

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - DPW; PARKS, RECREATION & RAILROAD AND SOLID WASTE & RECYCLING

DATE: APRIL 27, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
STEC
MERLINO
CHAMPAGNE
PITKIN
LOEB
MCCOY
CONOVER

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
JEFFERY TENNYSON, DEPUTY SUPERINTENDENT OF PUBLIC WORKS
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
FREDERICK MONROE, CHAIRMAN OF THE BOARD
JOAN SADY, CLERK OF THE BOARD
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE &
FISCAL SERVICES
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS STRAINER
THOMAS
JOANNE SMITH, NORTH CREEK RESIDENT
STEVEN LYNCH, R.S. LYNCH & COMPANY
JULIE PACYNA, PURCHASING AGENT
STEVE WILDERMUTH, HADLEY RESIDENT
DON LEHMAN, *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. Bentley, seconded by Mr. Pitkin and carried unanimously to approve the minutes from the March 30th and April 1st Committee meetings, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to William Lamy, Superintendent of Public Works, to begin the DPW portion of the Committee meeting. Copies of the DPW agenda were distributed, a copy of which is on file with the minutes. Mr. Lamy noted that at the suggestion of Paul Dusek, County Attorney/Commissioner of Administrative & Fiscal Services, and Julie Pacyna, Purchasing Agent, the agenda had been copied utilizing both sides of each sheet to reduce the amount of paper used. He said through these efforts he had used approximately 375 sheets of paper less than he would have otherwise used to make agenda copies for all of the Committee members. Mr. Lamy advised they were likely to considerably reduce annual paper use by doing this. (*Note: A single sided copy of the agenda has been included with the minutes for scanning and copying purposes*).

Mr. Lamy announced that the first agenda item pertained to a request to authorize the Chairman of the Board, Superintendent of Public Works or his designated representative to enter into agreements with various vendors or contractors for required services. He explained this request would modify Resolution No. 431 of 2008 by raising the limit on approval for contracts to \$20,000 and authorizing the Superintendent of Public Works to execute agreements; Mr. Lamy added that the \$20,000 limit coincided with the dollar amount for quotes listed in the Purchasing Policy. He noted that agreements requiring a Request for Proposal (RFP) or a formal bid would require resolutions and associated agreements to be executed by the Chairman of the Board. Mr. Lamy advised that a resolution authorizing increased approval limits would streamline the approval process for the repair of vehicles and equipment, ultimately saving the County time and money. He apprised that he had met with Ms. Pacyna and Mr. Dusek in an attempt to address approval issues and the preceding resolution request was the result of these discussions. Mr. Lamy pointed out that they would still be required to seek three quotations for services in order to obtain the best value for the services rendered.

Mr. Conover stated his opinion that as Commissioner, Mr. Dusek should play some role in the approval process and should be contacted for consultation and approval before any such expenditures were incurred. Mr. Lamy replied that as per Mr. Dusek's indication, an agreement signed by a County representative, such as a bill of sale or receipt for services, constituted a contract; therefore, he said, he had requested that either himself or a designated representative be authorized to sign such documents in order to expedite the process. He added that if the resolution request was altered to name Mr. Dusek as having to provide final approvals, he would be required to travel to each vendor and sign agreements which would further hamper Departmental operations, as well as interfere with Mr. Dusek's responsibilities.

Following further discussion on the matter, motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to approve the aforementioned request as presented by Mr. Lamy and the necessary resolution was approved for the May 21st Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy apprised there were two vehicles that would require repairs before the previously approved resolution was adopted at the May Board meeting as they were essential to the paving operation and the DPW shop; therefore, he said, he recommended that the Committee approve a resolution ratifying his actions in securing repairs for them.

Motion was made by Mr. McCoy, seconded by Mr. Pitkin and carried unanimously to authorize Mr. Lamy to proceed in obtaining repair services for the two vehicles and to subsequently ratify his actions in doing so. The necessary resolution was authorized for the May 21st Board meeting and a copy of the request is on file with the minutes.

Continuing to the next agenda item, Federal Aid Projects Cash Flow, Mr. Lamy apprised that since his last update, given at the April 16th Board meeting, a number of groups in the highway industry had sued Governor Paterson for unreleased Federal Aid grant funds which were being withheld by the State until their budget was approved. He said the Governor had subsequently released a statement indicating that the State would be releasing some of the Federal Aid funds; however, he noted, the County was not included for the funds being released. Mr. Lamy advised the lack of Federal funding would not immediately delay County highway projects and they intended to proceed with the paving schedule as planned and keep the Committee apprised of any funding issues that might occur. He noted that although Assemblywoman Sayward had stated she hoped the State budget would be adopted in early May, there was no indication that this would occur.

