

**PHYSICAL SERVICES COMMITTEE
MINUTES**

**MONDAY, FEBRUARY 25, 2019
3:30 P.M.**

PRESENT: Barry J. Cheney, Chairman
Leigh J. Benton, Katie Bonelli, James M. Kulisek,
Joseph J. Minuta, Michael D. Paduch, Paul Ruskiewicz

ALSO

PRESENT: L. Stephen Brescia, Chairman
Antoinette Reed, Legislative Counsel
Harry Porr, III, Acting County Executive
Langdon Chapman, County Attorney
Joseph Mahoney, Assistant County Attorney
Erik Denega, Commissioner, Dept. of Public Works
Travis B. Ewald, Deputy Commissioner, Engineering Division
Brian Titsworth, Deputy Commissioner of Infrastructure Services
(Buildings and Grounds), Dept. of Public Works
Scott Razzano, Director of Professional Services, Buildings and Grounds
Anthony Griffin, Principal Sanitary Engineer, Dept. of Public Works/EF&S
Ermin Siljkovic, Recycling Coordinator, Environmental Facilities & Services
Kevin Sumner, Director, Orange County Soil and Water Conservation District
Tim Tucker, Budget Analyst
Deanna Crawford, Budget Analyst

Chairman Cheney opened the committee meeting at 3:32 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislator Tuohy who was absent.

Mrs. Bonelli moved the request confirmation of reappointments and appointment to the Board of Directors of the Orange County Soil and Water Conservation District (G. Keeton, P. DeBlock, P. Ruskiewicz, J. Kulisek), seconded by Mr. Benton.

Mr. Porr stated there are three reappointments and a new appointment to the Board of Directors of the Orange County Soil and Water Conservation District. The legislation that authorizes this board has five members of legislators, two farmers, and one urban resident. Mr. Keeton is an urban farmer in Middletown and his term does not expire until 2020.

Motion carried. All in favor.

Mr. Kulisek moved to adopt a resolution of the Orange County Legislature and County Executive urging the United States Congress to appropriate funds to pay all the costs associated with the PFOS contamination in Newburgh impacting the residents of Orange County, seconded by Mr. Minuta.

Mr. Porr explained that there are 30,000 Orange County residents who cannot drink their water because over the years Stewart Airport used certain types of chemicals to fight fires and do fire training. The materials have leached into the soil and the reservoir making the water undrinkable. The City of Newburgh had nothing to do with the contamination, it was solely the doing of the federal government who came out with a statement saying that they would pay for it and asking that a resolution be passed. He added that the County Executive sent out a press release today stating that he will be fighting for the City of Newburgh and its residents. This request would be a memorialization of that position.

Mr. Minuta asked if this is a restriction for the City of Newburgh and its residents.

Mr. Porr replied yes, it is also for residents in the Town of New Windsor.

Mr. Benton commented that the contamination has been there for ages and now it is a concern as where before it was not.

Mr. Cheney asked what the relationship is between the airport, the Department of Defense and the State.

Mr. Porr replied that the State DEC has been discussing the pollution issue with the feds and with the city. No one has taken responsibility, but he knows the source of the contamination was the firefighting foam and the airport was a strategic air command base several years ago.

Motion carried. All in favor.

The next agenda item was a discussion on Agricultural Tire Disposal but before Mr. Sumner addresses the committee, Mr. Ruskiewicz would like to brief the committee on the issue. He explained that the DEC has created a new regulation for farm tires which primarily effects dairy farms. The tires that the farmers use is to hold the tarps down on the trench silos have to be cut in half or have holes drilled in them which is a monumental task. They have delayed it the first year and will wait one more year until the regulation is put into effect. First, they found a new type of cover which does not require tires, it can be held down with a different kind of tarp and held down with sandbags, so through soil and water, funding to purchase the new covers was provided for farmers who requested them. The next step is getting rid of all the unused and unwanted tires and that is where they are struggling. He referred to Mr. Sumner to further explain and distributed a map and handout regarding the Tire Disposal Project (see original minutes).

