to say, but we may be facing that situation in the County. Mr. Hink stated if we did snowpack roads, we would run one load of sand compared to three loads of salt. Mr. Hauryski stated there are benefits to that.

Mr. Spagnoletti explained salt has a lot of advantages. It bates things off at the end of the day. He has asked Mr. Hink to make a map of where we could use the snowpack approach. Mr. Nichols commented one of the biggest things is we will have to educate the public because we will not have the money to continue the way we have been. Mr. Spagnoletti stated there will still be certain high volume roads where we would continue to use salt.

Mr. Spagnoletti stated with regard to the bridges, in 2010 our deficiency rate was 20 percent. We need to build 6 bridges per year to keep that percentage from increasing. We have only been doing 5 bridges per year. What we would like to do, is if there is a problem with a bridge is, rather than creating a detour, he would like to look at closing the road and making the repairs. Prior to doing that he would meet with the appropriate town and get some ideas for how to make things easier.

B. *Road Costs and Road Life Cycle Analysis* – Mr. Spagnoletti presented the committee with a report showing the costs for each repair method. In our 2011 budget, we have \$5,391,500.00 budgeted for road repairs.

V. **BIDS**

A. *Conventional Truck Tractors* – Mr. Spagnoletti informed the committee that the low bidder, Kenworth, did not meet our specifications. He recommended awarding the bid to Utica for \$117,463.00 per unit.

Mr. Swackhamer asked what is the horsepower? Mr. Emo replied it is a 480hp which is what we wanted. Mr. Swackhamer asked why are you updating the horsepower? Mr. Emo replied we are replacing the truck tractors from 1988, which had 350hp, as we can no longer get the 350hp.

MOTION: AWARDING THE BID FOR CONVENTIONAL TRUCK TRACTOR TO UTICA GENERAL TRUCK CO., INC. FOR \$117,463.00 PER UNIT MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. *Asphalt Concrete; FOB Plant Site*

MOTION: AWARDING THE BID FOR ASPHALT CONCRETE; FOB PLANT SITE TO ELAM MATERIALS, INC., DOLOMITE PRODUCTS COMPANY, AND DALRYMPLE GRAVEL & CONTRACTING CO., INC. MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. *Geotextile Materials and Waterproofing Membrane*

MOTION: AWARDING THE GEOTEXTILE MATERIALS AND WATERPROOFING MEMBRANE BID AS FOLLOWS: ITEM 1 TO CHEMUNG SUPPLY CORP. FOR A COST OF \$.679 PER UNIT; ITEM 2 TO LITTLE FALLS LUMBER FOR A COST OF \$.705 PER UNIT; ITEM 3 TO A.H. HARRIS & SONS, INC. AT A COST OF \$1.33 PER UNIT AND ITEM 4 TO A.H. HARRIS & SONS, INC. AT A COST OF \$.59 PER UNIT MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. *Asphalt Concrete; Miscellaneous In-Place Projects*

MOTION: AWARDING THE BID FOR ASPHALT CONCRETE; MISCELLANEOUS IN-PLACE PROJECTS AS FOLLOWS: QUADRANT 1 AND QUADRANT 2 TO BOTHAR CONSTRUCTION, LLC, QUADRANT 3 TO BABCOCK ENTERPRISES, LTD, AND QUADRANT 4 TO DOLOMITE PRODUCTS CO., INC. MADE BY MR. HANNA. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. *Crushed Limestone*

MOTION: AWARDING THE BID FOR CRUSHED LIMESTONE TO HANSON AGGREGATES NEW YORK, INC. FOR \$127,686.25 MADE BY MR. HANNA. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

F. *Vegetation Control – Application of Herbicide(s)*

MOTION: AWARDING THE BID FOR VEGETATION CONTROL – APPLICATION OF HERBICIDE(S) TO DEANGELO BROTHERS, INC. FOR A THREE YEAR PRICE OF \$73,081.00 MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

G. *Steel Sign Posts; Replacement Parts* – Mr. Spagnoletti informed the committee that Federal guidelines require us to replace all of our signs by 2015. Mr. Swackhamer asked what if we say no to replacing the signs? Mr. Catherman replied the majority of our signs were put up in the mid-1980's. He have been trying to replace 1,000 signs each year and we will do as much as we can prior to 2015. Mr. Swackhamer asked what is the cost? Mr. Catherman replied the cost is \$125,000 per year. We have two men working year round to replace signs. Mr. Spagnoletti stated the cost for one worker to replace signs for a year, including benefits, is \$67,000 times two. The cost is \$133,000 per year for the two workers, plus \$125,000 for the signs, plus a vehicle. The total cost per year is about \$275,000.

MOTION: AWARDING THE BID FOR STEEL SIGN POSTS; REPLACEMENT PARTS ON A LINE ITEM BASIS TO EBERL IRON WORKS, INC., CHEMUNG SUPPLY CORP., AND GARDEN STATE HIGHWAY PRODUCTS, INC. MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

H. *New Structural Steel*

MOTION: AWARDING THE BID FOR NEW STRUCTURAL STEEL TO CHEMUNG SUPPLY CORPORATION FOR A TOTAL PRICE OF \$55,892.49 MADE BY MR. SWACKHAMER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

I. *Cleaning, Washing, and Sealing of Steuben County Bridges*

MOTION: AWARDING THE BID FOR CLEANING, WASHING, AND SEALING OF STEUBEN COUNTY BRIDGES TO DANDROW'S PAINTING, INC. FOR A TOTAL PRICE OF \$82,116.00 MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

J. *Roadside Mowing* – Mr. Spagnoletti explained this is a three-year bid to mow 644 miles of roads. The other 40 miles will be done by the towns. This equates to \$58.00 per mile and they usually mow twice each year.

MOTION: AWARDING THE BID FOR ROADSIDE MOWING TO PHELAN FARMS FOR \$112,514.46 MADE BY MR. HANNA. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

K. *Prestressed Concrete Bridge Beams; Steuben County Bridges*

MOTION: AWARDING THE BID FOR PRESTRESSED CONCRETE BRIDGE BEAMS; STEUBEN COUNTY BRIDGES TO L.C. WHITFORD, CO., INC. FOR \$79,000.00 MADE BY MR. HANNA. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

L. *Self-Propelled Roller (Used)* – Mr. Spagnoletti stated we are purchasing a used roller, mainly for the blacktop crew. Mr. Swackhamer asked if we were to rent, we would not have the maintenance? Mr. Spagnoletti stated that is correct. We would just have to do the oil and grease. Rollers usually will go 10,000 hours before you start having to put money into them. He recommended awarding to Vantage, option #2 as that roller has 2,200 hours on it.

MOTION: AWARDING THE BID FOR A SELF-PROPELLED ROLLER (USED) TO VANTAGE EQUIPMENT, LLC, OPTION 2, FOR \$42,000.00 MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

M. *Pothole Machine Lease*

MOTION: AWARDING THE BID FOR THE LEASE/RENTAL OF POTHOLE MACHINES TO PATCH MANAGEMENT, INC. FOR A COST OF \$7,500.00 FOR THE MONTH OF APRIL 2011 FOR TWO MACHINES; \$7,500.00 PER MONTH FOR ONE MACHINE DURING MAY, JUNE AND JULY 2011 AND \$7,000.00 FOR ONE MACHINE FOR THE MONTH OF AUGUST 2011 MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

N. *Roller Rental*

MOTION: AWARDING THE ROLLER RENTAL BID TO VOLVO RENTS, VANTAGE EQUIPMENT, LLC, LIFTECH EQUIPMENT COMPANIES, FIVE STAR EQUIPMENT AND GATEWAY EQUIPMENT CORP. SUBJECT TO AVAILABILITY MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

VI. **2010/2011 GOALS**

Mr. Spagnoletti distributed the 2010 and 2011 goals for review.

MOTION: TO ADJOURN MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
April 6, 2011
9:00 a.m.**

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Wednesday, April 6, 2011

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Michael Hanna, Vice Chair Gary D. Swackhamer	Patrick F. McAllister	Brian C. Schu
STAFF:	Mark R. Alger Bryce Foster Steve Catherman Jim Gleason	Jack Wheeler Phil Hink Debra Cotter Alan Reed	Vincent Spagnoletti Steve Orcutt Shawn Corey
LEGISLATORS:	Joseph J. Hauryski John S. Walsh	Lawrence P. Crossett	Carol A. Ferratella
ABSENT:	Robert V. Nichols, Chair		
OTHERS:	Rachel Treichler Mary Perham, <i>The Leader</i>	Beth Miller	Robert Popejoy

I. CALL TO ORDER

Mr. Hanna called the meeting to order at 9:00 a.m. and asked Mr. Schu to lead the Pledge of Allegiance.

II. PUBLIC COMMENT

Mr. Hanna opened the floor for opportunity for public comment.

Rachel Treichler, Hammondsport, stated that she is concerned about the drill cuttings coming into the Landfill. It was her understanding that Mr. Spagnoletti was going to develop a testing protocol and at that time the committee was going to decide whether to accept the cuttings. She stated that she is here to check on the status of that. There are still risks with the cuttings themselves as the Marcellus Shale has radioactivity in it as well as the chemicals that are used in the drilling process.

Beth Miller, Wheeler, stated that these drill cuttings are exempt from all State and Federal regulations and that is an important part of the discussion. The gas lobby is strong and has succeeded in making drill cuttings exempt from regulations. In Pennsylvania, it was reported by the Philadelphia Enquirer that inspectors were ordered to stop issuing violations notices without prior approval. This issue is riddled with politics. She stated that she understands this is not politics, however, she does not trust the lab as it is the same lab that is used by the gas lobby to substantiate their claims. This is not a level playing field. Ms. Miller stated the other red flag is that we don't understand radioactivity. What type of radioactivity are we talking about? What levels of radioactivity will the Geiger counter measure? The second red flag regards the jar that she has brought in. This jar contains the brine that the Town of Wheeler put on her road. She asked if she could get a sample and asked where the brine came from. The driver told her this came from the pond in Savona that is being used for backflow by Energy Mid-Stream, a gas drilling company. The point that she would like to make is that everyone in the County is getting brine from them. Ms. Miller also distributed a map which depicts the health of the State. Steuben County is ranked in the last 25 percent. We need to consider the health of the County to begin with and she believes we need a second opinion.

Mr. Hanna declared the opportunity for public comment closed.

III. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MARCH 2, 2011, MEETING MADE BY MR. McALLISTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

IV. LANDFILLS

A. 2010 Recycling – Mr. Spagnoletti reviewed the 2010 figures for the recycling program. For the recycling of metals and appliances, they took in 918 tons, which was a decrease from the 1,150 tons they collected during 2009. Revenue generated for 2010 was \$107,188.00. The cost to process the recyclables was \$84,237.00, leaving a surplus of \$22,951.00. For the recycling of glass, paper, cardboard, plastic, tin and tires they took in 2,590 tons which was an increase over the 2,238 tons brought in 2009. They generated revenue of \$243,982.00 with expenses totaling \$247,504. This resulted in a deficit of \$3,522.00.

Mr. Spagnoletti explained the revenues for the recycling of glass, paper, cardboard, plastic, tin and tires reflects the increase in the price of recyclables. Our revenues for the same material in 2009 were \$127,000.00. With regard to the slight loss we incurred, what is significant to note, is that if we took this recycling and buried it in the landfill, it would cost us \$40.00 per ton to do that. It is a savings to government to do this. These figures also do not take into account the cost for the haulers.

Mr. Hanna asked are the towns and villages following through and doing their part to pick up recyclable materials responsibly? Mr. Spagnoletti stated that he feels the haulers are doing a good job. Discussion followed with regard to the market for recyclable materials fluctuating, which can cause the haulers to not pick up the materials curbside.

B. Authorize Bid for Tank Repairs at the Leachate Treatment Plant – Mr. Orcutt informed the committee that last year one of the leachate tanks started leaking. A vendor came in and did an ultrasonic test to pinpoint the source of the leak. With the results of that test, we can replace panels on the tank. We also will have to have the other tank inspected. He requested authorization to solicit bids for the replacement panels for both leachate tanks.

Mr. McAllister asked how old are the tanks? Mr. Orcutt replied they were put into service in 1997. He stated at this point, they don't know how many replacement panels they will need, but they have a rough estimate that it will cost about \$80,000.00. We do have money in the budget to pay for this. Once the inspection of the second tank is done, we will be able to fine tune the number of replacement panels. He commented that the panels are bolted together and all of the repairs are above-ground. This is just normal wear and tear.

Mr. McAllister asked is this a specialty item or do you think you'll get a few bidders? Mr. Orcutt replied this is a specialty item, but there are enough vendors out there that we should get good competition.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO SOLICIT BIDS FOR REPLACEMENT PANELS FOR THE REPAIRS OF TWO LEACHATE TANKS AT THE LEACHATE TREATMENT PLANT MADE BY MR. McALLISTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

V. ROADS AND BRIDGES

A. 2011 Projects – Mr. Spagnoletti distributed and reviewed the 2011 project overview. This year, with any new construction, we will put 2" of blacktop over the surface. In addition, those roads with chip seal will get 2" of blacktop. The costs for the various types of repairs are as follows: Crack Seal - \$2,000.00 per mile; Slurry Seal - \$17,500.00 per mile; Chip Seal, Single Coat - \$10,700.00 per mile; Chip Seal, Double Coat - \$26,000.00 per mile; 2" Blacktop - \$95,000.00 per mile; Cold Recycle and 1.5" Blacktop - \$170,000.00 per mile and a Road Rebuild (9" Grind, Gravel, Liquid Asphalt Injection, AEPM, 2" Blacktop) - \$155,000.00 per mile. Mr. Spagnoletti stated that they would need to have \$6 million in the budget each year to end up with a good road system, with good bases and 2" of blacktop. This year we had \$5.4 million in the budget. Discussion followed.