When asked if they planned to proceed with paving operations cautiously in light of a possible loss of Federal Aid funding, Mr. Lamy responded that he was keeping in close contact with Mr. Dusek to receive any updates available and would continue to pass this information on to the Committee as it was received. He noted there was no indication that the funding would be withdrawn, just that it was being held by the State. Mr. Lamy advised that the same was true for the CHIPS (Consolidated Highway Improvement Project) funding which had not been reduced, but was being held until the State Budget was adopted. He explained this meant that the County would be unable to submit any requests for reimbursement of either Federal Aid or CHIPS funding until the funds were released by the State. Mr. Lamy noted that 2009 was the first year the County had submitted mid-season CHIPS reimbursement requests upon the advisement of the Budget Officer due to cash flow issues; he added that in prior years, they had always completed all paving work and submitted the reimbursement requests at the close of the paving season. In light of the freeze on Federal and State funding, Mr. Lamy apprised that some Counties were proceeding with their highway projects as planned, while others were choosing to refrain from beginning their paving schedules until the funding was released. He stated that delaying the paving schedule might prevent them from completing all of the work before the winter season and he questioned how the Committee preferred that the paving operation proceed.

Due to his concern that the State might not uphold the CHIPS funding amounts already promised, Mr. Belden said he had been reluctant to proceed with highway projects at the Town level and had directed the Town of Hague Highway Supervisor to delay projects until further information confirming funding levels was received. Mr. Lamy responded that, unfortunately, the CHIPS funding could only be accessed by spending County dollars and subsequently submitting for reimbursements; he added that the CHIPS funding allotted could only be held over for one year before it expired. He noted that the paving program was already underfunded and if they did not proceed with the necessary work the infrastructure would fall further into disrepair, causing areas scheduled for major treatments to require total reconstruction. When questioned as to the total amount of CHIPS funding expected, Mr. Lamy apprised that \$1.4 million in funding had been allotted to the County and this amount had been included in the 2010 Budget to serve as the total amount available for paving projects. In response to Mr. Belden's concern that the County would be solely responsible for any paving related expenses incurred if the State decided to remove CHIPS funding, Mr. Lamy advised that in prior years funding had been reduced by 10-20%, but not further, and he did not expect any greater reductions for 2010.

Mr. Bentley said he feared they would not be able to easily repair the extended deterioration to the infrastructure that would be caused by delaying the paving projects. He noted they expected the State Budget to be adopted in June or July at which point the final CHIPS funding amounts would be available. Because the entire CHIPS amount would not be expended before the adoption of the State budget, Mr. Bentley suggested that they proceed with the paving projects as scheduled and address any funding reduction issues as they arose. Jeffery Tennyson, Deputy Superintendent of Public Works, suggested they begin the paving schedule using a not-to-exceed amount; he added that hopefully the State budget would be passed before the expenditure limit set by the Committee was reached, but could return for further discussion and determination if it was not. Mr. Tennyson apprised there was no indication that CHIPS funding was being removed, there simply was no mechanism in place to allow for CHIPS reimbursement until the State Budget was adopted. He noted that it might be appropriate for the Committee to authorize the commencement of paving operations using 50% of the associated \$1.4 million budget, and return for further Committee direction when the expenditure was met. Mr. Lamy interjected that spending updates and any news on changes in CHIPS funding could be provided at Public Works, Finance and Board meetings.

Mr. Pitkin questioned how late in the season the paving work could be delayed while meeting the projected completion dates and Mr. Lamy replied that the schedule was completely dependant upon the weather. Mr. Lamy advised that the schedule was developed in a certain way to avoid construction in areas affected by tourism events, such as Americade and the Adirondack Balloon Festival, and significant delays would hamper this methodology. Mr. Tennyson noted that with no lost work days due to weather, the paving schedule would be completed by September; however, he noted, any change in productivity due to inclement weather moved the schedule completion date further into the fall season. He apprised that although the 2009 paving schedule had proceeded on time, paving work had continued right up until the day the blacktop plants closed due to weather delays.

Subsequent to further discussion on the matter, it was the consensus of the Committee that Mr. Lamy should be directed to commence with the paving work scheduled, expending up to \$500,000 of the associated budget, at which point he should return to the Committee for further direction.

Returning to the agenda review, Mr. Lamy addressed the next item listed, Beach Road Cost Sharing. He reminded the Committee that at their last meeting he had addressed the issue of the construction expenses associated with the NYSDEC (New York State Department of Environmental Conservation) owned portion of the Beach Road Project and at that point the Committee had determined if NYSDEC did not commit to either funding their portion of the project in advance, or sharing in the costs to bond the entire project, the NYSDEC portion of the road would be removed from the Project. He said that since that meeting, it appeared the NYSDEC portion of the Beach Road

would be eligible for Federal, and potentially State, aid if they the could develop a shared easement.

Mr. Tennyson explained that although the availability of Federal aid for the NYSDEC portion of the Project had been confirmed when the decision was made to partner the County and NYSDEC, they had only recently received favorable news that State Marchiselli funding would also be available. He said they were now awaiting further details from NYSDEC regarding how they intended to supply their portion of Project funds in advance of construction. Mr. Tennyson added that due to Budget restrictions and the lack of Surplus Fund balance, the County had elected to bond the construction costs of paving projects, including the Beach Road Project, and use the State and Federal reimbursements received to repay the bonds. He stated that the NYSDEC portion of the Beach Road Project represented 39% of the total cost and if they failed to up-front their portion, the County would be forced to either bond the NYSDEC share along with the County's, or exclude the NYSDEC portion from the Project entirely. He explained the risk to the County for bonding additional fees was that if State and Federal reimbursements were delayed, the County would be paying bonding fees for the costs of the entire project, rather than just the County share. Mr. Lamy stated he maintained his recommendation that NYSDEC be required to provide funding for their portion of the Project costs in advance to avoid issues that might arise with their faltering on agreements to provide funding upon construction completion.

Mr. Belden asked when construction on the Beach Road Project would begin and Mr. Tennyson replied it was scheduled to commence in the spring of 2011. He advised that if a determination had not been received from NYSDEC as to their funding method by mid-May, a decision would have to be made as to whether the County preferred to fund the NYSDEC share and seek subsequent reimbursement or exclude them from the Project altogether, otherwise, the Project would be delayed. Mr. Tennyson explained that the next step in the process would be to submit a final design report which would detail the alternatives selected for reconstructing Beach Road, and if the NYSDEC portion was removed from the Project after the final design submission, they would be required to re-issue the final report and hold required public meetings, which would significantly delay construction. He further explained that in order to keep the Project on schedule, decisions on this matter would have to be made by mid-May. Mr. Tennyson noted that delays in the project schedule would risk the shifting of grant funds as although they had been allowed to roll Federal funding from year to year in concurrence with project schedules, this was no longer permitted; therefore, he added, delays would affect Federal grant funding for other scheduled projects.

Discussion ensued.

Motion was made by Mr. Pitkin and seconded by Mr. Bentley to remove the NYSDEC portion of the Beach Road Project if a commitment was not received from NYSDEC prior to May 15, 2010 to either fund their portion of the project in advance or share in bonding costs.

When it was noted that a similar resolution was approved at the March 30th Committee meeting, Joan Sady, Clerk of the Board, advised that the resolution had not been presented at the April 16th Board meeting upon the advisement of the County Attorney.

Mr. Belden called the question and the previously mentioned motion was carried unanimously and the necessary resolution was authorized for the May 21st Board meeting.

The next agenda item referred to the Alder Brook Road Bridge Project, Mr. Lamy announced, and he noted that beginning on page 6 of the agenda he had included a copy of the letter forwarded to NYS DOT (New York State Department of Transportation) which outlined the bid process for construction services and requested authorization

to award the contract to the lowest responsible bidder. He advised that although confirmation had been received from the State noting that funding would be provided for the Project, all such agreements were on hold pending the adoption of the State Budget. Mr. Lamy stated they were not under any legal obligation to any contractor to proceed with the Project as the bid had yet to be awarded; however, he noted, there were residents residing on a dead end road that required use of the Alder Brook Road Bridge to reach their homes as there was no alternate route. He advised that although they were confident the 80% Federal reimbursement promised would be received, and they anticipated that the State funding would be as well, the conservative approach would be to delay the Project until the State Budget was adopted and funding was released. Mr. Lamy pointed out the negative aspect of a delay was that if the Bridge was red-flagged by the State and residents could not use it to reach their homes, the County would have to determine a source of funding to proceed with the replacement project immediately. Mr. Tennyson added there was a Town bridge project located on Alder Brook Road which had been delayed until the County's bridge project was complete.

Mr. Loeb questioned whether the Alder Brook Road Bridge Project had already received Committee approval and Mr. Lamy replied affirmatively. However, he added, when the Project was approved, it was assumed that there would be no funding issues, such as those being realized by the freeze on State funding agreements. Mr. Lamy stated that in light of these issues, he felt it was prudent to review the affected projects with the Committee once again, to ensure they remained in agreement that the projects should proceed.

Following further discussion on the matter, it was the consensus of the Committee that the Alder Brook Road Bridge Project should continue as scheduled.

Continuing, Mr. Tennyson addressed the next agenda item which pertained to an update on TIP (Transportation Improvement Plan) funding. He apprised that the AGFTC (Adirondack Glens Falls Transportation Council) served as the local MPO (Metropolitan Planning Organization) for Warren, Washington and northern Saratoga Counties, through which projects were selected and prioritized to receive Federal and State grant funding. Mr. Tennyson stated the AGFTC had met during the prior week to develop the Draft TIP document included on page 8 of the agenda which included one additional road project and four bridge projects not previously identified to receive funding for construction scheduled between 2010 and 2015. He reminded the Committee members that the document presented was in its draft form, with the final document being adopted by the AGFTC within the next few weeks. Mr. Tennyson noted that as per indications given by AGFTC and NYSDOT representatives, the funding levels applied to the projects listed in the TIP update were conservative and that once a new transportation act was adopted, it was likely that additional funding would become available, especially for bridge projects. He stated they were confident the projects listed would be included in the finalized TIP and would be administered by DPW forces, with engineering beginning as early as October of 2010.

Mr. Tennyson announced that the next agenda item included attachments beginning on page 9 in the form of a request to amend the existing contract with Clough, Harbour and Associates, LLP (CHA) for an amount not to exceed \$67,000 to include an extra work authorization (EWA) for the addition of design and right-of-way work, utility coordination services and additional sub-consultant services in connection with the Corinth Road Project. He noted that although some of the EWA costs were associated with utility issues, the majority of the cost was attributed to consultant work required in connection with the condemnation action for the U-Haul property, as the property owners were fighting the action. Mr. Tennyson stated that the additional costs were 100% grant reimbursable and an amendment would be made to the grant in the next month or so to include these costs.

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

amend the existing contract with CHA as outlined above and the necessary resolution was authorized for the May 21st Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson apprised that agenda pages 15 through 28 pertained to a series of requests relating to the Grist Mill and Tannery Road Bridge Projects which he detailed as follows:

1. Request to amend the existing grant with NYSDOT in the amount of \$25,879 to include Supplemental Master Agreement #4 for the engineering phase of the Grist Mill Road Bridge Project (*agenda page 15*);
2. Request to increase Capital Project No. H259.9550 280, Grist Mill Bridge Replacement, in the amount of \$25,879 to reflect the receipt of unanticipated revenues (*agenda page 16*);
3. Request to amend the existing grant with NYSDOT in the amount of \$29,906 to include Supplemental Master Agreement #4 for the engineering phase of the Tannery Road Bridge Project (*agenda page 22*); and
4. Request to increase Capital Project No. H258.9550 280, Tannery Road Bridge Replacement, in the amount of \$29,906 to reflect the receipt of unanticipated revenues (*agenda page 23*).

Motion was made by Mr. Conover, seconded by Mr. McCoy and carried unanimously to approve all four of the above referenced requests. Items 2 and 4 were referred to the Finance Committee and the necessary resolutions for Items 1 and 3 were authorized for the May 21st Board meeting. *Copies of all four requests are on file with the minutes.*

In relation to the previous requests, Mr. Tennyson stated that an announcement concerning an upcoming public information meeting regarding the Grist Mill and Tannery Road Bridge Projects was included on page 29 of the agenda. He noted that project plans called for the construction of a temporary bridge as it was initially intended for the construction projects to take place concurrently; however, he noted, it was later decided that the projects would be completed sequentially, thereby eliminating the need for the temporary structure. Mr. Tennyson advised that the granting agencies had requested the removal of the temporary bridge from the project plans as it was no longer necessary and the public information meeting had been scheduled to advise residents of this issue and ensure there was no public outcry to continue with the construction of the temporary crossing.

Discussion ensued.

Proceeding to the Items of Interest section of the agenda, Mr. Lamy displayed a photograph reflecting improvements made to a County road in the Town of Thurman to fix a sight distance issue, as well as to provide additional snow storage space. He explained that in order to fix the issue, a private property owner's fence had been moved and the existing slope re-graded to allow for appropriate sight distance at a total cost of approximately \$500. Mr. Lamy stated that Mr. Pitkin had been instrumental in contacting the property owner and gaining the necessary permission required in association with the project, thereby avoiding the extensive re-alignment project that would have otherwise been necessary to rectify the issue.

Mr. Lamy noted the next Item of Interest pertained to a contract extension with Winchip Overhead Door Co., a copy of which was included on page 30. He advised that no Committee action was necessary in relation to the renewal as he was authorized to extend such contract by virtue of the permissions previously allotted by the Committee. Mr. Lamy pointed out that the only change associated with the extension pertained to the hourly rate charged, which had increased in accordance with the new prevailing wage schedule.

Agenda page 33 included a final construction bill for the Hague Sewer Project, Mr. Lamy apprised. He noted that

the initial contract sum was approximately \$400,000 more than the actual construction cost and this was partly due to the excessive fuel costs in place at the time the bid was received. Mr. Belden questioned whether documentation had been signed for final approval of the Project and Mr. Lamy replied in the negative. Mr. Belden noted that there were a few homes in one area of the Town that had not been tied into the sewer system and he asked Mr. Lamy to refrain from signing any such documents until the matter was resolved.

Mr. Lamy reminded the Committee they had previously authorized him to approve change orders up to \$10,000 without prior Committee consent and he advised that the information provided on page 34 documented such action. He noted that the change order was necessary to close out all of the construction quantities, including a net decrease of \$279,153.

Mr. Lamy concluded the agenda with a review of the referral items pending from prior Committee meetings, which he detailed as follows:

1. Respective to the Corinth Road Project, Mr. Lamy noted that updates would be given as necessary through the remaining life of the Project and he asked that the item be removed from the Referral List;
2. Mr. Lamy advised that he would continue to provide Budget Performance Reports on a quarterly basis and asked that the item be removed from the Referral List;
3. Mr. Lamy asked that the notation regarding NYSDEC violation citations at the North Creek fuel farm be removed as the issue had been resolved;
4. No update was provided relative to the Stormwater Officer position. Mr. Lamy noted that this issue could be discussed at the next month's meeting in connection with the MS4 update;
5. Mr. Lamy stated that the Middleton Bridge continued to be studied for relocation in an alternate area, but said he saw no reason to maintain this as a pending item and asked that it be removed from the List;
6. Respective to the sign for the Municipal Center Building, Mr. Lamy apprised that the work to construct the sign continued. Mr. Tennyson interjected that the progress on the sign construction was being hampered by unanticipated issues with the materials being used; he added that they anticipated the sign would be complete and erected during the upcoming summer season. Mr. Lamy noted that if the Committee preferred to retain this issue as a referral item, it should be transferred to the County Facilities listing, rather than Public Works;
7. No update was provided relative to the Glendale Road right-of-way transfer. With the Committee's consent, Mr. Lamy asked that the item be removed from the pending items list; and
8. Mr. Lamy apprised that his staff was working to increase the level of road signage on County roads by using leftover materials and funding to fabricate signs at the end of each year in order to improve road markings without causing a significant budget impact. Using this process, he said they hoped to properly mark all of the roads within the next few years. As the item had been addressed, Mr. Lamy asked that it be removed from the referral listing.

Mr. Lamy noted that NYSDEC was attempting to pass legislation which would outlaw the use of Outdoor Wood Boiler (OWB) units as a heating source and he felt that a resolution opposing this proposed legislation was appropriate. He noted that he was also opposed to the NYSDEC ban on brush burning which prevented municipalities from burning brush. Mrs. Sady noted that a resolution had previously been adopted in opposition of the ban on brush burning for municipalities.

Motion was made by Mr. Merlino, seconded by Mr. McCoy and carried unanimously to approve a resolution

opposing legislation proposed by NYSDEC which would prevent the use of OWB's for use as a heat source and the necessary resolution was authorized for the May 21st Board meeting. *A copy of the request is on file with the minutes.*

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 meeting agenda, *a copy of the agenda is also on file with the minutes.*

Proceeding with Agenda Item 1, Mr. Butler presented a request for a new contract with the Lake George Park Commission (LGPC) for the rebuilding of the Sheriff's dock located in the Town of Lake George. He noted that the LGPC had agreed to reimburse the County for the building material costs up to \$2,000 and the Parks, Recreation & Railroad staff would be constructing the dock. Mr. Butler advised that the current crib-style dock was deteriorating and would be replaced with a stake-style dock. He said that the dock was used by all of the area's emergency services groups as it was easily accessed from the road and he noted that a letter from the Sheriff's Office recommending replacement of the dock was included in the agenda for the Committee's review. Mr. Butler advised that, as per the request of the Sheriff's Office, the dimensions of the current dock would be expanded to approximately 46' in length by 6' in width and would be constructed of pressure treated lumber.

Mr. Belden asked if sufficient staffing was available to perform the dock construction and Mr. Butler replied affirmatively, noting that they planned to complete the work by September but hoped to work around the tourism season. He further noted they intended to make minor improvements to the existing dock to ensure its safe use until the new dock was constructed. When questioned whether the \$2,000 provided by the LGPC would be sufficient to fund all of the required materials costs associated with the project, Mr. Butler replied affirmatively, adding that the only anticipated costs to the County would be staff-related.

Motion was made by Mr. McCoy, seconded by Mr. Merlino and carried unanimously to approve the request for a new contract with the LGPC as outlined above and the necessary resolution was authorized for the May 21st Board meeting. *A copy of the request is on file with the minutes.*

Proceeding to Agenda Item 2, Mr. Butler reminded the Committee that he had presented information pertaining to the Wildlife Expo scheduled to be held at Up Yonda Farm. He pointed out that the current agenda included more definitive information on the event. Mr. Butler noted that the funding provided by the Town of Bolton had been instrumental in bringing this, and other events, to fruition. He said they expected a very large turnout for the Wildlife Expo, especially if the weather was conducive.

Mr. Butler advised that Agenda Item 3 referred to a stocking update from the Fish Hatchery. He noted that the agenda included a listing of stocking statistics so far for 2010 which included 98% of the stocking activity. Mr. Butler said the remaining stocking activity would take place within the month of May.

Mr. Loeb said he had noticed some hydrant flushing activity on Glenwood Avenue in the Town of Queensbury which affected Halfway Brook. He then questioned whether the water from the hydrant was chlorinated, and if so, would it have any impact on the fish residing in the brook. Mr. Butler replied that he could not speak to whether or not the water was chlorinated, but noted that chorine was toxic to fish. Mr. Lamy advised that he would check into the matter.

Moving on to Agenda Item 4, Mr. Butler introduced Joanne Smith, of Smith's Restaurant in North Creek, who was in attendance to address the Committee. Ms. Smith distributed a packet that included an article from the January

1959 edition of *Trains* magazine which detailed the history and intent of the railroad line partially owned by Warren County, as well as a brochure from Utica's Union Station that outlined the activities of their tourist train; *a copy of the information provided is on file with the minutes.* She pointed out that the *Trains* magazine article included a map clearly reflecting the path of the railroad as it stretched from Saratoga Springs to North Creek and beyond; she added that the map also included proposed branches which had never come to fruition. Ms. Smith said this map showed North Creek as a railroad town that had served as a vacation destination for those with access to the railroad line, as well as a stopping point for freight trains traveling to the McIntyre Mine located to the north. She stated that the citizens of North Creek had a united vision that the trains would return once again, bringing tourism back to the area through the availability of regular service, both passenger and freight, from the Saratoga Springs Station. When continuing with the process to develop the RFP for the 2011 Railroad Operator's Contract, Ms. Smith asked the Committee to consider including provisions for freight, passenger and tourism train operations which had the potential to create considerable economic growth.

Mr. Pitkin questioned the status of Railroad Operator RFP and Ms. Pacyna advised that it was currently being reviewed by the County Attorney's Office. Mr. Butler announced he had recently toured the railroad facilities with Maine Eastern Railroad and another tour was being scheduled with a different group during the following week.

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

1. Mr. Butler noted that as per the advisement of Mr. Dusek at the prior Committee meeting, no updates would be provided for the Stony Creek platform until decisions were made on the 2011 Railroad Operator RFP;
2. As Mr. Goodspeed was not in attendance, Mr. Butler advised he had no further information to provide relative to the proposed transfer of the Kellogg Property to the Town of Johnsbury. Mr. Belden asked if the Town of Johnsbury would take the initiative to repair the buildings located on the property if it was transferred to them and Mr. Butler replied that he did not know what the Town's intentions might be on this issue. Mr. Pitkin said it was his understanding that the Town of Johnsbury intended to retain some of the buildings in their current state for historical value and they would be responsible for any associated costs, with no contributions expected of the County. Mr. Butler noted that there were grant funds of approximately \$200,000 available to develop the Kellogg property which could possibly be transferred to the Town. He added that Mr. Goodspeed was working with the Planning & Community Development Department to determine the feasibility of grant funding transfer;
3. Concerning the status of the 2011 Railroad Operator Contract, Mr. Butler reiterated that the document was currently being reviewed by the County Attorney's Office. In connection with this issue, he noted that the Town of Corinth was drafting a letter to Canadian Pacific Rail to formally release freight rights. Mr. Butler further noted that the County owned the freight rights for their portion of the tracks and the release of rights for the Town of Corinth's portion would allow for freight traffic along the entire rail line from the Saratoga Springs Station to North Creek;
4. Respective to the RFP for the sale of the caboos located at the Riparius Station, Ms. Pacyna apprised that the document had been drafted and she was currently working with the County Attorney's Office to include verbiage indicating the appropriate insurance requirements. She said she hoped the RFP would be completed and released for advertisement within the month of May;
5. In relation to the possible sale of the Warren County Fairgrounds property, Mr. Butler apprised that Mr. Dusek was awaiting a response from State officials as to whether the property qualified under alienation of parklands statutes which would require another parklands parcel to be purchased in place of the property being sold;

6. Mr. Butler stated he had met with Mr. Dusek to discuss the request presented at the prior Committee meeting for a resolution allowing automatic annual renewal of contracts for snowmobile grant funding. He advised that Mr. Dusek was not in favor of the resolution requested; therefore, he said, he would continue to present the requests for Committee approval each year; and
7. Mr. Butler apprised the matter of possible amendments to Local Law No. 2 of 1984, including the development of an alternate policy, to allow him to approve requests for use of inflatable and other temporary structures on County-owned properties without further Committee approval was currently under review with the County Attorney's Office.

Mr. Merlino announced that he had met with representatives of Upper Hudson River Railroad (UHRR) during the prior week to review the summer train schedule. He said additional meetings had been scheduled to discuss the matter further, and it appeared they were making a better attempt to serve the southern portion of the County-owned railroad.

As there was no further Parks, Recreation & Railroad business to present, privilege of the floor was extended to Mr. Lamy to begin the Solid Waste & Recycling portion of the Committee meeting. Copies of the meeting agenda were distributed, a copy of which is on file with the minutes.

Mr. Lamy announced that he had no business to present and introduced Steven Lynch, of R.S. Lynch & Company, who was in attendance to discuss the Solid Waste Management Plan.

Mr. Lynch distributed copies of the Solid Waste Management Plan to the Committee members; *a copy of the Plan is also on file with the minutes*. He advised that the Plan was being presented in a draft form that was not appropriate for further distribution. Mr. Lynch noted that his firm had been commissioned to develop a written Plan on behalf of the County which would satisfy NYSDEC requirements and eventually be used to provide statistical information that could be used to obtain contracts with single waste carrier companies in order to gain the best economic value for the residents of Warren County. He pointed out that the final sections, including Summary & Recommendations and Implementation Schedule & Recovery Goals, were not included in the document as these sections were not yet complete.

The Committee proceeded with an extensive review of the document which included general discussion on the items included therein.

At the close of the Plan review, Mr. Lynch suggested that rather than developing one County-wide user requirement agreement, each Town should be allowed to choose the option best for them. He said that any Towns adopting the same collection approach could then join together to obtain group rates for waste removal. Mr. Lynch apprised that implementing this approach would meet NYSDEC regulatory requirements while allowing each Town to make a decision based on the best interests of its residents. He advised that he would return to further discuss updates to the Solid Waste Management Plan at a future Committee meeting.

As there was no further business to come before the Committee, on motion made by Mr. Pitkin and seconded by Mr. Champagne, Mr. Belden adjourned the meeting at 12:50 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist