

TRAILS & OPEN SPACE COMMITTEE  
December 1, 2021 2:00 p.m.

AGENDA

Chair: Kevin Tollisen

Members:

Phil Barrett  
Ed Kinowski  
Jack Lawler  
Tom Richardson - VC  
Mo Wright  
Benny Zlotnick

- I. Welcome and Attendance
- II. Approval of Minutes of November 1, 2021
- III. Authorizing a Memorandum of Agreement between Saratoga County, Open Space Institute and Saratoga PLAN for the Community Forest Project – Jason Kemper, Planning
- IV. County Forestland/Zim Smith Trail Updates – Jason Kemper, Planning
- V. Other Business
- VI. Adjournment

The public will have an opportunity to hear the meeting live via an audio signal using this call-in number and access code:

Dial: 1-978-990-5145  
Access Code: 1840389



# SARATOGA COUNTY

## AGENDA ITEM REQUEST FORM

**TO:** Steve Bulger, County Administrator  
Ridge Harris, Deputy County Administrator  
Michael Hartnett, County Attorney  
Therese Connolly, Clerk of the Board

**CC:** Jason Kemper, Planning Director  
Bridget Rider, Deputy Clerk of the Board  
Matt Rose, Management Analyst  
Clare Giammusso, County Attorney's Office  
Audra Hedden, County Administrator's Office  
Stephanie Hodgson, Director of Finance

**FROM:** Jason Kemper, Director of Planning

**DATE:** 11-18-2021

**RE:** Saratoga County Community Forest Memorandum of Agreement

**COMMITTEE:** Trails and Open Space Committee

1. Is a Resolution Required:  **YES** or  **NO**  
(If YES, please complete #2- #10) (If NO, skip to #10 and provide reason for bringing the item)

2. Is a Budget Amendment needed:  **YES** or  **NO**  
(If yes, budget lines and impact must be provided)

3. Are there Amendments to the Compensation Schedule:  **YES** or  **NO**  
(If yes, provide details)

4. Specific details on what the resolution will authorize:

Resolution will authorize the Chairman to sign the Memorandum of Agreement between Saratoga County, Open Space Institute and Saratoga PLAN for the Community Forest Project

5. Does this item require hiring a Vendors/Contractors:  **YES** or  **NO**

- a. Were bids/proposals solicited:
- b. Is the vendor/contractor a sole source:
- c. Commencement date of contract term:
- d. Termination of contract date:
- e. Contract renewal and term:
- f. Contact information:
- g. Is the vendor/contractor an LLS, PLLC or partnership:
- h. State of vendor/contractor organization:
- i. Is this a renewal agreement:  **YES** or  **NO**
- j. Vendor/Contractor comment/remarks:



# SARATOGA COUNTY

## AGENDA ITEM REQUEST FORM

6. Is this an annual housekeeping resolution:  YES or  NO  
(If yes, attach the last approved resolution)
- What were the terms of the prior resolution
  - Are the terms changing:
  - What is the reason for the change in terms:
7. Is a new position being created:  YES or  NO
- Effective date
  - Salary and grade
8. Is a new employee being hired:  YES or  NO
- Effective date of employment
  - Salary and grade
  - Appointed position:
  - Term:
9. Is a grant being accepted:  YES or  NO
- Source of grant funding:
  - Amount of grant:
  - Purpose grant will be used for:
  - Equipment and/or services being purchased with the grant:
  - Time period grant covers:
- Grant will formally be accepted at future meeting and budget amendments done at that time.
10. Remarks/Reasoning (Supporting documentation must be attached to this form):
- See attached memo



# SARATOGA COUNTY

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**FROM:** Jason Kemper, Director of Planning

**DATE:** 11-18-2021

**RE:** County Forestland-Zim Smith Updates

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## **SARATOGA COUNTY PLANNING DEPARTMENT**

