

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PARKS, RECREATION & RAILROAD

DATE: JUNE 26, 2007

| COMMITTEE MEMBERS PRESENT: | OTHERS PRESENT: |
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| SUPERVISORS HASKELL | REPRESENTING THE PARKS, RECREATION & RAILROAD |
| BELDEN | DEPARTMENT: |
| O'CONNOR | PAUL BUTLER, DIRECTOR |
| GABRIELS | PAT BELAND, TEMPORARY DIRECTOR |
| VANNESS | REPRESENTING UPPER HUDSON RIVER RAILROAD: |
| F. THOMAS | CLIF WELZ |
| STEC | JOHN C. RIEGEL |
| GERAGHTY | WILLIAM THOMAS, CHAIRMAN |
| MERLINO | WILLIAM LAMY, DPW SUPERINTENDENT |
| | WAYNE LAMOTHE, ASSISTANT DIRECTOR, PLANNING & |
| | COMMUNITY DEVELOPMENT |
| | HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE AND |
| | FISCAL SERVICES |
| | JOAN SADY, CLERK OF THE BOARD |
| | CHARLENE DiRESTA, LEGISLATIVE OFFICE SPECIALIST |

Mr. Haskell called the meeting of the Parks, Recreation & Railroad Committee to order at 11:20 a.m.

Motion was made by Mr. F. Thomas, seconded by Mr. Merlino and carried unanimously to approve the minutes of the May 29, 2007 Committee 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 noted that Item No. 1 on the Agenda was an update on the Kellogg Property. He said that he had received a letter of support from OSI (Open Space Institute), which was included in the Agenda packet. He added that OSI would have a Board meeting in September and would be drafting a resolution for the transfer of ownership. He further stated that an agreement for the transfer of ownership should be completed by fall or winter.

Wayne LaMothe, Assistant Director of Planning & Community Development,

apprised that Item No. 2 on the Agenda was regarding the grant application to the New York State Office of Parks and Historic Preservation, that would fund the proposed improvements to the Kellogg Property. Mr. Butler noted that estimates for construction of the 28 foot by 50 foot building, the foundation for the historic barn and the infrastructure site development, were included in the Agenda packet.

Mr. LaMothe apprised that SHPO (State Historic Preservation Office) had not given clearance for the proposed changes to the property. He added that because public funds were being used for the project and the building was more than fifty years old, clearance from SHPO was needed. He noted that initially the Committee wanted to remove the building that had the scales in it; however, he was unsure of the legality of removing this building. He recommended that for the grant application, the building should be left out. He further stated that more funding would be available in August from the Local Waterfront Conservation Program and he hoped that the County would have clearance from SHPO by that time. He added that SHPO may require that the building be rehabilitated, rather than torn down.

Mr. Haskell questioned why SHPO was involved in the decision process for the Kellogg Property and Mr. LaMothe responded that because the buildings were more than fifty years old, they fell under the Office's jurisdiction. He added that he had put in a request with SHPO to determine the requirements for using public funds for those buildings.

Mr. Haskell questioned if all public buildings over fifty years old needed clearance from SHPO before improvements could be made and Mr. LaMothe replied affirmatively. Mr. LaMothe said that SHPO was mainly concerned with the exterior of the buildings and that any interior changes that were needed could be done. Mr. Haskell asked how much control SHPO would have over the project and Mr. LaMothe replied that all plans would have to be approved by them.

Mr. LaMothe stated that the proposed development of the Historic Barn would not be an issue, because the County was restoring it to its previous condition. He added that the site development would also not be an issue, because it would not affect any of the buildings directly. He apprised that the middle building was the one that would be an issue for SHPO because it had a unique truss system that was evident of a certain time period. Mr. Haskell noted that one of the beams was rotted and Mr. LaMothe responded that SHPO would most likely recommend replacement of the beam and roof. He recommended that the grant application include all the proposed improvements with the exception of the middle building, since its status was still unknown.

Mr. Belden asked how the County could submit a grant application for property that it did not own. Mr. LaMothe responded the County had an ownership interest and that was all that was required to submit the grant application. Mr. Belden said he had concerns about the possible ramifications of the County restoring the property and what would happen if OSI changed their position on the transfer of ownership.

Motion was made by Mr. Belden and seconded by Mr. Gabriels to postpone the submission of the grant application until the County Attorney could be consulted to discuss the legal ramifications involved.

Chairman Thomas stated that the County had a management agreement with OSI for the Kellogg Property. He noted that the goal of OSI was to purchase property and make the property open for public use, before transferring ownership of the property to a government entity. He said that the management agreement covered all of the proposed work.

Mr. LaMothe stated that he had discussions with Paul Dusek, County Attorney, regarding the management agreement and the terms of the agreement, which was for ten years, with eight years remaining. He added that Mr. Dusek felt that all the proposed work was consistent with the management agreement. He further stated that Mr. Dusek had not expressed any concerns with the terms of the management agreement.

Mr. Butler noted that the management agreement stated that the County was responsible for maintenance of the buildings. Chairman Thomas questioned if the middle building would cause problems for the County due to its age. Pat Beland, Temporary Director of Parks, Recreation & Railroad, said that the County had worked on a number of buildings over fifty years old in the past. Chairman Thomas wondered if the County would be able to tear down the middle building. Mr. LaMothe apprised that his understanding was that SHPO would have to give approval before the building could be torn down. Chairman Thomas asked if this was because it was over fifty years old and added that the building was not listed on the historic register. Mr. LaMothe responded that the environmental assessment forms stated that if a building was over fifty years old and public funds were being used, then clearance from SHPO must be obtained before the building could be touched. Chairman Thomas noted that the building was currently falling apart.

Mr. Haskell asked if the Town of Johnsburg had an unsafe building code and Chairman Thomas replied affirmatively. Mr. VanNess questioned the liability of

not tearing the building down if it was deemed unsafe. Mr. LaMothe apprised that SHPO could possibly decide that the building was unsafe and that it had no historical value. Mr. Haskell questioned the ramifications of the County accepting the grant. Mr. LaMothe responded with respect to the two barns, the plans must be submitted to the Office of Parks and Recreation prior to any work being done. He added that he did not feel there would be any significant issues with the Office of Parks and Recreation signing off on the project.

Discussion ensued.

Mr. Haskell asked when the deadline for the submission of the grant application was and Mr. Butler replied it was due this Friday, June 29, 2007. Mr. LaMothe recommended including the proposed foundation work for the barn and the site work in the grant application, and to leave the other two buildings out.

Following discussion, Mr. Haskell called the question on the motion to postpone the grant application until the County Attorney could be consulted to discuss the legal ramifications involved, and the motion failed by majority vote.

Motion was made by Mr. O'Connor and seconded by Mr. F. Thomas to submit the grant application and include the proposed foundation work for the historic barn and the site development, leaving the other two buildings out.

Mr. VanNess said that he felt that this would be the best course of action. Chairman Thomas stated that the Committee should talk to SHPO to get a definite answer on the status of the property. Mr. Belden asked when the next round of funding would be available and Mr. LaMothe responded that it was normally once a year. He added that there was a companion program to this grant, under the Local Waterfront Conservation Program that would be due in August or September.

Mr. Haskell called the question and the motion carried by majority vote to submit the grant application and to include the proposed foundation work for the historic barn and the site development, leaving the other two buildings out, with Messrs. Belden and Geraghty voting in opposition.

Motion was made by Mr. F. Thomas, seconded by Mr. Gabriels and carried unanimously that if the County was awarded the grant from the New York State Parks and Historic Preservation, the issue would come before this Committee

before the grant was accepted.

Mr. Butler apprised that Item No. 3 on the Agenda was a letter from Hadley Luzerne Stony Creek Day Center accepting the County's offer of the Biondi Building. He added that a copy of the letter was included in the Agenda packet. He advised that following conversations with the New York State Department of Transportation and the Federal Highway Administration it was determined that if the County donated the building for public use, they would most likely be reimbursed for 80% of the value of the building. He added that the appraised value of the building was \$126,000, which would be a reimbursement to the County of \$100,800. He apprised that there would need to be a written agreement between the County and Hadley Luzerne Stony Creek Day Center stating that the building could only be used for public use and if the building did not stay in public use, ownership would revert back to Warren County.

Mr. Haskell asked if the County would be donating the building or if they would need to sell it for one dollar and Mr. Butler replied the building would be sold for a fee of one dollar (waived). Mr. Haskell recommended setting a deadline for Hadley Luzerne Stony Creek Day Center to remove the building and the consensus of the Committee was that the deadline should be 90 days after the transfer of ownership. Mr. VanNess asked if this could be presented at the July 6, 2007 Special Board meeting and Chairman Thomas replied affirmatively.

Motion was made by Mr. Geraghty, seconded by Mr. VanNess and carried unanimously to authorize the sale of County property, known as the Biondi Building, to the Hadley Luzerne Stony Creek Day Center for a fee of one dollar (waived), contingent on the building being removed from the property within 90 days. *The resolution request form is on file with the minutes and the necessary resolution was authorized for the July 6, 2007 Special Board meeting.*

Mr. Butler stated that Item No. 4 on the Agenda was to discuss the status of the Bikeway Access on Woodvale Road in the Town of Queensbury that should have commenced construction on May 31, 2007. He added that he had a meeting with The Landing of Queensbury one day prior to the start of construction and learned that they were not prepared to construct the sidewalk that would connect to the Bikeway Access; therefore, the project had been delayed. He further added that he had spoken with Bonnie Thomas, Director of The Landing, who said that she was seeking approval from their Board for construction of the sidewalk. Mr. Butler noted that he would proceed with the project as soon as The Landing had approval

from their board to construct the sidewalk.

Mr. Butler expounded that Item No. 5 on the Agenda was a request to submit an application to Adirondack/Glens Falls Transportation Council, for grant funding in the amount of \$250,000. He added that the grant would be used to mill and reface four miles of the Warren County Bikeway and to treat the bikeway shoulders with fill and topsoil. Mr. Haskell questioned if this was a grant in which the County would be reimbursed at a rate of 80% and Mr. Butler replied affirmatively and added that in-kind services were eligible for the County's 20% share.

Motion was made by Mr. Geraghty, seconded by Mr. VanNess and carried unanimously to authorize submission of an application to Adirondack/Glens Falls Transportation Council for grant funding, in an amount not to exceed \$250,000, for the purpose of milling and resurfacing four miles of the Warren County Bikeway.

Mr. O'Connor noted that the milling would be expensive and Mr. Butler agreed. Mr. Merlino asked who would do the milling and William Lamy, DPW (Department of Public Works) Superintendent, responded that it would be contracted out, because the DPW did not own the necessary equipment. Mr. Merlino expounded that the Town of Lake Luzerne had purchased a milling machine for \$85,000 three years ago for a project that had been completed within three weeks and the machine had not been used since. He asked Mr. Lamy if the County would be interested in purchasing the milling machine from the Town of Lake Luzerne and Mr. Lamy responded that he would have someone look at the machine to determine its usefulness. Mr. VanNess suggested that the Town of Lake Luzerne lend the milling machine to the County for the necessary milling work to be done on the Bikeway. Mr. Merlino said that the machine was in good working order; however, it had not been used in three years.

Mr. Haskell expounded that Mr. Beland, Mr. Butler and he had met with representatives from Clough Harbour & Associates to discuss the estimated cost of the construction of the two railroad stations (Thurman and Hadley) and the site development. Mr. Haskell noted that the estimated total cost was \$2.2 million and the County had \$1.3 million in available funds. He suggested that the majority of the site development could be done by the DPW.

Mr. Beland apprised that Clough Harbour & Associates had completed 80% of the

site and engineering plans, which would be submitted to the New York State Department of Transportation for review. He added that engineering estimates included overhead and profit. He further added that the engineer's estimate was \$2.2 million or \$1.1 million per station. He noted that some of the proposed plans were not necessary, such as landscaping and earthwork. He added that it had been the intention from the beginning of the project to do as much of the work as possible in-house. Mr. Lamy asked what the time schedule was and if the permits had been obtained. Mr. Beland stated that the work was to be completed as soon as possible; however, the permits had not yet been obtained.

Mr. Beland noted that one of the options was to bid out all of the work to construct one of the two stations. Mr. Lamy apprised that with the exception of rough grading and foundation work, normally a building was constructed prior to the site development. Mr. Haskell apprised that the work being requested from the DPW included some rough grading, construction of a small retaining wall and digging of the foundations. Mr. Lamy said that the DPW would not be able to do the requested work and Mr. Haskell responded that he realized DPW was overextended; however, he had to ask.

Mr. Beland expounded that if everything went as planned, construction would not start until December at the earliest.

Mr. Belden recommended that Saratoga County be approached and asked to contribute towards the funding, since the Hadley station would be in Saratoga County. Mr. Merlino stated that there should be a joint meeting with the Town of Hadley and their Highway Superintendent, the Town of Lake Luzerne and their Highway Superintendent, and the Warren County Board of Supervisors, to discuss funding contributions and in-kind services for the two stations. Mr. Lamy said that he felt one successfully constructed railroad station was better than two failed railroad station projects.

Motion was made by Mr. VanNess and seconded by Mr. Stec to begin construction on the railroad station in the Town of Thurman using the available funding and to delay construction on the station in the Town of Hadley until next year.

Mr. F. Thomas stated that he felt that the station in the Town of Hadley was more critical to the future success of the railroad and therefore, should be constructed first.

Mr. Beland said that it was possible to just construct a platform and canopy with a port-a-john for each of the two stations. John C. Riegel, UHRR (Upper Hudson River Railroad), said that he understood that each township wanted to have a fully functional railroad station. He added that the operation of the railroad was more dependent on the track work. He further added that they needed a run-around in the Town of Hadley with a platform, a canopy and a port-a-john and that they needed similar accommodations in the Town of Thurman. He noted that it would be ideal to have a functional station for both sites; however, they only needed the platform, canopy and port-a-john in order to function.

Mr. Beland noted that a run-around was being constructed in the Town of Corinth. Mr. Riegel questioned if UHRR would have use of that run-around and Mr. Beland replied that the contracts were being prepared. Mr. Belden asked if there would be remaining funds, following the construction of the Thurman station, to construct a run-around, platform, and canopy, as well as add a port-a-john for the station in the Town of Hadley. Mr. Beland responded that according to the engineer's estimate, there would be approximately \$200,000 remaining.

Mr. VanNess apprised that the County should construct one of the two stations and added that if they constructed the station in the Town of Thurman, there would still be the possibility of funding contributions from Saratoga County for the station in the Town of Hadley.

Discussion ensued.

Mr. Haskell called the question and the motion was carried by majority vote to begin construction on the railroad station in the Town of Thurman using the available funding and to delay construction on the station in the Town of Hadley until next year, with Mr. Merlino voting in opposition.

Mr. Butler asked Mr. Riegel if Mr. Dusek had spoken with UHRR concerning the contract issue and if everything had been decided and Mr. Riegel replied affirmatively. Mr. Butler questioned if the resolution which had been previously held, would be presented at the July 20, 2007 Board meeting and Joan Sady, Clerk of the Board, responded that she would confirm that with Mr. Dusek.

Clif Welz, UHRR, distributed an Agenda and some photos that were taken of work that had been done on the railroad, to the Committee. *The Upper Hudson River Railroad Agenda and the photos are on file with the minutes.* Mr. Riegel apologized

for not having representatives for UHRR at the last Committee meeting. He noted that the Thomas the Tank Engine Event had been very successful this year with 14,000 riders, which, he added, was down a little from last year's number of 18,000 riders. He added that the merchants of North Creek were busy and that they were happy with the event.

Mr. Riegel noted that UHRR started their full summer schedule tomorrow. He added that on Saturdays, UHRR would have the full 40 mile run from North Creek to Hadley and he noted that they expected a full crowd.

Mr. Riegel apprised that use of the run-around at the Corinth Station would be very beneficial to UHRR's operations. He thanked the County for the infrastructure improvements that had been made on the Kellogg Property which, he added, had been very helpful to the Imagination Station Event.

Mr. Welz noted that UHRR was currently upgrading and maintaining the train coaches and they hoped to have them completed by August. He added that they were replacing boards on the platforms as they had corroded. He said they were currently cleaning and painting the caboose at Riverside and it would be in use by tomorrow. He apprised that UHRR was currently refurbishing the basement at the Riverside station, as well. He added they would start brush cutting where it was necessary in August. He noted that the handicap ramp at Thurman was awaiting approval and that he would like to have a ground level platform with a canopy at the Hadley station.

Mr. Welz stated that he wanted to review his "wish list" for projects to be completed in 2008. He added that UHRR would like to add split rail fencing at both the North Creek and Riverside stations. He said that he would like to extend the platform at the North Creek station. He stated that he would like to have mile posts and whistle boards in place this fall and he explained, that a whistle board was a board placed 900 feet before a railroad crossing allowing the engineer to blow a whistle to alert people at the crossing that the train would be coming. He noted that the Riverside station was particularly dark and he wanted to add lighting to the parking lot there. He added that the parking lot at Riverside needed to be paved or at least have crusher run put down. He apprised that there was no heating system at the Riverside station; therefore, they would like to have a Modine heater put in.

Mr. Lamy asked how many whistlestop boards were needed and Mr. Welz

responded that they would need twenty-four, one for each side of each crossing. Mr. Haskell stated that it would be advantageous to Warren County to have the mile posts installed; however, he felt that UHRR should be obligated to put up the whistlestop boards.

Chairman Thomas questioned the point of extending the platform at the North Creek station and Mr. Welz responded that it would improve loading capability and lessen the railroad's obligation to the museum. Mr. Riegel reminded the Committee that the museum had charged UHRR a loading fee of \$5,000 per year, for using their platform. Mr. Haskell apprised that there had been three or four meetings with representatives from the museum and he felt things were moving along rapidly. Mr. Riegel asked Mr. Haskell if he could try to get the museum to waive the fee in the future.

Messrs. Riegel and Welz exited the meeting at 12:33 p.m.

Mr. Butler apprised that the schedule for the Warren County Fairgrounds was enclosed in the Agenda packet. Mr. Haskell asked what the charge was for use of the Fairgrounds and Mr. Butler responded \$150 per day, which included use of the restrooms.

Mr. Butler apprised that all of the Pending Items were completed and could be removed from the list.

Mr. Merlino asked if permission was needed from this Committee to open the gate for the railroad to use the Biondi Property. Mr. Butler responded, as per the contract, once the property was turned over to the County, permission was not required because it was County-owned property.

As there was no further business to come before the Parks, Recreation & Railroad Committee, on motion made by Mr. Stec and seconded by Mr. O'Connor, Mr. Haskell adjourned the meeting at 12:37 p.m.

Respectfully Submitted,
Charlene DiResta, Legislative Office Specialist