

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: JANUARY 22, 2020

COMMITTEE MEMBERS PRESENT:

SUPERVISORS CONOVER
HOGAN
LEGGETT
BRAYMER
BRUNO
MAGOWAN
MERLINO
WILD

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
TIM BENWAY, DIRECTOR, PARKS, RECREATION & RAILROAD
FRANK THOMAS, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS BEATY
DICKINSON
FRASIER
SEEBER
SIMPSON
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
JULIE BUTLER, PURCHASING AGENT
ROBERT HART, REPRESENTING REVOLUTION RAIL CO.
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

COMMITTEE MEMBER ABSENT:

SUPERVISOR STROUGH

Please note, the following contains a summarization of the January 22, 2020 meeting of the Public Works Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <https://www.warrencountyny.gov/gov/comm/Archive/2020/works/>

Mr. Conover called the meeting of the Public Works Committee to order at 10:59 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 Mr. Merlino 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 2- Request to authorize an agreement with the Hague Sno-Goers for snowmobile trial maintenance and equipment support in an amount not to exceed \$9,000 for the term commencing January 1, 2020 and terminating December 31, 2020.
- Page 3 - Request to authorize an agreement with the Thurman Connection for snowmobile trial maintenance and equipment support in an amount not to exceed \$27,000 for the term commencing January 1, 2020 and terminating December 31, 2020.
- Page 4 - Request to authorize an agreement with the Northern Warren Trailblazers for snowmobile trial maintenance and equipment support in an amount not to exceed \$27,000 for the term commencing January 1, 2020 and terminating December 31, 2020.

Motion was made by Ms. Hogan and seconded by Mr. Leggett to approve the requests for agreements as outlined above.

Mr. Benway apprised in previous years the snowmobile funding had been allocated from the County to the towns; however, he noted, this year the funds would be allocated directly to the snowmobile clubs, with the exception of the Town of Lake Luzerne, who already had an agreement in place with the County.

Mr. Conover questioned why the funds were originally allocated to the towns and Kevin Hajos, *Superintendent of Public Works*, replied previously the funds were allocated to the towns because the towns had contracts with the snowmobile clubs to maintain the trails, but it had become too much of a hassle for some of the towns to collect the paperwork as a result of the new auditing procedure for any backup of whatever maintenance was done to the trails. He advised since the County already managed the paperwork with a few of the snowmobile clubs this would streamline the process.

A discussion ensued following which Mr. Conover called the question and the motion to approve the requests for agreements as outlined above was carried unanimously and the necessary resolutions were authorized for the February 21st Board meeting. *Copies of the resolution request forms are on file with the minutes.*

Page 5 - Request to amend the existing agreement with Lyme Adirondack Timberlands I, LLC. to include the balance owed of \$95.

Mr. Benway informed an amendment to the existing agreement with Adirondack Timberlands I, LLC was required in order to cover the shortfall of \$95. Mr. Leggett asked what the length of the snowmobile trail was there and Mr. Benway replied he was unsure, but he would provide that information to him.

Motion was made by Mr. Merlino, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the February 21st Board meeting. *A copy of the resolution request form is on file with the minutes.*

Proceeding to the Referral/Pending Items portion of the Agenda Mr. Conover called for a motion to bring to the floor discussion of the matter of Resolution No. 584 of 2019, Declaring the Boston and Maine Caboose Located at the Thurman Station as Surplus Property, which was tabled at the December 20, 2019 Board Meeting and sent back to Committee for further discussion, The requested motion was made by Mr. Merlino an seconded by Mr. Leggett.

Mr. Hajos advised an RFP (*Request for Proposal*) was sent out for the sale of the Caboose and two responses were received, one of which was for \$1,500 and the other was \$1,044; however, he noted, he was aware there had been discussions regarding the Caboose remaining with the County.

Ms. Hogan stated given the anemic bids and the fact that the County was still trying to determine the future of the County Railroad, she felt they should table this matter for now.

A motion was made by Ms. Hogan and seconded by Mr. Wild to reject all bids received for the Boston and Maine Caboose located at the Thurman Station.

