

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: SEPTEMBER 25, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS MERLINO
CONOVER
WOOD
TAYLOR
FRASIER
DICKINSON
SIMPSON
SOKOL
VANSELOW

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
SHAWN RAYMOND, DPW ENGINEER
JUSTIN GONYO, GENERAL SUPERINTENDENT, SARATOGA & NORTH CREEK RAILWAY
KEVIN GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BROCK
MCDEVITT
SEEBER
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 10:00 a.m.

Motion was made by Ms. Wood, seconded by Mrs. Frasier and carried unanimously to approve the minutes of the last Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, who distributed copies of the Parks, Recreation & Railroad and DPW Agendas to the Committee members; *copies of both Agendas are on file with the meeting minutes.*

Commencing the review of the Parks, Recreation & Railroad Agenda, privilege of the floor was extended to Justin Gonyo, General Superintendent of the Saratoga & North Creek Railway (SNCR), who provided an update on railway operations. Mr. Gonyo stated they were entering the fall season and he noted that at this point, about 4,000 pre-reservation tickets had been sold; he further advised that at the end of the 2013 fall season they had sold 6,000 tickets and he pointed out that since they had not yet entered the month of October there was still room to grow and reach that number. Mr. Gonyo recalled that at a prior meeting the Committee had consented to replacing the "Day Out with Thomas" event with the "Pumpkin Patch Express" event which they were moving forward in planning and should have everything finalized by the end of September with ticket sales beginning on October 1st. He advised the Pumpkin Patch Express would piggyback on the North End Local service, running from the Thurman Station to the North Creek Station where there would be hay rides, pony rides, and some local vendors offering crafts, maple syrup, etc. Mr. Gonyo added SNCR had been coordinating with local business owners in North Creek to set up a trick-or-treat trail to tie the business community to the event. He noted that this event had been held in 2012, attracting 600 passengers for the weekend event and he said SNCR anticipated similar participation figures for this years event.

Mr. Gonyo advised the North End Local run would resume operation for the upcoming weekend and would continue weekend operations through the Columbus Day holiday weekend; he added that the North End Local was very successful and they intended to include it in their 2015 operating schedule.

He said SNCR had been working with the Tourism Department to promote train transportation from the Saratoga Station to the Thurman Station for the World's Largest Garage Sale in Warrensburg. Mr. Gonyo advised tickets for both weekend days had sold out and due to this response, they would likely

repeat and expand their offerings for the 2015 Garage Sale event. With reference to the upcoming Polar Express event, he stated more than 7,000 pre-season tickets had been sold, which was an excellent response. He noted that Diamond Class tickets were selling the fastest, but there were plenty of tickets still available in other classes. Mr. Gonyo advised they would be incorporating a third dome car and their double decker, high capacity coaches would be brought back into service for the Polar Express event to accommodate more riders. He added that the double decker coaches had received extensive upgrades to the HVAC (*heating, ventilation, air conditioning*) systems at a cost of about \$20,000.

Finally, Mr. Gonyo provided an update on freight operations, advising SNCR had closed on a contract to move 8,000 tons of stone from the Tahawus mines to Taunten, MA. He explained 2,000 tons of stone would be transported by rail directly from Tahawus to Taunten, while the remaining 6,000 tons would be transported to the Corinth Station where it would be offloaded onto trucks and transferred to a barge that would take the stone to a rail transfer facility in Fall River, MA. Mr. Gonyo advised these freight operations would begin during the next week and would continue into November. He noted this was not the large contract SNCR was still working to secure; however, he said, this smaller contract would allow SNCR to test run their operations in the freight area and would exhibit to everyone that stone could be transferred by rail from Tahawus.

Mr. Vanselow recalled in the past there had been some discussion about possibly moving wood products by rail and he questioned whether any further thought had been given to this possibility. Mr. Gonyo responded that SNCR had been approached by logging companies in the past, but so far they had not been able to develop a scenario where transporting logs by rail was less expensive than delivery by truck. He clarified that SNCR was unable to compete with single truck transportation costs, but noted that the larger the amount of product for shipment was, the more viable rail shipment options became. Mr. Gonyo stated that if there were any loggers still interested in the possibility of moving logs by rail, he would love to meet with them; he added that SNCR remained interested in offering freight transportation and while they had maintained discussions with the two logging companies that had expressed interest in the past, they had not been able to reach an amenable contract cost.

