

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS (INCLUDING DPW AND PARKS, RECREATION & RAILROAD)

DATE: OCTOBER 28, 2008

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
TESSIER
STEC
MERLINO
HASKELL
CHAMPAGNE
GOODSPEED

OTHERS PRESENT:

REPRESENTING DPW:
WILLIAM LAMY, SUPERINTENDENT
JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF ENGINEERING
REPRESENTING PARKS, RECREATION & RAILROAD:
PAUL BUTLER, DIRECTOR
FREDERICK MONROE, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
SUPERVISORS GERAGHTY
GIRARD
STRAINER
THOMAS
JULIE PACYNA, PURCHASING AGENT
KATE JOHNSON, DIRECTOR OF TOURISM
ROBERT BLAIS, MAYOR OF THE VILLAGE OF LAKE GEORGE
CLIFF WELZ, UPPER HUDSON RIVER RAILROAD
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBERS ABSENT:

SUPERVISORS BELDEN
TAYLOR

In the absence of Committee Chairman Belden, Supervisor Bentley, as Vice Chairman, called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mr. Haskell, seconded by Mr. Stec and carried unanimously to approve the minutes from the September 30, 2008 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, who distributed copies of the Parks, Recreation & Railroad agenda to the Committee members; *a copy of the agenda is also on file with the minutes.*

Beginning with the first agenda item listed, Mr. Butler presented a request to amend the County Budget to decrease revenues and appropriations in the amount of \$68,750. He explained that the County had been awarded grant funds in the amount of \$68,570 by the Adirondack Glens Falls Transportation Council (AGFTC) through the Make the Connection Grant Award, but they had been unable to schedule the work associated with the grant funds for 2008. Mr. Butler stated that the work was now scheduled to begin in the Spring of 2009 and the appropriate adjustments would be made to the 2009 Budget to include the grant funds.

Motion was made by Mr. Haskell, seconded by Mr. Champagne and carried unanimously to approve the request to amend the County Budget to decrease estimated revenues and appropriations in the amount of \$68,750 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Butler advised that the next agenda item pertained to an update on the status of the Rail Stations Project.

Construction on the Project started about a week prior to the meeting and they were currently working on the rail siding at the Thurman Station location, he said. Mr. Butler added that if all went as planned, they would begin excavating the foundations of both the Hadley and Thurman Stations during the following week.

William Lamy, DPW Superintendent, noted that the amount by which he was authorized to approve change orders in connection with the Rail Stations Project, without seeking Committee authorization, had been exceeded and he suggested that the limit of the authorization be increased to meet the needs of the Project. He reminded the Committee that Resolution No. 655 of 2008 authorized him to approve change orders up to an aggregate amount of \$18,000, as that was the total included in the Project for contingency costs; he added that there was a \$2,100 change order outstanding which he could not approve due to the limits included in the Resolution, which had been met. He further explained that the \$2,100 change order had been issued during rock excavation at the Hadley Station site when they found a USGS marker which they were obligated to replace. Mr. Lamy said that they had looked into the option of leaving the marker and working around it; however, he said, it would be more costly to work around it than it would be to remove and relocate the marker elsewhere. He reiterated that he did not have the ability to approve this, or any additional change orders that might arise, as the limit granted to him by the Board of Supervisors had been exceeded.

Mr. Butler advised that the \$18,000 limit had been included in the previous resolution as that was the amount included in the Project for contingency costs. He reminded the Committee that approximately \$124,000 of multi-modal funding was left over in the Railway Project and included no Local Match. Mr. Butler said that a portion of those remaining funds could be used to approve the change order cited by Mr. Lamy, as well as any introduced in the future of the Project. He added that they were attempting to complete the Rail Stations Project as quickly as possible and access to this additional funding, as well as increased approval limits for change orders, would assist in this effort.

When asked what his opinion as to what the approval limit included in Resolution No. 655 of 2008 should be increased to, Mr. Lamy replied that \$50,000 would be acceptable.

Motion was made by Mr. Goodspeed and seconded by Mr. Stec to amend Resolution No. 655 of 2008 to increase the limit of the change orders that the Superintendent and/or Deputy Superintendent of Public Works were authorized to approve and execute relative to the Rail Station Project from \$18,000 to \$50,000.

Mr. Champagne questioned how the USGS marker could have been overlooked during the geological study performed by the Project Engineer and Mr. Lamy replied that Clough, Harbour & Associates (CHA), had been working on the Project since its inception in the mid-1990's and there was a long litany as to how they reached this point in the Project. He said that the issue had surfaced and had to be addressed, regardless of the actions taken in the past.

Mr. Geraghty asked if legal action could be taken against CHA that would require them to assume the costs of the change order as it was their error in not detecting the marker in their study. Mr. Lamy replied that the issue had been caused by curtailed subsurface exploration, because only four test borings had been performed around the location of where the platform was to be located; therefore, the issue had not been identified. He pointed out that the \$2,100 included in the change order would be paid to the contractor hired to relocate the marker, not to CHA.

Mr. Thomas and Paul Dusek, County Attorney, entered the meeting at 9:42 a.m.

Discussion ensued.

Mr. Bentley called the question and the motion was carried by unanimous vote. The necessary resolution was authorized for the November 21st Board meeting and a copy of the request is on file with the minutes.

Resuming the agenda review, Mr. Butler apprised that the next item consisted of an update from Upper Hudson River Railroad (UHRR) and he noted that Cliff Welz, of UHRR, was in attendance to address the Committee.

Mr. Welz began by stating that UHRR had not performed brush cutting along the railway through the use of their brushcutter during 2008, but had done so late in 2007. He explained that it behooved UHRR to delay the brush cutting until approximately two weeks after the spray rig traveled along the railway so that they were able to distinguish between the herbaceous and non-herbaceous plants. Mr. Welz clarified that UHRR had provided some brush cutting services along the rail line through the use of chainsaws and weedwhackers, but had not used the actual brush cutting machinery. He noted that they were in good shape with the cutting and intended to use their brushcutter in the area during the Spring of 2009, after the spray rig had performed its duties.

