

WARREN COUNTY BOARD OF SUPERVISORS

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

DATE: JANUARY 27, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
TESSIER
STEC
MERLINO
CHAMPAGNE
TAYLOR
GOODPSEED
PITKIN

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF ENGINEERING
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
FREDERICK MONROE, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
SUPERVISORS GERAGHTY
STRAINER
WAYNE LAMOTHE, DEPUTY DIRECTOR OF PLANNING & COMMUNITY
DEVELOPMENT
JULIE PACYNA, PURCHASING AGENT
LEONARD FOSBROOK, PRESIDENT, ECONOMIC DEVELOPMENT
CORPORATION
CLIFF WELZ, UPPER HUDSON RIVER RAILROAD
JOHN RIEGEL, UPPER HUDSON RIVER RAILROAD
ALYSON MARTIN, *THE POST STAR*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

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

Motion was made by Mr. Goodspeed, seconded by Mr. Bentley and carried unanimously to approve the minutes from the December 2, 2008 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 (Department of Public Works) agenda to the Committee members, a copy of which is on file with the minutes.

Commencing with a review of the New Business portion of the agenda, Mr. Lamy apprised that beginning on page two he had included information pertaining to the NYSCHSA (New York State County Highway Superintendents Association, Inc.) Winter Conference which he and Jeffrey Tennyson, Deputy Superintendent of Engineering, had recently attended. He noted that some of the sessions attended had been very valuable in light of reductions in State funding forwarded to local governments.

Mr. Lamy added that one of the sessions attended had provided the latest information on CHIPS (Consolidated Highway Improvement Program) funding, during which earlier reports of significant reductions in CHIPS funding had been confirmed at both the County and Town level, as reflected in the documentation included beginning on page four of the agenda. He then directed the Committee members to page seven of the agenda which reflected pertinent information on the upcoming 2009 Grassroots Campaign for local roads and bridges entitled "Local Roads Matter" which was being sponsored by NYSCHSA and NYSATSH (New York State Association of Town Superintendents of Highways, Inc.) Mr. Lamy advised that the meetings would be held at the Crowne Plaza Hotel in Albany, NY and were scheduled for the evening of March 10th, to prepare for the presentations to the New York State Senate and Assembly, and the entire day of March 11th when the presentations would actually be made. He said that he would commute to the conference each day but requested the Committee's approval for overnight travel

in the event that it became necessary. Mr. Lamy added that information on the costs associated with the conference were not immediately available via the supporting organization's website, but noted that he would provide the information as soon as possible.

Motion was made by Mr. Champagne, seconded by Mr. Merlino and carried unanimously to approve the request for Mr. Lamy to attend the "Local Roads Matter" campaign on March 10th and 11th in Albany, NY as outlined above.

Mr. Lamy announced that the next agenda item pertained to a request to authorize the Superintendent of Public Works to execute temporary agreements to access property in connection with Public Works projects which was included on page eight. He explained that a resolution of this nature would be used in cooperation with property owners for projects where temporary access to private property was needed, such as when reshaping ditch lines or removing brush and banks interfering with sight distance. Mr. Lamy stated that temporary easements were required for the bridge projects ongoing in the Town of Stony Creek and he felt that it was appropriate to request a generic resolution that would cover both of these projects, as well as any similar projects occurring in the future, rather than presenting such requests on an individual basis.

Motion was made by Mr. Champagne, seconded by Mr. Goodspeed and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 20th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy advised that page 13 of the agenda included a request to amend Resolution No. 155 of 2005 to increase the fuel system maintenance fee charged. He explained that the previous resolution authorized the County to charge a \$.06 per gallon maintenance fee to municipal corporations utilizing the County motor fuel system as their share of costs associated with maintenance, operation, ownership, liability and other expenses incurred by the system. Mr. Lamy reminded the Committee that the County had undertaken a \$350,000 Capital Project for 2009 to fund the rehabilitation and replacement of fuel utilization and management equipment at all eight of the fuel sites. He apprised that subsequent to an analysis performed by Mr. Tennyson, it had been determined that similar rehabilitation efforts would be required every 10 years to keep the system current. In order to fund the current Capital Project costs, as well as those anticipated for the future, he proposed that the maintenance fee be increased to \$.16 per gallon for all users of the fueling system to share in these expenses. Mr. Lamy added that the \$.10 per gallon increase would refund the costs of the rehabilitation project over a 10-year period. He noted that if the Committee preferred to recoup the funds more quickly, the per gallon rate would have to be increased further.

Mr. Geraghty stated that although he was supportive of the increase in the maintenance fee he did not feel that it was fair to implement the increase after the Town and County budgets had already been finalized for 2009. He suggested that the request be presented once again later in the year during the budget process, thereby allowing each municipality the opportunity to appropriately prepare for the increase.

Mr. Lamy noted that the funds for the 2009 Capital Project had been included in the 2009 Budget; therefore, he said, delaying the increase until 2010 would not affect improvements at the fuel sites.

