

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: JUNE 19, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON
MERLINO
FRASIER
DIAMOND
LOEB
HYDE
WILD

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
TIM BENWAY, DIRECTOR, PARKS, RECREATION & RAILROAD
RONALD CONOVER, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
AMANDA ALLEN, CLERK OF THE BOARD
AMY LAVINE, ASSISTANT COUNTY ATTORNEY
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BRAYMER
GERAGHTY
HOGAN
LEGGETT
SOKOL
MIKE SWAN, COUNTY TREASURER
KURT AUSTIN, WARREN COUNTY RESIDENT
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

COMMITTEE MEMBERS ABSENT:

SUPERVISORS DICKINSON
MAGOWAN

Please note, the following contains a summarization of the June 19, 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 10:46 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. Loeb, 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, Tim Benway, *Director, Parks, Recreation & Railroad*, presented the following request:

Page 1 - To authorize a new contract with Lyme Adirondack Timberlands I, LLC in the amount of \$3,185 for use of an approximately six-mile snowmobile trail located in the Town of Hague for the term commencing December 1, 2018 and terminating November 30, 2019.

Mr. Wild asked for Mr. Benway to elaborate on the request. Mr. Benway apprised they leased the land from Lyme Adirondack Timberlands I, LLC for recreational purposes.

Motion was made by Mr. Loeb, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the July 20, 2018 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 2- To extend the existing contract with the South Warren Snowmobile Club Inc. and the City of Glens Falls to provide licensing use of trails in the City of Glens Falls and trail development and maintenance for the term commencing July 1, 2018 and terminating June 30, 2019.

Motion was made by Mr. Loeb and seconded by Mrs. Frasier to approve the request to extend the existing contract with the South Warren Snowmobile Club Inc. as outlined above.

Mr. Loeb inquired whether the section of the trail between Magic Forest and Lake George was part of the trail agreement and Mr. Benway replied in the negative. He explained that this agreement pertained to the parking lot off of West Mountain Road, noting that the parcel Mr. Loeb was referring to was part of the Warren County Bike Trail. Mr. Loeb apprised the portion of the Bike Trail he had referenced was very coarse and he questioned if there was a maintenance schedule in place for repairs. Kevin Hajos, *Superintendent of Public Works*, apprised in the past they had laid down a chip seal which contained a thin layer of asphalt or applied a sealer over the top of these areas; however, he noted, the sealer did not repair the cracks caused by snowmobiles running over the trail. He said each year annual maintenance was performed on the Bike Trail and they had recently paved a portion of the Bike Trail south of State Route 149. Mr. Loeb asked whether there was a plan in place that required them to address the damaged areas as a result of snowmobile traffic since the sealer did not repair these areas and Mr. Benway replied that they were conducting a pavement evaluation with the County DPW engineering staff to determine which areas required addressing so the funds for the work would be included in next years budget.

Mr. Geraghty stated he thought this issue had already been addressed by not allowing snowmobiles on the Bike Trail unless there was a sufficient amount of snow to prevent damage from occurring. He suggested billing the snowmobile clubs for the necessary repairs, as he thought this may deter them from causing damage. Mr. Benway interjected that he had billed them once before for \$14,000 to repair the damage they were responsible for.

Mr. Merlino apprised a few years ago they decided not to open the trail until the DPW staff determined there was a sufficient amount of snow to prevent damages from occurring. He said he believed thirteen inches of snow was required before they would open the Bike Trail to snowmobiles. Mr. Hajos stated that he and Mr. Benway had fielded several calls from snowmobilers who demanded that they open the Bike Trail to them, but they were all told this was not an option due to the lack of a sufficient amount of snow.

Mr. Simpson advised he noticed Franklin County used a different type of material for their snowmobile crossings and he questioned whether this was something they should look into. Mr. Hajos informed the material Mr. Simpson was referring to was a resin epoxy that was used on crossings and on the side of the road; however, he noted, it was rather costly and also took up to 48 hours to cure during which time the Bike Trail would have to be closed. He added they could look into using this material on the areas that were "chewed up" when there was not enough snow covering the area.

