

WARREN COUNTY BOARD OF SUPERVISORS

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

DATE: JANUARY 27, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS MERLINO
CONOVER
WOOD
TAYLOR
FRASIER
DICKINSON
SIMPSON
SOKOL
VANSELOW

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
REPRESENTING SARATOGA NORTH CREEK RAILWAY:
JUSTIN GONYO, GENERAL SUPERINTENDENT
SUSAN WILDER, SPECIAL EVENTS & MARKETING ASSOCIATE
KEVIN GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BROCK
SEEBER
AMY BARTLETT, FIRST ASSISTANT COUNTY ATTORNEY
JULIE PACYNA, PURCHASING AGENT
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

Mr. Merlino called the meeting of the Public Works Committee to order at 9:50 a.m. and he welcomed the three new Committee members, Messrs. Simpson, Sokol and Vanselow.

Motion was made by Mr. Sokol, seconded by Mr. Taylor and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of the meeting agenda to the Committee members; *a copy of the agenda is also on file with the meeting minutes.*

Commencing the agenda review, Mr. Butler introduced Susan Wilder, Special Events & Marketing Associate for the Saratoga & North Creek Railway (SNCR). Mrs. Wilder distributed a flyer providing information on the Snow Train and ski lift ticket packages available for skiing at Gore Mountain, as well as a listing of the different lodging facilities SNCR had partnered with to offer discounted accommodations. She pointed out that the reverse side of the flyer provided information on upcoming 2014 Winter-Spring specialty themed events. Mrs. Wilder advised that for \$58, a person between the ages of 13 and 17 could purchase a train/ski lift combination ticket for the Snow Train which departed from the Saratoga Springs Station at 7:00 a.m., allowing riders to have breakfast on the train before arriving at the North Creek Station at 9:15 a.m. where a shuttle would be waiting to transport riders to Gore Mountain. She further advised the return train would leave the North Creek Station at 4:30 p.m., allowing riders the opportunity to relax and have dinner on the ride back after a long day of skiing. Mrs. Wilder noted that those outside of the aforementioned age range could also purchase a train/ski lift combination ticket, but the price would be slightly higher. She pointed out that one of the upcoming specialty themed events included the "All Aboard! National Scout Day" ride scheduled for February 8th which was intended to honor all Boy and Girl Scouts with a round trip train ride that included free snow tubing at the North Creek Ski Bowl. Mrs. Wilder concluded that anyone interested in more event information, or in purchasing tickets, should visit the website SNCSnowTrain.com.

Privilege of the floor was then extended to Justin Gonyo, SNCR General Superintendent. Mr. Gonyo stated that at this meeting he had hoped to be able to provide confirmation that SNCR would be commencing freight operations, but said he was unable to do so because there were still some

remaining contractual items to be considered. He said SNCR had received the favorable rate they had been hoping for from Canadian Pacific Railway (CPR) to use their portion of the rail extending to the Port of Albany and they were now in the process of finalizing discussions with the loading and trans-loading facilities that would transfer materials from the rail cars to the barges, following which they would be able to provide the contract terms to their prospective client to determine whether the freight operations were viable. Mr. Gonyo indicated that he anticipated being able to provide a better update at the next Committee meeting.

Mr. Gonyo proceeded to outline the remaining SNCR updates included on the agenda, as follows:

- * Rail ROW Upgrades - Mr. Gonyo reminded the Committee that SNCR had previously come to an agreement with the County wherein SNCR would advance \$1 million dollars in railroad improvements and upgrades, the costs of which would eventually be split evenly with the County. He said SNCR planned to begin making railroad improvements during the upcoming spring season, installing 16,000 railroad ties along the Adirondack Branch of the railroad between the Riparius and Stony Creek platforms, as well as to do 30 miles of track re-surfacing. Mr. Gonyo advised he would meet with Jeffery Tennyson, Superintendent of Public Works, as they continued to finalize the costs for this work. He continued that if the freight operations came to fruition, additional work on the SNCR-owned section of railroad located to the north of the Adirondack Branch would be required, including the installation of 8,000 railroad ties, three railroad crossings and work in the Tahawus yard which would allow enough room for up to 30 cars at one time for loading purposes.

Mr. Butler noted that a couple of years ago SNCR had done some work on the rail line and had coordinated with the DPW engineering staff to ensure the expenses were appropriately recorded with reference to SNCR's commitment to provide railroad improvements. Mr. Gonyo advised SNCR had contracted with Tartaglia Railroad Services for the work completed in the fall of 2012 and intended to do so again for the upcoming work; he added that the figures for all prior and future work would be combined and once those totals were available he would meet with Mr. Tennyson to discuss them.

