

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: FEBRUARY 27, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON
MERLINO
FRASIER
DICKINSON
DIAMOND
LOEB
MAGOWAN
WILD

OTHERS PRESENT:

KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS
TIM BENWAY, DIRECTOR, PARKS, RECREATION & RAILROAD
REPRESENTING SARATOGA & NORTH CREEK RAILWAY:

JUSTIN GONYO, GENERAL SUPERINTENDENT
RONALD CONOVER, CHAIRMAN OF THE BOARD
KEVIN GERAGHTY, ACTING COUNTY ADMINISTRATOR
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER

COMMITTEE MEMBER ABSENT:

SUPERVISOR HYDE

SUPERVISORS BEATY
BRAYMER
DRISCOLL
HOGAN
LEGGETT
SOKOL

JULIE BUTLER, PURCHASING AGENT
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, *THE POST STAR*
LESLIE LOVELACE, SECRETARY TO THE CLERK OF THE BOARD

Please note, the following contains a summarization of the February 27, 2018 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/2018/works/>

Mr. Simpson called the meeting of the Public Works Committee to order at 11:44 a.m.

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

Motion was made by Mrs. Frasier, 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, 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 apprised last week there was still water over the rail just south of Thurman; however, he noted, as of yesterday the river had receded and the water was no longer flooding the tracks. He said this meant they would be able to get the section of the rail between the Saratoga and North Creek Stations open again. He stated in 2015 SNCR was part of a movie production entitled "Off the Rails" wherein some of the scenes were filmed at Saratoga Station that included one of SNCR's trains. He said the movie was made for the Lifetime Network and was currently being aired on television. He added he was the Conductor of the SNCR Train featured in the movie.

In regards to freight, Mr. Gonyo stated that he had been working with Barton Mines over the past month on a special move from the Barton Mines North River site to Atlantic River, Virginia. He said Barton Mines had accepted Canadian Pacific Railways rates and the loads were moving ahead; he noted this would be the first long-term freight contract for the rail line, with the movements commencing in the next couple of weeks and terminating August of 2019. He pointed out this was the freight contract they had been waiting for.

Mr. Gonyo stated they had commenced the booking of group sales for 2018 and individual tickets would be going up for sale within the next few weeks. He advised another significant development pertained to the former mine at Tahawus, which was recently purchased by Paul Mitchell Logging, a private entity located in Tupper Lake, New York. He said Paul Mitchell had been working a stone operation out of the mines for the last fifteen years that hauled out up to 30,000 tons of stone each year for NYSDOT (*New York State Department of Transportation*) contracts and small aggregate production. He informed the mine was purchased to allow the stone operation to grow; he noted the new owners were looking into the possibility of shipping the stone out via rail, as the fact that there was an active rail line in place as a means to move large quantities was one of their motivators for the purchase. He added the owners were also considering moving some in-bound shipments, but it was too early to discuss in detail. He stated the issue with the former owner of the mine was that they did not market the stone, as the only marketing for this purpose was done by the railroad. He continued, he viewed it as a positive that the new owner would also be marketing the stone. He added this would also decrease the dollar per ton to possibly where they needed it to be to get the stone moving. He commented all of this coming together would assist them with moving forward and developing freight out of that site, which, he noted, they had been trying to do since 2011.

Mr. Wild asked whether the in-bound traffic would cause any issues for the County and Mr. Gonyo replied in the negative. Mr. Geraghty asked when the County could expect receipt of the past due payments from SNCR now that they had a new freight contract and Mr. Gonyo responded he was unsure. He said he was aware that Ed Ellis, *President, Iowa Pacific Holdings*, had contacted Mr. Simpson, but he was unsure of what the conversation consisted of. He said Mr. Ellis was the person who could answer questions regarding this particular matter. Mr. Geraghty requested that Mr. Gonyo relay the message to Mr. Ellis, as it was a significant concern to him. Mr. Geraghty questioned when the Barton Mines freight runs would commence and how many loads per week there would be and Mr. Gonyo replied they would be commencing in the next few weeks, but upon the request of Barton Mines no specifics regarding the commodities could be released. Mr. Geraghty commented that he wanted to be up front about the fact that as long as SNCR owed the County an outstanding balance it made it difficult for him to get too enthused about this even though he had been the one encouraging them to go after freight operations. Mr. Simpson added he had spoken to Mr. Ellis yesterday during which he relayed the sentiment of the Board was that SNCR needed to take care of their past due balance.

Mr. Wild asked Mr. Gonyo if it would be reasonable for him to request that Mr. Ellis attend next months Committee meeting to discuss the matter further with them and Mr. Gonyo replied he would convey the message to him, but he was unsure of his availability. Mr. Wild said if Mr. Ellis was unable to attend in person, he would like for him to at least provide an update on the matter, noting he did not feel this was an unreasonable request. Chairman Conover stated it appeared to him that if there was additional consideration of this being unofficially requested relative to the existing operating contract, then the Committee should be thinking about what additional considerations the County may want under the existing arrangement.

A discussion ensued during which Mary Elizabeth Kissane, *Count Attorney*, advised that thirty-one days ago a letter was sent to the General Counsel for the Railroad informing them of the breaches in the contract they were asked to cure. She continued, according to the contract the thirty days SNCR had to cure the breaches expired yesterday. Mr. Wild asked whether they responded to this correspondence and Ms. Kissane advised they responded indicating they would do anything they could to cure i.e. fix the breaches. She said they had until yesterday to fix these breaches, noting she did not believe they were fixed, but she would have to confirm this with the Treasurer's Office. Mr. Wild inquired whether the next step would be something similar to a foreclosure and Ms. Kissane responded since the contract was breached the Committee had the option to determine what they would like to do such as terminating the contract. Ms. Hogan asked if she was correct to state as of yesterday the contract was breached and Ms. Kissane replied in the affirmative, unless the County Treasurer's Office received

payment or reports yesterday.

A discussion ensued.

Kevin Hajos, *Deputy Superintendent of Public Works*, stated the incident that occurred on the railroad wherein an engine went off the rail had since been taken care of, but now there was an issue with the rail there that he had sent Mr. Gonyo an email on last week and would like a response on. Mr. Gonyo advised the issue was being fixed today.

Mr. Simpson apprised an executive session was necessary to discuss the contractual performance of a particular corporation.

Motion was made by Mr. Loeb, seconded by Mr. Wild and carried unanimously to enter into an executive session pursuant to Section 105(f) of the Public Officers Law.

Executive session was held from 11:58 a.m. until 12:39 p.m.; Mike Swan, *County Treasurer*, entered and exited the meeting during the executive session and Mr. Dickinson exited the meeting during the executive session.

Mr. Simpson announced no action was taken during the executive session.

Mr. Geraghty asked whether a motion was required to hire an attorney and Ms. Kissane replied in the negative. She said she could bring this before the Finance Committee if it was later determined necessary. Mr. Simpson added a special meeting could be scheduled, as well.

Mr. Gonyo asked if anything occurred during the executive session that he needed to notify Mr. Ellis of and Mr. Simpson replied in the negative.

Moving along, Tim Benway, *Director, Parks, Recreation & Railroad*, presented a request to authorize a licensing agreement with the most responsible respondent for luxury camping on the Warren County Fairgrounds pursuant to the terms and provisions of the specifications (WCB 13-18) and proposal for a term commencing upon execution by both parties and terminating September 23, 2022. He apprised thus far no responses had been received for the RFP (*Request for Proposals*); however, he noted, the deadline was not until tomorrow.

Motion was made by Mr. Wild, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the March 16th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Benway stated since they dealt with luxury camping on the Warren County Fairgrounds it could be removed from the pending items list. He apprised Pending Item No. 2 pertained to the cost of connecting the Warren County Fairgrounds to the municipal sewer project in the Town of Warrensburg. Mr. Hajos advised he had the DPW Engineering staff and the Highway Manager, who had extensive experience installing pipes in the ground, put together an estimate which indicated a cost of \$16,000 if they were able to perform a directional bore underneath County Route 10 or \$11,000 if they open cut the road; he added they would prefer not to open cut the road since it had recently been repaved.

