WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PUBLIC WORKS**

DATE: **JUNE 1, 2015**

COMMITTEE MEMBERS PRESENT:		**OTHERS PRESENT:**
SUPERVISORS	MERLINO	JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
	CONOVER	KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS
	WOOD	JUSTIN GONYO, GENERAL SUPERINTENDENT, SARATOGA & NORTH CREEK RAILWAY
	TAYLOR	KEVIN GERAGHTY, CHAIRMAN OF THE BOARD
	FRASIER	PAUL DUSEK, COUNTY ADMINISTRATOR
	DICKINSON	MARTIN AUFFREDOU, COUNTY ATTORNEY
	SOKOL	AMANDA ALLEN, CLERK OF THE BOARD
	VANSELOW	FRANK THOMAS, BUDGET OFFICER
COMMITTEE MEMBER ABSENT:		SUPERVISORS BEATY
SUPERVISOR	SIMPSON	BROCK
		SEEBER
		DAVID STRAINER, TOWN OF QUEENSBURY RESIDENT
		DON LEHMAN, *THE POST STAR*
		THOM RANDALL, *ADIRONDACK JOURNAL*
		SAMANTHA HOGAN, SECRETARY TO THE CLERK OF THE BOARD

Mr. Merlino called the meeting of the Public Works Committee to order at 10:35 a.m.

Motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, who distributed copies of the Parks, Recreation & Railroad and DPW Agendas to the Committee members; *copies of both Agendas are on file with the meeting minutes.*

Commencing the review of the Parks, Recreation & Railroad Agenda, Mr. Tennyson apprised the SNCR (*Saratoga & North Creek Railway*) update would be provided by Justin Gonyo, SNCR General Manager.

Mr. Gonyo began his agenda review by informing the Committee he had visited the Hadley-Luzerne and Thurman Stations after the April 27th Committee meeting where it was brought to his attention that both stations were in need of some attention. He noted both stations were lacking curb appeal and he advised that over the next two months the stations would be receiving some much needed upgrades. Mr. Gonyo advised they would be adding the Concession Caboose from Riparius at the Thurman Station, and he stated that the Caboose would be painted and re-lettered in the Delaware Hudson paint scheme. Additionally, he advised plans being prepared to add a holding tank for the gray water coming from the Caboose. Mr. Gonyo stated they believed they had identified a designated operator for the Caboose and he advised that although SNCR would not seek to receive any of the proceeds from the concession operations, they would stipulate that the Caboose needed to be open and available while the train was operating. He continued that a set of panel tracks would be installed on the platform and all designs would be submitted to the proper authorities for approval. Mr. Gonyo reported at the Hadley-Luzerne Station a ground maintenance employee had been hired specifically to work five days a week for basic upkeep of the buildings and grounds. He noted new furniture would be added to the inside of the Station, as well as old-fashioned lamp posts on the outside; he added that flowers and vegetation would be planted at both of the Stations to add curb appeal. Mr. Gonyo indicated that SNCR would assume the costs for all of these improvements. He advised SNCR would be manning the Hadley-Luzerne Station five days a week while the train was running to give the Station more of an "open" appearance, but also to reflect the itinerary developed with the First Wilderness Heritage Corridor, which they would be marketing for the Hadley area. He apprised SNCR had been working with Perky

Granger, President of the Thurman Station Association, Inc., who had developed a number of community-based activities around the Station that would take place on weekends while the North End Local was operating. He noted SNCR would be soliciting to the Hadley Business Alliance to see if something similar could be set up at the Hadley-Luzerne Station, as well. Mr. Gonyo said he wanted to assure the Committee that their comments were heard and that SNCR was taking steps to remedy the situation and make the Stations more inviting, open and appealing to the public.

Mr. Merlino thanked Mr. Gonyo for these efforts and he noted he had recently spoken with SNCR staff working at the Hadley-Luzerne Station who had apprised him of the work being done.

With respect to the idea of implementing regular trolley service between Lake George and the Thurman Station, Ms. Wood noted she had met the trolley at the Thurman Station last week and had taken note that there were currently only two plastic chairs in place for waiting visitors. She commented that because there would be some waiting time between when the trolley and train arrived, and in light of the new Caboose concession stand, it would be a good idea to introduce more seating. Ms. Wood indicated Mr. Tennyson had advised there was a potential to bring picnic tables in for outdoor seating; however, she added, there was currently very little seating inside for rainy days. She asked Mr. Gonyo to look into this issue and Mr. Gonyo replied that he would.

Resuming his update, Mr. Gonyo informed SNCR had hired a "step-on guide" that had started two weekends ago and was doing a good job. He said they were still working out the specifics of how the guide would be used going forward.

Mr. Gonyo reported last month SNCR had hosted a round table event with local hotels and attractions in the Lake George area. He noted they had previously developed quite a few business partnerships in the Lake George area specifically geared towards the North End Local train service and believed they may have picked up eight additional partnerships through this round table meeting. Mr. Gonyo confirmed that, as had already been mentioned, they would have trolley service available from the Steel Pier in Lake George to the Thurman Station for the 10:00 a.m. and1:30 p.m. train departures which was new for this year; he acknowledged the availability of this new trolley service was squarely attributed to the major efforts of the First Wilderness Heritage Corridor Program, which were greatly appreciated.

Pertaining to freight operations, Mr. Gonyo advised 1,000 tons of stone had already been moved from the Tahawus mines and beginning next Monday they would start transporting the remaining 3,000 tons of stone to be shipped to Tauten, MA to fulfill the remainder of the contract with the Massachusetts Department of Transportation.

Mr. Gonyo stated the vegetation management weed spray work along the railroad tracks was initially planned to be conducted on June 1st and 2nd; however, he stated, that work had been cancelled due to rain, and would be rescheduled for June 2nd and 3rd. Mr. Gonyo apprised the appropriate notices had been published in the local newspaper, as per contract requirements. Mr. Gonyo informed the railroad track had been inspected by the Federal Rail Administration (*FRA*) and the New York State Department of Transportation (*NYSDOT*) and he confirmed there were no violations or defects for the County-owned portion of the track, nor the track between the North Creek Station and Tahawus.

Mr. Gonyo reviewed information on upgrades that were being completed in 2015. He stated the SNCR Maintenance Department had received new equipment including the following: an F-550 high-rail section truck, a F-350 high-rail patrol truck, a high-rail backhoe, a pre-owned high-rail grapple truck and a considerable amount of hydraulic powered equipment.

Mr. Gonyo advised SNCR would be conducting Emergency Preparedness Training which was mandated by compliance regulations for all on-board staff including conductors, engineers and passenger car attendants. He noted this training was scheduled to take place on June 9th, along with a "Safety Day" event for all employees which would include several aspects of training. Mr. Gonyo added that SNCR planned to include a yard clean-up for the North Creek Station on the same day. Finally, Mr. Gonyo spoke about the Antone Mountain Road crossing in the Town of Corinth, advising SNCR had been working with NYSDOT on grant funding in the amount of $152,000, for which SNCR would provide a match of $30,000; he added that they were fairly confident that the grant funding would be approved. Mr. Gonyo explained the grant funds would be used to upgrade the Antone Mountain Road crossing which was the only one without crossing gates and LED lights. He advised the crossing upgrade project was anticipated to commence in 2016.

Chairman Geraghty questioned whether SNCR had experienced any issues with wash-outs and Mr. Gonyo answered there had been a few beaver dam issues just south of Corinth, but they had been able to resolve them before any problems arose.