- * Ski (Snow) Train Ridership (*2013-2014 season*) - Mr. Gonyo reported that during the 2012-2013 winter season 274 passengers had been transported, while thus far in the 2013-2014 season they had transported 283. He commented that although he felt the ridership figures were lagging a bit behind, it was important to remember that the prior weekend had been only the third time the Snow Train had operated this season and there was still plenty of time for the figures to increase. Mr. Gonyo referred to Mrs. Wilder's prior update on marketing efforts and upcoming events, adding that these would help to increase ridership figures.
- * Polar Express - Mr. Gonyo advised 28,000 people had ridden the Polar Express during the 2012-2013 event, as compared to 26,520 for 2013-2014. He noted that while there had been a decrease in ridership, it had still been a good year for the event and SNCR was in the process of finalizing the Polar Express schedule for the next Christmas season.

Mr. Dickinson questioned whether riders were able to access the Snow Train from the Thurman station and Mr. Gonyo replied affirmatively. Mrs. Wilder interjected that the Snow Train would pick up/drop off riders at any station and she noted that both the Thurman and Hadley Stations were within close proximity to the Lake George region. She advised it would be wise when making reservations to indicate which station one wished to be picked up at.

Mr. Gonyo displayed an empty wine bottle with an SNCR label on it, indicating that SNCR had contracted with a local winery in Greenfield, NY called Fossil Stone Vineyards who would be supplying SNCR with all of the red and white wines served on the train. He stated this was another example of the ways in which SNCR had begun buying more local products from businesses along the rail line.

Speaking as someone who had been involved in the interviewing process for the Railroad Operator contract in 2010, Mr. Conover commented that he was very impressed to see how far the railroad operations had come since that time, including increased marketing, partnerships with local motels, Gore Mountain and now a vineyard. He said he was very pleased to hear these updates and hoped the prospects of freight operations and increased travel would continue to improve. Mr. Gonyo thanked Mr. Conover for the comment and said that as a life long resident of the Town of North Creek, he was pleased to be spearheading these efforts.

Mr. Butler advised that while Mr. Gonyo was in attendance he would like to address the last New Business agenda item, pertaining to the requests for private railroad crossings.

Mr. Tennyson advised he had asked Mr. Butler to include this issue on the agenda for the Committee's edification in light of a recent landowner request for a private railroad crossing. He noted that the Committee had previously entertained a similar request from The King's School, eventually granting their conceptual approval of the proposed crossing which allowed the School to continue with the engineering of the crossing plans which would be returned when complete for the Committee's final approval. Mr. Tennyson explained that in response to the recent request for a private railroad crossing from a Town of Hadley resident, he had returned a request seeking specific information the Committee could review when making their decision and he noted that if the Committee was in agreement, he would like to establish an internal procedure that could be used when requests such as these were made in order to offer the Committee all the information it might need to make a decision, without incurring unnecessary costs to the landowner. Mr. Tennyson apprised his requests had included the following:

1. Coordination with SNCR on the specific location for the type of crossing desired;
2. The specific mile post location for the desired crossing and a map or sketch of said location;
3. A description and sketch of the proposed construction; and
4. A description of the proposed crossing use.

Mr. Tennyson reported that in the case of the current request, the property owner had already approached SNCR with respect to the crossing; however, he added, additional details were required for further consideration. He advised that the information requested would provide a definitive location for the crossing, as well as the type of crossing the landowner desired to construct and its intended purpose, so there would be no confusion as to what was being proposed. Mr. Tennyson further advised it was important for the Committee to be aware of the planned use of the property in association with the crossing, as that would significantly impact how often the crossing was used. For instance, he stated, they would want to know whether the property would be used for a single family structure, or for logging, a housing development or a commercial property.

