

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: FEBRUARY 21, 2019

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON  
MERLINO  
FRASIER  
DICKINSON  
DIAMOND  
LOEB  
HYDE  
MAGOWAN  
WILD  
HOGAN  
GERAGHTY

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS  
RONALD CONOVER, CHAIRMAN OF THE BOARD  
RYAN MOORE, COUNTY ADMINISTRATOR  
AMANDA ALLEN, CLERK OF THE BOARD  
AMY LAVINE, FIRST ASSISTANT COUNTY ATTORNEY  
FRANK THOMAS, BUDGET OFFICER  
SUPERVISORS BEATY  
BRAYMER  
DRISCOLL  
MCDEVITT  
SOKOL  
STROUGH  
GINA MINTZER, EXECUTIVE DIRECTOR, LAKE GEORGE CHAMBER OF COMMERCE &  
CVB  
MIKE ZILM, REPRESENTING THE SOUTH WARREN SNOWMOBILE CLUB  
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT  
DON LEHMAN, *THE POST STAR*  
THOM RANDALL, *ADIRONDACK JOURNAL*  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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*Please note, the following contains a summarization of the February 21 , 2019 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/2019/works/>*

Mr. Simpson called the meeting of the Public Works Committee to order at 10:26 a.m.

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

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

Commencing the review of the Parks, Recreation & Railroad agenda, Kevin Hajos, *Superintendent of Public Works*, presented the following requests:

Page 1- Request to fill the vacant position of Up Yonda-Environmental Education Administrator, *Base Salary \$50,000*, due to retirement.

Motion was made by Mrs. Frasier, seconded by Mr. Wild and carried unanimously to approve the request and forward same to the 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 2- Request to amend the Table of Organization and Salary Schedule to decrease the salary of the Up Yonda-Environmental Education Administrator from \$58,338 to \$50,000, effective April 1, 2019.

Motion was made by Mrs. Frasier, seconded by Mr. Loeb and carried by majority vote, with Ms. Hogan abstaining, to approve the request and forward same to the Personnel & Higher Education Committee. *A copy of the resolution request form is on file with the minutes.*

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Page 3- Request to amend the Table of Organization and Salary Schedule to create the new position of Assistant Naturalist-Temp, *Annual Salary \$4,000*, effective March 18, 2019.

Mr. Hajos apprised this position had previously been included in the budget, but had been deleted. He said the position was needed in the spring and summer months and it was funded fully through the grant they recently received from The Glens Falls Foundation.

Motion was made by Mr. Magowan, seconded by Mr. Geraghty and carried unanimously to approve the request and forward same to the Personnel & Higher Education Committee. *A copy of the resolution request form is on file with the minutes.*

Concluding the Parks, Recreation & Railroad Agenda review, Mr. Hajos announced the annual Pancake Breakfast and Maple Festival was scheduled for Sunday, March 3<sup>rd</sup> and he encouraged anyone interested in attending to make a reservation. With regards to the request to hold a Committee meeting at the facility, Mr. Hajos stated he did not think this was an option due to the difficulty in recording the meeting, but he was looking into scheduling a tour of the facility for the Committee members sometime in the late spring or early summer.

With regard to the amount budgeted for the Railroad this year, Mr. Hajos apprised that he would be returning to Committee next month to request additional funds to pay the utility bills which were about \$1,500 a month. He explained they were providing power to the Riparius Station to keep the pipes from freezing, as well as to the crossings to ensure there was a trickle charge going to all of the batteries, otherwise they could run into significant expenses relating to replacing the batteries.

Ms. Hogan asked who was responsible for the section of road with railroad crossings and Mr. Hajos responded that would depend on where the crossings was located. He said in regards to plowing and maintenance at the crossings, the County had assumed this responsibility when the previous operator ceased doing business with them. As for the roads themselves, he advised the responsibility fell on the County or towns depending on whose road it was, but the County was the one who was solely responsible for the crossings.

Ms. Hyde entered the meeting at 10:33 a.m.

