

**PHYSICAL SERVICES COMMITTEE
MINUTES**

**TUESDAY, FEBRUARY 21, 2023
3:30 P.M.**

PRESENT: Barry J. Cheney, Chairman
Leigh J. Benton, L. Stephen Brescia, Michael D. Paduch, Laurie R. Tautel,
Paul Ruszkiewicz, Peter V. Tuohy

ALSO

PRESENT: Katie Bonelli, Chairwoman
Betsy N. Abraham, Esq., Legislative Counsel
Michael Torelli, Assistant to the County Executive
Stacy Butler, Senior Assistant County Attorney
Kerry Gallagher, Commissioner of Finance
Alan Sorensen, Commissioner of Planning
Erik Denega, Commissioner, Department of Public Works
Travis Ewald, Deputy Commissioner, Dept. of Public Works/Engineering Div.
Brian W. Titsworth, Deputy Commissioner, Infrastructure Services
Robert Gray, Deputy Commissioner, Dept. of Public Works/
Environmental Facilities & Services
Scott K. Razzano, Director of Professional Services, Dept. of Public Works/Buildings
Ermin Siljkovic, Recycling Coordinator
Deanna Crawford, Deputy Commissioner, Dept. of Parks, Recreation & Conservation
Alicia Pointer M.D., Commissioner of Health
Lisa K. Lahiff, Deputy Commissioner of Health
Jacki De Chiara, Director of Operations, Medical Examiner's Office
Wilfredo Garcia, Undersheriff
Evelyn Mallard, Assistant Undersheriff
Dina Sena, Budget Analyst
Erin L. Sztendor, Budget Analyst

Chairman Cheney opened the committee meeting at 3:30 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislator Minuta who was absent.

Mr. Paduch moved to approve the request confirmation of reappointments to the Orange County Water Authority Board of Directors (P. Tuohy, D. Cordisco, L. Ingrassia, W. Vraenburgh), seconded by Mr. Benton.

Mr. Torelli stated that these four appointments have been outstanding on the Water Authority.

Motion carried. All in favor.

Mr. Tuohy moved to approve the request to assume Lead Agency status under the State Environmental Quality Review Act (SEQRA) with respect to the purchase of an unused 10-mile, 101-acre section of the former Erie Railroad right-of-way, which starts in the Town of Cornwall at the Moodna trestle, then heads south through the Town of Blooming Grove, Village of Washingtonville, and ends at Camp LaGuardia in the Town/Village of Chester, classifying the action as a Type I action under SEQRA and determining that the action will not have any significant adverse environmental impacts, seconded by Ms. Tautel.

Mr. Sorensen explained that this is a required step that needs to be taken with respect to the environmental review process as this action is specific to the property acquisition, therefore, he is recommending a negative declaration with no adverse environmental impact. The subsequent development of the Rail Trail will be subject to its own environmental review so he will compile all of the requirements moving forward.

Motion carried. All in favor.

Mr. Tuohy moved to approve the request to accept and appropriate grant funds in the amount of \$22,616,598.00. These funds are appropriated to Orange County via the Federal 5307 funding program. The FTA Grant amount is \$22,616,598.00, the NYS match is \$2,827,075.00 and the County share is \$2,827,075.00. This project consists of the creation of the Schunнемunk Rail Trail which once acquired by Orange County and permanently protected, would facilitate the creation of bicycle and pedestrian connections to the Salisbury Mills train station, Chester Park & Ride and Dial-a-Bus services in the Village/Town of Chester. The proposed Schunнемunk Rail Trail would dramatically improve public transit use and services by providing pedestrian and bicyclist connections to existing transit facilities while also opening opportunities to expand service with this area of Orange County. The grant application for the use of 5307 funds will include ROW Incidentals, Engineering & Design, Construction, and Construction Review, \$2,827,075.00 (bonding), seconded by Ms. Tautel.

Mr. Sorensen stated this is another step in the process of developing the Schunнемunk Rail Trail. He came before the committee last month requesting the increase of the county share and the price of it. The funding has been committed from the FAA and this is another step in the process to move forward.

Motion carried. All in favor.

Mr. Paduch moved to approve the request for supplemental appropriation to the capital projects budget for the Parks Various Capital Improvements. Upon approval, a new capital project will be created, \$350,000.00, seconded by Mr. Benton.

Ms. Crawford stated this request is for various capital improvements and referred the back-up sheet (see original legislative request).

Ms. Tautel clarified that these projects were budgeted for under the Parks operating budget.

Ms. Crawford stated that is correct, it will be an interfund transfer.

Motion carried. All in favor.

Mr. Tuohy moved to approve the request to declare the intent to Assume Lead Agency status under the State Environmental Quality Review Act (SEQRA), with respect to the construction of pickleball courts at Thomas Bull Memorial Park in the town of Montgomery, New York, and preliminarily classifying the action as Unlisted, seconded by Ms. Tautel.

Ms. Crawford indicated that this request is to begin the process to perform the SEQRA on the area for the pickleball courts.

Motion carried. All in favor.

Before moving on to the next agenda item, Mr. Cheney asked Ms. Crawford to give the committee a brief update on the museums.

Ms. Crawford reported that the firm they hired came the week of January 23rd and began their site assessment. They got most of the information they needed but could not assess the roofs due to the snow, but that will get done when they come back on March 20th. She spoke to the architectural historian who is working on drafting the current conditions for each site as well as gathering historical information and images from both the County Historian and the New York State Cultural Resource Information System. He is reviewing all the information and will establish a chronological evolution and historical significance of the buildings, compare them to his site assessment, and evaluate the gaps between them. Once this is complete, he can provide everyone with recommendations. The engineers have completed the mechanical and electrical systems evaluation and are working on the current conditions report. She stated this will take about four months to complete.

Mr. Brescia moved to approve the request for supplemental appropriation to the Maintenance of Roads and Bridges Operating Budget in the amount of \$75,000.00 for the NYS DOT Unified Planning Work Program (UPWP) for 2022-2023. The program is 95% Federal and 5% local match. Funds will be used to purchase Traffic Counters for the Traffic Volume UPWP task. Local match of 5% will be from the 2023 Operating Budget, seconded by Mr. Benton.

Mr. Ewald stated this will set up the capital project to purchase radar traffic counters for the traffic volume. The Department of Public Works will get reimbursed through the Orange County Transportation Council for the equipment and time spent completing the work. This will allow them to purchase the equipment to put outside the travel lane as well as in places they normally cannot such as where they plow. Furthermore, there will be a 95% reimbursement from the Orange County Transportation Council for their DPW fee and the 5% local match will come from their operating budget.

Mr. Paduch asked if the traffic counters detect speed.

Mr. Ewald replied the speed is recorded along with the counts.

Mr. Benton asked if these are on a pole off the side of the road.

Mr. Ewald replied yes, and they are put out for one week then moved to another spot.

Motion carried. All in favor.

Ms. Tautel moved the request approval of a Roadway dedication along the northwesterly line of County Road 31 (Maple Avenue), through the lands of The Estates at Rolling Ridge, LLC (Tax Map parcel 12-1-70.2114) in the Town of Goshen. During the review process of this project, it was deemed necessary for drainage purposes to widen the County right-of-way along this portion of County Road 31, seconded by Mr. Tuohy.

Mr. Ewald explained that this is to accept a strip of land that is approximately 55 feet wide by 245 feet long which will allow them to acquire the appropriate right-of-way along county roads for maintenance and improvements.

Motion carried. All in favor.

Mr. Benton moved the request approval of a Roadway dedication along the southeasterly line of County Road 31 (Maple Avenue), through the lands of Chesterdale Properties, LLC (Tax Map parcel 17-1-4.1) in the Town of Goshen. During the review process for this project, it was deemed necessary to widen and better define the County right-of-way along this portion of County Road 31. Our County Road maps dated 1939, only show an old fence line assumed to be the right-of-way, seconded by Mr. Paduch.

Mr. Ewald stated this is like the previous request. The project is in-between County Route 100 and County Route 42 and is a 20-foot-wide strip by 830 feet long.

Motion carried. All in favor.

Mr. Brescia moved to approve the request for supplemental appropriation to the capital projects budget in the amount of \$1,000,000.00 for the Neversink Drive Culvert Replacement. This project has been approved under the 2023 Capital Plan as Project No. 53 for \$1,000,000.00 State Funding/100% NYS DOT Bridge NY Culvert Program. Upon approval, a new capital project will be created, seconded by Mr. Benton.

This request is to establish the capital project and accept the funding from the state for the Bridge Culvert NY grant which a 100% grant from the NYS DOT in the amount of \$1,000,000.00. The culvert replacement is in the Town of Deerpark and is 6 feet by 12 feet.

Mr. Paduch asked if \$1,000,000.00 is enough to cover the cost of the project.

Mr. Ewald replied yes, the cost estimate comes in at just under \$1,000,000.00.

Motion carried. All in favor.

Mr. Tuohy moved to approve the request for supplemental appropriation to the capital projects budget in the amount of \$1,000,000.00 for the Lakes Road Culvert Replacement. This project has been approved under the 2023 Capital Plan as Project No. 46 for \$1,000,000.00 State Funding/100% NYS DOT Bridge NY Culvert Program. Upon approval, a new capital project will be created, seconded by Mr. Paduch.

Mr. Ewald stated this is another Bridge NY Culvert and the funds will establish the capital project. The culvert is located on County Route 5, a 4 foot by 5 foot steel beam support concrete slab and near Walton Lake.

Motion carried. All in favor.

Ms. Tautel moved the request to authorize all necessary temporary/permanent easement acquisitions of parcels of real property, as such easements are identified and deemed necessary by the Orange County Department of Public Works, and as situated in the Town of Cornwall, County of Orange, State of New York, in connection with a bridge replacement project known as the Main Street No. 2 Bridge Replacement Project. The purchase prices to be paid by the County of Orange for each temporary/permanent easement shall be in an amount corresponding to the appraised value of each proposed temporary/permanent easement. The Orange County Department of Public Works shall order an appraisal for each temporary/permanent easement deemed necessary for this Main Street No. 2 Bridge Replacement, seconded by Mr. Ruskiewicz.

Mr. Ewald explained this would authorize the acquisition of temporary/permanent easements necessary for the construction of Main Street No. 2 Bridge in the Town of Cornwall. They are hoping to bid it out very soon. It will be four permanent easements which will cost a little under \$10,000.00 and five temporary easements under \$15,000.00.

Motion carried. All in favor.

Ms. Tautel moved to approve the request to confirm appointment of Beaver Dam Lake District Advisory Board members in accordance with December 13, 2022 Beaver Dam Lake District election results (J. Younes), seconded by Mr. Benton.

Motion carried. All in favor.

Mr. Paduch moved to approve the request to confirm all rates including increasing certain rates charged at Orange County owned Solid Waste Disposal facilities for Single Stream Recycling and Municipal Solid Waste effective 4/1/2023. Increase Tipping Fees due to increased Hauling and Processing Fees as follows:

- Municipal Solid Waste (MSW) – increase from current rate of \$121.25 to \$129.00
- Single Stream Recycling (SSR) – increase from current rate of \$110.00 to \$117.50
- Implement a \$100.00 per load fee to be assessed to a vendor who brings a SSR load that is contaminated with 10% or more MSW, seconded by Mr. Cheney.

Mr. Benton stated that he will be abstaining from this request.

Mr. Denega explained the prices listed (original legislative request) are by the ton, they rebid the contract for Single Stream Recycling (SSR) and increased the contract by 5% for Municipal Solid Waste (MSW). The price for SSR went from \$70.00 a ton to \$125.00 a ton and MSW went from \$121.25 to \$129.00 which is based on the 5% increase per the contractor. Regarding recycling, there is more of an industry/market issue which Mr. Gray will further explain. They looked at some comparable rates in other counties and municipalities because they do not want to out price themselves from that market. He stated the fee on the request is \$100.00 because the new contract for SSR is now with a different vendor who requested that a penalty fee be included for a spoiled load that must be handled especially. This would be a chargeback to the county, but to do that and help prevent contamination of recycled materials, it would be pertinent to add the \$100.00 to those. The fee is substantiated by their calculation of labor and estimated time for the material to get handled, it is not an arbitrary number.

Mr. Tuohy asked if they split the 10% cost and how does one prove that there are soiled materials in with the recyclables.

Mr. Denega replied that the contaminated with waste is quickly recognized and photographs are taken, but he will let Mr. Gray reply further.

Mr. Gray further explained that there is a section of the building where SSR is handled and then there is a larger area to handle MSW. Beyond that there is a tunnel where the trucks are, so when someone comes with a load there is a person standing and watching who can see whether or not there is contaminated waste. There are also photographs and videos because once a load is detected that has excess MSW in it, they physically move it from that floor to the other floor because

the cost is higher. He stated this is a lot of work and this is their way of covering the costs of moving it from one place to another.

Mr. Cheney asked if this is currently being done without the fee.

Mr. Gray replied yes.

Mr. Cheney then asked if there is a rough estimate of how many loads that have been taken out that they have paid \$170.00 for.

Mr. Gray replied the entire of the month which was 17 trail loads and 35 to 50 customer loads that go into the trail loads.

Mr. Cheney asked if the loads were being watched and who decides whether it is \$170.00 load.

Mr. Gray replied they are currently in discussions with the vendor and they have plenty of documentation.

Mr. Cheney further asked if our employees are assessing the loads as they are being dumped by the hauler.

Mr. Gray replied yes.

Ms. Tautel asked how we are compared to Rockland County.

Mr. Denega responded that Rockland County has flow control, we do not, so that gives them an advantage when it comes to the prices.

Mr. Siljkovic added they are a dual stream county; therefore, they do not collect single stream.

Mr. Gray stated that in addition with Rockland County, there is a taxation component, by which the tipping fees are funded by.

Mr. Paduch commented that MSW is the bigger problem and asked if someone watches those loads.

Mr. Gray stated that moving this is not as easy as it sounds.

Mr. Cheney clarified that it is more difficult to capture the SSR that may be mixed in with the MSW.

Mr. Denega stated that is correct.

Mr. Cheney emphasized that one issue he has with this which is significant is that we are paying a lot of money to take the recyclables away, but we are not charging an appropriate amount. He understands to a degree why that is necessary, but he wonders if there may be ways to close the gap because it effects the Solid Waste Management Plan and funds received by the State.

Mr. Siljkovic stated it is a challenge and if they were to change the tipping rates to reflect the reality of recycling, one would see that the tipping rate for SSR would be significantly higher than MSW which could cause a spiral effect for the recycling habit.

Mr. Denega explained the figures and tonnage to the committee and how it effects MSW and SSR. He stated that he understands everyone's concerns as there are a lot of variables involved and he is comfortable with going with a second option that is more equitable. The second option being \$120.00 for the SSR tipping fee and \$128.25 for the MSW tipping fee.

Mr. Cheney clarified that would balance it without needing funds from anywhere else.

Mr. Denega stated that is correct. It recoups their losses based on the increase of the contractual cost without dipping into surplus.

Further discussion continued regarding the price per ton and how to stop people from throwing recyclables in with MSW.

Ms. Tautel moved to amend the request to confirm all rates including increasing certain rates charged at Orange County owned Solid Waste Disposal facilities for Single Stream Recycling and Municipal Solid Waste effective 4/1/2023. Increase Tipping Fees due to increased Hauling and Processing Fees as follows:

- Municipal Solid Waste (MSW) – increase from current rate of \$121.25 to \$128.25
- Single Stream Recycling (SSR) – increase from current rate of \$110.00 to \$120.00
- Implement a \$100.00 per load fee to be assessed to a vendor who brings a SSR load that is contaminated with 10% or more MSW, seconded by Mr. Ruskiewicz.

Motion carried. All in favor of the amendment with the exception of Legislator Benton who abstained and Legislator Minuta who was absent.

Mr. Brescia moved to approve the request for supplemental to the capital projects budget for renovation of the Sheriff's K-9 Facility. This project has been approved under the 2023 Capital Plan as Project No. 123. Upon approval, a new capital project will be created, \$389,000.00 (bonding), seconded by Mr. Benton.

(NO ACTION TAKEN AT 2/16/23 PUBLIC SAFETY COMMITTEE MEETING)

Undersheriff Garcia stated they would like to change the current proposal by decreasing the cost to \$40,000.00 and passed around pictures of the floor.

Mr. Titsworth pointed out the floor will be the only repair at this time.

Mr. Benton asked what the cost would be to build a new facility and suggested that ARPA funding be used for some of it.

Undersheriff Garcia replied that it is the Sheriff's vision to have a better training facility, just not at the airport and in the near future.

Mr. Cheney asked how long it would take for a new building.

Mr. Titsworth replied that no matter what, the floor needs to be repaired as soon as possible because it is deteriorating. Timeline wise for a new building would be three to five years which would not be eligible for ARPA funding.

Mr. Brescia asked if the subfloor will be replaced.

Mr. Titsworth replied yes.

Mr. Paduch asked why no action was taken at the Public Safety Committee meeting.

Mr. Cheney replied that no action was taken because reducing the cost was not discussed at that time.

Ms. Tautel clarified that the amount will be reduced from \$389,000.00 to \$40,000.00 and the subfloor will be replaced.

Mr. Titsworth stated that is correct and the cement floor underneath the subfloor is an underneath slab. He added that when the K-9 and Sheriff's leave, there is potential for the building to be used by the airport or someone else.

Mr. Tuohy asked Ms. Gallagher if there are ARPA funds left.

Ms. Gallagher replied that she will be at the Ways and Means Committee meeting tomorrow with the proposal of how the funding should be spent. She does not want to speak on behalf of the County Executive's Office, but her fear would be the timing to get this done because the funds must be encumbered by 2024 and the projects done by 2026. Her opinion is the timing and the ARPA funds not meeting the deadline.

Chairwoman Bonelli commented that the discussion at the Public Safety Committee meeting did not have a lot of substantial information and Mr. Titsworth was not present, so the Sheriff and his team were at a disadvantage. There was not a lot of supporting documentation and this needs to be addressed because it is unacceptable. In moving forward, a long-term proposal would be better, but in the meantime, what is there needs to be fixed. What is being presented now has more information than what was presented at the Public Safety Committee meeting.

Mr. Tuohy asked if \$40,000.00 would be bonded or could it be ARPA.

Ms. Gallagher replied that she has a list of projects, but she cannot speak on behalf of the Department of Public Works.

Mr. Denega stated that everyone will see the list tomorrow and a lot of thought has been put into what projects can be completed in a timely fashion. If something comes off the list to put this project on, they would then ask that something else be bonded later, therefore, he suggests that the list be solidified and they move on with it.

Mr. Paduch expressed his concerns for who discusses the funding, the projects, and how the legislature should be involved.

Ms. Tautel moved to amend the request by reducing the amount of \$389,000.00 to \$40,000.00 for the renovation of the Sheriff's K-9 Facility, seconded by Mr. Paduch.

Motion carried. All in favor with the exception of Legislator Minuta who was absent.

Motion carried. All in favor of the amended motion with the exception of Legislator Minuta who was absent.

Ms. Tautel moved to approve the request for supplemental appropriation to the capital projects budget in the amount of \$2,500,000.00 for the building expansion at the Orange County Sheriff's Office. The Sheriff's Office has Capital Project No. 326 for the expansion in the amount of \$350,000.00. Upon approval, the funds will increase Capital Project No. 326 to a total \$2,850,000.00 (bonding), seconded by Mr. Tuohy.
(NO ACTION TAKEN AT 2/16/23 PUBLIC SAFETY COMMITTEE MEETING)

Mr. Cheney pointed out that this request was also at the Public Safety Committee meeting where no action was taken.

Mr. Titsworth stated this project began in 2019/2020. An RFP went out to Architect Engineers in 2020 to evaluate the space and how much space works for their operations. At the time, administration knew that certain areas needed improvement. In 2022, the contract was signed and there was a discussion as well a site visit that took place in June. A plan was developed by LAN Associates and further discussions ensued about what areas needed more space and what areas were "okay as" is. There is a draft report (not finalized) which includes renovating 10,000 square feet and adding a 15,000 square foot addition (1st and 2nd floor). He further explained that the new administration sat down in January to review the plan and they are happy with the concept, the next step is to move forward for approval of the full design.

Ms. Tautel asked why the committee was not provided with the plan.

Mr. Titsworth replied it is in draft form and the legislature will have it soon. He reiterated that the funds being requested are for design and to bring in a construction manager.

Ms. Tautel stated that there is not information to vote on this and this is a significant amount of taxpayer dollars, therefore, she will be voting against it.

Mr. Benton asked if there is a 15% to 20% design cost standard for construction.

Mr. Denega replied yes, it is generally it is 10% to 15%.

Mr. Cheney asked the anticipated cost of the construction of the building.

Mr. Titsworth replied they are unsure, but he is assuming the cost would be between \$20 million to \$30 million. He stated it is a very conservative estimate, but it will be narrowed down as they move forward.

Mr. Tuohy mentioned that he attended the committee meeting last week and Undersheriff Garcia stated that the expansion includes adding on a level.

Undersheriff Garcia reiterated the space that is needed.

Mr. Tuohy stated the cost is as much as the Medical Examiner's Building and they are starting from scratch.

Mr. Titsworth explained that LAN Associates were concerned because they received bids that have been much higher than estimated, so this is a conservative estimate.

Mr. Tuohy stated they should see the draft before moving forward.

Mr. Benton asked if the state must approve the design.

Mr. Garcia replied no because the work is not being done on the corrections side of the facility.

Mr. Benton commented that Mr. Titsworth will bring further information to the Ways and Means Committee meeting.

Mr. Cheney stated that he shares the concerns that have been expressed relative to moving this forward, but in order to do their due diligence, it is their responsibility to get a lot more information.

Chairwoman Bonelli agreed and stated they need a good presentation and to have information ahead of time. This was discussed a long time ago and has resurfaced, therefore, it needs to be readdressed with the proper information whether it is one or two months from now.

Mr. Brescia concurred with the discussion and he understands there is a need for this to be done, but the cost is very high and more research needs to be done.

Mr. Denega asked if they should pull this from the agenda.

Mr. Cheney replied there is a motion on the floor to act on the request, so they can withdraw it.

Ms. Tautel moved to withdraw the request from the agenda, seconded by Mr. Tuohy.

Motion carried. All in favor with the exception of Legislator Minuta who was absent.

Before adjourning, Mr. Cheney asked that Mr. Titsworth give the committee a brief update on the status of the Medical Examiner's Building.

Mr. Denega explained the bids came in and were reasonable within the 3% estimated cost, they met with the low bidders along with county administration and the design team and were very happy with the answers they received. A Notice of Intent to award the contract was issued and they will be working on getting the contracts in place as well as the parking issues to get more space.

Mr. Titsworth added that they are looking to begin construction in the summer of 2024.

Mr. Denega pointed out that the overall with soft costs is \$24 million and it is on the ARPA list which everyone will be given at tomorrow's committee meeting.

The meeting adjourned at 5:12 p.m.