

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS (PARKS, RECREATION & RAILROAD AND SOLID WASTE & RECYCLING)

DATE: SEPTEMBER 9, 2008

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS	BELDEN	WILLIAM LAMY, SUPERINTENDENT OF DPW
	TESSIER	PAUL BUTLER, DIRECTOR OF PARKS, RECREATION &
	STEC	RAILROAD DEPARTMENT:
	MERLINO	FREDERICK MONROE, CHAIRMAN
	CHAMPAGNE	PAUL DUSEK, COUNTY ATTORNEY
	TAYLOR	JOANN MCKINSTRY, DEPUTY COMMISSIONER OF
		ADMINISTRATIVE & FISCAL SERVICES

COMMITTEE MEMBERS ABSENT:

SUPERVISOR	BENTLEY	JOAN SADY, CLERK OF THE BOARD
	HASKELL	SUPERVISOR KENNY
	GOODSPEED	SUPERVISOR SIMMES
		SUPERVISOR THOMAS
		STEPHEN LYNCH, INTERCOUNTY SOLID WASTE
		COORDINATOR
		MARC CARPENTER, R.S. LYNCH & COMPANY
		ROBERT MORRIS, WARREN WASHINGTON COUNTY
		INDUSTRIAL DEVELOPMENT AGENCY
		JOANNE SMITH, WARREN COUNTY RESIDENT
		JOHN LAPOINTE, WASHINGTON COUNTY SUPERVISOR
		BOB BANKS, WASHINGTON COUNTY SUPERVISOR
		CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE
		SPECIALIST

Mr. Belden called the meeting of the Public Works Committee to order at 9:02 a.m.

Motion was made by Mr. Champagne, seconded by Mr. Taylor and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad Department, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Butler apprised that item one pertained to an application for grant funding through the New York State Department of Transportation (NYS DOT) Passenger & Freight Rail Assistance Program and the NYS DOT 2005 Transportation Bond Act Rail & Port Program. He advised that the Committee had approved the application for \$2 million at the August 21, 2008 meeting, which was due on

September 30, 2008. He stated that since that time he had been informed that the construction of the rail stations would also be eligible for grant funding. He noted that in December 2007 the Committee had approved a phased approach to the construction of the stations in the Towns of Hadley and Thurman and added that \$2.8 to \$3 million was necessary for completion of the project. He said he was requesting authorization to submit an application for grant funding in the amount of \$3 million for station improvements.

William Lamy, Superintendent of the Department of Public Works (DPW), asked if an additional application would be submitted or if the original application would be withdrawn. Mr. Butler responded that one application would be submitted to cover the rail work along with the construction of the stations. Mr. Lamy questioned if local matching funds would be needed and Mr. Butler responded affirmatively. He explained that there were two funding sources available from the DOT Freight Bureau. The first of which, he added, was the Passenger & Freight Rail Assistance Program, which was a pure grant with no matching funds required. The second source, he said, was the Transportation Bond Act Rail & Port Program, which was a bond program requiring a 10% or more local match. He advised that when he filled out the application indicating that no matching funds would be utilized, the DOT Freight Bureau would automatically review the application as one for the pure grant.

Mr. Belden noted that with the current state of the budget it would be difficult to apply for the bond program, which would require \$300,000 for the local match requested. He added that since it was possible to apply for the pure grant with no matching fund requirement, the application should be submitted. Mr. Belden questioned if the current plan was to construct platforms and Mr. Butler responded affirmatively. Mr. Merlino explained that the plan was to construct the platform with the site work and preparation for a future full-build of the stations. Mr. Belden asked if the platforms would be covered and Mr. Butler replied affirmatively.

Mr. Lamy explained that the current plan was to make both sites functionally complete and to include foundation work, so that if additional funding became available, they could then complete the buildings. He apprised that the issue for this meeting was to decide if the County would apply for a 100% funded grant, in order to secure funding to construct a station at both sites.

Mr. Taylor asked if additional engineering funds would be necessary for the full-build or if the grant funds would cover the cost of the entire project. Mr. Lamy advised that there was an email from Rick Loewenstein, of Clough Harbor Associates, included in the agenda packet that stated that the estimated funds necessary to complete the phased approach of building a station at both sites was

approximately \$2.8 million. He advised that the grant funding would be sufficient to cover the engineering costs. Mr. Taylor stated that the project should be completed before it became necessary to find additional funding. Mr. Lamy apprised that in the current construction climate there was no guarantee that an estimate made now would be accurate two years from now. He added that the engineer had included contingency funds in the estimate to address any increase in future construction costs.

