

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: SEPTEMBER 29, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
TESSIER
MERLINO
CHAMPAGNE
TAYLOR
PITKIN

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF ENGINEERING
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
FREDERICK MONORE, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS STRAINER
THOMAS
DON LEHMAN, *THE POST STAR*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBERS ABSENT:

SUPERVISORS BENTLEY
STEC
GOODSPEED

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

Motion was made by Mr. Pitkin, seconded by Mr. Merlino and carried unanimously to approve the minutes from the September 3, 2009 Committee meeting, subject to correction by the Clerk of the Board.

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

Proceeding with a review of the New Business portion of the agenda, Mr. Lamy announced that the first item pertained to the Adirondack Balloon Festival which had been held over the prior weekend at the Warren County Airport and had been hampered by weather related issues throughout the event. He said that regardless of the windy weather, the Friday evening launch had occurred as intended; however, he noted the balloon flight scheduled for Saturday morning had been cut short due to dense fog which had caused low visibility once the balloons were in the air, while the Saturday evening launch had been cancelled due to the high winds that had returned to the area. Mr. Lamy apprised that on Saturday, he and Don DeGraw, Airport Manager, had reviewed the weather report for the remainder of the Balloon Festival and had determined that all events scheduled for Sunday should be cancelled in light of the heavy rains expected for the region and to avoid any unnecessary damages to the Airport grounds which could be caused by numerous vehicles and attendees driving and walking across the grassy areas during wet weather. Upon making this determination, Mr. Lamy said he had contacted members of the Adirondack Balloon Festival Committee who had been understanding of the situation and were helpful in contacting local radio and news outlets to advise of the cancellations. He stated that he was very appreciative of the cooperation and assistance received from the Balloon Festival Committee members in addressing the schedule changes. Mr. Lamy concluded that because the Balloon Festival had ended prematurely, the amount of overtime expected to be incurred for County employees working in connection with the event had been less than initially anticipated, which would positively affect the Public Works budget.

Moving on, Mr. Lamy presented a request to ratify the actions of the Chairman of the Board of Supervisors in executing any and all documentation associated with the renewal of the FAA (Federal Aviation Administration) office and equipment space lease. He explained that the FAA currently leased space on the second floor of the Airport Terminal Building and the extension would continue lease of this space for an additional five years. Mr.

Lamy further explained that this critical lease provided space for communication equipment and personnel essential to the operation and safety of the Airport and its users.

Motion was made by Mr. Merlino, seconded by Mr. Tessier and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the October 16th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy stated that the next agenda item pertained to the Corinth Road/Broad Street/Main Street Reconstruction Project, for which they had recently received authorization from the Federal Highway Administration to advertise for construction bids, and he asked Jeffrey Tennyson, Deputy Superintendent of Engineering, to expound on the status of the Project. Mr. Tennyson apprised that the construction bids had been released and would be advertised through the due date of November 2, 2009 and they expected to award the bid to the lowest responsible bidder within a week of the bid deadline. He added that once the construction bids were awarded, he anticipated that the corresponding contract would be signed in December and the actual construction work to begin in January or February of 2010. Mr. Tennyson stated that because they would be prepared to award the bid prior to the November 20th Board meeting, a request for a new contract for construction services in connection with the Corinth Road/Broad Street/Main Street Reconstruction Project had been included on page 3 of the agenda for the Committee's approval.

Motion was made by Mr. Merlino, seconded by Mr. Tessier and carried unanimously to approve the request for a new contract with the lowest responsible bidder, *to be determined subsequent to the November 2nd bid opening*, for construction services in connection with the Corinth Road/Broad Street/Main Street Reconstruction Project and the necessary resolution was authorized for the October 16th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson advised that the next agenda item was similar to the last in that they had received final approval from the Federal and State Highway Administrations to release construction bids in connection with the Woolen Mill (Milton Street) Bridge Project. He said the bid advertising would begin on October 2nd and extend through the November 2nd deadline for the bridge replacement project. Mr. Tennyson explained that the chosen contractor would likely remove the bridge during the winter months and begin the construction process in the spring when they were able to once again work in the stream bed below. He concluded that as with the prior request, because they would be ready to award the bids prior to the November 20th Board meeting, a request for a new contract for construction services in connection with the Woolen Mill (Milton Street) Bridge Project had been included in the agenda for the Committee's approval.

