

WARREN COUNTY BOARD OF SUPERVISORS

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

DATE: SEPTEMBER 3, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
TESSIER
STEC
MERLINO
CHAMPAGNE
TAYLOR
GOODSPEED
PITKIN

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF ENGINEERING
DON DEGRAW, AIRPORT MANAGER
FREDERICK MONROE, CHAIRMAN OF THE BOARD
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS STRAINER
THOMAS
MICHAEL O'CONNOR, ESQ., REPRESENTING LJDJ ENTERPRISES, LLC
ANNE POLLARD, GENERAL MANAGER OF RICH AIR
JERRY RIEGEL, UPPER HUDSON RIVER RAILROAD
CLIFF WELZ, UPPER HUDSON RIVER RAILROAD
DAVE KENNY, WARREN COUNTY RESIDENT
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *THE ADIRONDACK JOURNAL*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

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

Motion was made by Mr. Bentley, seconded by Mr. Taylor and carried unanimously to approve the minutes from the July 28, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Airport, DPW and Parks, Recreation & Railroad agendas were distributed to the Committee members, copies are also on file with the minutes.

Mr. Belden announced that Michael O'Connor, Esq., legal representative for LJDJ Enterprises, LLC, was in attendance to discuss the possible conveyance of County-owned property to his client and he asked William Lamy, Superintendent of Public Works, to expound upon this issue. Mr. Lamy explained that Mr. O'Connor's client, LJDJ Enterprises, LLC, sought to acquire the County-owned right-of-way (ROW) located on County Route 11 and he noted that a map reflecting the property was included on page five of the DPW agenda. He apprised that simultaneous to Mr. O'Connor's request, he had received an inquiry from a representative of Kubricky Construction seeking to use the property for temporary storage of millings in connection with the NYSDOT (New York State Department of Transportation) project set to begin nearby on State Route 9 later that week. Mr. Lamy said that the ROW property currently had some brush growing on it but that would be cleaned off prior to use; he added that as per Mr. O'Connor, if the property was transferred to LJDJ Enterprises, LLC, they would be agreeable to the use of the property by Kubricky Construction. Mr. Lamy concluded that the conveyance of unused County-owned ROW to adjoining property owners was a common practice and as with prior ROW property transfers, an appraised value for the property should be sought from the Real Property Tax Services (RPTS) Department and the parcel would later be transferred to the adjoining property owner for the price indicated.

Mr. O'Connor apprised that LJDJ Enterprises, LLC was the company that ran Adirondack Adventures which was located on the property adjoining the County-owned ROW property. He explained that his client foresaw the need

for additional parking space and that was the reason they sought to acquire the ROW property. Mr. O'Connor stated that the County was currently taxing his client for the County ROW property and he noted that the map included in the agenda reflected an overlay of the Quit Claim Deed from John J. Manna, Jr. to LJDJ Enterprises, LLC. He added that the RPTS Department had four different variations of the parcel, the one included in the agenda being the most recent, and the property had been improperly taxed for some time. Mr. O'Connor reiterated that his client currently paid taxes on the County ROW property and hoped to rectify the situation through the transfer of property.

Subsequent to further discussion on the matter, it was the consensus of the Committee that Mr. Lamy be authorized to issue a County Facilities Use Permit to Kubricky Construction for use of the County-owned ROW to temporarily store millings in connection with the NYSDOT project scheduled in the area and also to begin the property transfer process which included an appraisal of the property by the RPTS Department.

Moving on, Mr. Lamy advised the Committee that they would proceed to discuss Airport business and he asked Don DeGraw, Airport Manager, to commence with the agenda review.

Mr. DeGraw stated that New Business Item 2 consisted of a request to enter into an Airport Real Property Lease agreement with Schermerhorn Aviation II, Inc. for the construction of two t-hangar buildings on Airport property, as well as to set a public hearing with regard to the matter and to commence the SEQRA (State Environmental Quality Review Act) review for the proposed project. He apprised that the terms of the lease would be consistent with those in place for the lease currently held with Schermerhorn Aviation II, Inc. which included an annual rent of \$.50 per square foot of lease property; a 30-year lease term with an additional 10-year option; provisions that the County would retain the first option to buy the t-hangar buildings if the tenant should decide to sell, as well as a provision that the County be given the right to purchase the t-hangar buildings for the sum of \$1 at the close of the lease term.

Mr. Pitkin questioned what the terms of purchase would be if the tenant decided to sell the t-hangars prior to the end of the lease term, to which Mr. DeGraw replied that the t-hangars could be purchased at fair market value if the decision was made to sell the buildings before the lease term expired.