**JASON KEMPER  
DIRECTOR**

**TOM L. LEWIS  
COUNTY PLANNING BOARD  
CHAIRMAN**

**November 23, 2021**

**To: Trails and Open Space Committee Members**

**CC: County Administrator's Office  
County Attorney's Office  
Clerk of the Board of Supervisors**

**From: Jason Kemper, Director of Planning**

**RE: December Trails and Open Space Committee Meeting**

### **Community Forest Project – Authorizing Chairman to Sign Memorandum of Agreement**

As a follow up to the November Trails and Open Space meeting the Planning Department is requesting a resolution related to the Community Forest Project in the Town of Greenfield and the Town of Wilton. The grant award from the USFWS was \$391,000, these funds will act as a pass through to go towards the purchase of the property. In addition, there are unallocated funds (Up to \$120K) in the Open Space Reserve Account that will be used as a match for the project. All other costs of the project are being provided by project partners. The total project cost is estimated at \$782,000. A Memorandum of Agreement has been reviewed by all parties (Saratoga County, Open Space Institute, and Saratoga PLAN), the County Attorneys office has reviewed and approved the portions of the MOA related to Saratoga County. There are some final details being worked out on the division of funding by other project partners and therefore that section of the agreement is blocked out in the attached draft agreement. The resolution for the December Board meeting will authorize the Board Chairman to sign the MOA agreement subject to the approval of the County Attorney and Director of Planning and authorize the County Attorney and Director of Planning to move forward with items related to the purchase of the property (title search, title insurance, etc). Once the project details are finalized for the project then an additional resolution will be presented to the Board authorizing the acceptance of the funds and all other aspects of the closing for the project.

### **County Forestland / Zim Smith Trail Updates – No Resolution Request**

- Fencing contractor has been selected for fence repairs on the Zim Smith Trail, anticipated work to begin late November or early December weather permitting
- Louden Road Parking Lot Repairs Completed, Asphalt millings will be placed in the spring over the gravel.
- New aluminum signs have been ordered for Zim Smith (Malta and Coons Crossing) and the Edie - Bullard Trails.
- The Champlain Canalway/Empire State Trail Construction in Waterford (Saratoga County is project sponsor) has reached substantial completion, the remaining punch list items will be completed shortly and the trail has been re-opened to the public. Press release was issued by

NYS Parks Recreation and Historic Preservation and the HRVG with quotes from Saratoga County Officials (Press Release and Pics Attached)

- Clearing and grubbing continues on the East Mitigation Site in the Town of Northumberland, this will continue weather permitting, any remaining work will be completed in the Spring
- 2021 Trails Grants contracts were sent to all municipalities that received awards, five contracts are executed at this point (Town of Clifton Park, Town of Malta, Town of Greenfield (2), and Town of Charlton) and one other (Town of Halfmoon) has been sent to the County Attorney to be executed.
- There was some damage done by a vehicle along the Zim Smith on the slopes along the Round Lake Bypass. DPW assisted and placed some additional boulders to prevent vehicle access to hopefully eliminate this issue in the future. (pictures attached)
- There are currently 8 pending Open Space/Farmland Protection Projects being administered by the Planning Department
- There are currently 30 pending Trail Projects being administered by the Planning Department, 4 of those projects are working on providing documentation to close out the projects.

## MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT (hereinafter "MOA"), is made this \_\_\_\_ day of December 2021 ("Execution Date"), between Open Space Institute Land Trust, Inc. (hereinafter "OSI"), a New York not-for-profit corporation having its principal offices at 1350 Broadway, Suite 201, New York, New York 10018, Saratoga P.L.A.N., Inc., a New York not-for-profit corporation having its principal office at 112 Spring Street, Room 202, Saratoga Springs, NY 12866 (hereinafter "SP") and the County of Saratoga, New York having its principal offices at \_\_\_\_\_ (hereinafter the "County" and together with OSI and SP the "Parties").

### WITNESSETH:

WHEREAS, OSI and SP are each a not-for-profit corporation under New York law, which are exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and which, among other things, work to preserve natural lands and open space in New York State for the benefit of the general public; and

WHEREAS, the County is a municipal corporation under New York law; and

WHEREAS, in 2019, local conservation and community development organizations in the Southern Palmertown area, spearheaded by SP and OSI, engaged hundreds of community members to develop the "Southern Palmertown Conservation and Recreation Strategy," the centerpiece of which will be the development of a landscape scale, multi-use trail system, called the Sarah B. Foulke Friendship Trails System (hereinafter "Friendship Trails System"); and

WHEREAS, once completed, the Friendship Trails system will establish an extensive and diverse network of trails throughout the region, including an approximately 31-mile core trail linking Saratoga Spa State Park (2,379 acres), Skidmore College (1,487 acres), Daniels Road State Forest (523 acres), Lincoln Mountain State Forest (982 acres), and Moreau Lake State Park (4,531 acres) with the trail running from Saratoga Springs, north through the Towns of Wilton, Greenfield, Moreau, and Corinth; and

WHEREAS, many of the properties needed to connect the 31-mile core trail span have been protected or are in the process of being conserved by willing landowners; and



WHEREAS, one such property to be conserved is the approximately 202 acres of unimproved land identified on the Saratoga County tax map as tax parcels 127.-3-54, 140.-1-1, 140.-3-1, 127.-3-50.12, 127.3-56, 127.3-55 and 127.3-53 in the Town of Wilton and tax parcel 126.-1-114.12 in the Town of Greenfield (hereinafter the "Property"); and

WHEREAS, the Property is owned by Wilton Partners, LLC (hereinafter "Wilton Partners"), and as owner Wilton Partners is willing to sell the Property to the Parties for \$463,452.00 (hereinafter the "Purchase Price"); and

WHEREAS, the Property includes a rocky ridgeline, dark forested ravines carved by tumbling creeks, a diversity of mixed northern hardwood forest communities, a crisscross of old logging roads ready for recreation, and an old graphite mine waiting for interpretation; and

WHEREAS, the Parties desire to establish the Property as the Saratoga County Community Forest, a multi-use, community-managed forest to be owned and managed by Saratoga County (hereinafter the "Project"); and

WHEREAS, the proposed Project will serve as a dynamic community hub for multi-use recreation, offering best-in-class trails and connections to the larger multi-use trail system envisioned for the Palmertown Range; and

WHEREAS, as the Project and Property will also help to permanently protect the ecological value and resilience of the southern foothills of the Adirondacks, an area vital for regional natural resource connectivity; and

WHEREAS, to facilitate the acquisition of the Property, the Parties worked collaboratively to prepare and submit an application for a Community Forest Grant administered by the U.S. Forest Service; and

WHEREAS, on April 22, 2021, the U.S. Forest Service notified the Parties that the Project ranked #5 nationally in the highly competitive Community Forest Grant Program and would receive the total requested funding of \$391,000 (hereinafter "Grant Funds"); and

WHEREAS, after being notified of the Community Forest Grant award, OSI entered into a two-year option ("Option") with Wilton Partners to secure rights to the Property, which Option OSI will assign to the County at the closing; and

WHEREAS, to help implement the Community Forest Grant award and to ensure that the Project becomes a reality, the Parties desire to set forth their responsibilities and obligations;

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the Parties mutually agree as follows:

1. Term.

- a. The term of this MOA shall be two (2) years, commencing on the Date first written above. Prior to the conclusion of year two, the MOA may be extended for another year by mutual written agreement of the Parties.

2. Ownership of the Property.

- a. As noted above, OSI has entered into an Option with Wilton Partners to acquire the Property, which Option OSI shall assign to the County and the County shall accept at closing.
- b. At closing, the County shall become the owner of the Property. OSI shall not go into title for the Property.

3. Payment of Purchase Price.

- a. The Community Forest Grant funds will be awarded to the County and the County shall use those funds to pay a portion of the Purchase Price to be paid to Wilton Partners at closing.
- b. The County shall also pay the remaining balance of the Purchase Price to Wilton Partners along with necessary closing costs, including apportionments and adjustments (together amounting to a maximum of \$120,000), using a portion of the Saratoga County Open Space Reserve Fund.

4. Due Diligence.

- a. Subject to the County's commitment to appropriate open space funding towards the purchase of the Project in 2022, OSI shall conduct the due diligence necessary to acquire the Property in accordance with U.S. Forest Service and County requirements and shall provide the results of that due

diligence to the County. The due diligence work to be conducted by OSI shall include an updated appraisal that conforms to Yellow Book standards, the required review appraisal, survey, and any environmental assessment and site investigation. OSI will get approval from County for all work proposals prior to engaging contractors for the due diligence work. [REDACTED]

- b. At its sole cost and expense, the County shall procure a title examination for the Property. The County shall accept such title as any title company which is a member of The New York Board of Title Underwriters will be willing to approve and insure in accordance with their standard form of title insurance policy. With respect to the title examination, OSI agrees to assist the County in obtaining and reviewing the title commitment for the Property.

5. Community Forest Plan Development.

- a. The application narrative in which the Grant Funds are contingent, outlines the creation of a Community Forest Plan with the guidance of a Community Forest Board. The purpose of the Community Forest Board will be to guide the mission and vision of the Community Forest while representing the communities the Community Forest will serve through diverse racial and socio-economic representation. The Community Forest Board will assist the County with long-term outreach and stewardship of the Community Forest (see Appendix A, page 7).
- b. SP shall lead the establishment of the Community Forest Board and, in consultation with OSI and the County, develop the required Community Forest Plan (see Appendix A, pages 27 - 30).
- c. SP and the County acknowledges and agrees that the Community Forest Plan must be completed within 120 days of the closing on the acquisition of the Property as required by U.S. Forest Service Community Forest Grant Program (see Appendix B, page 24).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. External Communications.

- a. The Parties agree that credit for the Project shall be given collectively to OSI, SP and the County, Wilton Partners, and other donors in any external communications about the Project.