Mr. Spagnoletti informed the committee that this year they will be doing six large bridge projects. We get \$3,688,000.00 from the State in Consolidated Highway Improvement Program (CHIPs) funding. We have to spend it in order to get it. If you don't include that money in the budget, then we will not get it. The question is whether the State will cut back on that.

Mr. Foster commented that they have four Hot Mix Overlay projects scheduled for this year. Due to the increases in liquid asphalt, their intent is to have these projects done prior to the end of May. That should help us with what projects we need to do later on. The price of liquid asphalt jumped \$20.00 per ton from March to April. If that continues, then we may not be able to do all of the projects.

Mr. Catherman commented we will be assisting the Town of Corning with the Goff Road box culvert. We are building the box culvert for them. Mr. Swackhamer asked is that a chargeback? Mr. Spagnoletti replied we charge them for the materials. We will send one or two people to show them how to install it.

Mr. Spagnoletti stated another budget factor is the Federal funding has been great for the big bridges. There is some talk that the Federal Government may move to a system where we tell them what the project is and why we need it and then they will prioritize the projects.

Mr. McAllister asked why the Seneca Street Bridge is not on the project list? Mr. Catherman replied we will be coming back to the committee in May to ask for authorization to enter into an agreement with a consultant for the design. The construction bids would be let in the Fall of 2012 with construction slated to begin in 2013. The Federal funding is there. The 15 percent State funding is questionable.

B. Update on County Law for Road Use Agreements – Mr. Spagnoletti explained with regard to the roads, our problem will not be with overweight loads. The problem is that they will come in and build access roads to the drilling site and build concrete foundations. In order to do that, they will have hundreds of trucks with gravel and ready mix. All of those loads will be legal loads, but the sheer volume will break up our roads. There will also be trucks hauling millions of gallons of water, which will also break up our roads. Currently, what we do now is post the roads and then they have to come in and sign a road use agreement. In Pennsylvania, the gas drilling companies are injecting cement to stabilize the base and are putting on 4" of blacktop. We expect they will use that design when they come here, and that is fine.

Mr. Spagnoletti stated there is also a problem with the amount of bond that we will require from the gas drilling companies. Page 19 of the Road Use and Repair Agreement outlines the six classes of roads and the amount of bond, per mile, required. He explained that if the Towns would like to use this agreement, we include Class 5 and Class 6, which are gravel roads. The gas drilling companies are concerned as they could be on 150,000 miles of road. The amount of the bond is the sticking point.

Mr. McAllister asked is the amount of the bond the cost to repair the road? Mr. Spagnoletti replied yes. Mr. McAllister stated that he thinks this is a good agreement. If the gas companies will come in and sign it, then they will be obligated to pay one-hundred percent for all of the roads. He commented that he would not come down too much on the amount of the bond if that is what it would cost us to repair the road.

Mr. Spagnoletti referred the committee to page 7, section 2.2, which outlines the designation of haul routes on Class 4 and Class 6 roads. Mr. Hanna asked how will we monitor this? Mr. Spagnoletti replied that is going to be a problem. One thing we did is Ms. Cotter set up a blanket email program. This will allow any Town Highway Superintendent to post a message that will go to all of the Town Highway Superintendents, as well as to Bryce Foster and me so that everyone will know what is going on. Mr. Spagnoletti commented that someone had told him that they are going to drill hard by the border, however, he doesn't know how true that is. It may be that we will need to add an additional staff person that would be assigned just to this. We'll have to wait and see how that goes.

Mr. Crossett asked don't you think the public will call? Mr. Spagnoletti stated yes they will, and we will need to monitor the repairs and make sure they are being done. Mr. Hanna asked what about using GIS? Mr. Spagnoletti replied that may help us to map what is happening. Mr. Alger explained the GIS is not an active system.

Mr. Spagnoletti commented when it comes to doing the actual road repair work, the gas companies will do that as we do not have the resources. Mr. Foster stated we also added in the agreement that if the County had to hire additional people, they would have to pay for that.

Mr. McAllister commented that the agreement has language pertaining to the fact that you will call them when they need to do something to a road, however, he did not see any language regarding the ongoing upkeep. Mr. Spagnoletti stated page 17, Article VIII addresses interim and emergency repairs. Mr. McAllister stated he would like to see some language that says that the gas companies need to keep the roads passable on a day-to-day basis. Mr. Spagnoletti stated that he will check into that.

Mr. Spagnoletti stated this agreement is very comprehensive. This agreement will be made available to all of the towns. We will mail one agreement to each Town Supervisor and Town Highway Superintendent.

Mr. Spagnoletti stated that by using this agreement we will not have to post the roads. We are looking at a County Law which would require the gas companies to come in and sign the road use agreement. We had started looking at a permit system, but decided that was too complicated. We then talked about having a permit system whereby we would issue a permit to the gas companies in return for them signing the road use agreement. We are working on a way to simplify that process.

Mr. Alger commented this is close to being ready. We are planning a meeting in May to talk with the Towns about road use agreements, site plan reviews and housing issues.

VI. BIDS

A. *Slurry Seal Bituminous Overlay Project(s)*

MOTION: AWARDING THE BID FOR SLURRY SEAL BITUMINOUS OVERLAY PROJECT(S) TO THE LOW BIDDER, SUIT-KOTE CORPORATION, FOR A TOTAL PRICE OF \$212,953.87 MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. *Prestressed Concrete Bridge Beams; Steuben County Bridge #23-13-1, Derby Hill Road, Rathbone* – Mr. Spagnoletti informed the committee that this is a 25' bridge. The County is responsible for everything with the exception of the driving surface.

MOTION: AWARDING THE BID FOR PRESTRESSED CONCRETE BRIDGE BEAMS; STEUBEN COUNTY BRIDGE #23-13-1, DERBY HILL ROAD, TOWN OF RATHBONE, TO THE LOW BIDDER, L. C. WHITFORD MATERIALS, CO. FOR \$67,000.00 MADE BY MR. McALLISTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C. *Prestressed Concrete Bridge Beams; Steuben County Bridge #26-9-1, Cornwell Road, Tuscarora*

MOTION: AWARDING THE BID FOR PRESTRESSED CONCRETE BRIDGE BEAMS; STEUBEN COUNTY BRIDGE #26-9-1, CORNWELL ROAD, TOWN OF TUSCARORA, TO THE LOW BIDDER, L. C. WHITFORD MATERIALS, CO. FOR \$28,700.00 MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

D. *Portable Toilet Rental and Service* – Mr. Gleason informed the committee that this is a quote as it was well under the bid limit. We also asked them to provide rates for day, week and month. The award is based on the total price. He recommended awarding to the low bidder, Larry's Latrines. We also had asked each vendor to establish a price for pumping, however, that was not included in the quote.

MOTION: AWARDING THE BID FOR PORTABLE TOILET RENTAL AND SERVICE TO THE LOW BIDDER, LARRY'S LATRINES, FOR A TOTAL PRICE OF \$535.00 MADE BY MR. McALLISTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

VII. OTHER BUSINESS

A. Water Main Extension – Mr. Catherman stated the Village of Bath has an easement for their water line in front of the old Health Care Facility and the Public Safety Building. They are requesting an extension of that easement.

MOTION: GRANTING AN EXTENSION OF THE PREVIOUS EASEMENT TO THE VILLAGE OF BATH FOR THE WATER LINE THAT RUNS IN FRONT OF THE OLD HEALTH CARE FACILITY AND THE PUBLIC SAFETY BUILDING MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

MOTION: TO ADJOURN MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, May 4, 2011
9:00 a.m.**

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Wednesday, May 4, 2011

9:00 a.m.

**Legislative Committee Conference Room
Steuben County Office Building
Bath, New York**

MINUTES

<u>Committee:</u>	Robert V. Nichols, Chair Brian Schu	Michael Hanna, Vice Chair Gary Swackhamer	Patrick McAllister
<u>Legislators:</u>	Joseph J. Hauryski Carol Ferratella	Thomas J. Ryan	Randy Weaver John Walsh
<u>Staff:</u>	Mark R. Alger Phil Hink Kenneth Peaslee	Jack Wheeler Shawn Corey Deb Cotter	Vince Spagnoletti Doreen Ames Jerry Miller Bryce Foster Jennifer Gleason
<u>Other:</u>	Rachel Treichler	Robert Popejoy	Phil Dickson Mary Perham, <i>Leader</i>

I. CALL TO ORDER

The meeting was called to order by Mr. Nichols at 9:00 a.m. Mr. McAllister led the Pledge of Allegiance.

II. COMMENTS BY MEMBERS OF PUBLIC

Rachel Treichler, Hammondsport, expressed concerns with the flow back fluid and drill cuttings. She received information today about a Bill on the floor of the Assembly that would remove the exemptions that exist for oil and gas waste in the definition of hazardous waste in New York State law. She stated it is a short bill numbered A-7013. which removes the exemption from the definition of hazardous waste in New York law. She noted that this may relate to taking the drill cuttings or flow back water into the landfill, if it passes.

Robert Popejoy, Savona, suggested the committee we look at a site plan for the landfill to maximize the resources that are out there.

There being no further comments, Mr. Nichols declared the public comment portion of the meeting closed.

III. APPROVAL OF MINUTES

MOTION APPROVING THE MINUTES OF THE APRIL 6, 2011, MEETING MADE BY MR. SCHU. SECONDED BY MR. MCALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

IV. LANDFILLS

Mr. Spagnoletti recognized Jennifer Gleason, IT Department, for the work she's done on the Public Works/Landfill website. She's included a lot of different things on the website (photos and information) and she's done a terrific job.

Mr. Spagnoletti recognized Phil Hink, Jeff Parker and Scott Burg (DEC). There was an ash bore infestation at one of the private campgrounds and DEC asked us to work with them on disposal. Mr. Hink got the people together and worked with Jeff Parker to cut down 108 trees. Assemblyman Palmesano was able to talk a neighboring county into providing us with a grinder. They did it quickly and together.

A. SEQRA Determination – Mr. Spagnoletti stated we received proposals to handle the gas heat for our electric plant. That heat has a value to certain industries. We solicited requests for proposals from anyone that had any ideas to build a plant to utilize the heat from the engines. Phil Dickson came to us with an idea for food waste. They conducted an environmental review of the project and are recommending a negative SEQRA declaration. Considerable discussion followed.

MOTION: ISSUING A NEGATIVE SEQRA DECLARATION FOR PROPOSED FOOD WASTE DIGESTER AT THE BATH LANDFILL MADE BY MR. MCALLISTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Spagnoletti stated in conjunction with this project, they will need to rent approximately 5 acres initially, possibly 10 in the future, to the company for the development of this project. The rental of the land involves two parts. One is a monthly payment to the County. The other is an agreement to pay the County for each ton of food waste he brings in to his plant for processing. Currently they are still negotiating these two pieces, but they should have an agreement together prior to the full Legislative meeting in May. Considerable discussion followed.

Special Meeting scheduled for 9:30 a.m. on Monday, May 23, 2011.

Mr. McAllister stated there should be a provision in the lease agreement for insurance coverage. There's nothing in there for him to carry liability and hazard insurance. Mr. Hanna recommended they also include a clause regarding who is liable for any environmental impacts that occur associated with the proposed food waste digester.

Mr. Spagnoletti stated once the lease agreement is finalized we will also need to include a project agreement. He will be producing bio-gas from this project as well and that is of value.

B. Proposed Food Waste Digester – Mr. Spagnoletti introduced Phil Dickson of Dickson Environmental, who is here to explain his proposed project. Mr. Dickson stated the bi-product of food (waste) is what we deal with. As opposed to the land spreading operation we have, this would be a further process to deal with food waste. We would heat it and the bugs would break down the material. What enticed us originally to this facility were the sale of the gas and the disposal of the heat. We've come to the conclusion that we would not go as far as taking the liquid off, but that doesn't mean in the future that we wouldn't separate the solid from the liquid. Getting the material, selling the gas, and the infrastructure for producing electricity is already there. At our current facility, we don't have the infrastructure to generate the electricity. Our ultimate goal is actually for disposal rather than production. Our bi-product would be gas and heat. It would take the heat from one engine to keep the temperature up on the material. The other engine we would have excess heat to do whatever we decide to do in the future. The mixing and processing would take place at our existing facility. Discussion followed.

Mr. Dickson stated currently we are delivering this material to five digesters in New York. That's been another pilot project of ours. The design flow of the proposed plant is 60,000 gallons per day maximum. If we expand, it would be in 30,000 gallon increments. Considerable discussion followed.

Mr. Spagnoletti stated they are bringing in 93,000 tons per year of food waste so we are negotiating the tipping fee for that. DEC likes this project because it keeps the waste off of the land. They would like to see this happen. Mr. Weaver asked if this would produce jobs. Mr. Dickson stated we have 72 employees right now and there would be about 4 people on this site.

Mr. Hanna asked would this be an advantage to the farmers. Mr. Nichols stated DEC likes this because it will eliminate the odor. If the material is run through the digester, there is no smell. It is more environmentally friendly and the public is happier because it reduces the smell when they spread. It will produce electric and help the environment. Considerable discussion followed.