Motion was made by Mr. Champagne, seconded by Mr. Tessier and carried unanimously to approve the request to enter into an Airport Real Property Lease agreement with Schermerhorn Aviation II, Inc. for the construction of two t-hangar buildings on Airport property, as well as to set a public hearing with regard to the matter and to commence the SEQRA review for the proposed project, and the necessary resolution was authorized for the September 18th Board meeting. *A copy of the request is on file with the minutes.*

Agenda Item 3, Mr. DeGraw announced, included a request to establish Capital Project No. H305.9550 280, Runway 1 Land Acquisition/Powers Parcel, in the amount of \$358,184. He explained that the purpose of the Capital Project was to allow for the purchase of property adjacent to the Airport which would allow for the removal of critical obstructions to current and future areas of protected airspace. When questioned as to the total purchase price for the Powers Parcel, Mr. DeGraw advised that approximately \$300,000 was being paid for the property and another \$40,000 would be expended for engineering costs incurred in connection with the property. He added that 95% of the total project costs would be funded by an FAA (Federal Aviation Administration) grant and 2.5% by NYSDOT grant funds, leaving a 2.5% Local Share totaling \$8,954 which was available within Code A.9550 910, Transfers - Capital Projects.

Motion was made by Mr. Bentley, seconded by Mr. Taylor and carried unanimously to approve the request to

establish Capital Project No. H305.9550 280, Runway 1 Land Acquisition/Powers Parcel, in the amount of \$358,184 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Moving on to Agenda Item 4, Mr. DeGraw presented a request to establish Capital Project No. H306.9550 280, Land/Avigation Easement - Forest Enterprises Parcel, in the amount of \$34,431. As with the prior request, he explained that the purchase of this property would allow for the removal of critical obstructions to current and future areas of protected airspace and he noted that FAA and NYSDOT grant funds would cover 97.5% of project costs, leaving a 2.5% Local Share of \$861. Mr. Belden questioned whether the Local Share was available within the Transfers - Capital Projects Code and Mr. DeGraw replied affirmatively.

Motion was made by Mr. Goodspeed, seconded by Mr. Tessier and carried unanimously to approve the request to establish Capital Project No. H306.9550 280, Land/Avigation Easement - Forest Enterprises Parcel, in the amount of \$34,431 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. DeGraw advised that Agenda Item 5 referred to the "Airport Informational Sheet" that had been prepared for the visit of Assemblywoman Teresa Sayward on August 4, 2009. He said that the document had been included in the agenda and he asked the Committee members to review it at their leisure.

Agenda Item 6, Mr. DeGraw announced, referred to a printout included in the agenda from the popular website AirNav.com which included a description of the amenities offered at the Airport, as well as a number of positive comments posted by recent visitors to the facility.

When questioned as to the status of the self-fueling facility, Ann Pollard, General Manager for Rich Air, apprised that the cement pad on which the facility would be installed had already been prepared and the installation company would begin construction on September 8th. She added that she anticipated that the self-fueling facility would be in use by the end of September.

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

1. No update was provided respective to legal action authorized to determine the validity of an easement on the Chartrand parcel;
2. A status report on the construction of the self-fueling facility at the Airport was provided previously;
3. Mr. DeGraw advised that he had yet to receive any further information from the County Attorney's Office respective to the legality of leasing Airport property to Mr. Schermerhorn for construction of a new stand-alone restaurant. Ms. Pollard interjected that the possibility of constructing a new restaurant on-site was not currently a high priority for Rich Air, as they were focusing on the aviation infrastructure and the construction of additional t-hangars. She added that she felt this was a topic that would be discussed further over the winter months.

As there was no further Airport business to present, privilege of the floor was extended to Mr. Lamy to begin the review of the DPW agenda.

Ms. Pollard and Mr. DeGraw left the meeting at 9:57 a.m.

Mr. Lamy apprised that the first agenda item pertained to a brief update on the budget presentation that had occurred recently for the benefit of the Committee members that had not attended the recent Budget Committee meeting. He said he had submitted the Public Works 2010 Budget Request that had included an overall decrease

for all Public Works Divisions and he noted that they continued to reduce staff and review questionable budget figures for accuracy. Mr. Lamy advised that he had recently been advised by the Treasurer's Office that the figure budgeted for as the County's retirement contribution needed to be increased from the figure they had previously issued, which would negatively affect the budget request. Conversely, he said that there were two employees that had signed up to participate in the Reduction in Workforce Incentive program and would proceed in submitting their final retirement documentation pending approval of their participation in the program, which would incur further reductions to the budget.

