

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PARKS, RECREATION & RAILROAD

DATE: MAY 29, 2007

COMMITTEE MEMBERS PRESENT:	OTHERS PRESENT:
SUPERVISORS BELDEN	PAUL BUTLER, DIRECTOR OF PARKS, RECREATION &
O'CONNOR	RAILROAD
GABRIELS	WILLIAM LAMY, DPW SUPERINTENDENT
VANNESS	HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE AND
F. THOMAS	FISCAL SERVICES
STEC	PAUL DUSEK, COUNTY ATTORNEY
GERAGHTY	JOAN SADY, CLERK OF THE BOARD
MERLINO	SUPERVISOR SOKOL
COMMITTEE MEMBER ABSENT:	CHARLENE DiRESTA, LEGISLATIVE OFFICE SPECIALIST
SUPERVISOR HASKELL	

In the absence of the Committee Chairman , Mr. Belden, Vice-Chairman called the meeting of the Parks, Recreation & Railroad Committee to order at 11:37 a.m.

Motion was made by Mr. Geraghty, seconded by Mr. F. Thomas and carried unanimously to approve the minutes of the May 1, 2007 Committee meeting and workshop meeting, subject to correction by the Clerk of the Board.

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

Mr. Butler apprised that Item No. 1 on the Agenda was a request to extend the existing contract with the South Warren Snowmobile Club, Inc. and the City of Glens Falls for use of the snowmobile trail that runs through the City of Glens Falls, commencing July 1, 2007 and terminating June 30, 2008.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to extend the existing contract with South Warren Snowmobile Club, Inc. and the City of Glens Falls for use of the snowmobile trail that runs through the City of Glens Falls. *A copy of the resolution request is on file with the minutes and the necessary resolution was authorized for the June 15, 2007 Board meeting.*

Mr. Butler expounded that Item No. 2 on the Agenda was a request for a resolution of support for an agreement between Warren County and OSI (Open

Space Institute, Inc.) to transfer ownership of the Kellogg Property, tax parcel number 66.6-2-3 in the Town of Johnsbury, to Warren County.

Motion was made by Mr. Stec and seconded by Mr. Merlino to authorize a resolution of support for an agreement between Warren County and OSI, to transfer ownership of the Kellogg Property to Warren County.

Mr. Belden questioned what would happen if Warren County reconstructed the buildings on the Kellogg Property and OSI decided not to turn the property over to the County. Mr. Butler replied that OSI was not interested in retaining ownership of the property; they wanted to transfer ownership to Warren County. Mr. Belden asked if the County owned the property would they be able to do what they wanted with the property. Mr. Butler responded that OSI desired a conservation easement that stated that the property would always be open to the public and that access to the Hudson River would remain open, as well. He added that OSI also wanted recognition for their involvement in the project.

Following discussion, Mr. Belden called the question and the motion was carried unanimously to authorize a resolution of support for an agreement between Warren County and OSI, to transfer ownership of the Kellogg Property to Warren County, including a conservation easement and agreement of recognition of OSI affiliation.

Mr. Butler stated the next item on the Agenda was the demolition of the building designated as Building B on the site plan, included in the Agenda packet, of the Kellogg Property. He apprised that the Committee had previously discussed the construction of a picnic pavilion in place of that building. He added that he had a discussion with Chairman Thomas and Mr. Haskell, in which they had discussed constructing a building that would be more functional than a picnic pavilion. He further added that the building could include one or more offices, bathrooms, a gift shop, etc. He apprised that the New York State Parks and Historic Preservation grant they were applying for was for \$200,000 and would be more than adequate to accomplish this level of construction.

Mr. Geraghty questioned what was being constructed at the location of Building C on the site map. Mr. Butler replied that Building C was going to receive a new roof, replacement of the current electrical system and some additional infrastructure work.

Mr. Belden asked what the status was with the issue concerning the North Creek Railway Depot Preservation Association charging for use of their loading platform.

Mr. Butler replied that there was a meeting scheduled to discuss the County taking possession of the Depot. Mr. VanNess stated that the last information he had received was that the County was going to extend the loading platform on the County-owned side to avoid being charged to use the other. Mr. Butler apprised that Chairman Thomas recommended they negotiate with the North Creek Railway Depot Preservation Association, rather than alienate them. Mr. VanNess noted that there had been discussions in the past that were unsuccessful.

Mr. Butler returned to the current discussion of what should be constructed in place of Building B, a picnic pavilion or a building with an office, bathrooms, a gift shop, etc. Mr. Geraghty asked when the funding from the New York State Parks and Historic Preservation grant was anticipated and Mr. Butler replied that it would probably be received in 2009. Mr. Butler apprised that he would need to present the plans for the project to the New York State Parks and Historic Preservation; therefore, he needed to know how the Committee would like to proceed.

Motion was made by Mr. VanNess, seconded by Mr. Gabriels and carried unanimously authorizing the submission of plans for a picnic pavilion with an office, bathrooms and a gift shop as part of the New York State Parks and Historic Preservation grant application.

Mr. Butler apprised that he had been in contact with the DEC (Department of Environmental Conservation) and discovered that septic systems could be installed, as long as they were set back at least 100 feet from the water. He added that the installation of two 1,000 gallon septic tanks would not be a problem.

Mr. Butler apprised that Item No. 3 on the Agenda was with regard to the Biondi Building in Hadley/Luzerne. Mr. Merlino stated that the Youth Commission in Lake Luzerne had requested use of the metal building on that property. He added that he had not heard back from them and he would try to call them that day. Mr. VanNess stated that a time limit had been set at the last Committee meeting. Mr. Merlino said that he would give the Youth Commission a couple more days to reach a decision.

Mr. Butler stated that Item No. 4 on the Agenda was to inform the Committee that the bikeway access on Woodvale Road was being constructed on Thursday, May 31, 2007. He added that 90% of the project would be completed on Thursday.

Mr. Butler noted that Item No. 5 on the Agenda was to inform the Committee that the Warren County Fish Hatchery had completed the stocking of Schroon Lake.

He added that there were fewer fish this year with only 16,000 Rainbow Trout and 12,500 Brook Trout. Mr. Belden asked if the Fish Hatchery stocked Lake George as well and Mr. Butler replied affirmatively and noted that the State supplied the Hatchery with 3,000 Salmon, for the purpose of stocking Lake George.

Mr. Butler expounded that he had just received information on an Adirondack/Glens Falls Transportation Council (A/GFTC) reimbursement grant program entitled "Make the Connection Program". He added that he had not had time to develop any ideas yet; however, he stated, he had included all the information within the Agenda packet. He further added he would contact Aaron Frankenfeld, Transportation Planning Director for A/GFTC, to see if he had any ideas. He stated that this was a private program, in which the County would sponsor the project 100% and would be reimbursed at 80% by Federal funds.

Mr. Butler stated that Item No. 6 on the Agenda was to clarify the terms of the contract extension with UHRR (Upper Hudson River Railroad). He noted that the representatives from UHRR were not in attendance; however, Paul Dusek, County Attorney, had requested to address the Committee on the subject. Mr. Butler stated that the proposed contract was for a flat fee of \$30,000 for the year to Warren County as opposed to the current contract which was \$1 per ticket sold or \$2 per ticket sold when the stations were constructed.

Mr. Belden suggested that they continue with the Agenda review until Mr. Dusek was present to further discuss the issue.

Mr. Butler noted that Referral Item No. 1 on the Agenda was the Lake George Outdoor Drama Theater, which had been discussed at the Joint Planning and Parks, Recreation & Railroad Committee meeting, earlier that day.

Mr. Butler apprised that Referral Item No. 2 on the Agenda was the Biondi Building. He added that the bid was prepared and had been given to Julie Pacyna, Purchasing Agent.

Mr. Butler stated that Referral Item No. 3 on the Agenda pertained to the Blue Grass Festival and the use of the County Fairgrounds. He noted that he had contacted Hoddy Ovitt, coordinator of the Blue Grass Festival, to inform him that the County had reduced the rates for the use of the County Fairgrounds.

Mr. Butler expounded that under Old Business, Item No. 1 on the Agenda referred

to a meeting last week between Warren County and the SEDC (Saratoga Economic Development Corporation). He added that Warren County had been represented by Chairman Thomas, Mr. Merlino, Mr. Haskell and himself and added that Assemblywoman Teresa Sayward and representatives from Senator Elizabeth Little's Office were also in attendance. He further added that the topic of discussion had been the Railroad Authority and he noted there would be another meeting on June 15, 2007 to discuss it further.

Mr. Dusek entered the meeting at 11:55 a.m.

Mr. Dusek apprised that he had prepared the legislation for the Railroad Authority in March of 2007. He added that there had been problems with getting all parties concerned to a meeting at the same time. He further added that Assemblywoman Sayward and Senator Little had concerns that the legislation would allow all of the railroad property to be tax exempt. He expounded that Assemblywoman Sayward and Senator Little wanted to ensure that all municipalities involved were on board with this legislation.

Mr. Dusek apprised that those concerns had not been addressed at the meeting last week. He noted that the Railroad Authority would not be established this year, as the Legislative Session was coming to a close. He expounded that the two options discussed at the meeting were for Warren County to form their own Railroad Authority or that a Railroad Authority be formed between Warren, Essex and Saratoga Counties.

Mr. Dusek noted that he would be meeting with John Lemery, Attorney for SEDC, prior to the meeting scheduled on June 15, 2007. He added that the purpose of the meeting would be to discuss any concerns the SEDC may have with regards to the proposed legislation. He further added that they would have to devise a strategy to notify all municipalities and school districts that would suffer a tax loss by the formation of the Railroad Authority.

Discussion ensued.

Returning to Item No. 6 on the Agenda, Mr. Dusek apprised that all discussions concerning contract negotiations with the UHRR had been about the flat fee of \$30,000 for the year or \$1 to the County per ticket sold. He stated that as the railroad line opened up and moved south, UHRR would now owe \$2 per ticket sold, which was considerably more than \$30,000 per year.

Mr. Dusek expounded that the current contract with the UHRR was for a \$1 per ticket sold which became \$2 per ticket sold further south. He added that his concern was that the \$30,000 per year fee would result in the County losing money when compared to \$1 or \$2 per ticket sold. He further added that when the original contracts were written, it was with the assumption that \$30,000 per year or \$1 per ticket would equal about the same amount of money.

Mr. VanNess questioned if it would be worth investing in turnstiles for each station, which could give a more accurate count of the number of passengers. Mr. Belden asked if a contract had already been signed and Mr. Dusek replied in the negative. Mr. VanNess stated that if turnstiles were used, the County would not have to rely on the UHRR to provide them with the passenger count. Mr. Dusek reminded the Committee that the current five-year contract ended in 2008 and that contract would be extended for two years, ending in 2010. He added that at that time the County would prepare an RFP (Request for Proposal) for a new operator and turnstiles could be included in the RFP, which would then be the responsibility of the new operator. Mr. O' Connor noted that the Committee had discussed turnstiles a few years ago and had come to the conclusion that it would be expensive and cumbersome to put turnstiles in each station.

Discussion ensued.

Mr. Belden suggested extending the contract as it was written and then prepare an RFP in 2010. Mr. Dusek noted that the reason he was addressing these concerns was so that the Committee could make the decision. Mr. Gabriels asked if the UHRR was aware of Mr. Dusek's concerns and Mr. Dusek replied that they were not because he wanted to discuss them with the Committee first.

Mr. VanNess stated that he felt they should renew the contract the way it was and discuss it further once all the stations had been constructed. Mr. Dusek clarified that the contract would be for \$1 per ticket/\$2 per ticket down south. He added that in 2010 the County would then need to do an RFP for a new operator.

Mr. Gabriels stated that he would prefer to have further negotiations with the UHRR before a resolution was passed. Mr. F. Thomas asked if the money received for UHRR was intended to cover the costs incurred by the railroad. Mr. Dusek replied that the money was used to pay taxes and for any repairs to the track. Mr. Butler apprised that the UHRR passenger count was approximately 18,000 passengers per year, plus an additional 17,000 passengers from the Thomas the

Tank Engine Event. Mr. Dusek expounded that totaled 35,000 passengers per year and if it were a flat fee of \$30,000 a year, the County would be losing revenue. Mr. VanNess stated that if \$30,000 did not fully cover the County's expense for the railroad then something needed to be changed. Mr. F. Thomas suggested that the County establish its expenses before any renegotiations were completed.

Mr. Dusek clarified that the current contract was for \$1 per ticket or \$2 per ticket if it ran the whole line. He added the UHRR was proposing the new contract be for a flat fee of \$30,000. He further added that if the County accepted this proposal, they would be receiving less money, as ticket sales were expected to be 40,000 or more for 2007.

Mr. Geraghty stated that he felt Mr. Butler should discuss the issue with the UHRR to see if they would be willing to stay with the current terms of the contract as opposed to the flat fee of \$30,000.

Mr. Dusek stated that the County would start receiving the \$2 per ticket once all the stations were constructed. Mr. Butler noted that the stations in Thurman and Lake Luzerne should be constructed by next year. He added that at \$2 per ticket, with approximately 40,000 tickets sold, the County would receive \$80,000 in revenue, which was significantly more than the proposed \$30,000.

Mr. Merlino stated that the Town of Lake Luzerne had leased the train for a day for \$2,000 from the UHRR. He added that they had charged \$5 per ticket and were able to make a profit. In response to a question about how much the County received from this lease, Mr. Dusek stated that the County did not make any money from extra programs run by the UHRR.

Mr. O' Connor apprised that the County could not make money on the railroad. Mr. Dusek clarified that the County could generate revenue; however, the money must remain in the railroad fund and could not be transferred to the General Fund.

Mr. Butler apprised that an inspection had been done on the bridges and they required \$15,000 to \$20,000 in repairs. Mr. Belden questioned if the County needed to fund those repairs and Mr. Butler replied that the UHRR, under the current contract, was responsible for maintenance of the bridges.

Mr. VanNess stated that he was concerned that the County did not receive any compensation when the UHRR leased the train, as the train was running on tracks maintained by the County. He added that if the County was to receive \$1/\$2 per ticket, it should include every ticket sold for the railroad.

Mr. Dusek reiterated that he needed to know how the Committee wanted to proceed as far as the contract renegotiations. Mr. Payne noted if the UHRR discontinued the Thomas the Tank Engine Event, \$30,000 would be a much better amount than \$1-\$2 per ticket.

Discussion ensued.

After discussion, it was the general consensus of the Committee to renegotiate the contract with UHRR for \$1 per ticket and \$2 per ticket once the stations were completed. Mr. Dusek stated that they would bring this proposal to the UHRR and then back to this Committee next month. Mr. Butler apprised that he would invite the UHRR representatives to the next Committee meeting.

Returning to Old Business, Item No. 2 on the Agenda, Mr. Butler apprised that he had been in contact with Clough Harbour & Associates. He added that the Saratoga-owned portion of the railroad had gone out to bid in June with mobilization in August. He further added that this was to be done for \$1.6 million and that due to the beaver breakout Saratoga would be short on funds and would only be able to achieve Class I status, instead of the proposed Class II status. He noted that Class I was only ten miles per hour; however, if the \$1 million in State funding came through in time, they would be able to get it to a Class II, which was thirty miles per hour. He added that Saratoga should be up and running this fall.

Mrs. Sady noted that there was a resolution request that had not been discussed and Mr. Butler replied that Mr. Dusek said it was not needed. Mr. Dusek explained that the request had been to extend Pat Beland's contract with the County; however, the current contract was for 90 days which did not have to be consecutive. He added that there was plenty of time left on that contract.

As there was no further business to come before the Parks, Recreation & Railroad Committee, on motion made by Mr. Gabriels and seconded by Mr. Merlino, Mr. Belden adjourned the meeting at 12:30 p.m.

Respectfully Submitted,

Charlene DiResta, Legislative Office Specialist