

WARREN COUNTY DPW COMMITTEE MEETING

**Tuesday, March 1, 2011
9:30 am**

AGEND 

CALL TO ORDER..... Chairman Dan Belden

APPROVAL OF MINUTES..... Chairman Dan Belden

NEW BUSINESS..... Chairman Dan Belden

Page #

- 1 (R) Est. Capital Project - 2011 Bridge Rehab Projects..... Jeff Tennyson**
- 2 (R) Auth Bond for Local Bridge Work (\$207k)..... Jeff Tennyson**
- Auth Bond for Local Match of Fed Aid Projects..... Jeff Tennyson**
- 3 DPW Overtime Review (All Divisions)..... Jeff Tennyson**
- 4 (R) Request for Legislation Leading to State Const. Amendment..... Jeff Tennyson**

Items of Interest: Jeff Tennyson

- **Proposed Village of LG Fence on Westbrook Rd**
- **Award of Harrington Rd Bridge Replacement Project- (page 12)
- Apparent Low Bidder: Arch Bridge Contracting Corp**
- **Opera House Demolition**
- **Draft DPW Personal Protective Equipment Manual**
- **Letter from District Attorney RE: People v. Goldblatt (page 13)**

OLD BUSINESS..... Chairman Dan Belden

REFERRALS..... Chairman Dan Belden

PRIVILEGE OF THE FLOOR..... Chairman Dan Belden

ADJOURNMENT..... Chairman Dan Belden

RESOLUTION REQUEST FORM ~~NO. 8~~

Request to Establish Capital Project or Capital Reserve Project*

****If this is the result of a grant award, also complete and submit Form No. 5 or 6***

DEPARTMENT NAME: DPW

DATE: 3-1-11

- (a) Exact Title **and** Number of Project (**must be obtained from Treasurer's Office**): 2011 Bridge Rehabilitation Projects H318.9550.280
- (b) Is this a Capital Project? Yes
- (c) Is this a Capital Reserve Project?
- (d) Amount of Project: \$207,000
- (e) Source of Funding (including name & title of codes, etc.):
\$207,000 - Bond
- (f) Purpose of Establishment: Rehabilitation of Various County Bridges to include: South Horicon Road Bridge over Schroon River, Glendale Road Bridge over Schroon Lake Outlet, Back to Sodom Road Bridge over Chatiemac Brook, Old Padanarum Road Bridge over Northwest Bay Brook, East River Drive Bridge over Schaefer Brook, Peaceful Valley Road Bridge over Chatiemac Brook, South Johnsbury Road Bridge over Crystal Brook, Claude Straight Road Bridge over North Creek, Dippikill Road Bridge over Glen Creek, CR 4 Athol Road Bridge over No. 9 Brook, CR 78 13th Lake Road Bridge over 13TH Outlet Brook, Main Street Bridge over North Creek, CR 44 Bridge Street Bridge over the Hudson River.



RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

DEPARTMENT NAME: DPW

DATE: March 1, 2011

- (a) Purpose of Request: To request funding for rehabilitation of certain County bridges to be conducted during the 2011 construction season.
- (b) Details: Certain high priority bridges need rehabilitation work this year in the interest of public safety and in order to avoid costly repairs if the work is postponed. DPW is requesting funding to be available to continue with design work during March-April 11 with construction beginning in May 2011. Funding is required for the following bridges with projected costs indicated:

Bridge List

B.I.N. 3305180 South Horicon Road Bridge over Schroon River

B.I.N. 3305160 Glendale Road Bridge over Schroon Lake Outlet.

B.I.N. 3305430 Back to Sodom Road Bridge over Chatiemac Brook

B.I.N. 3305210 Old Padanarum Road Bridge over Northwest Bay Brook

B.I.N. 3305520 East River Drive Bridge over Schaefer Brook

B.I.N. 3305400 Peaceful Valley Road Bridge over Chatiemac Brook

B.I.N. 3305360 South Jonsburg Road Bridge over Crystal Brook

B.I.N. 3305440 Claude Straight Road Bridge over North Creek

B.I.N. 3305490 Dippikill Road Bridge over Glen Creek

B.I.N. 3305670 CR4 Athol Road Bridge over No. 9 Brook

B.I.N. 3360330 CR78 13th Lake Road Bridge over 13th Outlet Brook

B.I.N. 3364140 Main Street Bridge over North Creek

B.I.N. 3305530 CR44 Bridge St Bridge over the Hudson River

NEW PAINT MONEY.....	\$17,500.00
NEW STRUCTURAL MONEY.....	\$189,500.00
TOTAL NEW MONEY.....	\$207,000.00

(c) Previous Resolution Number: N/A

PUBLIC WORKS OVERTIME
Thru March 28, 2010

DPW OVERTIME (ALL DIVISIONS)										
Period Ending	01/03/10	1/17/2010	1/31/2010	2/14/2010	2/28/2010	3/14/2010	3/28/2010	4/12/2010	TOTAL	
2005 (1/9/05)	2348	2128	691	1821	1840	1246	300	42	10416	
2006 (1/8/06)	1498	2419	1114	858	1245	401	116	123	7774	
2007 (1/7/07)	532	2064	1774	1871	1496	1483	590	1097	10907	
2008 (1/5/08)	831	1180	2168	2655	2088	1170	629	159	10880	
2009 (1/4/09)	131	1887	1136	70	1241	631	45	56	5197	
2010 (1/3/2010)	617	275	777	168	1294	61	28	56	3276	
2011 (1/2/2011)	6	1353	1122	1200	1037				4718	
6 year ave. (2005-2010)	993	1659	1277	1241	1534	832	285	256	8075	
Ave minus high/low	870	1815	1200	1180	1469	862	263	99	7756	

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

**Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.*

DEPARTMENT NAME: DPW

DATE: 3-1-11

- (a) Purpose of Request: Resolution to proceed with proposed to amendment to Article 14 Section 1 of the Constitution of the State of New York to acquire rights to state forest preserve lands in the Towns of Chester and Horicon for the construction of the relocated Middleton Bridge (CR 10).

- (b) Details: The existing Middleton Bridge crosses the Schroon River approximately 1/2 mile north of the Bolton Landing-Riverbank Road and I-87 Interchange in the Towns of Warrensburg and Bolton. The federally funded project proposes to remove the existing deficient structure and construct a new bridge approximately 1.8 miles to the north adjacent to the intersection of East Schroon River Road and Burnt Hill Road (see attached map showing conceptual layout) in the Towns of Chester and Horicon.

NYSDEC has stated that the State Lands which would be impacted should be treated as Forest Preserve. Article 14 Section 1 of the Constitution of the State of New York (see attached) states: "The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands... Nothing herein contained shall prevent the state from constructing, completing and maintaining any highway heretofore specifically authorized by constitutional amendment..."

There appears to be some question as to whether the State parcels are Park Lands or Forest Preserve. The County Attorney's office is reviewing documentation. DPW recommends that the County proceed with the request for legislation leading to a State Constitutional Ammendment and continue with the legal determination of the lands status, concurrently.

Article 19 Section 1 of the Constitution of the State of New York (see attached) details the process by which amendments to the constitution shall be proposed in the senate and assembly. An amendment must receive the majority vote of both houses at which time it shall be referred to the next regular legislative session convening after the succeeding general election of the members of the assembly. The amendment must once again receive the majority vote in both houses at which time it shall be required to

pass by majority of the peoples vote. The successful amendment shall be included in the Constitution on the first day of January subsequent to such approvals.

(c) Previous Resolution Number: N/A

New York State Department of Environmental Conservation

Division of Lands & Forests, Region 5

1115 NYS Route 86, PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1291 • FAX: (518) 897-1370

Website: www.dec.ny.gov



Joe Martens
Acting Commissioner

February 10, 2011

Mr. Kevin J. Hajos, P.E.
Deputy Superintendent
Warren County Department of Public Works
4028 Main Street
Warrensburg, NY 12885

**RE: PIN 1755.27 -- Middleton Bridge (CR10) over Schroon River
Town of Warrensburg and Bolton, Warren County, New York**

Dear Mr. Hajos:

I am in receipt of your February 3, 2011 letter to me concerning the above noted project. Your proposed location for a new bridge in the Towns of Chester and Horicon does include lands owned by The People of the State of New York. There is a twenty-foot wide strip of land on both the east and west side of the Schroon River owned by New York State.

Since these lands are State-owned lands located within the Adirondack Park, I believe, Article 14 Section 1 of the New York State Constitution applies. Article 14 Section 1 states, in part: "The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed . . ." Because of this protection, the Department of Environmental Conservation does not have the authority to grant permission for this bridge to be built.

Short of an Amendment to Article 14 Section 1, I do not believe this bridge can be built in the location you propose.

Sincerely,

Thomas D. Martin, CF
Regional Forester

TDM/cmt

cc: S. Abrahamson
P. Frank
K. Richards

RECEIVED FEB 14 2011
[Handwritten initials]

Warren County Department of Public Works

MAIN OFFICES

4028 Main Street
Warrensburg, N.Y. 12885
Tel (518) 623-4141
(518) 761-6556
Fax (518) 623-2772



JEFFERY E. TENNYSON, P.E.
Superintendent of Public Works

KEVIN J. HAJOS, P.E.
Deputy Superintendent of Public Works

TOD BEADNELL, P.E.
Deputy Superintendent of Operations

DIVISIONS

Airport
Sewer Administration
Parks & Recreation
Recycling
Highway & Traffic
Engineering
Buildings & Grounds

February 3, 2011

Thomas D. Martin
Regional Forester
1115 State Route 86
PO Box 296
Ray Brook, NY 12977

RECEIVED

FEB 04 2011

County Attorney's Office

**Re: PIN 1755.27 - Middleton Bridge (CR10) over Schroon River
Towns of Warrensburg and Bolton, Warren County, New York**

Dear Mr. Martin:

The Warren County Department of Public Works (DPW) is advancing the above referenced federally funded bridge replacement project that is listed on the New York State Transportation Improvement Program (STIP). The existing bridge is a single lane two-way truss constructed in 1896 and is presently closed to both vehicular and pedestrian traffic due to its deteriorated condition. The bridge crosses the Schroon River between the Towns of Warrensburg and Bolton approximately 1/2 mile north of the Bolton Landing-Riverbank Road and I-87 interchange (Northway Exit 24).

The purpose of this correspondence is to request the assistance of the NYSDEC in advancing the replacement of the bridge at a new location that will better serve the community and enhance public fishing access to the river.

Currently vehicles traveling to the Sherman Lake area must head south along Schroon River Road to Bolton Landing-Riverbank Road prior to heading north again along East Schroon River Road. This results in a detour of approximately 3 miles. East Schroon River Road is an unimproved dirt/gravel road that during high water events becomes impassible due to the flow of the Schroon River near the southern terminus with Bolton Landing-Riverbank Road.

After extensive consideration of the project objectives, DPW has determined that replacement of the bridge at a new location is the preferred option. The proposed site for the new structure is approximately 1.8 miles north of the existing bridge adjacent to the intersection of East Schroon

8

Thomas D. Martin
February 3, 2011
Page 2

River Road and Burnt Hill Road. Enclosed is a map of the proposed site depicting area parcels and a conceptual bridge layout plan. Replacing the existing structure at this new location is the ideal option because it will:

1. reduce travel times and significantly improve traffic patterns;
2. provide direct emergency response access to the populated area around Sherman Lake;
3. provide improved connectivity during periods of high flow/seasonal flooding;
4. and provide public ADA fishing access that does not exist in the area.

Preliminary investigations and e-mail correspondence with your office has indicated that the land for the new bridge location near the Schroon River may be owned by the State of New York. We respectfully request your determination on the ownership of this land near the proposed bridge site and a discussion on what possible steps would be required to proceed with this alternative.

Please feel free to contact me at (518) 824-8834 or khajos@warrencountypw.com if you have any questions or require additional information.

Sincerely,



Kevin J. Hajos, P.E.
Deputy Superintendent

Enclosure

EJD:

Cc: File

Karen Williams – NYSDOT Region 1

Scott Abrahamson – NYSDEC Region 5 General Counsel

Patricia Nenninger – Asst. County Attorney

The Constitution of the State of New York

approved by vote of the people November 6, 1962; former §6 repealed by same amendment.)

[Compensation of officers]

§7. Each of the state officers named in this constitution shall, during his or her continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he or she shall have been elected or appointed; nor shall he or she receive to his or her use any fees or perquisites of office or other compensation. (Formerly §9 of Art. 10. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938. Formerly §12, renumbered 7 without change by amendment approved by vote of the people November 6, 1962; former §7 repealed by same amendment; further amended as §12 by vote of the people November 5, 1963; further amended by vote of the people November 6, 2001.)

[Election and term of city and certain county officers]

§8. All elections of city officers, including supervisors, elected in any city or part of a city, and of county officers elected in any county wholly included in a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. This section shall not apply to elections of any judicial officer. (New. Added by amendment approved by vote of the people November 2, 1965.)

No sections 9, 10, 11.

No section 12 (see section 7).

[Law enforcement and other officers]

§13. (a) Except in counties in the city of New York and except as authorized in section one of article nine of this constitution, registers in counties having registers shall be chosen by the electors of the respective counties once in every three years and whenever the occurring of vacancies shall require; the sheriff and the clerk of each county shall be chosen by the electors once in every three or four years as the legislature shall direct. Sheriffs shall hold no other office. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. The governor may remove any elective sheriff, county clerk, district attorney or register within the term for which he or she shall have been elected; but before so doing the governor shall give to such officer a copy of the charges against him or her and an opportunity of being heard in his or her defense. In each county a district attorney shall be chosen by the electors once in every three or four years as the legislature shall direct. The clerk of each county in the city of New York shall be appointed, and be subject to removal, by the appellate division of the supreme court in the judicial department in which the county is located. In addition to his or her powers and duties as clerk of the supreme court, he or she shall have power to select, draw, summon and empanel grand and petit jurors in the manner and under the conditions now or hereafter prescribed by law, and shall have such other powers and duties as shall be prescribed by the city from time to time by local law.

(b) Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his or her county of any provision of this article which may come to his or her knowledge, shall be removed from office by the governor, after due notice and an opportunity of being heard in his or her defense. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this state, within such county, or of receiving bribes by any such

person in said county, shall be a charge against the state, and their payment by the state shall be provided for by law.

(c) The city of New York is hereby vested with power from time to time to abolish by local law, as defined by the legislature, the office of any county officer within the city other than judges, clerks of counties and district attorneys, and to assign any or all functions of such officers to city officers, courts or clerks of counties, and to prescribe the powers, duties, qualifications, number, mode of selection and removal, terms of office and compensation of the persons holding such offices and the employees therein, and to assign to city officers any powers or duties of clerks of counties not assigned by this constitution. The legislature shall not pass any law affecting any such matters in relation to such offices within the city of New York except on message from the governor declaring that an emergency exists and the concurrent action of two-thirds of the members of each house, except that existing laws regarding each such office shall continue in force, and may be amended or repealed by the legislature as heretofore, until the power herein granted to the city has been exercised with respect to that office. The provisions of article nine shall not prevent the legislature from passing general or special laws prescribing or affecting powers and duties of such city officers or such courts or clerks to whom or which functions of such county officers shall have been so assigned, in so far as such powers or duties embrace subjects not relating to property, affairs or government of such city. (Added by vote of the people November 5, 1963. Subdivisions (a), (b) and (c), formerly §§5, 6 and 8 of Art. 9. Subdivision (a) amended by vote of the people November 7, 1972; subdivision (a) further amended by vote of the people November 6, 1984; November 7, 1989; further amended by vote of the people November 6, 2001.)

[Employees of, and contractors for, the state and local governments; wages, hours and other provisions to be regulated by legislature]

§14. The legislature may regulate and fix the wages or salaries and the hours of work or labor, and make provisions for the protection, welfare and safety, of persons employed by the state or by any county, city, town, village or other civil division of the state, or by any contractor or subcontractor performing work, labor or services for the state or for any county, city, town, village or other civil division thereof. (New. Added by amendment approved by vote of the people November 5, 1963.)

ARTICLE XIV
CONSERVATION

[Forest preserve to be forever kept wild; authorized uses and exceptions]

Section 1. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. Nothing herein contained shall prevent the state from constructing, completing and maintaining any highway heretofore specifically authorized by constitutional amendment, nor from constructing and maintaining to federal standards federal aid interstate highway route five hundred two from a point in the vicinity of the city of Glens Falls, thence northerly to the vicinity of the villages of Lake George and Warrensburg, the hamlets of South Horicon and Pottersville and thence northerly in a generally straight line on the west side of Schroon Lake to the vicinity of the hamlet of Schroon, then continuing northerly to the vicinity of Schroon Falls, Schroon River and North Hudson, and to the east of Makomis Mountain, east of the hamlet of New Russia, east of the village of Elizabethtown and continuing northerly in the vicinity of the hamlet of Towers Forge, and east of Poke-O-Moonshine Mountain and continuing northerly to the vicinity of the village of Keeseville and the city of

The Constitution of the State of New York

Plattsburgh, all of the aforesaid taking not to exceed a total of three hundred acres of state forest preserve land, nor from constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than five miles of such trails shall be in excess of one hundred twenty feet wide, on the north, east and northwest slopes of Whiteface Mountain in Essex county, nor from constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than two miles of such trails shall be in excess of one hundred twenty feet wide, on the slopes of Belleayre Mountain in Ulster and Delaware counties and not more than forty miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than eight miles of such trails shall be in excess of one hundred twenty feet wide, on the slopes of Gore and Pete Gay mountains in Warren county, nor from relocating, reconstructing and maintaining a total of not more than fifty miles of existing state highways for the purpose of eliminating the hazards of dangerous curves and grades, provided a total of no more than four hundred acres of forest preserve land shall be used for such purpose and that no single relocated portion of any highway shall exceed one mile in length. Notwithstanding the foregoing provisions, the state may convey to the village of Saranac Lake ten acres of forest preserve land adjacent to the boundaries of such village for public use in providing for refuse disposal and in exchange therefore the village of Saranac Lake shall convey to the state thirty acres of certain true forest land owned by such village on Roaring Brook in the northern half of Lot 1 13, Township 1 1, Richards Survey. Notwithstanding the foregoing provisions, the state may convey to the town of Arietta twenty-eight acres of forest preserve land within such town for public use in providing for the extension of the runway and landing strip of the Piseco airport and in exchange therefor the town of Arietta shall convey to the state thirty acres of certain land owned by such town in the town of Arietta. Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title, the state, in order to consolidate its land holdings for better management, may convey to International Paper Company approximately eight thousand five hundred acres of forest preserve land located in townships two and three of Totten and Crossfield's Purchase and township nine of the Moose River Tract, Hamilton county, and in exchange therefore International Paper Company shall convey to the state for incorporation into the forest preserve approximately the same number of acres of land located within such townships and such County on condition that the legislature shall determine that the lands to be received by the state are at least equal in value to the lands to be conveyed by the state. Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title and the conditions herein set forth, the state, in order to facilitate the preservation of historic buildings listed on the national register of historic places by rejoining an historic grouping of buildings under unitary ownership and stewardship, may convey to Sagamore Institute, Inc., a not-for-profit educational organization, approximately ten acres of land and buildings thereon adjoining the real property of the Sagamore Institute, Inc. and located on Sagamore Road, near Racquette Lake Village, in the Town of Long Lake, county of Hamilton, and in exchange therefor; Sagamore Institute, Inc. shall convey to the state for incorporation into the forest preserve approximately two hundred acres of wild forest land located within the Adirondack Park on condition that the legislature shall determine that the lands to be received by the state are at least equal in value to the lands and buildings to be conveyed by the state and that the natural and historic character of the lands and buildings conveyed by the state will be secured by appropriate covenants and restrictions and that the lands and buildings conveyed by the state will reasonably be available for public visits according to agreement between Sagamore Institute, Inc. and the state. Notwithstanding the foregoing provisions the state may convey to the town of Arietta fifty acres of forest preserve land within

such town for public use in providing for the extension of the runway and landing strip of the Piseco airport and providing for the maintenance of a clear zone around such runway, and in exchange therefor, the town of Arietta shall convey to the state fifty-three acres of true forest land located in lot 2 township 2 Totten and Crossfield's Purchase in the town of Lake Pleasant.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, the state may convey to the town of Keene, Essex county, for public use as a cemetery owned by such town, approximately twelve acres of forest preserve land within such town and, in exchange therefor, the town of Keene shall convey to the state for incorporation into the forest preserve approximately one hundred forty-four acres of land, together with an easement over land owned by such town including the riverbed adjacent to the land to be conveyed to the state that will restrict further development of such land, on condition that the legislature shall determine that the property to be received by the state is at least equal in value to the land to be conveyed by the state.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, because there is no viable alternative to using forest preserve lands for the siting of drinking water wells and necessary appurtenances and because such wells are necessary to meet drinking water quality standards, the state may convey to the town of Long Lake, Hamilton county, one acre of forest preserve land within such town for public use as the site of such drinking water wells and necessary appurtenances for the municipal water supply for the hamlet of Raquette Lake. In exchange therefor, the town of Long Lake shall convey to the state at least twelve acres of land located in Hamilton county for incorporation into the forest preserve that the legislature shall determine is at least equal in value to the land to be conveyed by the state. The Raquette Lake surface reservoir shall be abandoned as a drinking water supply source.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, the state may convey to National Grid up to six acres adjoining State Route 56 in St. Lawrence County where it passes through Forest Preserve in Township 5, Lots 1, 2, 5 and 6 that is necessary and appropriate for National Grid to construct a new 46kV power line and in exchange therefore National Grid shall convey to the state for incorporation into the forest preserve at least 10 acres of forest land owned by National Grid in St. Lawrence county, on condition that the legislature shall determine that the property to be received by the state is at least equal in value to the land conveyed by the state. (Formerly §7 of Art. 7. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 4, 1941; November 4, 1947; November 5, 1957; November 3, 1959; November 5, 1963; November 2, 1965; November 6, 1979; November 8, 1983; November 3, 1987; November 5, 1991; November 7, 1995; November 6, 2007; November 3, 2009.)

[Reservoirs]

§2. The legislature may by general laws provide for the use of not exceeding three per centum of such lands for the construction and maintenance of reservoirs for municipal water supply, and for the canals of the state. Such reservoirs shall be constructed, owned and controlled by the state, but such work shall not be undertaken until after the boundaries and high flow lines thereof shall have been accurately surveyed and fixed, and after public notice, hearing and determination that such lands are required for such public use. The expense of any such improvements shall be apportioned on the public and private property and municipalities benefited to the extent of the benefits received. Any such reservoir shall always be operated by the state and the legislature shall provide for a charge upon the property and

The Constitution of the State of New York

§6. No loan, or subsidy shall be made by the state to aid any project unless such project is in conformity with a plan or undertaking for the clearance, replanning and reconstruction or rehabilitation of a substandard and unsanitary area or areas and for recreational and other facilities incidental or appurtenant thereto. The legislature may provide additional conditions to the making of such loans or subsidies consistent with the purposes of this article. The occupancy of any such project shall be restricted to persons of low income as defined by law and preference shall be given to persons who live or shall have lived in such area or areas.

[Liability arising from guarantees to be deemed indebtedness; method of computing]

§7. The liability arising from any guarantee of the principal of and interest on indebtedness contracted by a public corporation shall be deemed indebtedness in the amount of the face value of the principal thereof remaining unpaid. The liability arising from any guarantee of only the interest on indebtedness contracted by a public corporation shall be deemed indebtedness in the amount of the commuted value of the total interest guaranteed and remaining unpaid, calculated on the basis of an annual interest rate of four per centum.

[Excess condemnation]

§8. Any agency of the state, or any city, town, village, or public corporation, which is empowered by law to take private property by eminent domain for any of the public purposes specified in section one of this article, may be empowered by the legislature to take property necessary for any such purpose but in excess of that required for public use after such purpose shall have been accomplished; and to improve and utilize such excess, wholly or partly for any other public purpose, or to lease or sell such excess with restrictions to preserve and protect such improvement or improvements.

[Acquisition of property for purposes of article]

§9. Subject to any limitation imposed by the legislature, the state, or any city, town, village or public corporation, may acquire by purchase, gift, eminent domain or otherwise, such property as it may deem ultimately necessary or proper to effectuate the purposes of this article, or any of them, although temporarily not required for such purposes.

[Power of legislature; construction of article]

§10. The legislature is empowered to make all laws which it shall deem necessary and proper for carrying into execution the foregoing powers. This article shall be construed as extending powers which otherwise might be limited by other articles of this constitution and shall not be construed as imposing additional limitations; but nothing in this article contained shall be deemed to authorize or empower the state, or any city, town, village or public corporation to engage in any private business or enterprise other than the building and operation of low rent dwelling houses for persons of low income as defined by law, or the loaning of money to owners of existing multiple dwellings as herein provided.

ARTICLE XIX

AMENDMENTS TO CONSTITUTION

[Amendments to constitution; how proposed, voted upon and ratified; failure of attorney-general to render opinion not to affect validity]

Section 1. Any amendment or amendments to this constitution may be proposed in the senate and assembly whereupon such amendment or amendments shall be referred to the attorney-general whose duty it shall be within twenty days thereafter to render an opinion in writing to the senate and assembly as to the effect of such amendment or amendments upon other provisions of the constitution. Upon receiving such opinion,

if the amendment or amendments as proposed or as amended shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the ayes and noes taken thereon, and referred to the next regular legislative session convening after the succeeding general election of members of the assembly, and shall be published for three months previous to the time of making such choice; and if in such legislative session, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution on the first day of January next after such approval. Neither the failure of the attorney-general to render an opinion concerning such a proposed amendment nor his or her failure to do so timely shall affect the validity of such proposed amendment or legislative action thereon. (Formerly §1 of Art. 14. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 4, 1941; November 6, 2001.)

[Future constitutional conventions; how called; election of delegates; compensation; quorum; submission of amendments; officers; employees; rules; vacancies]

§2. At the general election to be held in the year nineteen hundred fifty-seven, and every twentieth year thereafter, and also at such times as the legislature may by law provide, the question "Shall there be a convention to revise the constitution and amend the same?" shall be submitted to and decided by the electors of the state; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the state, as then organized, shall elect three delegates at the next ensuing general election, and the electors of the state voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his or her services the same compensation as shall then be annually payable to the members of the assembly and be reimbursed for actual traveling expenses, while the convention is in session, to the extent that a member of the assembly would then be entitled thereto in the case of a session of the legislature. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the ayes and noes being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal, proceedings and other expenses of said convention. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the state at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding

Recommendation of Award
Warren County

Computation Verified by: CHA
Date: February 28th, 2011

Contract No. 1757.19
Bid Opening Date February 22nd, 2011

Contract Description:

The work includes providing all labor, materials, machinery, tools, equipment and other means of construction necessary and incidental to the completion of the work shown in the plans and described in the specifications including, but not necessarily limited to the following: Remove existing single span multi-girder bridge and replace with a new structure composed of a pre-cast concrete superstructure on a micropile foundation. Approach work includes minor roadway reconstruction and guide rail improvements. Traffic will be detoured using an off-site detour.

Bidders in rank order:

<u>Rank</u>	<u>Bidder Name</u>	<u>Bid Amount</u>
Engineers Estimate:		\$1,377,343.00
1.	Arch Bridge Contracting Corp.	\$1,016,820.00
2.	WM. J. Keller & Sons Construction Corp.	\$1,049,303.65
3.	Stephen Miller General Contractors, Inc.	\$1,077,670.00
4.	Alpine Construction, LLC.	\$1,092,871.05
5.	Kubricky Construction Corp.	\$1,121,161.00
6.	ING Civil, Inc.	\$1,140,280.00
7.	Cutting Edge Group, LLC.	\$1,173,921.27
8.	Reale Construction, Inc.	\$1,198,000.00
9.	Vector Construction Corp.	\$1,231,120.00
10.	Jablonski Excavating, Inc.	\$1,247,092.00
11.	C.D. Perry & Sons, Inc.	\$1,258,730.50
12.	Lucky Bros, Inc.	\$1,313,788.96
13.	Bast Hatfield Construction, LLC.	\$1,429,065.00

The Lowest Responsible Bidder: Arch Bridge Contracting Inc. **Low Bid:** \$1,016,820.00

(X) I recommend the award of the above contract to the lowest responsible bidder.

() I recommend rejection of all bids.

Dated February 28th, 2011 Signature 



OFFICE OF THE
DISTRICT ATTORNEY
OF WARREN COUNTY

13

Warren County Municipal Center
1340 State Route 9
Lake George, New York 12845
(518) 761-6405

Kathleen B. Hogan
District Attorney

February 1, 2011

Jeffery Tennyson
Superintendent
Warren County Public Works
4028 Main Street
Warrensburg NY 12885

Re: People v. Peter B. Goldblatt
Warren County Court
DA File #13409

Dear Mr. Tennyson:

On June 24, 2010, the defendant, Peter Goldblatt, recklessly drove drunk and plowed into seven pedestrians, killing Dominic Hartley and Emily Lewis, two twenty-one year old camp counselors who were innocently standing on the side of the road.

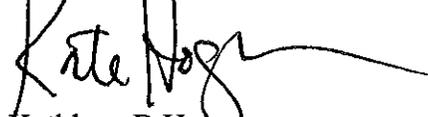
In preparation for trial, I met with you to ask for your assistance in preparing a video tape that could be presented to the jury, so the jury could see the configuration of the road, the condition of the road and the signs along the road. You and your colleagues, Kevin Hajos and Ed Doughney, prepared a videotape that accurately reflected the roadway on which the defendant killed the two victims. In addition, you provided me with the records regarding the signage on the road and the mowing records of the road, both important records for the jury to be able to review.

As part of a two week trial, you took time out of your schedule and testified on behalf of the People of the State of New York, explaining to the jury the mandated signs along Gold Course Road and the video footage you captured. The jury convicted the defendant of Aggravated Vehicular Homicide, Vehicular Manslaughter in the 1st Degree, Manslaughter in the 2nd Degree, Driving While Intoxicated, Reckless Endangerment in the 2nd Degree, Assault in the 3rd Degree and Reckless Driving. There is no doubt that your testimony was an integral component to the success of the prosecution, and I thank you for your assistance in obtaining justice.

On February 4, 2010, at 9:00 a.m., the Court will sentence the defendant, and you and your colleagues are more than welcome to attend that sentencing. On behalf of the

People of Warren County, I again extend my gratitude to you and your colleagues for your assistance in this case.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kate Hogan", with a long horizontal flourish extending to the right.

Kathleen B Hogan
District Attorney

KBH:nlh

cc: Kevin Hajos

cc: Ed Doughney

cc: Administrator Paul Dusek

cc: Chairman Dan Stec

REFERRALS - MARCH 2011

PUBLIC WORKS: *(Including Airport; DPW; Parks, Recreation & Railroad; Warren County Sewer and Solid Waste & Recycling)*

AIRPORT:

- 1) Committee authorized further studies relating to the benefits of procuring an easement on the Forest Enterprises parcel, as well as to consider the possibility of an exchange of properties. Messrs. Dusek and DeGraw to meet with property owners on the matter in March/April of 2011 and will provide an update to the Committee at a future meeting. (02.01.11)
- 2) Committee to further discuss the possibility of instituting parking fees for the Balloon Festival event to cover associated overtime costs. (02.01.11)
- 3) Mr. DeGraw to contact appropriate property owner relative to securing a ROW to introduce another access road to the Airport property. (12.02.10)

DPW:

- 1) Mr. Dusek to determine whether a prior resolution authorizing the Village of Lake George to place parking meters in the County-owned Beach Road parking lot and collect parking fees can be rescinded. (12.02.10)
- 2) Referral from Gaslight Village Ad Hoc Committee - Mr. Belden requested discussion on the issue of obtaining materials quote for construction of a post and rail fence on the south side of West Brook Road to prevent cars from parking too close to West Brook, which will eliminate the threat of gas, oil, etc. leaking into the brook. (01.06.11)
- 3) Mr. Tennyson to prepare a chart reflecting position reductions/changes in staffing, as well as savings to the County through enhanced Engineering Division. (02.01.11)

PARKS, RECREATION & RAILROAD:

- 1) Kings School to provide documentation on ROW access across Warren County railroad tracks for validation by the County Attorney's Office, following which Mr. Dusek is to provide an update to the Committee for further consideration of the Kings School's request for a ROW exchange to gain more suitable access to their recreation fields. (02.01.11)
- 2) Discussion regarding canoe access to Trout Lake. (02.01.11)