Mr. Lamy stated that one of the prospective retirees was an employee of the Parks, Recreation & Railroad Division and he noted that subsequent to discussions with Paul Butler, Director of Parks, Recreation & Railroad, a decision had been made not to fill the vacancy. He said that the loss of the position would require that alternate approaches be taken to maintain the operations of the Department and part of their plan was to continue to utilize manpower from other Divisions of the Public Works Department. For example, Mr. Lamy stated, Fish Hatchery staff would be used to assist in other areas of the Department during times when the Hatchery did not require full staffing and staff from other areas of the Department would be used in the Hatchery during their busier seasons. He added that when working on bridge projects, the skilled builders from the Parks, Recreation & Railroad Division would work with the DPW bridge crews for construction work as necessary. Mr. Lamy stated that they intended to share staffing resources between Public Works Divisions whenever they were able in order to maintain operations with reduced staffing. He concluded that in the 1990's the Public Works Division had employed 169 staff members and that figure had since been reduced to the current workforce of 118 employees, which was a significant reduction in staff. Mr. Lamy added that at the same time staffing had been decreased, they had added new positions and filled them with employees with a variety of experience in order to provide services that had not been available in-house in the past, leading to considerable budget savings for the County.

Mr. Belden asked if a figure had been reached to represent the overall decrease in the Public Works Budget and Mr. Lamy replied in the negative, explaining that he continued to work on the budgetary figures in order to determine the actual decrease. Mr. Geraghty interjected that all Departments had been given until September 4th to present their final budget requests which would be reviewed during the following week by the Budget Committee to provide final approvals.

Mr. Lamy stated that the next budget item pertained to a washout of Murray Road in the Town of Stony Creek and he displayed photos of the damage for the Committee's review. Temporary repairs had been made to make the road usable, Mr. Lamy said, and he noted that DPW crews would return to the site in the spring to make permanent repairs. When questioned on the matter Mr. Lamy confirmed that the damage was related to beaver activity in the area; he added that there was the potential for similar damage to occur with any culvert in the County, during any storm and that was why he vigorously defended the funding included in the Public Works budgets under maintenance codes. Mr. Belden asked if the repair work had incurred overtime costs and Mr. Lamy replied that although overtime had been used to secure the road once the damages had been reported, the repair work had been performed during regular working hours leading to minimal overtime costs.

Continuing, Mr. Lamy presented the next agenda item which consisted of a request for a transfer of funds in the amount of \$26,000 from Code D5112.8132 280, CR11A Horicon Ave, to Code D5112.8105 280, CR10 Schroon River Road. He explained that the length of construction had been extended on the Schroon River Road project as a result of changing out an additional culvert crossing and headwall. Mr. Lamy said that funds were available within the Horicon Ave Project to cover the increased costs of the Schroon River Road Project.

Motion was made by Mr. Champagne, seconded by Mr. Bentley and carried unanimously to approve the request for

a transfer 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 announced that the next agenda item referred to the Luzerne-Hadley Bridge over the Hudson River which was jointly owned by Saratoga and Warren Counties and had been cited with yellow flags by NYSDOT for structural deficiencies. He advised that he had recently spoken with Joe Richie, Superintendent of Public Works for Saratoga County, who advised that Saratoga County had allocated \$50,000 for their contribution to the bridge repairs. Mr. Lamy stated that although this was one of the projects identified in the bridge bond, he did not have a dollar figure for the costs of the repair project at that time and he noted that he and his staff would continue to research the necessary work to determine the associated costs. He added that they would attempt to access remaining bond funds to complete the work in 2010 and would notify the Committee if it appeared that the costs of the work would exceed the funding available.

Chairman Monroe reported that in connection with the 2005 washout of County Route 11, he had contacted Senators Schumer and Gillibrand, as well as Congressman Murphy, to discuss reimbursement for the repair costs. He said that Senator Schumer's Office had indicated that although they could not provide reimbursement for County Route 11 repair costs, they encouraged the County to apply for funding in connection with projects planned for 2010. Chairman Monroe said that a project, such as repairs to the Luzerne-Hadley Bridge, might qualify for this funding which would save money in the 2010 Budget. Mr. Lamy questioned whether a dollar amount had been indicated for prospective funding available to the County and Chairman Monroe replied in the negative, noting that there was no certainty that the funding would be allocated; therefore, he added, these funds could not be included in the 2010 Budget.

Moving on, Mr. Lamy directed the Committee members to page three of the agenda which included a request to authorize conveyance of Town of Horicon Tax Map Parcel No. 53.-3-10; he added that a map reflecting the parcel was included on page 4 of the agenda. Mr. Lamy apprised that the parcel consisted of vacant property that was no longer necessary for public purposes and the County Attorney's Office had requested that he introduce the matter to the Committee in order to begin the process required to sell the parcel at the County Land Auction. When asked whether an estimate of value for the parcel should be obtained from the RPTS Department, Mr. Lamy replied that he believed a value should be obtained before the parcel was introduced at the Auction.

Motion was made by Mr. Bentley, seconded by Mr. Tessier and carried unanimously to authorize Mr. Lamy to begin the conveyance procedure necessary to sell Town of Horicon Tax Map Parcel No. 53.-3-10 at the County Land Auction, which included obtaining an appraisal of the property value from the RPTS Department.

Jeffrey Tennyson, Deputy Superintendent of Engineering, presented the next item which began on page six of the agenda in the form of a request to amend the existing NYSDOT grant in the amount of \$10,500 to include Supplemental Master Agreement #6 for the Starbuckville and Chester Creek Bridge Project. He apprised that although the Project was now complete, an amendment to the existing grant was necessary to accept the final State funding in connection with the Project.

Motion was made by Mr. Merlino, seconded by Mr. Tessier and carried unanimously to approve the request to amend the existing NYSDOT grant in the amount of \$10,500 as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy announced that Kevin Hajos, Senior Civil Engineer, had been instrumental in obtaining the additional grant funds in connection with the Starbuckville and Chester Creek Bridge Project and he commended Mr. Hajos

for his efforts. He added that because there were a number of contributing factors involved in the Project it was difficult to assess the various funding streams available; however, he said, Mr. Hajos had worked diligently and persistently with NYSDOT to obtain the additional funding received.

Resuming the agenda review, Mr. Tennyson directed the Committee members to agenda page 10 which included a request to increase Capital Project No. H236.9550 280, Starbuckville and Chester Creek Bridge Project, in the amount of \$10,500 to reflect the receipt of unanticipated grant funding. He noted that this action was necessary in order to seek the final reimbursement from NYSDOT as previously described.

Mr. Belden questioned whether the Local Share associated with the grant funding was available within the existing budget and Mr. Tennyson replied affirmatively noting that the funds were already included in the Capital Project.

Motion was made by Mr. Bentley, seconded by Mr. Taylor and carried unanimously to approve the request to increase Capital Project No. H236.9550 280, Starbuckville and Chester Creek Bridge Project, in the amount of \$10,500 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Tennyson apprised that the next agenda item began on agenda page 11 in the form of a request to amend the existing contract with Clough, Harbour and Associates, LLP (CHA) in the amount of \$2,156,850 for additional design, ROW and construction inspection services in connection with the Corinth Road Project. He noted that the additional work had been submitted to NYSDOT who was in agreement with the additional fees charged and would allocate grant funding for the expense.

Mr. Bentley questioned what the Local Share in connection with the grant funding would be and Mr. Tennyson replied that although the Local Share was generally 5%, because this was a very complicated project which was receiving funding from multiple sources not typically used, it was not known what the exact Local Share would be. He noted that in some cases the Local Share was as high as 10%, while there was no Local Share for other funding streams. Mr. Lamy interjected that based on past practices, he would estimate a 5% Local Share plus any ineligible costs determined through the construction process. Mr. Belden questioned if the anticipated Local Share was already allocated in the Capital Project and Mr. Tennyson replied affirmatively.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to approve the request to amend the existing contract with CHA in the amount of \$2,156,850 as outlined above and the necessary resolution was authorized for the September 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Stec questioned when the bid process would begin for construction on the Corinth Road Project and Mr. Lamy replied that he expected the bids to be released within the month of September. Mr. Tennyson stated that the funding for the Project was now secure and the ROW process was almost complete with only a few condemnation processes left to address; however, he added, the process was far enough along that they were able to proceed with the Project. Mr. Tennyson advised that there were still some formalities being worked out with the Federal Highway Administration which they continued to work on. He said that once the bids were released, he expected it to take about five or six weeks before a contractor was selected and another month to get contracts in place, subsequent to which they would work with the selected contractor to determine when mobilization would begin. Mr. Tennyson stated that he expected construction to begin in January of 2010.

Proceeding with the agenda review, Mr. Tennyson announced that page 13 included a request to oppose the designation of Warren County as an "Ozone Non-Attainment Area" by the USEPA (United States Environmental Protection Agency). He explained that notification had been received from the AGFTC (Adirondack Glens Falls

Transportation Council) that the USEPA intended to designate Warren County in this manner based on elevated ozone levels recorded in Stillwater, NY and had determined that the County would be included under this designation as a combined statistical area. Mr. Tennyson stated that because approximately 93% of Warren County was located within the Adirondack Park and was already subject to stringent regulation, this new designation could place additional requirements/regulations on Federal and State funded transportation projects within the County. He noted that the USEPA should do additional sampling within Warren County before determining the environmental impact. Mr. Tennyson apprised that on agenda pages 14-17 he had included copies of AGFTC and Washington County resolutions opposing the USEPA designation.

Motion was made by Mr. Bentley, seconded by Mr. Champagne and carried unanimously to approve the request for a resolution opposing the USEPA's designation of Warren County as an Ozone Non-Attainment Area and the necessary resolution was authorized for the September 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson stated that agenda page 18 included a request for a new contract with the contractor to be determined subsequent to the bid opening for upgrade/replacement of the County-wide fuel management system. He said that they were still working to finalize specifications for the new fuel system and had recently had a conference call and website demonstration with the preferred supplier for the new system; however, he added, they were still discussing the details on the documents that could be generated by the new system. Mr. Tennyson explained that the request was being presented prematurely in order to allow for the system to be implemented as soon as the bid responses were reviewed, rather than waiting for approval at the October Board meeting.

Mr. Belden questioned when the new fuel management system would be installed and Mr. Tennyson replied that they hoped for the installation to be completed within the fall season.

Motion was made by Mr. Champagne, seconded by Mr. Bentley and carried unanimously to approve the request for a new contract for upgrade/replacement of the County-wide fuel management system with the contractor to be determined subsequent to the upcoming bid opening and the necessary resolution was authorized for the September 18th Board meeting. *A copy of the request is on file with the minutes.*

Because he had not scheduled a meeting to discuss Warren County Sewer business, Mr. Lamy apprised that he had included a request to extend the existing contract with CHA in the amount of \$45,900 for additional construction inspection services in connection with the Hague Sewer Project in the DPW agenda for Committee review and approval. He added that a copy of the request was included on page 19 of the agenda, while page 20 reflected a copy of the letter received from CHA which outlined the rationale for the additional \$45,900 expenditure.

Mr. Merlino inquired where the funding for the additional costs would be expended from and Mr. Lamy replied that the funds were available within the Capital Project. Mr. Lamy noted that the County had instituted a limit as to how much funding they would attribute to the Hague Sewer Project and anything over that limit would be funded by the Town of Hague through their borrowing agreement. He advised that although the additional expenditure would reduce the amount of funding available to the Town, he felt that the increase would be offset by the construction savings anticipated. Mr. Merlino said he recalled that the increased Project costs had been caused by malfunctioning parts used in the Project and he questioned why the additional expenditures should be charged to the Municipalities and not to the supplier of the parts. Mr. Lamy replied that he had been instructed to pursue the avenues available to seek repayment from the parts manufacturer and he felt that this would lead to litigation.

Subsequent to further discussion on the matter, motion was made by Mr. Bentley, seconded by Mr. Champagne and

carried unanimously to approve the request to extend the existing contract with CHA in the amount of \$45,900 for additional construction inspection services in connection with the Hague Sewer Project and the necessary resolution was authorized for the September 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy stated that on page 21 of the agenda he had included documentation respective to the upcoming "Sixteenth Statewide Conference on Local Bridges" scheduled for October 21 - 22, 2009 in Syracuse, NY. He then requested authorization for Mr. Tennyson and George Van Dusen, Project Engineer, to attend the Conference and he noted that Messrs. Tennyson and Van Dusen had agreed to share a hotel room during the Conference in order to reduce the travel costs.

Motion was made by Mr. Goodspeed, seconded by Mr. Stec and carried unanimously to authorize Messrs. Tennyson and Van Dusen to attend the "Sixteenth Statewide Conference on Local Bridges" in Syracuse, NY on October 21 - 22, 2009, as outlined above.

Mr. Tennyson distributed photographs and provided the Committee members with a brief update of the ongoing bridge projects, some of which were being addressed by County staff while other were being contracted to outside agencies. Mr. Lamy noted that steel work was required in connection with the bridge projects, some of which they were able to provide on an in-house basis; however, he added, although the DPW had a capable welder on staff, he was not NYSDOT certified and could not perform all of the necessary welding work. Mr. Lamy concluded that they continued to provide as much work with County staffing as possible in order to reduce project costs.