V. **ROADS AND BRIDGES**

A. **Roadside Cleanup Week** – Mr. Spagnoletti stated we started this many years ago. It allows the towns to take a week to pick up roadside debris and bring it to the landfill for free. Last year we did an entire quadrant of the county and only one town participated. The most we have ever received was in 2009 when we received 89 tons from 8 towns. He suggested they do a County-wide cleanup week for the towns. Mr. Alger recommended that they assign each quadrant a different week of the month so they can better handle the volume at the landfill. Discussion followed.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO HOLD A ROADSIDE CLEANUP WEEK TO INCLUDE EVERY TOWN IN THE ENTIRE COUNTY, WITH EACH QUADRANT BEING ASSIGNED A DIFFERENT WEEK OF THE MONTH MADE BY MR. SWACKHAMER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. **Rathbone Gravel Pit** – Mr. Spagnoletti stated when the drilling comes to the County, it will exhaust gravel resources so we are looking to lease a couple of gravel pits. We originally received approval to lease one in Rathbone and it happened to be owned by the Rathbone Town Supervisor. A question was raised as to whether that was a conflict of interest. We've reviewed it and received an opinion of the Attorney General, who stated that there is no definitive conflict. However, we decided we would rather solicit bids for a gravel pit lease so that there is no perception of impropriety. Discussion followed.

MOTION: RESCINDING THE RATHBONE GRAVEL PIT LEASE AGREEMENT MADE BY MR. HANNA. SECONDED BY MR. MCALLISTER. IN FAVOR: HANNA, MCALLISTER, SWACKHAMER, NICHOLS. ABSTAINED: SCHU. MOTION CARRIES 4-0-1.

MOTION AUTHORIZING THE SOLICITATION OF BIDS FOR THE LEASE OF GRAVEL PITS MADE BY MR. MCALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. **Seneca Street Bridge** – Mr. Spagnoletti stated the proposal is to construct the Seneca Street Bridge next year. The total project cost estimate is \$4 million. They have selected Fisher Associates to design it. The cost to the County is 5 percent, unless they don't receive the Marcheselli funding; then it would be 20 percent County cost. He requested authorization to enter into an agreement with Fisher Associates for the design of the bridge at a cost of \$379,000. He noted design agreements generally run about 12 to 14 percent of the construction price so it is within the range.

MOTION: AUTHORIZING AN AGREEMENT WITH FISHER ASSOCIATES FOR THE DESIGN OF THE SENECA STREET BRIDGE IN THE AMOUNT OF \$379,000 MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. **Major Equipment** – Mr. Spagnoletti stated Jerry Miller keeps track of what is available in federal surplus equipment. He located an aerial platform lift truck that they used for de-icing airplanes. The purchase price new in 1991 was \$547,000 and they had it for sale for \$8,500. Mr. Miller negotiated the price down to \$7,500. It has less than 2,000 miles on the truck. Discussion followed.

MOTION: ADDING AN AERIAL PLATFORM LIFT TRUCK FOR \$7,500 TO THE MAJOR EQUIPMENT LIST – HIGHWAY DIVISION AND RATIFYING THE PURCHASE OF SAID EQUIPMENT MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

VI. **BIDS**

A. **Traffic Control Supplies** – Mr. Spagnoletti recommended awarding the bid to JC Smith.

MOTION: AWARDING THE TRAFFIC CONTROL SUPPLIES BID TO JC SMITH OF SYRACUSE, NY, FOR A TOTAL EXTENDED BID PRICE OF \$10,176.60 MADE BY MR. MCALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Prestressed Concrete Bridge Beams – Mr. Spagnoletti recommended awarding the bid to Lakelands Concrete Products.

MOTION: AWARDING THE PRESTRESSED CONCRETE BRIDGE BEAMS - CR14 OVER SINCLAIR CREEK, BATH BID TO LAKELANDS CONCRETE PRODUCTS OF LIMA NY, FOR \$41,290 MADE BY MR. SWACKHAMER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Spagnoletti noted that the fuel prices are increasing so quickly that they will be about \$300,000 over budget this year if it keeps up. Mr. Foster is monitoring the situation.

MOTION TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION AND 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. HANNA. SECONDED BY MR. MCALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. HANNA. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION TO ADJOURN MADE BY MR. SWACKHAMER. SECONDED BY MR. MCALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully submitted by,

Brenda K. Mori
Clerk of the Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, June 1, 2011**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, May 25, 2011**

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Special Meeting

Monday, May 23, 2011

9:30 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Robert V. Nichols, Chair Brian C. Schu	K. Michael Hanna, Vice Chair Gary D. Swackhamer	Patrick F. McAllister
STAFF:	Jack Wheeler Shawn Corey	Vincent Spagnoletti	John Emo
LEGISLATORS:	Joseph J. Hauryski Dan C. Farrand Christopher G. Quinlan Scott J. Van Etten	Donald B. Creath Carol A. Ferratella Gary B. Roush John S. Walsh	Lawrence P. Crossett Robin K. Lattimer Thomas J. Ryan Randolph J. Weaver
OTHERS:	Kevin Voorhees, Barton & Loguidice		

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 9:30 a.m.

II. GENERAL BUSINESS

1. **Lease Agreement** – Mr. Spagnoletti informed the committee that previously they had talked about entering into a lease agreement with Dickson Environmental Services to have an anaerobic digester located at the Landfill. Before doing that, we wanted to get the SEQRA done and approved. We received a call from the DEC telling us that we are the lead agency for that project. The project will involve putting in a tank filled with bacteria that will break down the food waste and convert it to methane. The methane will then feed the engines which will then produce energy. There is still a lot of negotiating left to be done with regard to the project. What we are requesting today is authorization to enter into a lease agreement.

Mr. Spagnoletti explained Dickson Environmental Services will build and pay for the anaerobic digester. The land lease is a 15-year agreement with a renewal of five years. Dickson will pay the County \$14,000.00 per month for 10 acres at the Landfill. If he needs more than 10 acres, we would add an additional \$1,000.00 per acre to the lease. The base project will have Dickson bringing in 60,000 gallons of food waste per day, which equates to approximately 93,000 tons per year. If Dickson goes above 60,000 gallons per day, we will get \$1.00 for each ton over the estimated 93,000 tons for the year.

Mr. Weaver asked will you be weighing his trucks? Mr. Spagnoletti replied he will give us a slip as he will be weighing the trucks at his facility. We will do some spot checks. After the first five years, the lease rental will increase by the CPI or 3 percent, whichever is less. If the project is not economically viable, he will need to provide us with three months notice to terminate the lease agreement. Mr. Voorhees commented all of this is subject to final review by the County Attorney.

Mr. McAllister asked does this lease agreement reference the attachments that we put on other contracts with regard to insurance? Mr. Corey stated that his recommendation is to save that for the project agreement. The overall project agreement would include the requirements for indemnity and insurance. At this point, this is just a land lease. Mr. Voorhees commented the rental payment does not start until Dickson starts construction of the plant. Discussion followed.

MOTION: AUTHORIZING THE LEASE OF 10+/- ACRES OF LAND AT THE STEUBEN COUNTY LANDFILL FOR THE PURPOSES TO IMPLEMENT AN ANAEROBIC DIGESTER MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. HANNA. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Wednesday, June 1, 2011

9:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Robert V. Nichols, Chair Brian C. Schu	K. Michael Hanna, Vice Chair	Patrick F. McAllister
STAFF:	Mark R. Alger Bryce Foster John Emo Jim Gleason	Jack Wheeler Steve Orcutt Doreen Ames	Vincent Spagnoletti Steve Catherman Shawn Corey
LEGISLATORS:	Joseph J. Hauryski Gary B. Roush	Lawrence P. Crossett Thomas J. Ryan	Carol A. Ferratella John S. Walsh
ABSENT:	Gary D. Swackhamer		

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 9:00 a.m. He asked Mr. McAllister to lead the Pledge of Allegiance.

II. PUBLIC COMMENT

Mr. Nichols opened the floor for public comment. There being none, he declared the opportunity for public comment closed.

III. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MAY 4, 2011, AND MAY 23, 2011, MEETINGS MADE BY MR. McALLISTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

IV. LANDFILL

A. Tire Amnesty Day Results – Mr. Spagnoletti informed the committee they held their tire amnesty day and had 600 cars that brought in 4,200 tires. That equated to 60 tons of tires. We then truck the tires to Seneca Meadows where we are charged \$45.00 per ton. We paid a total of \$4,500.00. Mr. Spagnoletti commented that they have had a number of requests that we do this next year at each of the transfer stations as well as at the Landfill. If we can, we will try to do it.

V. ROADS AND BRIDGES

A. Fuel Surcharge to Outside Agencies Using Our Fuel Tanks – Mr. Spagnoletti informed the committee that they have fuel tanks at each of the highway shops and at the bridge shop. We have a computer system set up so that if outside agencies want to use these pumps they can. They are given a card and then we send them a bill. We add \$.01 for a handling charge. We looked at what the total cost per gallon is to purchase the tanks, the fire suppression system and the daily maintenance and repairs. Based on that, we could add a \$.12 surcharge. Mr. Spagnoletti recommended they add a \$.12 per gallon surcharge to those outside agencies. He would recommend they begin that January 1, 2012, so that the agencies could account for that in their budgets. We will still charge the other county government departments an additional \$.01 per gallon surcharge. Mr. Spagnoletti explained it costs \$20,000 for a diesel/fuel tank and an additional \$15,000 for a fire suppression system. It seems appropriate that we charge for their share of the use of our tanks.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO CHARGE A \$.12 PER GALLON SURCHARGE TO OUTSIDE AGENCIES USING OUR FUEL TANKS, TO BE EFFECTIVE JANUARY 1, 2012, MADE BY MR. McALLISTER. SECONDED BY MR. HANNA.

Mr. Spagnoletti stated if the outside agencies used 220,000 gallons of fuel, the additional \$.12 per gallon surcharge would bring in \$20,000 - \$25,000 per year. He suggested setting up an account with the Treasurer's Office so that we could use those funds for the replacement and/or repairs of the fuel tanks. Mr. Foster explained we have had to replace pumps and meters. We actually replaced the tank at the Prattsburgh shop and that cost \$20,000. We don't always have those funds available in the budget. It may be good to keep this in a separate capital account.

MOTION: AMENDING THE PREVIOUS MOTION TO INCLUDE ESTABLISHING A SEPARATE CAPITAL ACCOUNT FOR THE REVENUES GENERATED BY THE ADDITIONAL SURCHARGE MADE BY MR. SCHU. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Bridge Project – Seneca Street, Hornell – Mr. Catherman explained NYS DOT will do the right-of-way work which involves purchasing property, appraisals, title searches and negotiations. In addition, they are including an additional \$25,000 to go to the Court of Claims if there is a need to do eminent domain. The cost is \$86,000 and the County share is \$4,300. This is DOT's conservative estimate. He requested authorization to transfer \$4,300 from the Future Bridge Project Account to the Seneca Street Bridge Project and appropriate the State and Federal shares to that program. The Federal share is 80 percent and the State share is 15 percent.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO TRANSFER \$4,300 FROM THE FUTURE BRIDGE PROJECT ACCOUNT TO THE SENECA STREET BRIDGE PROJECT AND TO APPROPRIATE THE STATE AND FEDERAL SHARES MADE BY MR. SCHU. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

Mr. Catherman stated the second piece of this is to enter into an agreement with the NYS DOT for \$86,000 to do right – of-way work.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT RIGHT-OF-WAY WORK RELATIVE TO THE SENECA STREET BRIDGE PROJECT IN HORNELL, FOR A TOTAL COST OF \$86,000 MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

VI. OTHER BUSINESS

A. Road Use Agreement – Mr. Spagnoletti informed the committee that the gas drilling companies are concerned about the bonding amount. We put in our road use agreement \$150,000 - \$300,000 per mile based on the condition of the road. In Pennsylvania, they bond their roads for \$12,000 per mile. He stated that he spoke with Mike Atchie of Chesapeake, who informed him this amount is pretty much what is being done around the State. Mr. Spagnoletti stated we do want to get them here before they drill, to see if they will sign off on this agreement.

Mr. Hauryski stated that last Thursday, May, 26, 2011, the NGTF Steering Committee held an informational meeting for Town Supervisors and Town Highway Superintendents. There were around 40 people in attendance and all of our presenters did a good job.

B. Timber Sales – Mr. Spagnoletti informed the committee that Billy Morris will be coming in Friday so they can put together all of the information to solicit bids.

C. Marcellus Shale Drill Cuttings – Mr. Spagnoletti stated they have been working on a protocol for when they start accepting drilling cuttings into the Landfill. Once they complete the protocol, they will send it to the DEC and Barton & Loguidice for review. He stated that typically this is not something that the DEC would approve, but they would review it and possibly make recommendations.

Mr. Spagnoletti explained when we bring the drill cuttings in; we want to have a procedure in place. The leachate will be tested before the cuttings come in. We also will have samples of the cuttings tested at the source and also will test samples as they arrive at the Landfill.

D. Road Project Status – Mr. Foster informed the committee that their projects are slow due to the weather. In addition, the June base price index took a \$20.00 jump in price. Mr. Spagnoletti again briefly reviewed the monetary requirements for a road system. We have 678 miles of road in the County. A blacktop road lasts approximately 15 – 20 years. If we assume replacement at 20 years, we would replace 34 miles of road each year for a cost of \$5.1 million. **Maintenance chip seal lasts 5 – 7 years. If we assume replacement at 7 years, we would chip seal approximately 100 miles of road each year for a cost of \$1.1 million. The total would be \$6.2 million.** For 2012 our budget is \$5.4 million. At this point we are keeping up.