Mr. Leggett inquired whether the Caboose was outfitted to be a concession stand which was approved by the NYS DOH (*New York State Department of Health*) and could be set up as a business and Mr. Hajos responded affirmatively. Mr. Leggett stated in light of this information he felt the Caboose was a valuable County asset.

Mr. Conover called the question and the motion to reject all bids received for the Boston and Maine Caboose was carried unanimously and the necessary resolution was authorized for the February 21st Board meeting.

Mr. Wild asked if the short-term plan was to ensure the Caboose was protected and viable in case they decided to relocate it somewhere else, such as the Warren County Bike Trail. Mr. Conover inquired whether the Caboose was periodically inspected by County staff to ensure it remained in good condition. Mr. Hajos responded that Mr. Benway and his staff inspected the Caboose, as well as all of the Train Stations, to ensure there were no issues. Mr. Magowan questioned whether there was any place available for it to be maintained in covered storage on the Railroad and Ms. Hogan replied there was nothing available in its current location. Mr. Hajos advised the Caboose was located at the Thurman Station which had a sewer system the Caboose was tied to, meaning it would require a significant amount of reconnecting and moving it up the tracks. He said he believed SNCR (*Saratoga & North Creek Railway*) had transported the Caboose on a truck and then used a crane to deliver it to the current location. Chairman Thomas suggested that anyone who was in that area and had not had the opportunity to view the Caboose to do so. Mr. Hajos apprised he and Mr. Benway would be happy to provide a tour of the Caboose to anyone interested.

Mr. Conover advised they would be addressing Mike Kelly's equipment on the rail prior to discussing Revolution Rail. Mr. Hajos informed an engine and a coach car owned by Mr. Kelly had been in North Creek since prior to when SNCR took over operating the County Railroad. He said Mr. Kelly has been asked several times to move the equipment off of the County property, but never did so and as a result a court proceeding was underway to force him to move them. He apprised Mr. Kelly changed the wheels on the car last week, but because of the conditions of the tracks as a result of the Halloween storm he was unable to move them out of Warren County until the areas where the tracks were washed out were replaced and a significant amount of trees were cut.

Mr. Conover asked Mary Kissane, *County Attorney*, to provide an update on the legal proceeding. Ms. Kissane apprised she had filed a summons and complaint against Mr. Kelly last summer, but right before the County's default motion Mr. Kelly had hired an attorney who contacted the County to request an extension to answer. She said she had allowed them to answer and now she was awaiting a court conference.

A lengthy discussion ensued during which it was determined the guidance from the Committee to the County Attorney was to continue to push for the Kelly equipment to be removed.

Proceeding to the discussion concerning Revolution Rail, Mr. Conover offered privilege of the floor to Robert Hart, *representing Revolution Rail Co.*, who stated the reason he was present at the meeting was to introduce himself and provide a brief summary of their business from last year. He apprised in 2019 they had over 21,000 riders as a result of which they were looking to expand their operation with the hopes of working together with the County on the County Railroad.

Mr. Leggett questioned whether Revolution Rail Co. operated mostly on the Sanford Lake/Tahawus Railroad and Mr. Hart replied affirmatively. Mr. Leggett asked whether the state of that Railroad would impact their operation this year and Mr. Hart replied he was confident they would be able to continue to operate there; he added he believed the demand was there to expand upon their operation. He said they were looking into traveling from the North Creek Station toward Riparius and from the Stony Creek Ranch to the Thurman Station, as well as leaving the option open to go from the Stony Creek Ranch toward the Hadley-Luzerne Station, but they had yet to explore that.

A lengthy discussion ensued following which a motion was made by Mr. Wild and seconded by Mr. Magowan to pursue an agreement with Revolution Rail Co. for use of the County Railroad as outlined above.