Motion was made by Mr. Taylor, seconded by Mr. Merlino and carried unanimously to approve the request for a new contract with the lowest responsible bidder, *to be determined subsequent to the November 2nd bid opening*, for construction services in connection with the Woolen Mill (Milton Street) Bridge Project and the necessary resolution was authorized for the October 16th Board meeting. *A copy of the request is on file with the minutes.*

Proceeding to the next agenda item, Mr. Tennyson provided an update on the status of the Fuel Management System. He apprised that they had reached a consensus on the technical portion of the new System which would eventually replace the current Gas Boy system and had selected all of the corresponding equipment. Mr. Tennyson added that they were currently working on the final bid specification documents with the County Attorney's Office and would continue to review the compatibility issues with the systems that would remain in place to ensure functionality of the new and old systems that would be running concurrently. He noted that one of the main issues to be addressed would be the reissuing of keys for all vehicles and user accounts in order to access the new system

and he advised that this process had already begun with a review of all current accounts for accuracy. Mr. Tennyson said that through this review they had already found a number of discrepancies in the system for vehicles that were no longer in service, or had been transferred to other departments, and were either listed incorrectly in the system or still had user rights attached to them when there should not be; by making these corrections now, he stated, these discrepancies would not be carried over into the new system. Mr. Tennyson said that when the process of installing the new fuel system began, they would have to issue keys for each of the three systems that would initially be in place to ensure user accessibility at all sites until the installations were complete and one uniform system was implemented.

Mr. Belden questioned whether the new fuel system would be in operation by January 1, 2010 and Mr. Tennyson replied that the system would be functional very close to that date. He added that if the bid was released early in the following week as anticipated, he felt the bid could be awarded within three to four weeks which would allow for the installation work to begin during the fall season. Mr. Tennyson explained that they intended to use the existing electrical connections for the new system, but noted that they could be delayed if any connectivity problems were discovered. He further explained that although they had hoped to implement the fuel system replacements much sooner, they had decided that it was better to address one site at a time so as not to inconvenience any of the 37 agencies that used the fuel systems. Mr. Tennyson advised that the contract awarded subsequent to the bid process would indicate that the contractor was permitted to replace equipment at only one site at a time to avoid such an issue from occurring.

Discussion ensued.

Mr. Tennyson announced that the next agenda item pertained to Local Bridge Work and he displayed photos of the progress made on the Heath Road, Hudson Street and Grist Mill Bridge Projects. Referring to the Heath Road Bridge, he noted that a retaining structure was being added for the earth approach to the bridge and they were using staff from the Parks, Recreation & Railroad Department to employ their expertise in building the complicated forms for the project. Mr. Tennyson pointed out that the photo of the Hudson Street Bridge reflected the form work that was engineered and being completed by DPW staff to repair scour damage on the bridge; he added that the work on both the Heath Road and Hudson Street Bridges was required by NYSDOT (New York State Department of Transportation) as indicated in their flagging reports. He said that the Grist Mill Bridge Project, located in the Town of Stony Creek, was a Federal Aid full replacement Project being performed by an outside contractor, which he expected to be completed and opened within the next couple of weeks, about one month ahead of schedule. He added that the replacement of the Tannery Road Bridge, also in the Town of Stony Creek, would begin in the spring of 2010.

Mr. Lamy stated that by providing bridge work on an in-house basis they were able to provide much more work as they were not required to include the prevailing wage rates or material costs that would be incurred through the use of an outside contractor. He noted that although the same amount of money would be spent in connection with the bridge projects, more work could be done by DPW staff than if an outside contractor was used. Mr. Tennyson said that in addition to the major bridge projects previously noted, the DPW Bridge Crew had also provided a considerable amount of repair work, such as fixing curb damage and damage to concrete box beams, and he stated they were increasing the capabilities and efficiency of the Bridge Crew with each project assigned.

Mr. Pitkin questioned whether providing bridge repair services with DPW forces led to an increased legal exposure to the County and Mr. Lamy replied that although he had not consulted the County Attorney on the matter, he felt that the County faced a much lesser liability exposure by making the repairs on an in-house basis than if they were not made.