Mr. Magowan inquired whether any of the money that was owed to the County had been collected from the previous operator. Ryan Moore, *County Administrator*, responded as requested by the Committee, the County was in the process of attempting to recover some of the lost revenue due to the contract being breached. Mr. Magowan asked whether there was an update regarding the RFP (*Request for Proposal*) process regarding the railroad and Mr. Moore responded that he was hoping to have an invitation to bid prepared shortly, but he was waiting to hear back from the Town of Corinth as to whether they would still like to partner with the County in the event that there was an operating contract. He mentioned if both the Town and County were to go through with a sale, it would be more appropriate for these to be handled separately, but an operating contract with three parties could be handled together just as they had been done before. He apprised he was hoping to receive feedback from the Town of Corinth on this matter before the end of the week.

Ms. Braymer requested an update regarding whether any action had been taken by the STB (*Surface Transportation Board*) on the abandonment process. Mr. Simpson informed the NYS DEC (*New York State Department of Environmental Conservation*) had postponed their application to the STB for abandonment proceedings for an additional sixty days, but this would be ending on March 27<sup>th</sup>. Mr. Moore stated it was his understanding that this deadline had been pushed forward a few times to allow for negotiations to continue with a freight company to purchase the Sanford Lake line and in the event that occurred it was his understanding an agreement would be in place with the NYS DEC to prevent

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the storage of rail cars on the line.

Mr. Dickinson entered the meeting at 10:36 a.m.

Mr. Hajos reported on the email Mr. Simpson received from Gina Mintzer, *Executive Director, Lake George Chamber of Commerce & CVB*, regarding the Bike Trail being open to snowmobilers from Magic Forest to Lake George. He apprised that he and Tim Benway, *Director, Parks, Recreation & Railroad*, monitored the snow conditions in this area of the Bike Trail to ensure there was a sufficient amount of snow to prevent damage to the Trail or they closed the gates to prevent snowmobile use there. He said Ms. Mintzer had indicated in her email three couples who were visiting the area last week had been unable to get to the lake on their snowmobiles because this portion of the Bike Trail was closed. He stated due to the additional snow that occurred and the warmer temperatures last week they had worked with the snowmobile club to get the Trails groomed and open for use on the weekend. He reminded them the Bike Trail was closed off to snowmobiles when there was an insufficient amount of snow due to the significant damage caused by them on the Trail. He mentioned in 2013 the County had paid \$30,000 to put down a slurry seal from Magic Forest down to the lake and the following year the snowmobile clubs invested \$11,000 to repair that portion of the Trail. He added over the past six years the County had paid an average of anywhere between \$3,000 - \$6,000 for repairs there, none of which was charged back to the snowmobile clubs. He advised he did not believe the other option Ms. Mintzer mentioned in her email to ensure the Trails could remain open was feasible, as placing special concrete on this portion of the Trail had a significant cost associated with it. He said one possibility to consider was requiring the snowmobile clubs to pay for any damage they caused there.

Mr. Dickinson stated the Town of Lake George was working on a plan to get the snowmobiles off of the trails. He stated he was a member of the County Board when the bike trail was first created and included the stipulation that no motorized vehicles were allowed on the trail, but this rule had since been changed and he questioned how they could go back on their commitment to the public and allow this change to occur. He informed the Town was looking into a project that included constructing sidewalks, one of which would be set aside for use as a snowmobile trail in the winter that would travel from Beach Road to State Route 9 and one of the two sidewalks located at the entrance of the project would be dedicated as a snowmobile trail. He mentioned the missing portion was traveling from Luzerne Road to the Wild West Resort, but they were hoping to address this in the future, as there was a good possibility a trail could be created along the side of the road. He stated although the snowmobile clubs were good about repairing any damage they caused, the repairs were not up to the same physical condition as the other sections of the Bike Trail, causing dangerous conditions for bicyclists when the Trail was wet.

A discussion ensued.

Moving along to the review of the Public Works Agenda, Mr. Hajos presented the following requests:  
Page 2- Request to amend the County Budget in the amount of \$509.15 to reflect of insurance recovery payment for repair of vehicle.

Mr. Hajos stated he was working with the County Attorney's Office to obtain the remaining balance of \$2,500 because the estimate for the damages they received was around \$3,000. Mr. Moore asked whether Mr. Hajos could provide an estimate as to when the remaining funds would be received and Mr. Hajos responded he had hoped to have them by today, but the County Attorney's Office was working on the matter. Mr. Moore suggested the Committee approve the request as presented, with the understanding that the amount could increase when presented to the Finance Committee if the County Attorneys Office was successful and the Committee agreed.

Motion was made by Mr. Magowan, seconded by Mr. Loeb and carried unanimously to approve the request and forward same to the Finance Committee. *A copy of the resolution request form is on file*

*with the minutes.*

- Page 4- Request to authorize a new contract with the lowest responsible bidder for Cold in Place recycling (Hammermill Method) pursuant to the terms and provisions of the specifications (WC 15-19) and proposal for a term commencing upon execution by both parties and terminating December 31, 2019.
- Page 5- Request to authorize a new contract with the lowest responsible bidder for Cold Milling of Pavement for Highway Rehabilitation pursuant to the terms and provisions of the specifications (WC 11-19) and proposal for a term commencing upon execution by both parties and terminating December 31, 2019, with the option for two possible one year extensions.
- Page 6- Request to authorize a new contract with the lowest responsible bidder for Spray Applied Waterproofing Membrane Service pursuant to the terms and provisions of the specifications (WC 19-19) and proposal for a term commencing upon execution by both parties and terminating December 31, 2019, with the option for two possible one year extensions.

Motion was made by Mr. Dickinson, seconded by Mr. Magowan and carried unanimously to approve all three of the requests outlined above and the necessary resolutions were authorized for the March 15<sup>th</sup> Board Meeting. *Copies of the resolution request forms are on file with the minutes.*

With regard to the Information for Discussion/Review section of the agenda, Mr. Hajos stated that as mentioned by Chairman Conover at the February 15<sup>th</sup> Board meeting, he had attended the County Highway Superintendents Association meeting during which Advocacy Day was discussed which consisted on traveling to Albany to request additional funding. He mentioned the goal was to have the Highway Superintendents from every town in the County attend, but over the last few years the attendance had been dismal, with very few attending. He remarked he believed the lack of attendance provided the State Legislators with the incorrect message that the amount of funding allocated to the towns was sufficient. He pointed out in contrast, Washington County attended the event with a bus full of their County and Town Highway and Deputy Superintendents to request funding for the roads. He added he had recently learned the Governor had removed Extreme Winter Recovery funding from the proposed State Budget. He requested that the town Highway Superintendents who were not registered for the event to call his office so that his staff could register them, as well as provide them with transportation to Advocacy Day. Ms. Hogan asked when the event was scheduled for and Mr. Hajos responded the event was scheduled for March 5-6, 2019, but Advocacy Day was only on March 6<sup>th</sup>.

Mr. Simpson offered privilege of the floor to Ms. Mintzer who had just entered the meeting. Ms. Mintzer distributed a copy of her talking points to the Committee members which she reviewed in detail; *a copy of which is on file with the meeting minutes.*

A discussion ensued regarding possible solutions to prevent damage from occurring to the Bike Trail from the snowmobiles, during which Mike Zilm, *representing South Warren Snowmobile Club*, spoke on the matter.

Proceeding to the review of the Solid Waste Agenda, Mr. Hajos presented a request to authorize a new contract with the lowest responsible bidder for municipal paper recycling services pursuant to the terms and provisions of the specifications (WC 17-19) and proposal for a term commencing upon execution by both parties and terminating December 31, 2019, with the option for one possible one year extension.

Mr. Hajos explained the lowest responsible bidder did not have the proper insurance in place when the bids for these services came in last December; therefore, he said, upon the advice of the Purchasing Agent and County Attorney the services were put out to bid again. He stated since the bids were not due until next Wednesday the request was to award the contract to the lowest responsible bidder.

Mr. Hajos advised another issue was that some of the towns containers may be at capacity from collecting cardboard, magazines and paper; however, he noted, they did not have contracts in place to transport these containers and dispose of the material in them until the contract before them was approved by the full Board. He mentioned a possible solution to this was to have the towns enter into a short-term contract with Perkins Recycling Corp. until this contract was in place following the March 15<sup>th</sup> Board meeting and he would supply some extra containers to the areas that took in a substantial amount of cardboard and paper products.

Mr. Wild requested that there be some type of audit or paper trail to ensure that these products were in fact being recycled and not just burned at the trash plant. Mr. Hajos stated that if Perkins Recycling Corp. had been able to have the proper insurance in place the product would have been transported to their recycling facility on Corinth Road in the Town of Queensbury.

Mr. Loeb inquired whether the lowest responsible bidder would still be paying the County a small fee for these products and Mr. Hajos replied in the negative. He explained the previous bid had included a small payment for these products, but since this figure did not factor in the cost of the insurance he believed the towns would now have to pay a fee to the contractor for recycling these products.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the March 15<sup>th</sup> Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Ms. Braymer requested an update regarding the County's Solid Waste Management Plan be placed on the agenda for a future meeting. Mr. Hajos stated the Plan was developed around 2009 by the DPW and submitted to the NYS DEC in 2011 for which they came back with comments on in 2012, but no action was taken by the DPW on them. He informed his engineering staff was working on a plan and had met with representatives of the NYS DEC, who determined the plan should be submitted to them by Spring/Summer of 2019. Ms. Braymer requested to review the plan before it was submitted to the NYS DEC.

Prior to adjourning, Mr. Simpson offered privilege of the floor to Mr. Moore to provide an update on the invitation to bid on the RFP concerning the County Railroad. Mr. Moore informed there would be one RFP that encompassed an invitation to bid in order to narrow it down to the companies who were not only qualified to operate the railroad, but also could afford to do so. He apprised an option to bid as an operator, a purchaser or both would be included in this invitation and the Town of Corinth could join the County on the operating agreement, but would like to be separate from the purchase. With regards to the operator portion, Mr. Moore advised the County was requesting the respondents to provide a summary of a business plan for freight because past experience had demonstrated it was not economically viable without a freight plan in place. He added the respondents were also required to provide their thoughts on economic development, tourists trains, etc. meaning uses of the line that would benefit the towns and County economy. He informed there was also a request for the respondents to speak to their approach to alternative uses for the trail such as hiking near the trail, rail bikes, snowmobiles, etc. He advised all of this pertained to the purchase portion, as well and some additional financial pieces which were intended to provide the County with more leverage in the negotiations to allow some of the Board members concerns to be entered into that discussion. He informed of the minimum deposit required with a bid to purchase the line which he estimated to be around the \$50,000 range, but the County would not cash the check unless they were serious about

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negotiating with the bidder. He mentioned in the event that the County wanted to negotiate with a bidder to purchase the line a ten percent earnest money deposit would be required which would be non-refundable meaning the County would retain 10% of what the bidders overall price was, adding a minimum bid would be set that would be in the range of seven figures. He noted that by holding the 10%, this provided the County with some leverage in the negotiations because the bidder would not want to forfeit their money. He advised the RFP would dictate that there would be deed restrictions relating to issues such as rail car storage in the event that the property was sold, as well as the considerations for recreational use and reversion meaning if for any reason the company was seeking to sell the rail road the State and County would have right of first refusal in the interest of keeping that Corridor together for future used including a trail system. He informed at some point in the future a trail would more than likely be the future of this Corridor because it would no longer be economically viable way to operate a railroad once the freight operations ceased. He added the State also had right of first refusal on the sale, including a sale that was executed by the County to ensure that the Corridor remained intact, as they did not want anyone to purchase it for the purpose of obtaining the scrap value of the tracks and then abandon it.

Mr. Wild pointed out during the process when the County attempted to sell a property located in southern Warren County they had learned a declaration from the Board was required stating that the property was no longer of public value was required, as well as an assessment and he questioned whether there was an assessment pertaining to the value of the railroad and were they prepared to move forward with the aforementioned declaration. Mr. Moore responded that it was not the intention to imply there was no public value, but rather that there was no value in retaining it as a government property, meaning the government did not want to be in the railroad business; he said this was the same type of declaration the Board would have made when they sold the former Westmount Health Facility. He added this was required as part of State law and would be part of any sale process that the Board would contemplate.

A discussion ensued.

Mr. Simpson offered privilege of the floor to anyone present wishing to address the Committee on any matter, but there was no one wishing to speak.

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson and seconded by Mrs. Frasier, Mr. Simpson adjourned the meeting at 11:18 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board