Mr. Welz stated that the 2008 UHRR ridership figures reflected that 12,365 people had ridden the train and the County would receive approximately \$1,000 more in 2008 than they had in 2007 due to the increase. Referring to work on the Antone Mountain Road rail crossing, he noted that UHRR was still waiting for a letter from the County to authorize the work to repair the crossing, which would be performed by UHRR personnel at the expense of the Town of Corinth. Mr. Welz stated that although he was unaware of the status of this authorization, it had to be provided before the work could begin.

Proceeding to his last point of discussion, Mr. Welz addressed the 2011 Rail Operator contract. He said that in a previous meeting he had suggested an additional extension to the existing contract with UHRR, beyond the two-year extension recently secured. He pointed out that if the County was not amendable to extending the UHRR contract for a longer term, an RFP (request for proposal) process would be necessary to determine who would hold the Rail Operator contract in 2011 and he suggested that the County begin the RFP process as early as possible in order to allow sufficient time for the Operator chosen to prepare themselves for the contract term. He noted that the chosen Operator would require sufficient time to advertise for events, as well as to coordinate their equipment so that it was in place when the contract term began. Mr. Welz said that the last RFP process for these services had been delayed so long that UHRR had lost a considerable amount of business received through bus tours due to a lack of knowledge as to whether or not they would be chosen as the Rail Operator; he added that they had yet to regain all of the business lost. He stated that he would like to see the RFP process begin in March of 2009 in order to lend an appropriate amount of time to determine who the Rail Operator would be and to allow that group time to get their affairs in order and prepare and implement their marketing plans prior to beginning their term as Operator.

Robert Blais, Mayor of the Village of Lake George, entered the meeting at 9:51 a.m.

Mr. Butler stated that he was unsure as to whether the current UHRR contract could be extended further. He noted that there would be significant changes to the RFP used in the past in light of the fact that by the time the current contract expired the rail line owned by the Town of Corinth would be usable and would allow rail traffic as far south as the City of Saratoga Springs; he added that the completion of the Rail Stations in the Towns of Hadley, Stony Creek and Thurman should also be considered. Mr. Butler said that he felt discussions should be

initiated in the near future to address this matter as there would be significant changes to consider before making any decisions.

Mr. Dusek stated that for all of the reasons outlined by Mr. Butler, together with the fact that when they extended the UHRR contract for a two-year term they had exhausted all extension rights, an RFP process should be engaged to determine the holder of the Rail Operator contract for 2011. He said that there might also be some changes in the way that the rail lines were owned, due to the development of an Authority; therefore, he said he felt an RFP process was appropriate.

Motion was made by Mr. Haskell, seconded by Mr. Champagne and carried unanimously to authorize an RFP process for the 2011 Rail Operator contract to begin as quickly as possible.

Concluding the agenda review, Mr. Butler presented the listing of items pending from prior Committee meetings, which he detailed as follows:

1. Regarding negotiations with OSI (Outdoor Space Institute) for use of the Kellogg Property, Mr. Butler apprised that they were still awaiting the receipt of the report from the Elan Group. Mr. Goodspeed interjected that the report was received by the Town of Johnsburg on the previous day; however, he said, he had been unable to read the report prior to the meeting. He advised that he and Mr. Dusek could review the report and would then potentially be ready to conclude the negotiations which would lead to the conveyance of the property to the County in the near future. Mr. Butler said that he would include this issue on the agenda for the next Committee meeting for further discussion as to the status of the conveyance;
2. Mr. Butler advised that the plans for the a covered railroad platform at the Stony Creek Station (1,000 Acres Resort) were being prepared for submission to the APA (Adirondack Park Agency);
3. The expiration of the UHRR Rail Operator contract was discussed earlier in the meeting.

Hal Payne, Commissioner of Administrative & Fiscal Services, pointed out that a request had been made for UHRR to apply for Occupancy Tax funding for the Thomas the Tank Event and he reminded Mr. Welz that the application was due by December 1, 2008 for 2009 funding. Mr. Welz advised that they had received the application and were currently reviewing it.

Mr. Bentley read a proclamation congratulating Mr. Butler and Jeffrey Tennyson, Deputy Superintendent of Engineering, for completion of the County's first ever Supervisor Leadership Program; a round of applause was given to recognize Messrs. Butler and Tennyson for their achievement.

As there was no further Parks, Recreation & Railroad business to present, Messrs. Butler and Welz left the meeting at 9:57 a.m.; Mr. Dusek also left the meeting at 9:57 a.m.

Mr. Strainer and Kate Johnson, Tourism Director, entered the meeting at 9:59 a.m.

Privilege of the floor was extended to Mr. Lamy who distributed copies of the DPW agenda to the Committee members. *A copy of the agenda is on file with the minutes.*

Prior to beginning the agenda review, Mr. Lamy read a copy of a letter sent to Rose Lamy, Administrative Assistant, by Chairman Monroe and Mr. Payne commending her for her 36 years of service to the County; *a copy of the letter*

is on file with the minutes. He commented that Mrs. Lamy had received the letter earlier that morning and was visibly touched that Chairman Monroe and Mr. Payne had taken the time to recognize her for this accomplishment. Mr. Lamy said that he'd had the honor of knowing Mrs. Lamy for some time and he stated that she was one of the rocks that the DPW Department had been founded on, as she had a considerable amount of knowledge regarding the practices and procedures of the Department. Mr. Lamy said that he could not thank Mrs. Lamy enough for the work she had done for the DPW, and for the County; he added that Mrs. Lamy was contemplating retirement and said that she would be sorely missed when she chose to leave the County's employ.

Mr. Payne advised that letters similar to the one sent to Mrs. Lamy were sent to employees with a considerable amount of years of service with the County, beginning with 15 years of service and continuing in five year increments. Chairman Monroe added that it was very important to recognize these milestones.