Mr. Dickinson questioned who would be responsible for funding the costs associated with the crossing construction, if approved, and Mr. Tennyson replied that in all cases the costs would be borne by the property owner. Mr. Tennyson noted that the property owner would not likely be willing to expend funds for engineering work prior to receiving approval from the Board of Supervisors for the private crossing and that was why he had requested such detailed information for the Committee's review. Mr. Dickinson then asked how much legal strength the County had to deny such crossing requests, and Mr. Tennyson responded that based on previous discussions and considerations with regards to The King's School's crossing request, it was his understanding that the County was able to deny any requests. Mr. Tennyson pointed out that in granting their conceptual approval of The King's School crossing they had also conceptually agreed to authorizing a license agreement which was revocable if the crossing became problematic to SNCR or the County. Mr. Dickinson inquired as to whether the Hadley parcel that the property owner was seeking a private railroad crossing for was landlocked and Mr. Tennyson replied affirmatively. Mr. Tennyson explained the parcel had previously been accessed by an old Town of Hadley road, but the road had since been relocated. He further explained that in association with this old road, railroad crossing easements had previously been authorized for highway

purposes, but since the road was removed and there was no longer a viable highway purpose, the easements held no strength for the property owner. Therefore, Mr. Tennyson concluded, a new easement would be required to authorize construction of a private railroad crossing. Mr. Dickinson cautioned that regardless of whether the town road was relocated or abandoned, the property owner retained the right to maintain and use that access point for his parcel. Mr. Tennyson advised he intended to seek counsel from Martin Auffredou, County Attorney, on this matter but wanted to apprise the Committee of the situation first.

Mr. Taylor opined that in requesting easements for private railroad crossings, the property owners should be required to demonstrate a definite need for this allowance so that the County would not be approving easements to make access more convenient. Mr. Merlino questioned whether property owners were required to contact SNCR before bringing their request to the Committee and Mr. Tennyson responded the procedure he had previously outlined did direct the property owners to initially contact SNCR to explain their request so that if SNCR had a problem with the crossing the County would know of that opinion in advance. Additionally, Mr. Tennyson pointed out SNCR should be included in the process to keep them notified of any new crossings and to ensure appropriate sight distance for the train was established. Mr. Conover stated that before approving easements they should be reviewing and considering transportation standards, as well, and he stated he was aware the railroad had a standard of not wanting even controlled public crossings within so many miles of each other. He suggested that the Committee think hard about this before approving private easements as they might be setting a precedent for private driveways and access across the railroad. Mr. Conover stated that before considering any easement requests, they should be coordinating with SNCR and reviewing transportation standards in order for the Committee to make an informed decision. Mr. Dickinson said he agreed with Mr. Conover's statements and added that when in receipt of such a request, it should be made clear to the landowner that the County would not take such requests lightly and that the landowner should consider all of the other options available to them and seek the easement only as a last resort. He added he was concerned more private easements would slow the train down and create hazards; he noted his own prospective that when considering riding the Snow Train the first thing he had done was compared the length of the Snow Train ride to the time it would take him to drive to Gore Mountain.

Mr. Gonyo stated this was the fifth request SNCR had received for private crossings, one from The King's School, two from private landowners in the Town of Hadley and then two more on the SNCR owned branch in Sanford Lake. With respect to the two crossings requested for their section of railroad, he advised SNCR had approved one crossing in North River for a piece of property being sold by Sweet's Lumber Company and he noted the second crossing requested, which would allow raft take-out access from the Hudson River, had only recently been introduced and was under consideration. Mr. Gonyo apprised the number of crossing requests received had prompted him to contact Jerry Edwards, Director of Real Estate for CPR, to gain further insight on this matter. He reported that CPR's current process included their review of valuation maps for a given area and if on the valuation maps a prior private crossing had been approved, no matter how far back that might be, it was generally honored, although CPR reserved that right to refuse access. In situations where new crossings were requested, Mr. Gonyo advised CPR entered into an approval process similar to the one Mr. Tennyson proposed, but generally the crossing access was denied unless there was a compelling reason to decide otherwise. He noted that the general practice for railroads was in favor of reducing the number of crossings along the rail line, rather than increasing them; however, he added, there were exceptions to this rule in cases where the lack of a crossing might negatively impact the economy of the area.

Mr. Merlino stated that he believed the best way to handle these requests was with an initial SNCR review and he agreed with prior indications that allowing one crossing might set a precedent where many residents might seek the same allowance, which would negatively affect the speed of train

operations.

Resuming the agenda review, Mr. Butler directed the Committee members to the first agenda attachment which included a request to amend the 2014 County Budget to appropriate unanticipated revenues in the amount of \$1,000 to the Up Yonda budget. He explained that in preparing the 2014 Up Yonda budget they had anticipated and included \$3,000 in Occupancy Tax revenues; however, the facility was actually awarded \$4,000, leading to the need for the \$1,000 budget amendment.

