

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PARKS, RECREATION & RAILROAD - WORKSHOP MEETING

DATE: MAY 1, 2007

COMMITTEE MEMBERS PRESENT:

SUPERVISORS HASKELL
 BELDEN
 VANNESS
 F. THOMAS
 GERAGHTY

COMMITTEE MEMBERS ABSENT:

SUPERVISORS O'CONNOR
 GABRIELS
 STEC
 MERLINO

OTHERS PRESENT:

REPRESENTING PARKS, RECREATION & RAILROAD:
 PAUL BUTLER, DIRECTOR
 PAT BELAND, TEMPORARY DIRECTOR
REPRESENTING UPPER HUDSON RIVER RAILROAD
 CLIF WELZ

 JOHN C. RIEGEL
 HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE AND
 FISCAL SERVICES
 PAUL DUSEK, COUNTY ATTORNEY
 JOAN SADY, CLERK OF THE BOARD
 SUPERVISOR CAIMANO
 CHARLENE DIRESTA, LEGISLATIVE OFFICE SPECIALIST

Mr. Haskell called the meeting of the Parks, Recreation & Railroad Committee to order at 12:45 p.m. and noted this would be a workshop session to continue discussion of contract negotiations with the Upper Hudson River Railroad.

Privilege of the floor was extended to Paul Dusek, County Attorney, who began by reviewing the contract with the Upper Hudson River Railroad Corporation. He stated that the current agreement was in effect until December 31, 2008. He added that in 2008 there was an option in the RFP (Request for Proposal) that allowed Warren County to renew for another five years. In answer to the question of whether the County could renew for a term of less than five years, Mr. Dusek replied affirmatively. He explained that the agreement could not be changed substantially, due to the fact that the original RFP defined the way that the County could operate within the agreement. Mr. Dusek stated that the dollar amount could be changed in the agreement, as well as the term of the agreement.

John C. Riegel, representing the Upper Hudson River Railroad, stated that they would prefer to renew for a five year period. Mr. Dusek replied that the decision on the length of the term of the agreement would be up to the Board of Directors and the Committee.

Mr. Belden asked if the five years would begin at the end of the current agreement and Mr. Dusek affirmed. Mr. Belden clarified that the agreement would then end

in December of 2013 and Mr. Dusek replied affirmatively.

Mr. Haskell asked if the contract was renewed for the two year time period, could another renewal clause be added. Mr. Dusek stated that the agreement only allowed for one renewal; however, it could be renegotiated to be a two year contract with the option to renew for an additional two years.

In answer to a question about property taxes, Mr. Haskell replied that the taxes for the property would increase with the addition of the million dollar train station, which was why he was in favor of the two year agreement. Mr. Belden stated that he was also in favor of the two year agreement. Mr. Dusek said that the County was trying to establish a Public Authority, which would hopefully eliminate any tax problems; however, the Authority had not been progressing as fast as the County had expected. He added that the legislation had been drafted and submitted; however, it had been difficult to conclude the issue.

Motion was made by Mr. Belden and seconded by Mr. VanNess to amend Resolution No. 373 of 2003, to extend the contract with the Upper Hudson River Railroad for two years, commencing on January 1, 2009 and terminating on December 31, 2010.

Mr. Haskell reviewed the topics discussed in the previous meeting pertaining to the Kellogg property for the benefit of Mr. Welz and Mr. Riegel.

Mr. Caimano entered the meeting at 1:03 p.m.

Discussion ensued.

Mr. Beland suggested that the station that was planned on the Kellogg property should be a replica of the original station, using the old blueprints. Mr. Haskell replied that Mr. Butler had informed the Committee that they should not ask for more than \$200,000 from the Environmental Protection Fund grant, and he did not feel that would be enough to build a "historic" station.

Mr. Beland asked what the effect would be on taxes if the Town of Hadley agreed to take public ownership of the station. Mr. Dusek replied that New York State law prohibits towns and counties from waiving taxes. Mr. Beland clarified that the Town of Hadley would then own the station. Mr. Dusek replied that transferring ownership of the station would solve the tax problem; however, the transfer would need to be federally approved.

Mr. Haskell asked if there were any more questions in reference to the contract with Upper Hudson River Railroad. Mr. Geraghty asked what was in the contract to ensure that the operator maintained the equipment. Mr. Riegel replied that there was not anything in the contract that pertained to that issue; however, they have made a commitment to improve the coaches this year. Mr. Beland apprised that the original language in the contract gave both parties the option to terminate with thirty days notice. He added that if the County had a problem Mr. Butler would write a letter to Mr. Riegel and if the problem was not resolved between the two of them, it would then be referred to the Committee.

Mr. Haskell stated that according to the law the railroad could not make a profit, and the best they could do was break even. Mr. Belden said that if a profit was made, the funds could be put back into improvements to the railroad. Mr. F. Thomas stated that the railroad could not take a loss either.

Mr. Haskell asked Mr. Beland to apprise the Committee on the progress of the Route 28 crossing. Mr. Beland said that originally when the Glen Bridge and Mill Creek were to be re-done, that crossing was also supposed to be re-done and re-surfaced. He added that the State wanted to use concrete to re-surface and was also going to re-align the bridge. He said that he was awaiting a call back from the engineer. Mr. Beland stated that the Hudson Bridge would not be completed until 2014.

Mr. Riegel stated that he was having difficulties with the North Creek Railway Depot Preservation Association, pertaining to the use of their loading platform and they wanted to charge a fee of \$5,000. He added that he had received a letter from a their attorney and he had to sign an agreement to pay \$5,000 for use of the platform this season. He said that if he had not signed the agreement it would have been detrimental to the Thomas the Tank Engine event.

Mr. Haskell asked Mr. Butler if he could determine how much it would cost the County to build a platform. Mr. Butler replied that in anticipation of this problem they had checked into building a platform 175' north of the existing platform and found it would cost approximately \$8,000. Mr. Haskell asked if the dairy cart could be moved and Mr. Riegel affirmed. Mr. Haskell asked if Mr. Butler could research the cost to move the dairy cart and to put a fence around the building. Mr. VanNess stated that the North Creek Railway Depot Preservation Association was benefitting from the Thomas the Tank Engine event and should not be charging for the use of the platform.

Mr. Welz stated that he had spoken with Mr. Butler in the past about adding a ten

foot extension to the current platform and he felt it would cost considerably less than \$8,000 to complete. He added that the ten foot extension would alleviate a lot of the problems in loading and unloading the train. Mr. Haskell asked Mr. Butler to get a price on adding the ten foot extension.

Mr. Welz commended Mr. Butler and Mr. Beland, noting how helpful they had been to the Upper Hudson River Railroad in the past and added that he looked forward to continuing to work with Mr. Butler.

Mr. Haskell called the question and the motion was carried unanimously to amend Resolution No. 373 of 2003, to extend the contract with the Upper Hudson River Railroad for two years, commencing on January 1, 2009 and terminating on December 31, 2010, with the approved changes included as presented. *The necessary resolution was authorized for the May 18, 2007 Board meeting.*

As there was no further business to come before the Parks, Recreation & Railroad Committee, on motion made by Mr. Belden and seconded by Mr. VanNess, Mr. Haskell adjourned the meeting at 1:15 p.m.

Respectfully submitted,

Charlene DiResta, Legislative Office Specialist