Mr. Sumner stated that Mr. Ruskiewicz gave the committee a good overview and as he stated, they have secured the covers and provided them to all the farmers who have trench silos and expressed an interest in switching over and have postponed this again. He added that he has replacements for the tires and the farmers are anxious to get rid of them. There are a lot of reasons to do this regardless of the DEC regulation such as the mosquito breeding habitat and unpleasant job for farmers. The \$75,000.00 came from their budget so they are at the point where they need to identify the funding that would be used to dispose of the tires. It is hard to narrow it down because there are not a lot of vendors. He found one reliable company that is willing to come and get the tires at \$4.00 a piece and will bring their own truck. The county's vendor could potentially be cheaper because he charges by the container, but the site would have to load the trailers. Potentially, the cost can be bought down to \$3.00 but there has not been a firm proposal.

Chairman Brescia commented that he met with Legislator Ruskiewicz and Mr. Sumner and initiated that they go to the IDA for \$50,000.00 or more to help with this problem. The Governance Committee sent it back to this legislature to see what else can be done. He stated that something should be done because the tires could end up getting buried.

Mr. Ruskiewicz stated that at the IDA meeting, someone was going to have a legislator speak with Senator Metzger about working with the DEC or get state monies to be a part of this. He knows she has spoken with the DEC, but no monies have been allocated.

Mr. Sumner mentioned that he spoke with Senator Metzger the other day and it sounds like she is focusing her efforts on the state level which is something that would benefit dairy farmers throughout the state. It would change the legislation so that the disposal fee can go toward tire disposal on dairy farms. He is unsure of when or if it will happen. They also wrote to Mr. Skoufis to see if he can help even though there are a lot of unknowns.

Mr. Minuta asked if anyone looked into the company's that would manufacture or have the ability to create rubber mulch out of the tires.

Mr. Sumner replied there has been some discussion about where the tires will go and what will get done with them. The recycling coordinator told him that most of the tires end up getting incinerated, so he assumes that is because there is not a big enough market for recycling of them. It is something that is out of our control; therefore, they have to look for a collector or a vendor who has proved to take tires. He does not know if there will be a lot of choice as to what happens on the other end.

Mr. Siljkovic stated that for the past year he has been working with Mr. Sumner on this issue and they share the same dilemmas. He has been speaking with vendors in New Jersey and will continue to research this as it should be listed as a high priority.

Mr. Minuta asked why the tires cannot be used as rubber mulch for playground areas and other purposes instead of buying it.

Mr. Sumner replied that all tires are full of steel and expensive equipment would be needed to turn it into an acceptable playground product. He thinks the bigger market is putting the tires into an asphalt mix.

Mr. Cheney asked what other counties are doing.

Mr. Sumner replied that most of them are "sitting on their heels" because they are more driven by the regulation and as long as it is getting postponed, they are not considering it a crisis.

Discussion continued regarding the size of the tires used on a farm, the costs per tire, and ways to transport them.

Chairman Brescia stated that something needs to be done soon because if the legislature does then the IDA will.

Mrs. Bonelli asked if this would be a "one shot" deal or become an issue in years to come as tires accumulate.

Mr. Cheney replied that he believes it is a "one shot" deal because the DEC's rules would be in effect.

Mrs. Bonelli then asked the time frame for when the tires must be disposed of.

Mr. Ruskiewicz replied that they just pushed it off for another year.

Mr. Sumner stated that it depends on the vendors. Once decisions are made and the funding is solid, they will push the vendors as aggressively as they can to get trucks here to start loading the tires.

Mr. Benton asked if all the dairy farms are active.

Mr. Sumner replied yes, some of the farms fit the description.

Mr. Cheney asked that a proposal be put together and brought back to the committee to further discuss funding and what the county share would be.

Mr. Sumner suggested that a more concrete proposal be put in place that includes potential IDA funding, some from the county and what would come out of the Soil and Water Conservation budget and then present it to the IDA.

Mrs. Bonelli moved the request for supplemental appropriation to the capital projects budget for Fleet Replacement. Funding is from the State Consolidated Local Street and Highway Improvement Program (CHIPS). This project has been approved under the 2019 Capital Plan as Project No. 38, \$700,000.00, seconded by Mr. Benton.

Mr. Denega stated this is equipment from the highway garage, not the motor pool. There are thirteen vehicles, thirteen years and older with a lot of deterioration from salt and wear and tear. He added that these are CHIPS monies.

Mr. Ewald reviewed the equipment list (see original minutes).

Motion carried. All in favor.

Mr. Minuta moved the request for supplemental appropriation to the capital projects budget for Building and Grounds Equipment for Government Center. This project has been approved under 2019 Capital Plan as Project No. 39, \$170,000.00 (bonding), seconded by Mr. Benton.

Mr. Denega stated this request is for small equipment for the Government Center.

Mr. Titsworth reviewed the list of equipment (see original minutes).

Motion carried. All in favor.

Mr. Minuta moved the request for supplemental appropriation to the capital projects budget for Contaminated Soil Removal at various Orange County locations. This project has been approved under the 2019 Capital Plan as Project No. 36. Upon approval, a new capital project will be created \$100,000.00 (bonding), seconded by Mrs. Bonelli.

Mr. Denega explained this is for soil contamination for the DPW garage that is underground. The levels have been monitored and mediation was complete and showed the levels have been decreasing. He is waiting on the DEC for approval to continue monitoring and treatment and would like to secure the funds in case they are needed.

Motion carried. All in favor.

Mr. Ruskiewicz moved the request for supplemental appropriation to the capital projects budget for Intersection and Improvements. This project has been approved under the 2019 Capital Plan as Project No. 62. Upon approval, a new capital project will be created, \$100,000.00 (bonding), seconded by Mr. Minuta.

Mr. Denega stated this is annual capital project for intersection improvements. There is \$144,000.00 remaining from the previous year, so this would bring them to \$244,000.00 if needed. An example of an improvement would be on Fostertown Road in the Town of Newburgh which warrants a signal light. The light will be designed this year and potentially bid toward the end of the year. He added that the interim fix will be a four way stop of blinking LED solar lights.

Mr. Ewald reviewed the list of intersection improvements (see original minutes).

Motion carried. All in favor.

Mr. Kulisek moved the request authorizing the County Executive, in conjunction with the Department of Public Works/Division of EF&S, to apply for and execute a use and occupancy permit for installation of new underground utility wires to service a new flow meter in the Orange County Sewer District No. 1 North Interceptor Sanitary Sewer Main in the NYS Right of Way of Route 17 (I-86), seconded by Mrs. Bonelli.

Mr. Griffin explained that this is part of the flow meter project that they are undertaking for the Orange County Sewer District No. 1 and satellite communities to measure all the sewage flow for each of the individual municipalities. This request is for a work and use easement for utilities and a telecommunication line for servicing one of the meters that they are going to be installing that would be measuring the flow coming out of the Village of Kiryas Joel.

Mr. Kulisek clarified that this is a brand new meter and not a replacement.

Mr. Griffin stated that is correct, it is brand new.

Mrs. Reed asked if this is for just the Village of Kiryas Joel or will it be for the Town of Palm Tree.

Mr. Griffin replied it would be for the Town of Palm Tree.

Mr. Paduch asked if they will be paddle meters.

Mr. Griffin replied yes. The inceptor will be opened, and they will put in a structure that will measure the depth of the water in the pipe as well as the velocity of the sewage.

Motion carried. All in favor.

Mr. Titsworth updated the committee on the Government Center. He stated that signs are finished, Risk Management is putting in inserts, so the room numbers are complete, the ditch is ongoing, and the lobby floor was recoated over the weekend with a non-slip coating. The card board will be removed within a week.

The next agenda was a brief discussion on recycling.

