

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - PARKS, RECREATION & RAILROAD AND DPW

DATE: MAY 26, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
TESSIER
STEC
MERLINO
CHAMPAGNE
GOODSPEED
PITKIN

COMMITTEE MEMBER ABSENT:

SUPERVISOR TAYLOR

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF ENGINEERING
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
GEORGE VAN DUSEN, PROJECT ENGINEER
FREDERICK MONROE, CHAIRMAN OF THE BOARD OF SUPERVISORS
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE &
FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS STRAINER
THOMAS
VANNESS
WAYNE LAMOTHE, DEPUTY DIRECTOR, PLANNING & COMMUNITY
DEVELOPMENT
JULIE PACYNA, PURCHASING AGENT
FRED AUSTIN, BUILDING PROJECT COORDINATOR
JOHN RIEGEL, UPPER HUDSON RIVER RAILROAD
CLIFF WELZ, UPPER HUDSON RIVER RAILROAD
ALYSON MARTIN, *THE POST STAR*
JONATHAN ALEXANDER, *THE ADIRONDACK JOURNAL*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST
Please see sign-in sheet for additional meeting attendees.

Mr. Belden called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mr. Tessier, seconded by Mr. Merlino and carried unanimously to approve the minutes from the April 28, 2009 and May 7, 2009 Committee meetings, subject to correction by the Clerk of the Board.

Mr. Belden announced that the meeting would begin with a review of the Parks, Recreation & Railroad agenda, copies of which were distributed to the Committee members. *A copy of the agenda is also on file with the minutes.*

William Lamy, Superintendent of Public Works, advised that Agenda Item 1 pertained to the Warren County Fish Hatchery. He apprised that at the previous meeting of the Budget Committee, he had been directed to review the costs incurred to operate the Fish Hatchery for presentation and discussion with the Public Works Committee, as well as the possibility of ceasing operation of the Hatchery in the interest of reducing the County Budget. Mr. Lamy stated that subsequent to the budget review it had been determined that a cost of approximately \$100,000 was incurred annually to fund Fish Hatchery operations, including salary and fringe benefits for two staff members, fish food, heat, electricity, fuel and special equipment purchases. He stated that both he and Paul Butler, Director of Parks, Recreation & Railroad, had received a number of calls from members of the public supporting the retention and continued operation of the Fish Hatchery pursuant to an article printed in *The Post Star* which had announced the Budget Committee's direction. In response to these calls, Mr. Lamy said that he and Mr. Butler had advised that any residents wishing to publicly voice their opinions with respect to the continued operation of the Fish Hatchery

should attend the current meeting and he pointed out that there were many members of the public present who wanted to voice their opinion on the matter.

Prior to allowing public comment on the issue, Mr. Belden pointed out that no decision had been made as to whether the Fish Hatchery would be closed in light of budget constraints. He added that the Budget Committee had requested that Mr. Lamy review the financial statistics associated with the Hatchery as a possible means for budget reduction and he asked the public to keep this in mind when making their comments.

A public comment session ensued during which several members of the public spoke in favor of retaining the Warren County Fish Hatchery.

Mr. Bentley presented a petition signed by more than 800 Warren County residents, as well as a resolution adopted by the Town of Horicon, supporting the continued operation of the Warren County Fish Hatchery, both of which are on file with the minutes.

Mr. Butler noted that the agenda included statistical information regarding the 2009 Stocking Permits, as well as a Stocking Summary for 2009, and he advised that there were extra copies of the agenda available for any members of the public wishing to attain them.

Resuming the agenda review, Mr. Lamy announced that Item 2 referred to the Rail Station Improvement Project. He apprised that salvage steel and relay ties from the Thurman Station had been sold via an on-line auction for \$6,300 which would be funneled back into the Project to fund potential work at the Thurman and Stony Creek Stations.

Mr. Lamy advised that the agenda included a memorandum from Mercer Construction Company, LLC dated May 6, 2009 which listed remaining work for the Rail Station Improvement Project and the associated costs, as follows:

1. Install septic tank and effluent pump chamber and hook to dry forcemain - \$12,500;
2. Replace timber curbing with slipform concrete curbing (consistent with rest of the site) - \$15,536;
3. Install pavement on the entire parking and drive areas - \$56,500 and
Pave stone dust walkway - \$3,500;
4. Install pavement striping for parking areas - \$1,900;
5. Provide effluent pump with control panel and install empty conduits - \$16,000;
6. Install effluent pump - \$8,500 and electrical allowance - \$4,000;
7. Install septic leachfield and connect to forcemain - \$11,200.