Concluding the review of the New Business portion of the agenda, Mr. Tennyson directed the Committee members to the fifth page of the agenda which reflected plans for a new sign to be placed in front of the Municipal Center Building to replace the one demolished by an automobile accident earlier in the year. He noted that professional estimates received for a replacement sign had totaled as much as \$12,000; however, he said, he and Mr. Lamy had discussed the matter and determined that this might be a project that could be done in-house by the staff working in the DPW Sign Shop. Mr. Tennyson apprised that the design included in the agenda was one of eight options developed by a member of the DPW engineering staff and was the version chosen subsequent to meetings with Hal Payne, Commissioner of Administrative & Fiscal Services, and Mr. Thomas, Chairman of the County Facilities Committee. He said that there were still decisions to be made, such as the materials from which the sign would be made, and he recommended the construction of an aluminum sign that would be painted with automotive grade paint and then clear coated as this process would result in a highly functional and durable sign. Mr. Tennyson stated that the sign could be produced and painted in-house for a fraction of the cost that would be incurred to order a similar sign from a private company. He noted that another option would be to construct the sign with an aluminum base to be covered with vinyl sheeting, although this option would be more expensive and might fade over time. Mr. Tennyson said they envisioned the construction of stone columns to serve as the base of the sign, similar to those in place at the Westmount Health Facility which had been erected by a County employee. He concluded that it was his estimation the sign could be produced and installed in-house for approximately \$4,500 which was still less than the lowest estimate received for a much simpler sign at \$6,000.

Mr. Taylor questioned how high the sign would be raised off the ground by the stone base and Mr. Tennyson replied that it would be elevated at least two feet to rise above the hedges that were currently on site. He added that although they had yet to determine what the exact height of the sign would be when erected, part of the concept for the new sign was to place it higher than the old one had been. Mr. Tennyson stated that an elevated planting bed could be incorporated into the design of the sign base to allow for flower planting during the spring and summer seasons and they could also remove, relocate or replace the existing hedges. He said that while there were other details to work out, they were requesting permission to proceed in gaining quotes for materials in order to determine an exact cost for the sign, as well as to proceed with its construction.

Referring to the sign sample included in the agenda, Mr. Geraghty pointed out that the lettering on the sign blended with the background and he questioned if a more visible color could be used. Mr. Tennyson responded that the picture was intended to provide an idea of what the sign would look like and did not truly reflect the color and depth of the lettering that would be used. He noted that one of the options being considered was the use of pre-formed letters and numbers that would stand out from the flat background of the sign and increase visibility.

Mr. Belden asked when the sign would be erected and Mr. Tennyson replied that because they still had to go through the purchasing process to get quotes for materials and then wait for them to arrive, he felt the sign would likely be constructed over the winter months and installed in the spring when they were able to do the concrete work for the base. Mr. Payne noted that the County employee who had done the masonry work for other signs in the past was contemplating retirement and it might be more advisable to do the concrete work during the remaining fall months in order to harness the employees abilities.

Subsequent to further discussion on the matter, it was the consensus of the Committee that Messrs. Lamy and Tennyson should continue with the steps necessary to produce a new sign for the Municipal Center on an in-house basis.

Proceeding, Mr. Lamy addressed the Items of Interest section of the agenda which were included for informational

purposes only and did not require any Committee action. He said that the first of the items listed referred to Stimulus Paving Projects and he reminded the Committee that funding had been approved for two paving projects and the corresponding requests to authorize bidding processes had been submitted to the State for each. Mr. Lamy stated that although the proper procedures had been followed, it appeared that the submissions were not a high priority for the State, as approvals had not been received in time to meet the October 15th deadline for asphalt application implied by the State. He added that subsequently, approval had been received from the State to delay both paving projects until the spring of 2010.

Mr. Lamy apprised that pages 6-8 of the agenda reflected contract extensions with Clark Patterson Lee (CPL) for periodic professional multidiscipline engineering services; NE Petroleum Technologies, Inc. for fire suppression inspection and service for the fueling facilities and for on-call fuel tank services. In response to Mr. Belden's inquiry, Mr. Lamy advised that no Committee action was necessary in connection with the contract extensions. He noted that the Committee had previously authorized him to approve contract extensions without Committee action under the condition that advisements be provided when the extensions were approved.