Continuing the Agenda review, privilege of the floor was extended to Paul Dusek, County Administrator, to speak about the Corinth & Warren Railroad Authority. Mr. Dusek apprised that on Friday, May 29th legislation that had been circulating in Albany for years was finally issued for the desired Authority. Mr. Dusek gave a brief history of this issue, noting that when he was County Attorney, he had believed it was in the County's best interest to have another company to essentially own the Railroad, to isolate railroad operations from County business, which was important for liability purposes, as well as for administration purposes as the rail line was owned and operated by two separate counties. He advised the Board of Supervisors at the time had requested a Public Authority be sought through the New York State Legislature and for a number of years this legislation was passed through the State Senate, but it was never approved by the State Assembly. He advised that Assemblyman Stec had been working on getting this legislation approved as he had a first hand understanding of the importance of the Authority, having been a former member of the Warren County Board of Supervisors. Mr. Dusek noted he had attended a meeting held last week at the State Assembly, where Assemblyman Stec was present, to discuss the desired legislation and the objections raised which were preventing it from moving through the Assembly. He continued that as a result of these discussions, changes were made to the proposed Assembly Bill (*A5297*) which were highlighted within the copy of the Bill provided in the Agenda packet. Mr. Dusek proceeded to point out the changes made, as follows:

- Page 4, line 34 - "theme rides" replaced specific event names such as "The Polar Express" and "Thomas the Tank" in order to make the verbiage more general;
- Page 8, line 30 - the word "shall" replaced the word "may" to indicate that the Counties would be conveying control of the railroad to the Authority for management;
- Page 11 - lines 4, 5 and 6, which indicated "*All actions or proceedings against the Authority of whatever nature shall be brought in a supreme court in the county or the county of Saratoga*", were removed.

Mr. Dusek noted he was not sure these minimal changes would make a difference, but if it the proposed Bill was approved by the standing Assembly Committee, the Legislation would go to the Assembly floor for approval, following which it would be presented to Governor Cuomo. He continued that assuming these approvals were granted, Warren County and the Town of Corinth would finally be in a position to activate the Public Authority. Mr. Dusek noted the Board of Supervisors would be asked to approve a Municipal Home Rule Request for the new legislation, contingent on it being passed by the State.

Martin Auffredou, County Attorney, indicated the purpose of this legislation was to create a Public Authority that would insulate the County from any liability if a railroad issue were to occur; he added that from a legal standpoint, this was a good thing. He explained that the Authority would be a separate legal entity under New State Law, and would be considered a State agency, subject to FOIL (*Freedom of Information Law*) requirements, as well as the Open Meetings Law, similar to the County.

Mr. Auffredou continued that in order to create this separate entity, there needed to be continuity of existence, which he noted, would be addressed by adding Title 28-C (*Corinth and Warren Railroad Authority*) to Section 1 Article 8 of the Public Authorities Law. He added Warren County and the Town of Corinth would each appoint three members to a board for the Authority and he noted theses appointees could be County Supervisors. He further explained the Authority would be a separate entity that would have separate insurance and indemnifications, but similar to the Board of Supervisors, would enact provisions of Section 18 of the Public Officer's Law to provide certain defense and indemnification provisions under the New York State Law for its members.

Mr. Auffredou advised the Authority would have the right to borrow money and he noted one of the provisions of continuity of the Authority indicated it would have to remain in place for 30 years from the effective date or until such time as any borrowing or bonding was paid off. He explained this was for the purpose of protecting the assets of the County and the Town by deflecting liability away from the taxpayers. With respect to what assets would be transferred to the Authority, Mr. Auffredou advised both the Town and County would make these determinations either by resolution, lease or agreement. Mr. Auffredou stated if the Authority were to terminate, then by operation of law all assets, real and otherwise, would return to the Town and the County pursuant to the agreements reached. He summarized that he believed this to be a good way to limit, if not exclude, liability for the County.

Mr. Dickinson questioned whether this Authority would take the County Board of Supervisors out of the railroad operations completely and Mr. Auffredou responded that he hesitated to state that they would be completely removed; however, he added, this was the closest they could come to doing so through this Authority. Mr. Auffredou stated it was his assumption that if the Board was going through this process it was their intention to transfer substantially all of the assets to the Railroad Authority for operation and to limit the County's liability. Mr. Dickinson responded that he had some reservations about doing this because they would essentially be relinquishing the County's authority in this area. Mr. Auffredou stated this was not something that needed to be acted upon today, but it did represent an opportunity to move it forward. Mr. Auffredou reminded Mr. Dickinson that the Board of Supervisors would appoint three members to the Authority Board, the terms of which would be established through by-laws and resolutions. Mr. Dickinson noted that in his past he had experienced negative issues with people who were appointed to certain positions thinking they would do a great job and that turned out not to be the case.

Mr. Dickinson inquired why there was a need to provide the Authority with the ability to borrow money. Mr. Auffredou stated this was essentially for capital projects, similar to those unanticipated expenses the County bonded; he added that he believed the Railroad was set up to be self-funding, but he could not confirm this would be the case. Mr. Auffredou quoted a provision of legislation adopted for an airport in Syracuse, NY, as follows: "*not withstanding any inconsistent provision of this title, no project having a cost exceeding $10 million including but not limited to the acquisition of Real Property by the Authority or the expansion of the Authority's Aviation Facilities may be undertaken by the Authority unless such project is approved by ordinance of the Syracuse Common Council adopted by a majority vote and approved by the Mayor.*"

Mr. Dickinson asked how drastic the effects would be to the County in their current situation if a railroad-related accident were to occur and Mr. Auffredou answered that the current railroad operator had insurances in place and certain indemnifications for the County were included under the existing agreement; however, he noted, indemnifications and insurances only extended to the insurance limits and the assets of the corporation. He continued that as far as liability to the County, he was no tin a position to estimate or predict what could go wrong or the cost, but if a catastrophic loss of life and property were to occur he was sure there would be some effort made to reach the County through that. Mr. Dickinson stated that he was a big fan of the railroad, but he agreed the County has some considerable potential for liability exposure as their agreement currently stood. He added that he believed the Authority was a good idea and they should pursue it.

A discussion ensued.

Mr. Tennyson stated the ability for the Authority to borrow was a concern, and asked whether the County had a right to limit the amount that could be obtained. Mr. Auffredou stated limits could be determined as to the amount of debt incurred by statute, but noted that such statutes were not currently in place. He advised as a public entity they would only be able to borrow up to a certain amount, but he reiterated they could add specific limits as to the amount that can be borrowed as was done in the case of the City of Syracuse Airport. Mr. Auffredou advised that they could request to have these provisions included, as well as a few others in regards to the bonding authority, in the proposed legislation.

Mr. Tennyson stated a majority of the work that had been done over the years had been completed through State and Federal Department of Transportation (*DOT*) grants, and once the Authority was established, would they be able to apply for such grants, or would the County be obligated to sponsor them. Mr. Auffredou answered he did not see any reason why the Authority would not be able to seek and apply for their own grants.

Mr. Taylor reiterated the primary purpose of creating the Authority was to insulate the County in terms of liability and asked whether amending the proposed legislation to give the County more control would reduce the liability insulating factor. Mr. Auffredou responded that the only area they intended to amend related to the Authority's ability to borrow money.

With respect to concerns that through this agreement the County may be doing something that would compromise taxpayer assets, such as the property the railroad tracks were located on, Mr. Conover suggested that a separate real estate document may need to be drawn up to protect the County's assets, similar to a lease agreement. Mr. Dusek referred the Committee to Page 8 of the proposed legislation, specifically pointing out verbiage beginning on Line 29 which stated; "*The county or the town or any other municipality along Corinth and Warren railroad line shall by resolution give, grant, sell, convey, lend or license the use of or lease to the authority any property or facility which is useful for the authority in order to carry out its powers under this title. Any such transfer of property shall be upon such terms and conditions, subject to such rights of any bondholders, as the authority and the county, the town or the municipality may agree.*"

Mr. Auffredou noted that he believed this would give the County the authority to convey or lease subject to the conditions agreed upon.

Motion was made by Mr. Dickinson, seconded by Mr. Sokol and carried unanimously to approve the request with the changes in the limitations on bonding and borrowing as outlined above and the necessary resolution was authorized for the June 19th Board meeting. *Note: Subsequent to the meeting it was determined this matter would be addressed by the Board of Supervisors at a Special Board Meeting held on June 15, 2015 at 11:00 a.m.*

Concluding the Parks, Recreation & Railroad Agenda review, Mr. Tennyson advised pages 12-15 included documents pertaining to the spring stocking update, the stocking history, and the Warrensburg Bike Rally being held at the Warren County Fair Grounds.

Mr. Dickinson questioned if there was a charge for the use of the Fairgrounds and Mr. Tennyson responded the rate set by resolution was $150 per day.

Commencing the DPW Agenda review, Mr. Tennyson presented a request to authorize the Chairman of the Board to execute Supplemental Agreement No. 3 for Capital Project No. H272, Harrington Road over Mill Creek Bridge. He advised this was the final allocation of State "Marchiselli" share funds made available by NYSDOT for the preliminary engineering phase of the project.

Motion was made by Mr. Vanselow, seconded by Dickinson and carried unanimously to approve the request as presented above and the necessary resolution was authorized for the June 19th Board meeting; *a copy of the request is on file with the minutes.*

Mr. Tennyson requested to decrease Capital Project No. H272, Harrington Road over Mill Creek Bridge Replacement, by $420,064.00. He explained this was to reconcile project funding shares with the final project costs.

Motion was made by Mr. Taylor, seconded by Ms. Wood and carried unanimously to approve the request, as outlined above, and to refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Mr. Tennyson requested authorization for the County Treasurer to close multiple capital projects and return remaining funds to the funding source, as follows:

- H220, *Railroad Stations/Improvements*, return $14,110 to Debt Service Fund
- H259, *Grist Mill Road over Stony Creek*, return $42,512 to General Fund
- H262, *Renovate Addition, Municipal Center*, no funds remaining
- H327, *Tropical Storm Irene*, return $107,042 to General Fund
- H328, *West Mountain Road Bicycling Improvements*, return $.10 to General Fund

Mr. Tennyson advised all of the projects listed were completed.

Motion was made by Mr. Dickinson, seconded by Mr. Vanselow and carried unanimously to approve the request to close multiple Capital Projects and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Item 4, Mr. Tennyson stated was a request to amend the 2015 County Budget in the amount of $42,488.36 to transfer local share funds for Capital Project H322, Palisades Road (*CR 26*) over Brant Lake Inlet Bridge.

Motion was made by Ms. Wood, seconded by Mr. Sokol and carried unanimously to amend the 2015 County budget as outlined above and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Mr. Tennyson requested authorization to increase Capital Project H322, Palisades Road (CR 26) over Brant Lake Inlet Bridge Repairs, in the amount $42,488.36.

Motion was made by Ms. Wood, seconded be Mr. Vanselow and carried unanimously to approve the request as presented above and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Mr. Tennyson requested to amend Resolution No. 257 of 2015 to correct a clerical error for the total contract amount with Clark Patterson Lee for preliminary engineering work in relation to Capital Project No. H352, County Bridge Painting Project. He explained Resolution No. 257 of 2015 indicated a contract amount of $35,000; however, he stated, the correct total was $68,000.

Motion was made by Mr. Conover, seconded by Mr. Dickinson and carried unanimously to amend Resolution No. 257 of 2015, as outlined above, and the necessary resolution was authorized for the June 19th Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Tennyson requested authorization for one of his staff members, Tamara Barlow, to complete the Accounting Fundamentals on-line training course through SUNY Adirondack on Wednesdays and Fridays during the term of 8/12/15 - 10/02/15 at a cost of $129.

Motion was made by Mr. Dickinson, seconded by Ms. Wood and carried unanimously to authorize the on-line training as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Mr. Tennyson requested to amend the 2015 County Budget to reflect Federal Aid-DM and State Aid-DM for acquired airport snow equipment purchased with 2014 encumbrances.

Motion was made by Ms. Wood, seconded by Mr. Vanselow and carried unanimously to amend the 2015 County budget as outlined above and to refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Moving on to the Referral/Pending Items section of the Agenda, Mr. Tennyson noted he was still awaiting documentation on the Palisades Road Bridge Project grant amendment. He said he anticipated the documentation would be received shortly, and unless the Committee had some objection, he indicated his intention to progress the matter to the June 19th Board meeting through and out-of-Committee request process so that the grant could be executed.

Privilege of the floor was extended to Kevin Hajos, Deputy Superintendent of Public Works, who gave an update on household hazardous waste collection. He noted the last time Warren County had a hazardous waste collection event was back in 2002-2003, in the Town of Queensbury. Mr. Hajos noted the New York State Department of Environmental Conservation (NYSDEC) had $7 million in grant funding available for 2015 hazardous waste collections, including recycling and household hazardous waste collection, which could be obtained by towns, counties or any municipality. Mr. Hajos noted NYSDEC required a review periods for this funding and the first step was to submit a collection day plan which would consist of where and when the collection would take place and approximately how much they estimated would be collected. Mr. Hajos stated they could only guess the amount that would be collected since it had been years since the last collection day. He advised he need to put out an RFP (request for proposals) to vendors who would collect, secure and dispose of the hazardous wastes. He noted they had missed the deadline for the first quarter review and did not think that we would have all the information to make the second quarter deadline either; however, he said, he was confident that he would be ready for the third quarter (August 1 to October 31, 2015). Mr. Hajos asserted that there was still a lot of funding available and noted the grant offered 50% reimbursement. He indicated that as the grant funds were drawn down, the percentage reimbursement rate would decrease, as well.

Mr. Dusek stated Chairman Geraghty and Mr. Strough were both interested in holding a household hazardous waste collection day. He stated the issue he was concerned with was how the County would fund the initiative, as the County would be responsible for at least 50% of the cost incurred, assuming that the reimbursement rate remained at 50%.

Mr. Merlino said he felt the Town of Lake Luzerne residents would be interested in participating, but noted that the cost would be too much for the smaller town's budget.

Mr. Conover wondered if there was a way to incorporate this into the solid waste contract and funding as a company that handles the solid waste might also deal with hazardous waste, as well. Mr. Hajos responded he did not think this was likely because these were two different types of waste that would be handled by different types of companies. Mr. Conover suggested there might be a way to charge a small fee to off set some of the expense.

Mr. Vanselow noted the Town of Clifton Park held these types of events every year and he suggested their statistics could be used as a reference to estimate the amount of hazardous waste that could be collected. He indicated the figure could be inflated to account for the fact that an event of this nature had not been held in Warren County for the past twelve years.

Mr. Tennyson noted that some municipalities require residents to pre-register for these events and provided a scheduled time to dispose items, charging a small disposal fee. He stated he agreed that this would be difficult for the smaller towns to accomplish and doing a County-wide collection may be best. Mr. Tennyson asked if there were any suggestions on location for the event which could be used to start developing the RFP; he recommended using a town transfer station because they would require spill control measures as part of the RFP and there would have to be some County staff involved, as well, for the collection. Mr. Tennyson noted the towns could lend staff to help with the collections to assist in defraying the associated cost.

Mr. Merlino noted that most transfer stations used scales and he felt the best way to charge for disposals could be by weight. Mr. Tennyson pointed out that the weights could vary depending on the type of waste collected.

Chairman Geraghty offered use of the Warrensburg Transfer Station to host the collection event as it was located on State Route 9, which was easily accessible from many locations.

Mr. Vanselow asked if there was any way to piggyback on an already existing RFP for these services and Mr. Tennyson responded that was a possibility; he added he would look into this.

Mr. Hajos advised Julie Butler, Purchasing Agent, was already looking into existing RFPs in an effort to find one that would apply. He said he had looked into Oswego and Otsego Counties' RFPs and niether could be used.

Mr. Hajos stated he was hoping to hold the collection at two different locations, one in the northern part of the County and one southern portion on two separate days to accommodate everyone.

Following further discussion, motion was made by Ms. Wood, seconded by Mr. Sokol and carried unanimously to refer this matter to the Finance Committee to determine a source of funding for the household hazardous collection.

Finally, Mr. Tennyson noted the Agenda included his departmental Salt, Overtime and Fuel Use Reports. He asked the Committee to review them at their leisure and contact him with any questions they may have.

There being no further business to come before the Public Works Committee, on motion made by Ms. Wood, seconded by Mr. Sokol, Mr. Merlino adjourned the meeting at 12:01 p.m.

Respectfully Submitted,
Samantha Hogan, Secretary to the Clerk of the Board