Mr. Simpson called the question and the motion to approve the request as outlined above was carried unanimously and the necessary resolution was authorized for the July 20, 2018 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 3- To approve a resolution authorizing Up Yonda Farm to accept the donation of a tree and a plaque in memory of Barbara Desantis.

Motion was made by Mrs. Frasier, seconded by Mr. Loeb and carried unanimously to approve the request and the necessary resolution was authorized for the July 20, 2018 Board meeting. *A copy of the resolution request form is on file with the minutes.*

In regards to the gas line installation along the Warren County Bike Trail, Mr. Benway apprised the project was moving along rather slowly due to the numerous issues National Grid had run into. He proceeded to review photos of the project, some of which showcased the issues; *copies of the photos are file with the minutes.* Ms. Braymer recalled National Grid had indicated no damage would occur to the Bike Trail as a result of this project. Mr. Benway interjected damage had occurred; however, he noted, National Grid had paid for all of the necessary repairs.

Resuming review of the Parks, Recreation & Railroad agenda with an update on the SNCR (*Saratoga & North Creek Railway*), Mr. Benway informed his department had mowed and trimmed all of the grounds at the Train Stations. He added yesterday his department, in conjunction with the sign department, had changed

the blue plaques at the thirteen railroad crossings emergency contact number for the Sheriff's Department. He mentioned he was working on negotiating a contract with the individual who performed the inspections on the crossings to assist the County with emergency calls and inspections.

He then distributed photos of the equipment that was remaining on the railroad property, some of which did not belong to SNCR and he reviewed a detailed listing that was included in the agenda of the equipment that was remaining on County property; *copies of the photos are on file with the minutes.*

Ms. Braymer asked whether SNCR had been notified that they had thirty days following the severance of the railroad contract which occurred on Friday to remove any remaining equipment from the railroad property and Ryan Moore, *County Administrator*, replied in the affirmative. Mrs. Hogan inquired whether Canadian Pacific had been contacted with regards to whether it was permissible for SNCR to move their equipment over their tracks and Messrs. Simpson and Hajos replied in the negative. She suggested they reach out to them to determine whether there may be some difficulties there. Mr. Wild questioned whether the County had any options if the equipment was not removed and Mr. Moore replied should this occur the County would have to take legal action against SNCR. Mr. Simpson requested that Messrs. Benway and Hajos notify the individual who had equipment on the property and was not associated with SNCR that it would have to be removed.

Mr. Hajos apprised he had received an email this morning from Justin Gonyo, *SNCR General Superintendent*, indicating he was trying to get the remaining rail cars removed, but since he was the only remaining employee he required assistance from Iowa Pacific Holdings in order for the removal to occur. He informed Mr. Gonyo had presented him with a proposal to assist the County through whatever type of transition may occur there. He added Mr. Gonyo also presented a request to rent the white building where SNCR's office was currently located for his own personal business. Mr. Simpson inquired whether the Committee would be interested in offering Mr. Gonyo a short term month-to-month lease until they had a better idea of how they were going to move forward with the property. Mr. Simpson asked what the terms of Mr. Gonyo's current lease was for the space and Mr. Benway replied that the lease for this space was included in the contract with SNCR. Chairman Conover stated that should they move forward with this, it was necessary for the DPW staff to identify whether the utilities could be segregated and if not an all inclusive lease would be required, as well as for Mr. Gonyo to hold the proper insurance, indemnifications, etc. following which a square foot arrangement could be presented to the Committee for consideration. Amy Lavine, *Assistant County Attorney*, apprised that she would need to review the agreement, as there were limitations on County leases and the disposition of property. Mrs. Hogan requested that they keep in mind others were interested in using the railroad property, as well. Mr. Simpson advised that Mr. Merlino and the Supervisor from the Town of Hadley were interested in using the Hadley-Luzerne Station. Mr. Merlino stated that the Hadley Business Association would like to continue to use the building for their monthly meetings. He indicated the Supervisor from the Town of Hadley was hoping an arrangement could be worked out with the County that would allow them to continue to use the building. Mr. Simpson questioned whether an agreement was required in this instance and Ms. Lavine said she would have to confer with the County Attorney on the matter; however, she advised, it appeared it would be preferable to have an agreement in place. Chairman Conover added he felt it was necessary to acquire certain insurances from anyone who was occupying the property.

A discussion ensued following which a motion was made by Mr. Wild and seconded by Mr. Loeb to authorize the County Attorney to take any and all action necessary to secure Warren County's interests on the railroad property following the thirty days provided at the severance of the railroad contract.

Ms. Braymer apprised she did not feel a resolution was required, as she did not believe any legal action would be necessary within the next thirty days since SNCR was just given notice regarding the termination of their contract. She added there may be wording in the lease that indicated any equipment remaining following the thirty days provided at the severance of the railroad contract would become the property of the County. Mr. Simpson stated he felt it was clear they were only providing the County Attorney with authority now, noting if they held off until after the thirty day period they would have to wait another month before any action could be taken. He remarked he thought it was prudent they take action now in preparation for what was to come after the thirty day timeframe was over.

Mr. Simpson called the question and the motion to authorize the County Attorney to take any and all action necessary to secure Warren County's interest on the railroad property as outlined above was carried unanimously and the necessary resolution was authorized for the July 20th Board meeting.

Mr. Loeb questioned how long the hopper cars had been sitting on the railroad property unmoved and Mr. Benway said they had been there for a few years now. He informed they were leased cars and not the property of SNCR, advising the direction Mr. Gonyo had been given from Iowa Pacific Holdings was to empty them, but he did not have a crew to assist him with this task. Mr. Loeb apprised he felt providing the County Attorney with the authority to take any an all action necessary was appropriate since she would have to determine how she would address these matters. Mr. Simpson remarked he believed the County Attorney would have to confer with the attorney the County contracted with to assist with the railroad issues to determine the path to move forward in to achieve the desired outcome of the full Board.

Ms. Braymer questioned whether any progress had been made with public use of the railroad right-of-way, including snowmobiles and passive recreation and Mr. Benway replied they had only made progress for snowmobile use. Mr. Simpson pointed out within the next thirty days SNCR could be transporting their equipment off of the County's property; therefore, he stated, he did not believe it would be permissible for them to encourage the public to walk on the railroad tracks. Mr. Benway added the railroad was considered an active line from the Saratoga Station to the Tahawus branch, apprising in order to take it out of service the tracks would have to be removed. Ms. Braymer interjected that Renegade Railriders has removed some of the tracks to take it out of service where they were operating; therefore, she said, north of that location would not be considered an active railroad. Ms. Hogan clarified that Renegade Railriders had to put a derailer in place, but they just moved their equipment to the side to allow trains to pass through which meant it was still considered an active railroad. Mr. Simpson apprised the Renegade Railriders agreement was with SNCR. Mr. Simpson commented due to the complicated nature of the situation, he felt it would be appropriate for the County Attorney to explore whether public use of the right-of-way could be permitted with the attorney the County contracted with for railroad issues.

Mr. Wild reminded them prior to terminating the contract with SNCR the Committee had discussed a number of different options and goals for the railroad and he questioned whether there was any type of action in place that would allow them to explore those different opportunities. Mr. Simpson stated this related to the Smart Growth grant offered by the NYSDEC (*New York state Department of Environmental Conservation*) that he would like to discuss and he extended privilege of the floor to Mr. Hajos to elaborate on this.

Mr. Hajos stated the purpose of the Smart Growth grant was the following: to create walkable neighborhoods; encouraging mixed land use; foster long-term comprehensive planning; and to preserve open space; forest, farmland, natural beauty and critical environmental areas. He proposed that he and Mr. Benway determine whether the Smart Growth grant could be used for something on the railroad and then return to Committee next month for discussion. Mr. Simpson added there was also the CFA (*Consolidated Funding Application*) program, but he believed the Smart Growth grant was around \$40,000 and no matching funds were required. He said the funds could be allocated to the cost associated with planning and developing a program they wanted to catalyst into the CFA program where the opportunity existed for a significant amount of money being awarded for the project. He remarked he thought it was necessary for them to have some money to start the planning process, pointing out the only opportunity to be awarded grant funds for this purpose was the Smart Growth grant.

