

## WARREN COUNTY BOARD OF SUPERVISORS

**COMMITTEE:     PARK OPERATIONS & MANAGEMENT (O&M)**

**DATE:            JULY 1, 2014**

---

---

**COMMITTEE MEMBERS PRESENT:   OTHERS PRESENT:**

SUPERVISORS MONROE  
                  MERLINO  
                  KENNY  
                  DICKINSON

JEFFERY TENNYSON, SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS  
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ADMINISTRATOR  
JOAN SADY, CLERK OF THE BOARD  
FRANK E. THOMAS, BUDGET OFFICER  
SUPERVISORS BEATY  
                  BROCK  
                  MCDEVITT  
                  TAYLOR  
ROBERT BLAIS, MAYOR OF THE VILLAGE OF LAKE GEORGE  
DAVID HARRINGTON, SUPERINTENDENT OF PUBLIC WORKS, VILLAGE OF LAKE  
                  GEORGE  
FRED AUSTIN, WARREN COUNTY RESIDENT  
DON LEHMAN, *THE POST STAR*  
SARAH MCLENITHAN, SECRETARY TO THE CLERK OF THE BOARD

---

---

Mr. Monroe called the meeting of the Park Operations & Management (O&M) Committee to order at 10:13 a.m.

Motion was made by Mr. Kenny, seconded by Mr. Merlino and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the agenda were distributed to the Committee members; *a copy of same is on file with the minutes.*

Commencing the agenda review, Jeffery Tennyson, Superintendent of the Department of Public Works (DPW), advised the first item on the Agenda referred to an update on the Charles R. Wood Park construction. He stated the Agenda included a summary of the various contracts that were underway, the first of which concerned the Festival Space. He said construction had commenced on the County contract for the Festival Space. He reminded the Committee due to unanticipated weather delays and some additional work a change order was issued authorizing a delay to ensure the other projects proceeding in the Park were not disrupted. He apprised the new completion date for construction was July 21<sup>st</sup>, which he felt would permit the turf to be ready for the events scheduled in September.

Mr. Dickinson questioned what the original completion date was and Mr. Tennyson replied it was July 8<sup>th</sup>. Mr. Monroe queried whether the water pooling issue had been addressed and Mr. Tennyson replied affirmatively. Robert Blais, Mayor of the Village of Lake George, asked whether there were any penalties included in the contract should the work not be completed on time and Mr. Tennyson replied in the negative. He explained there was no set penalty in the contract; however, he said, should a delay cause impact to the usage of the property and/or events already scheduled for September demonstrated liquidated damages could be pursued. Mr. Monroe pointed out the delay was due to excessive standing water on the property, which had been unanticipated by all parties involved. Mr. Dickinson queried why the standing water was unanticipated since the ground water had been tested and Mr. Tennyson replied the ground water was not the cause of the issue. He

explained the high volume of rainfall during the spring caused water to pool on the property. Mayor Blais noted the Village of Lake George's expenses toward the American Music Festival scheduled for September would increase substantially should the Festival Space not be available for the event. Mr. Monroe said he felt a determination as to whether demonstrated liquidated damages would be pursued did not have to be made at this time. He continued should the Festival Space not be available in September the Committee could revisit the discussion to determine whether the impact warranted pursuing demonstrated liquidated damages. Mr. Dickinson suggested the Committee authorize a letter sent to the contractor advising them should the space not be ready for the events scheduled in September the interested parties would require reimbursement for their expenses. Mr. Tennyson interjected he did not feel a letter was necessary since he communicated with the contractor on a regular basis.

Paul Dusek, County Administrator, questioned whether the change order had been executed on the additional two week period and Mr. Tennyson replied affirmatively. Mr. Monroe pointed out since a two week extension was granted to the contractor, demonstrated liquidated damages could not be pursued unless the project was delayed further. Mr. Tennyson stated any further delays should be addressed on a case by case basis. He continued, if the delay was due to an unforeseen circumstance the contractor should not be penalized; however, he said, should it be determined the contractor was at fault for the delay they would be held accountable for it.

With regards to the Environmental Park, Mr. Tennyson advised the NYSDOT (New York State Department of Transportation) had issued award concurrence letters for all low bidders. He stated the contractors would be presenting their preliminary schedules and proposed sequencing for review at the pre-construction meeting scheduled for tomorrow.

Mr. Tennyson apprised the contractor was still in the process of completing the plans and specs. He said they were awaiting further development of the Environmental Park before a bid schedule was prepared because certain portions of the contract related to the Environmental Park, such as the rough grading. Mr. Monroe questioned when Mr. Tennyson anticipated construction would commence on the Park elements project and Mr. Tennyson responded he projected construction would commence in the Spring of 2015. He explained this portion of the project pertained to the construction of the skate park and playground. Mr. Monroe commented that he was pleased to see the projects in the Charles R. Wood Park were progressing.

Mr. Geraghty questioned the total projected cost for construction of the Festival Space and Mr. Tennyson replied he estimated the cost to be about \$600,000. Mr. Tennyson pointed out the project was competitively bid. Mayor Blais added the bid awarded was less than what the projected costs of the project were.

With regards to the Park Tobacco Use Rules, Mayor Blais advised the Lake George Village Board would like the County to consider prohibiting smoking throughout the entire Park with the exception of during certain permitted events in the Festival Space, such as the American Music Festival. He noted several parks located in the region were considering prohibiting smoking or already had rules in place that banned it.

Mr. Kenny queried why certain events would be permitted to allow smoking over others, and said he felt smoking should never be permitted and Mayor Blais concurred. He explained the Village of Lake George's Local Law No. 3 of 2014 currently only prohibited smoking in certain areas of the Park such as within 50 feet of the skateboard park and within the skateboard park.

Mr. Dickinson apprised the Lake George Town Board wanted to ban smoking throughout the entire

Park and Mayor Blais added the Village Board would be agreeable to this, as well. Mr. Monroe interjected he felt certain areas of the Park should be designated for smoking. Mr. Tennyson pointed out what differentiated the Charles R. Wood Park from others in the region was that large events would be taking place there. He said his concern was larger events would cause congestive issues in areas such as the parking lot should smoking be banned throughout the Park.

Mr. Dickinson asked Mr. Tennyson if he had any recommendations and Mr. Tennyson replied affirmatively. He suggested they consider designating a smoking area within the Park that could be utilized for special events that applied for a special permit to allow smoking during their event. He reiterated his concern that congestive issues would arise in areas such as the entrances to the Park, as well as the parking lot if smoking was banned throughout the park during the larger events. He added the congestive issues would create safety concerns, as well as be a nuisance for the non-smokers.

Mr. Kenny questioned whether it would be difficult to incorporate designated smoking areas within the Park and Mr. Tennyson replied in the negative. He referred to The Great Escape and Splashwater Kingdom, as well as Disney Parks as examples of large amusement parks that had successfully instituted signs and fenced areas indicating the locations of designated smoking areas. He said he felt this type of system would work well for the Charles R. Wood Park, as well and Mr. Monroe concurred.

Mr. Monroe pointed out the County would be unable to permit designating smoking areas within the Park if both the Village and Town of Lake George's Boards enacted Local Laws prohibiting smoking within the Park. Mr. Dusek said the County could adopt a Local Law either prohibiting smoking or allowing it; however, he stated, the Village and Town's rights would need to be considered, as well. Mr. Monroe stated that the Committee could make a recommendation but the Village and Town would be responsible for making the final determination.

Mr. Dusek reminded the Committee the County promoted and encouraged young people to refrain from smoking through the Tar Wars Tobacco Free Education Program and Poster Contest. He said individuals may get the wrong perception of the County if non smoking was promoted to youths but smoking was permitted within the Park. He added there were several issues the Committee should consider prior to making a decision. Mr. Dickinson advised he concurred with Mr. Dusek and added he felt prohibiting smoking within the Park would assist with promoting non smoking. He suggested a joint meeting of the Village and Town of Lake George's Boards be scheduled to discuss the matter further and make a final determination. Mayor Blais interjected he was concerned if a decision was not made shortly sufficient time would not be available to enact a Local Law prior to September when the first two large events were scheduled to take place.

Discussion ensued.

Pursuant to the discussion, motion was made by Mr. Dickinson, seconded by Mr. Kenny and carried by majority vote with Supervisor Monroe voting in opposition to support an amendment to the Village of Lake George Local Law No. 3 of 2014 to prohibit smoking in the entire Charles R. Wood Park (formerly Gaslight Village Property) and the necessary resolution was authorized for the July 18, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

With regards to mowing the property, Mayor Blais requested that David Harrington, Superintendent of Public Works, Village of Lake George, provide an update to the Committee. Mr. Harrington stated the Village of Lake George DPW personnel were currently finishing up mowing the south parcel where the ponds were located. He said because of excessive overgrowth it was taking more time

than was anticipated to mow the entire parcel. He said he expected to present a substantial bill for the total hours and equipment usage to maintain the property at the next Committee meeting. Mayor Blais pointed out the excessive overgrowth occurred because of some unforeseen circumstances that prevented them from being able to mow the property until now. Mr. Harrington advised going forward the Village DPW would like to mow the property about once a month to prevent overgrowth from reoccurring.

Mr. Monroe apprised the Project Management Executive Committee (PMEC) would be discussing a schedule and budget for maintaining the property at their July 9, 2014 meeting. Mayor Blais added the Village would be presenting an estimate for review of what they felt it would cost to maintain the property at the next Committee meeting.

As there was no further business to come before the Park Operations & Management (O&M) Committee, on motion made by Mr. Dickinson and seconded by Mr. Kenny, Mr. Monroe adjourned the meeting at 10:36 a.m.

Respectfully submitted,  
Sarah McLenithan, Secretary to the Clerk of the Board