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 Reconstruction Project was provided earlier in the meeting;
2. Mr. Lamy advised that the Budget Performance Report would be presented at the next Committee meeting, but noted that overtime figures were currently significantly less than they had been at the same time during the prior year;
3. No update was provided respective 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 combining the duties of the Stormwater Officer and Hazard Mitigation Coordinator positions;
7. An update on the Milton Street Bridge was provided earlier in the meeting;
8. No update was provided respective to the Middleton Bridge; and
9. Mr. Lamy advised that the work necessary to convey County-owned right-of-way property on County Route 11, as well as Town of Horicon Tax Map Parcel No. 53.-3-10, was currently ongoing.

Referring to the third pending item listed, Chairman Monroe asked if any work had been done at Scaroon Manor in 2009 and Mr. Lamy replied in the negative. He added that he believed work had been planned for the site in 2009 but funding for such had been removed from the State Budget.

Mr. Lamy announced that in reviewing the generators in place at the Human Services Building (HSB) and the DPW Maintenance Shop, the electrician employed by the County had determined that the HSB generator would only serve half the building, while the unit in place at the Maintenance Shop would sustain the entire building. He said that although further investigations would have to be made to determine whether the switches currently in place could continue to be used, it might behoove the County to transfer the generators between the two sites in order to best fulfill the needs of each. Mr. Lamy stated that they would work with CPL to determine if the change could be made without incurring additional costs to the County for changes in transfer switches at either sight; he added that if this could be accomplished, he would encourage the transfer.

Mr. Belden said that this investigation should be completed as quickly as possible so as not to delay any work at the

HSB and Mr. Lamy replied that they intended to review the situation on that day. Mr. Belden then asked if the DPW had the equipment necessary to move the generators between locations and Mr. Lamy apprised that he would review this issue also.

Paul Dusek, County Attorney, entered the meeting at 10:06 a.m.

Mr. Geraghty questioned why they would refrain from transferring the generators and Mr. Lamy stated that they needed to confer with CPL to determine if the transfer switch installed at the HSB was capable of handling the output of the larger generator before making any changes. He added that if the transfer switch at the HSB was incompatible it could be changed but additional costs to the County would be incurred to upgrade the transfer switch.

Subsequent to further discussion on the matter, Mr. Lamy advised that he would keep the Committee apprised of the information received from his review and conference with CPL.

As there was no further DPW business to present, privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of his meeting agenda to the Committee members. *A copy of the Parks, Recreation & Railroad Agenda is also on file with the minutes.*

Commencing the agenda review with Item 1, Mr. Butler advised that he had been notified by UHRR (Upper Hudson River Railroad) of a signal bond wire theft at the Harris Road intersection. He said that 15 copper wires totaling an approximate value of \$300 had been stolen, for which a property loss report had been processed by the County Attorney's Office and a report had been filed with the New York State Police. Mr. Butler stated that although this was a minimal theft that had affected only the Harris Road intersection, UHRR had inspected the entire rail line to ensure no other thefts had occurred and that all other intersections were in working order.

Mr. Butler said that Agenda Item 2 pertained to brush cutting services along the railroad and he noted that UHRR was in the process of providing these services along the 40 miles of track to the extent of Federal Railroad Administration standards. He added that he and his staff were monitoring the brush cutting progress, as well as reviewing the sites for any culvert and beaver dam issues that might lead to washouts, such as the one that had recently occurred south of the Riparius Station.

Continuing to Agenda Item 3, Mr. Butler provided an update on the UHRR train schedule which included trips from the North Creek Station to the 1,000 Acres Ranch Resort on September 30th and October 7th, as well as a trip from the North Creek Station to the Hadley Station on October 17th. He noted that for all three trips, UHRR required at least 40 rider reservations for each run and any that did not meet this quota would be cancelled.

Mr. Pitkin stated that he had received complaints from his constituents that some of the railroad crossing gates had been closing while the train was not in the area and he said that one person had complained that they'd waited for up to ten minutes before the gates had reopened, while another transporting a group of children had taken an alternate route, rather than chance crossing the tracks. Mr. Butler replied that he had not been notified of this issue but reminded Mr. Pitkin that UHRR had been testing the crossings subsequent to the Harris Road crossing theft and this might have caused the issue; he added that he would contact UHRR to speak with them about the issue. Mr. Lamy apprised that in the past when instances such as this had occurred they had been alerted to the issue by the Sheriff's Office and had subsequently contacted UHRR, although no such reports had been received in this instance.

Mr. Merlino questioned whether the Town of Hadley had requested the use of the Hadley Station property in connection with the UHRR trip scheduled for October 17th and Mr. Butler replied affirmatively, noting that they were currently processing the request. Mr. Merlino commented that subsequent to meetings scheduled with UHRR in an attempt to encourage additional trips to the Hadley Station, he had received no further assistance or commitments from the Railroad Operator. He said he was very disappointed with the situation and felt that UHRR was doing a disservice to the County by not servicing all of the train stations. Mr. Merlino stated that in his opinion, it was time for the County to make a decision on a new operator and discontinue the County's affiliation with UHRR.

In response to Mr. Belden's inquiry as to the status of the RFP (request for proposal) for the 2011 Railroad Operator Contract, Mr. Dusek advised that the RFP was complete, but its release had been delayed while they attempted to determine what the implications would be for the State and Federal grant funds expended in connection with the railroad if the County discontinued railroad operations. He said that a meeting had been held with State and Federal officials, during which it had seemed that the entities would be willing to work with the County and would research the matter to determine the repercussions of abandoning the railroad; however, he added, they had yet to receive any further information as to the outcome of the research. Mr. Dusek apprised that he had recently contacted Bob Hanson, of NYSDOT, who had been instrumental in scheduling the meeting with State and Federal officials, and had been advised that although he had not received anything official, he did not feel that there were any additional grant funds available which would assist the County in this matter and that the only way to get out of the situation would be to seek out Legislative action that would amend the terms of the agreement under which the County had accessed the initial grant funding. He stated that he did not feel that Legislative action was likely and would not eliminate or significantly reduce the debt incurred by the County. Mr. Dusek added that although this information had not been received in writing, he was not encouraged to believe that this avenue was a probable solution for the situation. He said that if a Legislative fix was sought, it could take many months before a determination was received and by that time it would be very close to the expiration of the current Railroad Operator Contract which would not leave sufficient opportunity to release the RFP to seek out another Operator. Mr. Dusek concluded that he had pursued every avenue available to him in an attempt to extricate the County from the railroad situation to no avail and he felt the only option was to release the RFP and see what kind of responses were received as they continued to search for alternate possibilities for the County to remove itself from the railroad operation.

Subsequent to further discussion on the matter, motion was made by Mr. Taylor, seconded by Mr. Champagne and carried unanimously to authorize the release of the RFP for the 2011 Railroad Operator Contract.

Mr. Merlino questioned whether there was a clause in the current operator's contract which would allow for early termination in light of unsatisfactory service and Mr. Dusek replied in the negative, noting that he believed the contract would require operation by UHRR until the December 31, 2010 contract expiration date. He added that it would not behoove the County to discontinue the contract prematurely as it would take some time to select a new operator and for the chosen firm to move their equipment to the area. Mr. Geraghty and Mr. Thomas agreed that they seemed to recall a clause in the operator contract that allowed for the County to discontinue service with a 30-day written notice and Mr. Dusek responded that he would have to review the contract to confirm this. Mr. Pitkin suggested that Mr. Goodspeed be consulted on the matter before any decisions were made to end the contract early as the railroad was profitable to the Town of North Creek, where UHRR actively operated.

Mr. Taylor said he was confused about how much money had actually been expended in connection with the railroad and he questioned whether accurate figures were available for review. Mr. Lamy replied affirmatively but

noted that he had not brought the information to the meeting, but he would provide it to the members of the Committee. Mr. Geraghty asked that the figures be emailed to all of the Supervisors in attendance subsequent to the meeting and Mr. Lamy advised that he would be sure to do so.

Resuming the agenda review, Mr. Butler announced that Agenda Item 4 referred to a letter received from a resident of the Town of Queensbury complimenting Warren County on the maintenance of the Bikeway. He added that the writer coincidentally also owned property along a bikeway in Bergen County, NJ and stated that the Warren County Bikeway was by far the better of the two in terms of cleanliness, safety and maintenance. Mr. Butler advised that a copy of the letter had been included in the agenda for the Committee's review.