Mr. Belden asked if the engineer would need to develop plans to be submitted with the grant application. Mr. Butler responded that he would need to supply information on the scope of the project. He reminded the Committee that they had originally decided on the phased approach due to lack of funding. He added that the covered platforms and some of the site work was to be completed in the first phase. He said that the plan was to complete the full-build in the future for a 1400 square foot station building at each site. He explained that if additional grant funding was not received, County labor would have been used to close the platforms in to become full stations.

Mr. Belden apprised that if the engineer assisted in the plans for the application and the grant request was not approved, the County would have to pay for the services of the engineer. Mr. Butler stated that he would be completing the application without the assistance of the engineer. Mr. Lamy interjected that the station design had already been completed and this was merely an application for grant funding to complete the project. He advised that when the Committee had decided to proceed with the phased approach it had been understood that additional costs would be incurred as a result of the project not being completed all at once.

Mr. Champagne said that due to the current State budget constraints, the County would be less likely to receive funding when applying for a grant that did not require matching funds. Mr. Taylor questioned if there were other County projects to which this grant funding could be applied and Mr. Butler responded that the grant funding was only for use on rail projects. Mr. Belden asked if Federal funding was involved in the grant and Mr. Butler responded that it was a NYS DOT grant program through the Freight Bureau. Mr. Merlino stated that he understood the concerns with investing further funds in the railroad; however, he added, he felt the County would be doing an injustice if they did not apply for funding that did not require matching funds. He agreed that because it was a 100% pure grant, the chances of receiving full funding were less than if matching funds were involved.

Motion was made by Mr. Merlino, seconded by Mr. Stec and carried unanimously to authorize the submission of a grant application to the New York State

Department of Transportation Passenger & Freight Rail Assistance Program and 2005 Transportation Bond Act Rail & Port Program, in the amount of \$3 million for railroad station improvements in the Towns of Hadley and Thurman. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the September 19, 2008 Board meeting.*

Mr. Butler apprised that item two pertained to the installation of a railroad crossing signal at Antone Mountain Road. He explained that Upper Hudson River Railroad would install the railroad crossing signal when they become the official railroad operator for the rail line owned by the Town of Corinth. He added that the County would not need to contribute the \$7,500 that had previously committed. He requested an intermunicipal agreement with the Town of Corinth to allow UHRR to access Warren County property at the Antone Mountain Road public grade crossing in the Town of Corinth, to install signal crossing equipment and to allow UHRR to utilize Warren County salvaged signal crossing equipment located at the Toney Pit, to accomplish the improvement, contingent upon UHRR becoming the official railroad operator for the rail line owned by the Town of Corinth. He added that since Warren County's share of \$7,500 was no longer necessary, Resolution No. 291 of 2008 would need to be rescinded. Mr. Belden questioned if there would be a cost to the County and Mr. Butler replied in the negative.

Paul Dusek, County Attorney, entered the meeting at 9:17 a.m.

Mr. Merlino questioned what amount the Town of Corinth would pay UHRR for the installation of the crossing signal and Mr. Butler responded that he was unsure and it would be his assumption that the amount would be \$15,000. Mr. Dusek stated that since the Town of Corinth was paying for the installation, the details of that contract would be decided between UHRR and the Town of Corinth.

Motion was made by Mr. Champagne, seconded by Mr. Merlino and carried unanimously to authorize the intermunicipal agreement and rescind Resolution No. 291 of 2008, as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the September 19, 2008 Board meeting.*

Mr. Lamy advised that RK Hite and Company, the County's consultant for the Corinth Road Project, had revised the appraisal of two pieces of property to be acquired as part of the project. He added that in order to make monetary offers and begin negotiations with the affected property owners, the Chairman must approve the Just Compensations determinations. He said that Just Compensation had been determined based on the Uniform Appraisal Standards of Federal Land Acquisitions and had been verified by an independent reviewer. He added that the

revised Just Compensation amount for two of the properties were in excess of the \$2,000 limit and would require a Board resolution.

Motion was made Mr. Stec, seconded by Mr. Champagne and carried unanimously to authorize the Chairman of the Board to approve the revised Just Compensation amounts for the Corinth Road Project, as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the September 19, 2008 Board meeting.*

Mr. Stec asked how many right-of-ways for the Corinth Road Project were still being sought and Mr. Lamy responded that he would report on that information at the next meeting. He apprised that repair work was currently being done on Corinth Road in the vicinity of the project as the shoulders were deteriorated due to the fact that no repair work had been done on that road for ten years.

