

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: MAY 30, 2019

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON  
FRASIER  
DICKINSON  
DIAMOND  
LOEB  
HYDE  
MAGOWAN  
HOGAN  
GERAGHTY

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS  
TIM BENWAY, DIRECTOR, PARKS, RECREATION & RAILROAD  
RONALD CONOVER, CHAIRMAN OF THE BOARD  
RYAN MOORE, COUNTY ADMINISTRATOR  
MARY ELIZABETH KISSANE, COUNTY ATTORNEY  
AMANDA ALLEN, CLERK OF THE BOARD  
FRANK THOMAS, BUDGET OFFICER  
SUPERVISORS BEATY  
BRAYMER  
DRISCOLL  
LEGGETT  
SOKOL  
MICHAEL DUPEE, REPRESENTING REVOLUTION RAIL RIDERS  
JACK KELLY, REPRESENTING UNITED RAIL  
JEFFREY COLLURA, CORINTH TOWN BOARD MEMBER  
JULIE BUTLER, PURCHASING AGENT  
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR  
MIKE SWAN, COUNTY TREASURER  
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT  
KURT AUSTIN, WARREN COUNTY RESIDENT  
DON LEHMAN, *THE POST STAR*  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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COMMITTEE MEMBERS ABSENT:

SUPERVISORS MERLINO  
WILD

*Please note, the following contains a summarization of the May 30, 2019 meeting of the Public Works Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://www.warrencountyny.gov/gov/comm/Archive/2019/works/>*

Mr. Simpson called the meeting of the Public Works Committee to order at 11:27 a.m.

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

Motion was made by Mrs. Frasier, seconded by Ms. Hogan and carried unanimously to approve the minutes of the last Committee meeting, subject to correction by the Clerk of the Board.

Commencing the review of the Parks, Recreation & Railroad agenda, Kevin Hajos, *Superintendent of Public Works*, presented the following requests:

Page 1 - Request to fill the vacant position of Naturalist #2, *Annual Salary TBD*, due to retirement.

Motion was made by Mr. Magowan, seconded by Mr. Dickinson and carried unanimously to approve the request and forward same to the Personnel & Higher Education Committee for reporting purposes. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

Page 2 - Request for a transfer of funds in the amount of \$8,000 from Budget Code A. 7111 110, *Salaries - Regular*, to Budget Code A. 7111 130, *Salaries - Part-Time*, to cover the cost of the salaries of the temporary summer help.

Motion was made by Mr. Magowan, seconded by Mr. Dickinson 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.*

Tim Benway, *Director, Parks, Recreation & Railroad*, apprised that they had completed the spring stocking, noting a total of 25,704 brook and rainbow trout were stocked. He referred to the graph included with the agenda which displayed the stocking information. He mentioned all fishing derby's went well this year and were successful. He informed due to an issue with the salmon only 1,500 of the total 3,000 were stocked this year.

Mr. Simpson stated the fishing derby had been a complete success in the Town of Horicon and he thanked the Warren County Fish Hatchery for their support of this event.

Supervisor Simpson offered privilege of the floor to Michael Dupee, *Representing Revolution Rail Riders*, to address the Committee regarding their contract with the County.

Mr. Dupee apprised he was present today to thank the Committee for supporting their business, informing they were up and running and had about 1,200 riders thus far this year. He requested that the Committee consider authorizing the lease they had for use of the North Creek Rail Station for a longer term such as three years rather than on the month to month basis that it was on now and to consider providing them with some relief on the rental amount during the off season when the building was unoccupied.

Mr. Simpson stated he did not think they could address the requests until the Committee addressed the on-going issue with the County Railroad and what direction they would like to head in going forward.

Mr. Geraghty asked how long Revolution Railriders lease was for and Mr. Dupree responded the lease was in limbo given the events that occurred last year with Iowa Pacific Railroad, who they sub-leased the property from and because no determination had been made regarding the future of the County Railroad. Ms. Braymer remarked she did not believe they could offer anything other than a month-to-month lease because the future of the County Railroad was unknown.

Ms. Braymer requested that the policy discussion regarding how they would like to move forward with the County Railroad remain in open session. Mr. Simpson stated he concurred with Ms. Braymer; however, he noted, the discussion regarding the railroad contract and the responses to the RFP (*Request for Proposal*) would require an executive session. Ms. Braymer interjected she did not believe that was a valid reason for entering an executive session. Ryan Moore, *County Administrator*, advised the reason for an executive session concerned discussion relating to the appointment of a corporation, as well as a lease of County-owned property. Mary Kissane, *County Attorney*, added discussion regarding the potential lease of County-owned property was a viable reason to enter into an executive session if it were to impact the price. Don Lehman, *Reporter, The Post Star*, voiced his support of Ms. Braymer's proposal for the discussion to remain in open session and he noted some contracts had been discussed during open session while others such as this one that were more of a hot topic were discussed in executive session. He added he did not believe the Committee had a valid reason to enter into executive session. Ms. Kissane stated it was up to the Committee to determine whether they would like the matter discussed in executive or open session; however, she noted it was a valid reason to enter into executive session to discuss contract negotiations or the potential appointment of a corporation, as well as the lease of County property if it could impact the potential price if it was discussed in open session. She reiterated it was the responsibility of the Committee to determine whether they wanted to enter into an executive session. Ms. Hogan voiced her support for the discussion to occur during open session, apprising the Committee members just needed to be mindful about what they were discussing.

A motion was made by Mr. Dickinson to enter in an executive session to discuss the appointment of a particular corporation, but there was no second to the motion. Mr. Simpson announced the discussion would take place during open session.

Mr. Loeb requested that anyone who felt the discussion was inappropriate for open session to voice their objection.

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Mr. Moore advised they had initially received three proposals, one of which was a purchase proposal that did not meet the RFP requirements that were released, and two proposals for operating. He said one of the operating proposals was from United Rail, who had a representative present at the meeting, and the other was from Omni Tracks, but they had subsequently withdrawn their proposal. He said they needed to discuss their specific concerns regarding the remaining proposal determine if there was a desire to negotiate with this proposer and if so what were they hoping would result from that negotiation, as well as how they would like to move forward.

Mr. Geraghty asked whether there were certain items contained within the proposal that should be discussed in executive session and Mr. Simpson replied that there could be. Ms. Braymer stated she would like them to consider rejecting any remaining proposals and look in another direction, such as one she had been advocating for which was to turn that tracks into a multi-use trail which would allow Revolution Railriders to continue using the railroad while using it for other purposes as well, such as snowmobiling in the winter months and public recreation during the summer. She remarked that she believed this was a valid option for them to consider.

Mr. Moore apprised even if Omni Tracks was still interested he had concerns about both proposals, adding he would view any proposal with a cautious lens and try to ask difficult questions. He commented how he felt it was unfair to ask these questions of United Rail in open session when they may or may not end up doing business with the County. He said even though United Rail was a private company that was publicly traded, there were certain things about the company included in the proposal that were private and he did not believe it was fair to discuss some of the concerns he had publicly. He mentioned the broader policy discussion that had to occur, which concerned whether or not the railroad could be anything other than an active railroad, was not in the County's ability to determine on its own. He explained the railroad would have to be declared abandoned by the STB (*Surface Transportation Board*) in order for the County to pursue a use of that line that was not rail transportation. He added there were also protections at the State level preventing the County from disposing of the line when there was an ongoing concern for rail traffic. He advised the NYS DEC (*New York State Department of Environmental Conservation*) had an active abandonment proceeding on the railroad located north of North Creek that they had since stayed which the County needed to know the status of; he added the status of freight operations out of the Tahawus mine was the primary reason for the abandonment proceeding being stayed.

A lengthy discussion ensued during which Jack Kelly, *representing United Railway*, answered questions posed by the Committee members and others present.

A motion was made by Mr. Geraghty and seconded by Mr. Dickinson to reconvene the Committee in two weeks for the purpose of meeting with representatives of United Rail.

Jeffrey Collura, *Corinth Town Board Member*, apprised whatever decision the Committee made was predicated on the decision the Corinth Town Board made because if the Town of Corinth determined the proposal submitted by United Rail was not in the Town's best interest, any action taken by the Committee would be moot. Mr. Moore asked whether Mr. Collura could share in an open forum how the Corinth Town Board viewed this proposal and Mr. Collura replied their desire was to keep the line open for industry.

Following further discussion Mr. Geraghty amended his motion and Mr. Dickinson amended his second to include the Town of Corinth in the Committee meeting with representatives of United Rail. Mr. Simpson called the question and the motion was carried unanimously.

Mr. Kelly remarked the RFP process had been fair and he acknowledged Mr. Moore for being very attentive to them.

Commencing the review of the DPW Agenda, Mr. Hajos presented the following requests:

- Page 1- Request to decrease Capital Project H352, *CR 31 & CR 13 Bridge Painting Project*, \$26,395.84 to reconcile the funding shares to close out the Project.

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Page 2- Request to close Capital Project H352, *CR 31 & CR 13 Bridge Painting Project*, and return estimated remaining funds of \$1,319.54 to the General Fund.

Motion was made by Mr. Geraghty, seconded by Mr. Dickinson and carried unanimously to approve the requests as outlined above and forward same to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

Page 3- Request to establish Capital Project H387, *Airport Fuel Farm (Vehicles)*, in the amount of \$155,000 for the purpose of vehicle fuel dispensing.

Page 4 - Request for transfer of funds in the amount of \$125,000 from Budget Code DM. 5140 470, *Road Machinery, Motor Fuel Farms Contract*, to Budget Code DM. 9950 910, *Transfers- Capital Projects*, to provide funding for Capital Project H387, *Airport Fuel Farm (Vehicles)*.

Motion was made by Mr. Dickinson, seconded by Mr. Geraghty and carried unanimously to approve the requests as outlined above and forward same to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

Page 5 - Request for a new contract with Town & Country Bridge & Rail for construction, reconstruction and guard railing, posts and component parts pursuant to the terms and provisions of the specifications (WC 31-19) and proposal for a term commencing upon execution by both parties and terminating December 31, 2019 with the option to extend for up to two additional one year terms.

Mr. Hajos stated that Chemung Supply Corp. had been the lowest bidder, but they subsequently withdrew their bid because they misunderstood and thought this only applied to new installations and not for repair and maintenance on an on-call basis.

Motion was made by Mr. Dickinson, seconded by Mr. Geraghty and carried unanimously to approve the request and the necessary resolution was authorized for the June 19<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 10 - Request for transfers of funds amongst various Budget Codes totaling \$2,066.66.

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

Page 11 - Request to amend the existing agreement with R.S. Lynch & Company, Inc. to revise and update the Warren County, New York Solid Waste Management Plan (2011-2030).

Page 20 - Request for a transfer of funds in the amount of \$10,000 from Budget Code A.1620 470, *General, Building, Contracts*, to Budget Code A.1628 470, *General, Waste Management Containment, Contracts*, to cover the cost of the Warren County, New York Solid Waste Management Plan.

Mr. Hajos advised in 2011 the County had submitted a draft Solid Waste Management Plan to the NYS DEC for approval and they had responded, but the DPW had overlooked the Plan. He said he received a letter from them last year which indicated they had some concerns and wanted to get this taken care of. He mentioned he originally thought they could handle the plan in-house; however, he noted, it was more involved than they originally thought. He stated he was seeking to amend the contract with R.S. Lynch & Company, Inc., to allow them to complete the work and to transfer funds to pay for the additional work.

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Motion was made by Mr. Magowan, seconded by Mr. Dickinson and carried unanimously to approve the requests as outlined above and the necessary resolution was authorized for the June 19<sup>th</sup> Board meeting for the item listed on Page 11 and the item listed on Page 20 was referred to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

Continuing with the Agenda review, Mr. Hajos announced that there would be two Household Hazardous Waste Collection Days scheduled in Warren County, the first of which was on June 15<sup>th</sup> in the Town of Queensbury and the other on August 3<sup>rd</sup> in the Town of Warrensburg. He said the City of Glens Falls, as well as a few of the other communities were advertising for the event.

Mr. Hajos stated an item he would like to discuss that was not included on the agenda concerned what was formally known as the Tiger Grant which was originally offered by the NYS DOT (*New York State Department of Transportation*) in 2009 and was 100% federally funded with no local match required. He said since then the NYS DOT had changed the name of the grant to Build Grants which were now more specific to communities deemed opportunity zones by the Internal Revenue Service. He said within Warren County there were only two of these communities, one of which was in the City of Glens Falls, but he was unsure of the specific location, and the other was the entire Town of Johnsbury. He advised the County was putting on hold their road project in the Town of North Creek which went from County Route 28 down to County Route 28N that was located by the school and totaled \$600,000 to pursue this grant to pay for this project. He informed the grant application needed to be submitted by July 15<sup>th</sup> with the potential to obtain \$10 million for the entire Corridor and could involve street scape, possibly water, new sidewalks, new road, etc. He mentioned if they were able to meet the grant application deadline a determination would be made in November and if the County was awarded the funding they anticipated going out for construction in 2021. He advised if their grant application was unsuccessful he would carry over that \$600,000 into next years Budget to finish that portion of Main Street.

Concluding the Agenda review, Mr. Simpson stated the Swede Fire Tower was a potential project for the County. He apprised there was an existing Fire Tower on top of Swede Mountain in the Town of Hague which had garnered a significant amount of public interest in opening a trail to the Fire Tower.

A discussion ensued following which a motion was made by Mr. Loeb, seconded by Mr. Dickinson and carried unanimously to authorize the DPW staff to assess the Swede Fire Tower and determine what work was required to develop a trail and ensure the Fire Tower was secure, as well as an estimate for the cost of this work.

Mr. Simpson offered privilege of the floor to anyone present wishing to address the Committee on any matter, but no response was given.

There being no further business to come before the Public Works Committee, on motion made by Mr. Dickinson and seconded by Ms. Hogan, Mr. Simpson adjourned the meeting at 12:37 p.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board