Proceeding to the New Business portion of the agenda, Mr. Lamy presented the Budget Performance Report, a copy of which is on file with the minutes. He noted that there were some areas in the budget that had unused funds remaining in them; however, he said, those funds would have to be transferred to cover shortages in other areas, as reflected in the request for transfer of funds included on page 2 of the agenda. Mr. Lamy outlined the transfer of funds as follows:

<u>From Code:</u>	<u>Title:</u>	<u>To Code:</u>	<u>Title:</u>	<u>Amount:</u>
A.1620 110	General Fund Buildings - Salaries - Regular	A.5610 110	Airport (DPW) - Salaries - Regular	\$8,000.00
D.5110 465	County Road Maintenance of Roads - Road Maintenance	D.3310 120	Traffic Control - Salaries - Overtime	3,000.00
D.5110 465	County Road Maintenance of Roads - Road Maintenance	D.5010 110	Highway Administration - Salaries - Regular	11,500.00
D.5110 465	County Road Maintenance of Roads - Road Maintenance	D.5020 110	Engineering - Salaries - Regular	2,000.00
D.5110 465	County Road Maintenance of Roads - Road Maintenance	D.5110 120	Maintenance of Roads - Salaries - Overtime	30,000.00

Mr. Lamy explained that the \$8,000 shortage in Code A.5610 110, Airport (DPW) - Salaries - Regular, had been incurred when the former Airport Manager, Marshall Stevens, left the position and it had been necessary to pay him for his accumulated vacation time. He added that the fact that Don DeGraw, the current Airport Manager, received a higher salary than what was paid to Mr. Stevens, contributed to the deficit. As for the \$3,000 shortage in Code D.3310 120, Traffic Control - Salaries - Overtime, Mr. Lamy advised that although he had requested additional funding in the 2008 Budget to appropriately cover the expenses of this Code, the funding had been removed from the 2008 Budget prior to its adoption, leaving insufficient funds to cover the needs of the division.

The \$11,500 shortage in Code D.5010 110, Highway Administration - Salaries - Regular, was incurred subsequent to the retirement of an employee, Mr. Lamy apprised. He said that the retirement benefits, including payment of accumulated sick and vacation time, had led to the deficit. Mr. Lamy stated that the \$2,000 shortage in Code

D.5020 110, Engineering - Salaries - Regular, had been caused by an issue in the Kronos timekeeping system's reports to the Treasurer's Office. He explained that there were issues with Engineering staff salaries that should have been paid out of the Highway Administration Code, leading to a lack of funds. Mr. Lamy noted that a transfer was necessary to cover the lack of funding for 2008 and he advised that a meeting would be scheduled with representatives of the Treasurer's Office to make the proper adjustments for 2009.

Mr. Lamy stated that the \$30,000 shortage in Code D.5110 120, Maintenance of Roads - Salaries - Overtime, had occurred in connection with the minimal amounts being charged to particular Highway Projects in an effort to fund more paving projects. He noted that monies were deducted from the payroll portions of the DPW Budget for paving projects for Local Governments and the only way that those deductions could be recovered were by charging the Towns for paving services or charging costs to road projects. Mr. Lamy said that the amounts charged for 2008 were \$30,000 less than what had been removed from the Budget, necessitating a transfer. He advised that he needed to revisit the amounts charged to Local Governments and increase the charges to projects for 2009 to appropriately meet the totals removed from the DPW budget for these services.

In order to cover the shortages in Codes D.3310 120, D.5010 110, D.5020 110 and D.5110 120, Mr. Lamy suggested a transfer of funds in the amount of \$46,500 from Code D.5110 465, Maintenance of Roads - Road Materials. He said that he and his staff had reviewed the shortages and determined that this was the best way in which to cover the deficits and he noted that the County had been very fortunate in that there had been no major washouts or road failures for 2008 that would have necessitated the use of those funds. Mr. Lamy stated it was his feeling that they could minimize the need for funds from the Maintenance of Roads - Road Materials Code for the remainder of 2008 in order to facilitate this transfer to cover shortages in salaries. He added that for 2009, he charge enough time against each of the road projects in order to avoid shortages such as these in that year.

When asked for clarification as to the impact of the transfers on the County Budget, Mr. Lamy replied that no additional funding was being sought and that the transfers included funds already appropriated to the various portions of the existing 2008 DPW Budget.

Motion was made by Mr. Haskell, seconded by Mr. Merlino and carried unanimously to approve the transfers of funds as outlined above and refer same to the Finance Committee. *A copy of the request for transfer of funds is on file with the minutes.*

Mr. Lamy directed the Committee members to page 12 of the Budget Performance Report, specifically reviewing Department 5148 - Services to Other Governments. He advised that because the Towns had cut back on paving projects, as well as increases in paving costs, the DPW had not spent as much time paving for the Towns. Mr. Lamy noted that by adding the figures under Code D.5148 110, Services to Other Governments - Salaries - Regular, and Code D.5148 120, Services to Other Governments - Salaries - Overtime, a total of \$35,814 was incurred; however, he noted, \$80,000 had been deducted from the DPW Budget to cover Services to Other Governments. Therefore, Mr. Lamy stated, a deficit of approximately \$45,000 would occur as the amount removed from the Budget was not commensurate with the services actually provided. He said that he was unsure whether the Committee preferred to adjust the figures so that they were more appropriate or to leave them as they were but be cognizant of the fact that a deficit was certain to occur.

Mr. Geraghty noted that reducing the revenues budgeted for the Department to appropriately meet those received for services to other governments should fix this problem. Mr. Lamy countered that reducing the revenues would

not account for the \$80,000 removed from the salaries portion of the DPW budget to account for these anticipated services, which were not realized. He added that by removing this amount from the Budget the DPW started out the year with a deficit.

Referring to Code DM.5130, Machinery, which began on page 13 of the Budget Performance Report, Mr. Lamy advised that they were spending approximately \$20,000 per month on parts. He stated that Judy Johnson, Fiscal Manager, had cautioned him to this expense as it appeared that they might run short in this code by the end of 2008. Mr. Lamy noted that this Code had been reduced by \$25,000 during the 2008 Budget negotiation process and it appeared that there would be a deficit, based on past spending practices.

Mr. Geraghty asked what the increasing costs in the Machinery Code was attributed to and Mr. Lamy replied that the increase was based primarily on the volume of repairs being made to County-owned equipment. Mr. Geraghty then questioned if these were standard maintenance costs or if there was some abuse to equipment suspected. Mr. Lamy replied that they continued to maintain plow trucks that were 17 years old and he hoped that the new equipment purchased would reduce maintenance costs. Mr. Bentley interjected his feeling that the increased maintenance costs could be attributed to the heavy winter snow and ice conditions experienced during the previous winter. He added that the Town of Horicon's Highway Department maintenance budget had already been expended for 2008 due to the extensive repairs incurred during snow removal for that season. Mr. Bentley said that the Town of Horicon had transferred an additional \$20,000 into their maintenance fund to meet repair needs and he did not think that amount would be sufficient to cover necessary repairs for the remainder of the year.

Mr. Champagne questioned how many 17-year old trucks were being used for snow plowing services and Mr. Lamy replied that he was unsure of this number but advised that he would prepare a chart for presentation at a future Committee meeting that reflected the age of the plow trucks being used to clear County roads. He added that the new trucks being purchased would allow for the older models to be removed from the fleet at which point the oldest trucks used would be in the range of 10 to 12 years old.

Resuming the agenda review, Mr. Lamy directed the Committee members to page 4 which reflected a request to sell the County's unused sign lettering equipment to the Town of Warrensburg for a total of \$300. He explained that the equipment included a die cutter for small letters, as well as some Highway Series C 1.5" letters which were no longer used since the computerized sign making equipment was purchased. Mr. Lamy advised that the value of the equipment had been determined by Brian Humphrey, Deputy Superintendent of Highways & Bridges, in connection with the Sign Shop foreman.

Motion was made by Mr. Stec, seconded by Mr. Haskell and carried unanimously to approve the request to sell unused lettering equipment to the Town of Warrensburg for the amount of \$300, as outlined above, and the necessary resolution was authorized for the November 21st Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy advised that page five of the agenda included a request for extension of the Municipal Contract for 2009 snow and ice removal services provided to the County by the Towns. He noted that although the chart reflecting the 2009 recommended payment rates was not yet available, he had included a copy of the 2008 recommended payment rates on page 6 of the agenda. Mr. Lamy stated that the 2009 recommended payment rates would include a 5% increase over the amounts paid in 2008, as per the approval of the Budget Committee. *Note: Subsequent to the meeting a copy of the 2009 recommended payment rates was received and is on file with the minutes.*

Motion was made by Mr. Haskell, seconded by Mr. Champagne and carried unanimously to approve the request to extend the Municipal Contract for snow and ice removal services and the necessary resolution was authorized for the November 21st Board meeting. *A copy of the request is on file with the minutes.*

The next agenda item, Mr. Lamy stated, referred to an informational item with regard to the Recycling Contract with the Towns of Warren County. He apprised that in speaking with Julie Pacyna, Purchasing Agent, he had been advised that the County could no longer offer recycling contracts to the Towns; therefore, he added, the Towns would be responsible for publishing their own bids for recycling and solid waste services. Mr. Lamy added that Mrs. Pacyna said she would be willing to assist the Towns in developing their specifications for the recycling services in order to secure their own contracts. He noted that this procedure would become effective on January 1, 2009 when the current County contract expired.

Mrs. Pacyna entered the meeting at 10:25 a.m.

When asked for clarification on the need for individual Town contracts for recycling needs, Mrs. Pacyna apprised that the matter had arisen due to prevailing wage laws which required that each Town secure an individual contract. She added that this was not a new statute, but that the County had been using an incorrect procedure in allowing the Towns to be included in the County contract for recycling services.

Mr. Haskell asked if the County recycling law could be rescinded and Mr. Champagne replied in the negative, noting that it was required by the State. Mr. Lamy advised that the County's Solid Waste Management Plan could be updated to revise it appropriately, with oversight and approval by NYSDEC (New York State Department of Environmental Conservation); however, he said, an RFP would be necessary and the process would take about a year before anything else could be done.

Subsequent to further discussion on the matter, it was the consensus of the Committee that Mrs. Pacyna should confer with the County Attorney's Office to determine what options were available to be discussed further at the next Committee meeting.

Mrs. Pacyna left the meeting at 10:31 a.m.

Continuing with the agenda review, Mr. Lamy advised that page 8 reflected a request for a new contract with the lowest responsible bidder for HVAC (heating, ventilation and air conditioning) repairs, rehabilitation and installation. He noted that although the bids for these services had been received, they had not had the opportunity to analyze them and select a bidder. Mr. Lamy added that a decision would be made prior to the November 21st Board meeting as to who the contract would be awarded to.

Motion was made by Mr. Haskell and seconded by Mr. Goodspeed to approve the request for a new contract for HVAC repairs, rehabilitation and installation as outlined above, provided that Mr. Lamy notified the Committee if the low bidder was not chosen.

Mr. Payne noted that the contractor currently providing the HVAC services had not submitted a bid, which was of no consequence to the County as the services provided by the contractor had proven problematic at every site they were involved with.

Mr. Bentley called the question and the motion was carried unanimously, thereby authorizing the necessary resolution for the November 21st Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy stated that the next agenda item was included on page 9 and consisted of a request to authorize the conveyance of County real property which he asked Mr. Tennyson to present. Mr. Tennyson explained that the transfer was of excess right-of-way (ROW) property defined as Town of Queensbury Tax Map Parcel No. 265.-1-58. He reminded the Committee that the conveyance had been mentioned at the previous Committee meeting and it had been determined that Committee action would be necessary to forward the conveyance once a value had been determined for the parcel. Mr. Tennyson apprised that Michael Swan, Director of Real Property Tax Services, had estimated the value of the property to be \$450 and that was the amount they sought to transfer the property for.