In connection to the list of referrals, Mr. Butler noted, that item one pertained to the demolition of the Biondi Building, which had been completed and could be deleted from the list. He said that item two referred to negotiations with the Open Space Institute for use of the Kellogg Property, which he said were still in progress. Mr. Dusek advised that all of the required studies had been completed. He said that he hoped to complete negotiations within the next month. Mr. Butler reported that item three pertained to the proposed plan and budget for a covered railroad platform at the Stony Creek Station (1,000 Acres Resort). He added that the a first draft of the plans would be submitted to the Adirondack Park Agency with a Jurisdictional Inquiry. Mr. Belden expressed his opinion that an enclosed building should be constructed at the Stony Creek Station due to the increased ridership in that area. He suggested that any grant funds that remained after the completion of the stations in the Towns of Hadley and Thurman, should be used for a building at the Stony Creek Station. Mr. Butler advised that the current plan for the Stony Creek Station was to construct a 30' by 15' raised platform with a handicap access ramp to grade.

Discussion ensued.

Mr. Butler apprised that referral item four had been reviewed by agenda item two and could be deleted from the referral list.

Having concluded the Parks, Recreation & Railroad portion of the meeting Mr. Butler exited at 9:28 a.m.

Privilege of the floor was extended to Stephen Lynch, Intercounty Solid Waste Coordinator, who distributed copies of the Inter-County Solid Waste Coordinating Committee (ISWCC) 2009 Budget Package to the Committee members; *A copy of*

which is on file with the minutes.

Mr. Lynch said that the ISWCC meeting would be held following the meeting and he would present the budget to them at that time. He added that Chairman Monroe requested that he present the proposed budget to the Public Works Committee. He referred to the second to the last sheet in the packet and stated that it represented a detail of the projections for the year ending December 31, 2008. He noted that the price of electricity directly affected the amount that needed to be budgeted. He stated that in 2008 the tip fees had held steady with a slight increase and the electric market had been good.

Mr. Tessier entered the meeting at 9:30 a.m.

Referring to page 10 of the packet, Mr. Lynch apprised, this represented the projected service fees for 2008 and 2009. He added that the projections had been calculated using three possible prices per kilowatt hour (kwh) for electricity. He advised that from January through June of 2008, the average price for electricity had been \$.099/kwh and in July it had peaked at \$.106/kwh. He added that the current projected price for the remainder of the year was \$.076/kwh. He said that it was safe to assume that the average cost of electricity for 2008 would be \$.09/kwh and Warren County's shortfall would be approximately \$2,282,190, which was \$800,000 to \$900,000 less than what had been budgeted.

Mr. Lynch advised that the projections for the price of electricity for 2009 were estimated to be \$.095/kwh. He added that he had calculated the figures for 2009 based on three price assumptions; \$.08/kwh, \$.085/kwh and \$.09/kwh. Based on the estimate for the cost of electricity of \$.09/kwh, he said, Warren County's shortfall for 2009 would be approximately \$2,555,544.

Chairman Monroe stated that he had requested that Mr. Lynch review the 2009 budget, and he noted there was a good possibility that in 2011 Wheelabrator would buy the burn plant. He added that a substantial surplus had been generated, of which he estimated there was \$600,000 remaining to be added to the \$800,000 to \$900,000 from this year. He stated that he had requested Mr. Lynch to project figures that were conservative, mid-level and aggressive. He expressed his opinion that he felt they could take the aggressive approach with the budget this year. He noted that there would be a surplus at the end of the year of up to \$1.5 million.

Mr. Lynch expounded that although the contract for the burn plant ended in 2011, there was a debt service reserve fund and possible funds from Wheelabrator for the purchase of the burn plant or a lease payment if they decide to lease. He added that 2009 and 2010 were the last two years of financial burden from the

burn plant. Chairman Monroe stated that he had asked Mr. Lynch for his recommendation for the amount of surplus that was necessary. Mr. Lynch advised that he felt it was reasonable for Warren County to budget \$2.4 million for 2009 and not hold an excess amount in reserve.

Mr. Kenny entered the meeting at 9:38 a.m.

Mr. Champagne suggested that the County should review all of their reserve accounts to determine where funds could be better utilized. Chairman Monroe noted that budgeting \$2.4 million for this year would be moderately aggressive. He added that they needed to decide if the surplus at the end of this year should be used to help balance the 2009 County budget. Mr. Tessier questioned the amount that would be appropriated from the Waste Management Fund Balance and Chairman Monroe responded the majority of the funds would be appropriated. He added that he had asked Mr. Lynch for his recommendation and had been informed that there was not an apparent reason to retain funds in the surplus account. Mr. Merlino asked if the amount in the surplus was approximately \$1.5 million and Chairman Monroe responded that it was \$600,000 at the end of 2007 with an additional \$800,000 to \$900,000 for 2008.

