

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: MAY 19, 2020

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: CONOVER
HOGAN
LEGGETT
BRAYMER
BRUNO
MAGOWAN
MERLINO
STROUGH
WILD

OTHERS PRESENT:

KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
TIM BENWAY, DIRECTOR OF PARKS, RECREATION & RAILROAD
FRANK THOMAS, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
KEVIN B. GERAGHTY, BUDGET OFFICER
SUPERVISORS BEATY
DICKINSON
DRISCOLL
FRASIER
MCDEVITT
SEEBER
SIMPSON
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
JEREMY SCRIME, SENIOR COMPUTER SYSTEMS ANALYST/PROGRAMMER
MICHAEL SWAN, WARREN COUNTY TREASURER
CHANDLER ATKINS, OWNER OF THE ELMS COTTAGES
REPRESENTING REVOLUTION RAIL:
ROBERT HARTE
MICHAEL DUPEE

Please note, the following contains a summarization of the May 19, 2020 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/gov/comm/Archive/2020/works/>

Note: As per Governor Cuomo’s Executive Order 202.1: “Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing 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 in attendance participated via video or teleconference, except for Supervisor Merlino who was physically present.

Mr. Conover called the meeting of the Public Works Committee to order at 9:46 a.m.

Motion was made by Ms. Hogan, seconded by Mr. Magowan and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Copies of the DPW and Parks, Recreation & Railroad agendas were distributed to those in attendance, those participating remotely accessed the agendas via the Warren County website. Copies of both agendas are on file with the meeting minutes.

Privilege of the floor was extended to Kevin Hajos, *Superintendent of Public Works*, who commenced the DPW agenda review, outlining the following requests:

- Page 2 - To amend the existing grant with the New York State Department of Transportation (*NYS DOT*) in an amount not to exceed \$5,831 to include funding for right-of-way incidentals under Supplemental Agreement No. 1 for the South Johnsbury Road (*CR 57*) over Mill Creek in the Town of Johnsbury.
- Page 9 - To increase Capital Project No. H381, *South Johnsbury Road (CR 57) over Mill Creek*, in the amount of \$5,831.
- Page 10 - To amend the existing contract with Clark Patterson Lee in an amount not to exceed \$5,831 to include funding for right-of-way incidentals under Supplemental Agreement No. 1 for the South Johnsbury Road (*CR 57*) over Mill Creek in the Town of Johnsbury.

Motion was made by Ms. Hogan, seconded by Mr. Bruno and carried unanimously to approve all three of the above referenced requests. The necessary resolutions for the items on Pages 2 and 10 were authorized for the June 19th Board Meeting and the item on Page 9 was referred to the Finance Committee. *Copies of all three requests are on file with the meeting minutes.*

- Page 18 - To authorize the Chairman of the Board of Supervisors to sign in approval of Just Compensation amounts related to the 13th Lake Road (*CR 78*) Culvert Replacement Project in the Town of Johnsbury.

Motion was made by Mr. Magowan, seconded by Mr. Bruno and carried unanimously to approve the request and the necessary resolution was authorized for the June 19th Board Meeting. *A copy of the request is on file with the meeting minutes.*

- Page 21 - To authorize a transfer of funds in the amount of \$94.77 from Budget Code A.1628 110, *Waste Management Containment, Salaries-Regular*, to Budget Code A.1628 120, *Waste Management Containment, Salaries-Overtime*, to cover the cost of overtime incurred in moving container from the Transfer Station.

Motion was made by Mr. Magowan, seconded by Ms. Hogan and carried unanimously to approve the request and refer same to the Finance Committee. *A copy of the request is on file with the meeting minutes.*

Concluding the review of the DPW agenda, Mr. Hajos addressed the Referral/Pending Item listed which pertained to a referral from the Occupancy Tax Coordination Committee to consider reducing the daily use rate for the County-owned West Brook Road parking lot for events associated with the Charles R. Wood Park. Mr. Hajos apprised that as mentioned by the County Attorney, it was important to note that if a reduction in the daily rental rate was approved, the discount would need to be extended to all interested parties as failing to do so would constitute an illegal.

A lengthy discussion ensued, at the conclusion of which a motion was made by Mr. Bruno, seconded by Mr. Strough and carried unanimously to reduce the daily rental fee for use of the West Brook Parking Lot by 50% for the remainder of 2020 and the necessary resolution was authorized for the June 19th Board Meeting.

