

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: JANUARY 25, 2022

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: CONOVER
HOGAN (VIA ZOOM)
DICKINSON
THOMAS
BRUNO
MERLINO
STROUGH

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
TIM BENWAY, DIRECTOR, PARKS, RECREATION & RAILROAD
THOMAS SZABO, SOLID WASTE AND RECYCLING COMPLIANCE COORDINATOR
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
LARRY ELMEN, COUNTY ATTORNEY (VIA ZOOM)
AMANDA ALLEN, CLERK OF THE BOARD
ROBERT TERWILLIGER, FIRST ASSISTANT COUNTY ATTORNEY
SUPERVISORS BEATY (VIA ZOOM)
DRISCOLL (VIA ZOOM)
FRASIER (VIA ZOOM)
LEGGETT
MAGOWAN (VIA ZOOM)
SEEBER (VIA ZOOM)
REPRESENTING REVOLUTION RAIL CO:
ROBERT HART
MIKE DUPEE
EDWARD LASCALA
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
LEISA GRANT, PRINCIPLE ACCOUNT CLERK, TOURISM
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
GINA MINTZER, EXECUTIVE DIRECTOR, LAKE GEORGE REGIONAL CHAMBER
OF COMMERCE & CVB
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the January 25, 2022 meeting of the Public Works Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <https://warrencountyny.gov/mma>

Note: Pursuant to New York State Legislation (S.50001/A.40001): “Notwithstanding the provisions of article 7 of the public officers law to the contrary, any state agency, department, corporation, office, authority, board, or commission, as well as any local public body, or public corporation as defined in section 66 of the general construction law, or political subdivisions as defined in section 100 of the general municipal law, or a committee or subcommittee or other similar body of such entity, shall be authorized to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.” All of the Committee members were physically present, aside from Ms. Hogan who attended the meeting remotely.

Mr. Conover called the meeting of the Public Works Committee to order at 11:12 a.m.

Copies of the Parks, Recreation & Railroad, DPW and Solid Waste agendas were distributed to those in attendance, those participating remotely accessed the agenda via the Warren County website. A copy of the agenda is on file with the meeting minutes.

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

The Committee commenced with a review of the Solid Waste agenda, which included the following request:

- 1) To authorize submission of a grant application to NYS DEC (*New York State Department of Environmental Conservation*) for funding in the amount not to exceed \$19,601.25 (50% of the total 2021 reimbursable costs) to support the costs of household hazardous waste collection.

Motion was made by Mr. Dickinson, seconded by Mr. Strough and carried unanimously to approve the request and the necessary resolution was authorized for the February 18th Board Meeting. *A copy of the resolution request form is on file with the meeting minutes.*

A review of the Discussion Items commenced as follows:

- 1) Permitting Wastehaulers - Thomas Szabo, *Solid Waste and Recycling Compliance Coordinator*, indicated the deadline for the permit applications to be submitted to the County was being extended to February 15th to accommodate a few waste haulers who were dealing with staffing issues. He noted overall the permitting process was going very well and this was a one time extension that would not be offered going forward with the program.
- 2) Organics Waste Management Plan - Kevin Hajos, *Superintendent of Public Works*, spoke regarding a grant application that the Planning & Community Development Department had submitted to NYS DEC (*New York State Department of Environmental Conservation*) for Climate Smart Communities Grant Program for Organics Management Plan/Reduction of organic waste on behalf of the County which was approved and would allow the County to go out for an RFP (*Request for Proposal*) seeking a consultant to develop a plan regarding the creation of a organics waste management plan for Warren County. He noted a funding source would need to be determined to cover the Local Share of the grant which equated to \$40,000, as these funds were not budgeted for in 2022.

Motion was made by Mr. Dickinson and seconded by Mr. Merlino to bring this matter to the floor for discussion. Following further discussion a motion was made by Mr. Thomas, seconded by Mr. Dickinson and carried unanimously to authorize the appropriation of funds in the amount of \$40,000 from the General Fund Unappropriated Surplus account to cover the cost of the Local Share of the Climate Smart Communities Grant Program and refer same to the Finance Committee.

Moving along with a review of the Parks, Recreation & Railroad agenda which included the following requests:

1. To amend the County Budget in the amount of \$1,800 to reflect receipt of a donation from Global Village Charitable Trust c/o Daniel R. Lewis.

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

2. To authorize an agreement with Edward Zibro d/b/a Warrensburg Bike Rally for use of the Warren Country Fairgrounds for the Warrensburg Bike Rally to be held in late May or early June, with the option to extend for five additional years.

Motion was made by Mr. Strough and seconded by Mr. Merlino to approve the request as outlined above.

Robert Terwilliger, *First Assistant County Attorney*, apprised the language of the resolution request form needed to be modified to indicate the purpose of the contract was to authorize an agreement between the County of Warren and Edward Zibro d/b/a Warrensburg Bike Rally for use of the Warren Country Fairgrounds for the Warrensburg Bike Rally to be held in late May or early June of each year, with the option to renew under the same or substantially similar terms for five consecutive years. Messrs. Strough and Merlino agreed to amend their motions to indicate same.

A discussion ensued regarding the fee Mr. Zibro paid the County for use of the Warren County Fairgrounds which equated to a substantially less per day fee than what GlampADK, LLC paid following which Messrs. Strough and Merlino amended their motion to include the option to renew under same terms for five consecutive years subject to renegotiating the terms in 2023. Mr. Conover called the question and the motion was carried unanimously and the necessary resolution was authorized for the February 18th Board Meeting. *A copy of the resolution request form is on file with the meeting minutes.*

3. To authorize a railroad right-of-way private use agreement with Denis Novoselov and Anastasia Ivanova to allow private grade crossing use at or near Mile Post NC 1.65 in North Creek.

Mr. Hajos explained this action was required to provide the rights to the new property owners that the prior property owners had.

Motion was made by Mr. Dickinson, seconded by Mr. Thomas and carried unanimously to approve the request and the necessary resolution was authorized for the February 18th Board Meeting. *A copy of the resolution request form is on file with the meeting minutes.*

Finally, a review of the Discussion Items portion of the agenda occurred which consisted of Revolution Rail Jam during which representatives of Revolution Rail Co. spoke regarding the Rail Jam event which they required access to the tracks from Thousand Acre Ranch to the North Creek Station, with the event tentatively scheduled for June 18th and all of the proceeds would be donated to local charities in Warren County. Mr. Hajos noted due to the fact that the railroad crossings were no longer active, permits would be required through the NYS DOT.

Motion was made by Mr. Strough, seconded by Mr. Merlino and carried unanimously to authorize use of County Railroad from Mile Marker 68 to Mile Marker 95 for their special event to be held in June of 2022 and the necessary resolution was authorized for the February 18th Board meeting.

The representatives of Revolution Rail Co. then spoke regarding their efforts to obtain ownership of the railroad tracks north of North Creek to Tahawus and their interest in possibly using the entire track in Warren County to offer longer runs utilizing the e-bikes they had developed.

Don Lehman, *Director, Public Affairs*, read aloud an email from Douglas Azaert, *representing Wild Waters Outdoor Center*, reiterating his organization's interest in expanding their business and potentially operating rail bikes in a section of the County Railroad not currently being utilized by Revolution Rail Co.

A discussion ensued regarding the RFP process required when multiple operators were seeking to operate on the same portion of the County Railroad that were presently dormant following which a motion was made by Mr. Dickinson, seconded by Mr. Strough and carried by majority vote, with Ms. Hogan abstaining, to authorize moving forward with the RFP process to solicit use of the areas on the County Railroad that were presently dormant.

Moving on to the Referral/Pending Items portion of the meeting, Mr. Hajos indicated they were still awaiting on the Town of Johnsbury regarding survey results and zoning on the property. Ms. Hogan advised she would work with her Town to move the process along so they could move forward with acquiring the property.

In regard to the Referral/Pending Item pertaining to the possibility of permitting electric bikes and scooters on the Warren County Bike Trail, Mr. Hajos indicated he and Mr. Benway had gathered a significant amount of information pertaining to a Pilot Program which could be discussed in a joint meeting of the Public Safety and Public Works Committees if that was the desire of the Committee and Mr. Conover concurred.

Proceeding to a review of the Public Works agenda, Mr. Hajos presented the following requests:

- 1) To fill the vacant position of MEO (M) #9, *Grade 9, Base Annual Salary \$39,246*, due to retirement.
- 2) To fill the vacant position of MEO (L) #3, *Grade 7, Base Annual Salary \$36,414*, due to promotion.
- 3) To fill the vacant position of MEO (L) #13, *Grade 7, Base Annual Salary \$36,414*, due to resignation.
- 4) To fill the vacant position of MEO (27) #13, *Grade 7, Base Annual Salary \$36,414*, due to termination.

Motion was made by Mr. Dickinson, seconded by Mr. Strough and carried unanimously to approve the requests to fill the vacant positions as outlined above and forward same to the Personnel, Administration & Higher Education Committee for reporting purposes. *Copies of the Notices of Intent to Fill Vacant Position forms are on file with the meeting minutes.*

- 5) To amend the grant agreement with the NYS DOT (*New York State Department of Transportation*) to include Supplemental Agreement No. 2 for construction phase funding for Capital Project No. H381, *South Johnsbury Road (CR 57) over Mill Creek Bridge Replacement*, in the Town of Johnsbury in the amount of \$1,916,064.
- 6) To increase Capital Project No. H381, *South Johnsbury Road (CR 57) over Mill Creek Bridge Replacement*, in the amount of \$1,820,260.
- 7) To amend the existing contract with Clark Patterson Lee to include construction support and inspection services for Capital Project No. H381, *South Johnsbury Road (CR 57) over Mill Creek Bridge Replacement*, for the total amount not to exceed \$257,000 for a term commencing upon execution by both parties and terminating upon completion of the work.

Motion was made by Mr. Dickinson, seconded by Mr. Thomas and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the February 18th Board Meeting for Items 5 and 7 and Item 6 was referred to Finance. *Copies of the resolution request forms are on file with the meeting minutes.*

Mr. Conover exited the meeting from 12:14 p.m. until 12:20 p.m. and Mr. Dickinson, as Vice-Chair, assumed the Chair and retained it for the remainder of the meeting.

- 8) To amend the grant agreement with the NYS DOT (*New York State Department of Transportation*) to include Supplemental Agreement No. 2 for construction phase funding for Capital Project No. H386, *Bay Road (CR 7) over Halfway Creek*, in the Town of Queensbury in the amount of \$2,566,201 for a term commencing upon execution by both parties and terminating 7/11/2025.
- 9) To increase Capital Project No. H386, *Bay Road (CR 7) over Halfway Creek*, in the Town of Queensbury in the amount of \$2,566,201.

- 10) To amend the existing contract with Creighton Manning Engineering to include construction support and inspection services for Capital Project No. H386, *Bay Road (CR 7) over Halfway Creek*, in the Town of Queensbury for a total amount not to exceed \$276,500 for a term commencing upon execution by both parties and terminating upon completion of the work.

Motion was made by Mr. Merlino, seconded by Mr. Strough and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the February 18th Board Meeting for Items 8 and 10 and Item 9 was referred to Finance. *Copies of the resolution request forms are on file with the meeting minutes.*

- 11) To authorize submission of a grant application to NYS DOT for Capital project H410, *Peaceful Valley Road (CR 29) Culvert Replacement*, in the Town of Johnsbury for a total amount not to exceed \$1,000,000.
- 12) To establish Capital Project H410, *Peaceful Valley Road (CR 29) Culvert Replacement*, in the Town of Johnsbury in the amount of \$1,000,000.
- 13) To authorize an agreement with a contractor to be determined for consultant services for Capital Project H410, *Peaceful Valley Road (CR 29) Culvert Replacement*, in the Town of Johnsbury in an amount to be determined for a term commencing upon execution by both parties and terminating upon completion of the work.

Motion was made by Mr. Strough, seconded by Mr. Thomas and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the February 18th Board Meeting for Items 11 and 13 and Item 12 was referred to Finance. *Copies of the resolution request forms are on file with the meeting minutes.*

- 14) To authorize a grant agreement with NYS DOT for Capital Project H411, *Corinth Road (CR 28) over Clendon Brook Culvert Replacement*, in the Town of Queensbury in the amount not to exceed \$1,000,000.
- 15) To establish Capital Project H411, *Corinth Road (CR 28) over Clendon Brook Culvert Replacement*, in the Town of Queensbury in the amount of \$1,000,000.
- 16) To authorize a new contract with a contractor to be determined for consultant services for Capital Project H411, *Corinth Road (CR 28) over Clendon Brook Culvert Replacement*, in the Town of Queensbury for an amount to be determined.

Motion was made by Mr. Merlino, seconded by Mr. Strough and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the February 18th Board Meeting for Items 14 and 16 and Item 15 was referred to Finance. *Copies of the resolution request forms are on file with the meeting minutes.*

Finally, a review of the Discussion Items portion of the agenda occurred which consisted of reviews of the 2022 Highway Projects, *Stony Creek Road (CR 2) over Number Nine Brook Culvert Replacement* and the *Sagamore Road Retaining Wall*.

Mr. Hajos spoke regarding a new CDL (*Commercial Drivers License*) training that was coming out from Federal Motor Carriers which would impact all of the towns and the County that would require them to provide additional training to individuals who had not obtained their CDL yet. He said his hope was to be able to handle the training in-house to save some money for when this requirement went into effect on February 17th.

Mr. Dickinson called for Privilege of the Floor/Public Comment, but there was none.

There being no further business to come before the Committee, on motion made by Mr. Strough, seconded by Mr. Thomas and carried unanimously, Mr. Dickinson adjourned the meeting at 12:24 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board