Motion was made by Mr. Goodspeed, seconded by Mr. Tessier and carried unanimously to authorize the conveyance of Town of Queensbury Tax Map Parcel No. 265.-1-58 to the Estate of Oscar Swinton for the total of \$450 and the necessary resolution was authorized for the November 21st Board meeting. *A copy of the request is on file with the minutes.*

Agenda page 13 included a request to authorize the Chairman of the Board or the Superintendent of Public Works to execute an easement with a property owner for road improvements on Harrisburg Road (CR#22) in the Town of Stony Creek, Mr. Lamy advised. He explained that the County had undertaken a project to improve sight distance and increase snow storage on a severe curve on Harrisburg Road, a project which involved the removal of trees and an embankment. Mr. Lamy said that DPW staff had met with Debra and Thomas McGinty, the property owners, and their approval of the project was expected.

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

Mr. Girard and Fred Austin, Building Project Coordinator, entered the meeting at 10:35 a.m.

Mr. Lamy apprised that the next agenda item pertained to an update on the Corinth Road Project. He said that as the Committee was aware, the Project had been in the planning process for approximately ten years and in light of budget constraints at the Federal and State level, a meeting had recently been held to discuss when certain projects would begin construction, as well as when they would meet Federal and State funding years. Mr. Lamy stated he had been advised that Federal authorization to advertise for bids on the Corinth Road Project had to be achieved by September 1, 2009 or the County would lose the \$10 million currently earmarked for the Project. He apprised that he, Mr. Tennyson and Mr. Stec had met with regard to the matter and had decided that they needed to form a small working group with members from the County, Town of Queensbury, consultants and any other party identified to meet periodically to discuss the measures required to gain the Federal authorization prior to September 1, 2009. Mr. Lamy noted that the two largest issues currently faced were the acquisition of property by the County and the acquisition of easements by the Town of Queensbury for the relocation of utilities. He said that they would make every possible effort to advance the project; however, he added, he wanted all parties to be aware that there was a date on the horizon at which point the funding for the project would lapse if the proper actions had not been taken.

Mr. Champagne asked if a contingency agreement could be worked out to retain the Federal funding by promising that the acquisitions would be made subsequent to the deadline in the event that the County and Town were unable

to gain the required property acquisitions prior to September 1, 2009. Mr. Lamy replied that the first scenario should be to determine the status of the plan in place, identify any matters that might cause delays and see if any of those could be resolved and subsequently develop another plan, which would include an extra work authorization, to redesign the project already designed to overcome these issues. He said that it was his feeling that they were far enough along in the process that it was the desire of all parties involved to complete the project design already in place, unless there was some obstacle that absolutely prevented it from being completed. Mr. Lamy said that this approach would be the topic of the group's first workshop.

Mr. Champagne said that he would like to see a time frame developed for the Project by the end of January of 2009 in order to determine what steps would have to be taken to meet the deadline in place. Mr. Lamy replied that this was his intention and he added that he would involve the County Attorney's Office in the process to determine funding agreements between the County, Town of Queensbury, the sewer and water districts and the utility companies. He said that although they were prepared to tackle these projects, there was now a deadline working against them.

Mr. Dusek re-entered the meeting at 10:40 a.m.

Mr. Stec stated that it was absolutely critical that both the County and Town attorneys become involved in the process. He said that R.K. Hite was farther along with the Town's ROW acquisitions than he had previously thought, which eased his mind somewhat. In addition, Mr. Stec apprised that the Town of Queensbury had recently achieved a court victory over National Grid who were now interested in working with the Town on the undergrounding of utilities along the Project route. He said that while he was very optimistic that an arrangement could be reached with National Grid, he was worried that a similar agreement would not be reached with Verizon as they had chosen to ignore the whole situation thus far. Mr. Stec apprised that he had received a call from the Public Service Commission who sought to mediate the situation between the Town of Queensbury and National Grid and it was the Town's position that they would agree to the mediation services if Verizon could be included in the meetings also.

Mr. Lamy announced that the last item listed under the New Business portion of the agenda pertained to the Gaslight Village/Westbrook Project and he directed the Committee members to page 15 of the agenda which included a listing of items related to the Project to be decided by Warren County. He noted that this listing had been included in the agenda at the request of Chairman Monroe, and he asked him to speak on the matter.

Chairman Monroe apprised that the listing had been developed subsequent to the last meeting of the Gaslight Village Property Management Committee as no progress had been made in developing a plan for the property since its purchase seven months prior. He said that one of the suggestions made during the meeting was for the County to contract with The Chazen Companies to develop a plan for the use of the festival space through the use of ideas from the 3M's (Municipalities - Warren County, Town of Lake George and the Village of Lake George) as to the prospective use of the property, as well as any alternate options. He added that subsequent to the meeting he had confirmed with Walter Lender, Lake George Association (LGA), that the services of The Chazen Companies would be funded through the receipt of donations and grant funding and there would be no cost to the County, other than the costs of organizing meetings. Chairman Monroe noted that an email had been received from Barbara Beall, of The Chazen Companies, copies of which were distributed to the Committee members and a copy of same is on file with the minutes.

The engineering reports received for the existing Gaslight Village buildings were not detailed enough to ensure that

they were usable for a place of public meeting, Chairman Monroe stated, nor to make a determination as to what needed to be done to meet the requirements of such. He added that detailed cost estimates were not available to determine if it was worth updating or making long term decisions on the use of the building. Chairman Monroe said that The Chazen Companies were not interested in doing this work and neither was the County interested in their doing so; therefore, he said, they had decided that a separate engineering firm should be consulted for information on the stability of the existing buildings. He concluded that the first item listed on page 15 of the agenda questioned if the County agreed to have The Chazen Companies, *specifically Chazen Engineering*, prepare the preliminary and final plans for use of the festival space with the costs of the review to be funded by the 3E's (environmental groups) with grant funds. Chairman Monroe stated that the goal was to determine a plan agreeable to the 3M's and other interested parties such as the Warren County Tourism Department and Americade representatives. He said that by retaining the services of The Chazen Companies, three concept plans would be developed to meet the needs of all three entities, subsequently holding workshop meetings to determine which was the best choice for the festival space. Chairman Monroe stated that the 3M's could reject any of the proposals if they did not feel they were appropriate to their needs and he suggested that they move forward with this process.