Mr. Goodspeed commented that he had received a call yesterday from a citizen concerned with the lack of signage posted surrounding Dillon Hill Road, which was currently closed to traffic while work proceeded on the Dillon Hill Road Bridge. He advised that road closure signs were not posted at the start of the road, but only closer to the bridge which caused difficulty for drivers in turning their vehicles around when they reached the bridge and realized the road was impassable. Mr. Tennyson responded that notifications of the road closure should be posted at the start of the road and he said that he would be sure the issue was addressed.

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

1. An update on the Corinth Road Project was provided earlier in the meeting;
2. As the Budget Performance Reports are to be provided on a quarterly basis, Mr. Lamy advised that the matter would be discussed at the October Committee meeting;
3. Mr. Lamy stated that he had nothing to report with respect to NYSDEC (New York State Department of Environmental Conservation) requests for work at Scaroon Manor;
4. No update was provided respective to NYSDEC violation citations at the North Creek fuel farm;
5. No update was provided respective to the Stormwater Officer position;
6. No update was provided respective to the Hazard Mitigation Coordinator position;
7. Mr. Tennyson apprised that the status of the Milton Street Bridge Project had not changed since the August Committee meeting. He stated that although they were ready to proceed with the Project, they were currently being delayed due to NYSDOT approval issues which were directly related to delays in the receipt of Federal approvals. Mr. Tennyson said NYSDOT officials were very frustrated with the lag in Federal approvals in connection with Federal Stimulus Program funding which in turn caused a delay in NYSDOT approvals. He said he anticipated that by the time they received NYSDOT approval to begin the construction bid process they would no longer have the ability to work in the underlying stream; therefore, he said, the bridge removal work would be done over the winter with the bulk of the reconstruction work to be completed in the spring;

8. No update was provided respective to the Middleton Bridge;
9. Mr. Lamy apprised that some of the paving had been scheduled for the City of Glens Falls with the rest to be finished within the following week. He noted that this item should be removed from the listing of pending items as the work was nearing completion.

Mr. Goodspeed said he applauded and appreciated the ability of the Public Works Division to develop the flexibility that allowed them to do more work on an in-house basis, thereby saving the County a considerable amount of money by not having to contract with outside entities for these services. He said that although he supported the efforts of DPW staff to take on the responsibility of the bridge work that had previously be contracted out, he questioned whether this might lead to increased liability exposure for the County. Mr. Lamy replied that his staff was not taking on any responsibilities that they were not comfortable with and if they did encounter work they were unable to handle, they had technical expertise available to them from outside sources which provided extensive design specifications and direction. He said that he would discuss the matter further with the County Attorney's Office to determine whether the County faced a greater exposure through these measures, but doubted that this would be an issue as most of the work being done was of a maintenance nature, rather than design and construction.

Discussion ensued.

As there was no further DPW business to discuss, Mr. Lamy proceeded with a review of the Parks, Recreation & Railroad agenda as Mr. Butler was not in attendance.

Mr. Lamy stated that Agenda Item 1 consisted of a request for a new contract with Lyme Adirondack Timberlands II, LLC in the amount of \$3,120 for the use of a six mile snowmobile trail located in the Town of Hague. He reminded the Committee that this item had been presented at the prior month's Committee meeting but a decision had been postponed when the Committee directed Mr. Butler to research the trail to ensure that it was not a road classified as a qualified abandoned highway which would mean that it could be used free of charge. Mr. Lamy said that Mr. Butler had reviewed the matter as requested and had determined that it was not considered a qualified abandonment; therefore, he said, the contract with Lyme Adirondack Timberlands II, LLC was necessary for use of the snowmobile trail. He added that the Committee had been approving the same contract annually since 2006 and the funds necessary to support the contract were available within the existing budget.

Motion was made by Mr. Tessier, seconded by Mr. Stec and carried unanimously to approve the request for a new contract with Lyme Adirondack Timberlands II, LLC as outlined above and the necessary resolution was authorized for the September 18th Board meeting. *A copy of the request is on file with the minutes.*

Agenda Item 2, Mr. Lamy apprised, included a request for a new contract with Lyme Adirondack Timberlands II, LLC in the amount of \$1,200 for the use of a two mile snowmobile trail located in the Town of Lake Luzerne. He explained that although the snowmobile club would fund the costs of the contract, it had to be secured through the County as Lyme Adirondack Timberlands II, LLC was not willing to contract directly with the club.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to approve the request for a new contract with Lyme Adirondack Timberlands II, LLC as outlined above and the necessary resolution was authorized for the September 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy announced that Agenda Item 3 pertained to a request to amend the County Budget in the amount of \$33,150 to reflect the 30% payment of State snowmobile grant funds. He advised that the snowmobile grant funds would be distributed to the snowmobile clubs according to the percentages used in the past.

Motion was made by Mr. Tessier, seconded by Mr. Merlino and carried unanimously to approve the request to amend the County Budget in the amount of \$33,150 as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Agenda Item 4, Mr. Lamy advised, referred to a request to authorize increases to the Up Yonda Environmental Education Center and he noted that the agenda included a listing of the increased fees proposed which would raise an additional \$8,250 per year in revenues for the facility.

Mr. Belden stated that a number of schools visited Up Yonda and he felt that raising the fees would affect their ability to continue to visit the facility and might lead to lower revenues than those projected in Mr. Butler's proposal. Hal Payne, Commissioner of Administrative & Fiscal Services, replied that Mr. Butler had taken this possibility into consideration when developing the figures reflected in the agenda.

Motion was made by Mr. Taylor, seconded by Mr. Bentley and carried unanimously to approve the request to increase fees at the Up Yonda Education Center effective January 1, 2010 and the necessary resolution was authorized for the September 18th Board meeting. *A copy of the request and the increased fee schedule are on file with the minutes.*

Proceeding to Agenda Item 5, Mr. Lamy presented a request to amend Resolution No. 493 of 2009 to clarify the language therein. He explained that the language of the resolution should be changed to read as follows:

“Does hereby institute a reservation fee of \$25 for use of a Fish Hatchery pavilion, the Hadley Station, the Thurman Station on a certain date and a certain time frame, effective immediately.”

Mr. Lamy said that the clarification was necessary as the current resolution noted that a fee of \$25 would be charged for each use of the pavilion or Stations; however, the fee was meant to be charged for groups wishing to reserve use of the sites on a certain date, not for each person stopping by to use the facility on an individual basis.

Motion was made by Mr. Goodspeed, seconded by Mr. Bentley and carried unanimously to approve the request to amend Resolution No. 493 of 2009 as outlined above and the necessary resolution was authorized for the September 18th Board meeting. *A copy of the request is on file with the minutes.*

Joan Sady, Clerk of the Board, noted that Agenda Item 5A pertained to a request for a resolution authorizing the Parks, Recreation & Railroad Department to obtain a \$75 petty cash fund for use in making change when reservations for the Fish Hatchery or Rail Station sites. She noted that this request had been presented in the form of a Pre/Post Committee request subsequent to the July 28th Committee meeting and the resulting resolution had been approved by the Board of Supervisors at the August 21st Board meeting. Therefore, Mrs. Sady said, no further Committee action was required on this matter.

Continuing to Agenda Item 6, Mr. Lamy noted that Jerry Riegel and Cliff Welz of Upper Hudson River Railroad (UHRR) were in attendance to provide the Committee with a brief update of their operations. Mr. Riegel distributed a written report of UHRR activities which he proceeded to read aloud for the Committee's benefit; *a copy of the report is on file with the minutes.* The report noted that brush cutting services along the railroad were to begin on the week of September 7, 2009; washout repairs for the damaged portion of the tracks located to the south of the Riparius Station had been completed; they were working with the Town of Hadley to rectify drainage issues on Harris Road and that inspections for the railroad bridges would be completed by the end of the day.

Mr. Lamy questioned who would perform the bridge inspections and Mr. Riegel replied that Tech Associates, a civil engineering firm based in Maine, would perform the inspections and develop the ensuing report. Mr. Reigel added that the County would be provided with a copy of the report once it was received.

Mr. Reigel apprised that the Town of Corinth was slated to receive the grant funding they had been promised in connection with the railroad in the near future and UHRR anticipated that they would begin work at the end of September to address the Antone Mountain Road crossing, as well as upgrades to the tracks to achieve Class 2 railroad rating which would allow for 30 mile per hour train traffic from the Saratoga Springs Station to the North Creek Station. He noted that they expected to complete the work in the spring of 2010. Mr. Reigel stated that he had worked with Mr. Merlino to schedule train excursions to the south of the Riverside Station for the fall season. He cited that ridership figures were estimated at 5,000 riders through the month of August and he noted that this figure was about 50% less than the prior year due to the modified schedule that had been used. Mr. Welz interjected there had been about half as many runs than in the prior year, which had led to half the operating expenses and they were happy with these statistics.

Mr. Champagne questioned if UHRR had planned any runs to the Saratoga Springs Station and Mr. Riegel stated that he did not anticipate any runs to Saratoga Springs being scheduled for 2010, but noted that this was their long term plan.

