

DEPARTMENT OF PUBLIC WORKS COMMITTEE

Tuesday, January 16, 2018 - 9:30 AM

Gerald Morrow, Chairperson
Jim Monty, Vice-Chairperson

Chairman Morrow called this DPW Committee Meeting to order at 9:30 a.m. with the following supervisors in attendance: Robin DeLoria, Archie Depo, Shaun Gilliland, Joseph Giordano, Charles Harrington, Ronald Jackson, Michael Marnell, Stephen McNally, Dean Montroy, James Monty, Ronald Moore, Gerald Morrow, Randy Preston, Thomas Scozzafava, Michael Tyler and Joe Pete Wilson. Noel Merrihew, Roby Politi had been previously excused.

Department heads present were: Daniel Palmer and Judy Garrison.

Deputies present: Jim Dougan

Also present: Amy Calkins – Soil and Water Conservation.

News Media present: Denise Raymo – Plattsburgh Press Republican and Keith Lobdell – Sun News.

MORROW: I will call this DPW Committee to order. Everybody stand for the pledge please. Good morning everyone. Come on right up Jim. Good morning Jim. You want to start with the resolution first that you had?

DOUGAN: Yeah if I could please. The first resolution is authorizing a permit for Ironman in Lake Placid for the use of County roadways for 2018 Ironman and 2018 Ironman 70.3. The dates for those are July 22 and September 9th respectively.

RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO IRONMAN LAKE PLACID FOR THE USE OF COUNTY ROADWAYS FOR THE 2018 IRONMAN TRIATHLON RACE TO BE HELD ON JULY 22, 2018 AND FOR THE 2018 IRONMAN 70.3 TRIATHLON RACE TO BE HELD ON SEPTEMBER 9, 2018. Marnell, Monty.

MORROW: Discussion? If not, all in favor, opposed – resolution carries.

DOUGAN: Number two would be to award two contracts, two purchase orders actually regarding two large culverts that we're replacing down in the Town of Minerva one on Trout Brook Road and the other on Longs Hill Road so the first of those two is a purchase order to Binghamton Precast in the amount of \$120,012.88 for the precast box culverts and retaining wall blocks and the second is to AH Harris and Sons in the amount of \$5,710.43 for waterproofing and geotechnical membranes.

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS IN THE DEPARTMENT OF PUBLIC WORKS, TO BINGHAMTON PRECAST AND SUPPLY CORPORATION IN THE AMOUNT OF \$120,012.88 FOR PRECAST CONCRETE BOX CULVERTS AND PRECAST MODULAR RETAINING WALL BLOCKS; AND TO AH HARRIS AND SONS IN THE AMOUNT OF \$5,710.43 FOR WATERPROOFING MEMBRANE AND

EROSION CONTROL GEOTECHNICAL FABRIC FOR TWO REPLACEMENT CULVERT PROJECTS IN THE TOWN OF MINERVA. Moore, McNally.

MORROW: Discussion? Anybody have any questions or comments? If not, all in favor, opposed - resolution carries.

DOUGAN: Number three is again a purchase order looking to authorize the purchasing agent to award a purchase order to Core and Main, LP in the amount of \$23,294.96 for 6" water meter and all other parts to install that main water meter out in front of the Public Safety Building.

PALMER: That says Town of Minerva but it should say Town of Lewis.

MORROW: I see that and I was thinking that's not the correct town.

DOUGAN: Town of Lewis, sorry.

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER IN THE DEPARTMENT OF PUBLIC WORKS, TO CORE AND MAIN, LP IN THE AMOUNT OF \$23,294.96, FOR THE INSTALLATION OF A MASTER WATER METER AT THE PUBLIC SAFETY BUILDING. Monty, McNally

MORROW: Any discussion or comments on that? If not, all in favor, opposed - resolution carries. Do you have any other resolutions Jim before we go to your agenda?

DOUGAN: Yes. I'd like the board to consider a resolution to create a new position at DPW. It's a position of confidential secretary to the Department of Public Works Superintendent. That position has never been created at the county before we would actually reassign someone if the position was created. Our department is the third largest department in the county. Fifty out of our seventy people don't touch a computer so some of our Administrative staff do all the work for their timesheets, all the work accepting doctor's notes a lot of confidential things that really someone bound by the management confidential should probably follows so it would be a completely new position so.

MORROW: For discussion, moved by Mr. Monty second by Mr. McNally.

RESOLUTION AUTHORIZING THE CREATION OF THE POSITION OF CONFIDENTIAL SECRETARY FOR THE DEPARTMENT OF PUBLIC WORKS SUPERINTENDENT. Monty, McNally.

MORROW: Discussion?

TYLER: I'm not on this committee but I'd like to hear the comments from Mr. Palmer on this position and is it budgeted for?

PALMER: Yeah this is actually been discussed a number of years ago. Fred Buck actually talked about doing this a number of years ago however the individual that was holding position that they currently had was not willing to leave the bargaining unit or did not want to leave the bargaining unit. When you create an exempt position it goes out of the bargaining unit and becomes an exempt class position it's not subject to testing. Civil Service Law Section 41 does provide that any department head can have a confidential secretary. It would require what's

called an amendment to our Civil Service rules but this board can go ahead and create that it's then subject to Jen Mascarenas adding it as a new Confidential Secretary under the exempt class to our rules which is certainly able to be done.

TYLER: Is there a pay raise or how does that work?

DOUGAN: We would classify it as a management confidential Grade 5 which is the same grade as the other non-legal, confidential secretaries in the county. The individual that's performing those tasks that I think would fit under confidential secretary would receive a raise because they are already above the management confidential grade 5 but then all subsequent positions would be that grade 5.

TYLER: So basically this is just a legal thing?

PALMER: Well every department head does like I say, every department head has the right to ask for a confidential secretary. A confidential secretary just provides that there's certain line drawn between management activities and what's essentially CSEA responsibilities those things. It does, in a lot of cases most of the larger departments do prefer to have a confidential secretary it just eliminates that question of can a CSEA member oversee or determine things that impact the activities of their own members? So, having that confidential secretary does draw that line between those and there is certainly some value to it. I think in the smaller departments it probably doesn't make sense but when you start to get to the larger departments you know the DSS has a confidential secretary, District Attorney, County Attorney those positions. County Manager actually has a confidential secretary position that I've never asked to fill but it is available to us under the rules. Like I said though this has been a long term discussion it goes all the way back to Fred Buck. I just think now Chris and Jim have brought it up and I think the individual that would assume that position is willing to do so that's really part of the reasoning I think for the move.

TYLER: Thank you.

McNALLY: This will be filled with an existing employee?

PALMER: Yes.

McNALLY: Okay, will we be replacing that employee?

DOUGAN: No.

PALMER: No.

DOUGAN: No, we have three administrative staff at the DPW and we would stick with three administrative staff. It would be a simply change of title.

McNALLY: Title change.

DOUGAN: That's correct.

MOORE: So we are not going to be eliminating a position? We are going to do a lateral move?

PALMER: Yes.

MOORE: Does this create any problems with the union?

PALMER: The union really has no say whether or not an individual has, whether a department can have a confidential secretary. That's really controlled by Civil Service Law, Section 41 that provides that a department head can ask for and be approved for a confidential secretary position.

MOORE: Thank you.

PALMER: The confidential secretary's positions are somewhat, they are only problematic in terms of the individual holding that position because when an individual agrees to hold that position they have to understand that potentially the next person in the door, the next appointing authority could say to that individual I don't want you and they have no rights to the position. It's an exempt class position. It is subject strictly to the appointment of the appointing authority and if that new person comes in and says nope, I want a different person then, it's similar to your Clerk to the Supervisors positions. You as Supervisors have the right to come into office and say I want a different Clerk to the Supervisor. That's your right to do so. These confidential secretary positions represent the same thing at the county level. Those appointing authorities have a right to come in and say, well your job is not here anymore. They have no recall rights when they choose to do that.

MORROW: Anybody else for discussion?

PRESTON: Who's doing this work now?

DOUGAN: Her title is Principal Account Clerk, Kathy Leclair.

PRESTON: Well, I guess I was just curious how it's getting done now and I'm not in favor of adding a position but if this is just a lateral move then I'm certainly open minded about it.

MORROW: Anybody else?

PALMER: You know again, like I say this discussion goes a long ways back it went all the way back to Fred Buck and when I was Personnel Officer back in 2002 and ultimately it's about how a department head wants to administer his department. There's a certain amount of latitude you have with an exempt employee that you don't have with somebody that's in the bargaining unit so that's really the line that's drawn.

McNALLY: What is the estimated cost difference between positions?

PALMER: 4%.

McNALLY: Four percent? That's it?

PALMER: That's it.

McNALLY: Why would anybody want to take this position knowing taken out with the next supervisor?

PALMER: I think they're probably, you know most people that hold a confidential secretary's positions are fairly confident that the next person coming in is going to want them regardless but I think also Kathy has gotten up to that age that she's getting closer to retirement so it's not such a concern for her.

MONTROY: Would there be a deputy needed in case the person is out sick or there has to be a deputy that assumes that position?

PALMER: No it wouldn't be a deputy.

DOUGAN: It's not a deputy. The processing of some of the work is not always confidential. Myself as the Deputy of the department and Mr. Garrow could process those documents that are confidential in the meantime but having this dedicated person who can do that allows us to be doing other things, planning and things like that.

MARNELL: I'm not against it but one issue I have when it comes up with this, it's going to come up to a vote today sometimes issues are brought up and voted on and are voted on or against but afterwards you talk to people and hear, 'what did you guys do this for' so can we discuss it today and vote another time?

MORROW: Well you vote on it today and it still goes onto ways and means and then the full board.

PALMER: So you've got two more stops at it.

MORROW: And don't listen to everything everybody tells you. I've learned that after my twenty-five years here.

MARNELL: I've got forty years in politics so I've heard it.

MORROW: Well, I've got more than that with Deputy Supervisor, Councilman for eight years before my twenty-five and then Village Trustee also and don't take a lot into that. We had a discussion in my office, Jim and Chris always come to my office before this meeting and Jim Monty came being my Vice-Chair and we had quite the discussion about this and it's very well needed. It's been needed for a long time and with everything they have going on up there how they've branched out and everything up there they really need a confidential secretary, they really do but we still have two more meetings to go.

MARNELL: Well if it gets approved at one, it carries steam and then tumbles down through.

MORROW: You may hear stuff from one other employee because we did stuff up there when before Chris, Tony, when Tony was up there and somebody was promoted up there but somebody else didn't get the job and then they got back to me because I was Chairman then and they got back to me and said, evidently they're not my friend anymore. They never were your friend before but if they were they would support you in getting promoted and not be jealous of not getting a promotion that's something else back then but the employees are always like that. I have them in my town too.

McNALLY: I just want to ask a couple questions just so I understand now when you say

confidential secretary automatically you think of transparency which we're trying to promote in Government and I just, if you can give me a brief summary of what the benefit is actually going to be for her? I understand you can have one and I'm not opposed to that but what is the benefit besides a 4% raise for this woman, what is the benefit of having one compared to a union, non-union position?

DOUGAN: I guess we almost have to go into the past person that was doing this verses the current. When this board selected Chris Garrow to take over about four years ago you asked for change specifically. The person that is in this current role is looking closely at the way the union got contracted and the way the Essex County contract are to make sure that we're following the rules in that book and let's just say this person has found a number of things that the previous person was not following to the letter in our opinion. So in all honesty we're trying to make sure that we keep that level of effort rather than just a simple Principle Account Clerk who is pushing paper across the desk.

PALMER: I think really what it comes down to is that you have that administrative person who handles the work on a day to day basis who has the ability to say to you I don't think this is done quite right and here's why and that confidential discussion can go on because they are outside of the bargaining unit number one but number two they are within that exempt class which allows them to have confidential discussions with their appointing authority.

McNALLY: Thank you.

SCOZZAFAVA: I apologize for being late so there is a 4% raise that goes along with that?

PALMER: Anytime that you change an individual to a higher graded position regardless of what they're currently paid the contract calls for a 4% increase to wage.

SCOZZAFAVA: So we have had discussions with the Sheriff's department who wanted to make his, I can't think of her name, her a confidential secretary.

PALMER: He already has a confidential secretary.

SCOZZAFAVA: He wanted an increase in the salary.

PALMER: No he wanted a change in the salary. Jim and Chris are not asking for any change in salary.

SCOZZAFAVA: It goes up 4% is what you're saying so regardless that individual in that position and I don't want to personalize anything her let's just talk about the position, gets a 4% increase in their current salary. Correct?

PALMER: Yes.

SCOZZAFAVA: So I can see this thing snowballing when you have other positions out there that are currently probably doing as much, if not more than that individual is doing that their department heads are going to be asking for the same.

PALMER: I think it's pretty clearly written both in the contract and policy that –

SCOZZAFAVA: I agree that they need, he should have a confidential secretary okay? That's not going to be the issue. The issue is going to be the 4% increase in the salary. That's going to be the issue.

PALMER: Okay, let me address that specifically okay? I think the language is pretty clearly written both in contract and policy that if you change from one graded position to a higher level graded position irrespective of what you were paid before which means that for these long term employees with over 30 years of service they had gained previous steps that are no longer in place so those have pushed their salaries over the starting rate for that higher grade when that occurs, the contract language specifically says, if you in fact move from a lower graded position to a higher graded position and you are making more than the current grade you're entitled to a 4% increase. That is clear across both the contract and the policy so if anybody comes back to me like the Sheriff and says, well, why shouldn't Nancy make more because she's holding a confidential position well, because she's not moving to a higher graded position. Richard's argument all along was that the confidential secretary for that, his department should be paid at a higher rate than it is actually is graded at. That's not the argument in this case. The grade is what it is. The terms and conditions of changing from one grade to another or going from one position to another in terms of a promotion is to add 4% to it if they're below so again, Tom I don't think the argument is there for anybody else to come to me and say, so and so should make more money simply because this position is being paid more. It's not a valid argument and frankly it wouldn't get my recommendation and you can have any department head you want stand up here and ask for something if I don't agree with it I'm not going to go along and I think I've been honest with this board about those things when it is not appropriate I'm going to tell you it's not appropriate. If I think it is I will tell you so.

SCOZZAFAVA: I'm not being critical of anybody. My point is, I've been around here long enough to know that if you give a 4% raise to one individual you're going to have some feedback and if you don't believe that I don't know where you've been for last years?

PALMER: You know what I've been right here for the last twenty-five years and when somebody –

MORROW: I've been around here too long and you want to know something Tom? Well, I can't say it publically right here but grow something. I'll take care of it when the time comes. You want to play both sides of the fence and it doesn't work.

SCOZZAFAVA: I don't need to grow anything. The bottom line here is you're giving a 4% increase to one employee.

MORROW: Don't worry about it. Dan just gave a good explanation so suck it up.

PALMER: You are Tom based upon contract language and policy language that this board previously approved. You're not making new rules here. These are rules that are already put into place, approved by this board both in contract and in policy manual.

DELORIA: Jim, I know the value of having a confidential secretary because I can tell you from Newcomb's standpoint if Wes didn't stay on as my Deputy and I didn't have Mary Pound in the office that I don't believe there is a resident in Newcomb that could do that job adequately. Now I guess my only question is because this is an exempt class is there going to be a civil service job description that's going to accompany this appointment so that we can ensure department

productivity is what you're looking for? Is that something that is going to be done?

DOUGAN: Yes there are job descriptions with the Personnel office for different confidential secretaries.

DELORIA: Tailored to?

DOUGAN: Tailored to those individual departments and so I'm suggesting that we do the same thing for DPW and again, Grade 5, Management Confidential exempt and then we would specifically list those, what the duties are we provide that at the ways and means committee.

DELORIA: My understanding is that would give the ways and means and full board a better opportunity to assess the need and support the Chair.

MORROW: Thank you.

MONTY: Just to reiterate a lot of what has been said and I concur exactly with what you said Dan and Tom as far as the salary raise causing questions no matter what you do it's going to cause questions and we're in a position where we have to answer those questions each and every one of us along with Jim and Chris, Dan, Jerry we all have to answer those. The argument about Nancy was she's already MC, she's already management confidential. That was a totally different scenario but you know yourself in the past things have been done where people have been promised things and raises on who of which no one knew about them but yet it was done and this is something that is coming out in front of everyone so everyone knows what's going on. I don't see the issue. They handle the sick notes. They handle like Jim said they're reviewing paperwork that is being submitted and you've got to be able to trust that person who is doing the job for you. Without the trust you don't have anything. I'm quite sure your Administrative assistant in Moriah you trust them implicitly, right?

SCOZZAFAVA: Absolutely.

MONTY: I trust mine implicitly each and every one of us wouldn't have someone in our offices if we didn't trust them and I think that's a big part of this they need someone they can trust.

MORROW: Thank you. Anybody else? Okay, if not, all in favor – opposed – resolution carries. Thank you. Anymore resolutions Jim?

DOUGAN: No that's the last resolution.

MORROW: Okay, let's go through the agenda then. We'll start out – everybody got a copy of the agenda. We'll go to the highway division first. Any questions for Jim on highway? You have anything extra on highway that wasn't on there?

DOUGAN: No the only thing I'd like to highlight is we, last year we purchased fairly cheaply some retaining wall blocks from Concrete Building Supplies, they were going out of business. We utilized those up on Barton Hill to create a small salt storage shed along with some old bridge deck parts to create a roof structure so that we can store some salt up at Barton Hill and have salt more readily available for the Tracey Road and the Lincoln Pond road so we hope we've made that a little more efficient and help public safety by doing that.

MORROW: In the interest of time, does anybody have any questions instead of me going

through each one of them individually, does anybody have any questions on any of the report that Jim and Chris gave? Chris could not be here today, he's at a meeting so anybody have any questions on anything?

JACKSON: I assume you mean the whole thing, not just highway?

MORROW: No anything.

JACKSON: My question is on the solid waste. Jim helped us out we filled our solid waste the last day of the year and called to have it removed and nobody was there Monday being a holiday, we went up stuff was froze, everything was full and we had to close the site. I appreciate you stepping up and getting that resolved for us. I was just curious. It's not the first time we've had cold weather in Essex County what fell the cracks? All of sudden they couldn't move trucks, they couldn't move trailers, they couldn't do what they were supposed to be done and is there no backup plan for renting a truck from someplace else so that they can move stuff so that towns can keep open? I was just curious it seems an unexpected thing.

DOUGAN: Serkil made a bad decision in not parking those critical trucks inside over that long New Year's weekend so we've corrected that a little bit. We've also for whatever reason those same trucks weren't ordered with block heaters when they were ordered back in 2009, it doesn't seem like something likely to skip in this climate but that's not a very expensive part. We've gone and ordered those parts and we're going to outfit those trucks with that. We've told Serkil that you know as soon as they have a break down they need to call us so that if we need to put another one of our trucks on the road so I'm trying to not necessarily micromanage what Serkil is supposed to do but be more involved with what they are doing every day than has been done in the past. Along with a couple of other breakdowns we're trying to have a better inventory of typical parts for both the trucks and the compactors on site. I've asked my General Foreman and my buildings and grounds people to do that since those calls so I guess the only solution I have is that we at DPW are going to be a little more involved in day to day operations with solid waste.

JACKSON: Those are county trucks they are operating?

DOUGAN: That's true.

JACKSON: They have got to be maintained trucks. You can't fix the problem if they don't tell you.

MORROW: Right.

JACKSON: Thank you.

SCOZZAFAVA: Jim on solid waste, where are we on that retaining wall in Moriah?

DOUGAN: We were able to find the original manufacturer of the retaining wall blocks for all of the sites so we've got a material list that we're going to replace with the actual retaining wall blocks that they have rather than building something on the outside that wouldn't match up and we're going to do that ourselves this summer.

SCOZZAFAVA: Thank you.

WILSON: Same answer for the Town of Keene?

DOUGAN: Yes same for Keene and the same for Schroon.

MONTY: Jim I want to thank you guys for bailing us out this weekend and renting us a truck. We had a plow truck blow a radiator. Thank you for assisting us and keeping our roads open.

DOUGAN: Yup, no problem. Always there to help.

MORROW: Anybody else have any questions of any of the divisions here?

DOUGAN: The only other thing that I would say is that I handed out a bunch of color coded stuff. One of the items is our list of projects that we think we're going to be tackling completely or at least in part for 2018. We gave you the same kind of list for 2017 just so you can see what we're involved in. The next, colorful 8 ½ x 11 packet that is a few years ago then Supervisor Ferebee or Chairman Ferebee and Vice-Chair Mr. Preston asked that every department give the incoming supervisors some kind of a presentation on what they did in their department so for you new supervisors that's what that document is about and for any of the others that dealt with us it's just a reminder of what we're doing and the largest, that 11 x 17 very colorful sheet is all 136 Essex County bridges and it's the ratings from NYS DOT from 2002 to 2017 so it kind of tells you the position that we're in. If they are yellow or green that means that they are in pretty good shape, when they get into that light orange color they are a little more suspect and the red is we're starting to be real concerned about them.

MORROW: Anybody else have any questions for Jim on anything? I just want to remind especially for the new supervisors that on the committees there's nine members but if you have any questions, those nine members are the ones that get the vote but if you have any questions feel free to raise your hand and be acknowledged because you can ask any questions you want because that's what we call communication here. We want to have the correspondence and that's how you get to know what's going on so thank you Jim.

The next item on the agenda was Soil and Water with Amy Calkins reporting as follows:

MORROW: Dave Reckahn couldn't be here for Soil and Water but Amy come on right up. We have Amy from Soil and Water. I think she handed out Dave's report to everybody. Good morning Amy.

CALKINS: Good morning.

MORROW: Do you have anything extra that's not on the report?

CALKINS: No just look over the report if you have any questions I'll do my best to answer them. I wasn't sure if there was any questions on anything that was on there?

MORROW: Everybody get a chance to look at it. Do you have any questions for Amy? If she doesn't have the answer she'll get back to you. Okay, thank you very much for coming Amy.

CALKINS: You're welcome.

MORROW: See you on Thursday. Soil and Water meeting on Thursday. Does anybody else have anything for DPW? If not, we stand adjourned.

As there was no further discussion to come before this DPW committee it was adjourned at 10:00 a.m.

Respectfully submitted,

Judy Garrison, Clerk
Board of Supervisors