

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: SEPTEMBER 28, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON
MERLINO
DICKINSON
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

COMMITTEE MEMBERS ABSENT:

SUPERVISORS FRASIER
DIAMOND
LOEB
HYDE

FRANK THOMAS, BUDGET OFFICER

SUPERVISORS BRAYMER
GERAGHTY
HOGAN
LEGGETT
SOKOL

DON LEHMAN, *THE POST STAR*

SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

*PLEASE SEE SIGN IN SHEET FOR OTHER MEETING ATTENDEES

Please note, the following contains a summarization of the September 28, 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 12:37 p.m. *Please note due to a lack of attendance, Chairman Conover served to make the quorum of the Committee.*

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 Merlino, seconded by 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 DPW Agenda, Kevin Hajos, *Superintendent of Public Works*, presented the following requests:

Page 2 - For transfers of funds between various Road Projects totaling \$103,092.98.

Page 3- For a transfer of funds in the amount of \$5,000 from Budget Code DM.5130 418, *Road Machinery, Machinery, Inc-General*, to Budget Code DM.5140 422, *Road Machinery, Motor Fuel Farms, Repair/Maint-Equipment*.

Page 4- For transfers of funds between various Road Projects totaling \$68,651.91.

Motion was made by Mr. Merlino, seconded by Mr. Wild and carried unanimously to approve the requests for transfer of funds as outlined above and refer same to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

Page 5- To appropriate funds in the amount of \$7,200 from the Motor Fuel System Reserve Fund (DM 894.00) to Budget Code DM.5140 422, *Road Machinery, Motor Fuel Farm, Repair/Maint-Equipment*, to pay for fire suppression equipment replacement.

Motion was made by Mr. Magowan, seconded by Mr. Conover 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 6- To amend the County Budget in the amount of \$38,228.50 to reflect receipt of insurance recovery funds for replacement of DPW Vehicle 17-02.

Motion was made by Mr. Magowan, seconded by Mr. Wild 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 9- To decrease Capital Project H365, Bay Road Preservation Project, in the amount of \$228,463.57 to reconcile capital project shares for the final total project cost.

Motion was made by Mr. Magowan, 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 10- To fill the vacant position of Highway Construction Supervisor II, *Grade 18, Annual Base Salary \$45,313.*

Mr. Hajos stated that this vacancy was the result of a demotion that occurred last month; he explained he would like to promote an employee who was currently in a Grade 12 position to this one. Mr. Geraghty questioned whether the position had to be posted, as he believed this was required by the union requirement. Mr. Hajos advised he planned on posting the position once he obtained Committee approval.

Motion was made by Mr. Conover, seconded by Mr. Magowan and carried unanimously to approve the request to fill vacant position as outlined above 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.*

With regard to the Information for Discussion/Review section of the agenda, Mr. Hajos stated the NYS DOT (*New York State Department of Transportation*) would be announcing the awards for the BridgeNY Program just prior to the election in November. He said this would impact the Towns and the County, as it pertained to whether they would receive any funding for bridge work they had submitted applications for.

Moving along to the review of the Parks, Recreation & Railroad agenda, Tim Benway, *Director, Parks, Recreation & Railroad*, presented the following request:

Page 1 - To authorize an increase the outreach school program fees for the Up Yonda Environmental Education Center from \$100.00 to \$125.00.

Mr. Geraghty questioned what the program entailed and Mr. Benway responded in order to alleviate transportation issues on these facilities, representatives from Up Yonda Environmental Center traveled to schools and daycare facilities to provide educational services. Mr. Geraghty pointed out the taxpayers were still responsible for footing the bill regardless of whether the County or the school paid for the program. Mr. Wild asked whether the fee covered the costs incurred and Mr. Benway replied this was a revenue generating program which was a necessity because there was a shortfall in the budget for Up Yonda Environmental Center which required them to use funds donated from a trust on an annual basis, as well as occupancy tax funding awarded from the Town of Bolton and the County. He added fees for parking had recently been increased to generate additional revenue, as well. Mr. Wild inquired whether the facilities had provided any feedback regarding the proposed increase and Mr. Benway responded that all the feedback he had received indicated the increase was reasonable.

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 October 19th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Proceeding to the pending items portion of the agenda with an update on the Smart Growth Grant, Mr. Hajos stated that the NYSDEC (*New York State Department of Environmental Conservation*) had indicated to him

the grant would be available in December of this year.

Mr. Benway provided an update on the NYSDEC Stocking Permit, Mr. Benway apprised stated that he and Fish Hatchery Manager had worked closely with the State to make some significant changes to stocking. He said the same amount of fish would be stocked, but different types of years would be used. He referred to an outline in the agenda packet which summarized the changes from the previous permit. He added the reason the amount of fish stocked in Patterson Brook was being decreased from 1,000 to 800 related to public accessibility issues at some of the stocking points there. Mr. Merlino requested that they look into stocking Lake Vanar which was now accessible to the public. Mr. Benway stated that they would be conducting a survey on that lake.

Continuing with the Agenda review, Mr. Benway apprised that the Trunk or Treat event was scheduled for Saturday October 20th at Up Yonda Farm from 6-8 p.m. He explained the event was comprised of members of the public decorating their vehicles and given out candy from the trunks of them. He said this event was always a success.

Mr. Hajos apprised that representatives from Revolution Rail Riders were present today to provide the Committee with an update on their operations. Robert Harte, *Chief Executive Officer*, commenced by introducing himself and his partner Mike Dupee. He stated that they had started their operation slightly more than a year ago north of the North Creek line, operating every day in the summer with an average of four to five trips per day and five days per week after Labor Day. Mr. Dupee added the rail bike excursion encompassed customers checking in at the North Creek Rail Station following which they were shuttled to the launch site just past North River and placed on a two or four person rail bike for a 7.5 mile round trip and then back on to the bus to return to the North Creek Station. Mr. Harte advised by the end of their first season in operation in 2017 they had doubled the size of their fleet. He stated they had significant success this year with their investment into social media, noting they had a number of their videos go viral for a total of over 33 million views. He said those viewing the videos were not only exposed to their experience, but it also attracted attention and visitors to the region to stay in local lodging and patronize local shops and restaurants. Mr. Dupee informed since they commenced operating they had employed nineteen different people, expending over \$100,000 in wages, paid over \$30,000 in Federal and local taxes, made in-kind donations to fifteen local and regional organizations totaling \$2,000, gotten over 33 million views on their videos on social media which was previously mentioned and they estimated that they attracted over 22,000 people to the region, noting this did not take into account the money these visitors expended here which he felt could easily add up to several hundreds of thousands of dollars. With regards to the railroad not being used properly, Mr. Dupee remarked they were putting it to use in a way that provided a benefit to the region, informing they would like to continue to do so in the future. He requested that the Committee be mindful that they would like to continue on with their operation as events continued to develop with regard to the future of the railroad.

Mr. Merlino advised he had taken one of the maiden voyages on their rail bikes along with representatives of the Tourism Department and now he passed along their information to guests of his bed and breakfast. Mr. Leggett inquired whether they were aware of the demographics of their riders and Mr. Dupee replied in the negative, explaining the booking software they used did not have the capability to track this information. He said anecdotally he believed last year the demographics were skewed younger with more from the United States and this year the average age skewed slightly older with more riders coming from Canada, but he had no data to support this. He apprised their bikes had the capability to take riders of any age with the youngest being four months old and the oldest being ninety-four.

Mr. Dickinson entered the meeting at 12:57 p.m.

Mr. Wild questioned whether there were any plans for future expansion and Mr. Dupee replied there was nothing firmed up, but they were interested in growing their business in the future.

Mr. Simpson stated prior to offering privilege of the floor they needed to discuss the abandonment action New York State had filed with the STB (*Surface Transportation Board*) with regards to the Sanford Lake portion of the railroad. He advised both Essex County and the Town of Newcomb had taken a position

opposing this action and he believed Hamilton County was also considering same. He explained his interpretation of the abandonment was that it would limit the County's options for the railroad property if the State was successful, as their action indicated the railroad would be more suitable for recreational purposes. He continued, the County had a forty-five day window from the time the State filed the action to comment on the matter for which the deadline was October 23rd and the Committee would not regularly meet again until after that date. He appraised he felt they should take a position on the abandonment action, as the County had a significant amount at stake since it owned the forty miles of track north of Antone Mountain Road. He said the Sanford Lake line was currently owned by Iowa Pacific Railway, but there was a company who had indicated an interest in purchasing it, as well as an interest in developing the market to transport the stone from Tahawus south. He concluded by stating it appeared to him this abandonment action was not in the best interest of the County.