Continuing the Agenda review, Mr. Tennyson presented a request for an agreement with Warren-Washington Association for Mental Health to use a portion of the Warren County Bikeway right-of-way (ROW) to erect a temporary cold frame structure to expand the growing season of their gardening project into the fall. He noted that the County had authorized similar agreements in the past and he further noted that an annual fee of \$50 would be charged for use of the County property.

Motion was made by Mr. Simpson and seconded by Ms. Wood to approve the request.

Mr. McDevitt commented that this was a great project which was incorporated to help those in the mental health recovery program. He said both he and Mr. Girard had visited the proposed site, and reviewed the plans for the temporary structure. Mr. McDevitt concluded that this was a great program which helped participants to gain a sense of belonging and he thanked everyone for their support of the request.

Martin Auffredou, County Attorney, said he assumed this agreement would impose certain insurance requirements be met and he questioned whether it had been verified that these could be met, and Mr. Tennyson replied affirmatively.

There being no further discussion, Mr. Merlino called the question and the aforementioned motion was carried by a unanimous vote, thereby authorizing the necessary resolution for the October 17th Board Meeting. *A copy of the request is on file with the meeting minutes.*

Mr. Tennyson announced the next Agenda item consisted of a request for authorization to accept the donation of thirteen microscopes from the Rensselaer Polytechnic Institute to Up Yonda Farm for public

programs at no cost to the County.

Motion was made by Mr. Taylor, seconded by Mr. Conover and carried unanimously to approve the request and the necessary resolution was authorized for the October 17th Board Meeting. *A copy of the request is on file with the meeting minutes.*

Moving on to the next Agenda item, privilege of the floor was extended to Dr. Fredd Senser-Lee, founder of Botanical Blossomings on the Bikeway USA, who was in attendance to address the Committee with respect to his request to authorize dogs on the Warren County Bikeway.

Dr. Senser-Lee noted that a few months ago he had attended a Board of Supervisors meeting to distribute information and make his plea for Warren County's local law governing the use of the Bikeway to be amended to allow dogs. He advised that after extensive research, he had learned Warren County's was the only Bikeway from Westchester, NY to Maine that banned dogs. He said he had been working on the Bikeway for about three years and had noted the signage which advised dogs were not allowed and that such provisions were not strictly enforced; Dr. Senser-Lee stated he would like those signs to be removed and the Bikeway opened to those wishing to walk their dogs there. Additionally, Dr. Senser-Lee referred to a recent tragedy that had occurred in New York City where a person was hit and killed by a bicyclist and he noted that at times, the bicyclers traveled too fast on the Bikeway and could potentially cause a similar incident because there was not enough noise to alert other Bikeway users of oncoming bicycle traffic. He stated Warren County's Bikeway was intended for family use, not as a race site and he would like this issue to be referred to the Warren County Safe & Quality Bicycling Organization (WCSQBO) for review. Returning to his original request, Dr. Senser-Lee asked that the Committee take an immediate vote to change the current regulations to allow dogs on the Warren County Bikeway.

Mr. Merlino responded that before voting on the issue, he would prefer to hold some discussion amongst the Committee members on this issue.

Mr. Taylor stated he did not recall any dog-related issues occurring on the Bikeway, but stated there must have been some reason that they were banned from that area. Mr. Tennyson responded it was his understanding that dogs were not permitted on the Bikeway for safety reasons, as well as because of the nuisance caused by owners that did not clean up after their pets.

Dr. Senser-Lee reported that he had interviewed many different individuals and could not find any local incidents of a person being bitten by a dog on the Bikeway; he added that the only dog-related issue he had discovered occurred on the Simm Smith Bike Trail when a dog barked at a horse that had gotten loose and entered the trail. Dr. Senser-Lee advised his research had included contact with the Town of Queensbury Animal Control Officer.

Mr. Auffredou counseled that before deciding on this matter, the Committee would be well advised to make contact with the County's insurance broker to consider any liability issues that may be associated with a change of this nature. Additionally, he noted that it might be beneficial to seek the opinion of the WCSQBO, as well. Mr. Auffredou stated that the Bikeway was a treasure that he personally enjoyed and he said there were a lot of factors to be accounted for when considering a change. He opined it was too early for the Committee to vote on the matter without having all of the pertinent information available for review.

