

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: JULY 24, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON
MERLINO
FRASIER
DICKINSON
HYDE
MAGOWAN
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
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BRAYMER
GERAGHTY
HOGAN
LEGGETT
CAROL MCLEAN WRIGHT, OWNER, STONY CREEK RANCH RESORT
SCOTT MCLEAN, OWNER, STONY CREEK RANCH RESORT
KURT AUSTIN, WARREN COUNTY RESIDENT
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

COMMITTEE MEMBERS ABSENT:

SUPERVISORS DIAMOND
LOEB

Please note, the following contains a summarization of the July 24, 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 11:28 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, Tim Benway, *Director, Parks, Recreation & Railroad*, presented the following request:

Page 1 - To amend the County Budget in the amount of \$5,000 to reflect the receipt of funds donated by the Lewis Trust.

Motion was made by Mrs. Frasier, 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 2- To authorize a use agreement with Revolution Rail Co., C/O Robert Hert, for use of the ticket sales building for a fee of \$750 a month.

Mr. Wild questioned whether the rate would cover the County's cost for utilities and Kevin Hajos, *Superintendent of Public Works*, replied that Revolution Rail Co. would be responsible for the utility expenses. Mr. Wild inquired whether the County was responsible for anything other than general maintenance and Mr. Hajos replied in the negative.

Motion was made by Mr. Merlino, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the August 17th Board meeting. *A copy of the*

resolution request form is on file with the minutes.

Page 4- To Rescind Resolution No. No. 410 of 2017 which authorized an agreement with GGFT (*Greater Glens Falls Transit*) to utilize Up Yonda Environmental Center as a Trolley Stop due the economic viability to GGFT, the cost to potential passengers and ridership impact.

Mr. Benway apprised that GGFT had determined due to the lack of interest it would not be economically viable for them to establish a Trolley Stop at Up Yonda Environmental Center; however, he stated, they had indicated to him they would drop off riders at Up Yonda when they were traveling to their Trolley Stop in the Town of Bolton.

Motion was made by Mr. Dickinson, seconded by Mr. Wild and carried unanimously to approve the request and the necessary resolution was authorized for the August 17th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Proceeding to the pending items portion of the agenda, Mr. Benway, advised that the Smart Growth Grant was not available until September; therefore, he stated, he would research the matter when more details were available and report back to the Committee at that time. He added the grant would be awarded in April of 2019.

Resuming review of the Parks, Recreation & Railroad agenda with an update on the gas line installation along the Warren County Bike Trail, Mr. Benway distributed photos of the Project; *copies of the photos are on file with the minutes.* He informed as part of the installation portion of the Project, National Grid had repaved several sections of the Bike Trail and top soil and grass seed were applied to the right-of-way area. He said the connection to the distribution center would not be completed until sometime in September or October. Mr. Benway commented that some of the right-of-ways were in better shape now than they had been before National Grid commenced working on the Project.

With regards to the Warrensburg Bike Rally, Mr. Hajos advised the Rally was held in June on the Warren County Fairgrounds property during the same time as the Americade event. He provided an overview of the data concerning the traffic for the event which was outlined in the letter from *Ed Zibro, Founder of the Warrensburg Bike Rally*, which indicated there was an 18% increase in vehicles this year for a total count of 69,983 motorcycles, cars and trucks; *a copy of the letter is on file with the minutes.* He stated Mr. Zibro attributed the success of the Rally to the fact that they had moved it to the Fairgrounds property, as the previous location was too crowded causing traffic issues and did not provide sufficient space for the vendors to set up.

Mr. Dickinson asked what the count was for the traffic traveling through the Town of Warrensburg and Mr. Hajos responded the count only consisted of the traffic on Schroon River Road just outside of the Fairgrounds property. Mr. Dickinson inquired how many days the traffic was counted and Mr. Hajos replied it was for the entire event which took place over a ten day period. Mr. Wild questioned whether Mr. Hajos was aware of what the normal traffic count was for the road so they had something to compare it to and Mr. Hajos responded he did not have those figures in front of him, but he could forward them to the Committee following the conclusion of the meeting. Mr. Hajos added the DPW did counts for all County-roads for the purpose of pavement evaluations and the type of traffic on them.

Mr. Hajos proceeded with an update on the railroad equipment, property and budget, informing he had a few things to discuss with them, the first of which pertained to the amount of funding required to maintain the railroad for the remainder of the year since the termination date for the contract with SNCR (*Saratoga & North Creek Railway*) was tomorrow. He apprised that he and Mr. Benway had worked together to develop an estimate of \$70,000 for maintenance over the remainder of 2018; however, he noted, these funds were not available within the existing budget since these expenses had previously

been covered by SNCR. He reviewed a listing of the proposed budget and copies were distributed to the Committee members; *a copy of the proposed Railroad budget is on file with the minutes.* He stated a resolution was required to add the necessary funds into the Department budget to pay for these expenses. Mr. Thomas informed the funds would either have to be transferred from the Contingent Account or appropriated from the Unappropriated Surplus Fund Balance to cover these expenses; he opined that the Unappropriated Surplus Fund Balance would likely be more appropriate.

Mr. Wild suggested they look into cutting back some of these expenses since there was no traffic on the railroad and he asked Mary Elizabeth Kissane, *County Attorney*, whether more feedback from the Special Counsel they contracted with to assist them with the railroad was provided in terms of what could be done, as well as what must be done to assist them with making an informative decision on the proposed budget before them. Ms. Kissane inquired whether Mr. Wild was referring to the County's legal options or matters such as the railroad signals, etc.; Mr. Wild responded he was not referring to legal action against SNCR, but rather what the County's obligations were for the railroad considering there was no traffic on it. Ms. Kissane advised this had not been discussed since there was uncertainty concerning how the County would like to move forward with the railroad. She mentioned what the County did with the railroad, whether that be contracting with another operator or moving in a different direction, would determine what funds would be expended. Mr. Wild apprised his inquiry pertained to whether they needed to expend the \$70,000 at all, or if this figure could be reduced substantially by doing the minimal amount of work required until they made a determination on how they would like to move forward with the railroad. Mr. Hajos interjected that the proposed budget before them was an estimate and not necessarily the actual expenditures. He said he was requesting that the funding be transferred in case it was needed; however, he noted, expenses such as the water, sewer and property taxes would need to be paid. He informed it was necessary for them to pay for electricity to provide power for the railroad crossing signals, as they already had to deal with an issue with them a few weeks ago where the signal arms came down at one of the crossings resulting in National Grid shutting the power down to them. He continued, this resulted in Saratoga Signals pinning them up since they currently had no access to power. He explained since this incident the power had been changed over to the County. Mr. Wild asked whether all of the signals had been pinned up and Mr. Hajos replied only the one with the issue was pinned up. Mr. Wild questioned whether the remaining crossings could be pinned up tomorrow when the contract with SNCR ended and Mr. Hajos replied in the negative. He explained that they could not pin them up until SNCR removed the remainder of their equipment, as the signals were required for when they transported their cars out. Mr. Wild remarked he would like Messrs. Hajos and Benway to compile a list of what needed to be done, as compared to what would be nice to do, and bring that list back to the Committee for consideration so they could determine where these unanticipated expenses could be reduced.

A discussion ensued following which a motion was made by Mr. Wild and seconded by Mr. Dickinson to approve the expenses as outlined in the agenda and forward same to the Finance Committee to determine a source of funding, with the caveat that discussion on the matter would continue.

Ms. Braymer stated she was confused as to why they were moving this forward as Mr. Hajos had indicated he was not seeking a resolution and there was no resolution request form in the agenda for consideration. Mr. Hajos interjected he was requesting Committee action, but clarified he had not included a resolution request form within the agenda because he wanted to first discuss the matter with the Committee to determine what direction they preferred to move forward in.

Following a discussion, Mr. Wild withdrew his motion to approve the expenses as provided by Mr. Hajos.

A motion was then made by Mr. Dickinson, seconded by Mr. Merlino and carried by majority vote, with Mr. Magowan voting in opposition and Mr. Wild abstaining, to approve the expenses as outlined in the agenda and forward same to the Finance Committee to determine a source of funding.

