

Herkimer County Legislature
Public Safety/Emergency Management, County Properties and Ways & Means
Committee Meeting
Thursday, September 3, 2020
Via Zoom
Follows Human Resources and Ways & Means

Persons Attending:

John P. Stephens (Chairman, Public Safety/W&M committee member)
Gregory Malta, Sr. (Public Safety committee member)
Raymond Johnson (Chairman, County Properties, committee member, all)
Kurt J. Ackerman (Public Safety/W&M committee member)
William Weakley (Public Safety/County Properties committee member)
Peter Campione (Public Safety committee member)
Mark Gaworecki (County Properties committee member)
William E. Keeler, Sr. (County Properties committee member)
Robert J. Schrader (County Properties committee member)
Ray Donley (County Properties committee member)
Patrick E. Russell (Ways & Means Committee Chairman)
Raymond Smith (Ways & Means committee member)
Frederick J. Shaw, Jr. (committee member, both)
Vincent J. Bono, Chairman of the Legislature
James W. Wallace, Jr., County Administrator
Brandy Serow, Sec. to County Administrator
Lorraine Lewandrowski, County Attorney
Sheri Ferdula, Budget Officer
Steve Billings, Personnel Officer
(Non Committee Members Signed In)
Legislator Bob D. Hollum
Legislator John L. Brezinski
Legislator Peter F. Manno

Absent:

N/A

Mr. Stephens called the Public Safety/Emergency Management committee to order at 10:48 a.m. and Mr. Johnson called the County Properties committee to order at 10:49 a.m.

Items Discussed:

PUBLIC SAFETY/EMERGENCY MANAGEMENT, COUNTY PROPERTIES AND WAYS & MEANS:

1. Approve extension of Builders Insurance Policy for the new Correctional Facility
2. Other

COUNTY PROPERTIES AND WAYS & MEANS:

3. Snowplowing contract for the new Jail discussion
4. Other

Committee Vote Record:

PUBLIC SAFETY/EMERGENCY MANAGEMENT, COUNTY PROPERTIES AND WAYS & MEANS:

Mr. Stephens: "First thing on the agenda is approve extension of Builders Risk Insurance Policy for the new correctional facility. Sheri are you on?"

Sheri Ferdula: "I am on."

Mr. Stephens: "Can you give us a little information on that? I think it is the same thing we have been going through, but..."

Sheri Ferdula: "It is the same, we are just extending it again. We have already done it once through September 30th, we are now extending it from October 1st to December 31st. If we obtain a certificate of occupancy before December 31st, we will be refunded anything we don't use."

Item #1 – On motion of Mr. Johnson, seconded by Mr. Bono for Public Safety/Emergency Management, on motion of Mr. Johnson, seconded by Mr. Bono for County Properties and on motion of Mr. Johnson, seconded by Mr. Bono for Ways & Means, Item #1 was voted on, approved and moved for Resolution. Unanimous.

Item #2 – N/A

COUNTY PROPERTIES AND WAYS & MEANS:

Mr. Johnson: "Snowplowing contract for the new jail discussion. I am going to open it up to the committee."

Mr. Bono: "As far as the snowplowing, Ray, I'll start. I think if we go out to bid, I think you and I talked about this last time we were at a meeting at the facility, I think more specifics need to be put into that contract or spec. I think some of the people that may have bid the last time didn't realize that they didn't have to plow that big parking lot to the right as you pull in. That doesn't need to be plowed. Maybe we can exclude the walkways and have our guys do the walkways, Donny and his crew. And be more specific, as far as the road in the back that has to be done, also the rec yards. Sheri I don't know how it was written before but am I correct in saying that maybe that wasn't put in the original bid?"

Sheri Ferdula: "Nope, that was all put in and all three bidders visited the site so they all knew not to plow the front area and they all saw the rec yard."

Mr. Bono: "Ok, I was under the assumption that they didn't know that but ok."

Mr. Weakley: "So the only thing we are going to discuss really is the three hour thing right? Anything over three hours or something like that."

Mr. Johnson: "Mr. Weakley, the concern was you could plow for an hour and a half, hang out in the back parking lot for another hour and a half, if you have a bad snow storm and you could get \$2,000-\$3,000 per day."

Mr. Weakley: "I know you won't find that on this individual. You can take my word for it."

Mr. Ackerman: "I think what was said was if one truck came down to plow it would be incentive to send two, because if he goes over the three hour window, he could bill for two times the plowing. Where I think it should be just whatever the fee is, you complete the whole plowing for whatever is in there with

the parking lots and walkways, and that is what he bills us. You shouldn't have to worry that he is going to go three hours and 15 minutes and you get whacked for \$2,000."

Mr. Weakley: "I understand that. Maybe if he was waiting for a pickup or a plow truck to get down there coming from another job or something but he's going to have the big loader there with the big snow pusher and all that stuff. If we got some specifics on billing he said he would be more than willing to help work with us and make sure it's right for everybody."

Mr. Schrader: "I think there were some other concerns also with using sand and using salt. We don't want to tear up the great concrete work that has been done over there. I think that we need to address what we are using for salt, sand, or calcium."

Mr. Johnson: "Calcium was brought up, you are right."

Mr. Schrader: "And the other thing is, I think Mr. Wallace made the statement at the first meeting that it would be like a \$7,000 bill but I think what we need to do is sit down as the committee and figure out what we want Sheri to put in for that and then maybe go for something like a one lump sum for the year. That is what my recommendation would be for. I am trying to be fair to the individual that bids it but I am also trying to be fair to the County taxpayers. If you get a heavy winter the snowplowing guy isn't going to make that much but if you get a light winter the snowplowing guy is going to make out pretty good. With that said I would recommend, being on the committee, that we go for a contract for the year and we need to sit down with the committee, not just throw an RFP out there without some specific wording in it and this way we don't have this happen again."

Mr. Bono: "Bob, I respectfully disagree because, you know if we are worried about the taxpayer, that person doing the plowing could take a hit that year by taking the project that way. Why not just pay as we go and it is what it is. We can't compare this year with last year or the next year. It is what it is, it's part of doing business when it comes to snow removal. I could plow a lot of snow in a year, there is some years I barely put the plow on and there are some years that I plow three times a day. Again, it is what it is and to have this guy gamble, that's not doing him any good. I don't like to do a contract like that myself. I would just say call me as you need me or at the very least put in the contract that you want so much equipment on hand. You want two trucks every time he plows, this way you know it is under the three hours. We can word things any way we want in a contract to get under that three hours or whatever you guys are happy with."

Mr. Johnson: "Is that fair to change the contract once we have already picked a bidder? Or should it just go back out to bid with all the new ideas?"

Mr. Bono: "I'm willing to give it a chance this year with the original bidder we went with and let him do the job. It's trial and error, we will see what happens."

Mr. Weakley: "You are not going to be disappointed with this guy. I've seen his work before. He's a county resident, it's his tax dollars too. So he knows."

Mr. Ackerman: "I'm ok with it as long as we use the three hours."

Mr. Weakley: "Maybe we can see what we can do about the three hour stipulation, maybe so much per day."

Mr. Ackerman: "It's just too much per plow. When he plows it, if it only takes an hour and a half, I'm not asking for a rebate. As long as it gets done."

Mr. Weakley: "He already said he would work with us on the billing part so we can get that taken care of."

Mr. Bono: "Lorraine has something to say as far as legality of what we're doing."

Lorraine Lewandrowski: "So we bid it with the three hours so you can't really change it. You would get objections from the other guys."

Mr. Bono: "Did everybody get that? We bid it with the three hours, so you may get objections from the original bidders."

Mr. Ackerman: "We didn't bid it with three hours. The other guys said they would be there for five hours. You're getting more plowing time with the other guy actually than you are with this guy. We did not bid it with hours."

Mr. Schrader: "They submitted the hours."

Lorraine Lewandrowski: "I thought it was with the three hours but I could be wrong."

Mr. Bono: "Sheri do you want to chime in?"

Sheri Ferdula: "Yes please. It was not originally bid with the three hours. It was never three hours. There was an addendum issued after the site visit asking anyone that bid to please give us what their time frame would be per visit because everybody was different. Art Bass is the only one who bid it with the three hour time frame, the other two did not give me a time frame in their bid, they said after the bid their time frames but we cannot accept those numbers because they are not in their original bid. It was part of an addendum."

Mr. Stephens: "I'm leaning towards keeping it as is because this guy did his due diligence, he abided by what the bid specs called for. I feel like we are punishing this guy for doing his job and getting it in. So that is the way I'm going to vote."

Mr. Weakley: "Is it possible to make an amendment when we award it to the billing process or no? Say instead of three hours we want four or five."

Mr. Schrader: "Lorraine, can a committee member make that motion?"

Lorraine Lewandrowski: "I would have to revisit it because I don't actually remember what each of the bids were that were submitted. But I do know this guy complied with the process and submitted everything properly."

Mr. Keeler: "I agree with Bill I think we need to stick with him, give him the chance. If he doesn't do a good job we can rebid it next year."

Mr. Ackerman: "Do we even know what he meant by putting the three hours in there? Does he mean that's what it is going to take him to do it or is he going to bill additional after that?"

Sheri Ferdula: "The three hour period was intended for when there is a major snow storm and he would have to visit the site more than once. If he comes and it takes him three hours to clear it and then the snow doesn't stop and he comes back, he might not be able to leave in a big snow storm. So if he is there for six

hours it constitutes two visits. It was intended for a major snow storm and that came out during the site visit when we were walking around.”

Mr. Schrader: “Sheri with that said, if he’s there for three hours and fifteen minutes, I’m just trying to be clear here, like I said I don’t have a problem going with it. I think if Lorraine says that the committee can make some changes to the RFP legally, I don’t have a problem giving this guy the job. I just think we need some clarification on some certain things.”

Sheri Ferdula: “I think it would be very rare for them to be there more than three hours unless there was a very large snow storm especially with the equipment they would have on site to clear. Also, I just wanted to say the question about asking him if we could adjust his time period and extend that three hours, that would make it slightly unfair to the others because then it is going to change if you look at it on a per hour basis. I don’t think that would be a fair practice for us to do. I just wanted to make one more point about the contract. We also probably need to put something in the resolution because until we have a certificate of occupancy, it is not our responsibility to plow. If for some reason we do not get one until December 1st, it is Jersen’s responsibility to plow that site. So maybe just something in the approval that the contract does not start until we have a certificate of occupancy.”

Mr. Schrader: “Is the gentleman willing to do that now though Sheri? Now that changes the whole thing. This guy is committed to putting a piece of machinery there, if he’s only going to be there from December 31st to maybe April is it worth it? You have to remember this guy is putting his neck out there also.”

Sheri Ferdula: “They were told at the walk through that we did not have ownership of the building yet and we wouldn’t until it was done. So we just need to be clear but they were all told that. Right now it is not our responsibility and if we send someone up there on our behalf and something gets damaged it would be up to us to fix it.”

Mr. Schrader: “I just think we need to talk to the gentleman.”

Mr. Gaworecki: “Can we tie it to the National Weather Service and if they issue a storm warning to give him a little more time?”

Mr. Bono: “You want a not to exceed clause?”

Mr. Gaworecki: “Something like that yeah.”

Mr. Bono: “Guys I think we are spending too much time on something we have to pay for anyways, a \$10,000 bill maybe. I’m just pushing it, even \$10,000 it is what it is.”

Mr. Johnson: “You want to make the motion then?”

Mr. Bono: “Yeah I would like to make the motion that we stick with the original bid as written and give it a shot. I trust Bill Weakley and Ray Donley, they know this gentleman and his reputation and that we give our own county resident a chance at it and we learn if it doesn’t work out.”

Mr. Johnson: “Can I just make one point on that? They were all county residents. I don’t want to single one out.”

Mr. Bono: “I apologize, I couldn’t remember who they were. I am not taking anything away from them.”

Mr. Schrader: "Just for the record here, it is not about the person or the individual or the company. It was about how the RFP was written up. The Chairman of the Properties Committee never saw the thing until it was opened from what I was told. I just think the Chairman of the Committee should start seeing stuff before it gets sent out because this is stuff we could have ironed out."

Mr. Stephens: "Who gave the order to send the RFP out?"

Mr. Schrader: "I have no clue."

Mr. Stephens: "We can't go throwing stones at people that sent it out based on somebody else's order."

Mr. Schrader: "I am not throwing any stones."

Mr. Bono: "We decided to send it out at a committee meeting. Didn't we decide this at a committee meeting?"

Mr. Schrader: "No we didn't."

Mr. Johnson: "Ok we have a first and a second."

Item #3 – On motion of Mr. Bono, seconded by Mr. Gaworecki for County Properties and on motion of Mr. Bono, seconded by Mr. Stephens for Ways & Means, Item #3 was voted on, approved and moved for Resolution. Yes: Gaworecki, Keeler, Weakley, Donley, Bono, Russell, Ackerman, Smith, Shaw, Stephens (10). No: Johnson, Schrader (2).

Item #4 – N/A

At 11:10 a.m., on motion of Mr. Schrader, seconded by Mr. Keeler, the County Properties Committee adjourned.

The Public Safety/Emergency Management and Ways & Means Committees continued.