

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: JULY 21, 2020

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: CONOVER
HOGAN
LEGGETT
BRAYMER
BRUNO
MAGOWAN
MERLINO
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
AMANDA ALLEN, CLERK OF THE BOARD
ROBERT TERWILLIGER, FIRST ASSISTANT COUNTY ATTORNEY
KEVIN B. GERAGHTY, BUDGET OFFICER
SUPERVISORS BEATY
DRISCOLL
FRASIER
SEEBER
SIMPSON
ROBERT BLAIS, MAYOR, VILLAGE OF LAKE GEORGE
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
JEREMY SCRIME, SENIOR COMPUTER SYSTEMS ANALYST/PROGRAMMER
MEGAN SEELEY, NYS CERTIFIED ELEMENTARY SCHOOL TEACHER
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

COMMITTEE MEMBER ABSENT:

SUPERVISOR STROUGH

Please note, the following contains a summarization of the July 21, 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 10:22 a.m.

Motion was made by Mr. Magowan, seconded by Mr. Bruno 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 Parks, Recreation & Railroad agenda, Tim Benway, *Director, Parks, Recreation & Railroad*, presented the following requests:

Page 1- To extend the existing contract with the South Warren Snowmobile Club Inc. and the City of Glens Falls to provide licensing use of trails in the City of Glens Falls and trail

development and maintenance for the term commencing July 1, 2020 and terminating June 30, 2021.

Mr. Leggett inquired whether any money was involved with this agreement and Mr. Conover replied in the negative.

Motion was made by Mr. Magowan, seconded by Ms. Hogan and carried unanimously to approve the request and the necessary resolution was authorized for the August 21, 2020 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 2 - To authorize a new contract with Lyme Adirondack Timberlands I, LLC in the amount of \$3,185 for use of an approximately six-mile snowmobile trail located in the Town of Hague for the term commencing December 1, 2020 and terminating November 30, 2021.

Motion was made by Mr. Leggett and seconded by Mr. Magowan to approve the request as outlined above.

Mr. Leggett voiced his opposition to paying such a significant amount to Lyme Adirondack Timberlands, I LLC when there were so many private property owners who provided portions of their property for snowmobile trails at no cost. He added he was also opposed to Lyme Adirondack Timberlands, I LLC charging the County for access to the Hague Fire Tower. He stated he would be voting on opposition of moving forward with this contract. Mr. Magowan apprised he concurred with Mr. Leggett, as there were many private property owners who gave up pieces of their property that were closed to their homes at no charge for these snowmobile trails and while he understood businesses needed to make money he would suggest returning to them to renegotiate in an attempt to come to terms for a smaller fee. He added although he was opposed with moving forward with the contract with its current rate, he did not want to give up the opportunity to have a trail for the snowmobilers to use which put the County in a difficult position and was why he felt they were being taken advantage of.

A discussion ensued during which it was noted the County did not pay for access to any other snowmobile trails. Mr. Merlino advised he felt compelled to point out for those who were unaware some of the snowmobile clubs, such as the South Warren Snowmobile Club Inc., paid a small fee to a few homeowners to use their property for access to the snowmobile trails.

A motion was made by Mr. Bruno, seconded by Mr. Magowan and carried unanimously to table the request and meet with representatives of Lyme Adirondack Timberlands I, LLC to attempt to negotiate the contract for a lower rate.

Page 5 - To amend the County Budget in the amount of \$3,600 to reflect the receipt of funds donated by the Lewis Trust.

Mr. Benway advised they would like to use this money to repair a furnace and air conditioning unit at Up Yonda Environmental Farm Environmental Education Center. Ms. Braymer requested that the County thank the Lewis trust for their generous donation.

Motion was made by Mr. Magowan, seconded by Ms. Braymer 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.*

Page 7 - To amend the County Budget in the amount of \$9,589 to reflect receipt of additional revenue received from Revolution Rail Company Adirondack, LLC.

Mr. Benway apprised these funds would be used to pay for the utilities, taxes and minor repairs to the County Railroad. Mr. Conover asked where the funds originated from and Mr. Benway replied this pertained to the payment they had just received from Revolution Rail Company Adirondack, LLC. Kevin Hajos, *Superintendent of Public Works*, stated they had only budgeted for a portion of the year in anticipation of the possibility of having an operator for the Railroad this year. He said since there was no operator and they had not budgeted for the full year these funds would be used to cover some of the expenses. Mr. Magowan asked for clarification that these funds would be used specifically to pay for the County Railroad expenses and Mr. Hajos replied affirmatively.

Ms. Hogan stated while they were discussing the County Railroad she wanted to ensure that she thanked the County for all of their efforts in getting the dilapidated rail cars removed from North Creek, as they had finally been removed a few days ago providing a significant improvement to their waterfront area.

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

In regard to the track repair update, Mr. Benway stated it had gone well and had permitted not only those rail cars to be removed, but also was now in good enough condition to allow Revolution Rail Company Adirondack LLC to begin operating on the southern portion of the railroad tracks.

Mr. Hajos advised the Southwind Rail Locomotive and Coach Car owned by Mr. Kelly had been removed this past Saturday.

Mr. Hajos stated the last item on the Agenda pertained to Forest School at Up Yonda, apprising when Karin Badey assumed the Director/Naturalist position at Up Yonda Farm Environmental Education Center he and Mr. Benway had asked her to think outside of the box to develop new programs and ways to gain more revenue for the facility. He stated the facility was supported by the trust, an annual contribution from the Town of Bolton, as well as some occupancy tax from the County. He said when the pandemic occurred it eliminated all of the revenue the facility would have earned through the school programs. Mr. Hajos advised Megan Seeley, *New York State Certified Elementary Education Teacher and small business marketer*, was present to discuss the Forest School at Up Yonda which would serve children ages three to six and be a new program for Up Yonda, as well as a potential revenue source.

Ms. Seeley stated her family had spent a significant amount of time at Up Yonda because her parents were residents of the Town of Bolton and this had initiated the idea as they were attempting to determine what to do with their children this Fall, as she had three young children, all of whom were under the age of five. She said her eldest child was supposed to be going to kindergarten in the Fall, but it was questionable about what they could actually do. She informed there was something referred to as Forest Kindergarten which was exclusively for children ages three to six with an established curriculum, and because she was a certified New York State Elementary teacher and had a background in small business marketing, she had been trying to determine what could be done and Up Yonda appeared to be a great location to establish this. She apprised this was still in the idea phase, but she would be willing to answer any questions; she added this was an appropriate way to earn income and was sustainable year round with a huge trend moving toward this for a number of parents who were unsure of what to do with their children in the Fall. She said more specifically this related to parents who were considering home schooling out of fears of sending their children only to have them pulled out school again if anything were to occur with the pandemic.

Mr. Conover advised he was in favor of new innovative ideas such as this, but he would like for Ms. Seeley to put her plan in writing to provide the Committee with a better idea of what this program may be and some of Ms. Seeley's thoughts regarding it.

A discussion ensued following which it was determined that Messrs. Benway and Hajos and the staff at Up Yonda Farm Environmental Education Center would work with Ms. Seeley to develop a full proposal including budget, funding sources, etc. and return to Committee with the proposal.

Mr. Conover asked Don Lehman, *Public Relations Manager*, whether there were any public comments and/or questions and Mr. Lehman replied in the negative.

Moving along to the review of the DPW agenda Mr. Hajos presented the following requests:

Page 2 - To change the name of Capital Project H377, *Sunnyside East (CR 39) Pavement Preservation Project*, to H377, *Sunnyside Road (CR 54) and Sunnyside East (CR 39) Pavement Preservation Project*.

Motion was made by Mr. Magowan, seconded by Ms. Braymer and carried unanimously to approve the request and the necessary resolution was authorized for the August 21st Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Page 3 - To authorize the County Treasurer to close Capital H392, *Sunnyside Road Pavement Preservation*, and return remaining funds in the amount of \$41,653.22 to Budget Code D.9950 910, *Transfers - Capital Projects*.

Page 4 - To amend the County Budget in the amount of \$41,653.22 to increase Budget Code D.9950 910, *Transfers - Capital Projects*, in accordance with transfer of surplus local match funds from capital project back to funding source.

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

Page 5 - To amend the agreement with the NYS DOT (*New York State Department of Transportation*) to include Supplemental Agreement No. 1 for Capital Project H377, *Sunnyside Road (CR 54) and Sunnyside East (CR 39) Pavement Preservation Project*, in the amount of \$1,726,000 for a term commencing upon execution by both parties and terminating December 30, 2027.

Page 6 - To increase Capital Project H377, *Sunnyside Road (CR 54) and Sunnyside East (CR 39) Pavement Preservation Project*, in the amount of \$1,681,353.22 to increase shares for construction and construction inspection services.

Page 7 - To amend the existing agreement with Greenman-Pedersen, Inc. to include Supplemental Agreement No. 1 for construction inspection services on Capital Project H377, *Sunnyside Road (CR 54) and Sunnyside East (CR 39) Pavement Preservation Project*, in the amount of \$128,980.

Mr. Hajos advised these three requests were all applicable to Capital Project H377, *Sunnyside Road (CR 54) and Sunnyside East (CR 39) Pavement Preservation Project*, and pertained to a Supplemental Agreement associated with the Capital Project. He said they had not received the Supplemental Agreement from the NYS DOT yet and he would typically not bring this to Committee without it, but it was in the works and was currently in the NYS DOT's main office and they were trying to extradite everything so that once they received the agreement with the NYS DOT they could go out to bid on the project and award the work to the lowest responsible bidder. He said if he held off until he had the approval of the NYS DOT in August it would push the work back even further. He added the delay was though no fault of the County, as it related to the Coronavirus and the NYS DOT moving slower due to

a number of their employees working remotely. He advised he was attempting to ensure they had everything in place for when the bids came in and the Supplemental Agreement was there they could award construction and start the project.

Motion was made by Mr. Magowan, seconded by Mr. Bruno and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the August 21, 2020 Board meeting for the items listed on Pages 5 and 7 and the item listed on Page 6 was referred to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

Page 13 - To authorize a new contract with the lowest responsible bidder for Capital Project H377, *Sunnyside Road (CR 54) and Sunnyside East (CR 39) Pavement Preservation Project*, pursuant to the terms and provisions of the specifications (WC 24-20) and proposal for a term commencing upon execution by both parties and terminating 70 days after Notice to Proceed.

Mr. Conover asked what Mr. Hajos to notify the Board who the lowest responsible bidder was.

Motion was made by Ms. Braymer, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the August 21, 2020 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 14 - To amend the County Budget in the amount of \$472.68 to reflect receipt of insurance recovery payment for traffic sign repair.

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

Page 17 - To authorize renewal of agreements with various municipalities for roadway maintenance (snow and ice removal).

Mr. Hajos stated these were the contracts that were put out each year to each of the towns with the cost remaining the same as the prior years contract due to the milder winter and the fact that some of the towns were using salt brine now on the roads which reduced the cost.

Ms. Braymer asked for clarification that there were no County Roads in the City of Glens Falls and Mr. Hajos replied in the negative. He explained the end of Bay Road may touch the City of Glens Falls and Main Street ended at Southwestern Avenue and then it turned into Broad Street which was not a County Road. Mr. Conover apprised it was necessary for them to consider what the cost would be if the County had to field the fleet, equipment, buildings, personnel and supplies necessary County-wide, as it was much more efficient to pay the towns to manage this work. Ms. Braymer stated her concern was the City of Glens Falls taxpayers paid a portion of the County Budget towards the DPW, but there were no County Roads in the City of Glens Falls. Mr. Conover apprised he thought if they reviewed the County Budget they would discover items the towns paid for that they did not benefit greatly from either, as this was the nature of a regional budget. Mr. Hajos informed the County loaned the City of Glens Falls a mower every year to mow around the City for places like Havilands Cove.

A discussion ensued.

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 August 21, 2020 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 21 - To authorize a cooperative agreement with NYS DEC (*New York State Department of Environmental Conservation*) for use of regenerative vacuum sweeper.

Mr. Hajos stated the Beach Road and Westbrook County-owned parking lots had course pavement which required sweeping that they typically contracted twice a year for; however, he noted, going forward they would be contracting with the NYS DEC for use of their equipment and in turn would clean the new Million Dollar Beach Parking lot and ring road for the State. He said as part of the agreement the State would maintain the equipment and provide the fuel and the County would provide the labor and operate the equipment. He added typically the cleaning was handled in the Spring and then again in the Fall. Ms. Braymer asked for a copy of the agreement once it was completed.

Motion was made by Mr. Magowan, seconded by Ms. Braymer and carried unanimously to approve the request and the necessary resolution was authorized for the August 21, 2020 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 22 - To authorize the purchase of a mobile brine making unit and to enter into municipal agreements with various municipalities.

Mr. Hajos advised at the last Committee meeting he had spoken about a few different pieces of equipment, the first of which was a mobile brine making unit that would be used throughout the County and by any of the towns who wanted to be involved and were going to contribute funds for the purchase of this equipment. He stated the County would also have a stationary brine making unit at their Town of Warrensburg location which would be paid for through funding provided by the Fund for Lake George. He informed the request encompassed authorizing the purchase of the mobile brine making unit and entering into municipal agreements with various municipalities for the use of the equipment. He said they would provide training to each of the towns on how to use this piece of equipment and the County would be charged with maintaining it. He mentioned the Planning & Community Development Department had grant funding in the amount of \$72,000 that would be used toward the purchase of this mobile unit and the municipalities interested in using this equipment, as well as Washington County would also be making contributions toward the total purchase price, as well. He advised the County would purchase this equipment up-front and then be reimbursed the \$72,000 from the grant funding, as well as the funding from the municipalities that would like to use this equipment and then any leftover funding would be allocated to a maintenance reserve account to cover the cost of any future maintenance expenses for this equipment.

A discussion ensued during which Ms. Braymer voiced her desire for the County to look into whether grant funding was available through the NYS DEC to purchase composting equipment, as well as to look into whether the municipalities would be interested in contributing funds toward the purchase for use of equipment similar to what was being done for the mobile brine making unit.

Motion was made by Mr. Magowan, seconded by Mr. Leggett and carried unanimously to approve the request and the necessary resolution was authorized for the August 21, 2020 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Page 23 - To authorize a reduction in fee for use of Westbrook parking lot from \$1,000 to \$750 a day for Dave Ehmann in August and Labor Day weekend.

Mr. Hajos stated Robert Blais, *Mayor, Village of Lake George*, had submitted a proposal for Dave Ehmann at the Park Operations & Management Committee meeting to host drive up concerts at the Festival Commons. He said they had reduced the fees for use of Festival Commons for anyone who would like to use it this year by half price and Mr. Ehmann had contacted Mayor Blais and asked if the price to rent the Westbrook parking lot could be the same price he was be paying for the Festival Commons for the

purpose of preventing individuals from using the parking lot to listen to the concert without having to pay the admissions fee. Mr. Hajos noted the rental rate for the parking lot had already been reduced by half price this year, adding according to the County Attorney's Office it could not only be reduced for one person, but rather for everyone that wanted to use it this year. He said Mr. Ehmann was seeking an additional \$250 off of the already reduced price for the use. He advised what Mr. Ehmann had originally proposed was to require individuals to remain in their vehicles, but now he was proposing to allow them to be outside of their vehicles in front of them where they could maintain the required six feet of social distancing from individuals in other vehicles.

Ryan Moore, *County Administrator*, advised he had received approval from the State on Saturday for this event to take place with the only caveat being that the State would like individuals to remain in their vehicles similar to how the drive in movie theaters were supposed to be operating even though not all of them were. He apprised what they were proposing to do here was to hold an event inside of a public park which would function as a drive in movie theater would. He said individuals would be permitted to exit their vehicles to use the restrooms as long as they wore a face mask, but otherwise they did need to remain in their vehicles.

A discussion ensued during which Mayor Blais pointed out Mr. Ehmann was requesting the reduction in the fee to rent the parking lot to use as additional space for vehicles to park and watch the event. He said this would provide Mr. Ehmann with additional revenue to hire more security to ensure the attendees were complying with the rules to ensure the event was a success to use as a model going forward for concerts across the State. He said the Village of Lake George would also assist with ensuring individuals did not congregate in the area of the sidewalk on Route 9 by blocking it off for pedestrians and their COVID-19 inspector would be on duty patrolling the Village section to ensure there were no large gatherings outside of the Park and make this concert a success so they would be permitted to hold others in the future, as well. He noted all other events scheduled for the Festival Commons this year had been cancelled except for this event, and another one Mr. Ehmann was planning.

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

Moving along to the Information for Discussion/Review portion of the agenda, Mr. Hajos apprised the road work on Old State Road in Lake Luzerne had been completed and the remainder of the projects would be worked on and completed over the month of August. He said the County had rented the paver for two months and it was currently being used in the areas of the Town of Stony Creek and Warrensburg to do some maintenance patching and then it would move around to the Town of Johnsbury, the southern portion of the Town of Queensbury and then back up to the Towns of Warrensburg, Bolton and Horicon.

Mr. Merlino exited the meeting at 11:30 a.m.

With regard to the retaining wall on Sagamore Road, Mr. Hajos informed this was a County retaining wall which had collapsed and the bridge was owned by the Sagamore Resort. He stated the County's consultant who was on a term agreement completed an overall review of different alternatives that could be done and he had just received their inspection and evaluation from them. He apprised the next step was to meet with the stakeholders which included the representatives from the Town of Bolton, the Sagamore Resort, as well as Waters Edge Marina to discuss each of these alternatives. He said there was some cost associated with each one of these alternatives, none of which were minimal with the lowest being \$182,000 for the repair and the most expensive cost would be approximately \$401,000; he added none of these alternatives dealt with repairing what was existing there, as he did not believe this was an appropriate solution. He said he would be returning to Committee at some point or they could

attempt to work it into their departmental budget; however, he noted, currently there was no funding available within his existing budget in light of everything that had occurred as a result of the Coronavirus to pay for the cost of this repair right now. He added it was impacting Waters Edge Marina because it was blocking them from using a few of their docks based off of where the wall came down. He stated he would return to the Committee to provide a report following his meeting with the stakeholders.

Mr. Conover once again asked Mr. Lehman if there were any public comments and Mr. Lehman replied in the negative.

There being no further business to come before the Committee, on motion made by Mr. Bruno, seconded by Mr. Magowan and carried unanimously, Mr. Conover adjourned the meeting at 11:33 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board