Dr. Senser-Lee commented that because other counties allowed dogs on their bike paths, it should be fairly simple to contact their attorney staff to inquire how such allowances had affected them from a liability standpoint.

A discussion ensued, following which motion was made by Ms. Wood, seconded by Mr. Simpson and

carried unanimously to table this issue pending further information regarding the possible liability implications of changing the rules regulating the Warren County Bikeway to allow dogs.

Mr. Dickinson agreed with Dr. Senser-Lee's opinion about some bicycle traffic on the Bikeway being too fast as it may be difficult for others using the facility to be forewarned of swift oncoming traffic. Mr. Merlino replied this matter could be referred to the WCSQBO for consideration.

Concluding the Parks, Recreation & Railroad Agenda review with the Referrals section, Mr. Tennyson advised representatives of The King's School had not been able to attend to provide advisement on their plans to construct a pedestrian railroad crossing but said he expected them to attend the next Committee meeting to provide an update.

Commencing the review of the DPW Agenda, Mr. Tennyson advised the first two items listed pertained to the Overtime and Fuel Reports. He noted the Overtime Report showed typical increases for the month of September related to the Adirondack Balloon Festival. As for the Fuel Report, Mr. Tennyson commented that the Department was in good shape for their fuel use.

Mr. Tennyson directed the Committee members to Agenda Page 8, which reflected a request to Amend Resolution No. 599 of 2012, *Resolution Establishing a Capital Reserve Fund to finance a "Type" Capital Improvement; Authorizing Transfer of Funds and Amending Warren County Budget for 2012*, to allow any remaining surplus or revenue over expenditures to be transferred to the Motor Fuel Systems Reserve Fund in order to build up funding for future upgrades to, or replacement of, equipment at the County's Fuel Farm sites.

Motion was made by Mr. Sokol, seconded by Ms. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the October 17th Board Meeting. *A copy of the request is on file with the meeting minutes.*

Continuing to Agenda Page 11, Mr. Tennyson presented a request to increase Capital Project No. H342.9550 280, *Blair Road over Mill Brook*, in the amount of \$195,000 to include the Local Share. He reported that this funding had been budgeted and was necessary to move the project forward in the right-of-way acquisition and construction inspection phases planned for 2015.

Motion was made by Mr. Simpson, seconded by Mr. Vanselow and carried unanimously to approve the request and refer same to the Finance Committee. *A copy of the request is on file with the meeting minutes.*

Mr. Tennyson said the next Agenda item called for discussion on "Unauthorized Features placed in County ROW" and he advised of recent articles and letters published in local newspapers regarding this issue. He explained that in some cases where the County owned significant ROW areas, permits were issued to business owners allowing them to bring their advertising signs forward, closer to the highway. Mr. Tennyson further explained this had been the case when a permit was issued in 2001 allowing the Tire Warehouse, located on Quaker Road in the Town of Queensbury, to place signage in the County ROW. He continued that at some point since the permit was issued, the owner of the Tire Warehouse had installed additional features in the County ROW without permit, review or authorization from DPW officials. Mr. Tennyson noted that some of these features, which included a flag pole, flower bed and a couple of spruce trees, had been placed in front of both the Tire Warehouse and the adjacent business, which was now Wine Merchants. He said he was contacted earlier in the summer by the Wine Merchants business owner seeking to move their sign forward into the County ROW, as many other businesses along Quaker Road had, but were concerned that the additional features installed by the Tire Warehouse would prevent them from doing so. Mr. Tennyson advised that he had contacted the owner of the Tire Warehouse to advise of this issue in July and the business owner had initially agreed to move the feature; however, he added, no action was taken. He said he had subsequently forwarded

multiple letters to the Tire Warehouse business owner indicating that the features must be removed from in front of the adjacent business owner's property and that they must file the appropriate requests to amend the original permit to allow for the features that had been installed without authorization. Mr. Tennyson stated the next step would be to forward a letter including a deadline for the aforementioned steps to be taken; he added that although the County had the authority to remove the features themselves, they hoped the owner of the Tire Warehouse would comply with the requests. He said that if it was determined the County would have to take action to remove the feature, he would work with the County Attorney to make sure such actions were taken legally. Mr. Tennyson concluded that the owners of the Wine Merchants business had been very patient through this process, but were eager to move their sign and in fairness, he believed they should be able to do so. He stated he was willing to meet with anyone wanting more details on this matter after the meeting.

