

**TOWN OF NORTH HUDSON  
SPECIAL BOARD MEETING  
HIGHWAY COMMITTEE  
TUESDAY MARCH 23, 2021  
9:30am**

Present were Supervisor Stephanie DeZalia, Councilwoman Maureen Marsden, Councilman Robert Dobie, Councilman Marshall Gero, Councilman Brian Caza, Highway Superintendent Kevin Duntley, Essex County Highway Superintendent James Dougan and Town Clerk Martha King.

No public in attendance due to COVID restrictions.

The meeting was called to order at 9:30am by Supervisor DeZalia who then led all in the salute to the Flag.

**County Road Contract**

Supervisor DeZalia began the meeting by thanking everyone for attending.

Supervisor DeZalia started by saying the County Contracts have been the subject of numerous discussions for many years. She has a file of correspondence since 2008 between the Town and the County on the contract. She reminded the Board that they all have expressed thoughts on this. She reminded the Board that now is the time to bring them forward. She asked the Board members who would like to begin discussion.

Councilman Dobie said he would like to start. Mr. Dobie began by saying the Town Highway works way too hard to fulfill this contract and it is a very costly thing. Mr. Dobie stated that even if we had received a 2% increase every year on this contract from the County we still would not break even and we'd still be losing a considerable amount of money. He expressed concerns of replacing the '03 tandem at a cost of about \$250,000 and what it will do to the taxpayers of North Hudson. Councilman Dobie stated "To buy a new truck to do roads that North Hudson loses money on is a terrible thing to do to the taxpayers. It's unfair to the taxpayers of our Town." Mr. Dobie stated there has not been an increase in County funds to North Hudson for this purpose in many years. He continued by saying "The cost of materials, labor, fuel, wear and tear on equipment is extremely high. We only have 3 Highway Department employees at this time, labor is a huge thing especially taking into consideration one of the employees could possibly retire at any time. Manpower is another huge concern; we could possibly end up with a new truck without a driver." Councilman Dobie asked County Highway Superintendent Dougan if it was possible to have Newcomb take on the Blue Ridge Road and if they did, we would probably not need that third truck. He would like to have either the County or Newcomb take over the Blue Ridge Road for one year to see what the financial impact would be to the Town. Mr. Dobie does not believe it would be as well maintained as it currently is under Highway Superintendent Duntley. But he believes it is something we should try. If the taxpayers complain about the roads too much we may have no choice but to take them on again. The County Contract is still at the 2010 rate. He believes Newcomb would be the best solution for this. Mr. Dobie stated he believes Newcomb would do a good job. Councilman Caza stated he is in agreement with Councilman Dobie. Newcomb has good equipment and the manpower where we don't have the equipment or the manpower. The Board members were all in agreement that Superintendent Duntley does a good job on our roads. Highway

Superintendent Duntley stated there is a big difference with Newcomb and North Hudson in the materials both Towns use on the roads. North Hudson uses the material at 4-1 sand and salt ratio and Newcomb uses all salt. He added Newcomb hammers the roads with salt that's why they are bare. North Hudson spends time having to mix the sand and therefore needs to do the roads more frequently than Newcomb. Mr. Duntley said he can't use pure salt so therefore the time to mix it and reapply it has to be considered. The Highway garage mixes the sand and salt at a 4:1 and creates the need to do the roads numerous times creating more wear and tear on the equipment, fuel and labor. We are running the Highway Department on 2010 numbers not the actual 2021 costs. The cost of trucks has gone up, the material cost has gone up, gas has gone up, wages have gone up, health insurance has gone up, but the County contract has not gone up. Councilwoman Marsden agreed stating as a Town we aren't making any more money and explained that the State land assessments negative effect on North Hudson. She asked Superintendent Dougan about any increases in the CHIPS money. Superintendent Dougan said it is in the NYS Budget at present that CHIPS may increase 30% if it passes. Superintendent Dougan stated that North Hudson currently receives \$117,000 annually for snow and ice from the County on this contract and he believes that is about 75% of the annual base salary of the Highway Department employees. He also stated the County paid an extra \$64,000 to the Town in brooming last year. He asked the question "how would this affect the town financially if the Town lost that \$117,000?" Councilman Dobie replied "*no, it wouldn't have hardly any effect on the Town.*" Superintendent Dougan added that any increase in this contract would have to come from the County Board of Supervisors. The Town would need to bring this to them.

Mr. Dougan stated that if the County was to take over the plowing of the County roads in North Hudson, then he will probably do more than just Blue Ridge Road. He would need to know soon in order to plan accordingly. Supervisor DeZalia stated that North Hudson will at least finish the 2021 year per the 2021 contract.

Again Mr. Dobie stated if we didn't have Blue Ridge Road we wouldn't need 3 trucks. We just don't have the manpower. Newcomb has the equipment and the manpower.

Councilman Dobie asked if it would be possible for Superintendent Dougan to speak to Newcomb. Mr. Dougan said, yes, he would do so.

Supervisor DeZalia brought up the plowing of the State DEC parking lots. Our Highway department spends considerable time and resources to maintain these DEC lots.

Supervisor DeZalia added that we are not paid to do this by the State. Mr. Dougan was asked what his take on them was. Mr. Dougan said that from his position as County Highway Superintendent the County does not plow any of the parking areas but he will correspond with State about plowing these DEC parking lots on the County roads.

Superintendent Dougan stated they will not be plowed by the County if the County takes over plowing the County roads. Supervisor DeZalia will forward him the information and correspondence she has on these DEC parking lots. Councilman Gero added that it really slaps you in the face when you go by those places the trucks they use to plow their two campsites that are closed just sit there but they can't plow their own parking lots. They say they don't have time or manpower to plow their own parking lots.

Supervisor DeZalia stated "*90% of the land in North Hudson is owned by the State or under exemptions. The transition assessment is causing our total taxable value to go down 2 million dollars a year and that puts everything on the 200 plus residents we*

*have, the taxes have to go up every year, even without increased spending or revenue loss.”*

When Mr. Dougan was asked by Councilman Dobie how he would handle it if North Hudson no longer did the County roads. Mr. Dougan said he would probably add Ensign Pond Road to Moriah and would speak to Newcomb about taking on another 7 miles of Blue Ridge. He isn't sure about Johnson Pond Rd. Superintendent Duntley stated he still has to do Elk Lake and Lazy St. He sees no sense in driving a truck to Elk Lake Road with the blades up so he would continue to do that portion of Blue Ridge Road.

Newcomb would only have to do down to Elk Lake Road. It could be possible that Newcomb could do Blue Ridge Road to Elk Lake Road with one load of salt. Mr. Dougan asked if Newcomb is facing the same issues with tax assessment as North Hudson. Councilman Dobie replied No, they did the Homestead Act, they are fine.

Councilman Gero asked Superintendent Dougan if Newcomb has same problems getting help as much as other places? Superintendent Dougan stated no, I don't believe they struggle for help. They have a big budget and they pay well. Councilman Gero added *“I'm not saying we have to make money, but shouldn't have loss of money either. If anyone calls in sick we are in big trouble, we don't have the people to put in the trucks. Kevin will have to be in the truck.”*

Councilman Dobie added if we don't try we won't know. This has been going on for 25 years. Would it be fair to ask you to speak to Newcomb as Highway Superintendent to Highway Superintendent? Mr. Dougan replied by saying I can do that. Mr. Dobie continued by adding if they say no, then we will be dealing directly with the County. Supervisor DeZalia asked Superintendent Duntley what his thoughts were on this as it is his department. Superintendent Duntley responded by stating *“We need to come up with a solution. We're going to have to have a truck. He asked if the Board has seen the bills? We are paying out more in maintenance on the '03 and one of these days it's going to go “Bang “so we are going to have to come up with a replacement. The '12 is getting tired too. “*

Councilman Caza asked Superintendent Duntley *“If we put you in a truck, will you still have time to do the administration side of job.”* Superintendent Duntley replied *“I'm a working superintendent, I have to be that's all there is to it, I don't do that other stuff”*. Councilman Caza asked Superintendent Dougan if he did administrative duties. He replied that doing administrative work was an important piece of his job and it was something he does. It's necessary to the position.

Superintendent Duntley asked the Board if the Town will be advertising for more help stating if someone retires then we will only have 2 CDL's. Mr. Duntley said he doubts if there is anyone in town with a CDL. Adding we don't have a large pool of people with CDL's to draw from. There have been new people moving to North Hudson but he doesn't know of anyone who meets the qualifications with a CDL.

Supervisor DeZalia added that *“we currently have one application on file and after reviewing the application I believe she is a very qualified applicant with a CDL. There may be more out there if we were to advertise, we don't know”*.

Councilman Dobie & Councilman Gero both agreed that even if we got more money for the contract and we don't have the trucks or have the people, we still have a problem. Superintendent Dougan stated *“I don't have answers for you. It's your decision. One of the things that come to mind is the need to replace your equipment. The Board has*

*been very good to me. My equipment was failing hard but the Board has taken the 5 year plan I gave them and we are starting to gain some ground.”*

Superintendent Dougan added “*it doesn’t sound like dollars per lane mile is your biggest issue.*” Mr. Dougan finished by stating he will have to wait for the Towns decision and then he will have to react. Supervisor DeZalia again reminded him the contract was good through December 31.

Superintendent Dougan again said it is up to the Town of North Hudson.

The Board thanked him for attending and Mr. Dougan left the meeting at 10:26 a.m. Supervisor DeZalia stated she doubts there will be a substantial increase from the County. The Board needs to consider the impact in the decrease in the revenue for the County Highway Contract as Superintendent Dougan stated is 75% of annual Highway salary. This will need to be taken into consideration. The concern being, will not doing County Roads be enough to save any money? Unfortunately, we don’t have sufficient records showing the use of gas, salt, or labor and overtime used on the county or town roads.

#### **2021 Roadside Clean Up-**

Superintendent Duntley stated the Highway department will only come to each residence once. If the things aren’t out when we come by, don’t put it out. We won’t be coming back.

This will be for 2 weeks only, Tuesday May 25 through June-8.

No brush or stumps, no household garbage, no painted or treated wood, no tires, no batteries.

#### **County Hazardous Waste Days**

Hazardous Waste Day in North Hudson will be held on August 14, 2021.

It will also be held on July 10 in North Elba, July 31 in Lewis and August 28 in Ticonderoga.

#### **284 Agreement & Fiscal Calendar for Highway Department**

Supervisor DeZalia spoke to Superintendent Duntley and the Board about Section 284 Highway Law. Highway Law expenditures for repair and improvement of highways, requires that plans be submitted for the projected projects to include estimated time, materials, labor, equipment, road name, coordinates & distance. A 284 Form needs to be done for each project. If the Town were audited, we don’t have these forms on file. These forms substantiate spending. These are Highway Superintendent administrative duties. The 284 form needs to be signed by the Town Board, the Town Supervisor, the County Highway Superintendent and the Town Highway Superintendent for all road expenditures. It is to be filed as soon after January 1 as possible with the Town Clerk and the County Highway Superintendent. The four (4) road projects proposed for this year didn’t include estimates for them. Superintendent Duntley indicated he doesn’t know what the projects are going to cost. This information could determine what projects can be done. Superintendent Duntley stated he didn’t submit anything as he doesn’t know how much it will cost.

Supervisor DeZalia stated it is especially important to get this 284 done for the Pepper Hollow to get FEMA reimbursement.

Also she addressed some various other duties required by the Highway Superintendent:  
- file monthly reports with the Town Board

- Annual Reports of moneys received
- file annual report with the Town Board
- file annual CHIPS Money report
- Annual Budget estimates
- Annual Highway and bridge inspections
- Annual inventory lists

### **Inventory & Asset Inventory of Roads, etc.**

An inventory needs to be done every year by November. Highway Law says September but we ask by November.

Supervisor DeZalia explained it is necessary to maintain a current accurate inventory list. She explained that the same exact inventory list was handed in in 2018 and 2020 by the Highway Department. Pages were in different order but they are exactly the same. Should be current and not a copy.

Annual inventory is required by all department heads, including Highway Superintendent, annually to be filled with the Town Clerk.

### **Vehicle Inspections**

Supervisor DeZalia asked Superintendent Duntley *“do the vehicles get a daily or weekly inspection before use? Do you have a log for each vehicle? Do you have these? That log could be used for lawsuits for maintenance orders or for future expense preparation. This is what you would do to record the walk around inspection. It would show when repaired, and the dates inspected.”*

Superintendent Duntley replied *“No I don’t write it down. I just do it. Keep giving it to me. I’m sick of it, I’m done. I’m looking for another job. You want me gone. You’re going to win!”* Supervisor DeZalia assure him that she doesn’t want him gone and this was not the case, stressing that she isn’t making these things up. *“These are required and a critical part of the Highway Superintendents job. Vehicles are required to be inspected daily”*.

### **Road Maintenance Logs**

A maintenance log should be kept of repairs and maintenance of roads. It is to be kept in each vehicle. If he keeps a maintenance log in his pickup where he could write down such things as filled in pothole on Pepper Hollow Road on such and such date, materials used, filled truck with gas, mileage, oil change, etc. Supervisor DeZalia said she had none of this information available while completing the FEMA paperwork. Mr. Duntley spoke to this saying he never had to do this stuff. Supervisor DeZalia added it is a requirement. Records need to be maintained, and need to be kept on file. They are used for audits, insurance and FEMA reimbursement purposes. With these records it would be possible to know how much time and materials and equipment is spent on a particular job, this information is useful for accounting and budgeting purposes for the highway fund.

### **Fleet & Equipment Management 5 /10 year Plan**

Supervisor DeZalia stated to Superintendent Duntley and the Board that there is the need to set up a Fleet & Equipment Management 5 /10-year plan. She stated we need to look at what we have, what needs replacing and develop a 5/10 plan for this. Once this plan is developed it can be put into the annual budget. She said the Highway Committee needs to meet with Superintendent Duntley to work on this and then bring it to the

Board. We need to know what jobs we are planning in order to have the equipment needed. The last payment on the loader is due in June.

Councilman Caza spoke to this saying *“I’ll take Kevin’s side on this, in all fairness his employee numbers are going down, equipment is failing. He is out there working and he is being asked to do things he doesn’t know what they are or doesn’t know how to do it. He’s not going to sit on a computer for 8 hours to do this.”* Superintendent Duntley added that he doesn’t have a computer. Councilman Caza stated when he was first elected to the Town Board and appointed to the Highway committee he went to the highway garage and spent time with Superintendent Duntley. He stated he brought the information from this meeting back to the Board early last year at a Town Board meeting. Councilman Caza stated he is *“100% in support of Superintendent Duntley, we are expecting him to do things he has no idea what they are, or how to do them. But if you put him in a truck or on a machine we don’t have anyone that can do it better than him. He needs our help with part of the Highway Superintendents job. The Highway Committee needs to come up with a plan, and we need to have better communication.”* Supervisor DeZalia stated that Superintendent Duntley knows the roads better than anyone in this town and she agreed that *“no one can do that part of the job better than Kevin.”* Councilman Caza is willing to sit down with the Highway Superintendent and Highway Committee to come up with a written plan. The Board will wait to see the outcome of the County contract then the Highway Committee will meet and present to the Board a 5/10-year Equipment Plan based on what roads we still have. Councilman Dobie asked Superintendent Duntley since he knew him and if he would speak to the Newcomb Highway Superintendent. Mr. Duntley said he would do so.

### **Winter Safety Gram**

A copy of a Winter Safety Gram given to Supervisor DeZalia was included in the Board packets. Supervisor DeZalia explained that this is an example of an informational memo sent to the community at the beginning of the season. The Highway Superintendent may want to send something similar to the community. It would let them know what is going on with Town roads. For example, that salt usage has been decreased on a particular road and the weight limit on Town roads has been decreased to 6 tons. It could also be used to let the residents know if the County and/or Newcomb take over the County Roads snow and ice removal that the roads may be looking different and why. It also helps protect liability because the information was put out there.

Supervisor DeZalia pointed out that she was very glad to see Superintendent Duntley made an effort to reduce the salt usage since his signing of the Salt Reduction MOU.

### **Drug & Alcohol, Cannabis Legalization**

Supervisor DeZalia let the Board know *“it is coming soon”*.

The Board will need to take a look at the current Drug and Alcohol policy in the handbook. We are going to have to add to this policy. Employees are required to come to work unimpaired. Legally when anyone goes into work, they cannot be impaired.

Supervisor DeZalia continued adding, *“it’s coming soon”*. Just as anyone can now legally go home and have a beer, people will be able to go home and legally smoke or consume cannabis. It will fall on the Department Heads to detect and report this impairment at the workplace, only now it could be more difficult. She added, that she isn’t making it happen it’s just what is happening due to legislation coming.

Supervisor DeZalia brought the drug and alcohol policy up due to the new legislation pending and due to the town motor vehicle incident that happened last week. She stated when contacted by Superintendent Duntley, while awaiting further details from the NYSP incident report, she informed him that the driver of the Town vehicle would need to be taken for Drug and Alcohol screening as soon as he finished at the scene. Supervisor DeZalia stated that Superintendent Duntley asked her if she was making this stuff up because he never had to do this before. Supervisor DeZalia explained again to Superintendent Duntley that she was not making things up that she was following standard CDL license and Drug and Alcohol protocol for post-accident procedure. Supervisor DeZalia explained the incident to the Board and explained once the final NYSP incident report did not lead to any citations and the fact that there were no injuries then the drug and alcohol screening was not needed. Supervisor DeZalia informed the Board she also contacted Standard Medical and our insurance to confirm that it was no longer needed. The Supervisor explained that both the highway worker and the other party gave statements to the towns Safety Officer Cassandra D'Agostino.

Supervisor DeZalia asked the Board if they had anything else to bring up for Superintendent Duntley regarding the Highway Department as Mr. Duntley needed to get back to the Highway garage. No one had any further items.

Supervisor DeZalia addressed Superintendent Duntley saying *"I don't ask you for these things to annoy you, I ask you questions because I don't have the answers to the questions being asked of me. We need to continue to work together to provide the answers for everything required and to come up with a solution."* Supervisor DeZalia continued by stating *"I will say again there is nobody in this Town who is going to be able to replace you and do the work you do. You are an amazing Highway Superintendent. I don't want to lose you or any of the employees up there. Every single person up there is extremely valuable. This town would be hard pressed to find anyone to do the work you do. We will work together to come up with these plans. You would be extremely hard to replace so I hope that you leaving is not the case."* Supervisor DeZalia and the Board thanked Superintendent Duntley for attending. Superintendent Duntley left the meeting at 11:55 am.

Supervisor DeZalia asked the Board if they had anything else as no one else had submitted any agenda items. Councilman Gero inquired about the lifeguard position. He asked when the Town was going to advertise this position as he noticed other towns were already advertising for this position. Supervisor DeZalia will contact Christina, the life guard from last year to see if she planned on returning but she did not think she would be back this year. It was noted that Lifeguard trainings have not started yet. Supervisor DeZalia will contact Mike Mascaranas about the trainings.

Councilman Gero inquired about the incident involving a Town vehicle. Supervisor DeZalia further explained the incident to the Board. It occurred on Wonderview Rd. while the road was being swept. Jake Parent was operating the sweeper and hit a resident's vehicle. At the time of the incident there were no spotters or flaggers on the job site. Superintendent Duntley was not present at that time. There were "Men

Working” signs out. State Police were called as policy dictates that this is procedure to be followed by the Town, no tickets were issued to either party.

### **Emergency Health Plan**

Emergency Health Plan using the County’s as a base for the town. Every public employer has to come up with an Emergency Health Plan. It was noted the County just got it done. As soon as it Supervisor DeZalia has it completed it will be given to the Board for input. This needs to be in place by April 1. The Board may have to meet again for this purpose.

Councilman Caza asked when the Town was going to contract with the Fire Department. Councilman Caza stated the Fire Department hasn’t gotten a contract or any money yet. Supervisor DeZalia will have her clerk pull up contract and she will look into it.

Supervisor DeZalia noted she is still working with FEMA for reimbursement for Halloween Storm damage.

### **Adjournment**

Motioned to adjourn at 11:15 am by Robert Dobie seconded by Marshall Gero.

Respectfully submitted  
Martha M King  
Town Clerk