Mr. Taylor questioned if the municipalities had other options for fuel service available to them and Mr. Lamy replied affirmatively, advising that they could purchase fuel from wherever they chose. Mr. Geraghty interjected that regardless of the \$.10 increase, the amount charged for use of the County's fuel sites was still less than what would be charged at any of the commercial gas stations and he did not feel that use of the fuel system would decrease due to the increased maintenance fee proposed. He pointed out that new State regulations required each municipality to report the amount of gasoline and diesel fuels used annually and this data was provided by the County through

the fuel system. Mr. Geraghty advised that as part of the increase, reports on the amount of gasoline and diesel fuel used should be reported to each municipality to determine the amount by which their budgets should be increased to fund the higher maintenance charge.

Chairman Monroe pointed out that the school systems used the County fuel sites and because their budgeting term began in July rather than January, it might be appropriate to implement the increase for their upcoming budget term and delay the increase for the Towns and County until January 1, 2010.

Discussion ensued.

Motion was made by Mr. Champagne, seconded by Mr. Goodspeed and carried unanimously to approve a \$.10 per gallon increase in the fuel system maintenance fee charged to the school districts effective for the July 1, 2009 budgeting term and the necessary resolution was authorized for the February 20th Board meeting. *A copy of the request is on file with the minutes.*

It was the consensus of the committee that Mr. Lamy should present the request to make the same increase in maintenance fees for the town and County municipalities using the fuel system later in the year, prior to the 2010 budget process.

Continuing, Mr. Lamy advised that the next agenda item consisted of an update on the realignment of Westbrook Road. He reminded the Committee that the 3E's (Environmental Groups) had contracted with The Chazen Companies to provide proposals for the stormwater remediation project, as well as the wetlands initiative for the Gaslight Village property, part of which included the possible realignment of the northern side of Westbrook Road that bordered a portion of the property. Mr. Lamy said that the latest discussions held with the parties progressing this portion of the project had indicated that the Army Corps of Engineers were involved in the engineering of the environmental portion of the project and there might be the opportunity for them to design the Westbrook Road realignment also. He stated that the direction given to him by the Committee and the Board of Supervisors had been that the realignment of Westbrook Road could be done only if it was a no cost item to the County, met the technical criteria established in long standing highway design standards and was presented and approved by both the Public Works Committee and the Board of Supervisors.

Mr. Lamy said that The Chazen Companies and the Army Corps of Engineers would have to be questioned as to whether or not highway design personnel would be utilized in developing the realignment plans in order to ensure that the appropriate highway standards were followed, rather than having a wetland specialist review the project and subsequently turn the road into a park-like road. He added that thus far it had not been demonstrated that the Army Corps of Engineers had the appropriate highway staff on their design team to appropriately review the project and he was concerned with this lack of staffing. Mr. Lamy said that he wished to make the Committee aware of this concern at the start of the project so that the expectations of the County could be made clear before a significant amount was spent on a project that would not be satisfactory from the highway standards position.

Mr. Belden said he recalled that in their last discussion on the matter it had been determined that the road would be left as it was and Chairman Monroe added that as per his recollection, they had determined that there would be only minimal movement of the road.

Mr. Tessier said that he had attended a meeting during which the Army Corps of Engineers had been present and they had indicated their lack of interest in doing any work on the roads, bridges or parkways and would only be assisting in the portions of the project pertaining to wetlands development and water quality. He further noted that

the services provided by the Army Corps of Engineers were not free and that a ratio of 65/35 percent match was required. Mr. Tessier stated that another concern was the telephone conduit that ran along the road shallowly beneath the sidewalk bordering Westbrook Road. He apprised that the conduit serviced the entire east side of Lake George and he did not know who would pay to relocate the line if the road was moved.

Discussion ensued.

Motion was made by Mr. Champagne, seconded by Mr. Stec and carried unanimously to authorize Mr. Lamy to draft a letter to be signed by the Chairman of the Board stating the Committee's concerns with respect to the lack of highway project trained personnel involved in the Westbrook Road realignment, noting the presence of the telephone conduit running beneath the sidewalk and questioning who would pay for the relocation, as well as reaffirming that the County would not fund any part of the project.

Mr. Lamy apprised that the next agenda item referred to an update on the Gaslight Village Project. He reminded the Committee that the 3M's (Warren County, Town of Lake George and Village of Lake George) had contracted with Clark Patterson Lee (CPL) to evaluate the buildings located on the Property. Mr. Lamy noted that CPL had collected all of the necessary field data and were awaiting a meeting with the 3M's before finalizing their recommendations; he added that the meeting would be scheduled in the near future.

Mr. Belden stated that it was important for the meeting between CPL and the 3M's to be held as quickly as possible in order to determine whether or not the buildings could be used, and in what manner, in order to prepare the property for use during the upcoming summer event season as the area could not afford to lose any further tourism business.