Mr. Butler stated that Agenda Item 5 pertained to stocking figures at the Warren County Fish Hatchery which were listed on the agenda cover page. He said that the figures included information such as the dates fish eggs were to be received and stocking dates for mature fish, as well as the type, size and number of fish maintained. Mr. Lamy interjected that due to the annual cycle of fish propagation, a decision needed to be made in the near future as to whether or not the Fish Hatchery operation would continue. He explained that if the decision was made to cease operations, they would have to refuse all future delivery of fish eggs and begin to develop an exit strategy for the distribution of the fish being maintained. Mr. Lamy apprised that NYSDEC was aware of the dilemma the County faced and were seeking further information on future operations at the Hatchery in order to determine whether they could continue to provide fish for programs at this site.

Mr. Belden asked if any further budget reduction scenarios had been developed for the Fish Hatchery and Mr. Lamy replied affirmatively. He explained that the Hatchery was now being operated using only part-time staffing as personnel had been trimmed within the Public Works Department which necessitated the use of employees across divisional boundaries, as previously referenced by the use of Parks, Recreation & Railroad employees on DPW bridge projects. In addition, Mr. Lamy advised that he had recently approved a request for an employee retirement from the Parks, Recreation & Railroad Department which would further reduce the divisional budget while increasing the need to use employees across divisional lines to sustain the responsibilities of the Public Works Department. He stated that because the Fish Hatchery was now being run by part-time staff, an annual operation cost of \$67,000 had been calculated, including fringe benefits, while approximately \$2,500 in revenues were generated annually, leading to a net cost to the County of about \$64,500 per year.

Mr. Lamy apprised that he had reviewed a State-wide angler study performed by Cornell University in 2007 which reported that \$15.3 million had been spent in Warren County for fish related expenditures during that year. He stated that 3% of this total equated to approximately \$500,000 in sales tax revenues received by the County, but noted that he could not quantify how much the amount would be reduced if the Hatchery were closed. Mr. Lamy said that the study also included information indicating that more money was spent for fishing related expenditures in Counties that had Fish Hatcheries than in those that did not have them.

Mr. Belden asked what the total budget for the Fish Hatchery was before it was reduced and Mr. Lamy replied that it was \$100,700.

Mr. Belden said that he felt the Committee should make a decision on the future of the Fish Hatchery as soon as possible in light of the propagation issues presented by Mr. Lamy. He added that although he did not feel it was appropriate to expend unnecessary funds during the present budget crisis, he thought they would eventually regret any decision to close the facility. Mr. Tessier agreed that the Fish Hatchery should be retained and noted that although the fishing industry was only a portion of the areas tourism, it was helpful in raising the sales tax and

occupancy tax revenues received by the County.

Mr. Lamy apprised that he had contacted Kate Johnson, Tourism Director, to discuss the possibility of securing occupancy tax funding to assist with the operation of the Fish Hatchery. He said he had learned that although there was no funding available for 2010, it appeared there was a \$50,000 contract expiring in 2011 and the Hatchery might qualify for that funding.

Mr. Pitkin said that he too felt the Fish Hatchery should be retained and was very pleased with the efforts being made to interchange staff as needed between the different Public Works divisions. He noted that the return on investment for the operation of the Hatchery was viable as the sales and occupancy tax revenues received were numerous, while the operation expenditures were similar in value to that of the salary of a senior level employee.

Chairman Monroe noted that some of the fish incubated at the Hatchery were transferred to NYSDEC for stocking and he questioned whether the possibility of charging NYSDEC for these fish was viable. Mr. Lamy replied in the negative, noting that these fish were given to NYSDEC in trade for other services, such as the eggs that were delivered to the Hatchery at no cost to the County.

Subsequent to further discussion on the matter, motion was made by Mr. Tessier, seconded by Mr. Pitkin and carried unanimously to maintain the Fish Hatchery operation for 2010 at the \$67,000 expenditure relayed by Mr. Lamy.

Mr. Belden advised that at a prior Budget Committee meeting the matter of benches to be built for use at the Countryside Adult Home had been discussed and it had been determined that the Parks, Recreation & Railroad Department should build the benches. He asked Mr. Butler whether he had been made aware of this matter and Mr. Butler replied affirmatively, noting that his staff had already picked up and pre-cut the lumber for the benches and had been working on the bench assembly during rainy days. Mr. Butler added that it was possible the benches could be assembled and ready for placement prior to the winter season.