Mr. Dickinson apprised he had been mildly involved in this situation and had been informed the features in question were cooperatively installed by the owners of the Tire Warehouse and the former owner of the Wine Merchants location. He pointed out that the features were not installed solely by the owners of the Tire Warehouse and it did not seem it was necessarily the Tire Warehouse owners sole responsibility to remove them. Mr. Dickinson stated he was nervous about the County becoming involved in situations such as this where property owners were at odds. He added that Mr. Tennyson had done a good job of addressing this issue so far and while he felt Mr. Tennyson should continue to be involved with the issue at some level, he believed the property owners should work out the issue of removing the existing features amongst themselves.

Mr. Taylor commented that while he understood Mr. Dickinson's points, the fact remained that the appropriate permits were not obtained for the features installed. He then questioned whether the County would be able to bill the property owner if they had to remove the features; Mr. Tennyson replied that he believed they did have this authority, but said he would defer to Mr. Auffredou.

Mr. Dickinson questioned why the owners of the Tire Warehouse would be billed solely for the removal work when half of the feature was located in front of the neighboring business and was installed in part by the previous owner of the building the Wine Merchants were located in. Mr. Tennyson reported that in speaking with the Tire Warehouse owners, he had been notified that they would remove and relocate the existing spruce tree in front of the Wine Merchants location and that they desired to retain the existing flag pole. He continued that either the Tire Warehouse owners owned and would relocate the features to another spot of their choosing, or the County would remove all the features and would not seek reimbursement. Mr. Tennyson reiterated this was a fairness issue in allowing the Wine Merchants the same signage opportunities as every other business owner in that area of Quaker Road. He indicated that they had tried to reach an agreement to alleviate this situation, but had been unsuccessful so far. Mr. Tennyson stated that this issue had been ongoing since July and the patience of both property owners was wearing thin, which was a concern. He further stated that while he agreed with Mr. Dickinson's point that it was not a good idea to get in the middle of this dispute between property owners, he wanted to give everyone an equal opportunity to place critical signing in front of their business using available County ROW. Mr. Dickinson responded he understood Mr. Tennyson's concerns, but was still reluctant to involve the County; he added that part of the feature was located in front of the Wine Merchants and they should remove it if they would like to use the space and the Tire Warehouse owners should not be billed for the work. Mr. Tennyson said he had advised the Tire Warehouse owners of their lack of permit for the additional features installed and recommended that they apply for the appropriate permits pertaining to the additional features installed in front of their business location.

Mr. Merlino summarized it appeared they would be sending a last letter with deadlines included and hoping that the matter would be resolved by the property owners. He added that if it was not, the matter would be turned over to the County Attorney to determine the County's options. Mr. Merlino agreed that it was important for business to have visible signs advertising their location.

Chairman Geraghty questioned whether any follow-up review was done when permits were issued authorizing use of County ROW to ensure that the work completed complied with the authorization provided. Mr. Tennyson responded that approximately 100 permits of this nature were issued each year and while they checked to make sure the initial construction was in compliance with the permit, they did not routinely follow up on them in ensuing years. He commented that the only way they learned of these violations was if someone happened to notice them and he said he assumed the original sign was installed according to the permit issued and the additional features were installed at some point afterward, without the County's knowledge.

Chairman Geraghty said it would seem there should be some follow-up review done; he added that in cases such as this, where the additional features may have been installed more than 10 years ago and a dispute was being caused by a new neighbor, it might behoove the County to remove themselves from the situation. He then asked if the permit limited the amount of space authorized for use and Mr. Tennyson replied affirmatively, stating the features in question were obviously outside of what was authorized by the permit issued. Mr. Tennyson commented that the additional features were located on the back side of the ditch line, so it caused no safety concerns. He noted that they occasionally encountered issues similar to this; however, he noted, this case was unique in that a previous business owner had consented and cooperatively worked with the owners of the Tire Warehouse to install the additional features that the new business owner was contesting. Mr. Tennyson advised he would consult with Mr. Auffredou on this issue and provide any new information at a future Committee meeting.