MOTION: TO ADJOURN MADE BY MR. HANNA. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, July 6, 2011**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, June 29, 2011.**

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Wednesday, July 6, 2011

9:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Robert V. Nichols, Chair Brian C. Schu	K. Michael Hanna, Vice Chair Gary D. Swackhamer	Patrick F. McAllister
STAFF:	Mark R. Alger Bryce Foster Steve Orcutt Amy Dlugos	Jack Wheeler John Emo Steve Catherman Shawn Corey	Vincent Spagnoletti Rich Bills Doreen Ames Jim Gleason
LEGISLATORS:	Joseph J. Hauryski Randolph J. Weaver	Lawrence P. Crossett	John S. Walsh
OTHERS:	Bill Weber, Pulteney Town Supervisor Rachel Treichler Beth Miller Robert Popejoy		

I. CALL TO ORDER

Chairman Nichols called the meeting to order at 9:00 a.m. and asked Mr. Hanna to lead the Pledge of Allegiance.

II. OPPORTUNITY FOR PUBLIC COMMENT

Mr. Nichols opened the floor for public comment.

Rachel Treichler, Hammondspport, stated that she is concerned about the drill cuttings from the Marcellus Shale, how the radioactivity of the cuttings changes and about what is happening at the other private landfills that are accepting the cuttings. She has been collecting information and posting it on her law firm website. She distributed a list of the resources that are available on her website. In addition to those materials, she also had posted the report prepared by Barton & Loguidice, however, the legal copyright holder of that report, Casella, sent her a letter requesting her to remove it from her website or face legal action. Ms. Treichler also distributed a chart showing the natural decay of Uranium-238 and how it breaks down to radium and then radon. There is a lot more information that needs to be determined before you allow cuttings into the landfill. She urged the Legislature to look at what is happening in Chemung and Allegany counties. *A copy of the handouts is on file with the Clerk of the Legislature's Office.*

Bill Weber, Pulteney Town Supervisor, commented it appears that less than one-third of the drill cuttings would be Marcellus Shale – the rest is simply rock. He stated that Ms. Treichler gives a good explanation of the radioactive element, but in actual fact, what you need to consider is the mean effective dose. The New York State Department of Health sets a standard rate and that is 2 millirems per hour. A person working at the landfill would be allowed to accept 5,000 millirems per year. A casual observer is exposed to 100,000 millirems per year. The employer can monitor the radioactivity levels for the workers.

Beth Miller, Wheeler, stated that with the drill cuttings, they drill one mile down and then one mile across. Based on that, one-half of the drill cuttings would be radioactive. There are also economic issues that are raised by accepting cuttings into the landfill. Our landfill is the leader with their gas to energy project and testing new

things. With this particular project we need to not be a leader. We don't accept hazardous waste into our landfill and to me, the drill cuttings are. She stated she recently heard that the landfill would be charging \$30.00 per ton to bring in the cuttings. That is \$10.00 per ton less than our standard rate. These cuttings will cost us a lot more than the rest of our garbage. The landfill will need to purchase monitors and there will be additional testing, which will cost us more. When you factor in the potential cost for lawsuits, there is definitely a net loss. When we need to open a new cell it will cost \$6 million. It is reported that the Allegany County Landfill experienced a notable decrease in their methane production after accepting drill cuttings. If we accept drill cuttings, there is a potential that it would reduce our net gas from our gas to energy project. Take some time and really look at this. Look at what is happening in Allegany County.

Mr. Nichols thanked everyone for their comments and declared the opportunity for public comment closed.

III. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JUNE 1, 2011, MEETING MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

IV. LANDFILLS

A. **Electronics Recycling at Bath Landfill** – Mr. Spagnoletti informed the committee that once a year we hold an electronics recycling day. Corning Incorporated also sponsors one and shares the cost. There is a company that will do year-round electronics recycling at no cost. He requested authorization to get proposals to have year-round electronics recycling at the Bath Landfill.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ISSUE A REQUEST FOR PROPOSALS FOR YEAR-ROUND ELECTRONICS RECYCLING AT THE BATH LANDFILL MADE BY MR. SWACKHAMER. SECONDED BY MR. HANNA FOR DISCUSSION.

Mr. McAllister asked would this require extra manpower? Mr. Spagnoletti replied no. This will be at no charge and in some cases, the company is actually paying for the materials. Mr. Nichols commented that he thinks this is a great program.

Mr. McAllister asked would you have to build another bin for the electronics recycling? Mr. Spagnoletti replied that would be part of the proposal.

Mr. Swackhamer asked will you do this in all locations? Mr. Spagnoletti replied right now we are only looking at the Bath Landfill. We would look to expand. Mr. Swackhamer stated that he would like to see a rotation to provide that in the other locations. Mr. Emo commented right now the big thing is just getting it started, and then we will look at the other locations.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. **Authorize Request for Proposals to Graze Landfill Grass** – Mr. Spagnoletti requested authorization to solicit proposals for grazing at the Bath Landfill. Mr. Orcutt commented they will be looking at using goats and sheep.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ISSUE A REQUEST FOR PROPOSALS TO GRAZE LANDFILL GRASS MADE BY MR. SCHU. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. **Carbon Credit Marketing Contract** – Mr. Spagnoletti stated that some years back there had been talk about acid rain in the Adirondacks, and the Environmental Protection Agency (EPA) came up with a program where they put a limit on how much pollution factories put into the air. If a factory was above the limit, the EPA allowed them to go to another factory that was doing something to decrease their amount of pollution, pay the other factory for their carbon credits, and that way it would balance it out.

Mr. Spagnoletti stated that in 2005, they voluntarily put in a system for gas collection purposes. All of the methane gas that is produced at the Landfill goes to a spot where it is flared. Because we did this voluntarily, we are now eligible to receive money. We did a RFP, interviewed several companies and chose Environmental Capital to market our carbon credit. We entered into that contract in 2007 and it goes through 2012. From 2006 – 2011 we received \$2.7 million from Google, who purchases our carbon credits. The County netted \$2.5 million.

Mr. Spagnoletti explained we are eligible to continue selling carbon credits until 2015. He requested authorization to extend the contract with Environmental Capital to February 2015 so that they can continue to handle the marketing of our carbon credits until the end of our eligibility.

Mr. McAllister asked are we waiving the procurement policy? Mr. Alger replied we did an RFP initially and we want to extend the use of that RFP, and waive the procurement policy of requiring another RFP for professional services. This would be in the best interest of the County.

MOTION: WAIVING THE PROCUREMENT POLICY BY NOT ISSUING ANOTHER RFP FOR PROFESSIONAL SERVICES FOR THE MARKETING OF CARBON CREDITS AND EXTENDING THE CONTRACT WITH ENVIRONMENTAL CAPITAL FROM OCTOBER 2012 TO FEBRUARY 2015 MADE BY MR. McALLISTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Weaver stated at the end of 2015, what will we do with the methane? Mr. Spagnoletti replied initially we voluntarily collected and flared the methane. Now we have changed to a gas to energy plant and that methane will be used to produce energy.

D. **Google Contract Amendment** – Mr. Spagnoletti requested authorization to amend the contract with Google to sell them 255,000 tons of carbon credits for \$4.75 per ton from 2012 through February 2015. He commented that right now carbon credits are going for between \$2.50 per ton to \$3.00 per ton.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO AMEND THE CONTRACT WITH GOOGLE TO SELL THEM 255,000 TONS OF CARBON CREDITS FOR \$4.75 PER TON FROM 2012 THROUGH FEBRUARY 2015 MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. **Dickson Contract** – Mr. Spagnoletti requested authorization to amend the contract with Dickson to read \$.50 per ton instead of \$1.00 per ton, to be renegotiated when the volume reaches 75,000 gallons per day.

Mr. McAllister asked what is the target date? Mr. Spagnoletti replied the initial project will max out at about 75,000 gallons. If this turns into a bigger project than what he is doing now, then we will renegotiate. The contract is for 15 years with a five-year renewal. Mr. Alger commented we feel that this should be the upper limit.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO AMEND THE CONTRACT WITH DICKSON FOR THE FOOD WASTE DIGESTER TO READ \$.50 PER TON INSTEAD OF \$1.00 PER TON, TO BE RENEGOTIATED WHEN THE VOLUME REACHES 75,000 GALLONS PER DAYMADE BYMR. SWACKHAMMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

F. **Barton & Loguidice Contract** – Mr. Spagnoletti informed the committee that Barton & Loguidice is the consulting engineer for the Landfill until the completion of cell number four. We are on cell number two. He would like to approve a new contract with them through December 31, 2013 and will bring that for the committee's review next month.

V. ROADS & BRIDGES

A. **Soil & Water Conservation District Contract to Hydroseed** – Mr. Spagnoletti requested authorization to enter into a contract with the Soil & Water Conservation District for hydroseeding. He commented that it takes five tanks to seed one acre.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO CONTRACT WITH THE STEUBEN COUNTY SOIL & WATER CONSERVATION DISTRICT TO PROVIDE HYDROSEEDING AT THE FOLLOWING RATES: CROWN VEG MIXTURE - \$282.00 PER TANK; BIRDSFOOT TREEFOIL MIXTURE - \$230.00 PER TANK; LAWN MIX - \$302.50 PER TANK; NON-NATIVE ROADSIDE MIX - \$250.00 PER TANK AND ANNUAL RYE - \$200.00 PER TANK MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. **NYSDOT Snow Plow Contract** – Mr. Spagnoletti informed the committee that they do snow plowing on 106 miles of State roads. We let the towns plow 150 miles of County roads. We are always looking at these contracts and if we didn't plow for the State, then we wouldn't need the towns to plow for us. At this point, this still looks like the best system. The contract for the State for the 2011 – 2012 season is \$7,270.00 per mile. This per mile cost includes materials, labor and equipment. We will look at this contract again after this season. This contract with the State guarantees us 67 percent of the base price regardless of the type of winter.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO CONTRACT WITH THE NYSDOT FOR THE PLOWING OF 106 MILES OF STATE ROADS AT A PRICE OF \$7,270.00 PER MILE MADE BY MR. SWACKHAMER. SECONDED BY MR. HANNA FOR DISCUSSION.

Mrs. Ferratella asked is the price adjusted for gas? Mr. Spagnoletti replied yes.

Mr. Swackhamer stated as the State backs off on how often they plow, at some point we will need to. Are we liable? Mr. Spagnoletti replied if we backed off to their standards and did what they were doing, he would have a hard time believing we would be liable. Mr. Alger stated that is part of the decision making process. Mr. Foster explained, we can't just voluntarily cut back. If there is a snowstorm, we are obligated. They contract with us, so if they say the roads need to be plowed, then we need to plow them. Discussion followed.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

C. **Loan of Certain Equipment to Towns** – Mr. Spagnoletti informed the committee that historically we have loaned equipment to the towns. A broom sweep was lent to a town, their operator was drinking and this committee voted to not lend equipment out without our operators. Since that incident, we have had a request from the towns. The towns have been letting us use their equipment without their operators. He stated that he has been looking at seeing if we would be comfortable opening up the loaning again for rollers and loaders. We would loan rollers and loaders to the towns without our operators. Mr. Spagnoletti stated that he feels comfortable with doing that.

Mr. Schu asked have there been any problems other than that one incident? Mr. Spagnoletti replied no. Mr. Nichols stated that the towns now require all employees to be tested.

Mr. McAllister asked do we have a need to borrow equipment? Mr. Spagnoletti replied yes, there are times we need to borrow equipment.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO LOAN ROLLERS AND LOADERS TO TOWNS WITHOUT OPERATORS MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

VI. BIDS

A. **Fuel Wood** – Mr. Spagnoletti informed the committee that Billy Morris has been working on a management program for County properties. He requested authorization to solicit bids for the harvesting of fuel wood on 64 acres of County forest located on Call Hill.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO SOLICIT BIDS FOR THE HARVESTING OF FUEL WOOD FROM 64 ACRES OF COUNTY FOREST LOCATED ON CALL HILL MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. **Managed Sale of Plantation Conifers** – Mr. Spagnoletti requested authorization to solicit bids for the managed sale of plantation conifers on 25 acres located on the Carney tract.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO SOLICIT BIDS FOR THE MANAGED SALE OF PLANTATION CONIFERS ON 25 ACRES LOCATED ON THE CARNEY TRACT MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

VII. OTHER BUSINESS

A. **Road and Bridge Project Updates** – Mr. Spagnoletti asked Mr. Foster and Mr. Catherman to provide updates on the road and bridge projects.

Mr. Foster stated that the road work projects are pretty well on schedule. The price of asphalt has increased \$5.00 per ton and the price of fuel has increased \$.03 per gallon. There are two areas of concern. The first is CR34 is breaking up, has high traffic and is in need of repair. The second area is there is a possibility that we will be over budget on our fuel by \$300,000 - \$500,000. In order to find money to pay for fuel, we may need to not build a road and just oil and chip it this year and then blacktop it the following year. Discussion followed.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICER'S LAW, ARTICLE 7§ 105.1.D. DISCUSSIONS REGARDING PROPOSED, PENDING OR CURRENT LITIGATION MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: SETTLING AN OVERCHARGE FOR AWS COMPANY FOR THE AMOUNT OF \$23,000.00 CREDIT FOR LANDFILL CHARGES MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. MOTION CARRIES 4-0-1. (MR. SCHU ABSTAINED)

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. HANNA. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, August 3, 2011
9:00 a.m.**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, July 27, 2011.**

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Wednesday, August 3, 2011

9:00 a.m.