Motion was made by Mrs. Wood, seconded by Mr. Dickinson 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 meeting minutes.*

Mr. Butler advised the next agenda item referred to a request from the Thurman Station Association, Inc. to waive the \$25 use fee charged by the County for use of the Thurman Station during their July 26, 2014 event entitled "Thurman Showcase in the First Wilderness Heritage Corridor". He noted this was a recurring event that had been held for several years and that the County generally agreed to waive the use fee.

Motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the February 21st Board meeting. *A copy of the request is on file with the meeting minutes.*

Mr. Butler pointed out that the next section of the agenda, entitled "Items of Interest", included several attachments which he asked the Committee members to review at their leisure and contact him if they had any questions.

Mr. Dickinson questioned the notation regarding a \$66,150 grant award from the New York State Parks & Recreation Division and Mr. Butler explained these funds were awarded to the various snowmobile clubs in Warren County based on the number of miles each maintained. He further advised the total amount of grant funding awarded was based upon the number of snowmobile registrations. Mr. Dickinson asked if the County had any involvement in determining the standards to which the trails were maintained and Mr. Butler replied that because Warren County served as the sponsor for the grant funds he had a lot of involvement with the snowmobile clubs. Mr. Tennyson interjected that Warren County was not generally involved in the trail maintenance work, nor did they check the trails to determine the standards to which they were being maintained; he added that the only portions of the trails the County monitored were those sections that crossed County highways. Mr. Merlino questioned how the current level of funding compared to prior years and Mr. Butler pointed out that the agenda contained a graph comparing the amount of grant funding received from 2002-2014.

Mr. Butler provided an update on construction at the Hadley and Thurman Railroad Stations, noting that the sheetrock work in both buildings had been completed and they were ready to begin painting the interiors; he added that he expected both Stations to be complete and ready for use by SNCR for the upcoming spring season.

Concluding the agenda review with the Referrals section, Mr. Tennyson advised there were no updates to provide on either of the items listed.

Returning to the issue of private railroad crossings, Mr. Thomas stated that while he understood the concerns cited relative to the negative effects to rail transportation, it was important to remember the requests involved access to private property. He commented that there were already enough restrictions placed on property in the Adirondack region and if there was a legitimate reason to

incorporate a private crossing, the Committee should seriously consider the request.

There being no further Parks, Recreation & Railroad business to discussion, privilege of the floor was extended to Mr. Tennyson who distributed copies of the DPW agenda to the Committee members; *a copy of the DPW agenda is also on file with the meeting minutes.*

Commencing the agenda review, Mr. Tennyson advised page 1 included the Overtime Report for all DPW Divisions. He stated that the DPW Division was doing a good job of managing their overtime use and he attributed this to the use of one-person plowing practices. Mr. Dickinson questioned whether they had encountered any negative aspects of one-person plowing and Mr. Tennyson replied in the negative. Mr. Tennyson advised their biggest concern had been with regard to safety and the Board had provided him with authority to return to two-man plowing in cases where there were difficult stretches of road or other concerns, which he appreciated. He continued that the most prevalent challenge with one-person plowing was achieving the necessary training, especially in light of the amount of employee turnover the DPW Division encountered; that being said, Mr. Tennyson confirmed that there had not been a noticeable increase in the level of damages to cars, personal property or mailboxes since the implementation of one-person plowing.

Mr. Tennyson pointed out that beginning on agenda page 2 he had included the DPW fuel reports which reflected a remaining credit of almost \$23,000 for 2013. He stated he was happy to report that a credit had been achieved, although he admitted the remaining balance was not very large in comparison to the size of the total amount budgeted for 2013. Mr. Tennyson noted he anticipated transferring a portion of the remaining credit to other sections of the budget where deficits had been experienced, specifically, an over budget line in snow and ice expenses to cover salt purchases.

Mr. Dickinson asked what kind of salt was currently used to treat County highways and Mr. Tennyson advised they used straight rock salt; he noted the challenge in transitioning to other products was the associated storage needs.

The next agenda item, Mr. Tennyson announced, pertained to discussion on the Tri-County Composting initiative, which he asked Mr. Dusek to address.

Mr. Dusek advised he had received a letter from the Tri-County Transition Initiative Citizens Composting Support Group offering to provide a workshop and round table discussion detailing how to carry out municipal composting. He noted this group was active in promoting composting of any organic matters whenever possible and he described organic matter as being yard and landscape trimmings, agricultural forest debris, food scraps and non-recyclable soiled paper napkins, etc. Mr. Dusek apprised the Tri-County Transition Initiative Citizens Composting Support Group had provided a seminar of this nature to the Washington County Board of Supervisors in October of 2013 and were now offering it to the Warren County Board of Supervisors. Mr. Dickinson stated that the Town of Lake George would be interested in participating in the workshop and he questioned whether a fee would be involved; Mr. Dusek responded that the workshop would be free and open to any County or Town officials wanting to attend. Mr. Dusek advised his office would schedule the meeting for some time in March and would notify everyone by email of the date and time.

Continuing the agenda review, Mr. Tennyson directed the Committee members to agenda page 5 which included a request for a new contract with High Peaks Tree Removal Inc. for routine and emergency tree removal services over the term commencing upon execution and terminating December 31, 2014 with the option to renew for two additional one-year terms. He noted that the DPW crews performed a lot of tree removal work themselves and only called for professional assistance when the tree removal had the potential to impact power lines or structures; he added that the contract costs would be

supported using highway funding.

Mr. Sokol questioned whether the contract was being awarded as the result of a bid process and Mr. Tennyson replied affirmatively, noting that the DPW had contracted with High Peaks Tree Removal Inc. in the past.

Motion was made by Mr. Sokol, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the February 21st Board meeting. *A copy of the request form is on file with the meeting minutes.*

Mr. Tennyson advised agenda page 6 consisted of a request for a new contract with Kubricky Construction Corp. for heavy highway construction services; he added that the contract term would commence upon execution of the contract and would terminate on December 31, 2014 with the option to renew for two additional one-year terms. Mr. Tennyson explained this contract would be used on an as-needed basis to address emergency situations, such as those experienced during storm damages. He further explained that in a prior year when the weather had caused a delay in paving work, this contract had been used to assist DPW crews in completing remaining highway construction jobs before the end of the paving season. Mr. Tennyson noted this contract was the result of a competitive bid process. *Note: Subsequent to the meeting it was clarified that this contract would be awarded to Kubricky Construction Corp., with Peckham Road Corp. to be listed as the second, and Wm. J. Keller & Sons Construction Corp. as the third, preferred contractors in the event that the previously named contractors are not available when these services are required.*

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

Moving on to agenda page 7, Mr. Tennyson presented a request for a new contract with Kubricky Construction Corp. for bridge and structures repair, rehabilitation and highway construction for the term commencing upon execution of the contract and terminating December 31, 2014, with the option to renew for two additional one-year terms. He advised this contract would be accessed in events where the work required was more extensive than the DPW Bridge Crew was able to perform, as well as in the event of a bridge receiving a "red flag" designation from NYSDOT (*New York State Department of Transportation*) where immediate attention was required. Mr. Tennyson added that this contract represented another tool available to the DPW Division for use when work was required but the crews were otherwise engaged.

Motion was made by Mrs. Wood, seconded by Mr. Dickinson and carried unanimously to approve the request, thereby authorizing the necessary resolution for the February 21st Board meeting. *A copy of the request form is on file with the meeting minutes.*

Mr. Tennyson announced agenda page 8 included a request for a new contract for periodic surveying services with the lowest responsible bidder to be determined following the February 6th bid opening; he added the contract term would commence upon execution and terminate on December 31, 2014, with the option to renew for two additional one-year terms. He explained this contract would be used primarily for center line profiles for highway reconstruction projects, but would be used to provide surveys needed for bridge projects to ensure exact placement of superstructures and abutments.

Mr. Dickinson questioned how many proposals for this bid had been received and Julie Pacyna, Purchasing Agent, replied that no bids had been received so far, but noted that bid specification packets had been distributed to about twenty potential responders.

Motion was made by Mr. Sokol, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the February 21st Board meeting. *A copy of the request is on file with the meeting minutes.*

The next agenda item, Mr. Tennyson announced, pertained to the Municipal Highway Maintenance Contracts held with various towns for maintenance of County highways. He noted that agenda page 9 included a request to amend the Contracts to increase the amounts paid to the towns for plowing, mowing and sweeping services. Mr. Tennyson recalled that traditionally, these Contracts had been for one-year terms; however, he added, with the assistance of the County Attorney, in 2013 they had elected to incorporate a five-year contract with rates that would endure for the entire contract term, unless otherwise modified. Mr. Tennyson pointed out that agenda page 10 included the 2014 Contract rates proposed, while page 11 reflected the Contract rates approved in 2013 for the five-year term. He confirmed that the Budget Team had included additional funding in the 2014 Budget to cover the increased Contract rates.

Mr. Conover stated this was a step in the right direction as the Contract rates had been considerably reduced in the past when the County had encountered budgetary problems. He questioned whether this increase would prevent the Committee from increasing the rates again in the future of the five-year Contract term and Mr. Dusek replied in the negative. Mr. Dusek noted there had been a lot of discussion amongst the members of the Board of Supervisors as to whether the Contract rates were sufficient for the work being performed by the towns and he advised his Office would continue to work with Mr. Tennyson and his staff to determine whether the formula used to determine the rates should be revised. He commented that the Contracts would typically be released in January, but because of some issues with the amounts, they had been delayed into February. Mr. Dusek stated that he would like to forward the contracts to the towns that week to have them signed and returned so that the funds could be distributed to the towns as soon as possible; he added that because this action would be taken prior to the upcoming Board Meeting, the Board would need to ratify the actions taken in releasing the contracts.

Mr. Tennyson acknowledged that the Contract rates had been considerably reduced in 2009, with the towns consent, during the County's financial crisis and he noted that although the increase proposed would certainly help, it would not restore the Contract funding levels to the rates used prior to 2009, when the reductions were made. He stated his opinion that they should continue to review the rates on a continuous basis, updating them as necessary throughout the Contract term.

Motion was made by Mr. Dickinson, seconded by Mrs. Wood and carried unanimously to approve the proposed amendments to the Municipal Highway Maintenance Contract with the various towns, as well as to ratify actions taken to implement said changes prior to the February 21st Board meeting, and the necessary resolution was authorized for the February 21st Board meeting. *A copy of the request is on file with the meeting minutes.*

Proceeding to agenda page 12, Mr. Tennyson presented a request to rescind Resolution No. 128 of 2013, *Accepting Proposal and Authorizing Agreement with Lowest Responsible Proposer for Beach Road Storm Water Sampling, Testing and Reporting, Village and Town of Lake George, Warren County, New York (WC 023-13)*. He explained that the EFC (*New York State Environmental Facilities Corporation*) grant awarded for the porous pavement portion of the Beach Road Reconstruction Project had initially included funding for the long-term storm water sampling/testing that would occur in the years following the completion of the Project; however, he noted, the EFC had determined that the grant needed to be closed earlier than initially anticipated, eliminating the ability to use the funding in future years. Since the funding would not be available, Mr. Tennyson advised the resolution awarding the contract for the work was no longer valid and should be rescinded. He concluded that they were in the process of

reviewing other funding and grant opportunities for the long-term monitoring work.

Motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the February 21st Board meeting. *A copy of the request is on file with the meeting minutes.*

Mr. Tennyson advised the next agenda item referred to a request to amend Resolution No. 166 of 2007, which authorized Just Compensation payments in association with the Corinth Road Reconstruction Project; he noted that the amendment requested would apply solely to the Just Compensation amount awarded to Russell O'Conner and James O'Conner. Kevin Hajos, Deputy Superintendent of Public Works, explained Resolution No. 166 of 2007 had authorized a Just Compensation payment of \$61,000 for the O'Conner property, but subsequent to its approval, the Town of Queensbury had purchased a portion of the property the County intended to acquire and therefore the appraised value of the property the County was to purchase was reduced and the County had paid a revised Just Compensation amount of \$47,300. Mr. Hajos apprised that the property was the subject of further negotiations in accordance with the EDPL (*Eminent Domain Procedures Law*) process, and was eventually reappraised at a higher value of \$69,300. Based on the reappraisal and approval from NYSDOT to amend the associated grant agreement to cover 95% of the increased cost, Mr. Tennyson advised of his recommendation to make an additional payment of \$22,000 to Bartlett, Pontiff, Stewart & Rhodes, P.C. on behalf of Russell and James O'Conner as final settlement of the Just Compensation claim. He noted that similar negotiations were ongoing for another parcel and he would return to the Committee to address that issue at a future meeting.

Motion was made by Mr. Dickinson and seconded by Mr. Vanselow to approve the request to amend Resolution No. 166 of 2007 to increase the Just Compensation amount for O'Conner parcel from \$61,000 to \$69,300.

Referring to Mr. Tennyson's prior comment recommending an additional payment of \$22,000, Mr. Dickinson pointed out that the difference in the original Just Compensation amount of \$61,000 and the revised amount of \$69,300 was only \$8,300 and he questioned what the additional \$13,700 was for. Mr. Tennyson clarified that the original resolution had authorized a payment of \$61,000 and although the amount was eventually revised to the lower figure of \$47,300, the resolution was never amended as such. In order to rectify the situation, he said the resolution would need to be amended to reflect the correct total and the difference between the \$47,300 already paid and the revised Just Compensation total of \$69,300 would need to be authorized, thereby justifying the additional payment of \$22,000 to the property owner.

There being no further discussion, Mr. Merlino called the question and the aforementioned motion was carried by unanimous vote, thereby authorizing the necessary resolution for the February 21st Board meeting. *A copy of the request is on file with the meeting minutes.*

Continuing to agenda page 20, Mr. Tennyson outlined a request for authorization to establish an "Official Use" parking permit for use in the County's Beach Road and West Brook Road parking lots. He said this permit would be used by County officers and elected officials that have official business in the area, as well as for contractors, inspectors and officials from certain Federal and State agencies that would be inspecting the Wood Park during the course of the ongoing construction project. Mr. Tennyson stated that he would like to have the passes in place so that they would be available for use when construction resumed in the spring.

Mr. Dickinson questioned whether designated parking spots would be used and Mr. Tennyson replied in the negative, advising they would issue a pass that could be placed on the dash of a vehicle parked

in either the Beach Road or West Brook Road parking lots so that they would not be ticketed for not participating in metered parking.

Motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the February 21st Board meeting. *A copy of the request is on file with the meeting minutes.*

Mr. Dusek asked Mr. Tennyson to work with Rob Lynch, Deputy Treasurer/Fiscal Assistant to the County Administrator, to ensure that a system of checks and balances was used in issuing permits so they could ensure they were not being used for personal use. Mr. Tennyson agreed that he would work with Mr. Lynch, as requested, and said he foresaw using a laminated pass that would have an expiration date listed so that it would only be good for the days issued. Additionally, he anticipated implementing a control system where the passes would be issued to a specific person and vehicle so that they could only be used by a certain person on the date issued.

Mr. Tennyson advised the next two agenda items pertained to filling the vacant positions of:

- * Highway Construction Supervisor II #2, Grade 16, Annual Base Salary of \$38,329; and
- * Highway Construction Supervisor II #5, Grade 16, Annual Base Salary of \$38,329.

Mr. Tennyson said he had discussed the vacancies with Mr. Dusek, and advised he was working on a plan to address vacancies across the whole department which he hoped would incur a savings to the County. He stated that these two positions were necessary, as they served as foremen for the north and south end garages and he said he would like to proceed to fill the vacancies as he was currently paying someone out of title to cover the positions.

Mr. Dickinson pointed out that agenda page 23 included a request to authorize travel for Mr. Tennyson to attend the NYSAC (*New York State Association of Counties*) 2014 Legislative Conference in Albany, NY on February 3, 2014, and he suggested that this request, as well as both of the requests to fill vacant positions, be approved together.

Motion was made by Mr. Dickinson, seconded by Mr. Vanselow to approve both of the aforementioned requests to fill vacant positions and refer same to the Personnel Committee, as well as to authorize travel for Mr. Tennyson to attend the NYSAC Conference, as outlined above. *Copies of the Notice of Intent to Fill Vacant Position forms are on file with the meeting minutes. Note: Subsequent to the meeting it was determined that Resolution No. 482 of 2013 amended the Warren County Travel Policy to provide authorization for County Supervisors, County Administrator, Assistant County Administrator and Department Heads to attend NYSAC conferences without approval by the supervisory committee.*

Mr. Tennyson directed the Committee members to agenda page 25, which included a listing of road projects and costs split into three sections. The first section, he noted, listed the projects already funded in the 2014 Budget, while the second and third sections reflected more road projects that could be completed if an additional \$1 million or \$1.5 million was provided over the budgeted amount. Mr. Tennyson reminded the Committee members of prior discussions amongst the Budget Team, and advisements by the Budget Officer, that additional funding over and above the amount included in the 2014 Budget might be available to fund additional highway projects, depending upon the budgetary situation in the spring of 2014. He commented that an additional \$1.5 million in highway funding would allow the DPW to address 250 service miles which was the desired to maintain the highway structure. Mr. Tennyson advised no Committee action was necessary at that point and his intent had been to provide the information for review and discussion at the next Committee meeting, at which point they should have received some indication of the amount of additional highway funding available. He concluded that he would like to resolve this matter within the month of March in order to develop

a paving plan for work to commence as soon as the weather allowed.

Mr. Merlino suggested that anyone with questions regarding the anticipated road work listed should meet with either Mr. Tennyson or Mr. Dusek. He added that if they did not address the County's highway infrastructure needs soon, the repair costs would continue to increase as the roads continued to deteriorate.