Mr. Wild inquired about abandonment and whether there was action required to encourage the State to move forward with the process now that the County had terminated the contract with SNCR. Mr. Simpson advised the State was actively pursuing abandonment of the railroad. Mr. Wild asked whether there was an estimate of how long the abandonment process could take and Mr. Simpson responded could take up to two years for the process to be fully executed. Ms. Braymer clarified the abandonment action being undertaken by the State was on the Tahawus portion of the railroad which was owned by SNCR. Mr. Wild questioned whether they were looking to the Smart Growth grant to articulate some options and plans for the railroad and Mr. Simpson replied he did not feel anyone was aware of the best course of action to develop the future of the

railroad property. Mr. Wild remarked he did not think they needed to have a current plan in place; however, he noted, they should have some ideas or they would continue the cycle of taking no action. He suggested they come up with some sort of plan as to what they should do over the next month now that they were no longer under contract with SNCR, such as pursuing other operators for the railroad, taking more action in an attempt to speed up the abandonment process, etc. Mr. Simpson advised he thought their first action would have to be determining how much money the railroad was costing the County following which they would determine whether they wanted to pursue a rail trail, sell the line, lease the line, pursue another operator, etc. He informed it took time and money to work with consultants to compile all of the expenses associated with the railroad.

Mr. Loeb advised it was necessary for them to take care of all sections of the County because what benefitted the Town of North Creek would also benefit the City of Glens Falls. He commented if they were going to take action within the City of Glens Falls they would want Mayor to be actively involved; therefore, he stated, he felt it was necessary for the Supervisors from the Towns of Lake Luzerne, Stony Creek, North Creek and Thurman to voice what they felt was necessary to occur since they were the ones who would be impacted the most by whatever action was taken. He commented he did not feel it was appropriate for the Supervisors from the City of Glens Falls to decide what their future was.

Chairman Conover stated he would like for the DPW staff to put together an initial work plan under the Smart Growth grant program that was designed to take the first step. He apprised due to the funding limitations associated with the Smart Growth grant it would be necessary for the work plan to be very precise. He commented he thought the fact that the work plan had to be so precise would be beneficial for them because it would allow the DPW staff to come up with a plan the Committee could react to.

Mr. Wild asked what type of timeframe was involved with the Smart Growth grant and Mr. Hajos replied awards were typically given in the spring. Mr. Wild questioned whether this meant they were going to have to wait for nine months before they started working on a plan for the railroad property and Mr. Simpson replied he was unsure how a decision could be made, as there were some obstacles they had to deal with that would take time before they could move forward. He pointed out if they decided to pursue abandoning the railroad, it could take up to two years to complete the process. He remarked he felt it would be appropriate for them to commence with a good footing with a plan. Mr. Wild interjected that he concurred and his request was for a plan to be developed in the short-term. Mr. Simpson stated he thought that was what they were doing with the Smart Growth grant, as the funds could be used to hire consultants to assist them since there were many things they were unaware of, noting it was necessary for them to handle the matter in the appropriate way.

Mr. Geraghty advised the plan would be created according to the desire of the Committee, whether that was moving forward with a railroad or pursuing other options. He said it was necessary for them to contact Paul Mitchell, who had recently purchased the Tahawus mine to determine whether he was interested in pursuing moving the stone on the railroad or by trucks. He mentioned they could include this in the grant, as well as how much it would cost to convert the property into a rail trail. He added they also needed to determine whether the individuals who had indicated they were interested in operating the railroad for the County were open to submitting formal proposals for this purpose to the County.

A discussion ensued following which it was the consensus of the Committee that anyone who expressed interest in the railroad should submit their proposals in writing to Mr. Moore.