Mr. Hajos stated he had contacted Mike Kelly, who had two railcars remaining on the County Railroad, to inquire when he would be moving his equipment; he apprised Mr. Kelly had indicated that due to issues with the flanges on the wheels the earliest he could remove them would be November 1st. Mr. Hajos indicated to Mr. Kelly that this was unacceptable and he needed to respond as to how he would resolve this, but as of yet no response was received. Mr. Dickinson pointed out this equipment had been on the property for several years. Mr. Hajos apprised that Mr. Kelly had leased the equipment to Upper Hudson River Railroad (UHRR), the operator prior to SNCR, and then he entered into an agreement with SNCR. He said at one point the County had terminated the lease agreement they had with Mr. Kelly following which he had entered into a lease agreement in 2012 with SNCR when they took over operations.

Chairman Conover suggested they have Ms. Kissane send Mr. Kelly a letter directing him to remove his equipment and develop a workplan with deadlines to be developed for same.

Mr. Magowan inquired whether the wheels had been worn out due to the car not being moved for so long and Mr. Hajos replied in the negative. He explained the flanges on the wheels were worn down by UHRR resulting in them being unmoveable. He continued, Mr. Kelly had made an agreement with SNCR to do the required repairs, but the repairs were never completed.

Motion was made by Mr. Magowan, seconded by Mr. Dickinson and carried unanimously to authorize the County Attorney to send a letter to Mr. Kelly directing him to remove his equipment and requesting that he provide a workplan with specific deadlines for the removal.

Mr. Hajos stated he had been working closely with Jeff Hagan, *a subcontractor for SNCR*, to stay informed about what work he was doing on behalf on SNCR. He said they had been slowly making repairs on the remaining equipment and all the hopper cars that were located above North Creek would be transported out the of region this Friday. He mentioned as per a request from Ms. Hogan, the parking lot at the North Creek Station would be completely cleaned out on Friday, as well. He apprised Mr. Hagan had not given him a date as to when all of the equipment would be removed, but they were proceeding in that direction. Ms. Hogan remarked in light of the fact that it had been her observation that Mr. Hagan was only working three hours a day she did not feel the removal process would be a swift one. She voiced her desire to see a work plan with deadlines pertaining to the removal process. Mr. Magowan inquired whether a resolution was necessary and Ms. Kissane replied in the negative. She explained full Board approval was not required in this case.

Mr. Simpson informed under the advisement of Ms. Kissane an executive session was required prior to opening up the floor for public comments. He said immediately following the executive session he would offer privilege of the floor.

Mr. Simpson announced an executive session was required to discuss the proposed acquisition, sale or lease of real property. Motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously to enter into executive session pursuant to Section 105(h) of the Public Officers Law.

Executive session was held from 11:54 a.m. until 12:29 p.m.

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

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

Scott McLean, *Owner, Stony Creek Ranch Resort*, advised he and his mother, Carol McLean, had purchased the Stony Creek Ranch Resort around three years ago with the assistance of some investors

that came on board due to the property's access to the railroad, which made it a unique property compared to all the others they had considered for purchase. He stated he had partnered with Iowa Pacific on the "Train to Christmas Town" event, which they considered to have been a success, attracting over 10,000 people to the Ranch despite the fact that they only had about two weeks to prepare for the event. He reported that Rail Experience/Warner Brothers, who owned the rights to the Polar Express, had indicated to him they would be willing to bring the Polar Express Train back to the area since Iowa Pacific no longer had any ties to the railroad. He surmised they could attract up to 30,000 visitors to the Ranch during the timeframe when the Polar Express Train was running, from the day after Thanksgiving until Christmas Eve. He stated he planned on partnering with the Towns of Lake George and Warrensburg to take part in their Christmas Festivities, as well. He remarked this event would draw a significant number of visitors to the region; however, he noted, it was necessary for him to move quickly so this event could take place. He commented that like many business owners in the community, his goal was to make Warren County a year round destination for tourists and a property such as his could do this; he added there were other licensed events under the ownership of Warner Brothers that he was in talks about bringing to this region which had the potential to draw visitors from all over the Country, as well as Canada. He stated his hope was that the Board would provide him and his investors with the ability to run the Polar Express train for the timeframe he mentioned to bring people to the area. He requested that the Committee take into consideration that their decisions concerning the railroad would not only impact his business, but also many others in the area that were looking to drive tourism here during the off-season to make it into a year round destination.

A discussion ensued during which the Supervisors and Ryan Moore, *County Administrator*, posed questions that were answered by Mr. and Ms. McLean. The consensus of the Committee was for the McLean's to submit anything they would like to provide in writing and in particular whether they had an agreement with a railroad operator, to Mr. Moore and Ms. Kissane for review. Mr. McLean indicated he would submit the information later that afternoon, apprising his attorneys were readily available to discuss any type of technicalities or legalities that needed to be overcome.

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 \$44,000 from Budget Code DM.5110 110, *Co. Roads, Maintenance of Roads, Salaries-Regular*, to Budget Code D.5110 130, *Co. Roads, Maintenance of Roads, Salaries- Part-Time*, to correct a budgeting error.

Motion was made by Mr. Wild, seconded by Mrs. Frasier 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 a new contract with National Vacuum Environmental Services for water/sludge removal and tank cleaning pursuant to the terms and provisions of the specifications (WC 39-18) and proposal for a term commencing in August of 2018 and terminating August 2019 with the option to extend for two additional one year terms.

Motion was made by Mrs. Frasier, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the August 17th Board meeting. *A copy of the resolution request form is on file with the minutes.*

With regard to the Information for Discussion/Review section of the agenda, Mr. Hajos stated he had received notification from NYSDEC (*New York State Department of Environmental Conservation*) that the payment for 50% of last years household hazardous waste event should be received in a few weeks. He informed there had been an issue with the contractor setting up late for this years event resulting in traffic being backed up. He said the contractor had agreed to waive their set up fee as compensation

for setting up late. He informed despite the delays there were approximately 77 participants at the event in the Town of Queensbury. He advised due to a lack of interest from last years event in the Town of Warrensburg they had decided to hold the collection in that town every other year and to hold an annual collection in the Town of Queensbury. He apprised the following was collected at the event: 50 gallons of antifreeze, 600 pounds of solid pesticides, 150 pounds of florescent bulbs, 1,400 pounds of other miscellaneous household solids which were oxidizers, acids and bases, 700 gallons of hazardous paint which could be stain, polyurethane or oil based paints, 100 gallons of liquid pesticides and 300 gallons of other household hazardous liquids.

Mr. Hajos distributed photos of the three road construction projects they had completed which consisted of Old Stage Road (CR60), East Shore Drive (CR 15) and South Johnsbury Road (CR57); *copies of the photos are on file with the minutes*. He said once they finished working on Landon Hill Road they would commence with working on Valentine Pond Road. He said due to the weather this week they were slightly behind schedule.

Next, Mr. Hajos apprised the Transportation Improvement Program along with the NYS DOT (*New York State Department of Transportation*), and the A/GFTC (*Adirondack/Glens Falls Transportation Council*) were working on a solicitation for pavement preservation projects for next year. He informed the County had twelve roads that were eligible for federal funds, only two of which were outside of the Town of Queensbury. He stated he had submitted applications for were Sunnyside East, Sunnyside and West Mountain Roads, all of which were located in the Town of Queensbury for 2019 projects; however, he said, he was unsure which would be funded as there was only about \$2.1 million available for distribution to Warren, Washington and Northern Saratoga Counties. He reminded the Committee last year they completed a project on a portion of West Mountain Road at a cost of \$750,000.

Mr. Hajos pointed out the DPW Overtime and Fuel Usage Reports were included in the agenda packet.

Mr. Wild requested that Mr. Hajos add a column which displayed the average high/low to the overtime report.

Mr. Simpson commended the DPW crew for the work they had complete on the Cornell Cooperative Extension property, as well as the Warren County Fairgrounds.

There being no further business to come before the Public Works Committee, on motion made by Mr. Wild and seconded by Mr. Magowan, Mr. Simpson adjourned the meeting at 1:02 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board