Mr. Lamy apprised that Items 3 and 4 were to be removed from the change order, Item 2 had already been completed and they planned to proceed with the remaining items required for the installation of the wastewater system. He added that the remaining money in the Rail Station Improvement Project was going to be used to perform any excavation work necessary at the Hadley and Thurman Station sites and to purchase asphalt for paving at the Thurman Station which would be performed by DPW forces. Mr. Lamy reminded the Committee that the Hadley Station parking lot would not be paved, as a stone coating appropriate for heavy traffic had already been applied and it was considered functionally complete as it was. Mr. Lamy said that they could re-address the issue of paving the Hadley parking lot again in 2010 or 2011 if the Committee desired. He stated that water and sewer connections, landscaping and conduit installation would be performed at the Hadley Station site and the completion of the well hook-up was planned for the Thurman Station.

Agenda Item 3, Mr. Lamy stated, referred to a washout that had occurred along the railroad approximately one mile

south of the Riparius Station. He circulated photographs of the damage while explaining that during the prior week the northern portion of Warren County had been exposed to heavy rains which had caused the culvert running under the railroad tracks to become plugged subsequent to a beaver dam break. Mr. Lamy further explained that because the culvert was inoperable, the flood waters had risen over the culvert, crossing the railroad tracks and eroding a 40 foot section of the foundation under the tracks. He advised that although the stream had returned to its normal volume, it was now flowing outside of its natural channel, around the plugged culvert, and continued to erode the ground under the tracks. Mr. Lamy said that he, Mr. Butler and Brian Humphrey, Deputy Superintendent of Highways, had met with representatives of the Upper Hudson River Railroad (UHRR) to survey the damages and determine an appropriate course of action for repairs. He apprised that subsequent to the site visit it had been determined that County vehicles could not safely reach the washout site and the best way to make repairs would be to contract with another company that had machinery which could reach the site by rail. Mr. Lamy stated that estimates had been submitted by both UHRR and by Mercer Construction Company, LLC for the repair work, copies of which were included in the agenda. He cautioned that the funds necessary to complete the repairs were not available within the existing Parks, Recreation & Railroad Budget; therefore, the issue had been presented for the Committee to make a determination as to the best course of action.

During a review of the estimates provided, Mr. Belden pointed out that the UHRR estimate included a total cost of \$93,765 while the Mercer Construction Company, LLC was for \$60,087 and he questioned whether these figures included materials. Mr. Lamy replied that the UHRR quotation did not include materials and required that they be supplied by the County at an additional cost. As for the Mercer Construction quotation, he stated that the quote was very brief and did not indicate whether supplies were included; however, he said, either himself or Mr. Butler could contact Mercer at the close of the meeting to obtain further information on the quotation.

Mr. Geraghty questioned how the materials would be transported to the wash-out site if County vehicles could not be used to reach it and John Riegel, of UHRR, advised that high rail dump trucks and a small excavator, which his company owned, would be used to travel along the railroad to reach the site and perform the necessary work. He said that once they reached the site the excavator would be used to clean out the plugged culvert and return the stream to its normal channel. Mr. Geraghty then asked who would be responsible for securing any NYSDEC (New York State Department of Environmental Conservation) permits necessary to re-route the stream and Mr. Riegel replied that the permits were traditionally secured by the County. Mr. Lamy interjected that he was unsure whether or not a NYSDEC permit would be required to return the stream to its natural flow and said that he would contact the appropriate authorities for this information.

Mr. Pitkin questioned whether UHRR had scheduled any runs south of the damaged tracks for the summer season and Mr. Riegel replied that runs to the 1,000 Acres Ranch Resort had been scheduled for June 3rd and 4th during the Americade event and he noted that these runs would have to be cancelled if the tracks were not repaired. When asked if any other runs had been scheduled, Mr. Riegel responded in the negative. In light of this information, Mr. Pitkin stated his opinion that the investment that would have to be made to fix the tracks far outweighed any income that might be generated. Mr. Belden agreed with Mr. Pitkin's statement and added that if the train was not going to cross the damaged tracks it did not make sense to spend the money to fix them at this time in light of current budget constraints.

Motion was made by Mr. Goodspeed and seconded by Mr. Champagne to refrain from repairing the damaged portion of the railroad tracks and to close them from the damaged portion south until such time that the County was financially able to make the necessary repairs.

Mr. Lamy cautioned the Committee that if the repairs were not made in the near future, the water would continue

to flow out of its natural bed and erode the ground under the railroad tracks causing further damages which would lead to higher repair costs. He added that any further flooding, which was likely to occur during the summer season, would only exacerbate the problem.

Mr. Strainer pointed out that the \$1 per ticket fee paid to the County by UHRR was supposed to be retained for maintenance of the railroad and he questioned whether these funds could be used to defray the costs of the necessary repairs. Mr. Butler replied that although the \$1 per ticket fee was to be used solely to maintain the railroad tracks, they only received approximately \$12,000 annually and this money had already been expended for property taxes and vegetation control costs.

When questioned as to whether or not the repair work would be subject to an RFP (Request for Proposal) or bid process, Julie Pacyna, Purchasing Agent, replied affirmatively, unless the Committee and the County Attorney's Office were to declare that these were emergency repairs. Mr. Payne interjected that he had spoken with Paul Dusek, County Attorney, on the matter and had been advised that if the Committee determined these to be emergency repairs, Mr. Dusek would support their decision; however, he added, Mr. Dusek had also counseled that if they decided not to repair the tracks, they would be required to notify the Federal and State grantor agencies that the platforms constructed using grant funds would not be used as the train could not reach them.

Mr. VanNess entered the meeting at 10:50 a.m.

Subsequent to further discussion on the matter, Mr. Belden called the question and the motion to refrain from repairing the damaged portion of railroad tracks until the County was fiscally able to fund the repairs failed with Messrs. Belden, Bentley, Tessier, Stec, Merlino and Champagne voting in opposition.

Motion was made by Mr. Stec, seconded by Mr. Tessier and carried by majority vote to proceed with repairs to the damaged portion of the railroad tracks on an emergency basis with Messrs. Goodspeed and Pitkin voting in opposition.

Prior to making any decisions as to which firm should be contracted with to complete the track repairs, Mr. Lamy advised that he would like the opportunity to contact Mercer Construction Company, LLC to confirm the specifics of their estimate and to determine whether or not material costs were included therein. He said that once he had received this information he would be prepared to make a recommendation to the Committee. Mr. Geraghty suggested that they contact Canadian Pacific Rail (CPR) as well to determine if they might be able to provide the necessary repair services at a lesser cost and Mr. Lamy advised that he would be sure to do so.

It was the consensus of the Committee that while Mr. Lamy continued with the agenda review, Mr. Butler would leave the meeting to contact Mercer Construction Company, LLC to obtain specific information with respect to the estimate they had submitted.

Mr. Butler left the meeting at 11:05 a.m.

Resuming the agenda review with Item 4, Mr. Lamy apprised that the design was now complete for the Stony Creek Station platform. In addition, he noted that a bid for construction materials had been released and the final easement documents were in the process of being reviewed by the legal counsel for the owners of the 1,000 Acres Ranch Resort. Mr. Lamy reminded the Committee members that although the platform was being constructed on County-owned property, an easement across property owned by the 1,000 Acres was necessary to allow proper public access as required by the State in connection with the grant funds secured. He concluded that they were now ready

to schedule the construction of the platform but wanted to be sure that the Committee remained in favor of the project before doing so. It was the consensus of the Committee that the Parks, Recreation & Railroad staff should proceed with the construction of the Stony Creek platform as planned.

Mr. Lamy stated that Agenda Item 5 referred to First Wilderness Heritage Corridor (FWHC) grant funds. He apprised that the agenda included a summary of grant funding which had been awarded to the County to do additional work along the FWHC. Mr. Lamy said that this item had been included on the agenda in order to remind the Committee members that it was time to sign the contract if they chose to proceed with the grant funding which would be expended over the next two to three years. He advised that they intended to do the design services in-house using DPW Engineering staff and the resulting work would be done by County forces also. Mr. Lamy added that all staff time utilized in connection with the grant funds could be contributed as matching funds against the grant, as well as the appraised value of the Kellogg Property. He said that it was his understanding that the FWHC grant did not require a cash contribution by the County and that in-kind services could be used to subsidize the Local Share. When questioned with respect to the total amount of grant funds available, Mr. Lamy advised that a total of \$505,000 had been awarded to the County for several projects along the FWHC.

Mr. Goodspeed apprised that a considerable amount of the grant funds were slated to be expended in connection with the Kellogg Property for upgrades to the buildings located thereon. He said that the improvements would allow the buildings to potentially serve a number of uses and he noted that they were currently exploring many alternatives for the property, one of which was a concert series which had drawn upwards of 400 attendees per show; he added that the buildings were currently being used for the Thomas the Tank event. Mr. Goodspeed stated it was his understanding that although the County did not want to incur expenses in connection with the property, they were willing to work with the Town of Johnsbury to generate ideas for the venue. He noted that the property linked the Hamlet of North Creek to the Hudson River and was a beautiful piece of property which was highly valuable. Mr. Goodspeed apprised that there was additional property which might be acquired through OSI (the Open Space Institute) at a later date, specifically Sullivan's Island which was a large island located in the middle of the Hudson River. He concluded that this was a positive project which worked in connection with the northern end of the railway which generated a considerable amount of tourism in the North Creek area.

Mr. LaMothe entered the meeting at 11:11 a.m.

Mr. Lamy noted that Mr. LaMothe had joined the meeting and he asked him to outline the information provided with respect to the FWHC grant funding.

Mr. LaMothe began by advising that over the past two years a total of \$50,000 had been allocated within the Planning & Community Development budget to meet any cash match required in connection with the grant funds. He noted that the Local match totals could not be confirmed until any bids associated with the work were returned and he said that they were not requesting any additional funding at this time. Mr. LaMothe pointed out that the documentation included in the agenda reflected that all of the items listed under the North Creek Train Station Complex would require in-kind Local matches from the County, while the items listed under the Hadley/Lake Luzerne Connections portion would be the responsibility of the local communities.

Mr. Champagne stated that he was not inclined to continue with the grant if an anticipated figure for the Local match was unknown. Mr. Belden pointed out that the Project Summary reflected a cost of \$64,000 to extend the FWHC project to Tahawus, which was located in Essex County, and he questioned whether Warren County would be required to provide in-kind services in Essex County as part of the matching grant. Mr. LaMothe replied in the negative and he explained that this portion of the FWHC project study was being revised to include a \$10,000

donation from the Adirondack-Glens Falls Transportation Council (AGFTC) to determine the best uses of the railroad tracks as they extended north of the Town of North Creek. He advised that this element had been significantly reduced from \$64,000 to \$15,000 when the project plans were updated and the scope of the study in this area was reduced.

When questioned with regard to the line of the Project Summary entitled "Project Delivery" which listed a General Fund Budget match of \$48,000, Mr. LaMothe stated that this figure represented his and other staff's salary costs incurred in connection with the FWHC grant project. Mr. Belden asked if the \$48,000 amount was paid to staff over and above their existing salaries and Mr. LaMothe replied in the negative, explaining that it was a part of the salaries paid by virtue of positions with the County and that was why the figure was listed as a match from the General Fund Budget. He advised that there should be no additional cash match required of the County above the \$50,000 previously allocated to the Project as the remaining Local match would be made through in-kind services.

Mr. Belden asked if any of the services included in the Project would require a bid process and Mr. Lamy replied in the negative advising that all of the services would be performed on an in-house basis. He added that the initial scope of services did not reflect anything that could not be done by County staff and because this was a two to three year grant program, they would devote staff for engineering work as time allowed with Parks, Recreation & Railroad staff providing the subsequent construction work with support from other DPW staff.

Mr. Pitkin pointed out that although the Local Share of the grant could be met with in-kind services, it was important to remember that the in-kind services represented a very real cost to the County as they would be provided by DPW and Parks, Recreation & Railroad staff. He said that due to the current budget situation, they should carefully review the cost implications of the staff time that would be used to provide the in-kind services in relation to the Departmental budgets as in many cases the most expensive part of any operation was represented by the labor costs incurred. Mr. Belden stated that in light of staffing reductions as a means to reduce the budget, he was worried that if DPW staff members were working on the FWHC project, the DPW work would not be completed as scheduled.

Mr. Geraghty stated that although he understood the points made by Messrs. Pitkin and Belden, he applauded Mr. Lamy's efforts to provide the engineering and construction work on an in-house basis, noting that there was a considerable cost savings simply through negating the need to contract for these services with an outside entity. However, he added, he would prefer to see other higher priority projects completed first, such as the installation of the Fuel Farm monitoring equipment, so that accurate bills could be generated. Mr. Lamy agreed that these judgements would be made and projects would be prioritized and completed in that order; he assured the Committee members that engineering efforts would not be deferred from road and bridge projects to address this issue.

Mr. LaMothe stated that he had first addressed the Committee with the grant opportunity in 2007 and the Committee had at that time advised that he should move forward in securing the grant funds with the understanding that in-kind services would be used to meet the Local match. In the interim, he said that Mr. Lamy had added the design capability on an in-house basis for which they had previously thought they would be required to contract out for. Mr. LaMothe said that due to this availability, he felt that the project costs would be much less than initially estimated, reducing the actual cash value of the match.

Mr. Butler returned to the meeting at 11:25 a.m.

Subsequent to further discussion, Mr. Belden questioned whether Committee action was necessary in connection with this matter and Mr. Lamy replied in the negative. He explained that he had felt it appropriate to reintroduce

the issue for discussion amongst the Committee prior to signing a contract with the granting agencies to be sure that they were in favor of moving forward with the FWHC project due to the current financial climate. Mr. Belden stated that since no Committee action was required on this issue, they should continue with the agenda review.

Mr. Butler apprised that Agenda Item 6 referred to the County's involvement with improvements to the Feeder Canal Tow Path. He explained that prior to his appointment as the Director of Parks, Recreation & Railroad, the Committee had committed Parks, Recreation & Railroad staff labor and DPW equipment to assist the Feeder Canal Corporation with the Feeder Canal Tow Path improvements which were to begin around July 1st. Mr. Butler said that he had been advised by Mr. LaMothe that the County's involvement would include the use of two Parks, Recreation & Railroad staff members, a skid-steer and two DPW trucks. Although the County had already committed to providing assistance, Mr. Butler said that the issue was being reintroduced to be sure that the Committee remained in favor of these actions before the work began. He noted that although his staff was currently very busy, they would find a way to fit this work into their schedule to assist the Feeder Canal Corporation.

Mr. LaMothe explained that a grant had been awarded to the County two years ago for improvements at Haviland's Cove along the Feeder Canal Tow Path and at Overlook Park in the Town of Queensbury. He said that this was a 50/50 matching grant, for which the Town of Queensbury would be purchasing the stone materials and for the County's 50% match they were authorized to use County forces to spread the stone, which would require approximately one week of work. Mr. LaMothe stated that they would use equipment owned by the Feeder Canal Corporation to put down the stone dust and to re-cut the Tow Path.

Mr. Belden asked if a timeline had been specified for the work and Mr. LaMothe replied that the grant had already been extended once and the work had to be completed prior to December 31st. Mr. Lamy interjected that County DPW forces, as well as the City of Glens Falls DPW, were working together to be sure that the work was completed as required in the timeline specified by the granting agencies. He advised that no Committee action was required in connection with this issue and that the matter had been presented as an informational update.

Continuing with the agenda review, Mr. Butler presented a request to extend the existing contract with the South Warren Snowmobile Club, Inc. and the City of Glens Falls for use of the City Watershed property for the term commencing July 1, 2009 and terminating June 30, 2010.

Motion was made by Mr. Merlino, seconded by Mr. Bentley and carried unanimously to approve the request to extend the existing contract with South Warren Snowmobile Club, Inc. and the City of Glens Falls as outlined above and the necessary resolution was authorized for the June 19th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler stated that Agenda Item 8 referred to a letter submitted by Lori Combs who was seeking permission to bring two inflatable units from Bounce Around, Inc. to the event she intended to hold at the Warren County Fish Hatchery on July 19th; he added that a copy of Ms. Combs' letter and the corresponding resolution request were included in the agenda. He advised that a resolution was required to permit the use of the inflatable units at the Fish Hatchery and that if the Committee was in agreement, a County Facility Use permit signed by both Ms. Combs and Mr. Lamy would be executed prior to the July 19th event. Mr. Butler said that Ms. Combs had advised that proof of liability insurance coverage in the amount of \$1 million was available for the County Attorney's approval and that a signed waiver would be required of each person entering the inflatable units, confirming that they were using the unit at their own risk.

Motion was made by Mr. Pitkin, seconded by Mr. Tessier and carried unanimously to authorize the set up and use of two inflatable Bounce Around units at the Warren County Fish Hatchery on July 19, 2009, pending the County Attorney's review and approval of liability insurance documentation, and the necessary resolution was authorized for the June 19th Board meeting. *A copy of the request is on file with the minutes.*

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

1. Mr. Butler advised that Mr. Lamy had addressed the use of remaining grant funds in connection with the Rail Stations Project earlier in the meeting;
2. Referring to the Committee's previous request that the County Attorney's Office research the legality of the County advertising the lease of the caboos located at the Riparius Station for seasonal operation, Mr. Butler stated that the bid advertisement had been placed on May 23rd and the bid opening was scheduled for June 11th. He added that he would provide the Committee with further information on the matter subsequent to the bid opening.

Mr. Butler apprised that during his brief absence from the meeting he had contacted Bob Guthorn, of Mercer Construction Company, LLC, with respect to their estimate for repairs to the washed out portion of the railroad tracks. He said that Mr. Guthorn was working frantically to develop a detailed quote for submission to the County which would reflect the work included for the \$60,087 price estimated by Mercer. Mr. Butler advised that as per Mr. Guthorn, Mercer did not have the availability of high rail equipment and they planned to back dump trucks and machinery down the one mile length of tracks to reach the washout and then contract with UHRR to put the rails back into place. He stated that Mr. Guthorn had promised to return a detailed quotation before 3:00 p.m. that day.

Mr. Goodspeed questioned why DPW trucks could not be used if Mercer intended to back their trucks down the railway to reach the damaged portion of tracks. Mr. Lamy replied that he was not confident the DPW trucks could safely reach the tracks this way and he feared that if the attempt was made they would be facing not only the track repair work, but also a machinery retrieval operation if a repair attempt was made using equipment ill suited for the job.

Subsequent to further discussion on the matter, it was determined that the Committee would revisit the issue at the upcoming Public Works Committee meeting scheduled for May 28th.

As there was no further Parks, Recreation & Railroad business to present, privilege of the floor was extended to Mr. Lamy to begin the DPW portion of the Committee meeting. Copies of the DPW agenda were distributed to the Committee members, a copy of which is also on file with the minutes.

Mr. Lamy announced that the first agenda item listed pertained to the annual MS4 Stormwater Management Plan Report and the public update necessary to satisfy NYSDEC requirements. He then introduced George Van Dusen, Project Engineer, to proceed with the update.

Mr. Van Dusen apprised that his update was necessary as per NYSDEC regulations which required that the Report be presented in draft format at a public meeting, allowing the opportunity for public comment, to be followed by the submission of a formal report to NYSDEC. He explained that the County was considered a traditional entity that was non-regulatory, meaning that unlike the Towns, City and the Villages, the County lacked the authority to regulate land development. Mr. Van Dusen stated that the Report was broken into seven sections, which were as follows:

1. Municipal Compliance Certificate - this was the portion of the report in which the County certified that the all facets of the Stormwater Management Plan were in compliance with NYSDEC regulations, Mr. Van Dusen apprised;
2. Public Education and Outreach - Mr. Van Dusen said that the DPW was greatly assisted with these efforts by the Soil & Water Conservation District and the Lake George Association through public events and programs held;
3. Public Involvement - this portion of the report was satisfied by road side cleanup programs, Mr. Van Dusek stated;
4. Illegal Detection and Elimination - Mr. Van Dusen said that this issue required further discussion as to the implementation of a Stormwater Management Officer which he said Mr. Lamy would address later in the meeting;
5. Construction Site Run-off;
6. Post Construction Site Run-off ;
7. Management of Municipal Operations - Mr. Van Dusen noted, that items 5, 6 and 7 did not apply to the County as they were a non-regulatory entity which regulated only its own operations and had no authority to regulate land development.

When questioned as to whether a resolution was required in connection with this matter, Mr. Van Dusen replied in the negative, explaining that NYSDEC regulations required that the information and draft Report be provided to the Committee members at a public meeting during which any comments would be recorded and included in the final report to NYSDEC which was due on June 1st.

As the Committee had no questions or comments with respect to the Report, Mr. Belden thanked Mr. Van Dusen for his presentation and announced that they would continue with the agenda review.

Jeffrey Tennyson, Deputy Superintendent of Engineering, advised that the next agenda item consisted of a request for a new contract for the resurfacing of Glenwood Avenue and a portion of Corinth Road, with the contractor to be named subsequent to the bid opening which was scheduled for early July. He explained that the plans for the project, which included milling and resurfacing of the roads, had been submitted to the State and that grant funding in the amount of \$746,000 had been approved under the Economic Recovery Project.

Motion was made by Mr. Bentley, seconded by Mr. Goodspeed and carried unanimously to approve the request for a new contract for the resurfacing of Glenwood Avenue and a portion of Corinth Road with the contractor to be named subsequent to the bid opening which was anticipated to be held in early July and the necessary resolution was authorized for the June 19th Board meeting. *A copy of the request is on file with the minutes.*

In connection with this issue, Mr. Lamy advised that he had an item not included on the agenda which required Committee action. He reminded the Committee that four resolutions had been approved at the May 15th Board meeting, two of which established the Capital Projects for the Glenwood Avenue and Corinth Road resurfacing projects, while the remaining two authorized the acceptance of Economic Recovery Project funding for the two roads. Mr. Lamy stated that Resolution Nos. 349 - 352 required amendments to correct the amounts listed therein as the funding totals had been transposed between the two projects.

Motion was made by Mr. Champagne, seconded by Mr. Goodspeed and carried unanimously to approve the request to amend Resolution Nos. 349 - 352 to correct the dollar figures listed therein and the necessary resolutions were authorized for the June 19th Board meeting. *Copies of all four requests and the supporting documentation are on file with the minutes.*

Mr. Tennyson stated that the next agenda item consisted of a request to amend the existing contract with Foit-Albert Associates in the amount of \$320,000 to add construction inspection services for the next phase of the Grist Mill and Tannery Road Bridge replacement projects. He explained that Foit-Albert Associates was the design consultant for both bridge projects and they were proceeding with construction on both Bridges which required construction inspection services. Mr. Tennyson added that both projects were 100% Federally funded, with no cost to the County.

Motion was made by Mr. Champagne, seconded by Mr. Merlino and carried unanimously to amend the existing contract with Foit-Albert Associates in the amount of \$320,000 to include construction inspection services and the necessary resolution was authorized for the June 19th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Tennyson directed the Committee members to page 10 of the agenda which included a summary of the bids received for construction on the Grist Mill and Tannery Road Bridges. He added that they had received approval from NYSDOT (New York State Department of Transportation) to award the bids to Arch Bridge Contracting Corp. for a total cost of approximately \$2.1 million. Mr. Tennyson noted that this item was being provided as an informational update and required no Committee action.

The next agenda item, Mr. Tennyson said, pertained to "Items of Information" and he noted that during the prior week a fuel tank had been closed at the Airport. He apprised that County forces had been used in connection with the closure and he said that they had contracted with a tank closure contractor for the portion of the work which included some environmental sampling and fluid removal. Mr. Tennyson added that the tank closure contractor had worked closely with the DPW personnel to provide a proper removal and that a tank closure report would be submitted to NYSDEC for a final approval.

On a similar note, Mr. Tennyson stated that page 11 of the agenda included a written quotation from Mac-Son Industrial Services Inc. for the removal of a fuel tank recently discovered on the Municipal Center Campus. He said that they had received multiple quotes for the work and Mac-Son Industrial Services, Inc. had submitted the lowest bid; he added that they would be proceeding to contract with them for the tank removal.

Mr. Lamy announced that agenda page 12 reflected a copy of the letter he had received from Clough, Harbour & Associates (CHA) with respect to a proposed hotel seeking access to Corinth Road and he noted that the matter had also been reviewed by the Town of Queensbury through their Planning Department. Mr. Lamy explained that the builders of the proposed hotel sought a driveway with three lanes and the decision had been made by the Town of Queensbury to authorize a two lane driveway, eliminating the turning lane included in the initial proposals. He noted that the County's Project Engineer had recommended that the County follow the decision made by the Town of Queensbury in authorizing the two lane driveway. Mr. Lamy concluded that the issue required no Committee action and had been presented as an informational update.

Continuing, Mr. Lamy reminded the Committee members that Resolution No. 71 of 2000 authorized an agreement between the County and the City of Glens Falls to carry out road improvements to Broad Street between the intersections of Thomas Street and Hudson Avenue within the City of Glens Falls in connection with the Corinth Road Project. He advised that the key point was that the work would be based upon cost sharing and that the last resolved in the resolution stated that 5% of the portion of work within the City limits would be funded by the City of Glens Falls. Mr. Lamy said that they were currently developing draft agreements that would be finalized by the County Attorney and would determine all of the cost sharing and agreements between the County, Town of Queensbury and the City of Glens Falls for the Corinth Road Project. He advised that he had spoken with the past

City Mayors and Project Engineers with respect to the matter and planned to meet with the current Mayor to review the documentation and discuss the 5% cost share.

Mr. Champagne questioned when expenditures in connection with the Corinth Road Project would begin and Mr. Lamy replied that they had already begun expending Project funds for right-of-way acquisitions along the Project route. He added that the expenditures on the part of the City of Glens Falls would occur late in the Project, likely beginning in the latter part of 2010.