Motion was made by Mr. Dickinson and seconded by Mr. Merlino to approve a resolution expressing the County's opposition to the State's efforts to have the Sanford Lake line to be deemed abandoned and authorizing a letter expressing same to be forwarded to the Surface Transportation Board.

Mr. Dickinson stated he was vehemently opposed to the State's actions, as it would severely limit what options the County had for the railroad property. Mr. Merlino added he believed they should try to make an agreement with a new operator and revisit the issue if it did not work out in a few years. Mr. Wild appraised he was unsure whether there was any benefit in opposing the State's action, as the STB would essentially be doing what the County had planned on doing by considering whether there was any value to current or future business on the railroad. Mr. Simpson stated that this action was similar to a public hearing where the County had forty-five days to comment on the proposed action which pertained to the abandonment of railroad the County's portion of the line was connected to and dependent on. He continued, this was why he felt it was in the best interest of the County to protect the County and its taxpayers interest with regard to the value of the rail line. Mr. Wild requested clarification that the abandonment action was only for the Sanford Lake line and Mr. Simpson replied in the affirmative. Mr. Wild remarked in light of this he was fully supportive of the motion before them.

Ms. Hogan asked Mary Elizabeth Kissane, *County Attorney*, whether it would be appropriate to include the County's opposition to the storage of rail cars in the letter to the STB and Ms. Kissane replied this could be included in the letter, but she was unsure whether they would take this into consideration during an abandonment proceeding. Mr. Simpson interjected that the purpose of the STB was to protect railroad operations, noting they did not regulate storage. He added the NYS DEC was protecting their interest to ensure there was no storage of any kind ever on the Sanford Lake line.

Ryan Moore, *County Administrator*, inquired whether the letter would be expressing the interest of the Public Works Committee or was the intention for it to be the opinion of the full Board and Mr. Dickinson replied it was for the full Board. Ms. Braymer voiced her opposition to the action, as she did not believe they should be involving the County since the action did not pertain to the County's portion of the line. She added she believed it was the responsibility of the prospective users of the Sanford Lake line to take action and not the County's. Ms. Hogan countered as indicated by the representatives of the Revolution Rail Riders, any action taken on that portion of the line would have an impact on the County.

Mr. Simpson called the question and the aforementioned motion to approve a resolution opposing the State's efforts to have the Sanford Lake line of the railroad to be deemed abandoned and authorizing a letter expressing same to be forwarded to the Surface Transportation Board was carried unanimously.

Chairman Conover advised prior to discussing the proposed plans for a Polar Express train ride that was received from the owners of the Stony Creek Ranch Resort yesterday he felt it was important to note it was imperative for this information to be forwarded on to the impacted departments such as the County Attorney's Office, Purchasing, DPW, etc. to streamline the process and ensure all bases were covered in the hopes of having an agreement in place prior to the deadline which was fast approaching. Mr. Moore asked the representatives of Stony Creek Ranch Resort whether there were any materials other than the perspective

on what their intentions were that he should have received and Scott McLean, *owner, Stony Creek Ranch Resort*, replied in the negative. Mr. McLean stated at this time the information he forwarded to Mr. Moore was all that was available, but additional information could be made available upon request. He added that he planned on providing the County with any information they requested as quickly as he could. Mr. Moore stated that nothing included in their perspective of their intentions spoke to the terms the County would require to enter into a contract such as indemnifications fees, etc. Mr. McLean apprised that was something he would provide quickly.

Mr. McLean informed he was present today to provide more specific details regarding the proposal he had presented to the Public Works Committee in July and he apologized for the lateness of his request. He reminded the Committee at that time he had been in the process of pursuing the Polar Express Train Ride at the Stony Creek Ranch Resort to provide them with a major source of revenue during the fourth quarter of the year to change their operation to year-round. 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 that a representative from Rail Experience/Warner Brothers was present today to answer any specific questions the Committee may have pertaining to the Polar Express. He informed since the July Committee meeting he had to overcome some hurdles to appease the County, most notable of which was to create a train operation with no agendas or issues that could cause concern amongst County officials as to what their ultimate goal was. He explained their intent was to create a train operation for forty-five days during the holiday season to allow access to the Polar Express to entertain up to 30,000 guests following which it would cease operation on December 26th. He equated their operation to being similar to the Spirit Halloween retail store which was occupying the former Toys R Us building thereby generating revenue for thirty days rather than being vacant. He advised they had obtained governmental approval from several government agencies, the most significant of which was FRA (*Federal railroad Administration*), in order to be able to operate the Stony Creek & Hudson Railway for the Polar Express. Mr. Moore requested that any documentation regarding the approval from the FRA be forwarded to the County for review to which Mr. McLean responded he would be pleased to forward Mr. Moore the email advising of the approval and he would provide contact information for the key lead they worked with at the FRA on this process, as well. Mr. McLean informed that his business partner Hal Raven would be working on the many different codes and operation of the train and Jeff Hagan, who he advised was another business partner of his, was working with them in order to be able to acquire the train cars and associated equipment for this operation.

Mr. McLean provided an overview of the Polar Express event as follows: It was a temporary entity which operated for six weeks; he would have to immediately hire specifically for this event seventy-five employees to operate the train with an estimated budget of \$200,000 in salaries; he would also be hiring additional staff for the Resort to accommodate guests during a time when they would normally be closed such as dining room, housekeeping, reservations, etc.; if this came to fruition area businesses had indicated to him they would either not lay off their staff that was typically unemployed this time of year or they would have to hire additional staff to accommodate the additional surplus of visitors; booths would be made available for local vendors to sell their products; there would be need for bands and DJ's every night during the event; he had obtained television coverage for this event, noting a major television show which was broadcast in 163 countries with millions of viewers would be visiting the resort in about a week which would not only attract interest in the Resort, but also the region; and charity runs for fund-raising purposes to be able to take care of those who were in need. Mr. McLean apprised there were forty-five Polar Express trains in the world including three in Canada and three in the United Kingdom with a ridership as of 2017 of 1,117,000 annually or an average event ridership of 25,000 and an average ticket price of \$50 per rider. He informed he would be working with hotel partners from all over the region to house the overflow of visitors from out of the area he was unable to accommodate at his Resort due to its minimal size. He stated he was willing to do anything within his power to work with the County to try and expedite this process to ensure this event came to fruition.

Mr. Moore advised the County had requested a written proposal from Mr. McLean on July 24th to which Mr. McLean had indicated one would be forwarded that day and yet to date nothing was received. Mr. McLean apprised he would be happy to provide that information, advising that the plans had changed since that meeting and they had decided to form their own railroad rather than partnering with one to prevent issues similar to what had occurred with Iowa Pacific Railway from happening with another railroad operator.

A discussion ensued during which the Supervisors and Mr. Moore posed questions that were answered by Mr. McLean and his associates.

During the discussion Mr. Simpson informed the County had run into several issues with removing Iowa Pacific's equipment from the railroad property in the Town of Johnsburg and he asked Mr. Hagan, who was contacted by Iowa Pacific to remove this equipment, to state for the record when this would finally be taken care of. He added that because he was the Chairman of the Public Works Committee he had to answer when the deadlines were repeatedly not met for removal of this equipment and Ms. Hogan fielded many calls from her concerned constituents regarding same. Mr. Hagan apprised he was funding the removal of this equipment himself since Iowa Pacific Railway had ceased with providing any funds or resources for the work. He stated presently there was a tractor trailer en route and the remaining parts in North Creek would be removed by the end of the week. Ms. Hogan asked whether the remaining gear in Ripiraus would be taken away, as well and Mr. Hagan replied he had run into some issues there. He explained the issue pertained to the fact that there were questions regarding ownership, advising he had been unable to get an answer from anyone regarding who owned what. He stated he would have the two trucks remaining at Ripiraus hauled away this weekend. Mr. Simpson asked for clarification that the deadline Mr. Hagan was providing for everything to be removed was Friday, October 5th and Mr. Hagan replied in the affirmative.

Mr. Simpson questioned whether the Committee would like to hold off on reviewing the 2018 Budget Requests and schedule a special meeting for Tuesday, October 2nd at 9:00 a.m. or move forward with the review today. He noted a quorum was not required since no action would be taken. It was the consensus of the Committee to review the Budget request today.

Mr. Merlino exited the meeting at 1:46 p.m.

Finally, Mr. Hajos reviewed the 2019 Budget Requests for the Parks, Recreation & Railroad and DPW Divisions, copies of which are on file with the minutes.

Due to a lack of a quorum, Mr. Simpson announced the meeting adjourned at 2:10 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board