Chairman Monroe said that a meeting had recently been held with The Chazen Companies in order to determine how the festival area of the Gaslight Village Property could be used during which he had suggested that two recommendations for use, one short-term and one long-term, be provided for each of the 3M's. He said that The Chazen Companies had intended to meet with each member of the 3M's separately and he asked Mr. Tessier if the meeting had been held with Town of Lake George officials as of yet. Mr. Tessier advised that the meeting had been held; however, he said, he had several questions with respect to the property, such as who would be funding the maintenance costs for the property once the improvements were completed. He said that if revenue could not be generated through the use of the festival property the taxpayers would ultimately fund its maintenance. Mr. Tessier further cited that The Chazen Companies had initially estimated an annual cost of \$17,000 to maintain the property and he said that he did not feel this was accurate in light of the fact that it cost over \$100,000 to maintain Usher Park in Lake George each year.

Discussion ensued.

Mr. Tessier advised that there was a small toll booth located at the South End DPW Shop parking lot on River Street which was owned by the County but was no longer being used and he questioned if it could be moved to the Gaslight Village Property. Mr. Lamy said that he would look into the matter to determine if it could be used. Mr. Tessier stated that the Town of Lake George would provide the repairs and would move it, they simply required permissions to use it.

Chairman Monroe advised that Paul Dusek, County Attorney, had attended a meeting held with NYSDEC (New York State Department of Environmental Conservation) and the 3E's during which it had been determined that the three-acre parcel owned by the State could not be used in connection with the Gaslight Village Property without

securing a constitutional amendment. Therefore, he noted, they were now seeking a constitutional amendment to allow the use of the State property in order to reintroduce the wetland portion of the project. Chairman Monroe said that he felt the amendment would be granted, although it would be a lengthy process.

Resuming the agenda review, Mr. Lamy presented an update of the status of the Corinth Road Project. He reminded the Committee that the Federal Government had instituted a September 1st deadline by which time Federal authorization to advertise construction bids was required or the Federal funding for the Project would be withdrawn. Mr. Lamy apprised that because the deadline was so important, monthly meetings had been scheduled with the involved parties in an effort to meet it, and a timeline had been developed to account for all of the necessities included in the Project such as right-of-way (ROW) acquisitions, final plan specifications and submissions to NYSDOT (New York State Department of Transportation).

Mr. Lamy stated that in December a meeting of all involved parties, including the utility companies, had been held to discuss the undergrounding of utilities. He said that during the meeting, the major issue seemed to be with the final design of the relocation of utilities which was to be developed by the utility companies. Mr. Stec interjected that the Town of Queensbury had passed a resolution at their Organizational Meeting on January 5, 2009 authorizing an expenditure to pay the utility companies for the final design and it was their understanding that the utility companies were moving forward with the design process.

Mr. Lamy said that the Project was moving ahead with the undergrounding of utilities and at this point in the process there was no other course of action available. He added that it was their feeling that the September 1st deadline could be met if the Project proceeded as anticipated and no further issues arose. Mr. Lamy advised that a progress meeting was to be scheduled for the following week and he noted that they anticipated the completion of the ROW process by March 1st; final plans and specifications by June 1st and the final submission of project plans and specifications to NYSDOT by August 1st. He said that there were a number of agreements with involved parties that had to be executed as the Project progressed and that the Corinth Road Project was the top priority within the DPW. Mr. Lamy noted that he had been contacted by Leonard Fosbrook, President of the Warren County Economic Development Corporation, who had pledged the assistance of his organization in progressing the Project if their assistance was desired. He cited that the problem with the Project was that there were a number of issues that had to be resolved by organizations outside of the County's control and they had to rely on those organizations to resolve the issues in a timely manner. Mr. Lamy concluded that he would continue to provide updates on the Corinth Road Project at each Committee meeting.

Mr. Champagne stated that it was very important to progress the Project in order to meet the September 1st deadline and he advised that the Committee was certainly willing to provide any support necessary.

Moving on, Mr. Lamy directed the Committee members to page 14 of the agenda which reflected a request to authorize the Chairman of the Board to approve Just Compensation amounts in connection with the Corinth Road Project. Mr. Tennyson explained that the request was for the revision of a Just Compensation amount approved in 2007 for the Mobil property located along the Corinth Road Project route. He said that the design had changed in order to accommodate additional stormwater treatments and to avoid impact on more usable property, the entire Mobil lot would be required where before only a portion had been desired.

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried unanimously to authorize the Chairman of the Board to approve Just Compensation in the amount of \$169,700 as outlined above and the necessary resolution was approved for the February 20th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson announced that agenda page 16 was comprised of a request to authorize the Chairman of the Board to execute no-cost time extension memorandums with NYSDOT to amend existing grant time schedules. He explained that NYSDOT grants for road and bridge projects were first authorized with specific time schedules for phase completion milestones which could be extended as requested by the party receiving grant funds. Mr. Tennyson apprised that although the grant would not have to be amended to authorize the time extension, a notarized memorandum signed by the Chairman of the Board was necessary. He added that the memorandum would extend the phase completion date of the project but would not change the funding in any way. Mr. Tennyson concluded that the request for a generic resolution allowing the Chairman to sign all no-cost time extensions was being driven by the need for such a resolution in connection with the Quaker Road Signal Improvement Project.

Motion was made by Mr. Goodspeed and seconded by Mr. Stec to approve the request as outlined above.