Mr. Lamy directed the Committee members to page 16 which reflected a two page summary from R.K. Hite & Co., Inc. noting the status of the right-of-way acquisition process. With respect to the condemnation petitions filed, Mr. Tennyson apprised that there were nine properties that would be subject to a condemnation process, seven of which had already been filed; he added that some were friendly condemnations, while others were not.

Mr. Stec questioned if any of the condemnation actions had been completed and Mr. Tennyson replied that one action had been completed and he recalled that this was one of the friendly acquisitions which was required due to title issues that would not allow the seller to authorize the right-of-way acquisition without a condemnation process.

Mr. Lamy stated that agenda page 17 included a listing of the right-of-way acquisitions being pursued by the Town of Queensbury also through R.K. Hite & Co. Inc. He pointed out that the Town of Queensbury was involved in condemnation actions for 14 parcels and he asked Mr. Stec to update the Committee on this matter. Mr. Stec advised that the Town had commenced condemnation proceedings on a number of properties and he felt they were only slightly behind the County in the process. He added that they had already proceeded in closing on some properties for which checks had been issued. Mr. Stec stated that significant efforts had been made at the Town level to move forward with the right-of-way acquisition process and they would continue these efforts to meet the specified deadlines.

The next agenda item, Mr. Lamy announced, pertained to Budget/Personnel items and he stated that at the last Budget Committee meeting the DPW was identified to reduce staffing by five positions. He said that as he understood the situation, depending on the fate of the Fish Hatchery, the two positions within the Hatchery could be considered as two of the five to be eliminated. Mr. Lamy apprised that there were some vacancies existing within his Department which were spread between the Highway, Buildings & Grounds and Airport divisions. He stated that he had refrained from filling the vacancies to determine whether or not they would be abolished and in what time frame. Mr. Lamy pointed out that if the Committee determined that the positions should be deleted, they would have to remain vacant within the budget for a certain period of time to cover the retirement settlements for the staff members who had retired. He added that he had calculated that date at which the various positions could be removed and he awaited further Committee direction before proceeding in any manner.

Mr. Lamy distributed photographs reflecting the reclamation work being done on New Hague Road and Garnet Lake Road, as well as some work being performed in connection with a sight distance issue on Harrisburg Road, all of which had been engineered and constructed by County forces. Mr. Lamy stated that a Bridge Maintenance Crew had been designated as it was sorely needed over the past few years. He said that the first task completed by the Bridge Maintenance Crew had been bridge washing which would remove sand and salt build-up from the key components of the bridge in order to preserve and lengthen their useful life. Mr. Lamy stated that although this did incur a cost to the County, it was a worthy cost as it would elongate the time frame in which the bridges would remain in service.

Concluding the agenda review, Mr. Lamy presented the listing of items pending from prior Committee meetings,

which he detailed as follows:

1. The Corinth Road Bridge Project was discussed earlier in the meeting;
2. The Budget Performance Report was not discussed as it is presented on a quarterly basis;
3. No update was given on NYSDEC requests for work at Scaroon Manor;
4. No update was given on NYSDEC violation citations at the North Creek Fuel Farm;
5. Mr. Lamy advised that the Stormwater Officer position was still under review by the City of Glens Falls and the Town of Queensbury;
6. With respect to the Milton Avenue Bridge, Mr. Tennyson stated that Verizon had been able to successfully pull four of their conduits through an abandoned waterline across the Schroon River which would allow them to sign a utility agreement with the County. He added that they should be ready to bid the Project in the second half of June, at which point a decision would have to be made by the Committee as to whether construction should continue or if the Project should be paused pending the availability of additional Federal Stimulus funding. Mr. Tennyson pointed out that the Grist Mill and Tannery Road Bridges in the Town of Stony Creek had received funding under the first round of Federal Stimulus funding in place of the Milton Avenue Bridge as it was had not been eligible for funding at that time. He said that in discussions with NYSDOT he had been advised there might be a second round of funding which was likely to occur in early August, at which time the Milton Avenue Bridge would qualify for funding. When questioned on the issue, Mr. Tennyson apprised that the Federal Stimulus funding received would cover 100% of the construction and construction inspection costs incurred in connection with the projects.

As there was no further Public Works business to discuss, on motion made by Mr. Pitkin and seconded by Mr. Champagne, Mr. Belden adjourned the Committee meeting at 12:00 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist