

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - PARKS, RECREATION & RAILROAD

DATE: MAY 7, 2009

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN  
BENTLEY  
TESSIER  
STEC  
MERLINO  
CHAMPAGNE  
TAYLOR  
GOODSPEED

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS  
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD  
PAUL DUSEK, COUNTY ATTORNEY  
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES  
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE &  
FISCAL SERVICES  
JOAN SADY, CLERK OF THE BOARD  
SUPERVISORS STRAINER  
THOMAS

COMMITTEE MEMBER ABSENT:

SUPERVISOR PITKIN

JONATHAN ALEXANDER, *THE ADIRONDACK JOURNAL*  
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

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Mr. Belden called the meeting of the Public Works Committee to order at 11:00 a.m.

Privilege of the floor was extended to William Lamy, Superintendent of Public Works, who distributed copies of the agenda to the Committee members, a copy of which is on file with the minutes.

Commencing the Agenda review, Mr. Lamy advised that Item 1 consisted of a request for a new contract with Atlantic Pavement Marking, Inc. for the term commencing May 1, 2009 and terminating April 30, 2010 to provide application of pavement markings. He noted that the agenda included a copy of the bid specifications which outlined the three responses received. Mr. Lamy stated that they had analyzed the costs for all of the different types of pavement markings that would be required and of the three respondents, Atlantic Pavement Marking, Inc. had offered the lowest price. He pointed out that the current budget included \$195,000 for pavement marking, which would be exceeded if they were to have all of the necessary road striping and pavement marking done for the year. Mr. Lamy said that they would have to decide what work could be removed in order to reduce the amount spent so that the budgeted amount would not be exceeded.

Mr. Bentley noted that the bid specification sheets included a comparison of cost between the bid respondents which reflected that Atlantic Pavement Markings, Inc. was not the lowest bidder in all areas. Mr. Lamy explained that when they had compiled the costs for all of the pavement marking services required, the total for Atlantic Pavement Markings, Inc. had been approximately \$20,000 less than Seneca Pavement Marking, Inc.

Motion was made by Mr. Champagne and seconded by Mr. Bentley to approve the request for a new contract with Atlantic Pavement Markings, Inc. as outlined above.

Mr. Champagne pointed out that the marking prices offered by the two main bidders, Atlantic Pavement Markings, Inc. and Seneca Pavement Marking, Inc., varied in many areas and he questioned whether the contract could be split between the two companies to allow the County to partake of the lower priced service. Mr. Lamy apprised that in order to do this they would have to re-bid the services and he was not sure whether both of the companies would bid the services at the same prices if that was the case. He further noted that Seneca Pavement Marking, Inc. had not truly met all of the bid specifications as they had not bid oil based striping for paving during the fall season as was required; he added that it was likely that they utilized a latex based paint which would lead to lower bid prices for the center line and edge line road striping.

Mr. Goodspeed questioned what types of work would be covered by this contract and Mr. Lamy replied that this would include all special markings at intersections and crosswalks, as well as special striping, center and edge lines for all County roads. He noted that \$200,000 had been included in the 2008 budget for these costs and the total had been reduced to \$195,000 for 2009. Mr. Goodspeed asked what would happen if they were not to approve the contract for pavement marking services and Mr. Lamy replied that if the contract was not approved they would not be able to have any pavement making done for 2009. He then suggested that if this was the Committee's desire, he would recommend seeking advisement from the County Attorney's Office, as the two biggest liability issues in connection with County roads were the control signs at intersections and road striping. Mr. Lamy stated that if an accident were to occur as a result of faulty control signs or striping, the County could be at risk for any subsequent claims. When asked how often the road striping was performed, Mr. Lamy apprised that the work was done annually. He noted that they intended to pave 12 miles of county roads this year and a lack of this contract would leave all of that paving with no road markings. In addition, Mr. Lamy stated, they had recently been informed that approximately \$746,000 was to be received in Federal Stimulus funds which would be spent in connection with contracted paving for the Corinth Road, Glenwood Road and potentially the Hicks Road Projects, all of which would require striping for traffic control.

Subsequent to further discussion on the matter, Mr. Belden called the question and the motion was carried unanimously to approve the request for a new contract with Atlantic Pavement Markings, Inc. for pavement marking services and the necessary resolution was authorized for the May 15<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Continuing to Agenda Item 2, Mr. Lamy reminded the Committee that during their previous meeting they had directed him to expend approximately \$100,000 in grant funds remaining in the Railroad Station Improvement Project as he deemed appropriate. At that time, he said that they had determined the best way in which to use the funds would be to pave the parking lots at the Hadley and Thurman Station locations based upon the alternate bid figures which had previously been received in connection with the Project. Subsequent to the meeting, Mr. Lamy said that he had reviewed the bid documents and found that an alternate paving bid had not been secured because at that time the Committee had determined that the paving would be provided by County forces at a later date, as reflected in the minutes from a previous Committee meeting, and the only bid alternate sought had been for electrical and lighting work at the Stations. He said that he did not have authorization to approve the change order which would allow for additional work; therefore, he said, he felt that it was necessary for the Committee to revisit the issue and secure a resolution authorizing a change order with Mercer Construction to perform the additional work to be funded by the remaining grant funds. In addition, Mr. Lamy added that in light of all the discussion that had taken place in connection with the Rail Station Project, he felt it was necessary to discuss the matter further and make sure that clear direction was provided by the Committee as to how he should proceed and to subsequently adopt an enabling resolution.

Mr. Lamy provided a brief history of the funding attained in connection with the Rail Station Project which consisted of the following:

1. \$2.5 million in Federal and State grant funding was appropriated to the Rail Station Improvement Project (*comprised of \$2 million grant funding and a \$500,000 Local Share*);
2. A \$90,000 grant was secured through the Planning & Community Development Department which could only be used at the Hadley Station to improve access to the site and for some landscaping;
3. A \$140,000 Railway Planning grant was secured which could only be used for railway rehabilitation work and was used to fund some of the rail relocation at the Thurman Station;
4. A \$34,000 grant was secured through Planning & Community Development which could only be

used to establish a new connection to the rail line and was earmarked to be expended for the construction of a new platform at the Stony Creek Station.

Mr. Lamy stated that himself, Paul Butler, Director of Parks, Recreation & Railroad, and Wayne LaMothe, Deputy Director of Planning & Community Development, as well as a representative of Clough, Harbour & Associates, had reviewed the grant funding to determine if the monies could be shifted to purchase materials and continue with improving the platforms at any of the three Station locations and it was determined that this was not possible. He said that they had maximized the \$90,000 grant for the Hadley Station and the \$140,000 grant for the Thurman station; he added that the remaining \$100,000 was available in the \$2.5 million Rail Station Improvement Project. Mr. Lamy stated that the best way to access the remaining grant funds would be to utilize the existing contract with Mercer Construction and identify the work they wished to complete at the Station sites, execute a change order and proceed with the work. Mr. Champagne questioned whether this process would incur any additional cost to the County and Mr. Lamy replied in the negative, noting that the Local Share for the Rail Station Improvement Project had already been fulfilled. Mr. Lamy added that there was no requirement to spend the remaining grant funds and he advised that any unused funds would be returned to the appropriate State or Federal granting agencies when the Project was closed.

Instead of paving the parking lots at the Hadley and Thurman Stations, Mr. Lamy advised that one option for use of the remaining grant funds would be to implement the waste water system at the Thurman Station, as well as to insert a pipe under the parking lot in preparation for electrical and lighting wires which could be drawn through the pipe at a future date. He said that once this work had been completed the parking lot at the Thurman Station could be paved to complete the Project. Mr. Lamy stated that they needed to determine what work was desired in order to negotiate a change order and to obtain the best value.

Mr. Belden questioned whether there would be enough grant funding left over to pave the Hadley Station parking lot if the waste water system was constructed at the Thurman Station and Mr. Lamy replied in the negative. He added that because they had not been aware of when the Hadley Station parking lot would be paved, it had been completed as a gravel surface which would accommodate buses and trucks. Mr. Lamy advised that in order to pave the surface, the gravel in place would have to be removed and the lot re-graded before paving could be done.

Mr. Champagne stated that he was not in favor of reconstructing the parking lot at the Hadley Station at an additional cost, as it was functional at this point. Mr. Merlino agreed with Mr. Champagne's statement and added that the parking lot should be left as it was.

Motion was made by Mr. Goodspeed and seconded by Mr. Bentley to authorize the Superintendent of Public Works to expend the remaining grant funds available in the Rail Station Improvement Project at his discretion provided that there was no additional cost to the County, as well as to authorize any necessary change orders required in connection with the work, and to report back to the Committee to advise of his determinations.

Subsequent to further discussion on the matter, Mr. Belden called the question and the previously noted motion was carried unanimously and the necessary resolution was authorized for the May 15<sup>th</sup> Board meeting.

Mr. Lamy announced that Agenda Item 3 pertained to the Upper Hudson River Railroad (UHRR) Train Schedule. He advised that in discussions with Mr. Thomas and Jack Arehart, Owner of the 1,000 Acres Ranch Resort, he had discovered that UHRR did not intend to include regular trips to the Stony Creek Station, which would be located on the County-owned property adjoining 1,000 Acres, which brought into question whether it was sensible to construct a platform at that location. Mr. Lamy noted that UHRR had indicated that if a profit was guaranteed to

them for extending service to the Stony Creek Station they would be willing to consider adding a run to this location for special events. Mr. Belden interjected that he had ridden the train several times and on each occasion there had been a considerable number of riders boarding at the Stony Creek Station; therefore, he said, he did not believe that UHRR had failed to make a profit.

Mr. Merlino noted that the agenda included a copy of an email from Clif Welz, UHRR Operations Manager, to Mr. Butler which indicated that regular trips to the Hadley Station would not be made either, unless special events guaranteeing a profit to UHRR were booked. He stated that this put the Supervisors in a very uncomfortable position as they were constantly being questioned about the high prices to construct the platforms and would now be berated because the train would not be traveling to them. Mr. Merlino added that he felt the situation was atrocious.

Mr. Belden stated that he felt this situation would lead to a considerable public backlash and he suggested that they begin working on the RFP (Request for Proposal) for the 2011 Railroad Operator contract posthaste. Mr. Thomas suggested that the current contract be reviewed by the County Attorney's Office to determine whether UHRR was required to travel to the Hadley and Stony Creek Stations.

Paul Dusek, County Attorney, was summoned to the meeting and entered at 11:28 a.m.

When questioned as to the UHRR contract requirements, Mr. Dusek advised that the contract required UHRR to travel as far as the Town of Corinth, subsequent to the reconstruction of the Town of Corinth's portion of the tracks and the completion of the Thurman and Hadley Stations. However, he noted, when the contract was approved, the plans for the Thurman and Hadley Stations had been developed on a much grander scheme and had included restroom facilities and gift shops which would supplement the income to UHRR, as well as appropriate turn-arounds for the train, none of which had been included in the final product. Mr. Dusek stated that the contract did not include any language as to the Stony Creek Station as that location had been added after the contract was completed.

Mr. Bentley stated that from the Federal grant requirement perspective, the Hadley and Thurman Stations were now functionally complete and he questioned why UHRR would not be required to travel to these locations. Mr. Dusek advised that there was a considerable difference between what was required within the grant agreements and those included in the UHRR contract. He added that it would be very difficult to require that UHRR honor the portion of the contract which required them to travel to the Hadley and Thurman Stations when the County had not upheld their portion of the agreement that would have included more elaborate Stations. Mr. Lamy interjected that approximately \$2.7 million had been spent to date to construct the Hadley and Thurman Stations, including property acquisition, engineering and construction costs and he noted that the platforms currently in place had been intended to serve as temporary structures which would be elaborated upon when additional grant funding was available.

When questioned as to the termination date of the current UHRR contract, Mr. Dusek explained that it would terminate on December 31, 2010. He noted that the group appointed to work on the development of the RFP for the 2011 Railroad Operator contract had previously determined that it might be difficult to advance the RFP in a timely manner to meet the deadline and had requested that the current UHRR contract be extended for one year to allow sufficient time to prepare and release the RFP. Mr. Dusek noted that in conversations with UHRR it had been indicated that if a one-year extension were to be approved, the agreement would have to be restructured in their favor. Mr. Champagne noted that the lack of attentiveness by UHRR was likely to deter any Supervisor who was previously in favor of extending the UHRR contract. Mr. Dusek replied that a meeting of the group preparing

the RFP was scheduled for May 18<sup>th</sup> and the sentiment was that they should proceed in developing the RFP with intent to award the contract for the 2011 term; he added that although the time line would be extremely tight, he felt that this could be accomplished.