Referring to the funding provided by the State to the various snowmobile clubs of Warren County in connection with snowmobile registration fees, Mr. Belden questioned whether the funding was sent directly to the clubs. Mr. Butler replied that a check for the total amount of funding for all of the snowmobile clubs was received by the County and was then distributed to the individual clubs based on the percentages previously established, with none of the funding being retained by the County. Mr. Belden apprised that he had recently spoken with the president of the Hague Snowmobile Club who had advised that they were receiving too much funding and were having some difficulty finding a way to expend all of the funds received each season; therefore, he said, he would propose a 10% reduction in funding to the snowmobile clubs in an effort to reduce the 2010 Budget.

Mr. Merlino stated that he was opposed to any further reduction in funding to the snowmobile clubs and he noted that the Hague Snowmobile Club was a relatively small group that had recently started and that may be why they were having trouble determining expenditures for the funding received. He added that the remaining snowmobile clubs had been in existence for at least the past 10 years and were having no trouble expending the funds received. Mr. Merlino said that if they continued to reduce funding for programs that benefitted not only residents, but also drew tourists to the area, people would not want to remain or visit the area and it would take years to rebuild the programs when they were able to provide funding for them in the future. He said that he felt they needed to reconsider raising the sales tax by 1% as a means to control the budget deficit, rather than to continue to reduce programs.

Mr. Geraghty asked if the grooming of snowmobile trails continued to be addressed by volunteer staff and Mr. Merlino replied affirmatively. Mr. Geraghty stated that if they continued to reduce the funding amounts the

members of the snowmobile clubs would not be willing to donate their time for the grooming work necessary for the trails; he added that if they continued to reduce funding streams, the budget deficit would increase further. Mr. Merlino apprised that over the past 10 years an excellent snowmobile trail system had been developed in Warren County and he feared that if appropriate funding was not provided the trails would fall into disrepair and riders would go elsewhere in search of a better trail system. He reiterated his suggestion that a 1% sales tax increase be instituted to alleviate some of the budget situation as this method would affect all Warren County residents and visitors uniformly, rather than only those programs or employees who were being affected through the current budget reduction measures. Mr. Merlino said that only five of the 62 Counties in New York State charged a sales tax of less than 8% and he felt that if Warren County were to raise the sales tax to 8%, both Saratoga and Washington Counties would increase their sales tax rates soon after, as every County was facing a financial crisis.

Discussion ensued respective to the budget situation.

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

1. The status of Mr. Dusek's pursuance of the appropriate State and Federal granting agencies to determine whether repayment of grant funds expended would be required if the County decided to abandon the operation of the railroad was discussed earlier in the meeting;
2. Mr. Dusek advised that discussions regarding the approval of changes proposed by the owners of the 1,000 Acres Ranch Resort to the verbiage of the easement agreement in connection with the Stony Creek Platform had been delayed while awaiting further information as to the repayment of the grant funding noted in the prior pending item.

Mr. Belden noted that the Stony Creek Platform was to be constructed using funds appropriated through a Planning & Community Development grant and he felt the project should proceed. Mr. Thomas, speaking as Supervisor of the Town of Stony Creek, stated that the future of the Platform would depend upon the terms of the lease with 1,000 Acres.

Mr. Butler apprised that because the grant funding agreement had initially indicated that the funds would have to be expended prior to December 31, 2009, he had contacted Wayne LaMothe, Deputy Director of Planning & Community Development, to see if the deadline for expenditure of funds could be extended in light of the current circumstances. He said that Mr. LaMothe had contacted the granting agencies who indicated that they did not feel there would be any issue with securing an extension for the grant deadline; however, he noted, the extension had not been guaranteed in writing as of yet. Mr. Butler further noted that, as per Mr. LaMothe's advisement, if the County decided to abandon the railroad operation within two years of the grant receipt, the funds would have to be returned to the granting agency.

Mr. Pitkin suggested that further information be sought with respect to whether or not the grant funding deadline could be extended and the results of the RFP for the 2011 Railroad Operator Contract be reviewed before making any decisions to construct a platform that might not be used in the future based on these factors.

