

**WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: PUBLIC WORKS**

**DATE: JUNE 23, 2020**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS: CONOVER  
HOGAN  
BRAYMER  
MERLINO  
STROUGH

**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  
AMANDA ALLEN, CLERK OF THE BOARD  
RYAN DICKIE, 2<sup>ND</sup> ASSISTANT COUNTY ATTORNEY  
KEVIN B. GERAGHTY, BUDGET OFFICER

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS LEGGETT  
BRUNO  
MAGOWAN  
WILD

SUPERVISORS DICKINSON  
DRISCOLL  
FRASIER  
JULIE BUTLER, PURCHASING AGENT  
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR  
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS  
JEREMY SCRIME, SENIOR COMPUTER SYSTEMS ANALYST/PROGRAMMER  
MIKE SWAN, COUNTY TREASURER  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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*Please note, the following contains a summarization of the June 23, 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 11:58 a.m. Due to a lack of attendance, Chairman Thomas served to make a quorum of the Committee until 12:01p.m. when Ms. Hogan joined the meeting.

Motion was made by Ms. Braymer, seconded by Mr. Strough 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 , Parks, Recreation & Railroad and Solid Waste agendas were distributed to those in attendance, those participating remotely accessed the agendas via the Warren County website. Copies of the agendas are on file with the meeting minutes.

Commencing the review of the DPW agenda, Kevin Hajos, *Superintendent of Public Works*, presented the following requests:

Page 2 - Request to amend the contract with the NYS DOT to include Supplemental Agreement No. 1 for Capital Project No. H381, *South Johnsbury Road (CR 57) over Mill Creek in the Town of Johnsbury*, in the amount of \$9,631 for a term commencing upon execution by both

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parties and terminating December 30, 2027.

Page 9 - Request to increase Capital Project H381, *South Johnsburg Road (CR 57) over Mill Creek in the Town of Johnsburg*, in the amount of \$9,631 to increase shares for right-of-way incidental and acquisition costs.

Page 10 - Request to amend the existing agreement with Clark Patterson Lee to include Supplemental Agreement No. 1 for additional right-of-way incidental and acquisition services in the amount of \$9,122 for Capital Project No. H381, *South Johnsburg Road (CR 57) over Mill Creek in the Town of Johnsburg*.

Mr. Hajos apprised the purpose of these requests was to amend the existing grant which was approved by NYS DOT to increase the amount to \$9,611, amend the related Capital Project and amend the existing agreement with Clark Patterson Lee to include the additional right-of-way incidental and acquisition services.

Motion was made by Mr. Strough, seconded by Mr. Merlino and carried unanimously to approve the requests as presented and the necessary resolutions were authorized for the July 17<sup>th</sup> Board meeting for the Items listed on Pages 2 and 10 and the Item listed in Page 9 was referred to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

Page 15 - Request to authorize the Chairman of the Board to sign Just Compensation amounts for Capital Project H384, *Horicon Avenue (CR 11) over Finkle Brook Culvert Replacement*.

Mr. Hajos explained the contractor for the company had completed appraisals of the properties the County acquired as part of Capital Project H384, *Horicon Avenue (CR 11) over Finkle Brook Culvert Replacement*, which was required in order to make monetary offers and begin negotiations with the property owners. He stated the amounts suggested were listed on Page 16 of the Agenda, all three of which were minimal in size and cost. Mr. Conover asked when they would commence work on the Project and Mr. Hajos replied the work would likely begin next Spring, as they were currently working on the design phase.

Motion was made by Ms. Braymer, seconded by Ms. Hogan and carried unanimously to approve the request as presented and the necessary resolution was authorized for the July 17<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 18 - Request to authorize the Chairman of the Board to Just Compensation amounts for Capital Project H385, *CR 32 over Bennie Brook Culvert Replacement*.

Mr. Hajos stated this was similar to the previous request, but pertained to Capital Project H385, *CR 32 over Bennie Brook Culvert Replacement*, in the Town of Lake Luzerne which required some right-of-way agreements; he added this would also permit them to maintain that culvert going forward.

Motion was made by Mr. Merlino, seconded by Mr. Strough and carried unanimously to approve the request as presented and the necessary resolution was authorized for the July 17<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 20 - Request to authorize a new contract with the Environmental Maintenance Contractors, Inc. for asbestos and/or lead removal and disposal services pursuant to the terms and provisions of the specifications (WC 19-20) and proposal for a term commencing upon execution by both parties and terminating July 31, 2021 with the option to extend for up two additional one year terms.

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Mr. Hajos advised this request pertained to one of several standard term contracts they did every year, some of which were extended for additional years depending upon the need for certain types of work. He added any of the towns were permitted to piggyback on this contract if they needed to use the service; however, he noted, there was no guaranteed work for these contractors as the purpose was to have a contractor in place in case the need arose for this type of work.

A discussion ensued following which a motion was made by Mr. Strough, seconded by Ms. Hogan and carried unanimously to approve the request as presented and the necessary resolution was approved for the July 17<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 24 - Request to authorize a new contract with Town and County Bridge and Rail for shotcrete services pursuant to the terms and provisions of the specifications (WC 31-20) and proposal for a term commencing upon execution by both parties and terminating December 31, 2021 with the option to extend for up two additional one year terms.

Mr. Hajos apprised shotcrete was used on interior culvert pipes and metal culvert pipes that they had lost the bottom on and had to reroute the water and redo the pipes up to about the waterline with the shotcrete. He stated this was another term agreement which was only accessed when necessary. He added the sole bidder was one of the only companies who offered this service.

Motion was made by Mr. Strough, seconded by Ms. Braymer and carried unanimously to approve the request as presented and the necessary resolution was approved for the July 17<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 26 - Request to authorize a new contract with the lowest responsible bidder (*to be determined following the June 25, 2020 bid opening*) for Capital Project H257, *Padanarum Road Bridge over NW Bay Brook*, pursuant to the terms and provisions of the specifications (WC 29-20) and proposal for a term commencing upon execution by both parties and terminating 150 days after Notice to Proceed.

Mr. Hajos informed this pertained to work on a County Bridge in Northwest Bay Brook which they had planned on replacing in 2007 until they determined they were not equipped to handle the dewatering on this site. He advised the bids for this Project were scheduled to open this upcoming Thursday and the contract would be awarded to the lowest responsible bidder. He said the bridge that had originally been purchased for this Project, but could not be used because of the dewatering issues, may be sold to the Town of Bolton to use for one of their bridges at cost.

Ms. Braymer voiced her concerns with not being able to review the bids before they were approved. Mr. Hajos advised contracts were always awarded to the lowest responsible bidder and the Purchasing Department had indicated to him a significant amount of contractors had expressed interest in bidding on this work. He added if the bids came in higher than the amount of funding available in the County Bridge Fund then he would not move forward with awarding the bid. Ms. Braymer requested that Mr. Hajos forward her the bid tabulation sheet when it was available.

Motion was made by Ms. Braymer, seconded by Mr. Merlino and carried unanimously to approve the request as presented and the necessary resolution was approved for the July 17<sup>th</sup> Board meeting. *A copy of the resolution request form is on file with the minutes.*

In regard to the Information for Discussion/Review portion of the Agenda, Mr. Hajos apprised the County and Towns had all received a letter from the NYS DOT regarding CHIPS (*Consolidated Local Street and Highway Improvement Program*) indicating they should not exceed 80% of the funding awarded to them. He said this did not mean CHIPS funding that was carried over from last year could not be spent,

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but the NYS DOT was tracking how much of their CHIPS funding each municipality spent and once the 80% threshold was met until they received permission to proceed from the Governor they would not be releasing the remaining 20% funding. He informed he planned on moving forward with all of the projects he had discussed with them earlier in the year, with the exception of one that went out to bid; he added he had notified the contractor the project was on hold, but they could proceed with the other ones they had been awarded contracts for. He apprised he planned on using only 80% of the CHIPS funding until they were notified by the NYS DOT the remaining funds would be released to them and he assumed most of the towns were proceeding in the same manner, as well.

Mr. Conover requested that Mr. Hajos provide an update on the Salt Reduction Initiative. Mr. Hajos stated earlier this year they had discussed the possibility of purchasing a mobile unit to make salt brine, but this was put on hold as a result of the Coronavirus. He advised Chris Belden, *Assistant County Planner*, had been able to secure approximately \$72,000 to be used to purchase this mobile unit with the premise that it would be used throughout the County and each Town would participate and use salt brine and achieve savings. He stated a number of Town Superintendents of Public Works were upset with him when he notified them they had to remove the sand remaining on County Roads in their municipalities. He mentioned the mobile unit would reduce their use of salt and sand on their roads, as well as labor costs because if they laid down the salt brine on their roads before a storm occurred they would save themselves a few hours before they had to start plowing the roads. He informed the use of salt brine was more environmentally friendly for the waterways in the County. He apprised Dave Wick, *Executive Director, Lake George Park Commission*, had contacted a few of the Town Supervisors to request that each Town contribute \$5,000, as well as Washington County to purchase the equipment. He said he was well aware with the current economic climate \$5,000 was a significant cost to add to their budgets, but he felt having the ability to have salt brine to pre-treat the roads would result in a cost savings over the long-term. He added Mr. Wick was also trying to determine if the towns that did not have their own salt brine tanks would like one for a truck or a stationary tank and their organization would assist them with the cost. He informed the Fund for Lake George had indicated to him they would cover the cost of a stationary salt brine tank for the County, but this would be used to fill the County's tanks unless one of the towns had a mobile truck to move the salt brine to their area.

A brief discussion ensued.

Proceeding to the review of the Parks, Recreation & Railroad agenda, Mr. Conover advised he would like to skip ahead to the Information for Discussion/Review portion of the agenda regarding the Adirondack Safari contract for use of the Warren County Fairgrounds in the Town of Warrensburg. Mr. Conover stated following his review of the contract he determined it was a term contract with half of the amount due to the County by June 12<sup>th</sup> and the remaining amount due by August 8<sup>th</sup> with the contract based upon a certain rate multiplied by ninety-six days. He apprised the County had received a request from them to waive the fees for 2020 and extend the contract an additional two years beyond 2022 with no amount represented for those additional years. He said he believed they had two options, the first of which was to approve the request with or without granting the extension or they could deny the request and terminate the lease.

Mr. Hajos stated his recommendation would be to terminate the contract and if it was the pleasure of the Committee an RFP (*Request for Proposal*) could be released in late Fall or early winter to determine if anyone was interested in using the property for this purpose.

A lengthy discussion ensued during which Mr. Hajos apprised that Ed Zibro, *Organizer of the Warrensburg Bike Rally*, had indicated an interest in using the County Fairgrounds around the same time the Americade event was scheduled if the Americade was not canceled which meant this was one opportunity to obtain revenue for the use of the County Fairgrounds; he added there was not much of an interest in using the County Fairgrounds from other organizations with some opportunities, but they

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were few and far between.

At the conclusion of the discussion it was the consensus of the Committee authorize the County Attorney and Superintendent of Public Works to contact Adirondack Safari to negotiate that the County would be willing to waive any fees owed for 2020, provided that they agree to amend the lease agreement to indicate that the County would revisit the issue of renewing the lease agreement on an annual basis, assuming this caveat was not already included in the current agreement, and that they also agree to relinquish any rights to use the Fairgrounds property for the remainder of 2020.

Returning to the Referral/Pending Items portion of the Parks, Recreation & Railroad agenda, Mr. Hajos advised he believed they could remove Pending Item 1 which pertained to Mr. Moore contacting Revolution Rail and the contractor selected to make washout repairs to Warren County Railroad and determine whether the bids for work could be held over because the contractor had already began the work and had cleared all of the trees throughout the entire line. He said they were currently mobilizing their repair equipment which was originally supposed to arrive today, but would not be arriving until tomorrow because they were held up on a railroad they were working on in Boston, Massachusetts and they would commence making repairs as of Thursday with the work scheduled to finish up within two weeks. He advised Mike Kelly had been contacting him on a weekly basis to find out whether the trees had been cleared and the track had been repaired so he could remove his equipment from the County Railroad which he was required to do within seven to ten days of completion of the repairs.

Mr. Hajos advised they had already discussed the next item which pertained to the request made by Adirondack Safari. He restated Mr. Zibro's request to use the County Fairgrounds to hold the Warrensburg Bike Rally in July.

Returning to the discussion regarding Mr. Kelly moving his equipment off of the County Railroad, Mr. Dickinson asked what would occur if Mr. Kelly did not adhere to the requirement and Mr. Hajos replied he would defer to the County Attorney, but said he believed Mr. Kelly was given the stipulation that he had to move it within seven to ten days. Ryan Dickie, 3<sup>rd</sup> Assistant County Attorney, replied he would have to look into the matter further and provide additional guidance later this week.

In regard to the request from Chandler Atkins, *owner of the Elms Cottages in Lake Luzerne*, for an easement to cross the County's Railroad tracks to reach a large landlocked parcel he hoped to purchase, Mr. Hajos informed the STB (*Surface Transportation Board*) had indicated to him they did not have the authority over whether such crossings could be allowed, but NYS DOT did. He said Mr. Atkins had to take his request to NYS DOT and request a hearing with a judge to determine whether the access would be approved - he noted the entire process was estimated to take about two years from start to finish. Mr. Conover asked if this process was applicable to active and inactive railroad corridors and Mr. Hajos replied although the County's railroad corridor was inactive in their eyes, it was still a live line according to NYS DOT. Mr. Conover inquired whether this was the process for live lines and Mr. Hajos replied affirmatively, adding if the status of the County Railroad ever changed they would have to revisit that because he did not ask them if the process was different for an inactive railroad.

A discussion ensued.

Mr. Hajos advised next month he would be returning to Committee to discuss the Railroad Budget which had only been budgeted for half a year because of the uncertainty of whether the County would have a contract in place with a new operator this year. He said they were running short about \$4,200 for electricity and \$9,200 for water, sewer and taxes for a total of \$13,400. He advised what he would be proposing to the Committee next month was use the money they earned from the contract with Revolution Rail to cover the cost of these expenses for the remainder of this year.

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Ms. Hogan stated Cornell Cooperative Extension held their meeting last night during which they had indicated they hoped to be able to move forward with a Youth Fair this year on the County Fairgrounds with the request forthcoming. She advised they were taking safety seriously and were being thoughtful in how they were planning the event with the hopes they could hold it sometime in early August.

Proceeding to a review of the Solid Waste agenda, Mr. Hajos advised they had completed their draft Solid Waste Plan with the public comment period commencing today and extending for the required forty-five day period. He read aloud the NYS DEC requirements were as follows: Make a draft of a local Solid Waste Management Plan available for a minimum of forty-five days; post the Plan on the DPW website and make hard copies available at the DPW Office, as well as another hard copy in the Clerk of the Board's Office; once the public comment period was over a public hearing would be held at the August 21<sup>st</sup> Board Meeting to present the Plan and receive comments following which the County consultant would prepare a responsive summary to address all of the written and verbal comments; and submit the draft Plan to NYS DEC for review and approval. He stated once the plan was determined to be reviewed and approved another public comment period and response of that summary may be required if the department concludes that the approval differed significantly from the first draft. He informed this was a sound plan that provided detailed recommendations and timeframes.

Ms. Braymer thanked Mr. Hajos for bringing this to light, as she was well aware it was a long time coming. She apprised she was pleased to have a plan which included the more recent developments in solid waste and recycling management; she added she would be sharing the Plan with some of the local environmental groups who were focused on the Zero Waste effort. In regard to the recommendations made, she stated she would be happy to bring these before the Environmental Concerns & Real Property Tax Services Committee if that would be helpful. She requested that the Planning & Community Development Department, which worked on the Climate Impact Action Items, assist the County with implementing the recommendations in the Sold Waste Plan. She noted what stood out to her was collecting the data about what was occurring with the County's waste and the material they thought was being recycled to allow them to have a better idea of what was occurring and where they may be able to take it especially because the incinerator did not have much of a useful life left and it may be time to explore other options to divert waste away from the incinerator not only for economic purposes, but also for environmental purposes.

Mr. Conover asked if any action was required of the Committee on the plan and Mr. Hajos replied in the negative, apprising today was the beginning of the forty-five day comment period.

A discussion ensued.

Ms. Braymer requested that the Town Supervisors who had beaches located in their towns open their beaches because with only a limited number of beaches open it made it more difficult for residents to locate places to swim during this heat wave resulting in individuals concentrating in those beaches that remained open. A brief discussion ensued.

There being no further business to come before the Committee, on motion made by Ms. Braymer, seconded by Ms. Hogan and carried unanimously, Mr. Conover adjourned the meeting at 1:10 p.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board