Mr. Simpson remarked he felt it was an incredible bargain for them to only have to pay \$5,000 to connect the property to the municipal sewer line, as this was significantly less than what the cost would be to have the septic system pumped out over time.

Motion was made by Mr. Wild, seconded by Mr. Magowan and carried unanimously to approve the

request to move forward with connecting the Warren County Fairgrounds to the public sewer line which would be installed in that area, at a cost not to exceed \$5,000 and the necessary resolution was authorized for the March 16th Board Meeting.

Ms. Braymer exited the meeting at 12:42 p.m.

Continuing with the Agenda review, Mr. Benway advised he would like to recognize Karin Badey and Peter Olesheski, *Naturalists at Up Yonda Environmental Center*, for being selected by the Bolton Central School to receive Capital Area School Development Association's "Friend of Education Award" upon the recommendation of Michael Graney, *Superintendent, Bolton Central School*, and Chad Shippee, *Principle, Bolton Central School*. He stated they were recognized for their dedication of enriching the lives of students within the community.

Moving along to the Solid Waste portion of the meeting, Mr. Hajos presented a request to authorize a new contract with the lowest responsible bidder for electronic recycling for Warren County and its municipal subdivisions pursuant to the terms and provisions of the specifications (WC 14-18) and proposal for a term commencing upon execution by both parties and terminating December 31, 2018 with the option to extend for up to two additional one-year terms.

He explained this was a re-bid with the intent of the contact being for use by the County and the municipal subdivisions. Julie Butler, *Purchasing Agent*, informed the bid would be opening this afternoon; she noted she did not foresee any issues receiving responses to the bid since she had already received a number of inquiries regarding it. She apprised upon the request of the Town Supervisors a requirement was added that called for vendors to go to each transfer station to ensure they were well aware of the restrictions and problems. She said she hoped by including this requirement they would not run into any issues like they had with the previous bid. Mr. Simpson questioned how soon the service could commence and Mrs. Butler replied there would not be a resolution authoring the services until the March 16th Board meeting.

Motion was made by Mr. Wild, seconded by Mr. Loeb and carried unanimously to approve the request and the necessary resolution was authorized for the March 16th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Moving along to the review of the Public Works Agenda, Mr. Hajos presented the following requests:

Page 2	Request to authorize a new contract with the lowest responsible bidder for Warren County Highway Reclamation and Restoration Projects pursuant to the terms and provisions of the specifications (WC 5-18) and proposal for a term commencing upon execution by both parties and terminating upon completion of the work.
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Mr. Hajos advised this request concerned the statement made by Chairman Conover at the beginning of the year in his State of the County address. He explained paving projects were out for contractors to bid on not only to enhance the paving projects, but also to alleviate some of the workload on the Department. He referred to Page 3 of the Agenda which consisted of a table that outlined the road projects he had selected to possibly have paved by contractors, the total estimated cost of the projects, the total cost if completed in-house and the total cost of the lowest bid received on them from a contractor. In regards to the significant difference between the amount budgeted and the total costs, he explained the current project budget consisted of the estimated cost for the County to do the paving work which included materials, contracts and external rental equipment such as the rollers or pavers. He informed the Total Estimated Project Cost included the costs for materials, contracts and external rental equipment, as well as the addition of DPW labor costs, internal equipment rentals such as any type of excavator, the pipe or ditch work and pavement markings. He said this was why there was such

a significant difference between the current project budget and the total estimated project cost. In regards to labor and equipment, he advised they accounted for those each year when they submitted for CHIPS (*Consolidated Local Street and Highway Improvement Program*) funding; however, he noted, the labor was already budgeted every year as part of the Departmental Budget. He explained a journal entry was used to transfer regular labor into those projects to cover that cost. He said the column depicting the total contractor low bid required the contractor to provide all labor, equipment and material to complete the entire project. He pointed out the only difference between what the contractor did and what the County did was that the County did all of the pipework but the contractor did not, as the DPW staff took care of this ahead of time to allow the contractor to just come in and do the overlay, reclaim, or mill and fill work. He stated four contractors responded to the RFP of which one was the lowest bidder on all five of the projects he was recommending. He added the last column of the table listed his reason for selecting them to be completed by a contractor. He concluded by pointing out he had broken down the additional funds required if they were do 2, 3, 4 or all 5 projects since this money was not included in the present DPW Budget because the money leftover in certain projects from the previous year had been transferred to other projects. He said a decision as to how many roads they would like to contract out was required following which a source of funding would need to be identified to pay for them.

Mr. Dickinson entered the meeting at 12:52 p.m.

A discussion ensued during which Mr. Thomas explained he had reduced the paving project budget by \$200,000 during the 2018 budgeting process because a number of on-going capital projects were closed which had a total of about \$1.2 million in funding remaining in them; however, he noted, a portion of these funds were allocated to the Debt Service, another portion was allocated to the General Fund and the remaining funds were allocated to other Capital Projects. He continued, the \$200,000 he removed from the paving budget was never returned.

During the discussion Mr. Loeb requested that Mr. Thomas weigh in on the matter and whether there was funding available to pay for these projects. He added if funding was available he would be in favor of moving forward with the request. Mr. Thomas advised last year \$577,000 was allocated from the Unappropriated Surplus Fund Balance to pay for additional paving projects which was significantly more than the \$271,000 that would be required to complete these Projects. He remarked he did not want to make light of using funds from the Unappropriated Surplus Fund Balance; however, he noted, he did not feel it would be a stretch if they appropriated the funds from there for this purpose.

Mrs. Frasier exited the meeting at 12:55 p.m.

Mr. Wild requested going forward the DPW Budget be prepared accordingly so that they did not have to use funding from the Unappropriated Surplus Fund Balance. Mr. Diamond pointed out it was difficult to budget for road work due to the CHIPS funding amounts varying on an annual basis. He said there were times when the City of Glens Falls was granted an allotment of an additional \$100,000, but there were also times when the amount was reduced thereby making it difficult to plan ahead. Mr. Wild remarked he felt they should do their best to try to keep spending under control through good fiscal management. Mr. Hajos apprised the last few years the County had been awarded Winter Recovery Funding, as well as CHIPS funding. He added during his tenure at the County the amount of CHIPS funding received had remained level each year. He stated there were no Winter Recovery funds available this year, but PAVE NY funding in the amount of \$375,000 was allocated to the County.

Motion was made by Mr. Loeb, seconded by Mr. Dickinson and carried unanimously to approve the request to authorize a new contract with the lowest responsible bidder for Warren County Highway Reclamation and Restoration Projects as outlined above. *A copy of the resolution request form is on file*

with the minutes. Note: A request was brought from the floor by Mr. Hajos at the March 1, 2018 Finance Committee meeting to determine a source of funding to pay for the Road Projects.

- Page 4- Request to close the following Capital Projects and return remaining funds returned to the funding source listed: H260, *Alder Brook Road over Trout Brook*, in the amount of \$68,597.38 returned to Debt Service; H272, *Harrington Road over Mill Creek*, in the amount of \$22.45 returned to Debt Service; H277, *Beach Road (CR 51/6) Reconstruction*, in the amount of \$47,509.76 returned to Debt Service; H320, *Crane Mountain Road over Mill Creek*, in the amount of \$664.27 returned to Budget Code D.9950 910; H321, *Lanfear Road (CR 76) over Stony Creek*, in the amount of \$160.87 returned to D.9950 910; H324, *2011 Storm Damage*; H332, *West Brook Parking Lot*, in the amount of \$77.67 returned to Debt Service; H333, *Valley Road/Combs Road over Patterson Creek*, in the amount of \$149.30 returned to the General Fund; H342, *Blair Road over Mill Brook*, in the amount of \$75.30 returned to Budget Code D.9950 910; and H354, *County Road (CR 17, 52 & 79) Preservation* in the amount of \$.81 returned to Budget Code D.9950 910.

Motion was made by Mr. Loeb seconded by Mr. Dickinson and carried unanimously to approve the request as outlined above and refer same to Finance Committee. *A copy of the resolution request form is on file with the minutes.*

- Page 5- Request to authorize the Chairman of the Board to execute and easement on County-owned Tax Map Parcel No. 66.6-2-6 in the Town of Johnsbury to National Grid and Citizens Telecommunications of New York Inc. d/b/a Frontier Communications for the relocation of aerial utility lines.

Motion was made by Mr. Loeb, seconded by Mr. Wild and carried unanimously to approve the request and the necessary resolution was authorized for the March 16th Board meeting. *A copy of the resolution request form is on file with the minutes.*

- Page 11- Request to authorize Supplemental Agreement No. 2 with the New York State Department of Transportation in the amount of \$72,700, for Palisades Road (CR 26) over Brant Lake Inlet Repair Project to commence upon execution by both parties and terminate on 02/13/2028.

- Page 18- Request to increase Capital Project H322, *Palisades Road (CR 26) over Brant Lake Inlet Bridge Replacement*, in the amount of \$69,065.

- Page 19- Request to amend the existing contract with Foit Albert Associates to include Supplemental Agreement No. 2 for additional preliminary engineering and right-of-way acquisition services for Palisades Road (CR 26 over Brant Lake Inlet Repair Project in the amount of \$26,200 for a term commencing upon execution by both parties and terminating upon completion of the work.

Motion was made by Mr. Dickinson, seconded by Mr. Loeb and carried unanimously to approve the requests as outlined above and authorize the necessary resolutions for the Items listed on Pages 11 and 19 and refer the Item listed on Page 18 to the Finance Committee. *A copy of the resolution request forms are on file with the minutes.*

- Page 26- Request to amend the County Budget in the amount of \$168.98 to reflect receipt of insurance recovery funds to repair a sign.

Motion was made by Mr. Loeb, seconded by Mr. Merlino and carried unanimously to approve the request as outlined above and refer same to Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Page 30- Request for a transfer of funds amongst various road projects totaling \$10,318.41.

Motion was made by Mr. Loeb, seconded by Mr. Wild and carried unanimously to approve the request as outlined above and refer same to Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Page 31- Request to fill the vacant position of Confidential Assistant to the Superintendent of Public Works, *Annual Salary \$44,872*, due to resignation.

Motion was made by Mr. Loeb, seconded by Mr. Dickinson and carried unanimously to approve the request and refer same to 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. Hajos pointed out the DPW Overtime Report was included in the agenda packet.

With regard to the information for Discussion/Review, Mr. Hajos stated the Town Supervisors should have received an email regarding the BridgeNY Funding. He stated this provided the municipalities with a chance to apply for funding for a total of four bridges and six culverts over the next two years. He said the Bridges were federally funded with a 95/5% match from the County and the culverts were 100% State funded. He advised the DPW was applying for work on two bridges and five culverts and the Town of Horicon was applying for one culvert, as well. He mentioned the maximum amount of funding for the bridges was \$5 million and for culverts it was \$1 million. He stated the engineering, preliminary and final design, right-of-way and construction inspection services were all covered by the program. He remarked this was a great opportunity for the Towns to get any bridges or culverts repaired in their municipalities. He apprised the County would not be able to do the work, but they were available to assist and advise on the projects. He said the NYSDOT hired a consultant to provide any assistance the Towns required including with putting the application together; however, he noted, the towns would not be eligible for reimbursement the assistance received with the application, but everything else was reimbursable.

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson and seconded by Mr. Magowan, Mr. Simpson adjourned the meeting at 1:10 p.m.

Respectfully submitted,
Leslie Lovelace, Secretary to the Clerk of the Board
(As Typed by Sarah McLenithan, Deputy Clerk of the Board)