Mr. Denega stated they bid out the contract but received no bids. Mr. Siljkovic has been doing a good job polling the contractors to find out what can be done to strike their interest. One of the biggest issues was the prevailing wage rate and applying the entire business. There will be clarification that will go into the rebid regarding that item. One of the other vendors stated that they would like to see a shorter-term contract because of the vulnerability of the market and they also mentioned the prevailing wage rate. Another vendor will be coming in next week and then the rebids will go out, so they can figure out the best way to do this. He added that the market is being driven, but they will see how it goes.

Mr. Siljkovic explained that since January 1, 2018, the China ban also known as the "National Sword," require a contamination rate within 2%, so to get down to that number is practically impossible. There have been facilities throughout the country trying to figure out what to do because 60% of the single-stream recyclables have been going to China. Since then the administration has been trying to adapt to finding other alternative markets such as Thailand and Indonesia, but they do not have the ports or capacity to take the sheer amount that is being generated in the United States. On the other side of the "coin," landfill space is coming into question. Keystone is almost at capacity and about to extend their permit for another few years, but the county still needs to research and develop solutions. He and the Department of Public Works have been meeting intently, not only to try and develop a better RFB for the single-stream recycling, but to divide solutions for solid waste. They have been meeting with different companies about potential solutions to move away from landfilling and potentially going to some sort of pelletizing of waste.

Mr. Denega mentioned that they have been solicited by several vendors with similar technologies.

Mr. Siljkovic stated that he will be keeping up to date with the developments and keep everyone in the loop. While this is going on, he has been proactive with local communities and outreach in school.

Mr. Ruskiewicz moved to adopt a resolution creating the "Orange County Sewer District No. 1 Advisory Committee", a special committee of the Orange County Legislature, seconded by Mr. Benton.

Mrs. Bonelli stated that she and Mr. Amo had the opportunity to meet with the County Attorney late in 2018 about the Sewer District and the fact that they need to start looking into this and were behind in doing so. They felt the best way to do that was to take the five legislators who have parts of the area and start to look at a study that was done in September 2016 to consider the recommendations that were in it. She is before the committee today to formalize this committee which would also include the chairperson of the Physical Services Committee which is Mr. Cheney. This request passed unanimously at the Rules Committee meeting last week; however, there was one minor adjustment made on the last page of the request (see original minutes). She respectfully asks that "Majority Leader" be omitted from the resolution because she is serving on the committee as a legislator. For the most part the resolution speaks for itself and the committee will report to the Physical Services Committee on September 19th as to what the next steps are. She congratulated and thanked Mr. Tuohy, Ms. Tautel, Mr. Amo and Mr. Vero for their assistance in previous meetings that were had to get this committee started.

Motion carried. All in favor.

Mr. Chapman and Mr. Denega addressed the committee with the last agenda item which was a discussion regarding Orange County Sewer District No. 1.

Mr. Cheney pointed out that based on previous discussions, some of this will be discussed in executive session.

Mr. Chapman stated last year there was a judicatory hearing and/or presentation at the E-911 Center and he made a pitch to the administrative law judge as to how the county deals with the Harriman Plant. Several issues were raised during the brief and whether the Kiryas Joel Poultry Plant should be considered a factor. They argued that new conditions should not be put on the SPEDES permit and issue a new one with all the changes without considering costs and without addressing the Kiryas Joel Poultry Plant. The administrative law judge ruling came back stating that cost is not an issue, that the DEC does not need to deal with the Upper Ramapo at this point and that they do not need to deal with the Kiryas Joel Poultry Plant prior to addressing our permit. The next step is they ask the commissioner to go to the DEC to reconsider that and after that, they then may take it to an Article 78. He stated that is what he can say publicly even though there were other discussions with the DEC by which he would need to say in executive session.

Mrs. Bonelli moved to enter into executive session to continue discussion regarding Orange County Sewer District No. 1, seconded by Mr. Benton.

Committee entered executive session at 5:12 p.m.

Mr. Kulisek moved to leave executive session, seconded by Mr. Paduch.

Committee left executive session at 6:05 p.m.

The meeting adjourned at 6:08 p.m.