Mr. Haskell stated that in the seven months that the County had owned their portion of the property, they had only succeeded in losing a considerable amount of revenue through the NY State Fire Chiefs' Association as they had decided to take their event to another location. He said that when the County invested in the property they had known then that they desired the use of the property for festival space and he noted that the Town of Lake George had done very well in cleaning up the property and had hired an engineer to determine the structural integrity of the buildings located on the property. Subsequent to the receipt of the engineering report it was determined that a new roof was needed for one of the buildings, which Mr. Tessier had agreed to provide through the Town of Lake George, Mr. Haskell advised. He said that since Mr. Tessier's efforts had been curtailed, tourism business had been lost, such as the Fire Chiefs' convention, as they had been unable to guarantee the use of the property for upcoming events due to the uncertainty as to whether or not buildings would be available to them. Mr. Haskell stated that he did not feel that further studies would improve the use of the property as they would continue to delay the use of the property and might prove to lose more tourism for the County. He added that if the Committee was in favor of hiring an independent consulting firm to provide project plans, they should consider instituting a very restrictive time schedule so that use of the property was not further delayed.

Chairman Monroe reiterated that a plan was needed for the property as seven months had gone by since the purchase and nothing had been done, other than to authorize the Town of Lake George to stabilize the buildings on the property at their own expense. He added that there was no overall plan; therefore, he said, they were in no position to seek grant funding for the property and there was no indication as to how the property would officially be used. Chairman Monroe noted that the Fire Chief's Association event had been lost as the County had been unable to confirm that the property could be used for the event and this was a loss of business that might have been avoided if a plan for the site had been in place. He stated that the proposal offered by The Chazen Companies would allow for the development of a plan at no cost to the County. Chairman Monroe reminded the Committee that they would have complete control over the plan as they would be able to refuse all three options given if they were not acceptable to the Board of Supervisors. He added that he highly recommended proceeding with this proposal.

Mr. Goodspeed questioned what, if any, relationship did The Chazen Companies have with the 3E's and Chairman Monroe replied that initially, The Chazen Companies had been contracted with to provide the plan for the entire property, including the festival space. He added that because the 3M's had been unsure as to exactly what they wanted to do with the festival space, their portion of the plan had been left blank. Mr. Goodspeed then asked Chairman Monroe if he foresaw any way in which the 3E's might have influence or input into the plan given their

relationship with The Chazen Companies and Chairman Monroe replied in the negative, citing that the County had the right to reject any of the proposals presented.

Mr. Champagne asked if the plan would have any reference to the purification of the water running into Lake George and Chairman Monroe replied in the negative, noting that those plans would be developed separately by The Chazen Companies on behalf of the 3E's. Chairman Monroe advised that it was in the best interest of the 3M's to attract grant funding as this was a \$10 million project, to which the County had contributed \$1.5 million. He said that a plan, such as those that would be developed by The Chazen Companies through their proposal, would help the 3M's to gain the grant funding for the project.

Mr. Bentley reminded the Committee that the Board of Supervisors had already voted in favor of saving the existing buildings located on the Gaslight Village property; therefore, he said, the matter was settled as to whether the buildings would be retained. Chairman Monroe countered that the matter was not settled because the engineering reports performed on behalf of the Town of Lake George were inadequate as they failed to determine if the buildings met current building codes or the costs that would be incurred to meet them. He said that information regarding the repairs necessary to the buildings, as well as the costs incurred to meet them, would have to be reviewed by the Board of Supervisors prior to making any long term plans for the use of the buildings in question.

Mr. Lamy concurred with Chairman Monroe's statements and he pointed out that the last meeting held to discuss the results of the engineering report commissioned by the Town of Lake George to determine the structural integrity of the buildings had included Chairman Monroe, Mayor Blais, Mr. Tessier, Mr. Dusek and himself. He said that during the meeting they had discussed the results of the report which stated that the buildings could be saved for a cost, although the report failed to indicate that amount. Mr. Lamy said that the report further noted that the next step in the process to evaluate the buildings would be to inspect the electrical, plumbing, heating and ventilation systems in place to determine what work was required to prepare the buildings for public occupancy. He noted that a Certificate of Occupancy (CO) for the buildings was necessary prior to the building becoming authorized for public gatherings and certain codes had to be complied with in order to meet that goal. Mr. Lamy said that during the meeting a suggestion had been made to use one of the consultants currently under contract with the County to perform the further evaluations and to confirm or reaffirm the structural integrity of the buildings, as well as to determine a list of items and associated costs for the upgrades to be reviewed by the Board of Supervisors who would eventually decide whether the buildings should be retained or removed. At the same time, he noted, Mr. Tessier had advised that some roof work was necessary to protect the interior of one of the buildings during the upcoming winter season and the group had discussed whether or not the roof work would meet building code requirements. Subsequently, Mr. Lamy stated, Mr. Tessier had been notified that he could proceed in buttoning up the building but should keep in mind that if the building codes were not met, some of the work might have to be redone to satisfy the governing regulatory agencies. He apprised that he had spoken with Mr. Tennyson in order to utilize some of the consultants currently on contract with the County to meet those needs and he hoped to have a proposal for the Committee's review, including repair costs, to identify a source of funding and subsequently determine if the costs indicated were worth saving the buildings.

Chairman Monroe noted that the buildings could not be occupied until the measures indicated by Mr. Lamy were completed.

Discussion ensued with respect to the matter.

Mr. Haskell asked if a restrictive time line could be set for the completion of the project plans by The Chazen

Companies so as not to further delay use of the property and Chairman Monroe replied affirmatively. It was the consensus of the Committee that a 90-day time limit be set for the development of the project plans.