Mr. Lamy apprised that the reason for the extension was due to previous damage caused by a contractor to the Queensbury Avenue sewer system after the bids for the signal project had already been released. He said that the damage had required correction by a County contractor and subsequently a suit had been filed against the errant contractor to recover the costs incurred by the County to rectify the damages. Mr. Lamy stated that the contractor had since filed for bankruptcy and NYSDOT had committed to refunding the County for a percentage of the costs in the event that the funds could not be obtained through the contractor. He noted that NYSDOT would not forward any funds until the bankruptcy proceeding was finalized, which could take up to six months; therefore, he said, a time extension was necessary to keep the grant open until reimbursement was received.

Mr. Belden called the question and the motion to approve the request to authorize the Chairman of the Board to execute no-cost time extension memorandums to amend existing grant time schedules was carried unanimously and the necessary resolution was authorized for the February 20th Board meeting. *A copy of the request is on file with the minutes.*

The next agenda item pertained to discussion on the Middleton Bridge, Mr. Lamy announced, and he directed the Committee members to page 19 of the agenda which reflected an aerial photograph. He apprised that discussions had been held to determine whether it was appropriate to replace the bridge in its current location or to determine another location to more adequately serve the flow of traffic in the area. Mr. Lamy said that the bridge, as it currently existed, serviced the Towns of Warrensburg and Bolton and in discussing the issue with Supervisors Geraghty and Simmes, both felt that the best option might be to relocate the bridge to a different location which would provide for a shorter distance for emergency vehicles and school buses to serve the Town of Horicon. He advised that a suitable site had been identified for the bridge relocation and a property owner had committed the use of his property on one side of the river. Mr. Lamy said that unfortunately, the property on the opposite side of the river was owned by the State of New York, although it was not classified as Forest Preserve. He advised that in order for the project to be advanced, the DPW engineering staff would first determine the feasibility of relocating the bridge in this area and also to determine if the project would be cost effective, thereafter seeking out permits for the project. Mr. Lamy said that the item was being presented to determine if there was sufficient support at the Committee level to relocate the bridge.

Mr. Belden asked if there was any cost information available on the bridge relocation and Mr. Lamy replied in the negative, noting that this information would be included in the feasibility study if the Committee was in support of the idea. Mr. Tennyson added that if the design report determined that the favored option was to relocate the bridge the preliminary cost estimates would be determined and funds would be sought through the grant process. He noted that if NYSDOT approved the design report for the relocation they would provide funding to advance the project.

Mr. Bentley noted that the Middleton Bridge was currently located approximately 1/8 of a mile from the Bert Murray Bridge and the relocation would separate the two by about two miles and would save millions of dollars in transportation costs for Town, County, School and emergency vehicles traveling in the area, not to mention the lives that might be saved by allowing shorter distances for rescue vehicles to travel in responding to emergencies.

Mr. Goodspeed questioned if a resolution was being sought to research the feasibility of the bridge relocation at no cost to the County and Mr. Lamy replied that there would be a cost to the County for the research although it would be minimal. He advised that there was a Local Share involved with the engineering portion of the project and eventually in the construction; he added that in the best scenario there would be a 5% Local Share for the County if Marchiselli funding was available. Mr. Lamy then clarified that at this point they were trying to determine if there was sufficient interest at the Committee level to authorize further studies on the feasibility of relocating the bridge.

Mr. Dusek entered the meeting at 10:10 a.m.

Mr. Tennyson pointed out that discussions had been held with respect to removing and not replacing the Middleton Bridge during the prior year because it was located so closely to the Bert Murray Bridge. He said that guidance was needed to direct the consultants to finalize a design report reflecting whether the bridge would be removed and not replaced, replaced in its current location or removed and re-built in an alternate location, which would then be forwarded to NYSDOT. Mr. Tennyson said that they had contacted NYSDOT to determine if there was funding available to remove the Middleton Bridge without replacing and had been advised that the current grant would not pay for its removal. Therefore, he stated, if the County decided not to replace the bridge, the grant would pay for the engineering costs incurred up to the point at which the design report indicated that the decision had been made to remove and not replace the bridge, leaving the County responsible for the bridge removal costs which he estimated to be between \$80,000 and \$100,000. Mr. Tennyson concluded that at this point in the process they were simply seeking the Committee's approval to proceed in exploring the options available for re-building the bridge in an alternate location.

Subsequent to further discussion on the matter, motion was made by Mr. Bentley, seconded by Mr. Goodspeed and carried unanimously to authorize further studies to determine the feasibility of rebuilding the Middleton Bridge at an alternate site.

Continuing, Mr. Lamy directed the Committee members to page 20 of the agenda which included a request for authorization to purchase a road widener machine from the Town of Queensbury for the amount of \$45,000. He apprised that the DPW had been renting this piece of equipment from the Town for several years and had been the most frequent users of the machinery since its purchase; he added that the Town of Queensbury no longer used the road widener and had determined that it should be sold. Mr. Lamy advised that the cost to purchase the equipment was roughly the same amount that would be incurred through renting the machinery for two consecutive construction seasons. He said that although the machinery was several years old, it was in good shape and had low miles. Mr. Lamy noted that the status and cost of the road widener had been reviewed the DPW Shop Manager who had determined that this was a good deal for the County. He advised that if the Committee decided not to purchase the road widener they would have to continue to rent the machinery which would cost approximately \$11,550 per month for the two months it was used during each construction season.

When asked if the funds necessary to purchase the road widener were included in the 2009 Budget, Mr. Lamy replied affirmatively, noting that the purchase could be funded through the equipment rental code.

Motion was made by Mr. Goodspeed, seconded by Mr. Taylor and carried unanimously to approve the purchase of

a road widener from the Town of Queensbury for the sum of \$45,000 as outlined above and the necessary resolution was authorized for the February 20th Board meeting. *A copy of the request is on file with the minutes.*

Concluding the review of the New Business portion of the agenda Mr. Lamy advised that a request to extend the existing contract with Clough, Harbour & Associates (CHA) in the amount of \$10,077.08 was included on page 23 of the agenda. He explained that the request was necessary in connection with issues that had arisen within the Hague Sewer Project. Mr. Lamy stated that during the prior year difficulties had been encountered with the pump station located at the northern part of the Town of Hague caused by a broken line. He stated that Town of Hague personnel had provided emergency repairs to fix the problem; however, he noted, bid documents had already been prepared for the sewer project which had not reflected the modifications in the contract drawings due to inconsistencies in the information shared between the Town and CHA. Mr. Lamy said at that time he, Mr. Belden and CHA had determined it would be better to proceed with the bids as they were than to delay the project by developing updated contract drawings, with the understanding that a change order would eventually be required to correct the pump station issues. In addition, he said, they had spent an enormous amount of time and effort trying to secure the funding for the project.

Mr. Lamy advised that the total for all extra work authorizations was \$10,077.08. He noted that he had asked CHA to include any anticipated assistance charges that might be incurred through the State Comptroller process in this total based on the understanding that if assistance was not required, the funds would not be expended.

Motion was made by Mr. Bentley and seconded by Mr. Champagne to approve the request to extend the contract with CHA in the amount of \$10,077.08 as outlined above.

Mr. Belden stated his feeling that the issues were those caused by errors made by the engineers working on the project which should have been included in the initial estimates for project costs. He concluded that at this point they had no recourse but to approve the request in order to progress the project.

Mr. Geraghty asked if the funds for the extension were available within the existing budget and Mr. Lamy replied affirmatively, noting that the County share of the project would not change.

Mr. Belden called the question and the motion was carried by majority vote to approve the request to extend the contract with CHA in the amount of \$10,077.08 with Mr. Merlino voting in opposition. The necessary resolution was authorized for the February 20th Board meeting. *A copy of the request is on file with the minutes. (Note: Subsequent to the meeting it was determined that the amount of the contract extension was incorrect due to a mathematical error and a revised request to extend the contract with CHA in the amount of \$19,177.08 was presented and approved at the January 29th Public Works Committee meeting.)*

Concluding the agenda review, Mr. Lamy proceeded with the Old Business portion of the agenda which consisted of referral items as reflected on page 26. He then outlined the referral items as follows:

- 1) An update on the Corinth Road Project was provided earlier in the meeting;
- 2) The Budget Performance Report was not presented as it was provided at the end of each quarter; however, Mr. Lamy advised that he had reviewed the report and had noted that the overtime costs incurred for the month of January 2009 had been the lowest in the past five years. He said that this was the result of the efforts made by his staff in changing the call-in procedures for snow and ice events. Mr. Lamy stated that they would continue to refine responses to snow and ice events in an effort to further reduce overtime costs. He added that Highway Superintendents across the State were working to make concessions wherever possible to reduce overtime costs due to budget

- constraints;
- 3) Mr. Lamy noted that a request from NYSDEC for work at Scaroon Manor had been received and the work would be addressed during the upcoming summer season;
 - 4) With respect to NYSDEC fuel farm violations, Mr. Lamy advised that they continued to be inspected and make improvements as necessary. Mr. Dusek interjected that Mr. Tennyson had done an outstanding job in terms of bringing the fuel farms into compliance and filing reports with NYSDEC. He said that although they'd thought all NYSDEC requests had been responded to and complied with, a letter from another NYSDEC Officer who said that they had not complied with everything had been received; however, he noted, he and Mr. Tennyson disagreed with this statement. Mr. Dusek said that Mr. Tennyson had recently provided him with more information regarding the issue and he intended to meet with him and develop an appropriate response to NYSDEC in hopes of bringing this issue to an end. He added that he believed the fuel farms were being well managed and he felt that NYSDEC would find this as well. Mr. Tennyson stated that the Lake Luzerne fuel farm, which was one of the sites that had been cited for violations in the past, was recently inspected by NYSDEC who had found only one very minor registration issue;
 - 5) Regarding the Stormwater Officer position, Mr. Stec advised that the Town of Queensbury would be setting a public hearing in the near future to adopt their Stormwater Regulations which were overdue. He advised that the adoption had been delayed due to the stringent Lake George Park Commission regulations which they had included in the Stormwater Regulations for the Town of Queensbury. Mr. Stec said although he anticipated that the Stormwater Regulations would be adopted by the end of January, they had not made a decision regarding the Stormwater Officer position. He noted that the Town of Queensbury was very interested in sharing the position with the County and the City of Glens Falls in order to share costs. Mr. Champagne questioned if the position should be included on County staff and Mr. Lamy stated that he did not feel it was appropriate as the MS-4 Stormwater Regulations pertained mainly to projects occurring within the Town of Queensbury and the City of Glens Falls;
 - 6) Mr. Tennyson apprised that there were some issues with the design for utilities to be moved in connection with the Milton Avenue Bridge repairs which they were working with property owners to revise. He said that the Bridge project might be eligible for Federal aid in connection with the proposed Economic Stimulus Plan. Mr. Tennyson added that they were holding some bridge projects until early March to see how the Economic Stimulus plan solidified in order to secure 100% funding for the Milton Avenue Bridge, as well as two pending bridge projects in the Town of Stony Creek, in order to minimize the Local Share of costs on all three bridge projects.

Mr. Lamy then presented two resolution requests which were not included in the agenda, the first of which was to authorize amendments to the inter-municipal agreements for the solid waste and recycling hauling contracts for various towns.

Motion was made by Mr. Bentley, seconded by Mr. Champagne and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 20th Board meeting. *A copy of the request is on file with the minutes.*

The second request, Mr. Lamy advised, was to authorize amendments to the inter-municipal agreements for the solid waste disposal contracts for the various towns to reflect current practices including disposal fees and billing administration.

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

as outlined above and the necessary resolution was authorized for the February 20th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Dusek announced that he wished to advise the Committee on an issue respective to the Gaslight Village Property that had not arisen earlier in the meeting. He reminded the Committee that the Board of Supervisors had previously authorized an arrangement with the Town and Village of Lake George to split the costs of an engineer to review the usability of the structures located on the Property. Mr. Dusek said that the Village of Lake George had since forwarded a letter to him stating that the Village Board had not voted in favor of participating in supporting the costs of the engineering reports; therefore, he said, the County was now short the Village's portion of the contract costs. Mr. Dusek said that the engineering study had been halted as they did not have the authority to proceed in incurring any additional costs by funding the amount previously pledged by the Village of Lake George.

Subsequent to further discussion on the matter, Mr. Tessier confirmed that the Town of Lake George would be willing to split the Village of Lake George's portion of the engineering costs evenly with the County to proceed in obtaining reports that would determine if the buildings located on the Gaslight Village Property were structurally sound, as well as what improvements would be required to utilize them.

Chairman Monroe said it was his understanding that although the Village Board had initially determined that they did not want to participate in gaining the engineering reports they had since decided that they would. Mr. Lamy confirmed this statement, adding that he had spoken with Robert Blais, Mayor of the Village of Lake George, who advised that he had personally canvassed the Village Board and had received enough support to maintain the agreement with the County and the Town of Lake George in splitting the engineering costs between the three parties.

Mr. Dusek reiterated that he had received a very clear letter from Mayor Blais which indicated that the Village Board was not interested in participating in the previously agreed upon arrangement. Mr. Belden stated that they should seek out a letter from the Mayor which stated the final decision of the Village Board.

Motion was made by Mr. Champagne and seconded by Mr. Taylor to split the Village of Lake George's portion of the engineering report costs evenly between the County and the Town of Lake George if the Village Board declined to fund their share of the engineering report.

Mr. Goodspeed stated that although he supported the motion, he questioned the long term viability of the project based on the inability of the parties involved to work together in an acceptable manner.

Mr. Belden called the question and the motion to split the Village's portion of the engineering report costs evenly between the County and the Town of Lake George if the Village Board declined to fund their share was carried unanimously.

Mr. Champagne questioned if the RFP (request for proposal) for a firm to develop a Solid Waste Management Plan had been completed and Mr. Lamy replied affirmatively. He added that the County Attorney's Office had developed the RFP which he had reviewed and forwarded to Julie Pacyna, Purchasing Agent, for her approval. Mr. Dusek interjected that the responses to the RFP would be reviewed on February 12, 2009.

Upon Mr. Lamy's request, motion was made by Mr. Merlino, seconded by Mr. Goodspeed and carried unanimously to declare an executive session to discuss matters involving the employment history of a particular employee and labor regulations pursuant to Sections 105(e) and (f) of the Public Officers Law.

Executive session was held from 10:49 a.m. to 11:28 a.m.

Upon reconvening Mr. Belden noted that no Committee action was necessary pursuant to the executive session.

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 the Parks, Recreation & Railroad agenda to the Committee members. *A copy of the agenda is also on file with the minutes.*

Commencing the agenda review, Mr. Butler advised that Item 1 pertained to a request to amend the 2009 County Budget to increase estimated revenues and appropriations in the amount of \$74,900 to reflect the receipt of State Snowmobile grant funds. He noted that this amount represented a 70% payment of the \$108,050 approved in State snowmobile grant funds for 2009 which was higher than what was received in 2008 due to increased snowmobile registrations.

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

Mr. Butler stated that Agenda Item 2 referred to a review of the Warren County Fish Hatchery Stocking Permit, a copy of which was included in the agenda. He apprised that he had met with NYSDEC representatives, as well as members of the Warren County Conservation Council, all of whom agreed that a reduction in the stocking permit was favorable as some County and State waters were currently being overstocked. Mr. Butler said that the renewed stocking permit would reduce the number of fish produced at the Hatchery by 3,000, alleviating disease issues associated with overcrowding in the minimal amount of water available while allowing for the production of better quality, and potentially larger, fish.

Agenda Item 3 consisted of an update on the status of the RFP for the Railroad Operator Contract, Mr. Butler apprised. He said that a meeting had been scheduled previously to discuss the issues; however, he noted, the meeting had been cancelled due to scheduling issues. Mr. Butler advised that upon Mr. Belden's suggestion that a special meeting of the Public Works Committee be scheduled to address the development of the RFP, he had taken the liberty of reserving the Board Room for a meeting on February 12th at 9:30 a.m. He reminded the Committee members that he had previously forwarded copies of the existing Operator Contract, as well as the old RFP, to each of them but had hard copies on hand if anyone required them.

Mr. Butler stated that Agenda Item 4 pertained to the transfer of ownership of the Kellogg Property to the County by the Open Space Institute (OSI) and he asked Mr. Goodspeed to provide an update on this issue. Mr. Goodspeed apprised that all of the paperwork for the transfer of ownership was in order, having already been reviewed and approved by himself then forwarded on to Mr. Dusek for his review and approval. He said he anticipated that the transaction would be completed within the following few weeks, subject to Mr. Dusek's approval.

Continuing to Agenda Item 5, which referred to the construction of a railroad platform at the 1,000 Acres Ranch Resort in the Town of Stony Creek, Mr. Butler presented a request to obtain a permanent easement across property owned by John "Jack" Arehart, owner and operator of 1,000 Acres, for public access to the platform site. Mr. Tennyson interjected that the easement was required as part of the grant agreement for the funding of the platform. He explained that there was a strip of property between the road ROW and the railroad ROW that followed the existing driveway into the 1,000 Acres Resort and another strip of property running parallel with the track on the river side which would allow public access to the platform. Mr. Tennyson said that Mr. Arehart had agreed to

donate the easement at no cost to the County. He added that the property had been surveyed and once the metes and bounds description of the required easement was received, they would be forwarded on to the County Attorney's Office for the development of an easement.

Motion was made by Mr. Merlino and seconded by Mr. Tessier to approve the request to obtain a permanent easement for public access to the proposed railroad platform at the 1,000 Acres Ranch Resort located in the Town of Stony Creek across privately owned property.

Mr. Merlino questioned what the size of the proposed platform would be and Mr. Tennyson stated that the design was ongoing so the exact size was not known but he estimated that it would be in the range of 20 ft. by 30 ft. He added that the platform was being designed by DPW personnel and would be constructed by Parks, Recreation & Railroad staff with the costs of the materials to be covered by grant funding received through the Planning & Community Development Department.

Mr. Merlino stated that when the Rail Station Improvement Project began, it had called for the construction of full stations, which had then been reduced to platforms when it was determined that there was insufficient funding to support the original plans. He advised that the platform constructed at the Hadley Station was roughly the size of a one-car garage, which was much smaller than he had anticipated. Mr. Merlino advised that he had received several calls from residents complaining about the amount of money spent on the Project for such an insignificantly sized structure and he noted that the majority of the funds allocated to the Project had been funneled into oversized sewers and parking lots which were not necessary for the location. He stated his opinion that the Committee, and the Board of Supervisors, had been misled and overcharged for the Project as a whole because they were not engineers, builders or contractors and did not understand the true necessities of the Project versus what was being presented to them. In addition, Mr. Merlino cited that they had been advised by the Project Engineers that the platforms could easily be enlarged or enclosed when the funds were available to the County; however, he said, he did not feel this was a true statement as the foundation for each platform was no bigger than what was necessary to support the existing structure. He noted that if they chose to enlarge the platforms the supporting foundations would have to be enlarged also which would be a considerable expense. Mr. Merlino then apologized to Messrs. Lamy, Tennyson and Butler for the frustrations the Committee had expressed to them as these were truly engineering issues which were out of their control.

Mr. Belden called the question and the motion to approve the request to obtain a permanent easement for public access to the proposed railroad platform at the 1,000 Acres Ranch Resort located in the Town of Stony Creek as outlined above was approved and the necessary resolution was authorized for the February 20th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Pitkin questioned if any additional County monies would be contributed to the Rail Station Project and Mr. Butler replied in the negative, noting that a resolution had been passed to cease any further spending in connection with the Project.

Mr. Butler apprised that the plans for the Stony Creek railroad platform would be completed within the following two weeks and would be forwarded to Wayne LaMothe, Deputy Director of Planning & Community Development, who required them for the grant process. He stated that he expected to receive a non-jurisdictional finding from NYSDEC within the week and that the building permit and the finalized easement would have to be obtained before the project could be advanced. Mr. Butler said that he expected the construction portion of the project to begin in early April and be completed in late May or early June.