Privilege of the floor was extended to Dr. Senser-Lee who commented that Chairman Geraghty had made a good point about the need to follow up on the permits issued for use of County ROW and he suggested that the County entertain the possibility of hiring college students to follow up on the permits issued to ensure they were being complied with.

Resuming the Agenda review, Mr. Tennyson distributed copies of the 2014 Pavement Condition Report, which included the 2015 Road Project List, a copy of which is on file with the meeting minutes. Mr. Tennyson proceeded to provide a brief overview of the Report; he advised he would email the Report to all members of the Board of Supervisors and would post it to the Warren County website, as well. At the conclusion of his review, Mr. Tennyson invited anyone with questions on the Report to contact him.

Chairman Geraghty noted that the Horicon Bridge project was not listed on the 2015 Road Project List and he questioned when this work was going to be completed. Mr. Tennyson responded that the 2015 Road Project List pertained only to road projects and he noted that bridge projects were kept on a separate list; however, he added, the Horicon Bridge project had been presented for funding in the 2015 Budget. Chairman Geraghty asked if there were sufficient remaining funds in the 2014 Budget to complete this work and Mr. Tennyson replied that although they could probably find the funds, the problem with the Horicon Bridge was the underlying dam owned by the Town of Horicon which was undergoing final NYSDEC (*New York State Department of Environmental Conservation*) review to determine whether the dam would need to be modified for the bridge project. Mr. Simpson, speaking as Supervisor for the Town of Horicon, advised the necessary reporting had been submitted to NYSDEC about a week ago and he planned to make contact to follow up on the matter next week. He apprised that in the study submitted to NYSDEC, the LaBerge Group had indicated that the hydraulic opening of the dam would not need to be changed and the bridge work could be commenced; however, Mr. Simpson added, he would suggest that they await the official NYSDEC conclusion on this matter.

A brief discussion ensued, during which Mr. Merlino, Committee Chairman, apologized for having to leave the meeting early and advised Mr. Conover, Committee Vice-Chairman, would chair the remainder of the meeting in his absence.

Mr. Merlino left the meeting at 10:48 a.m.

Moving on to the Pending Items section of the Agenda, Mr. Tennyson apprised he anticipated forwarding a budget amendment through an out-of-Committee request to the Finance Committee relating to an FAA (*Federal Aviation Administration*) grant for the purchase of a one-ton plow truck for the Airport. He said the appropriate Budget codes would need to be amended to accept the FAA grant funds in order to purchase the new truck.

Mr. Tennyson then reviewed the Items of Interest section of the Agenda, as follows:

- ◆ County Paving Projects - photos of paving work completed on CR#16 East River Drive, CR#17 Haviland Road, CR#19 Olmsteadville Road, CR#30 Schroon River Road and CR#35 Diamond Point Road were circulated for the Committee's review; copies of the photos are on file with the meeting minutes. Mr. Tennyson noted they had completed virtually all of the paving project scheduled, having only one small project on North Bay Road and a copy of town projects left to finish. He advised that due to the good summer weather, they had been able to keep on schedule with the paving work this year.
- ◆ Solid Waste Hauling and Disposal Contract Extension - Mr. Tennyson advised the contract extension letters had been sent out and they anticipated each contractor would be agreeable to the extensions which would extend the contract term through 2015.
- ◆ MOUs with WCSWCD-Quaker Rd and Glens Lake - Mr. Tennyson advised the Agenda packet included copies of the MOUs (*Memorandum of Understanding*) both he and Jim Lieberum, WCSWCD (*Warren County Soil & Water Conservation District*) Manager, had signed relative to grant funding available to recoup some of the County's costs for improvements to ditch lines and drainage on County roads. He pointed out that the reimbursing funds would offset costs that would otherwise have been borne by the County for drainage improvements. Mr. Tennyson affirmed he had consulted with the County Attorney to ensure that accepting the funds was appropriate before executing the MOU documents.

Concluding the Agenda review, Mr. Tennyson requested an executive session to discuss the performance of a particular unnamed contractor.

Motion was made by Mr. Taylor, seconded by Mr. Simpson and carried unanimously to enter into an executive session pursuant to Section 105(f) of the Public Officer's Law.

An executive session was held from 10:52 a.m. until 11:15 a.m.

Upon reconvening, Mr. Conover 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 Ms. Wood, Mr. Conover adjourned the meeting at 11:16 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board