Legislative Committee Conference Room

Steuben County Office Building

Bath, New York

****MINUTES****

COMMITTEE:	Robert V. Nichols, Chair Brian C. Schu	K. Michael Hanna, Vice Chair Gary D. Swackhamer	Patrick F. McAllister
STAFF:	Mark R. Alger Bryce Foster Steve Catherman Ken Peaslee	Jack Wheeler Steve Orcutt Doreen Ames Shawn Corey	Vincent Spagnoletti John Emo James Gleason
LEGISLATORS:	Joseph J. Hauryski Thomas J. Ryan	Carol A. Ferratella John S. Walsh	Christopher G. Quinlan

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 9:00 a.m. and asked Mr. Hanna to lead the Pledge of Allegiance.

II. OPPORTUNITY FOR PUBLIC COMMENT

Mr. Nichols opened the floor for public comment. There being none, he declared the opportunity for public comment closed.

III. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JULY 6, 2011, MEETING MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. McALLISTER ABSENT FOR VOTE)

IV. LANDFILLS

A. **Town of Pulteney Invoice for Roadside Cleanup Week** – Mr. Spagnoletti stated that they have received a number of compliments from Highway Supervisors on our roadside cleanup week. The intent is for the towns to pick up normal debris along the sides of the road. The Town of Pulteney had put an ad in the paper, which resulted in them bringing in a much higher tonnage than the other towns. He stated that he called the Town of Pulteney and told them that we would let in the first four tons for free; however, we were going to invoice them for the additional 19.73 tons for a total cost of \$3,946. The Town of Pulteney then sent a letter to the County Administrator citing miscommunication and stating that they shouldn't have to pay. Mr. Spagnoletti stated that he thinks they should have to pay the invoice. Mr. Alger stated the Town sent a letter pleading that they feel they should not have to pay due to the miscommunication.

Mr. Hanna asked what does the charge of \$200.00 per ton represent? Mr. Spagnoletti replied that is the tipping fee for bulk tire tonnage. Mr. Hanna asked does the price include cost and profit? Mr. Orcutt replied the cost includes the disposal, handling and all of the materials and trucks used to transport the tires to Seneca Meadows. Mr. Spagnoletti stated Seneca Meadows charges us \$75.00 per ton delivered to their site. Mr. Nichols commented the Town of Tuscarora does their tire day and they pay for it.

Mr. McAllister commented the notice you sent out should be a little clearer. This event was meant for the towns and in your notice you could specify that this is just for the towns and not for the residents to bring their debris. Mr. Nichols stated this is meant to collect debris along the roadside.

Mr. Hanna asked none of the other towns exceeded the tonnage? Mr. Spagnoletti replied the Town of Pulteney brought in 23 – 24 tons. The other towns brought in 1 – 2 tons. There is no doubt in anyone’s mind that they did something outside the scope of what was intended. Mr. Hanna stated that he personally thinks this is excessive. We opened the door and I don’t think this was intentional on the part of the town.

Mr. Alger suggested if you do this event again, you should probably put in a maximum tonnage. It isn’t too far of a stretch to think that you could run into piles of tires along some of the roads, especially when you are doing this one time a year. Mr. Ryan commented this is a worthy program. Mr. Spagnoletti stated we wanted people to clean up the mini dumps along the roads.

Mr. Alger stated that it is reasonable if you do this again, to put a maximum tonnage. Honestly, you are in the position that we didn’t do that and we told the towns we would take what tonnage they brought us. They did go beyond, but we didn’t limit it. Mr. Spagnoletti commented they took advantage of it. The issue is that he will be sending the invoice, unless the committee doesn’t want him to.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO SEND AN INVOICE TO THE TOWN OF PULTENEY IN THE AMOUNT OF \$3,946.00 WHICH REPRESENTS THE EXCESS TONNAGE OVER 4 TONS DURING THE ANNUAL ROADSIDE CLEANUP WEEK EVENT MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. MOTION CARRIES 4-1. (MR. HANNA OPPOSED)

V. ROADS AND BRIDGES

A. **Transfer** – Mr. Spagnoletti informed the committee that there is money left from two federal aid bridge projects. The CR85 bridge project has \$66,325.22 remaining and the Saunders Road Bridge project has \$75,625.01 remaining. He requested authorization to transfer those amounts to the Future Bridge Projects account. The total is \$141,950.23. This money will only be used for federal aid bridge projects.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO TRANSFER \$66,325.22 FROM THE CR85 BRIDGE PROJECT AND \$75,625.01 FROM THE SAUNDERS ROAD BRIDGE PROJECT INTO THE FUTURE BRIDGE PROJECTS ACCOUNT MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

B. **Maintenance Jurisdiction Agreement** – Mr. Spagnoletti informed the committee that a landowner in the Town of Greenwood, has requested that 0.2 acres that the County owns be transferred to him. This is the intersection of SR248 and SR417 and the land around it was county owned. The State does maintenance around the intersection. In order to convey this land to the landowner, we have to accept the maintenance jurisdiction from DOT for that 0.2 acres. Then the State will send us a notice that we will be maintaining the intersection and then we can convey that land to the landowner.

Mr. Alger asked do we have to request it? Mr. Catherman replied DOT will request a survey map from the landowner. Then they will send it to us and ask us to request that we accept the maintenance jurisdiction. We won’t bring this to the Full Board for approval until we have the survey map.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ACCEPT MAINTENANCE JURISDICTION FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR 0.2 ACRES OF THE NORTHEAST CORNER OF THE INTERSECTION OF SR248/SR417 MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. **Conveying 0.2 Acres Located at the Intersection of SR248 and SR417** – Mr. Catherman commented the landowner doesn’t want to pay for the survey unless there is some type of assurance that we are willing to do this.

MOTION: CONVEYING 0.2 ACRES LOCATED AT THE INTERSECTION OF SR248 AND SR417 TO MARY McNEILL CONTINGENT UPON THE COUNTY’S RECEIPT OF NOTICE FROM THE NYSDOT FOR THE RELEASE OF MAINTENANCE JURISDICTION TO STEUBEN COUNTY MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

D. **Global Positioning System Monitors** – Mr. Spagnoletti requested approval to solicit bids for global positioning system monitors for 64 vehicles. He stated that he would like to put these in the tandem tri-axle dump trucks, the field supervisor's trucks and mobile work vans. The GPS would allow him to locate the vehicles, know where they are, when they left the shop, etc. There are also apps available to allow you to do diagnostics on the trucks if for some reason they stop working. The counties that are using GPS can also monitor idling of the trucks. In addition you can also monitor when they are out plowing and what they have plowed. Mr. Spagnoletti stated the cost for the GPS is \$260 per device which would be approximately \$17,000. The add-on that is connected to the motor to perform diagnostic testing is \$150 per device and would total approximately \$7,000. In addition, there is a maintenance agreement at a cost of \$21.95 per month, per unit and that would equate to \$17,000 per year. He stated that Erie County uses GPS monitoring and has already saved 10 percent on their fuel costs because they are able to monitor idling.

Mr. Swackhamer asked who will be watching the trucks? Mr. Spagnoletti stated that he, Bryce Foster and Phil Hink will each have screens to monitor the trucks. We also have an individual who handles our inventory and they will be monitoring for things like idling.

Mr. McAllister asked you will not be monitoring all the time? Mr. Spagnoletti replied no, but with something like idling, we would want to monitor that consistently. Mr. Swackhamer stated you can plug into the trucks any time and it will tell you the actual shifting, average idling, etc. That is all in the truck's computer and you just need a technician to bring up that information. That is available in all the new trucks. Mr. Foster commented most of that can be gathered by bringing the truck back in. Mr. Nichols stated you have to bring the truck in. Mr. Swackhamer stated you have to do maintenance on the trucks and you can check the computers when you do the maintenance.

Mr. McAllister asked is that the main value? Mr. Swackhamer stated for the idling, gas, oil, that can all be checked during maintenance. Mr. Spagnoletti replied that for him, the two most important things are first, in the morning he wants to know what trucks are out at what time and where they are. The second thing is speeding. He stated that he wants to be able to check when he gets a complaint about one of the trucks speeding.

Mr. Schu stated the idling issue might save money. Mr. McAllister asked what is the advantage to seeing where the trucks are? Mr. Spagnoletti replied we have 45 trucks in a county that is larger than the State of Rhode Island. This is a tool to allow us to see where they are. The other advantage is it will be able to show, particularly during the winter, how often a road is plowed and that will provide us with a very solid record. This is a double-edged sword as it also will show when you are not there. He stated that from the various articles he has read, many of the counties cite that as an advantage.

Mr. Foster stated that if they do this, the other thing that he will be looking at is more with winter plowing. With certain add-ons, it can tell you how much material is going on the road. That could give you information and enable you to make sure your material use is in line with what is needed. He commented that as a side note, everyone is concerned about the drilling companies and the amount of traffic. We have had reports of water trucks traveling down roads that were not part of the road agreements. Every subcontractor has GPS in their trucks and they have been able to pull up information to show which trucks have been doing this. This is not brand new and you will see more and more benefits.

Mr. McAllister asked will the supervisors at each shop have access to this? Mr. Spagnoletti replied they could. We could make that available to them. The dispatch at Mt. Washington could use it as well.

Mr. Hanna asked is there a labor savings to this? Mr. Spagnoletti replied the supervisors may not have to go out as much. He didn't look at this as a specific savings. It was more of being able to look and know where the trucks are and what they are doing and having things be more efficient. This is more of fleet management. Mr. Hanna asked with Pictometry, could this come together in one package? Mr. Alger replied probably not. They are separate systems.

Mr. Peaslee stated that some places will accept maps and that would integrate into their system. The better scenario would be cloud computing. In a cloud, you would access this through the Internet. Individuals would sign on with a user name and password. The database would be maintained outside of the county and the information would be available for any staff to look at, as long as they had the password.

Mr. Foster commented that conceivably there could be a little savings in overtime, especially in the winter.

Mr. Nichols stated Erie County is relatively flat. Would we still have access here? Mr. Foster replied the system will still work. It will continue to track even if you lose your signal to make a phone call. Mr. Spagnoletti stated if a driver is in a dead area, the system will know when they get out of the dead spot. Mr. Foster explained the GPS is picked up by satellite and transferred to the cell towers. Mr. Swackhamer asked will it still be able to track during heavy snow and heavy rains? Mr. Foster replied yes.

Ms. Smith commented that this may need to be negotiated. You are using it for trucks, however, it can also be used to track time and anything used to track time is negotiable. Mr. Hanna asked what would the Union's objection be? Ms. Smith replied overtime. Mr. Spagnoletti stated that Erie County told him that they told the Union that it was a management right and went ahead and did it. He stated that he has a right to know where his trucks are. Mr. Quinlan stated it is something that could be an issue for disciplinary action. Mr. Swackhamer stated we are not using it for that. Ms. Smith stated, but it could be.

Mr. Corey stated that PERB determined that surveillance technology is allowable if you are using it for allowable purposes such as finding trucks. However, it may not be used as evidence in a disciplinary action. Mr. Alger stated at a certain point, you end up having to talk to the Union about using this. That is what they are suggesting and it would need to be negotiated.

Mr. Peaslee stated when you do the bid, you may want to do the bid and open it up for other County departments to use the bid as well.

MOTION: AUTHORIZING THE PURCHASING DIRECTOR TO SOLICIT BIDS FOR 64 GLOBAL POSITIONING SYSTEMS FOR PUBLIC WORKS, INCLUDING THE DIAGNOSTIC ADD-ON AND YEARLY MAINTENANCE; AND ALLOWING FOR PRICING FOR OTHER COUNTY DEPARTMENTS WHO WISH TO PARTICIPATE MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. Reclassifications

1. Management Grade G Highway Engineer to Grade XIII GIS Technician – Mr. Spagnoletti stated that when their Highway Engineer left, he was making \$67,000 per year. We have determined that we don't need to have a Highway Engineer, but instead would like to have a GIS Technician. He explained, GIS is something where you keep maps on the computer of construction, signs, road conditions, among many other things. You can get data off those maps and layer it with information from other maps.

Mr. Sears stated that he is the GIS Coordinator for Steuben County and works in the Planning Department. The bottom line is that GIS is a very dynamic and integrated system which allows you to bring layers of information together. He stated that he does customized mapping for anything in the County. GIS is useful in that it brings in layers of information from all sorts of sources. He stated that earlier Mr. Peaslee mentioned cloud computing, and that is a very good way of going and anyone you want to have the information can have access with a password. Pictometry can also be integrated with GIS.

Mr. Hauryski commented that he has been a proponent of GIS since he became a Legislator. When he worked at the USDA they went through various agencies and incorporated GIS which made everything so much easier and the data was readily available. The County is in the dark ages with regard to utilizing GIS. When you talk about efficiencies, you could do a better job of using our resources if we do this. This is very cost effective and he encouraged the committee to move forward with having a GIS person in the Public Works Department.

Mr. Alger stated that he would envision creating a virtual unit with Mr. Sears as the Coordinator with a GIS Technician in both 911 and Public Works and they would be able to tackle projects. They would not be located together, but would share resources that would help Public Works. This would utilize the skills we have in the other departments.

Mr. Swackhamer asked do we have a GIS Technician at 911? Mr. Alger replied yes. Mr. Sears actually located all of the roads, houses, intersections, etc. when we first started putting together 911. All of that information is in the database for 911 and when they get a call, that information pops up on their computers. He stated that the other thing is that Mr. Sears works with STC who also has GIS resources and they share information back and forth. The ability to use those resources would be greatly improved.