Returning to the matter of UHRR's reluctance to include regular runs to the Stony Creek and Hadley Stations, Mr. Thomas stated that in his opinion, it was not the responsibility of either Town to schedule events that would ensure a profit to UHRR. He added that UHRR had been hired by the County and that they should be marketing and planning events at these locations themselves.

Mr. Dusek stated that further complicating the issue, while UHRR did not want to travel to the Stony Creek Station if they could not guarantee sufficient ridership, the owners of 1,000 Acres Ranch Resort were hesitant to provide the County with the necessary ROW to reach the County-owned property on which the Stony Creek platform would be built, as they were not in favor of the platform being built if they train was not coming.

Hal Payne, Commissioner of Administrative & Fiscal Services, pointed out that there seemed to be a significant opportunity to generate revenues if UHRR and the 1,000 Acres Ranch Resort worked together to develop a dinner train trip that would include dinner at 1,000 Acres and cocktails being serviced on the train to and from that venue. In fairness to UHRR, Mr. Dusek pointed out that UHRR had not refused to travel to the Stony Creek Station, they were simply reluctant to include regular trips to that location on their schedule as they could not be sure whether the ridership income would support the associated costs.

Discussion ensued.

Moving on, Mr. Lamy distributed detailed documentation reflecting the breakdown of the \$2.73 million cost associated with the Rail Station Improvement Project to the Committee members, a copy of which is on file with the minutes. An extensive review of the documentation was provided for the Committee's benefit.

Mr. Stec entered the meeting at 12:00 p.m.

Subsequent to the presentation, Mr. Champagne thanked Mr. Lamy for developing the documentation, but noted that the costs still seemed excessive for the two platforms produced. He added that they although the breakdown clearly reflected the accumulative costs, it was still not defensible to those members of the public that were outraged at the costs associated with the Project.

Mr. Lamy noted that as with many federally funded bridge projects, the associated costs were much higher than they would have been if the work had been done solely with County funds, as any Federal Aid project required many additional steps to acquire funding which made them much more costly and the majority of the public did not understand this.

In response to a comment that if the train would not be traveling to the platforms as desired they might consider dismantling the tracks and selling them for the metal value, Mr. Thomas stated that he did not feel this was an appropriate consideration as the railroad certainly held a value to the County. He added that once the Town of Corinth had updated their portion of the tracks to allow for travel at higher speeds, there was a significant opportunity for both passenger and freight trains which would lead to considerable revenues to the County. Mr. Lamy noted that State Legislative representatives had been very supportive of the railroad and had secured funding for it as they too envisioned a profitable future. He said that he did not feel that it was proper for certain members of the Board of Supervisors to continually disparage the railroad and he stated that he felt they should support the

completion of the Project in light of its potential to raise a considerable revenue for the County in the future.

Discussion ensued with respect to the matter.

Concluding the agenda review, Mr. Butler presented Agenda Item 4 which referred to a request from the Town of Corinth for Warren County to support them in requesting the release of the \$1 million in State grant funding promised for the rehabilitation of their railroad tracks. He said that he had been contacted by John Lemery, Legal Counsel for the Town of Corinth, with respect to the matter and he had requested that the Chairman of the Board be authorized to sign a letter, which he would draft, requesting the release of the grant funding that had been awarded to the Town of Corinth some time ago.

Motion was made by Mr. Champagne, seconded by Mr. Bentley and carried unanimously to approve the request to authorize the Chairman of the Board to sign a letter drafted by John Lemery, Legal Counsel for the Town of Corinth, supporting the Town of Corinth in their petitioning of the State for the release of the \$1 million in grant funding awarded to them and the necessary resolution was authorized for the May 15<sup>th</sup> Board meeting.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Bentley and seconded by Mr. Goodspeed, Mr. Belden adjourned the meeting at 12:13 p.m.

Respectfully submitted,  
Amanda Allen, Sr. Legislative Office Specialist