Kurt Austin, *Warren County Resident*, informed he had learned a lot during the last eight years while he was working on his rail trail proposal, most significantly was that there were resources available to examine what the potential economic benefit was of a rail trail from similar trails that existed. He apprised they were facing a complicated decision in trying to compare the potential benefit to the County through moving freight down the line from Tahawus and how much of a percentage would be charged to allow this freight to move over the County's portion of the line against what type of money could be generated from opening a new Bed and Breakfast along the corridor somewhere. He mentioned the rail trail would be rather large in size, going from

the City of Saratoga Springs to Tahawus. He apprised he disagreed with the thought that the decision should lay with the Towns located along the line, pointing out the Town of Chester was located within the First Wilderness Heritage Corridor, as well. He remarked since the matter was so complex he felt they should establish an Ad Hoc Committee with members from the Public Works Committee, as well as from the Tourism Committee with the purpose of compiling data to assist with the creation of an economic analysis. He said he was troubled by the fact that nothing was being done when in reality a study should have been conducted years ago as to whether there should be a railroad or a rail trail.

Ms. Hyde stated that the train attracted older people who liked to ride; however, she noted, the young tourists from the City who liked visiting this area were seeking activities such as hiking, skiing, etc. She suggested they use the property to promote physical fitness and exercise, as this could attract a significant amount of tourists to the area. She said there were a number of things the property could be used for such as a cross country trail, a horse trail, a Bike Trail, etc. She reiterated the property could be used to promote health and physical fitness in the Adirondacks rather than a slow moving train that not too many people were interested in riding.

Mr. Diamond exited the meeting at 11:48 a.m.

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

Page 2- For a transfer of funds in the amount of \$5,000 from Budget Code DM.5130 422, *Road Machinery, Machinery, Repair/Maint-Equipment*, to Budget Code DM.5140 422, *Road Machinery, Motor Fuel Farm, Repair/Maint-Equipment*, to cover the cost of routine maintenance.

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

Page 3- To authorize renewal of agreements with various municipalities for roadway maintenance (snow and ice removal).

Motion was made by Mr. Loeb and seconded by Mrs. Frasier to approve the request for renewal of agreements with various municipalities for roadway maintenance as outlined above.

Mr. Geraghty inquired whether Mr. Hajos was satisfied that the complaints received about some of the County roads the towns were taking care of had been addressed and Mr. Hajos replied in the affirmative. Mr. Hajos stated there had been a few issues that had come up over the past few years which were attended to once he spoke with that town's Highway Superintendent.

Mr. Loeb questioned why the pricing was different for the mowing and why the cost of road sweeping was so high. Mr. Hajos stated the reason for the different price for mowing related to whether they mowed once or twice a year. With regard to the price for sweeping the roads, Mr. Hajos stated the price breakdown on these was based on what the County's average cost was for the three years which meant the total cost was what it cost the County DPW to maintain their roads in the winter.

Mr. Sokol asked why Washington County was included and Mr. Hajos responded that they maintained a portion of Pilot Knob Road for the County.

Mr. Simpson called the question and the motion to authorize renewal of agreements with various municipalities for roadway maintenance (snow and ice removal) was carried unanimously and the necessary resolution was authorized for the July 20, 2018 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 5- For a new contract with the lowest responsible bidder for Court Facility Parking Lot paving pursuant to the terms and provisions of the specifications (WC 46-18) and proposal for a term commencing upon execution by both parties and terminating upon completion of the work.

Mr. Hajos explained due to the significant issues with the Court Facility Parking Lot that would require several change orders with the current contractor that he felt were unnecessary it was decided the maintenance and repair work would be handled internally and then they would put out a bid to only do a top course pavement over the parking lot. He said a change order that had been issued for the court resulted in a savings of \$90,000 which would be used to pay for the paving he estimated would cost around \$70,000.

Ms. Braymer questioned whether this was just for the existing parking lot and Mr. Hajos replied in the affirmative, explaining it encompassed the main parking lot in front of the Warren County Municipal Center from the circle down to the Court House. Ms. Braymer commented she did not feel the commuter lot required paving due to it being utilized so little and Mr. Hajos concurred.

Motion was made by Mr. Loeb, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the July 20, 2018 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Hajos pointed out the DPW Overtime, and Fuel Usage Reports were included in the agenda packet. Geraghty overtime up, way high.

Ms. Hyde commended the DPW road crew for the work they did on Valley Road.

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

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board