- b. All communications about the Project will note that “funding for this acquisition is provided by the USDA Forest Service Community Forest Program.”
  - c. Any communication about the Project must include a statement that the respective Parties are equal opportunity employers.
- 8. Entire Agreement/Modification.
  - a. This MOA constitutes the entire agreement between the Parties pertaining to the Project and supersedes all prior and contemporaneous agreements, representations, and understandings. No supplement, modification, waiver or amendment of this MOA shall be binding unless specific and in writing executed by the party against whom such supplement, modification, waiver or amendment is sought to be enforced. No waiver of any of the provisions of this MOA shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.
- 9. No Third-Party Benefit.
  - a. This MOA is intended for the exclusive benefit of the Parties hereto and, except as otherwise expressly provided herein, shall not be for the benefit of, and shall not create any rights in, or be enforceable by, any other person or entity.
- 10. Counterparts.
  - a. This MOA may be signed in multiple counterparts. All counterparts shall be deemed to be a single agreement.
- 11. Governing Law.
  - a. This MOA shall be governed by and construed in accordance with New York law.
- 12. Severability.
  - a. If any section, subsection, paragraph, sentence, clause, phrase, provision or portion of this MOA shall for any reason be held or adjudged to be

invalid or illegal or unenforceable by any court of competent jurisdiction, such section, subsection, paragraph, sentence, clause, phrase, provision or portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this MOA shall be and remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals the day and year first above written.

**Open Space Institute Land Trust, Inc.**

By: \_\_\_\_\_  
Name:  
Title:

**Saratoga P.L.A.N., Inc.**

By: \_\_\_\_\_  
Name: Maria Trabka  
Title: Executive Director

**County of Saratoga, New York**

By: \_\_\_\_\_  
Name: Theodore T. Kusnierz Jr.  
Title: Chairman, Saratoga County Board of Supervisors

**Appendix A**  
Saratoga County Community Forest Final Application Package

DRAFT

**Appendix B**

Award of Domestic Grant Between Saratoga County and the USDA Forest Service

DRAFT



November 09, 2021

Dan Keefe | Brian Nearing  
(518) 486-1868 | news@parks.ny.gov

## New York State Parks and the Hudson River Valley Greenway Announce Empire State Trail Improvements in Waterford and Cohoes

*State-County Partnership Improves 1.2-mile Champlain Canalway Trail Section in Waterford, Saratoga County*

*New York State Parks Starts Rehabilitation of 3-mile Erie Canalway Trail Section in Cohoes and Colonie, Albany County*

*Before and After Photos of the Champlain Canalway Trail Project Available [Here](#)*

The New York State Office of Parks, Recreation and Historic Preservation and the Hudson River Valley Greenway today announced two projects to improve a total of 4.2 miles of the Empire State Trail in the Capital District, to assure the trails remain accessible to bicyclists, walkers, and runners of all ages and abilities.

In Waterford, the New York State Hudson River Valley Greenway partnered with Saratoga County to rehabilitate a 1.2-mile section of the Empire State Trail. The project, which is part of the Champlain Canalway Trail, improved a 20-year-old trail section that runs north from Main Street (Route 32) in the Village and Town of Waterford. Saratoga County constructed the improvements. A new stonedust surface, safety fencing, and improved trail entrances were installed to facilitate public use. The Hudson River Valley Greenway provided a \$275,000 grant to Saratoga County to fund the project, which began in September. The Waterford trail is built on the towpath of the original Champlain Canal, which operated from 1823 to 1918, until the modern canal was relocated to the Hudson River.

In Albany County, New York State Parks is repaving a 3-mile trail section from Alexander Street in the City of Cohoes, running northwest to Route 9 in the Town of Colonie. State Parks will install a new asphalt surface on the 20-year-old trail, and will update safety fencing, signage, and road crossings. This segment is part of the Erie Canalway Trail, and is also designated the Mohawk-Hudson Bike-Hike Trail. Construction of the \$710,000 project began this month, and will be fully completed in spring 2022.

**State Parks Commissioner Erik Kulleseid said,** "Improvements to these historic trail corridors provide a great new place for cycling, running, walking and cross-country skiing in Albany and Saratoga Counties. New York State continues to lead the way in enhancing our parks and trails and connecting more people to outdoor recreation."

**Hudson River Valley Greenway Executive Director Scott Keller said,** "These trail projects provide enhanced outdoor recreation opportunities, support regional tourism strategies, and provide Capital District residents and visitors a new way to explore the historic Champlain and Erie Canal corridors."

**Town of Moreau Supervisor and Saratoga County Board of Supervisors Chairman Theodore T. Kusnierz, Jr. said,** "Saratoga County takes great pride in its vast trail system and many recreational opportunities from Waterford north along the Hudson River and all points in between. These improvements to the trail along the historic Hudson River will be enjoyed by our residents and visitors alike for years to come. I am extremely proud of the Saratoga County design and construction team for their work on this project and thank Hudson River Valley Greenway and State officials for their investment in our great county."

**Town of Waterford Supervisor John Lawler said,** "Here in Waterford, we proudly welcome visitors from around the world who travel through the waterways of the Hudson and Mohawk Rivers and the Erie and Champlain Canals. These improvements to the Empire State Trail along the Champlain Canal corridor will attract visitors and residents alike who will enjoy a scenic trip through historic Waterford. I thank the State of New York and County of Saratoga for their work in refurbishing this trail."

**Cohoes Mayor William Keeler said,** "The Mohawk-Hudson Bike path is a vital recreation and transportation artery through the heart of historic Cohoes, and links us to other communities in the region and across the state. The trail is enjoyed in all four seasons by residents and visitors who are biking, birding, hiking, walking, running, and more. We are grateful to Governor Hochul and New York State Parks for their commitment to preserving this treasured trail. These improvements will further our 'Cleaner Greener Cohoes' initiatives to enhance our thoroughfares with a sustainability focus on enabling alternative modes of transportation."

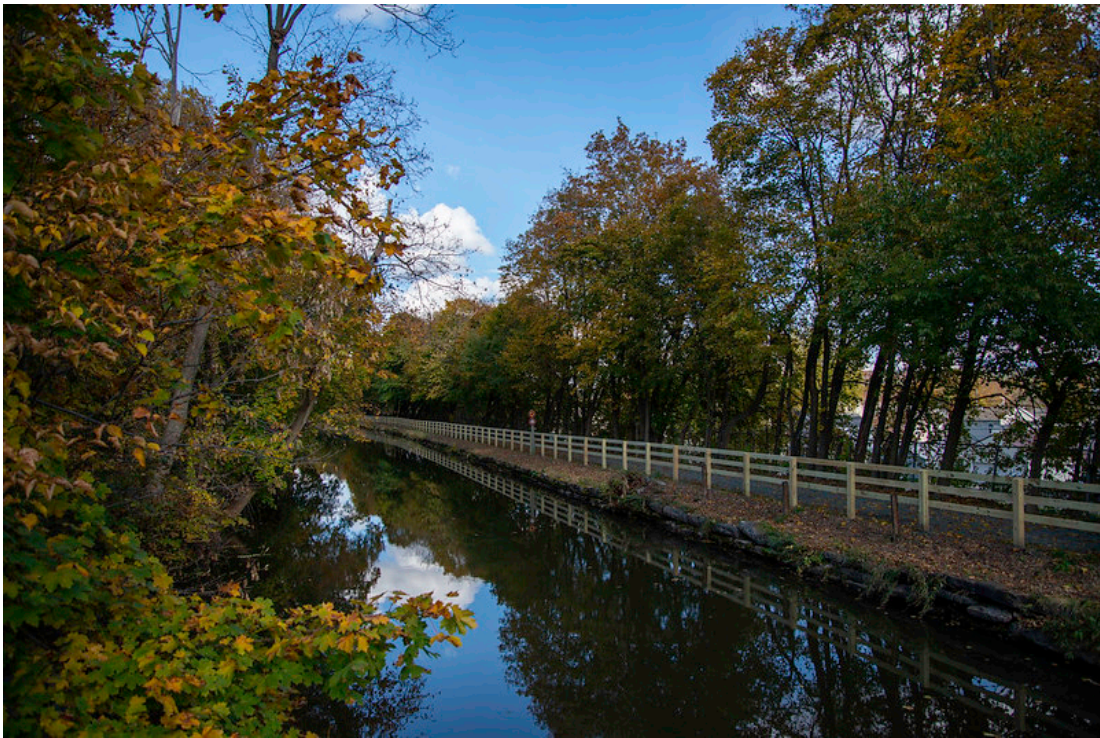
The Waterford and Cohoes paths are part of the Empire State Trail, a 750-mile bicycling, walking, and hiking route that runs from Buffalo to Albany along the Erie Canalway Trail, and from New York City through the Hudson and Champlain Valleys to Canada. Detailed information including trail segment descriptions and an on-line map depicting the trail route, designated parking areas, and nearby attractions is available on the project website [here](#). Additionally, interested trail users can order a free large format, printed Empire State Trail map by submitting an email with name and mailing address on the website's [Contact Us page](#).

# Empire State Trail – Waterford









**Round Lake Bypass Slope Damage**



**Boulders placed by DPW**