MOTION: AUTHORIZING THE RECLASSIFICATION OF A VACANT MANAGEMENT GRADE G HIGHWAY ENGINEER TO A GRADE XIII GEOGRAPHIC INFORMATION SYSTEM TECHNICIAN IN THE PUBLIC WORKS DEPARTMENT MADE BY MR. SCHU. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. *Motor Equipment Operator, Grade VIII to Junior Bridge Workers, Grade XIV* – Mr. Spagnoletti stated that over the years, when staff had been cut, they took three highway workers and put them in the bridge crew. In their job description they can do laborer work and they really are part of the crew and doing bridge worker work. He requested authorization to reclassify three Motor Equipment Operators to three Junior Bridge Workers. This would equate to approximately \$1,500 more per person, per year.

Mr. Nichols asked will they still be able to plow snow and operate equipment like a Motor Equipment Operator? Mr. Spagnoletti replied the bridge crews are plowing snow. Mr. McAllister asked will they be doing full-time bridge work? Mr. Spagnoletti replied yes, all year long.

Mr. Alger stated with the reclassification process, the Department Head requests Personnel to evaluate job duties. In each case, Personnel looks at the individual's current job duties and then does a detailed description and review to see if it falls within the title they currently have. If it is outside of the job duties, then Personnel looks for an appropriate title. In this case, they have suggested that these three individuals would be more appropriately titled as Junior Bridge Workers.

Mr. Swackhamer asked can they be used anywhere? Mr. Alger replied their primary duties are with the bridge crew, however, they can assign them a secondary duty such as plowing.

MOTION: AUTHORIZING THE RECLASSIFICATION OF THREE MOTOR EQUIPMENT OPERATORS, GRADE VIII TO THREE JUNIOR BRIDGE WORKERS, GRADE XIV IN THE PUBLIC WORKS DEPARTMENT MADE BY MR. SCHU. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

F. **Road and Bridge Work Updates** – Mr. Spagnoletti asked Mr. Foster and Mr. Catherman for a brief update on road and bridge projects. Mr. Hanna asked how is your budget for the road projects? Mr. Foster replied it is in good shape. The cost for blacktop has gone up, but all of the projects will get done as planned, with the exception of CR69. Discussion followed.

MOTION: TO ADJOURN MADE BY MR. McALLISTER. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, September 7, 2011
9:00 a.m.**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, August 31, 2011.**

PUBLIC WORKS COMMITTEE

Wednesday, September 7, 2011

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	K. Michael Hanna, Vice Chair Gary D. Swackhamer	Patrick F. McAllister	Brian C. Schu
STAFF:	Mark R. Alger Bryce Foster John Emo Steve Catherman Shawn Corey	Jack Wheeler Phil Hink Rich Bills Doreen Ames Patrick Donnelly	Vincent Spagnoletti Steve Orcutt Jerry Miller James Gleason Pat Baroody
LEGISLATORS:	Joseph J. Hauryski Christopher G. Quinlan	Lawrence P. Crossett Thomas J. Ryan	Carol A. Ferratella Randolph J. Weaver
ABSENT:	Robert V. Nichols, Chair		
OTHERS:	Robert Popejoy Mark Schlechter Billy Morris Mary Perham, <i>The Leader</i>		

I. CALL TO ORDER

Mr. Hanna called the meeting to order at 9:00 a.m. and asked Mr. Hink to lead the Pledge of Allegiance.

II. PUBLIC COMMENT

Mr. Hanna opened the floor for public comment.

Pat Baroody, Office for the Aging/NY Connects, stated that the purpose of the NY Connects Program is to keep people independent in the community as long as possible. One of the projects they did, with AARP, was a walkability study in April 2010. In conjunction with AARP we developed a survey tool and we did an assessment of intersections to see if they were suitable for people with disabilities. We looked at seven communities and surveyed sixteen intersections. The results showed that drivers were doing unsafe things such as speeding and talking on cell phones. We sent our completed surveys to AARP who computed the results, along with other surveys done across the State. The summary of those results showed New York City versus Upstate and that data is not helpful to us. We recruited another volunteer to sort the surveys by community and we met with Tom Sears, the GIS Coordinator, to see if he could help us. He was very helpful and suggested that we meet with Mr. Spagnoletti and go over the results. We suggested to Mr. Spagnoletti that our intent was to look at low cost and/or no cost modifications. We also met with the NYS Department of Transportation and asked them to look at the surveys. They asked that we bring in the other counties in the regional area and they would look to develop a strategy. Ms. Baroody stated that she is bringing this information to the committee's attention. The summary of the results are available and we are hoping the next step is to be part of the planning for modifications to the communities.

Mr. Spagnoletti commented that Mr. Catherman took the results of the report and has looked at our roads and there are things we can do now and other things that we can incorporate into construction projects. Mrs.

Ferratella asked has this information been shared with the Traffic Safety Board? Ms. Baroody replied yes, she attends their meetings.

Mr. Schlechter stated that he is here to talk about the drill cuttings. The Department of Environmental Conservation (DEC) has come out with a decision concerning Chemung County's request to increase their loads of drill cuttings coming into their facility and the DEC approved that request. He stated that in his opinion, that situation is far different from ours as they are private. The interesting thing in the decision, which connects this with us, is the testing protocol. They have allowed this permit as long as they come up with an extensive list of changes to the testing protocol in Chemung County. He distributed a copy of a memo from the Law Office of Gary A. Abraham citing the decision by DEC Commissioner Joseph J. Martens regarding the application for modifications to Chemung County's permit. In this letter, there are 13 issues that need to be addressed within thirty days. Mr. Schlechter stated that he would urge the committee to review this. Based on what the DEC is saying, whatever is put into place by the County may need to be modified.

Mr. Spagnoletti commented that they sent their testing protocol to DEC and we are waiting for the results of their review. Our protocol is very extensive.

Mr. Hanna thanked everyone for their comments. There being no further comment, he declared the opportunity for public comment closed.

III. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE AUGUST 3, 2011, MEETING MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

IV. ROADS AND BRIDGES

A. *Budget Transfer* – Mr. Spagnoletti informed the committee that the cost for diesel fuel and gas has increased. We had taken the three-year average, which was about \$1 million, and budgeted \$825,000 for diesel and gas. The price did spike and now we will be up over \$1.3 million. There is \$276,887 in the capital projects line item which was the contingency item for higher asphalt prices. This year the asphalt prices did go up, but the bids were lower than expected so we didn't need as much money. In addition, the CR69 project, if we reduce the blacktop from 4.8 to 2.0 miles and finish in 2012, we have \$124,855 that could be transferred. He requested authorization to transfer a total of \$401,737 and appropriate \$75,000 to unleaded fuel, \$276,737 to diesel and \$50,000 to parts and repairs. He commented this should take them through the end of the year.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO TRANSFER \$276,887 FROM THE CAPITAL PROJECTS LINE ITEM AND \$124,855 FROM THE HOTMIX/INJECT LINE ITEM AND APPROPRIATE \$75,000 TO THE UNLEADED FUEL, \$276,737 TO DIESEL FUEL AND \$50,000 TO PARTS AND REPAIRS MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

B. *Pavement Grinder* – Mr. Spagnoletti informed the committee that the pavement grinder is the centerpiece to their construction program. Currently we pay \$125,000 per year for the rental of the grinder, which includes the operator and fuel. We decided to do an analysis to see what it would be like if we were to purchase a pavement grinder. Over the course of a 20-year life, the cost to rent would be \$2,516,000 and the cost to operate would be \$1,030,917 plus a bond of \$916,608 for the purchase of the grinder. Over 20 years, the savings would be \$28,424 per year if we purchased a grinder and we would have more poor roads upgraded. Mr. Spagnoletti stated that he is not advocating to buy, this is just something to consider. He explained, if in the future the State took away our CHIPs funding and you had to cut our funds, if we had this machine, and had maintenance money to oil and chip, we could keep the roads together. That would be the value of this machine. One other advantage is if we owned the machine, we could use it on poor roads and use it for more than 29 days per years. It is a relatively close call with regard to the savings. Discussion followed.

V. **BIDS**

A. *Sale of Forest Products – Sale #1* – Mr. Spagnoletti stated Billy Morris did an analysis and this bid is for 69 acres to clear out the underbrush so the Oak trees can grow. We received one bid from Rainbow Farms and they would pay us \$1,689.00. There would be a penalty of \$500.00 per tree if they damage good trees.

Mr. Morris stated that we are not taking the underbrush out, but rather, we are making improvement cuts to thin out the poor trees. This stand of trees was clear cut in the early part of the century. He had estimated a price of \$10.00 - \$15.00 per standard cord. Based on the amount here, this is an easy firewood sale. They are doing a service to the County, however, they are getting a value in return. He stated that he thinks this bid is fairly low; it should be closer to \$4,000.00. If we rebid, the question is will you lose Rainbow Farms, which is a sure sale. That's the dilemma.

Mr. Spagnoletti stated that his thought is, if we don't have Rainbow Farms do it then he will have to pay County workers \$130,000.00 to clear it, or the other option is to do nothing. We would have liked to have gotten \$4,000.00. We could reject and probably rebid, however, he recommended awarding the bid to Rainbow Farms for \$1,689.00.

Mr. McAllister asked we are not authorizing anyone to take the wood? Mr. Morris replied this is firewood material. Rainbow Farms uses small equipment and the damage is minimal. He has no complaint about their operation. Mr. McAllister asked if we were to let the stand go, there would not be much value? Mr. Morris replied the stand will have some value, it will just take longer to get it. The stand is in need of help. In 12 – 15 years you would be in a position for light timber sale. Mr. Hanna asked is it tough to project how much we would make on timber sales? Mr. Morris replied it is dependent upon the economy.

Mr. Ryan asked was this bid locally? Mr. Gleason replied we posted it on the County website and we made very good attempts to make the bid public.

Mr. Hauryski commented that he doesn't look at this as a major revenue source. The revenue source down the road is the future timber sales.

Mr. Weaver commented that he likes that this is a local contract and the money will stay in the County.

MOTION: AWARDING THE BID FOR THE SALE OF FOREST PRODUCTS – SALE #1 TO RAINBOW FARMS, CAMPBELL, NY TO IN THE AMOUNT OF \$1,689.00 TO BE PAID TO THE COUNTY MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. *Ice Control Sand -*

MOTION: AWARDING THE BID FOR ICE CONTROL SAND – FOB PLANT SITE TO ELAM MATERIALS, INC.; HANSON AGGREGATES NEW YORK LLC; AUSTIN CONSTRUCTION LLC; DOLOMITE PRODUCTS COMPANY, INC. D/B/A A.L. BLADES; BUFFALO CRUSHED STONE, INC; AND DALRYMPLE GRAVEL & CONTRACTING CO.; DELIVERED TO SHOPS ON A LINE ITEM BASIS TO ELAM MATERIALS, INC.; HANSON AGGREGATES NEW YORK LLC; AND BUFFALO CRUSHED STONE, INC.; AND DELIVERED TO TOWN SHOPS ON A LINE ITEM BASIS TO ELAM MATERIALS, INC.; HANSON AGGREGATES NEW YORK LLC; AND BUFFALO CRUSHED STONE, INC. MADE BY MR. McALLISTER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C. *Lease of Gravel Pits* - Mr. Spagnoletti explained this bid is for the lease of gravel pits in Quadrant 1 and Quadrant 2. He recommended awarding the bid for Quadrant 1 to Judith & William Reagan for a price of \$1.45 per cubic yard. This bid is for years 1 – 5 and there will be an option to extend if both parties are agreeable.

Mr. Spagnoletti stated that with regard to Quadrant 2 he would recommend rejecting that bid. The specifications required 15 acres to be permitted and we went in and did testing and there is nothing there worth going after.

MOTION: AWARDING THE BID FOR THE LEASE OF GRAVEL PITS – QUADRANT 1 TO JUDITH & WILLIAM REAGAN FOR \$1.45 PER CUBIC YARD AND REJECTING THE BID FOR QUADRANT 2 MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

D. *Collection and Recycling of Electronic Waste* – Mr. Spagnoletti stated last year the State passed legislation requiring manufacturer’s of electronics to be responsible for the recycling of those products. He recommended awarding the bid to the low bidder RCR&R out of Victor, NY. They will pay us \$0.086 per pound.

Mr. Weaver asked how much tonnage to do you expect? Mr. Spagnoletti replied when we held a one-day event in Corning, we brought in 65,000 pounds which equated to \$6,000.

Mr. Swackhamer asked would it pay for us to have a large dumpster at each transfer station? Mr. Emo replied we are going to start at the Bath Landfill first and if everything goes smoothly, then we will look at expanding this to the transfer stations. Mr. Spagnoletti stated people want this. We would like to get through the first year at the Bath Landfill to work out any problems. Mr. Orcutt commented that they are hoping to start by October or November and this contract will be for one year.

Mrs. Ferratella asked how will you publicize this? Mr. Spagnoletti replied we will have notices in the newspapers, website and the radio.

MOTION: AWARDING THE BID FOR THE COLLECTION AND RECYCLING OF ELECTRONIC WASTE TO RCR&R FROM VICTOR, NY AT A RATE OF \$0.086 PER POUND BEING PAID TO THE COUNTY MADE BY MR. SCHU. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

VI. OTHER BUSINESS

A. *Book Recycling* – Mr. Spagnoletti stated that they held their book recycling event at the Bath Landfill and collected 3.6 tons of books.

B. *GPS Monitoring System* – Mr. Spagnoletti stated last month we talked about using GPS monitors on the trucks. Since that meeting, they have discussed this more and thought that they could try this on 8 of the snowplow trucks that plow for the State roads. In addition, we would also like to put those on the 3 mobile work program trucks. That would be 11 monitors for a cost of \$3,000 to purchase. We will see how they work for a year and then we will come back to the committee.

C. *Digester Project* – Mr. Hanna asked what is the status of the digester project? Mr. Spagnoletti replied we have a lease agreement with Dickson. Dickson would like to consider some other options and is in the process of doing a financial analysis. Mr. Hanna asked what is the time table for him to finish his financial analysis? Mr. Spagnoletti replied he expected to receive something this week.

MOTION: TO ADJOURN MADE BY MR. SCHU. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, October 5, 2011
9:00 a.m.**

**Agenda items due to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, September 28, 2011.**

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Wednesday, October 5, 2011

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Robert V. Nichols, Chair Brian C. Schu	K. Michael Hanna, Vice Chair Gary D. Swackhamer	Patrick F. McAllister
STAFF:	Mark R. Alger Steve Orcutt Phil Hink Doreen Ames	Jack Wheeler John Emo Bryce Foster Jim Gleason	Vincent Spagnoletti Jerry Miller Steve Catherman Shawn Corey
LEGISLATORS:	Joseph J. Hauryski Gary B. Roush	Carol A. Ferratella Thomas J. Ryan	Christopher G. Quinlan Randolph J. Weaver
OTHERS:	Rachel Treichler Mark Schlechter Paul Trepis		

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 9:00 a.m. He asked Mr. McAllister to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES FROM THE SEPTEMBER 7, 2011, MEETING MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. PUBLIC COMMENT

Mr. Nichols opened the floor for public comment.

Rachel Treichler, Hammondspport, stated that she is here today to raise issues concerning the radioactivity of drill cuttings. The DEC recently made a ruling that there needs to be more testing measurements in place at the Chemung County Landfill. This is a good step that the DEC is looking at the need to measure the radioactivity in the cuttings and the best way to do that. She stated the other issue she would like to bring up is brine spreading on the roads. This is a practice that the DEC has approved. She distributed a copy of a map showing where the brine spreading is happening throughout the State. The brine has not been tested and may be radioactive and may contain heavy metals. Has the County or any of the towns using the brine tested it before spreading it on the roads? Ms. Treichler stated that she is concerned that if drilling comes to our area, how will the brine be handled and can we trust what the drill companies tell us?

Mr. Nichols commented the brine you are referring to is from gas storage wells and not from new drilling. The towns don't have the money to purchase oil for the roads and if they don't use a more expensive calcium or salt brine, then the dirt roads will be very dusty. Mr. Spagnoletti explained the salt brine has nothing to do with hydrofracking or drilling. In Bath there is a salt cavity and for decades has been used for storing clean, natural gas. Periodically there is water that mixes with the salt and when it comes up, that water is tested. The DEC issues permits annually to the towns to use the salt brine and has been doing so since 1974.

Mr. Schlechter stated if drilling occurs, the concern is that the brine that comes from the drilling not be used on the roads. Mr. Spagnoletti stated the brine that comes from the hydrofracking does have some elevated levels of radioactivity and that is the same brine they wanted to bring to the leachate plant and we told them no. The water that comes back out after fracking is what needs to be watched. Mr. Schlechter stated does the monitoring of that fall back on the localities? Mr. Alger replied no. The DEC has to monitor that. It is not our responsibility and we wouldn't have the manpower. The expectation is that the State will not authorize wells to be drilled until they have adequate staff to monitor activities.

Paul Trepis, Hammondsport, stated that he is concerned about the Marcellus Shale drilling waste that will be dumped at the County Landfill. Several concerns have not been answered. The County is relying on information from the DEC on the safety of the drill cuttings. The DEC has issued contradictory opinions. The DEC Commissioner has questioned the safety protocols at the Chemung County Landfill. The cuttings are not considered radioactive or industrial waste under the current regulations. Legislation should be based on more than legislative loopholes. To take the drill cuttings makes little economic sense; the Commissioner of Public Works admitted at a public forum that he is not sure how much money they will make from bringing in drill cuttings. A cost benefit analysis should be conducted before a decision is made.

Mr. Nichols thanked everyone for their comments and declared the opportunity for public comment closed.

IV. LANDFILLS

A. *Barton & Loguidice, P.C. Agreement for Engineering Services* – Mr. Spagnoletti requested authorization to extend their contract with Barton & Loguidice for engineering services for an additional three years and waiving the procurement process. We pay them approximately \$300,000 - \$400,000 annually. He explained in 2005 we did an RFP for overall guidance to help us be compliant with Federal regulations. At the time there were six proposals and we chose Barton & Loguidice. In 2007 and in 2009 we waived the procurement procedure and renewed our contract with them to continue to provide engineering services for the Bath Landfill expansion. Mr. Alger explained he is requesting the committee waive the procurement procedure for issuing an RFP for engineering services and finding that it is in the best interest of the County to continue to contract with Barton & Loguidice. Discussion followed.

MOTION: WAIVING THE PROCUREMENT PROCEDURE FOR ISSUING AN RFP AND FINDING IT IN THE BEST INTEREST OF THE COUNTY TO EXTEND THE CONTRACT WITH BARTON & LOGUIDICE FOR ENGINEERING SERVICES THROUGH 2013 MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

V. ROADS AND BRIDGES

A. *Pavement Grinder Update* – Mr. Spagnoletti stated since the last meeting they took another look at the cost analysis comparing the cost to rent a pavement grinder versus the cost of owning our own. At the last meeting Mr. Swackhamer brought up his concern regarding the need to have two people on the machine. When we rent the machine, the company sends two operators. We have determined that we would only need one operator as there is always a supervisor on the job any way. We did add in the costs for the low-boy for transporting the machine to jobs. We pay \$125,800 annually to rent the grinder. If we owned the grinder, we would purchase it for \$850,000 on a seven-year payment plan. If you spread that over 20 years, the cost is \$98,000 per year. Mr. Spagnoletti stated that they did get a repair report from Suit-Kote and if we include more accurate costs for repairs and maintenance, the cost would be \$107,000 per year. When you compare the cost of rental, \$126,000 to the cost of owning, \$107,000 over a 20-year period that is a savings of \$300,000 - \$400,000. We think we could purchase the machine on a 7-year purchase plan.

Mr. Spagnoletti commented the new thing they found is we could pick up revenue by renting the grinder to the towns for \$3,500 per day. He stated that he spoke with Chemung County and they currently rent a pavement grinder. If we owned a grinder and rented it to Chemung County, that would save them a considerable amount of money. They did indicate they would be interested in renting from us if we decide to purchase a grinder. That would equate to an additional \$105,000 in revenue for us. If we don't rent the machine to Chemung County we would see an annual savings of \$20,000. If we do rent, then we would see a savings of close to \$70,000 annually.

Mr. Spagnoletti stated this is informational only. He stated he is in favor of doing this. Mr. Hanna asked if we purchased this machine, what would be the impact on the five year plan? Mr. Spagnoletti replied if we stay at the level of funding we receive now from the State, even with the machine the plan would be about the same. The big difference is if something happens to the funding and the State cuts CHIPs and the County was unable to fund, then this machine would be our savior as we would be able to grind and double chip the poor roads. The other thing is that we could also use this to get to the other roads not on the plan and we could grind them and smooth them and they could be good roads.

Mr. Spagnoletti stated another factor to consider is the gas drilling. We get a good price for our rental because we use it continually for three to five weeks. In Pennsylvania, they are using pavement grinding machines six days a week for 12 or 14 hours per day. If the same thing happens here, we may not get as good a price on the rental as we have been.

Mr. Foster explained the five year plan would not be affected as the cost to rent the grinder comes out of the capital project money. The biggest thing would be the maintenance of the roads because we would be able to take this to the roads that we can't get to. When you break it down, this is a true apples to apples comparison. It is not costing us any more for the people we already have employed by having this machine. The employee cost will remain the same.

Mr. Schu commented the analysis suggests that we use about 30 days rental, so we would have the availability to rent the machine to other towns and/or counties. Mr. Spagnoletti replied we want to make sure that if we do this, we can serve both Steuben and Chemung counties and he believes we can.

Mr. Swackhamer stated he doesn't want to purchase a machine on the possibility of additional revenue. You cannot base it on that. If you use it more, the cost for the use and maintenance of the machine will go up. Mr. Nichols commented you are comparing the costs to running the Suit-Kote machine. Mr. Spagnoletti stated the rental machine gets 618 hours per year. That is about twice as much as we would do alone. He stated that he can say for a fact that Chemung County would save a tremendous amount of money if they rented the machine from us. Without them renting it, he can confidently say that we would be ahead \$20,000 per year.

Mr. McAllister stated the possible lease to another county is appealing, but he does agree with Mr. Swackhamer. He would be interested to know what the other surrounding counties are spending on the rental of the machine and look to see if there would be a pool of people willing to rent. Mr. Spagnoletti stated we wouldn't want to have more than Chemung County renting the machine.

Mr. Corey commented if, in the future you decide to purchase a pavement grinder, how you make the purchase will be just as important a decision as actually deciding to make the purchase. Discussion followed.

VI. BIDS

A. *Bath Landfill and Wastewater Treatment Improvements* – Mr. Spagnoletti recommended rejecting Contract #1 and Contract #3 and awarding Contract #2 to RCAC for \$5,870.

MOTION: AWARDING THE BID FOR THE BATH LANDFILL AND WASTEWATER TREATMENT IMPROVEMENTS TO RCAC OF BALLSTON SPA, NY FOR CONTRACT #2 FOR \$5,870 AND REJECTING THE BIDS FOR CONTRACT #1 AND CONTRACT #3 MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. *Cutting Edges and Shoes* – Mr. Spagnoletti commented the price has gone up due to the skyrocketing price of steel. He recommended awarding on a line item basis to the low bidder.

MOTION: AWARDING THE BID FOR CUTTING EDGES AND SHOES, SPECIFIC QUANTITY CONTRACT, ON A LINE ITEM BASIS TO THE FOLLOWING LOW BIDDERS: CHEMUNG SUPPLY CORP., NORTHERN SUPPLY, INC. AND RUSERT EQUIPMENT, LLC MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. *Portland Cement Concrete; Heated* – Mr. Spagnoletti recommended awarding the bid to the low bidder, Hanson, for \$148.00 per cubic yard.

MOTION: AWARDING THE BID FOR PORTLAND CEMENT CONCRETE; HEATED TO THE LOW BIDDER, HANSON AGGREGATES NEW YORK, LLC FOR \$148.00 PER CUBIC YARD MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

D. *The Sale of Scrap Steel* – Mr. Spagnoletti informed the committee that the price of steel has gone up. He recommended awarding the bid to Swarthout Recycling for \$267.50 per ton.

MOTION: AWARDING THE BID FOR THE SALE OF SCRAP STEEL TO SWARTHOUT RECYCLING, LLC FOR \$267.50 PER TON MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. *Freon; Removal and Recycling* – Mr. Spagnoletti informed the committee they had awarded this bid in October 2010 to Interstate Refrigerant Recovery for \$7.00 and he requested authorization to extend this contract for one additional year.

MOTION: EXTENDING THE BID FOR FREON; REMOVAL AND RECYCLING FOR AN ADDITIONAL YEAR TO INTERSTATE REFRIGERANT RECOVERY AT THE PRICE OF \$7.00 PER UNIT MADE BY MR. McALLISTER. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

VII. OTHER BUSINESS

A. *Personnel* – Mr. Spagnoletti informed the committee that Doreen Ames will be retiring at the end of the month with 31 years of service. She has been the Office Manager since 1990. The committee thanked Ms. Ames for her many years of service. **CONGRATULATIONS!**

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. SCHU. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. SWACKHAMER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. McALLISTER. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, November 2, 2011
9:00 a.m.**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, October 26, 2011.**

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Wednesday, November 2, 2011

9:00 a.m.

*Legislative Committee Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE:	Robert V. Nichols, Chairman	Brian C. Schu	Gary D. Swackhamer
STAFF:	Mark R. Alger Phil Hink Jim Gleason	Jack Wheeler Steve Orcutt Nancy Smith	Bryce Foster Deb Cotter Shawn Corey
LEGISLATORS:	Joseph J. Hauryski Randolph J. Weaver	Carol A. Ferratella	Christopher G. Quinlan
ABSENT:	K. Michael Hanna, Vice Chair	Patrick F. McAllister	
OTHERS:	Robert Popejoy		

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 9:00 a.m. and asked Mr. Swackhamer to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE OCTOBER 5, 2011, MEETING MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

III. MOBILE WORK CREW

Mr. Hink informed the committee that the Mobile Work Crew recently painted the Young Hickory Church located in Troupsburg. They did a very good job.

IV. ROADS AND BRIDGES

A. *Create Capital Account for Fuel Surcharge to Use County Fuel Tanks* – Mr. Foster stated a few months ago we had come to the committee and talked about adding a surcharge of \$.12 per gallon. Of that surcharge, \$.02 will go to the DM Fund for repairs and \$.10 will go into the capital account and will be rolled over for purchasing fuel tanks when they need to be replaced. County departments will continue to pay a \$.01 surcharge.