Mr. Pitkin asked what runs had been scheduled for destinations south of the Riparius Station and Mr. Welz replied that a "40-Miler" excursion had been planned for October 17th that would travel from the North Creek Station to the Hadley Station, provided that they were able to reach their 45 passenger minimum for the trip. He added that it seemed they would meet the passenger minimum as they had already received 20 reservations with minimal advertising efforts. Mr. Welz stated that runs to the Stony Creek Station had also been scheduled for September 30th and October 7th.

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

1. The County Attorney's Office continued to research whether State and Federal granting agencies would require repayment of grant funding expended in connection with the railroad if its operation was discontinued, Mr. Lamy apprised;
2. Mr. Lamy said that further discussion with regard to approval of changes in the verbiage included in the easement agreement for the proposed Stony Creek Station platform as suggested by the owners of the 1,000 Acres Ranch Resort were dependent upon the findings of the County Attorney's Office respective to repayment of grant funding if the use of the railroad was discontinued;
3. Referring to the transfer of the Kellogg Property from OSI (Outdoor Space Institute) to the County, Mr. Lamy said that he had no new information to report and he asked Mr. Goodspeed to expound upon the issue. Mr. Goodspeed apprised that there had been no change in the status of the transfer and the County continued to await NYSDOT documentation which confirmed their approval of previous work to remove an underground tank from the site. He added that it was his understanding that the transfer of property would occur upon receipt of the NYSDOT documentation;
4. Mr. Lamy stated that the 2010 Budget Request had been presented to the Budget Committee during the prior week. He noted that there was an employee of the Fish Hatchery that had applied for the Reduction in Workforce Incentive Program and if approved, the retirement would incur additional savings to the Fish Hatchery as they did not intend to fill the vacated position, but rather to restructure the Parks, Recreation & Railroad Department to provide services as necessary with the reduced staffing.

5. As the request for a contract with Adirondack Lyme Timberlands II, LLC was presented and approved earlier in the meeting, Mr. Lamy asked that this item be removed from the pending items listing;
6. Mr. Lamy apprised that Mr. Butler had contacted NYSDOH (New York State Department of Health) officials regarding the possibility of attaching an alternate designation for the Fairgrounds property in order to avoid the water testing requirements attached to the "Fairgrounds" designation. He said that there appeared to be some room to maneuver on this issue as the property could be designated as a Campground to gain permitting with less stringent water testing regulations. Mr. Lamy said they would have to employ the Fairgrounds designation only for the actual Warren County Fair event. He stated that they needed to have further discussions with NYSDOH respective to the matter but it appeared that an alternate solution was available; he added that they would keep the Committee apprised of their findings.

Mr. Belden asked if construction of the Stony Creek Station platform had been scheduled for the fall season and Mr. Lamy replied that he was awaiting Committee direction on the matter as they had been advised to delay the project pending a decision on the future of the railroad, which was in turn dependent on the County Attorney's findings respective to repayment of Federal and State grant funding if the railroad operation was discontinued. He added that the bid for the platform construction materials had expired and would have to be redone before the construction project could begin. In addition, Mr. Lamy noted that due to staffing reductions, the builders working in the Parks, Recreation & Railroad Department were now working with the DPW crews on bridge work.

Mr. Belden stated that although a firm answer had yet to be received from the State and Federal granting agencies, at a recent meeting held in Albany the indication had seemed to be that if the railroad operation ceased, repayment of grant funds would be required.

Mr. Thomas stated that easement issues with 1,000 Acres had to be addressed before the construction could proceed; however, he said, he was in favor of the addition of a platform at the Stony Creek Station. Mr. Thomas added that he was also in favor of hiring an alternate railroad operator who would travel to all of the new stations on a regular basis as the County desired. Mr. Champagne questioned the status of the RFP (request for proposal) for the Railroad Operator contract which was to expire on December 31, 2010. Mr. Lamy replied that a draft RFP had been produced and was currently being reviewed by the County Attorney's Office. He cautioned the Committee that this process had also been delayed pending further information regarding whether grant funding would have to be repaid if the County decided not to continue with the railroad's operation.

Subsequent to further discussion on the matter, it was the consensus of the Committee that Paul Dusek, County Attorney, should be directed to provide further information with regard to the status of his research as to whether or not grant funding would have to be repaid to State and Federal granting agencies if the railroad operation ceased, as well as to report on the status of the Railroad Operator RFP, at the next Committee meeting.

As there was no further business to come before the Committee, on motion made by Mr. Champagne and seconded by Mr. Stec, Mr. Belden adjourned the meeting at 11:12 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist