

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: SEPTEMBER 20, 2017

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON  
MACDONALD  
SOKOL  
GIRARD  
HYDE

OTHERS PRESENT:

REPRESENTING THE WARREN COUNTY DPW:  
JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
BETSY HENKEL, FISCAL MANAGER  
JUSTIN GONYO, GENERAL SUPERINTENDENT, SARATOGA & NORTH CREEK RAILWAY  
RONALD CONOVER, CHAIRMAN OF THE BOARD  
KEVIN GERAGHTY, ACTING COUNTY ADMINISTRATOR  
BRIAN REICHENBACH COUNTY ATTORNEY  
AMANDA ALLEN, CLERK OF THE BOARD  
FRANK THOMAS, BUDGET OFFICER  
SUPERVISORS BRAYMER  
LEGGETT  
MONTESI  
SEEBER  
BENJAMIN BOTELHO, SECOND ASSISTANT COUNTY ATTORNEY  
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT  
DON LEHMAN, *THE POST STAR*  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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COMMITTEE MEMBERS ABSENT:

SUPERVISORS DICKINSON  
FRASIER  
MERLINO  
VANSELOW

*Please note, the following contains a summarization of the September 20, 2017 meeting of the Public Works Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://warrencountyny.gov/gov/comm/Archive/2017/works/>*

Mr. Simpson called the meeting of the Public Works Committee to order at 11:18 a.m.

Motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to approve the minutes of the last Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Solid Waste; Parks, Recreation & Railroad; and DPW Agendas were distributed to the Committee members, copies of same are on file with the meeting minutes.

Commencing the review of the Solid Waste Agenda, privilege of the floor was extended to Jeffery Tennyson, *Superintendent of Public Works*, who advised Julie Butler, *Purchasing Agent*, had indicated to him she had received nothing but positive feedback regarding the current contracts, and therefore, would be continuing them for another year.

In terms of the Household Hazardous Waste Collection events, Chairman Conover advised he felt they should hold the events on an annual basis to ensure these types of items were properly disposed of.

A discussion ensued following which it was determined that the Committee would reassess how often it was necessary to hold these events following the conclusion of the event in the Town of Queensbury next year.

Moving along to the Parks, Recreation & Railroad agenda, privilege of the floor was extended to Justin Gonyo, *Saratoga & North Creek Railway (SNCR) General Superintendent*, to provide an update on SNCR operations. Mr. Gonyo apprised he was pleased to report in regards to freight SNCR was successful in securing a contract for the storage of several hundred rail cars which would be stored along the railline SNCR owned north of North Creek thereby providing them with a much needed revenue stream. He said the storage cars, all of which were non-hazardous, were presently en route.

Mr. Gonyo stated SNCR had closed on a grant from the NYSDOT (*New York State Department of Transportation*) in the amount of \$129,500, which would be used to upgrade various railroad crossings located on the railline. He said a portion of the funds would be used to improve safety at the Antone Mountain Road railroad crossing with the addition of gates, LED lighting and updated electronics. He mentioned the grant funding would also be used to improve all crossings south of Antone Mountain Road with the replacement of the old flashers with new LED lighting on the mass, as well as on the gates. He mentioned this was part of a continuing commitment to improve railroad crossing safety, as this was the one known place where the railroad interfaced with the public. He stated their future plans consisted of redoing the crossing located on Route 9N in the Town of Corinth. He said the work on the Antone Mountain Road crossing was scheduled to commence in October.

Mr. Gonyo advised last month he had met with representatives of the County Planning Department to discuss how SNCR would be providing \$450,000 in matching funds for various projects on the First Wilderness Heritage Corridor through SNCR payroll expenses, as well as the capital improvements they completed on County property. He mentioned this had opened the opportunity to provide this to all communities in future development along the First wilderness Heritage Corridor. He said the Towns located along the First Wilderness Heritage Corridor benefitted from the matching funds provided through SNCR's payroll and capital improvement expenses because it reduced or eliminated the amount of matching funds they were required to come up with.

Mr. Gonyo informed this was the fourth year SNCR had hosted NARCOA (*North Atlantic Rail Car Association*) on their property. He said there were nineteen motorcars who were at the Saratoga Station on Saturday and on Sunday they traveled to Tahawus.

Mr. Gonyo apprised he had hoped to be able to present the SNCR's 2018 Operation Plan at today's meeting, but the Marketing Department had requested he hold off on this. He surmised he would be able to provide a written update to the Committee members prior to the next meeting. He added the Plan included operating during the first quarter of the year.

Mr. Simpson questioned whether the operating schedule for the summer season had been maintained and Mr. Gonyo replied in the affirmative, noting they had to cancel a few of their planned trips due to low ridership. He advised the number of reservations received this year were less than the previous year due to the issues pertaining to the back and forth regarding the Operating Plan for this year. He mentioned their intent going forward was for this to never occur again which was why they were well ahead of last year in terms of the 2018 Operating Plan.

Mr. MacDonald asked Mr. Gonyo to provide more detail on the storage of the rail cars. Mr. Gonyo apprised they would be storing several hundred non-hazardous rail cars. Ms. Braymer questioned whether the storage would have any impact on their operations and Mr. Gonyo replied in the negative. He explained they charged the leasing company a certain amount each day they were on their property resulting in a revenue stream for them. Mr. MacDonald inquired how long they would be stored for and Mr. Gonyo responded it was an open ended contract. Mr. MacDonald questioned where the rail cars were coming from and Mr. Gonyo replied they were all from one company, but were traveling from various points across the United States. Chairman Conover inquired whether the rail cars would be stored on the main line and Mr. Gonyo replied in the negative. He said none of the storage would occur on County property, noting it would be out of view of the public. Mr. Geraghty asked whether the storage would have an impact on the Renegade Railriders operation and Mr. Gonyo responded in the negative. He explained the storage would be along the Tahawus portion of the railroad.

Ms. Braymer informed of her concern about the past due balances the County Treasurer spoke about at the September 15<sup>th</sup> Board meeting. Mr. Gonyo stated he had been discussing this matter with Mr. Geraghty and he apologized for the inconvenience on behalf of the company. He indicated as of

yesterday he had ensured the reporting for the months of July and August were made available to the County Treasurer. He said previously the billing from the County was distributed directly to the Corporate Office in Chicago; however, he apprised, due to the billing issues which had come to fruition over the past year, he asked to be included on the reporting so he could push the issue.

Chairman Conover asked whether the County's current lease agreement in terms of revenue sharing referred to the storage of the cars and whether there was any protection in place from it becoming a graveyard of rail cars. Mr. Gonyo stated since the rail cars were owned by a leasing company which only made its money when the cars were transporting material, he did not foresee it becoming an issue. Chairman Conover inquired whether this meant the leasing company could dispose of them for significantly less cost and Mr. Gonyo replied in the affirmative. In terms of cost sharing, Mr. Gonyo stated the County received a portion of revenue from any freight that was moved over the County rail line, but he was unsure of the specifics. Chairman Conover questioned whether the County would be entitled to a portion of the revenue SNCR received from storing the rail cars and Brian Reichenbach, *County Attorney*, replied in the negative. He explained the County would obtain a revenue from SNCR for the freight that was hauled over the County rail line; however, he noted, since the rail cars would not be stored on the County's portion of the rail line, they were not entitled to the revenue SNCR received from storage fees.

Mr. Girard questioned whether the County could assist SNCR in any way with their negotiations with Canadian Pacific Railway for permission to do more runs during the Polar Express so they could increase their revenue and Mr. Gonyo replied in the negative. He said while he was appreciative of the offer there was nothing the County could do to assist them with this matter. He explained Canadian Pacific Railway owned the first 1.1 miles of railway out of the Saratoga Station; therefore, he stated, it was theirs to do with as they pleased so they had the right to place limitations on what SNCR could do there, as it would impact their operations, as well.

Mr. Simpson requested that Mr. Gonyo provide an update on the Revolution Railriders operation and Mr. Gonyo replied he felt it would be appropriate for representatives of the company to attend a future meeting to provide an update. He said he felt comfortable conveying their summer went well for them in terms of reservations.

Travis Whitehead, *Town of Queensbury Resident*, stated he believed the rail cars would be stored on the main line south of the Tahawus Terminal since there were no extensive sidings available there. Mr. Gonyo interjected that was incorrect, as there was a three track yard and a wye, as well as two sidings in Tahawus. Mr. Whitehead inquired whether there was enough storage space to allow them to remove tailings from Tahawus without clearing these rail cars and Mr. Gonyo replied in the affirmative.

Mr. Whitehead apprised he got a different story for why rail cars were placed into storage which pertained to tank cars. He explained if tank cars were destroyed, the leasing company would have to pay off the loans which caused them to take a hit on their bottom line. He continued, the leasing companies determined it was less expensive for them to pay about \$4 a day to store them until later on when they would possibly be destroyed thereby resulting in a better financial picture to their stockholders. He added once these cars were placed in storage they were likely to remain there for a significant period of time. He pointed out Mr. Gonyo had stated the term for how long SNCR would be storing the rail cars was open ended which meant they could be there for a week or for five years.

Mr. Gonyo informed Mr. Whitehead had brought up a few points, the first of which pertained to when SNCR was considering storing oil cars. He said this was a case where the funding for those oil cars had not been realized which meant they had to be stored somewhere, as destroying them was not an option since the liens had not been paid off. He mentioned his understanding was this was not the case for these rail cars. He explained as freight shipments fluctuated, leasing companies found the need for

these cars to be stored somewhere. He continued, since leasing companies generally did not own railroads and did not have the property to accommodate parking these rail cars on they looked towards other railroads who had the capacity to store them. He added since they had the capacity on their line to store these rail cars and it would result in them obtaining revenue they were more than willing to store them.

Mr. Whitehead referred to an article published July 24, 2017 regarding how Santa Cruz County had not received any payments from Iowa Pacific Holdings in some period of time for storage of rail cars on their line. He said the article stated it was not unusual for the payments to be in arrears, but this was the longest period of time they had been in arrears. He remarked it appeared that Santa Cruz County had similar experiences with Iowa Pacific Holdings as Warren County did. He asked whether the County would be entitled to revenue for these rail cars and Mr. Gonyo replied that Mr. Reichenbach had clarified freight moving over the line would allow the County to capture a portion of the revenue. Mr. Whitehead inquired whether this meant the County would be entitled to a portion of the daily fee for storage and Mr. Reichenbach replied in the negative. Mr. Gonyo noted the County's contract prohibited SNCR from long-term storage on County property. Mr. Geraghty informed it was his understanding when freight cars were hauled across the County rail line the County was entitled to a certain dollar amount for each car, but he was unsure what the per car rate was. Mr. Whitehead suggested they review the article about Santa Cruz County because there was a misunderstanding between Iowa Pacific Holdings and the County as to whether these cars were in storage. He said Iowa Pacific Holdings indicated the cars were en route and yet they had been sitting there for a significant time frame.

Prior to resuming the Agenda review, Mr. Simpson asked Benjamin Botelho, *Second Assistant County Attorney*, to address the Committee regarding "Glamping" at the Warren County Fairgrounds. Mr. Botelho stated the APA (*Adirondack Park Agency*) had permitted the County to move forward this year with the event without obtaining a permit; however, he said, they would be submitting an application to the APA to obtain the required permit for the operation to continue in future years.

Chairman Conover questioned whether the County had gone out for an RFP (*Request for Proposal*) for this purpose and Mr. Botelho replied in the negative. Mr. Thomas asked why a permit was required from the APA and Mr. Botelho responded the County was in violation of the APA's regulations because the "Glamping" site was located within wild river land since it was adjacent to the Schroon River. He explained the issue pertained to the fact that "Glamping" was a commercial for profit business. Mr. Simpson inquired whether a resolution was required and Mr. Reichenbach replied in the negative.

Proceeding with the Agenda review, Mr. Tennyson presented a request to amend Resolution No. 566 of 2009 to increase the Parks, Recreation & Railroad petty cash fund from \$75 to \$150.

Motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to approve the request and the necessary resolution was authorized for the October 20<sup>th</sup> Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Continuing with the Agenda review, Mr. Tennyson apprised that the Trunk or Treat event was scheduled for Saturday October 21<sup>st</sup> at Up Yonda Farm from 6-8pm. He explained the event was comprised of members of the public decorating their vehicles and given out candy from the trunks of them. He said this event was always a success.

Concluding the Agenda review, Mr. Tennyson stated he had received a request from the Greater Glens Falls Transit, who would like to have their Trolley establish a daily stop at Up Yonda Environmental Center during their 2018 operating season. He asked Mr. Reichenbach what sort of action was required and Mr. Reichenbach responded a licensing agreement could be drawn up pending review by his Office.

Motion was made by Mr. MacDonald, seconded by Mr. Sokol and carried unanimously to approve the request for a licensing agreement with Greater Glens Falls Transit as outlined above and the necessary resolution was authorized for the October 20<sup>th</sup> Board meeting.

Chairman Conover remarked he was thoroughly impressed with the Butterfly Exhibit at Up Yonda Environmental Center and he encouraged all who had not already done so to visit it. Mr. Tennyson added the construction for the exhibit was handled internally.

Commencing the review of the DPW Agenda Mr. Tennyson presented the following items:

- Page 1- Request to close Capital Project H300, *Fuel System Upgrades*, and transfer funds remaining in the amount of \$8,505.83 to the General Fund.
- Page 2- Request to amend the County Budget in the amount of \$8,505.83 to increase Budget Code A.9950 910, to provide funding for Capital Project H374, *Warrensburg Fuel Farm*
- Page 3- Request to establish Capital Project H374, *Warrensburg Fuel Farm*, in the amount of \$148,000.
- Page 4- Request to amend the County Budget in the amount of \$139,494.17 to fund Capital Project H374, *Warrensburg Fuel Farm*, with the Reserve, DM 894.00, *Motor Fuel Systems*.
- Page 5- Request for a new contract with the lowest responsible bidder for Warrensburg Fuel Farm Upgrade pursuant to the terms and provisions of the specifications (WC 54-17) and proposal for a term commencing upon execution by both parties and terminating upon completion of the work.

Motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to approve the requests as outlined above. The necessary resolution was authorized for the October 20<sup>th</sup> Board Meeting for the item listed on Page 5 and the items listed in Pages 1, 2, 3 and 4 were referred to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

- Page 6- Request for transfers of funds between various Road Projects totaling \$9,616.38.

Mr. Geraghty requested, once again, that the Towns where the Road Projects were located be listed on the transfer requests going forward.

Motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to approve the request and forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

- Page 7- Request to fill vacant position of Motor Equipment Operator- Light #3, *Grade 5, Annual Salary \$28,951*, due to promotion.
- Page 8- Request to fill vacant position of Motor Equipment Operator- Light #12, *Grade 5, Annual Salary \$28,951*, due to promotion.
- Page 9- Request to fill vacant position of Motor Equipment Operator- Light #13, *Grade 5, Annual Salary \$28,951*, due to promotion.

Page 10- Request to fill vacant position of Building Maintenance Worker #11, *Grade 6, Annual Salary \$30,187*, due to promotion.

Motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to approve the requests as outlined above and refer same to Personnel & Higher Education for reporting purposes. *Copies of the Notices of Intent to Fill Vacant Positions are on file with the minutes.*

Mr. Tennyson pointed out the DPW Overtime, and Fuel Usage Reports included in the agenda packet.

Mr. Simpson announced an executive session was necessary to discuss the performance of a particular contractor.

Motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to enter in executive session pursuant to Section 105 (f) of the Public Officer's Law.

Executive session was held from 11:56 a.m. until 12:21 p.m.

Upon reconvening, Mr. Simpson announced no action was taken during the executive session.

With regards to Information for Discussion/Review, Mr. Tennyson reviewed the 2018 Road Projects; *a copy of which is on file with the minutes.*

Finally, Mr. Tennyson reviewed the 2018 Budget Requests for the Parks, Recreation & Railroad and DPW Divisions, copies of which are on file with the minutes.

Messrs MacDonald and Girard exited the meeting during the review of the 2018 Budget Requests.

Due to a lack of a quorum, Mr. Simpson announced the meeting adjourned at 12:58 p.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board