

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: NOVEMBER 18, 2019

COMMITTEE MEMBERS PRESENT:

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

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
TIM BENWAY, DIRECTOR, PARKS, RECREATION & RAILROAD
RONALD CONOVER, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
BRAYMER
DRISCOLL
MCDEVITT
SOKOL
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
JULIE BUTLER, PURCHASING AGENT
KURT AUSTIN, WARREN COUNTY RESIDENT
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the November 18, 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 10:02 a.m.

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

Motion was made by Mr. Wild, seconded by Mrs. Frasier 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 request:

Page 1 - For an agreement with the Town of Lake Luzerne for 2019-20 snowmobile trail maintenance and equipment support in an amount not to exceed \$27,000 for the term commencing January 1, 2020 and terminating December 31, 2020.

Mr. Hajos advised the Towns of Thurman, Hague and Horicon had opted to have the County take over trail maintenance and equipment rather than handling it themselves. Ms. Hogan asked whether this would cause the amount paid to the Town of Lake Luzerne to change and Mr. Hajos replied in the negative.

Motion was made by Mr. Magowan, seconded by Mr. Merlino and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the December 20th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Privilege of the floor was extended to Tim Benway, *Director, Parks, Recreation & Railroad*, who proceeded to present the following request:

Page 2 - To authorize an inter-municipal agreement with the Town of Bolton to accept funding in the amount of \$20,000 in support of Up Yonda Environmental Education Center for budget year 2020.

Mr. Hajos apprised going forward they would be handling this as an automatic renewal to prevent them from having to bring the matter back to Committee each year. Ms. Hogan inquired how many individuals visited Up Yonda Environmental Education Center on an annual basis and Mr. Benway estimated there were about 18,000 visitors each year.

A discussion ensued during which Chairman Conover clarified that this was an annual contribution provided by the Town of Bolton to Up Yonda Environmental Education Center and not gift from a trust.

Motion was made by Mr. Magowan, seconded by Mrs. Frasier and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the December 20th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 4 - To fill the vacant position of Hatchery Aide, *Grade 6, Base Annual Salary \$31,824*, due to retirement.

Motion was made by Mr. Wild, seconded by Mr. Loeb and carried unanimously to approve the request as outlined above 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.*

Mr. Benway circulated photographs of the damage to the County Railroad as a result of the recent storm. He apprised there was significant damage in the northern portion by North Creek and they were currently working on determining what was required to restore the tracks, as well as the cost associated with it. Mr. Hajos added that FEMA (*Federal Emergency Management Agency*) had indicated they would cover the cost to repair the damage which included the cost of materials that he estimated to be \$150,000 and upwards of \$500,000 to pay a contractor to repair the track located in these washout areas.

Mr. Magowan questioned what would occur if they did not move forward with making these repairs since they were unsure of the future of the County Railroad, as this was a substantial amount of money to spend when the County was considering abandoning the line. Mr. Hajos replied that the County would pay for the repairs to be made up front and then FEMA would provide reimbursement. Mr. Magowan stated he was wondering if they could hold off on making the repairs until the future of the County Railroad was determined.

Ryan Moore, *County Administrator*, advised abandonment was only applicable to freight operations and did not mean the County was going to walk away from the tracks and never use them again. He stated if the County Railroad was abandoned it could be converted into a trail or it could still be used for rail bikes if they were to run southbound instead of north; he added it was currently unsafe for anything to pass over those tracks. He said since it was a County asset they felt the storm damage, which was a safety issue, should be addressed. He added if the washouts were not repaired the conditions would continue to deteriorate.

A discussion ensued.

Mr. Simpson acknowledged the railroad negotiating team for their efforts to negotiate a deal with the sole company that responded to the County's RFP (*Request for Proposal*); however, he noted, the company had recently withdrew from the negotiations. He said although the respondent backed out, he felt the negotiating team should be recognized for the time and effort they put into attempting to work out the best deal for the County.

Ms. Hogan inquired whether now would be the time to consider doing a feasibility study on the railroad corridor, as she did not believe they were any further in the decision making process as to the future of the County Railroad then they were last year. Mr. Moore advised the abandonment proceeding was still on-going with the Sanford Lake Railroad and the State was now working through the State Attorney General's Office with SNCR (*Saratoga & North Creek Railway*) on a trail use permit for that portion of the line with the intention being that the abandonment would be staved off and the corridor would be preserved and whomever the trail sponsor was going to be would work with the corridor owner which would be SNCR on that trail use. He stated his understanding on the effort to run freight on the Sanford Lake line was that it was not likely to occur; therefore, he said, he felt, it was highly probable that the trail use would occur on that line. He continued, if there was no freight being transported out of the mine in Tahawus there would be no freight usage for the County-owned Railroad resulting in the County needing to determine whether it should move forward with an abandonment proceeding on the County Railroad which would free up County staff from having to maintain it as a railroad capable of running freight. He informed this would save the County some money, while also allowing them to move forward with a passenger rail, as abandonment only concerned freight operations which meant a passenger railroad could still operate on the line or it could be converted into a trail or a snowmobile corridor. He apprised moving forward with the abandonment proceeding for the County's forty miles of railroad would remove the FRA (*Federal Railroad Administration*) from the decision making process and allow the County to determine what they would like to do with that Corridor going forward. In terms of the feasibility study, Mr. Moore stated he felt this was being done for the County by virtue of the abandonment proceeding on the Sanford Lake line which he believed would move forward.

Mr. Geraghty stated if it was their intent to move forward with the abandonment proceeding on the Warren County Railroad then he felt they should meet with representatives from Essex and Hamilton Counties to ensure they were aware of the County's intentions and to solicit feedback from them.

A lengthy discussion ensued following which a motion was made by Mr. Wild, seconded by Mr. Diamond and carried by majority vote, with Messrs. Geraghty and Merlino voting in opposition, to authorize the commencement of the abandonment proceeding with the Surface Transportation Board on the Warren County Railroad and the necessary resolution was authorized for the December 20th Board meeting.

Mr. Geraghty apprised the reason he voted in opposition was because he believed they should meet with Essex and Hamilton Counties to discuss the abandonment prior to taking any action. Mr. Merlino stated he concurred with Mr. Geraghty and he added that the Town of Corinth should also be involved in the discussion since the abandonment impacted them, as well. Mr. Loeb apprised although the majority of the Committee had voted in favor of proceeding with the abandonment procedure, he felt it was necessary to notify the other municipalities that were impacted by this decision. Mr. Moore advised he would contact the appropriate individuals at the Town of Corinth and Hamilton and Essex Counties that day.

Mr. Magowan asked if they needed the State to sign off on the abandonment and Mr. Simpson replied the STB was the entity that would oversee the abandonment proceeding which would take a significant amount of time to go through. Mr. Magowan inquired whether the STB was working on the abandonment proceeding for the Sanford Lake line and Mr. Simpson replied affirmatively. Mr. Simpson pointed out presently there was no abandonment proceeding before the STB for Warren County and since the County did not have a Board meeting until December 20th there was time to notify all parties impacted and react, as well as the work the County Attorney had to do to prepare for this proceeding. Mr. Moore added any work on the abandonment proceeding would be advanced until the action was approved by resolution at the December 20th Board meeting. He said he hoped they would have time before then to meet with the Town of Corinth and Essex and Hamilton Counties, as well as the State to discuss the matter.

Mr. Wild questioned whether it would be appropriate to make a motion to authorize Mr. Hajos to apply for any grants that may be applicable to the planning stage rather than Mr. Hajos having to come back to Committee if he found a grant intended for this purpose. Mr. Hajos apprised he was agreeable to that, but he would like the opportunity to research what was available. As an example, he stated there were the Rails to Trails in New York or the Transportation Alternative Programs, but he was unsure if any funding remained in either of them.

A discussion ensued following which a motion was made by Mr Wild, seconded by Mr. Magowan and carried by majority vote, with Mr. Geraghty voting in opposition, to authorize Mr. Hajos and his staff to apply for grants that may be approved for the purpose of the County evaluating the long-term plan for the Warren County Railroad and return to Committee for approval to accept any funding.

Mr. Hajos stated he would like to discuss an item that was not included on the agenda concerning the Thurman Station Caboose that was owned by the County. Mr. Benway apprised the caboose was purchased by the County several years ago when it was located at the Riparius Station and it contained an ice cream stand and soda machine which were fully operational. He advised it was subsequently moved to the Thurman Station and SNCR installed septic and power in it and repainted it, but it was never used. Ms. Hyde informed she had received several emails from an individual named Ben Reynolds indicating his interest in purchasing the caboose.

Julie Butler, *Purchasing Agent*, apprised that several years ago an RFP was released in an attempt to sell the Thurman Station Caboose; therefore, she stated, the same process would be required again. She said if Ms. Hyde provided her with Mr. Reynold's contact information she would explain the process to him directly. Ms. Hyde pointed out the caboose had been sitting unused at the Thurman Station for several years. Mr. Geraghty advised it was necessary to declare the caboose surplus property before they could move forward with the RFP process to sell it.

A discussion ensued following which a motion was made by Mr. Geraghty, seconded by Mr. Diamond and carried unanimously to declare the Thurman Caboose as County surplus property and the necessary resolution was authorized for the December 20th Board meeting.

Concluding the agenda review, Mr. Benway referred to a flyer advertising "Make a Holiday Wreath" which was occurring on several different occasions at Up Yonda Environmental Education Center. He stated the cost was \$20 per wreath or \$15 for members.

Mr. Simpson offered privilege of the floor to anyone present wishing to address the Committee on any matter.

Kurt Austin, *Warren County Resident*, voiced his support of the abandonment proceeding, as he had been working for ten years to turn a portion of the railroad corridor into a bike trail. He stated he had been part of a small group that looked into the salvage value of the railroad the information he received from the salvage companies he talked with was that they would charge for the ties if they were no good, but they would pay a significant amount for any that were in decent condition. He apprised the net salvage value for the tracks provided to him was around \$2 million. He said once the tracks and ties were all removed and the property was leveled out it would become a trail in good enough condition to walk, snowmobile and mountain bike on. He stated this meant the County could receive \$2 million in revenue while spending some money to ensure the trail was safe to use. In regard to abandonment, Mr. Austin pointed out it was a permissive thing that meant the County did not have to move forward with it if they did not want to. He advised he believed if the railroad property from Saratoga to Tahawus was converted into a trail it would be one of the top rated bike trails in the State.

Prior to commencing the DPW Agenda review, Mr. Hajos apprised he had two requests that were

inadvertently included on the County Facilities Agenda that needed to be addressed by the Public Works Committee, the first of which pertained to a request to authorize a new contract with lowest responsible bidder for electronics recycling services pursuant to the terms and provisions of the specifications (WC 76-19) and proposal for a term commencing January 1, 2020 and terminating December 31, 2020 with the option to extend for up to two additional one year terms. He said the bids came in last week, but it had not been awarded yet because Ms. Butler had a few questions for the proposed low bidder. In regards to the municipal paper recycling bid, he said since the bids were due this Thursday he was requesting to authorize an agreement with the most responsible bidder for municipal paper recycling services pursuant to the terms and provisions of the specifications (WC 78-19) and proposal for a term commencing January 1, 2020 and terminating December 31, 2020 with the option to extend for up to one additional one year term.

A discussion ensued, following which a motion was made by Mr. Merlino and seconded by Mr. Magowan to approve contract for electronic recycling as outlined above.

Ms. Hogan asked whether the towns could charge a fee to their constituents for disposing of their electronics and Ms. Butler replied the towns could charge a fee, but it could not count toward the manufacturers goal for recycling. She added none of the bidders were proposing a rebate which meant charging a fee had no impact. Ms. Hogan inquired whether this meant the towns could charge a fee and Mr. Hajos replied affirmatively.

Mr. Simpson called the question and the motion to approve the contract for electronic recycling as outlined above was carried unanimously and the necessary resolution was authorized for the December 20th Board meeting. *A copy resolution request form is on file with the minutes.*

Ms. Braymer asked what was happening to the electronics and paper once they were picked up by the vendors and Ms. Butler responded that the electronics were taken apart and recycled based upon what the component parts were, such as plastics, etc. and any hazardous materials were disposed of properly. She said the paper recycling was being bailed up and sold on the open market.

Mr. Simpson called for a motion to approve the agreement with the most responsible bidder for municipal paper recycling services pursuant to the terms and provisions of the specifications (WC 78-19) and proposal for a term commencing January 1, 2020 and terminating December 31, 2020 with the option to extend for up to one additional one year term. The necessary motion was made by Mr. Magowan, seconded by Mrs. Frasier and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the December 20th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Proceeding to the review of the DPW Agenda, Mr. Hajos presented the following:

Pages 3A-B- Request for transfers of funds amongst various County Road Projects totaling \$22,476.63

Motion was made by Mr. Dickinson, seconded by Mr. Magowan 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 for a transfer of funds between various Budget Codes totaling \$10,043.94.

Motion was made by Mr. Dickinson, seconded by Mr. Wild 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 5 - Request for a new contract with Hour Electric Co. Inc. for on-call electrical repair, installation and upgrade services for Warren County pursuant to the terms and provisions of the specifications (WC 65-19) and proposal for a term commencing upon execution by both parties and terminating December 31, 2020 with the

option to extend for up to two additional one year terms.

Motion was made by Mr. Geraghty, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the December 20th Board meeting. *A copy of the resolution request form is on file with the meeting minutes.*

- Page 7 - Request to authorize submission of a grant application to the NYSDOT (*New York State Department of Transportation*) for funding in an amount not to exceed \$404,916 for Capital Project H393, *Johnsburg Bridge (Glen Creek Road & Dippikill Road Over Glen Creek) Replacements*.
- Page 12 - Request to increase Capital Project H393, *Johnsburg Bridge (Glen Creek Road & Dippikill Road Over Glen Creek) Replacements*, in the amount of \$383,873.
- Page 13 - Request to authorize a new contract with Creighton Manning Engineering for preliminary design for Capital Project H393, *Johnsburg Bridge (Glen Creek Road & Dippikill Road Over Glen Creek) Replacements*, in an amount not to exceed \$404,916 for a term commencing upon execution by both parties and terminating upon completion of the work.
- Page 16 - Request to authorize submission of a grant application to the NYSDOT for funding in an amount not to exceed \$336,527 for Capital Project H394, *Olmstedville Road (CR 19) Reconstruction*.
- Page 22 - Request to increase Capital Project H394, *Olmstedville Road (CR 19) Reconstruction*, in the amount of \$320,527.
- Page 23 - Request to authorize a new contract with McFarland Johnson for preliminary design and right-of-way incidentals for Capital Project H394, *Olmstedville Road (CR 19) Reconstruction*, in an amount not to exceed \$336,527 for a term commencing upon execution by both parties and terminating upon completion of the work.
- Page 26 - Request to authorize submission of a grant application to the NYSDOT for funding in an amount not to exceed \$145,500 for Capital Project H395, *Oxbow Hill & Moon Hill Road (CR 63) Reconstruction*.
- Page 31 - Request to increase Capital Project H395, *Oxbow Hill & Moon Hill Road (CR 63) Reconstruction*, in the amount of \$138,850.
- Page 32 - Request to authorize a new contract with MJ Engineering & Land Surveying, P.C. for preliminary design for Capital Project H395, *Oxbow Hill & Moon Hill Road (CR 63) Reconstruction*, in an amount not to exceed \$145,500 for a term commencing upon execution by both parties and terminating upon completion of the work.
- Page 36 - Request to authorize submission of a grant application to the NYSDOT for funding in an amount not to exceed \$149,920 for Capital Project H396, *East River Drive (CR 16) & Call Street (CR 32) Rehabilitation*.
- Page 41 - Request to increase Capital Project H396, *East River Drive (CR16) & Call Street (CR 32) Rehabilitation*, in the amount of \$141,770.
- Page 42 - Request to authorize a new contract with Greenman, Pedersen, Inc. for preliminary design for Capital Project H396, *East River Drive (CR 16) & Call Street (CR 32) Rehabilitation*, in an amount not to exceed \$145,500 for a term commencing upon execution by both parties and terminating upon completion of the work.

Motion was made by Mr. Geraghty, seconded by Mr. Loeb and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the December 20th Board meeting for the items listed on Pages 7, 13, 17, 23, 26, 32, 36, and 42 and the items listed on Pages 12, 22, 31 and 41 were referred to the Finance Committee. *Copies of the resolution request forms are on file with the meeting minutes.*

Page 48 - Request to amend the County Budget in the amount of \$1,451 to appropriate local match funds for various capital projects.

Motion was made by Mr. Geraghty, seconded by Ms. Hogan 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 49 - Request to authorize an intermunicipal agreement with the Town of Warrensburg for Out-of-District Sanitary Sewer Service.

Mr. Hajos apprised this request pertained to the operation and maintenance of the new County sewer. Ms. Kissane stated it was necessary to ratify the actions of the Chairman of the Board to sign the intermunicipal agreement. Ms. Hogan asked if Cornell Cooperative Extension was part of the agreement and Mr. Hajos replied affirmatively.

Motion was made by Mr. Wild, seconded by Mr. Merlino and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the December 20th Board meeting. *A copy of the resolution request form is on file with the meeting minutes.*

In regard to the Information for Discussion/Review portion of the Agenda, Mr. Hajos advised the County would be receiving funding from FEMA for the repairs they did as a result of the storm that occurred on Halloween. He stated the Treasurer's Office had advised him this morning that Capital Project H398, *2019 Storm Damage*, needed to be established for this purpose. He said he believed based on his discussion with the Treasurer's Office that the Capital Project would be funded with serial bonds.

A motion was made by Mr. Wild, seconded by Mr. Magowan and carried unanimously to establish Capital Project H398, *2019 Storm Damage*, as outlined above and refer same to the Finance Committee.

Next, Mr. Hajos advised the BUILD grant they had applied to for Main Street in the Town of Johnsbury which went from County Route 28 down to County Route 28N and could have involved streetscape, possibly water, new sidewalks, new road, etc. was denied, as no one in the State was awarded funding from this grant. He stated the Road Project the County had originally planned for Main Street in the Town of Johnsbury that was postponed in case the BUILD grant application was successful would be taken care of next year.

Mr. Hajos stated the County DPW had worked with the Town of Queensbury and the Warren County Soil and Water Conservation District on a piping project for the Pine View Cemetery in the Town of Queensbury and he distributed a photograph of the project; *a copy of the photo is file with the minutes.*

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson and seconded by Mr. Loeb, Mr. Simpson adjourned the meeting at 10:56 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board