Mr. Goodspeed stated that he supported the long-range plans, as well as the efforts of Mr. Lamy in gaining more in depth engineering plans; however, he noted, he foresaw some potential issues in the future. He said that the Board of Supervisors had voted in favor of the purchase of the Gaslight Village property with the feeling that some immediate actions would be taken. Mr. Goodspeed added that the loss of business from the Fire Chiefs' Convention had increased tensions between the County and its partners in the project and he noted his feeling that such tensions might rise again in the future if the long range plan agreed upon by the 3M's was opposed by the 3E's. He added that although the County Attorney's Office had confirmed the 3M's exclusive control over the property and the determinations made thereon, it seemed that there were many cases in which the 3E's opposed their plans. Mr. Goodspeed said that he supported the efforts of the 3E's in their mission to preserve Lake George through the use of the property, but he also supported the efforts of the 3M's in developing the property for tourism and trying to make the two work together. He stated that he was unsure if the long-term goals of all parties would be able to co-exist and he thought there might be a time in the future when the plans would collide, leading to disagreements between all parties. Mr. Goodspeed closed by saying he was unsure if the 3E's and 3M's should continue to work and coexist together or if they should go their separate ways.

Mr. Dusek interjected that he had worked extensively as a representative for the County concerning the Gaslight Village Project and he recalled that when the Project first began, it was as a vision of an environmental project that would also have an open space area for trade shows and events. He added that the entire project was intended to coexist with compatible uses that would not be adverse to one another. Mr. Dusek said that as they worked on the conservation easements the tensions between the 3E's and 3M's began over the use of the festival space and at the end of their discussions, the 3M's had gained free reign over the festival space. He noted that despite the agreements for the 3M's to proceed as they desired with the festival space, he felt that it was important to keep in mind the initial vision for the property that would allow all uses of the site to be compatible and serve the needs of both parties. Mr. Dusek said he felt that it was possible to reach this goal; however, he added, this was a big project. With respect to the existing buildings, he stated that in order to recreate the existing buildings, their future use would have to be determined as different uses would require different structural needs and code compliance.

Discussion ensued.

Motion was made by Mr. Haskell, seconded by Mr. Stec and carried unanimously to proceed on a parallel process to allow Mr. Lamy to proceed in securing further engineering reports from current consultants while authorizing The Chazen Companies to proceed in developing plans for the festival space and allowing a 90-day time frame for both.

Mr. Dusek pointed out that a source of funding was necessary for the additional engineering reports. Mr. Lamy advised that the costs of the engineering review were unknown, but noted that they could be determined for presentation at the Finance Committee meeting.

Motion was made by Mr. Goodspeed, seconded by Mr. Champagne and carried unanimously to refer the issue to the Finance Committee to determine a source of funding for the engineering reports.

Chairman Monroe advised that the next pertinent item listed to be decided by Warren County was whether or not the buildings that were to be removed should be done in Phase 1 or in a later phase. He noted that this did not pertain to the two buildings that they were studying for possible retention, but rather those that were definitely to

be removed. Chairman Monroe said that it was his understanding that if the buildings were removed in Phase 1, they would be removed at no cost to the County.

Subsequent to discussion on the matter, it was the consensus of the Committee that the buildings to be removed should be removed in Phase 1.

The fourth item listed, Chairman Monroe advised, asked if Warren County supported Mayor Blais' plan for the round building and he asked Mayor Blais to speak on this matter.

Mayor Blais apprised that the concept approved by the Village of Lake George would include the retention of the round building located on the property for transformation into an interpretive center. He said that Village representatives had spoken with members of the Wood Foundation with regard to the inclusion of a memorial to Charles Wood, the prior owner of the property, because when the project was first started they had been supportive of an effort to memorialize Mr. Wood and his part in the project. Mayor Blais said that the round building had been used for storage by the Wood Foundation until the property was acquired by the 3M's as a place to store tools and valuables; he further noted that this was the only building on the property that had no asbestos contamination or leaks in the roof. He advised that their intent was to make the building into a center for visitors which would reflect the history of the property over its transition of use as a sawmill, railroad station, the Gaslight Village Amusement Park and finally showing pictures of the proposed project under construction. He added that there would be very simple slab style benches surrounding the building, as well as a continuous video showing what the environmental portion of the project was doing for the surrounding area.

Mayor Blais said he agreed that the project had married together groups that didn't really get along well and there were some rocky roads ahead, but he added that he was not discouraged and felt that this would be a wonderful project when completed. He stated that he also agreed that before determining whether or not the buildings would be saved, a decision had to be made as to what the buildings were going to be used for. Furthermore, Mayor Blais noted that the business of the NY Fire Chiefs' had been lost because they went to another venue where they were offered better pricing, not because of any uncertainty regarding the use of the property. He then pointed out that if the two buildings on the property were saved for event use, they would be forced to eliminate the majority of the space that had initially been identified for parking on the property. Mayor Blais stated that one of the biggest priorities in developing the project had been for public parking and he did not think it was acceptable to rehabilitate these buildings for large numbers of visitors and not afford them places to park nearby.

Mr. Haskell asked Mayor Blais what the initial reaction of the 3E's had been when they were asked to retain the round building and Mayor Blais replied that their reaction had been quite positive, regardless of the fact that the conservation easement would have to be changed. He said that the round building was favorable for the proposed use as it would not obstruct views or interfere with the plans of either the 3M's or the 3E's. Mr. Haskell stated that he was in favor of Mayor Blais' plans for the round building if the 3E's were willing to relinquish their interests in the building and the property concerned.

Motion was made by Mr. Haskell, seconded by Mr. Goodspeed and carried unanimously to support Mayor Blais' plan for use of the round building located at the Gaslight Village property as an interpretive center.

Chairman Monroe directed the Committee to the sixth item listed which asked if Warren County agreed to allow the 3E's to sell naming rights to gazebos, benches, bridges and the entire park in connection with their fund raising efforts. He said that these actions would benefit the County indirectly as funds raised in selling naming rights would

help to support the functions of the park. Mayor Blais interjected that the Lake George Village Board had also voted in support of the actions, provided that they were afforded the ability to veto any naming they felt inappropriate.

Motion was made by Mr. Goodspeed, seconded by Mr. Champagne and carried unanimously to agree that the 3E's would be allowed to sell naming rights as outlined above, provided that the County was given the ability to veto any naming they felt inappropriate.

Chairman Monroe stated that the final item he felt to be a priority was the ninth item listed which asked if Warren County agreed with the contents of Peter Bauer's letter to NYSDEC (New York State Department of Environmental Conservation) regarding use of three acres of State land in connection with the wetlands project. He noted that this was a concept that the County had discussed previous to Mr. Bauer's introducing it and the County Attorney's Office was currently reviewing the matter.

Motion was made by Mr. Goodspeed, seconded by Mr. Champagne and carried unanimously to agree with the contents of Mr. Bauer's letter to DEC, subject to review and approval by the County Attorney.

Mr. Goodspeed left the meeting at 11:32 a.m.

Mr. Lamy noted that the fifth item listed should be acted on as well and he noted that the item asked if the County agreed with the plan to move the northerly lane of Westbrook Road at no cost to the County. He said that this would be a two-stage process, the first of which would be a conceptual approval of a plan designed to meet appropriate road standards and subject to the review and approval of DPW; he added that the second phase would require approval by resolution of the Board of Supervisors. Mr. Lamy stated that it would be appropriate to approve the conceptual plan at the current meeting, while the phase two approval would be necessary when the final plans became available.

Mr. Haskell asked how the flow of traffic would be altered and Mr. Lamy apprised that the lane would veer the traffic off to the side before returning to the intersection, rather than running straight as it did currently. He added that this change should have no affect on the flow of traffic.

Motion was made by Mr. Champagne, seconded by Mr. Bentley and carried by majority vote to approve the re-alignment of Westbrook Road, with Mr. Haskell voting in opposition.

Mr. Haskell noted that he had voted in opposition as he felt the re-alignment was unnecessary.

Mr. Dusek stated that there was one matter that required Committee input which was not included on the list and that was parking on the property. He advised that during events when the property was used for parking, issues had been raised as to who should be responsible for parking cars and collecting money. Mr. Dusek stated that a proposal had been made by the Village of Lake George which would include their printing parking passes that would be purchased by visitors and would permit parking anywhere in the Village of Lake George during an event. He said that the Town would run the parking at the Gaslight Village site and would print parking passes, as well. Mr. Dusek apprised that the funds collected for the parking passes sold at the Gaslight Village property would be used to pay the costs incurred by the Town for their manpower and an agreed amount per ticket would be contributed to the Adirondack Glens Falls Transportation Council (AGFTC) to cover the costs of the trolley that shuttled visitors around the area. The balance of the ticket revenues, he said, would be forwarded to Warren County to be kept with funds saved for the site. Mr. Dusek stated that the Town of Lake George would be responsible for making and

posting parking signs during events, as well as making arrangements for the parking. He advised that the parking passes would be sold for approximately \$7 each and an inter-municipal agreement would be necessary to approve this arrangement.

When asked for clarification, Mr. Dusek advised that the Village of Lake George would receive all of the proceeds from the sale of the parking passes at their selling locations, while the Town of Lake George would sell the passes at the Gaslight Village property and those monies would then be divided up as previously mentioned. He added that as per the conservation easement agreed upon with the 3E's, any profits made in connection with the site had to be retained in a fund reserved solely for the operation of the property.

Mr. Haskell questioned if both the Town and Village had agreed to this arrangement and Mr. Dusek replied affirmatively. Mayor Blais interjected that the parking passes sold by the Village allowed the purchaser one week of parking anywhere in the Village, as well as unlimited trolley rides for that week.

Mr. Geraghty questioned how they would distinguish the parking passes sold by the Village from those sold at the Gaslight Village property and Mr. Dusek replied that there would be no distinguishing factors between the permits sold and the funds would be retained by the party selling the permits. Mr. Dusek noted that this arrangement had been determined based on the assumption that a person would generally return to the area where they had purchased the parking pass from and the arrangement would eventually balance itself out to allow the same amount of tickets to be sold from each location.

Mr. Payne pointed out that the majority of the Americade visitors registered with the Village of Lake George for the event and generally purchased their parking passes during the registration, which would mean that although the Gaslight Village property would likely be used extensively during the event, the property would receive very little revenue.

Mr. Champagne suggested that color coded parking passes be sold to ensure that only those who purchased parking passes from the Gaslight Village site parked on the property, thereby guaranteeing the receipt of revenues during larger events.

Subsequent to further discussion on the matter, motion was made by Mr. Haskell, seconded by Mr. Tessier and carried by majority vote to implement the ticket sale procedures agreed upon by the Town and Village of Lake George, as previously outlined by Mr. Dusek, with Mr. Champagne voting in opposition.

Mr. Lamy drew the Committee's attention to the seventh item included on the listing of Gaslight Village related issues to be decided by Warren County which asked if the County planned to engage a surveyor to survey the festival space. He noted this matter should be addressed at the upcoming Finance Committee meeting to determine a source of funding.

Motion was made by Mr. Tessier, seconded by Mr. Champagne and carried unanimously to refer the issue to the Finance Committee to determine a source of funding for the survey of the festival space.

Returning to the agenda review, Mr. Lamy proceeded to the Items of Interest listing and he noted that as informational points, he had included a listing of contracts that had been extended but required no Committee action. He said that page 21 of the agenda reflected a copy of a letter from Mayor Blais to Bud York, Sheriff, advising of a Firemen's parade that had been scheduled for June 20, 2009. Mr. Lamy concluded that page 22

included a listing of items pending from prior Committee meetings, some of which had been previously discussed and the remainder would not be reviewed due to the length of the meeting.

As per Mr. Lamy's direction, Mr. Tennyson provided a brief update on the Milton Street Bridge Project. Mr. Tennyson apprised that they expected the ROW clearance certificate from R.K. Hite to be delivered on that day as they had obtained all necessary property in connection with the project. He advised that they expected the bidding process for construction on the project to begin before the end of November.

Mr. Haskell asked when the construction on the project would begin and Mr. Lamy replied that he was not certain. He cited that the project needed to be put out to bid, then the bids awarded and subsequently construction schedules would be received from the bidders, at which point a start date could be determined.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Stec and seconded by Mr. Tessier, Mr. Bentley adjourned the meeting at 11:43 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist