

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: FEBRUARY 29, 2016

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON
CONOVER
DICKINSON
FRASIER
MERLINO
SOKOL
VANSELOW
WOOD
MACDONALD

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
PAUL BUTLER, DIRECTOR, PARKS, RECREATION & RAILROAD
REPRESENTING SARATOGA & NORTH CREEK RAILWAY:
ED ELLIS, PRESIDENT & CEO
JUSTIN GONYO, GENERAL SUPERINTENDENT
KEVIN GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
BRIAN REICHENBACH, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
BRAYMER
BROCK
GIRARD
WAYNE LAMOTHE, COUNTY PLANNER
RICHARD LUCIA, TOWN OF CORINTH SUPERVISOR
GEORGE STEC, TOWN OF QUEENSBURY RESIDENT
KURT AUSTIN, WARREN COUNTY RESIDENT
DON LEHMAN, *THE POST STAR*
CHRISTINE SCANLON, *SUN COMMUNITY NEWS*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the February 29, 2016 meeting of the Public Works Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://www.warrencountyny.gov/gov/comm/Archive/2016/works/>

Mr. Simpson called the meeting of the Public Works Committee to order at 11:07 a.m.

Motion was made by Mr. Dickinson, seconded by Mr. Sokol and carried unanimously to approve the minutes of the last Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Parks, Recreation & Railroad and DPW Agendas were distributed to the Committee members, copies of same are on file with the meeting minutes.

Commencing the review of the Parks, Recreation & Railroad Agenda, privilege of the floor was extended to Justin Gonyo, *Saratoga & North Creek Railway (SNCR) General Superintendent*, to provide an update on SNCR operations. Mr. Gonyo advised that Ed Ellis, *President and CEO of Iowa Pacific Holdings*, would be providing an update on the SNCR operations. Mr. Ellis read aloud a prepared statement regarding SNCR's operations and their desire to continue the contract with the County for the use of the railroad for another five years; *a copy of which is on file with the minutes.*

Mr. Dickinson inquired as to the reason why SNCR ceased operating the Ski Train and Mr. Ellis replied their decision to cease operating the Ski Train resulted from research that determined a single seat ride from Albany, New York was required in order to fill the train with riders. He pointed out more individuals who rode the train in the summer visited Gore Mountain than did in the winter. He remarked he hoped the study that was currently underway would result in a direct service between North Creek, Saratoga and Albany being in place next year otherwise he could make no guarantee the Ski Train would operate again. Mr. Dickinson commented that he believed SNCR had done a stellar job operating the railroad and noted he felt the railroad was an asset to the community.

Ms. Braymer asked how many dining trains SNCR had operated last year and Mr. Ellis replied they had operated fourteen dinner trains last year, all of which were sold out. He stated because of this success they increased the number operating in 2016 to over 100 per year. Mr. MacDonald questioned when the dinner train service would commence and Mr. Ellis responded they hoped to have them operating by the spring season, but due to some issues they had run into they may not be available until the summer season.

Richard Lucia, *Town of Corinth Supervisor*, thanked Mr. Ellis and SNCR for their efforts with the Railroad. He advised the Town of Corinth had exerted a lot of time and effort into the railroad and would like to see the continued operation of it into the future. He pointed out they were working on designs for a new train station in their Town. He added they had recently cleared up issues with two old landfills associated with the former International Paper Hudson River Plant in their town so the land could be sub-divided and sold, which they had received a significant amount of interest in. He stated he would hate to see all of this progress come to a halt due to the County not extending the contract for another five years.

Mr. Ellis remarked that Iowa Pacific Holdings had been in the business of turning around railroads over the past fifteen years which was not an easy undertaking. He said the quickest they had been able to improve a railroad operation was seven years but the vast majority of them took ten to fifteen years to make into a profitable business. He accredited their success with this work to the patience and knowledge of their employees, along with their partnerships with towns and counties. He apprised their request to renew the contract with the County was a testament to their commitment to the region.

Ms. Braymer apprised the contract required SNCR to pay the County 6% of their annual gross revenue; she questioned what their gross revenue for 2015 had been and Mr. Ellis replied he did not know but would get back to her with an answer. He estimated that over the past five years SNCR had paid the County about \$1 million.

Motion was made by Mr. Dickinson and seconded by Mrs. Frasier to renew the contract with SNCR for the use of the railroad for a five-year term.

Ms. Braymer stated that SNCR had not properly provided the County with a written request to extend the contract; therefore, she said, she believed the County was within its rights to renew the contract for a term that was less than five years. She pointed out an email to Paul Dusek, *County Administrator*, was not considered written notice, nor had they fulfilled all of their contractual obligations. She remarked this provided the County with the opportunity to not renew the contract "blanketly". She noted she would be in favor of a contract that was less than five years.

Mr. Simpson called the question and the motion carried by majority vote with Ms. Wood voting in opposition and the necessary resolution was authorized for the March 18th Board Meeting.

Kurt Austin, *Warren County resident*, stated he believed he had been referred to in Mr. Ellis' statement as one of the "*Elite Bicyclists*" in Warren County. He said he felt the failure of the Ski Train was an example of the reality of the railroad versus the many optimistic forward looking statements Mr. Ellis had made over the past five years. He pointed out another example of the failure of the railroad to follow through with their promises was the caboose that had been relocated Thurman Train Station but was still not open. He remarked the hopeful statements from the railroad had fallen well below the reality, of which the largest was that there had been no significant freight train traffic on the railroad over the last five years. He apprised he could see no reason why there would be any significant changes in this over the next five years. He added passenger train service to North Creek had ended in 1954; therefore, he pondered why it would come back, as alternative modes of transportation had all seen significant improvements since then. He noted that the Rail to Trail Initiative in Lake Placid that Mr.

Ellis had referred to as a terrible idea in his statement had come to fruition because business owners there favored it over the railroad along with the municipalities either voting to move forward with the Rail Trail or to have a study done concerning the impact of having one. He commented all of the attempts to revive that particular railroad had failed since the 1960's because there was no use for it anymore. In conclusion, he advised he had been unaware that the renewal was going to be discussed today and he wondered whether the Committee members had been notified either.

In response to Mr. Austin's remarks, Mr. Simpson informed that since the County had invested a considerable amount of money into the railroad they owed it to the taxpayers to review their options over the next five years to determine how to move forward. He added SNCR was paying the County an appropriate amount for use of the railroad.

Mr. Merlino apprised that up to November of 2015, SNCR had paid the County \$206,145.22 for the use of the railway which was shared between the Town of Corinth and Warren County.

Resuming the Parks, Recreation & Railroad Agenda review, Paul Butler, *Director of the Parks, Recreation & Railroad Division*, advised that Brian Reichenbach, *County Attorney*, would be addressing the Committee concerning the 1000 Acres Crossings.

Mr. Reichenbach informed that 1000 Acres Ranch Resort was currently involved in a bankruptcy proceeding. He said the attorneys for the bankruptcy estate as well as the potential buyers had indicated to the County in order to accomplish the sale that was ordered by the Bankruptcy Court Judge they needed to acquire three crossings of the railroad property at the Ranch. He explained the three crossings had been in existence since at least 1916 when the railroad valuation maps were published. He continued, those particular crossings had never been reduced to rights in real property to an easement which was what was required in order for the buyers to obtain title insurance as necessitated by the Bankruptcy Court Judge. He stated he was comfortable moving forward with an exchange of easements which would provide the County with two handicapped parking spots adjacent to the train station at the Ranch, while providing the Ranch with the necessary easements which historically had been crossings. He mentioned this would allow the sale to move forward so the Ranch could commence operating again. He added all of the back taxes owed on the parcel would be paid as soon as the sale was finalized. He remarked he was confident the exchange was both legally justified and appropriate.

Ms. Wood advised that the goal of the buyers was to have the Ranch operating this spring; therefore, she noted, it was imperative the Committee move forward with this as quickly as possible. Mr. Thomas indicated the Town of Stony Creek was ecstatic that a buyer had stepped forward to continue to operate the facility as a ranch resort, as it was a tourist attraction in their municipality.

Motion was made by Mr. Dickinson, seconded by Ms. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the February 29th Special Board meeting.

Concluding the Parks, Recreation & Railroad Agenda review Mr. Butler informed that the Maple Festival and Pancake Breakfast was scheduled for Sunday, March 6th at Up Yonda Farm. He stated that this was an annual event which required reservations and he encouraged all to attend. Mr. Merlino advised as he had done in previous years, he would be donating a case of pancake mix for the event.

Privilege of the floor was extended to Jeffery Tennyson, *Superintendent of Public Works*, commenced review of the DPW Agenda with a request to authorize the Chairman of the Board to execute a correction deed between Warren County and Jerry Mead and French Mountain Holding Corporation, which would correct an erroneous description of the property intended to be conveyed as set forth in an August 15, 1940 quitclaim deed, recorded in Warren County Clerk's Office in Book 216, page 183.

Mr. Reichenbach explained the conveyance that occurred in 1940 included only a portion of the entire parcel that was intended to be conveyed. He stated he needed to review the survey description and the map to ensure they were consistent; however, he said, other than that he was satisfied that this was not a new conveyance but rather a correction.

Motion was made by Ms. Wood, seconded by Mr. Sokol and carried by majority vote, with Mr. Dickinson abstaining, and the necessary resolution was authorized for the March 18th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Proceeding with the Agenda review, Mr. Tennyson presented the following requests:

- Page 8 - Request to authorize a new contract with Rifenburg Construction Inc. for Cold Milling of Pavement for Highway Rehabilitation pursuant to the terms and provisions of the specifications (WC 5-16) and proposal for a term to commence upon execution by both parties and terminating December 31, 2016 with two possible one year extensions.

- Page 9 - Request to authorize a new contract with Peckham Road Corporation for Cold Milling of Pavement for Highway Rehabilitation pursuant to the terms and provisions of the specifications (WC 5-16) and proposal for a term to commence upon execution by both parties and terminating December 31, 2016 with two possible one year extensions.

- Page 11 - Request to authorize a new contract with Reclamation LLC for Bituminous Concrete Pavement Recycling (Cold-in-Place) pursuant to the terms and provisions of the specifications (WC 6-16) and proposal for a term to commence upon execution by both parties and terminating December 31, 2016 with two possible one year extensions.

- Page 13 - Request to authorize a new contract with Highway Rehabilitation Corp. for Hot-in-Place Pavement Recycling pursuant to the terms and provisions of the specifications (WC 7-16) and proposal for a term to commence upon execution by both parties and terminating December 31, 2016.

- Page 15 - Request to authorize a new contract with Bell & Flynn for Cold-in-Place Recycling (Hammermill Method) pursuant to the terms and provisions of the specifications (WC 8-16) and proposal for a term to commence upon execution by both parties and terminating December 31, 2016.

Motion was made by Ms. Wood, seconded by Mr. Dickinson and carried unanimously to approve all five of the aforementioned requests and the necessary resolutions were authorized for the March 18th Board meeting. *Copies of the resolution request forms are on file with the minutes.*

- Page 17 - Request for authorization for seven DPW employees to attend Paver & Roller Training offered by Wirtgen/Finke in Selkirk, New York from April 4-8, 2016 utilizing a County vehicle.

Mr. Tennyson apprised the request included the cost of an overnight stay for the employees even though the training was located only slightly more than an hour away. He noted there was no cost for the training itself, as the vendor was offering it for no charge.

Chairman Geraghty questioned whether the training was for paving crew members and Mr. Tennyson

replied affirmatively. Chairman Geraghty inquired of the seven employees attending the training, how many were new employees and how many had previously been trained; Mr. Tennyson replied that three of the employees were new and the other four employees had attended other trainings but not this specific one.

A discussion ensued following which a motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the request. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Page 19 - Request to fill vacant position of HEO #5, *Grade 8, Annual Base Salary of \$32,238*, due to retirement effective March 29, 2016.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the request and refer same to the Finance, Personnel & Higher Education Committee for reporting purposes. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

Page 20 - Request to fill vacant position of MEO Light #17, *Grade 5, Annual Base Salary of \$28,121*, due to retirement effective March 31, 2016.

Motion was made by Mr. Dickinson, seconded by Mr. Sokol and carried unanimously to approve the request and refer same to the Finance, Personnel & Higher Education Committee for reporting purposes. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Resuming the Agenda review with the Information for Discussion/Review section, Mr. Tennyson stated the household hazardous waste collection days had been scheduled for May 21st at the Warrensburg DPW shop and June 18th at the Town of Queensbury Highway Department location off of Haviland Road. He advised he included a portion of the Warren County Hazardous Waste Collection Days Operating Plan which was recently approved by NYSDEC (*New York State Department of Environmental Conservation*). He informed the next step was to submit a grant application to NYSDEC which would cover 50% of the costs of the waste collection. He said based upon the size of the community and the cost of similar operations in other municipalities the current estimate was \$30,000 of which they were anticipating the grant from NYSDEC would cover 50%. He mentioned they had submitted a few requests for information to NYSDEC concerning how the final cost would impact the grant and whether they would have to resubmit the grant if their final costs exceeded the \$30,000. He said he hoped to have an answer by the next Committee meeting so he could report on it. He informed they planned on submitting the grant application to NYSDEC later this week. He said NYSDEC indicated they could process the application in about two weeks. He apprised he anticipated bringing forth a resolution request to establish a capital project in the amount of \$30,000 as well as a request to fund the capital project next month. He mentioned a funding source would need to be identified to cover the County's cost of the Project which was estimated to be \$15,000. He added the Committee also needed to consider whether or not to charge user fees to the residents they collected waste from to cover the County's portion of the cost, or whether the County should cover the cost. He pointed out one of the difficulties that could occur if no fee was charged was out-of-County residents bringing in their waste to dispose of which would inflate the overall expenses; however, he noted, the disadvantage associated with charging a fee was individuals would continue to dispose of their hazardous waste improperly. He stated he was working with the Information Technology Department to set up pre-registration for either location online. He indicated they would be verifying residency through property bills and/or a utility bill.

Chairman Geraghty questioned whether residents would be turned away if they had not registered online, noting a number of individuals did not have access to a computer and Mr. Tennyson responded

that the Committee would need to make a determination on that.

A lengthy discussion ensued.

Concluding the DPW Agenda review, Mr. Tennyson noted that copies of the DPW Fuel Usage and Overtime Reports were included in the Agenda packet for the Committee's review.

Mr. Dickinson asked whether any savings were realized from the lack of snow this winter and Mr. Tennyson replied that their salt usage was 50% less than that of the same time last year.

Chairman Geraghty questioned whether the DPW had to pay for salt storage and Mr. Tennyson responded that like the towns, the DPW participated in the State contract. Chairman Geraghty stated he was wondering whether the DPW had run into issues where they had to pay for storage and Mr. Tennyson replied affirmatively but noted they had been able to manage it.

Mr. Thomas stated that an individual had come before the Board at their September 18, 2015 meeting to discuss utilizing private contractors to pave County roads rather than doing the work in-house and the savings the County would realize from it; he queried whether this option had ever been explored. He remarked he thought this was something that should be considered so they could refocus the DPW paving crew on other tasks.

Mr. Dickinson questioned whether a cost analysis had been done for this and Mr. Tennyson responded affirmatively. He explained the paving costs would increase about 23% according to the comparison he had done. He said his concern with this option revolved around scheduling of the work since there was a significant amount of advance work that was completed prior to paving.

Mr. Thomas apprised he thought they should look into reconstructing the roads, noting a number of roads that were paved a few years ago had already begun to deteriorate to the condition they were previously. Mr. Tennyson interjected that the cost of reconstructing a road was almost three times the cost of an overlay. He stated due to a lack of funding for a number of years many roads that should have been reconstructed were patched which was why some of them were in the condition they were. He informed he believed they had done the best they could with the resources they had available to them.

Mr. Conover advised as previously discussed he felt a bid specification should be put together to have contractors do work on driveways. He stated the issue was that when roadway work was completed it caused issues with driveways which in some cases was not addressed in a reasonable amount of time due to scheduling issues. He stated having a contractor in place for the driveway work would offer the DPW flexibility and improve the response time.

There being no further business to come before the Public Works Committee motion was made by Mr. Dickinson and seconded by Mr. Sokol, Mr. Simpson adjourned the meeting at 11:57 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board