There being no further DPW business to address, Mr. Hajos commenced the review of the Parks, Recreation & Railroad agenda, outlining the following requests:

- Page 2 - To authorize a right-of-way private use agreement with Stewart's for access from the Warren County Bikeway to the Ridge Street Stewart's building at a rate of \$200 per year.

Following some discussion, a motion was made by Ms. Braymer, seconded by Ms. Hogan and carried unanimously to approve the request and the necessary resolution was authorized for the June 19th Board Meeting. *A copy of the request is on file with the meeting minutes.*

Page 9 - To authorize extension of the agreement with Adirondack Safari Tent Co., LLC for use of the Warren County Fairgrounds for “glamping” through 2022.

A lengthy discussion ensued, during which the Committee expressed it was unclear exactly what was being requested and what the implications of the request might mean for the County. Subsequently, a motion was made by Ms. Hogan, seconded by Mr. Strough and carried unanimously to table the request pending clarification of the request and further information regarding the implications of the request.

Moving on to the Referral/Pending Items section of the agenda, privilege of the floor was extended to Robert Harte and Michael Dupee, *of Revolution Rail*, who provided an update on planned operations and track repairs. It was noted that the new operations planned for Stony Creek would not be occurring in 2020 due to new ownership of the Stony Creek Ranch and a request was made to amend the lease agreement with Revolution Rail to remove such track usage and to reduce the lease fee commensurately. In further discussion, a request was also made to allow for a pro-ration of fees based on the start of operations which would be delayed due to the COVID-19 pandemic.

A motion was made by Mr. Leggett and seconded by Mr. Magowan to amend the lease agreement with Revolution Rail to remove the Stony Creek portion of the lease and to reduce the lease fee by 1/3 for 2020. Further discussion was held, during which Messrs. Leggett and Magowan agreed to amend their motion to include allowances for the pro-ration of lease fees based on the start of operations by Revolution Rail.

At the conclusion of discussion, Mr. Conover called the question and the aforementioned motion, as amended, was carried unanimously and the necessary resolution was authorized for the June 19th Board Meeting.

Concluding the agenda review, the Information for Discussion/Review section was reviewed, as follows:

Salvation Army Food Drive - Mr. Hajos advised the Salvation Army planned to hold a Drive-Thru Food Pantry event on Friday, May 22nd at the Warren County Fairgrounds beginning at 11:00 a.m. and continuing while supplies lasted.

Railroad Easement - Mr. Hajos advised a request had been received from Chandler Atkins, *owner of The Elms Cottages in Lake Luzerne*, for an easement to cross the County’s railroad tracks and reach a large landlocked parcel he hoped to purchase. Mr. Hajos indicated that requests of this nature had been made in the past and the County had always declined them, preferring to allow only the certified crossings identified on maps when the rail line was acquired.

Privilege of the floor was extended to Mr. Atkins who expounded upon his request, advising he hoped to purchase the property to expand his business in another area, but could not do so without access to the parcel which would require crossing the County-owned railroad. A lengthy discussion ensued during which it was determined there was some concern with regard to whether the Surface Transportation Board (STB) had any authority over whether such crossings could be allowed and Mr. Hajos agreed to reach out to the STB on this matter. At the conclusion of the discussion, it was made clear the Committee was not ready to act upon the matter that day and would await the information Mr. Hajos was to obtain from the STB before entertaining the request further.

Stocking Report - Tim Benway, *Director of Parks, Recreation & Railroad*, advised the stocking for this year had

been done by new employees and had gone very well.

Warrensburg Bike Rally - Mr. Hajos indicated the Warrensburg Bike Rally was seeking to use the Warren County Fairgrounds during the week in July that Americade had been rescheduled for; however, he said, this request could not be considered until a determination was made on the lease agreement with Adirondack Safari for use of the same area.

Swede Mt. Fire Tower - Mr. Hajos advised that with staff returning to work they hoped to assign some to work on the Swede Mt. Fire Tower trail to get that open before the end of the year.

Letter from St. Clements School - Mr. Hajos read aloud a letter from St. Clements School thanking the Up Yonda staff for the tour they had received of the facility.

Letter from Friends of Up Yonda - Mr. Benway advised of a letter from the Friends of Up Yonda Trust offering to purchase lumber for the construction of benches to be placed at Up Yonda. He indicated that the lumber had been received and the benches constructed by staff and placed at the summit of the Up Yonda property.

There being no further business to come before the Committee, on motion made by Ms. Hogan, seconded by Mr. Magowan and carried unanimously, Mr. Conover adjourned the meeting at 11:07 a.m.

Respectfully submitted,
Amanda Allen, Clerk of the Board