Mr. Dusek commented that they were embarking upon two separate processes, the first being to make sure that the correct roads and work was being scheduled; he added that he would defer to Mr. Tennyson on these suggestions as the list had been developed based on an engineering standpoint aimed at addressing the sections of roads requiring attention first. Mr. Dusek noted he felt it was best to consider feedback from the Supervisors about the roads they drove on daily to determine whether those needs differed from the engineering reports. He continued that once the Committee had agreed upon the list of road projects to be addressed, it would be transferred to the Budget Committee who would decide what level of additional funding would be allocated. Mr. Dusek advised that anyone with questions or comments regarding the roads projects listed should contact Mr. Tennyson as he and his engineering staff had performed the reviews by which the list was established and they wanted everyone to be happy with the results at the end of the year.

Mr. Taylor questioned whether the list was ranked by priority and Mr. Tennyson replied that the projects were grouped by priority, in the first, second and third sections, but noted that the roads listed in each section were not prioritized. He explained that an intuitive process was incorporated when determining the order in which roads would be worked on in an effort to obtain the best value for County dollars that was not as simple as just working down a list. Mr. Tennyson said they could discuss the order of priority further and could probably develop a better listing of what projects should be addressed first, but noted it would be difficult to rank and prioritize the different types of jobs.

A discussion ensued.

Resuming the agenda review, Mr. Tennyson addressed the next item listed which was a pending item that could possibly be brought to the Finance Committee for action. He advised that in relation to the Beach Road Reconstruction Project, the County had agreed to include construction inspection and design work for the NYSDEC (*New York State Department of Environmental Conservation*) owned portion of Beach Road through their consultant agreement with Barton & Loguidice, with all of the associated costs to be assumed by NYSDEC. Mr. Tennyson advised that an amendment to the consultant agreement needed to be done and he intended to either bring this to the Finance Committee, or to the Board of Supervisors through an out-of-Committee request in order to advance the NYSDEC project.

Next, Mr. Tennyson addressed the Items of Interest section of the agenda, apprising of a scope change for the Valley Road Bridge over Patterson Brook located in the Town of Thurman. He explained this was a County bridge that had been awarded grant funding for reconstruction and noted that through the course of the planning work they had decided that an onsite detour would be necessary which he estimated would cost about \$300,000 to establish. In reviewing the area and the project plans, Mr. Tennyson said they had determined an alternative option would be to use the adjacent town road, Combs Road, as a detour route; however he added, this would require improvements to a town bridge on that road. He continued that in considering this option further with NYSDOT officials, he and Mr. Hajos had determined that for a cost of about \$400,000 they could assist the town and rebuild the Combs Road and use that for the designated detour route during the Valley Road Bridge reconstruction project, rather than spending \$300,000 for a temporary structure that would be removed once the project was complete. Mr. Tennyson apprised that in conferring with NYSDOT, they had been

informally advised the costs associated with the Combs Road bridge reconstruction would be grant eligible, requiring only a 5% Local Share. He concluded that they were awaiting final official determinations and confirmations from NYSDOT and the FHWA (*Federal Highway Administration*) on this matter, but said he wanted the Committee to be aware of the situation.

Mrs. Wood apprised that the Combs Road bridge was one of those that had washed out in 2011. She said initial reports had indicated it would cost approximately \$1 million to replace the bridge and noted that no FEMA (*Federal Emergency Management Agency*) funding had been awarded for these damages. Mrs. Wood advised that while the bridge was not necessary for emergency services, the Town of Thurman had been keenly interested in replacing the bridge as there were power lines National Grid needed access to. She further advised the Town of Thurman was willing to provide funding for the Local Share and provide assistance from Town forces to the extent they were able with labor and equipment.

Mr. Merlino opined that this would be a great help to the Town of Thurman and he supported the idea. Mr. Tennyson confirmed that he would return to the Committee with more information once the details had been sorted out with NYSDOT.

Mr. Tennyson noted there were no old business or referral items to discuss. Concluding the agenda review, he requested an executive session to discuss the work performance of a particular person.

Motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously to enter into an executive session pursuant to Section 105(h) of the Public Officers Law.

Executive session was held from 11:13 a.m. until 11:23 a.m.

Upon reconvening, Mr. Merlino announced that no action had been taken during the executive session.

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson and seconded by Mrs. Frasier, Mr. Merlino adjourned the meeting at 11:24 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board