

**Herkimer County Legislature  
Highways and Ways & Means Committee Meeting  
Thursday, September 3, 2020  
Via Zoom  
9:30 a.m.**

**Persons Attending:**

Raymond Smith (Chairman, Highways/W&M committee member)  
Peter Campione (Highways committee member)  
Mark Gaworecki (Highways committee member)  
John P. Stephens (Highways /W&M committee member)  
Robert J. Schrader (Highways committee member)  
Patrick Russell (Chairman, Ways & Means/Highways committee member)  
Kurt J. Ackerman (Ways & Means committee member)  
Raymond Johnson (Ways & Means committee member)  
Frederick J. Shaw, Jr. (Ways & Means committee member)  
Vincent J. Bono, Chairman of the Legislature  
James W. Wallace, Jr., County Administrator  
Brandy Serow, Secretary to Co. Administrator  
Lorraine Lewandrowski, County Attorney  
Sheri Ferdula, Budget Officer  
Steve Billings, Personnel Officer  
Mark Nagele, Highway Superintendent  
**(Non Committee Members signed in)**  
Legislator Gregory Malta  
Legislator Bob D. Hollum  
Legislator William Keeler, Sr.  
Legislator John L. Brezinski  
Legislator Ray Donley  
Legislator Williams Weakley

**Absent:**

N/A

Mr. Smith and Mr. Russell called the meeting to order at 9:33 a.m.

**Items Discussed:**

**HIGHWAYS**

1. Reappointing Highway Superintendent for 4 year term
2. Authorizing acceptance of conveyance of land for highway purposes
3. Authorize increase in appropriation for Project #405
4. Other

**HIGHWAYS AND WAYS & MEANS:**

5. Settlement of claim by installation of new culvert
6. Discussion - Damages on Farrell Rd
7. Other

**Committee Vote Record:**

**HIGHWAYS**

Mr. Smith: "First item on the agenda is reappointing the Highway Superintendent for a four year term. May I have a motion?"

Mr. Stephens: "How are we going to discuss this in open session?"

Mr. Smith: "What would you like to discuss?"

Mr. Stephens: "Same thing we discussed last time."

Mr. Smith: "I thought we looked into that and were satisfied with the results of the investigation?"

Mr. Bono: "If you would like to go into executive session that is up to you John."

Mr. Stephens: "Well who discussed it and who came to the conclusion?"

Mr. Smith: "Jim and Steve met with Mark and went over everything. Jim would you like to tell them?"

Mr. Wallace: "I'd rather go into executive session."

Item #1 - On motion of Mr. Russell, seconded by Mr. Gaworecki, the committee went into Executive Session at 9:43 a.m., under Public Officer's Law, Section 105 (f). Discussion was held. On motion of Mr. Bono, seconded by Mr. Schrader, the committee came out of Executive Session at 9:57 a.m. On motion of Mr. Schrader, seconded by Mr. Campione for Highways, Item #1 was voted on, approved and moved for Resolution. Yes: Smith, Campione, Gaworecki, Schrader, Russell, Bono (6). No: Stephens (1).

Mr. Smith: "The second item on the agenda is authorizing acceptance of conveyance of land for highway purposes."

Item #2 - On motion of Mr. Bono, seconded by Mr. Campione for Highways, Item #2 was voted on, approved and moved for Resolution. Unanimous.

Mr. Smith: "Number three, authorize increase in appropriation for Project #405. This is the same place, the bids came in and they are \$50,000 higher than what we approved at the last meeting."

Mr. Russell: "Why is this just under highways and not under both?"

Mr. Wallace: "It is budgeted money Pat."

Mr. Russell: "My other question is then if this came over budget why are we doing this? We didn't do the bridge in Old Forge."

Mark Nagele: "I can respond to that. The actual bid was \$296,000, our appropriation was \$300,000, the additional \$50,000 is for construction inspection for our consulting engineer. It's a pretty complicated problem, a really complicated project. There is a house probably 50 feet from the bank. So the increase in cost is more because the construction cost came in higher than anticipated by about \$50,000. This is just to cover the construction inspection."

Once again this is a FEMA project so 75% will be reimbursed to the County.”

Mr. Russell: “Yeah but I’m still trying to make my point. I am in favor of it however.”

Item #3 - On motion of Mr. Bono, seconded by Mr. Schrader for Highways, Item #3 was voted on, approved and moved for Resolution. Unanimous.

Item #4 - N/A.

#### **HIGHWAYS/WAYS & MEANS:**

Mr. Smith: “Number five, settlement of claim by installation of new culvert.”

Item #5 – On motion of Mr. Schrader, seconded by Mr. Campione for Highways, and on motion of Mr. Ackerman, seconded by Mr. Bono for Ways & Means, Item #5 was voted on, approved, and moved for Resolution. Unanimous.

Mr. Smith: “Number six, discussion for damages on Farrell Road. This is the road that was damaged by a private contractor. There was considerable work done by the County and we are wondering how we are going to recoup the damages. This is more of a discussion than anything. Mark would you want to weigh in on this?”

Mark Nagele: “Yes I certainly will. We noticed the damage to this intersection, the vehicle, I sent you pictures, is owned by Central New York Contracting. It has evidence of the tar and blacktop that was damaged by this vehicle trying to turn at that intersection and must have not been high enough and dug into the road. The trailer had an excavator on it as well which they removed out there and drove it up the road so they did some more damage with the excavator as well. So at this point I just wanted to discuss with the two committees how we should proceed with the damages. The damages are around \$2,000 you should have a copy of the invoice there. I have not sent the invoice to the company, I didn’t know if that was a sufficient amount out of theory that they would pay it anyways. And that may turn into a lawsuit if we do try and recoup that money. The State Police were involved in this incident. However, being that the truck was parked and there was no driver they weren’t able to issue any tickets and they suggested if we want to recoup our money we would have to go through the legal system to do so. That is where we are at with this. I would recommend that we send these people the bill for the damages and see if they pay it. However, if they do not pay it then we might have to be ready to take legal action against them.”

Mr. Russell: “I think that is a good way to go. I will make a motion to send that invoice.”

Item #6 – On motion of Mr. Russell, seconded by Mr. Gaworecki for Highways, and on motion of Mr. Russell, seconded by Mr. Bono for Ways & Means, Item #6 was voted on and approved. Unanimous.

Item #7 – N/A.

At 10:00 a.m., on motion of Mr. Bono, seconded by Mr. Gaworecki, the Highway Committee was adjourned.

The Ways & Means Committee continued.