In response to a question posed regarding the timetable for the Railroad Operator RFP, Mr. Dusek advised that the RFP deadline would be some time near the end of November. Mr. Butler reminded the Committee that if they were in favor of waiting to review the RFP responses prior to deciding on building the platform and an extension on the grant deadline was not received, they would only have one month for construction. Mr. Lamy said that they might be able to satisfy the deadline requirements of the grant by purchasing the materials for the platform prior to

December 31st and stockpiling them until the spring when the platform would be built.

Mr. Dusek reminded the Committee that the changes to the easement agreement with 1,000 Acres also posed a problem as they wanted the agreement changed to include a provision that the County would maintain the blacktop in the area of the easement. Mr. Champagne said it was his understanding that the Stony Creek Platform was being placed near 1,000 Acres for the resort owner's benefit and he had some reservations about locating the platform at that site if the County was going to be required to invest more time and money to maintain the 1,000 Acres parking lot. Mr. Thomas advised that although the platform would benefit the Town of Stony Creek, he agreed with Mr. Champagne's statement.

Mr. Dusek advised that he would contact the property owner's attorney to advise them of the Committee's feelings on the matter and would provide an update at the next meeting.

3. The transfer of the Kellogg Property to the County from OSI (Outdoor Space Institute) had been delayed due to an environmental issue, Mr. Dusek said. He added that he did not foresee any further issues with the transfer of the property once confirmation was received from NYSDEC approving the prior removal of an underground storage tank from the property. Mr. Pitkin stated that he felt a better understanding of the conditions attached to the Kellogg Property was necessary prior to accepting the transfer. Mr. Dusek replied that the conditions for the transfer of the property pertained to limitations on future use, specifically that it could not be used for commercial purposes and all use had to be acceptable to the Supervisor of the Town of Johnsbury. Mr. Butler added that the property transfer also required that the property be kept open to the public and provided access to the Hudson River. Mr. Dusek advised that he would return to the Committee with further information when it became available, as well as to seek final approval to transfer the property;
4. In order to lessen the costs incurred for water testing at the Warren County Fairgrounds property, Mr. Butler advised that a campground permit would be secured for the general operation of the facility which would save the County about \$1,000 per year in costs associated with NYSDOH (New York State Department of Health) water testing requirements. He added that if it was held, a fair permit would be acquired for the Warren County Fair, which would require special water testing only for that event;
5. The RFP for the 2011 Railroad Operator Contract was discussed earlier in the meeting.

In light of the fact that there were a number of Supervisors present, Mr. Dusek requested that an executive session be held to discuss pending pharmaceutical litigation.

Motion was made by Mr. Tessier, seconded by Mr. Champagne and carried unanimously to declare executive session to discuss pending litigation, pursuant to Section 105(d) of the Public Officers Law.

Messrs. Taylor, Butler and Tennyson left the meeting at 11:09 a.m.

Executive session was held from 11:09 a.m. to 11:12 a.m.

Upon reconvening, Mr. Belden announced that no action was taken during the executive session. He advised that the Committee would take a short break while awaiting the arrival of Steven Lynch, Solid Waste Coordinator, who was expected to provide information regarding solid waste planning.

Chairman Monroe and Messrs. Geraghty, Strainer and Dusek left the meeting at 11:13 a.m.

The Committee recessed from 11:13 a.m. to 11:25 a.m.

Upon reconvening, privilege of the floor was extended to Mr. Lamy who distributed copies of the Solid Waste & Recycling agenda; *a copy of the agenda is also on file with the minutes.*

Mr. Lamy began by announcing that Mr. Lynch would be unable to attend the meeting; therefore, he said, Agenda Item 3 would not be addressed. He noted that Agenda Item 1 referred to referral items, of which there were none to address.

Agenda Item 2, Mr. Lamy announced, consisted of a request to amend the County Budget in the amount of \$1.3 million to increase the Solid Waste budget, (*Code CL8160.470, Contracts*), to reflect the issuance of a \$1.3 million budget note to cover the revenue shortfall at the Waste to Energy Facility.

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

Mr. Lamy stated that Agenda Item 4 referred to a contract extension with Waste Management for Solid Waste and Recycling Transportation Services for Warren County. He said this contract had been automatically renewed for 2010 and required no Committee action. Mr. Pitkin questioned whether the cost associated with the contract had remained the same and Mr. Lamy replied that he believed it had.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Champagne and seconded by Mr. Tessier, Mr. Belden adjourned the meeting at 11:28 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist