

**PUBLIC WORKS COMMITTEE
PARKS, RECREATION AND RAILROAD AGENDA
June 28, 2024**

Committee Members: CONOVER, Strainer, Bruno, Bean, Merlino, Magowan, Maday

I. Committee Meeting Call to Order by Chair

II. Approval of minutes of prior Committee Meeting

III. Privilege of the floor and public comment

IV. Action Agenda/New Business

1. Request: Extend an existing contract
Rationale: For use of parking lot for snowmobiles and county to maintain

V. Information for Discussion/Review

1. Railroad Washout Update
2. Railroad Discussion

VI. Referral/Pending Items

VII. Privilege of the floor and public comment

VIII. Motion to Adjourn

Attachments:

1. Resolution Request No. 4 – Amend Contract

RESOLUTION REQUEST FORM NO. 4

Request for Extending, Rescinding or Amending Existing Contract

DEPARTMENT NAME: Parks Recreation & Railroad

DATE: 6/28/2024

- (a) Purpose of Contract Change: Extension of existing Contract

- (b) Resolution Number, or Numbers if Amended, which Authorized the Original Contract: 587/01; 307/02; 394/04 ; 201/05 ; 338/06 ; 361/07 ; 293/08 ; 412/09 ; 429/10 ; 467/11 ; 423/12 ; 396/13 ; 329/14 ; 352/15 ; 297/16 ; 274/17 ; 292/18 ; 394/19 ; 288/20 ; 278/21 ; 348/22 ; 355/2023

- (c) Name of Contractor: South Warren Sowmobile Club Inc. & City of Glens Falls

- (d) Address of Contractor: PO Box 258, Lake Luzerne NY 12846-0258

- (e) Contractor's Contact Person and Telephone Number: Michael Zilm 518-696-3464

- (f) Commencement Date of Extension: July 1, 2024

- (g) Termination Date of Extension: June 30, 2025

- (h) Payment Provisions:
 - i) lump sum amount \$0
 - ii) hourly rate amount
 - iii) total amount not to exceed
 - iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.

- (i) Where are the Funds for this Contract? List Budget Code, (with title), Object Code (with title), and Amount: OR Capital Project OR Capital Reserve Project Number, and Title, and Amount:

WARREN COUNTY ATTORNEY'S OFFICE

LAWRENCE ELMEN
WARREN COUNTY ATTORNEY

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ROBERT TERWILLIGER
RYAN J. DICKEY
CHRISTOPHER W. BRIGGS

June 25, 2024

Warren County Board of Supervisors
Attn: Supervisor Ronald F. Conover
1340 State Route 9
Lake George, NY 12845

Dear Supervisor Conover:

Please find the following brief historical overview of the Warren County Rail Line prepared for the Parks & Recreation Committee. The following seeks to provide some common foundation of understanding of the past so that the committee may engage in meaningful discussions regarding the future for this County asset and the general public may also follow the conversations.

- 1863: The Adirondack Company began construction of a railroad line through Warren County to connect Saratoga Springs to Newcomb in Essex County. Due to financial problems, construction of the railroad stopped at North Creek, New York in 1871.
- 1881: The Adirondack Company defaulted on a mortgage debt and was purchased in receivership by William West Durant and William Sutphen which included the Warren County Rail Line.
- 1882: Durant and Sutphen deeded the property of the Adirondack Company they had purchased a year before, to The Adirondack Railway Company. The Adirondack Railway Company was operated by Thomas Durant until his death.
- 1889: Following Durant's death, the Adirondack Railway Company was sold by his son William, to the Delaware and Hudson Canal Company. The Delaware and Hudson Canal Company soon dropped the "Canal" from the company's name and became the Delaware and Hudson Company.
- 1902: The Adirondack Railway Company was merged with the Delaware and Hudson Company. The rail line from Corinth to North Creek, New York became known as the "Adirondack Branch," and was operated continuously through the 1980s.
- 1930: The Delaware and Hudson Company conveyed all of its assets to the newly formed Delaware and Hudson Railroad Corporation, a wholly owned subsidiary of the Delaware and Hudson Company.
- 1942: During World War II, the United States of America condemned a right-of-way which began at the ending point for the Adirondack Branch northwest of Minerva Road in the Town of Johnsbury and extended to the Tahawus mine located in Newcomb, Essex County, New York, referred to as the "Tahawus Branch." The condemnation was for a

right-of-way only and not a fee simple taking of the land. The right-of-way was for a limited period of time.

- 1962: The Tahawus Branch right-of-way held by the United States was extended for an additional one hundred years in 1962 and scheduled to expire in 2062. *See United States v. 220 Acres of Land, No.8431 (N.D.N.Y. Dec 10, 1962).*
- 1960s—1970s: The railroad business in the United States was marked by many mergers and acquisitions which appear to be driven by the changing financial fortunes of these businesses and the rail lines they owned.
- 1968: The Delaware and Hudson Railroad Corporation was acquired by Delaware and Hudson Railway Company, a wholly owned subsidiary of Dereco, a holding company owned by Norfolk and Western Railway.
- July 1, 1968: The deed conveying the railroad real property owned by the Delaware and Hudson Railroad Corporation to Delaware and Hudson Railway Company was recorded in Warren County. This conveyance included a 3.25 mile section known as the Warrensburg Branch.
- 1970s: The Norfolk and Western, the holding company for Dereco, attempted several mergers and sales in the 1970s including an attempted merger with Conrail. All of these efforts failed.
- 1984: Guilford Transportation Industries purchased all the shares of the Delaware and Hudson Railroad Company from Dereco for \$500,000.
- 1986: The 3.25 mile Warrensburg Branch was sold to Delaware River Estates, which then sold parcels of land to others for non-rail way use. The Warrensburg branch ceased to be used as a railroad.
- 1988: Guilford Transportation Industries placed the Delaware and Hudson Railway Company (the wholly owned subsidiary of Dereco, which was the holding company for Norfolk and Western Railway) into Chapter 11 bankruptcy.
- 1989: United States sold the Tahawus Branch right-of-way to National Lead.
- July 13, 1990: D&H Corporation purchased the rail line assets out of the Chapter 11 bankruptcy for the Delaware and Hudson Railway Company, which included the Adirondack Branch. D&H Corporation is a wholly owned subsidiary of Canadian Pacific.
- July 1, 1996: Warren County purchased the Adirondack Branch from the Delaware and Hudson Railway Company, Inc., a subsidiary of Canadian Pacific Kansas City Rail. The purchase price paid by Warren County was \$1,350,000.00. The County's rail line begins at a point approximately 100 feet north of Antone Road, in the Town of Corinth, Saratoga County, and extends northwards for almost forty miles to a point 3,485 feet northwest of Minerva Road in the Town of Johnsbury, Warren County.
- 2011: National Lead sold Tahawus Branch right-of-way to Saratoga North Creek Railway.
- Warren County had a contract with Saratoga North Creek Railway to operate trains on the County owned train tracks from 2011 until it was terminated for non-payment of fees owed to the County in 2018.
- December 2022: Revolution Rail Holding Company purchases the Tahawus Branch right-of-way out of the Chapter 11 proceeding filed by San Luis Rio Grande Railroad, which owned the Saratoga North Creek Railroad.
- 2062: The Tahawus Branch is scheduled to revert back to the original owners, or their successors in interest, as of the original condemnation proceeding in 1942.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert Terwilliger". The signature is written in a cursive style with a prominent horizontal flourish above the name.

Robert Terwilliger
Assistant County Attorney