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried unanimously that \$2.4 million be budget for ISWCC for 2009.

Chairman Monroe noted that there had been discussion concerning end of term planning for solid waste management. He said that Mr. Lynch had made a proposal to continue to work in conjunction with Washington County for consolidation of solid waste and recycling. He added that the proposal was to use some of the funds that had been saved in 2008 to cover the costs of developing a solid waste management plan. Mr. Lynch advised that the proposal had been made on behalf of the ISWCC. He explained that the proposal was to determine the best way to move forward with solid waste removal, whether it be on a bi-county basis or Warren County on their own behalf. Chairman Monroe expressed that it was his opinion that Warren County should continue with the bi-county approach.

Mr. Dusek apprised that if the County went ahead with the planning process, it would involve restructuring the Solid Waste Management Plan, which was required by New York State Department of Environmental Conservation regulations. He added that it would involve planning for the future and receiving expert advice in connection with those plans. He stated that the purchasing policy of Warren County stated that whenever they retained professional services of this nature, the issuance of a Request for Proposal (RFP) was required. Because of the burn plant, he said, the solid waste removal for Warren and Washington Counties

had been connected. He added that the decision of whether to continue to work in conjunction with Washington County needed to be made. He expounded that in Warren County, each town had their own transfer station, which limited the County's role to providing transportation and recycling services.

Mr. Dusek apprised that the first step should be to have a discussion involving each Town Supervisor and County Officials to determine the desired approach. He said that if the County was responsible for solid waste management they would consolidate the solid waste and bargain for the disposal of that waste. Whereas, if the Towns were responsible, he added, they could enter into an inter-municipal agreements amongst themselves without the County's intervention.

Mr. Dusek advised that once the decision on how to proceed had been reached, it would be necessary to issue an RFP for planning and engineering services. He added that if the contracts were awarded to the same companies whose services were used by Washington County then it would be possible to continue with the bi-county approach; however, he continued, if they were not the same companies they would need to determine different ways to work in conjunction with Washington County.

Mr. Champagne asked if the Warren Washington Industrial Development Agency (IDA) would be involved. Mr. Dusek responded that the IDA had been involved because of the underlying financing and the title holder. He said they had acted as a middleman and would not have a role in the future. Mr. Champagne apprised that he had difficulty with the concept of starting all over again with a new engineer, attorney, consultant, etc. He said it would be difficult to reach a decision as to whether solid waste removal should be handled at the town level or the county level without a professional evaluation. Mr. Dusek agreed that definitive selections could not be made at this point; however, he added, it was advisable that the Town Supervisors were consulted to determine their needs. He advised that the RFP process would be necessary to select the professionals but it was possible that the same professionals could be selected as the one currently in place.

Discussion ensued.

In answer to a question pertaining to Washington County's proposal, Mr. Lynch responded that they had surveyed their solid waste facilities for waste disposal and recycling. He added that they were now evaluating options that would most likely result in an RFP in 4 to 5 weeks. He explained that the analysis would help to determine the new Washington County Solid Waste Management Plan. He said that the ISWCC did not make decisions, they merely made recommendations for the Board's approval. Mr. Champagne asked if Washington County's plan would

include the services of an engineer and Mr. Lynch responded that he was serving as project manager and added that they minimized the cost to both counties by utilizing the services of engineers only when necessary. He stated that it was more cost effective to have the DPW do as much of the work as was possible to minimize the role of the engineers.

Chairman Monroe advised that the Solid Waste Management Plan might be a good opportunity to apply for shared services grant funding. He said it was unfortunate that it would be necessary to issue an RFP as Mr. Lynch had 15 years experience dealing with Washington County. Mr. Lynch noted that R.S. Lynch & Company billed at a rate of \$60 per hour. Mr. Champagne asked if Washington County had retained Mr. Lynch's services following an RFP and Mr. Lynch responded that they had been hired pursuant to a bi-county RFP that had been issued seven or eight years ago. Mr. Dusek stated that the original RFP had been issued for a separate set of circumstances and added that this RFP would be for planning and engineering services. Mr. Champagne questioned who would work on the details of the RFP and Mr. Dusek responded that he could draft an RFP with input from Mr. Lamy. It was the consensus of the Committee that Mr. Dusek begin the process of drafting an RFP for planning and engineering services.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Stec and seconded by Mr. Merlino, Mr. Belden adjourned the meeting at 9:57 p.m.

Respectfully submitted,

Charlene DiResta, Sr. Legislative Office Specialist