Mr. LaMothe apprised that \$34,000 had been allocated in connection with the construction of a platform in the Town of Stony Creek for materials and survey costs, all of which had been approved by the Department of State (DOS). He said that legal documents, namely the project plans, had to be approved by the DOS and this was a formality which would take a couple of days, subsequent to which the grant funds would be released to the County.

Returning to the issue of the Railroad Operator RFP, Mr. Butler apprised that Mr. Dusek had been in contact with Attorney John Lemery, who had suggested that the RFP be issued by the County and the Town of Corinth jointly as the railroad would eventually be controlled by one entity when the Railroad Authority was finalized. He noted that the Antone Mountain Road crossing rehabilitation would be completed in the spring which would allow railroad traffic to flow through the Town of Corinth. Mr. Butler added that the Town of Corinth's tracks were currently rated for traffic no faster than 10 m.p.h. and although they had received \$1 million in grant funding to increase the quality of the tracks to allow for 30 m.p.h. traffic, he did not know when the improvements would be made as the funding had been delayed by the State Comptroller's Office. He stated his preference for representatives of the Town of Corinth to discuss the matter further with the Committee and he questioned if Mr. Lemery and representatives of the Town of Corinth should be invited to the February 12th Committee meeting. It was the consensus of the Committee that Mr. Butler should proceed in inviting any parties he felt appropriate to the February 12th meeting.

Resuming the agenda review, Mr. Butler announced that Agenda Item 6 referred to 2008 ridership figures received from the Upper Hudson River Railroad (UHRR). He noted that in 2008, 8,814 riders had attended the Thomas the Train event and that there had been 12,242 riders for other events and train routes for the remainder of the year, totaling 21,056 riders for 2008.

Mr. Butler apprised that Agenda Item 7 pertained to the upcoming 2009 Thomas the Train event and he introduced Cliff Welz, of UHRR, to speak on the issue.

Mr. Welz provided the Committee with a brief history of the Thomas the Train event, noting that in 2006 when the event was held for the first time they had anticipated 16,000-18,000 riders and had realized 17,800. He added that although advertising and operation costs had been considerable for the first event, it had been successful and was profitable for UHRR. In 2007 when the event was repeated, he advised that they had optimistically anticipated 16,000-20,000 but had realized only 13,000 riders, losing \$20,000 in the process and making the event successful for everyone involved, except UHRR. Mr. Welz stated that for the 2008 event they had anticipated 12,000-15,000 riders, while the actual ridership had been only 8,450; he added that although the ridership had been much lower than anticipated, their budgeting practices and the \$1 per ticket reprieve granted by the County had made the event successful for everyone, including UHRR.

Mr. Welz noted that in anticipation of declining attendance of the event, UHRR had requested the same \$1 per ticket reprieve granted in 2008 for the 2009 Thomas the Tank event, but the request had been refused by the Committee who had suggested that UHRR apply for Occupancy Tax funding to subsidize event costs. He stated that UHRR had applied for occupancy tax funding as per the Committee's direction, but their application had been denied. Mr. Welz stated that UHRR anticipated 8,000-10,000 riders for the 2009 event and expected to expend approximately \$250,000 for new signage and advertising materials, but could not anticipate whether those funds would be recouped.

Many volunteer organizations in the area benefitted from the Thomas the Train event, Mr. Welz stated, such as the Gore Mountain Chamber of Commerce, The Rotary Club, the Fire Companies in the Town of Johnsbury, the Warren County Head Start Program, North Creek EMS and many other organizations, vendors and businesses

affected by increased tourism in the area. In addition, he apprised that of the 70 or more employees necessary to operate a Thomas the Train event, 27 resided within Warren County. Mr. Welz cited that 30% of the visitors to the Thomas the Train event traveled over 100 miles to attend, which guaranteed overnight lodging equaling approximately 3,907 room nights and an excess of 25,000 meals purchased during the three years the event had been in existence. Mr. Welz concluded that although UHRR did not come close to generating the amount of tourism introduced to the area by Americade, neither were they asking for the kind of money donated to the event by the County through occupancy tax funding. He said that they were simply asking the Committee to reconsider instituting the \$1 reprieve for the 2009 Thomas the Train event. Mr. Welz suggested that an alternate approach might be to alleviate the \$1 charge for the first 8,000 riders and to charge the fee on every rider thereafter.

Mr. Stec suggested that the Committee entertain Mr. Welz's proposal to charge \$1 per rider over 8,000. Mr. Geraghty cautioned that allowing this reprieve would affect the 2009 Budget as allowances had not been made to grant the \$1 reprieve in any manner when the Budget was developed.

Subsequent to discussion on the matter, motion was made by Mr. Stec, seconded by Mr. Merlino and carried by majority vote to allow a \$1 reprieve for the first 8,000 tickets purchased for the Thomas the Train event and to charge \$1 per ticket sold thereafter with Messrs. Pitkin, Taylor and Belden voting in opposition. The necessary resolution was authorized for the February 20th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler stated that the final agenda item pertained to a referral item concerning the transfer of the Kellogg Property which had been discussed earlier in the meeting.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Pitkin and seconded by Mr. Bentley, Mr. Belden adjourned the meeting at 11:56 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Representative