MOTION: AUTHORIZING AND DIRECTING THE COUNTY TREASURER TO CREATE A CAPITAL ACCOUNT FOR A FUEL SURCHARGE TO USE THE COUNTY FUEL TANKS MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 3-0. Resolution Required.

B. *2011-2012 Snowplowing Routes* – Mr. Foster reviewed the new snowplowing policy and the corresponding maps. Some of our roads will be switching from 100 percent salt to a premix. With the premix, it is a 4-1 ratio and the roads will completely bare off within a day. The advantage of doing this is that we have so many roads that are not in the best of shape and this will help keep them sealed off and prevent breakups. This will also keep the shoulders frozen for the better part of the winter and will help prevent edge damage. This is not a huge change from what we have been doing. There are 147 miles of road that will be going from salt to premix. We should see a savings in our material costs, assuming we don't have a bad winter. Mr. Hink commented if we find that this isn't working, we will go

back to the bare road policy. Mr. Alger stated the important thing to note is that this is not really that big of a change. The majority of the roads are already being done in this fashion. This is a change for some areas. Discussion followed.

V. BIDS

A. *Traffic Signs and Delineators*

MOTION: AWARDING THE BID FOR TRAFFIC SIGNS AND DELINEATORS ON A LINE ITEM BASIS TO THE FOLLOWING BIDDERS: VULCAN SIGNS, OSBURN ASSOCIATES, INC., AND ROCA, INC., MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

B. *Marketing of Recyclable Materials – Scrap Tires* – Mr. Foster explained that they would like to extend the bid for Alternate 2 for an additional year. He stated that Liberty Tire was not interested in extending their bid.

MOTION: EXTENDING THE BID FOR THE MARKETING OF RECYCLABLE MATERIALS – SCRAP TIRES – ALTERNATE 2 WITH SENECA MEADOWS AT A RATE OF \$75.00 PER TON FOR AN ADDITIONAL YEAR MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

C. *Clean & Inspect Landfill Leachate Holding Tanks and Lines* – Mr. Foster requested authorization to extend their bid with Jamko Industrial Services, Inc. for an additional year at \$61,418.50.

MOTION: EXTENDING THE BID FOR THE CLEANING & INSPECTING OF LANDFILL LEACHATE HOLDING TANKS AND LINES FOR AN ADDITIONAL YEAR WITH JAMKO INDUSTRIAL SERVICES, INC. FOR \$61,418.50 MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

VI. PERSONNEL

A. *Reclassification of Office Manager (Grade XI) to Account Clerk-Typist (Grade VI)* – Mrs. Smith informed the committee that Public Works has requested approval to reclassify a vacant Office Manager position, Grade XI, to an Account Clerk-Typist position (Grade VI). This is the last Office Manager position in the County and the title is out-of-date. The duties of the Office Manager are consistent with those of an Account Clerk-Typist. Discussion followed.

MOTION: AUTHORIZING THE DOWNWARD RECLASSIFICATION OF A VACANT OFFICE MANAGER POSITION (GRADE XI) TO AN ACCOUNT CLERK-TYPIST POSITION (GRADE VI) IN THE PUBLIC WORKS DEPARTMENT MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

VII. INFORMATIONAL

A. *Electronics Recycling* – Mr. Foster informed the committee that they started electronics recycling Tuesday and have had a good response.

B. *FEMA* – Mr. Foster stated that they have finished their paperwork for the FEMA declared disasters from April and May. We expect to see a reimbursement of \$36,000.

C. *Road Projects* – Mr. Foster stated all road projects have been completed. We have submitted our paperwork for CHIPs reimbursement and expect to receive that sometime in December.

MOTION: TO ADJOURN MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 3-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, December 7, 2011
9:00 a.m.**

**Agenda items due to the Clerk of the Legislature's Office
NO LATER THAN NOON
Wednesday, November 30, 2011.**

STEBEN COUNTY PUBLIC WORKS COMMITTEE

*Wednesday, December 7, 2011
9:00 a.m.
Legislative Conference Room
Steuben County Office Building
Bath, New York*

****MINUTES****

COMMITTEE: Robert V. Nichols, Chair K. Michael Hanna, Vice Chair Patrick F. McAllister
Gary D. Swackhamer

STAFF: Mark R. Alger Vince Spagnoletti Bryce Foster
Phil Hink Jim Gleason Jerry Miller
John Emo Pat Donnelly Steve Catherman
Rich Bills Ken Peaslee Shawn Corey

LEGISLATORS: Joseph J. Hauryski Carol A. Ferratella Gary B. Roush
Randolph J. Weaver

ABSENT: Brian C. Schu

OTHERS: Robert Popejoy

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 9:00 a.m. and asked Mr. Swackhamer to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES FROM THE NOVEMBER 2, 2011, MEETING MADE BY MR. McALLISTER. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

III. ROADS AND BRIDGES

A. *Create Capital Account for the Repair of CR 27 and CR109* – Mr. Spagnoletti informed the committee that the windfarm in the Town of Howard built 24 towers this year. They have driven across both CR27 and CR109 which equates to approximately 3.5 miles. We do have a road use agreement with them. The wind farm has indicated that they will be putting up two more towers next year. We will extend our road use agreement with them for that and they will pay us \$537,255 now. This will cover what we believe will be their portion of the road repair. He requested authorization to set up a special account for that money so it will be dedicated to those road projects. Discussion followed.

MOTION: AUTHORIZING AND DIRECTING THE COUNTY TREASURER TO ESTABLISH A CAPITAL ACCOUNT FOR THE REPAIR OF CR 27 AND CR 109 IN THE TOWN OF HOWARD MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.

IV. BIDS

A. Ready Mix Concrete – Quadrant 1, Quadrant 2, Quadrant 3 and Quadrant 4 – Mr. Spagnoletti recommended awarding on a line item basis.

MOTION: AWARDING THE BID FOR READY MIX CONCRETE - QUADRANT 1 AND QUADRANT 2 ON A LINE ITEM BASIS TO WADES CONCRETE AND HANSON AGGREGATES; AND QUADRANT 3 AND QUADRANT 4 ON A LINE ITEM BASIS TO HANSON AGGREGATES AND ELAM MATERIALS, INC. MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

B. Concrete Blocks – Mr. Spagnoletti recommended awarding to all bidders.

MOTION: AWARDING THE BID FOR CONCRETE BLOCKS TO LAKELANDS CONCRETE PRODUCTS; AUSTIN CONSTRUCTION, LLC; AND ELAM MATERIALS, INC. MADE BY MR. SWACKHAMER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

C. Stone Fill – FOB, Quadrant 1, Quadrant 2, Quadrant 3 and Quadrant 4 – Mr. Spagnoletti recommended awarding to all bidders for FOB and awarding to Dolomite for all four quadrants.

MOTION: AWARDING THE BID FOR STONE FILL, FOB TO DOLOMITE PRODUCTS COMPANY, INC.; HANSON AGGREGATES NEW YORK, LLC; AND SENECA STONE CORPORATION AND AWARDING STONE FILL FOR ALL QUADRANTS TO DOLOMITE PRODUCTS COMPANY, INC. MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

D. Aggregates – Mr. Spagnoletti recommended awarding the bid for Quarry Stone and Crushed Gravel to all bidders and recommended awarding quadrants 1, 2, 3 and 4 on a line item basis.

MOTION: AWARDING THE BID FOR AGGREGATES, QUARRY STONE AND CRUSHED GRAVEL, FOB PLANT TO AUSTIN CONSTRUCTION, LLC., BUFFALO CRUSHED STONE, DALRYMPLE GRAVEL & CONTRACTING CO., INC., DOLOMITE PRODUCTS, ELAM MATERIALS, INC., HANSON AGGREGATES NEW YORK, LLC., RHINEHART SAND & GRAVEL AND SENECA STONE CORPORATION; AWARDING QUADRANTS 1, 2, 3, AND 4 ON A LINE ITEM BASIS TO BUFFALO CRUSHED STONE, RHINEHART SAND & GRAVEL AND ELAM MATERIALS, INC. MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

E. Tree Services – Mr. Spagnoletti recommended awarding the bid on a line item basis.

MOTION: AWARDING THE BID FOR TREE SERVICES ON A LINE ITEM BASIS TO TRUE CUT TREE SERVICE, INC., AND BEERS TREE SERVICE MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

F. Cutting Edges & Shoes – Mr. Spagnoletti explained this is a term contract. He recommended awarding on a line item basis.

MOTION: AWARDING THE BID FOR CUTTING EDGES & SHOES ON A LINE ITEM BASIS TO VALK MANUFACTURING CO., CHEMUNG SUPPLY CORP., FIVE STAR EQUIPMENT, INC., AND LACAL EQUIPMENT, INC. MADE BY MR. McALLISTER. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

G. Lubricants – Mr. Spagnoletti recommended awarding to the low bidder, Superior. He commented that the bid has gone up approximately \$20,000 in two years.

MOTION: AWARDING THE BID FOR LUBRICANTS TO THE LOW BIDDER, SUPERIOR LUBRICANTS CO. INC., FOR A TOTAL EXTENDED PRICE OF \$212,440.97 MADE BY MR. McALLISTER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

H. Landfill Monitoring Wells; Collection & Lab Analysis of Samples – Mr. Spagnoletti recommended awarding to the low bidder, Upstate Laboratories. He asked Mr. Orcutt to briefly review the testing procedures at the Bath Landfill.

MOTION: AWARDING THE BID FOR LANDFILL MONITORING WELLS; COLLECTION & LAB ANALYSIS OF SAMPLES TO THE LOW BIDDER, UPSTATE LABORATORIES, INC. FOR AN ANNUAL COST OF \$152,552.00 MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

I. Marketing of Recyclable Material; White Goods & Scrap Metal – Mr. Spagnoletti recommended awarding on a line item basis.

MOTION: AWARDING THE BID FOR THE MARKETING OF RECYCLABLE MATERIAL; WHITE GOODS & SCRAP METAL ON A LINE ITEM BASIS TO HORNELL WASTE MATERIAL INC., AND SWARTHOUT RECYCLING, LLC MADE BY MR. SWACKHAMER. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

J. Marketing of Recyclable Material – Mr. Spagnoletti recommended awarding to the low bidder, Swarthout. Mr. Roush asked do you do an audit of the haulers to see if they are separating recyclables? Mr. Spagnoletti replied that per regulations, they are required to check loads coming into the landfill. Discussion followed.

MOTION: AWARDING THE BID FOR THE MARKETING OF RECYCLABLE MATERIAL TO THE LOW BIDDER, SWARTHOUT RECYCLING FOR A PRICE OF \$273,982.50 MADE BY MR. SWACKHAMER. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

K. Automatic Vehicle Location System (AVL) – Mr. Spagnoletti informed the committee that Erie County utilizes the Reltronics Technologies system. We are looking at 12 units for three years for a cost of \$18,000. Mr. Foster stated we would use three of the units for the mobile work vans. The rest of the units would be installed on the 10-wheel trucks at Mt. Washington and whatever is left over would be installed on various vehicles. With the RFP, we would have a 90-day trial and if we are not happy, there will be no cost to the County. The company will show us how to install them and our mechanics will do the installations. He commented there were three bidders, however, the other two bidders did not meet the bid specifications.

Mr. Peaslee explained that currently the cell towers have 3G capability, but once the fiber project is in place, all county cell towers will be connected to the fiber. Then the cell towers will be able to handle the 4G level of communication, which means it will be a lot faster and will be able to do more.

Mr. Spagnoletti stated that he would like to try this for 90 days and if it is good, then keep them for the three years. If we think this is something that is valuable, then we would put it on our equipment list. Mr. Foster commented these units have the capacity to have more features added; such as having the ability to monitor how much material is going on the roads in the winter. Once we see if everything works well, then for an incremental cost we could add that feature and the units would more than pay for themselves.

Mr. Ryan asked why are we installing them in the mobile work vans? Mr. Spagnoletti replied the work crews start at 6:00 a.m. and go and pick up the individuals. By the time they get to the work site, it is 2 – 2 ½ hours from their start time. They lose another 1 ½ hours at the end of the day returning them home. He stated that he would like to try to make that program more efficient.

MOTION: DECLARING VEHICLE TRACKING SOLUTIONS AND BRITE COMPUTERS UNRESPONSIVE BIDDERS FOR THE AUTOMATIC VEHICLE LOCATION SYSTEM (AVL) BID AND AWARDING TO RELTRONICS TECHNOLOGIES FOR A TOTAL EXTENDED COST OF \$18,341.88 MADE BY MR. HANNA. SECONDED BY MR. McALLISTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

V. **OTHER BUSINESS**

A. *Landfill Financial Report* – Mr. Spagnoletti stated that at the January meeting he would like to show the committee the Landfill financial reports. He will also provide the committee with an analysis of the next 20 years and 30 years post-closure costs. Theoretically, the tipping fees should cover those costs. We will also look at cost cutting, flow control and leasing of the landfill.

B. *Grinder* – Mr. Spagnoletti stated that in January he would like to continue the discussion regarding the possible purchase of a grinder. He believes that it will save us money if we owned our own grinder for road construction. It will be an expensive purchase. He will be asking the committee if we can go to bid on this.

Mr. Spagnoletti stated this is Mr. Nichols' last meeting and he appreciates everything that he has done. Mr. Nichols stated that it has been a pleasure serving on the Board for the past 12 years. Mr. Spagnoletti couldn't have done a better job and has a great team. He stated that he hopes he has added to the committee over the years.

MOTION: TO ADJOURN MADE BY MR. McALLISTER. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR
Wednesday, January 4, 2012
9:00 a.m.**