Ryan Moore, *County Administrator*, stated it was necessary to discuss the safety concerns with this agreement. Mr. Hajos advised his and Mr. Benway's most significant safety concerns pertained to the crossings, as well as some of the County bridges. He apprised he would not want the Revolution Rail

Co. to travel across the Sacandaga Bridge which was an open deck bridge that was about one hundred feet in the air. He informed his other concern was the crossings because the signals had all been disconnected except for the trickle charge to prevent the batteries from dying. He mentioned these bikes would not trigger the signals and the Riparius Station was located along Route 8 which had a speed limit of fifty-five miles per hour in that area and there was a blind curve coming into the Station. He stated Mr. Hart had indicated to him if the County did not want them to cross in that location they would stay above the Riparius Station. He advised he did not have any concerns with the crossings located between the Stony Creek Ranch and the Thurman Station because they were all private ones. In regard to the smaller bridges in that area, he informed his mind was put to ease when Mr. Hart pointed out they crossed a number of smaller bridges in Hamilton County without ever having any issues. He stated Mr. Hart had indicated to him they would like to tour the area from the Stony Creek Ranch to the Hadley-Luzerne Station to determine whether they wanted to pursue this route. He advised Mr. Hart had addressed the concerns he had with them using the tracks. He reiterated even if the County were to turn the crossing signals back on they would not get tripped by these bicycles going through them. He added the NYS DOT (*New York State Department of Transportation*) would most likely not allow Revolution Rail Co. to use flaggers to get out and stop traffic at the crossings located on State Routes 8 and 28; however, he noted, Mr. Hart had assured him they would not go through those crossings.

Mr. Conover advised he felt it was appropriate for them to discuss the matter in an executive session since it related to a contractual matter. Ms. Kissane added it also concerned the lease of real property. Mr. Wild asked whether there was something specific they would be discussing in executive session or just a general discussion regarding the elements that had to be part of the negotiations. Mr. Moore responded there was private financial information concerning the company which Revolution Rail Co. had requested be discussed in an executive session.

A motion was made by Mr. Magowan, seconded by Ms. Hogan and carried unanimously to enter into an executive session pursuant to Sections 105(f) and (h) of the Public Officers Law.

Executive session was held from 11:32 a.m. until 11:45 a.m.

Upon reconvening, Mr. Conover reminded the Committee there was a motion before them to pursue an agreement with Revolution Rail Co. Ms. Braymer questioned whether the motion concerned moving forward with pursuing an agreement with Revolution Rail Co. through a working group to negotiate and Mr. Conover replied affirmatively. Ms. Braymer expressed an interest in being a member of the working group. Ms. Braymer suggested they discuss the matter with the Planning & Community Development Department because of the amount of time and money they had invested in the First Wilderness Heritage Corridor. Mr. Conover stated he would like Ms. Hogan, as Vice-Chair of this Committee, and Mr. Leggett as second Vice-Chair, as well as Mr. Merlino, Ms. Braymer and Mr. Moore to serve on the working group to negotiate and then return to Committee with the appropriate details and information. Mr. Wild requested that the Economic Growth & Development and Higher Education Committee be included in this discussion. Ms. Braymer stated before they voted on this she would like to know the status of the abandonment proceeding and whether the STB (*Surface Transportation Board*) had any say over whether the County could move forward with an agreement. Mr. Moore responded a termination clause would be included in the agreement in case the STB notified the County the Railroad had to be used for freight because the line would have to be freed up for that purpose. Ms. Braymer once again inquired what the status of the abandonment proceeding was and Mr. Moore replied the next item on the agenda consisted of him providing a report on the steps he had taken with regard to abandonment.

Mr. Hart advised that a decision was required sooner rather than later in order for them to pursue this expansion for this season and if there was any way to extradite the negotiations he would be happy to

assist in helping to facilitate that timeframe. Mr. Conover stated his hope was the working group would be able to accomplish that. Mr. Wild asked when Revolution Rail Co. would need a decision by and Mr. Hart replied he was unsure if they went any further out than a month they would be able to get everything in place in time for the expansion for this season. Mr. Conover advised they would make every effort to try and meet the required timeframe, but it was necessary for any agreement to be both reasonable and rational.

Mr. Conover called the question and the motion to pursue an agreement with Revolution Rail Co. through a working group to negotiate as outlined above was carried unanimously.

In regard to the status of the abandonment proceeding, Mr. Moore apprised he had discussed the status of the County Railroad and the resolution the County had adopted at the December 20th Board Meeting pertaining to the County commencing the abandonment proceeding with the STB on its Railroad with Director of the Division of Public Liaison of the STB, as well as Deputy Director of the STB, and a few of their attorneys for the purpose of them providing him with their feedback on the timeline for going forward with this abandonment. He said their advice to the County was to hold off until a decision was made on abandonment proceeding for the Sanford Lake/Tahawus Railroad because this would impact what would occur with the Warren County Railroad and would make an abandonment proceeding on the County Railroad much simpler. He added that they had also mentioned the abandonment proceeding on that line was close to coming to a conclusion. He informed SNCR was the common carrier for the Warren County Railroad by virtue of an exemption that was filed in 2011 which was available to view online on the STB's website and the County acquired this Railroad in a manner that did not imply that the County itself had a carrier obligation. He stated this meant the character of abandonment was changed and would not necessarily be an abandonment, but rather an adverse abandonment much like what the State did with the Sanford Lake/Tahawus Railroad. He apprised this question could not be answered with any finality until the issues with that were currently being worked out on the Sanford Lake/Tahawus Railroad was settled. He said the issue was with a bankruptcy and receivership, as the STB was unsure of what right SNCR had to negotiate on these issues or who they needed to be discussing them with and they had directed SNCR to obtain a legal opinion to figure this out and this was waiting for an opinion from whatever was occurring in the court. He indicated proceeding with an abandonment would require SNCR or whomever was appropriate to do that legally otherwise the STB best advice right now was to pursue adverse abandonment, but there main suggestion was to wait and see what was going to occur with the Sanford Lake/Tahawus Railroad.

A discussion ensued.

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

- Page 2 - Request to fill the vacant position of MEO (L) #16, *Grade 7, Base Annual Salary \$33,600*, due to promotion.
- Page 3 - Request to fill the vacant position of MEO (L) #5, *Grade 7, Base Annual Salary \$33,600*, due to retirement.
- Page 4 - Request to fill the vacant position of MEO (M) #23, *Grade 9, Base Annual Salary \$36,214*, due to resignation.

Motion was made by Mr. Leggett, seconded by Mr. Merlino and carried unanimously to approve the requests as outlined above and refer same to the Personnel & Administration Committee for reporting purposes. *Copies of the Notices of Intent to Fill Vacant Position forms are one file with the minutes.*

In regard to the Information for Discussion/Review portion of the Agenda, Mr. Hajos advised as indicated by Chairman Thomas at the January 17th Board Meeting, an applicant briefing was held with FEMA (*Federal Emergency Management Agency*) and he had received an email notifying him he could access the portal to start uploading the County's information. He said FEMA would commence holding meetings with everyone impacted to ensure all of their paperwork was in order to receive the 75% reimbursement.

Next, Mr. Hajos stated the County had started using treated salt on County Roads which reduced the amount of salt used. He said they were currently out of brine and had no ability to obtain more unless he could possibly work with the Town of Lake George, who manufactured their own, because the company they previously purchased the brine from had been bought out and was currently not making anymore; he added he believed the Towns of Hague and Bolton were also unable to obtain additional brine. He stated he had contacted Dave Wick, *Executive Director, Lake George Park Commission*, to inquire whether any grant funding was available for the County to purchase a brine making machine which cost around \$50,000. He apprised this would allow the County to manufacture the brine in-house.

A discussion ensued, during which Ms. Braymer exited at 11:50 a.m. and Ms. Hogan exited at 11:55 a.m.

Mr. Conover advised due to time restraints they would hold off on discussing an update on the sewer until the next meeting.

There being no further business to come before the Public Works Committee, on motion made by Mr. Wild and seconded by Mr Bruno, Mr. Conover adjourned the meeting at 12:01 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board