

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PLANNING & COMMUNITY DEVELOPMENT

DATE: MAY 30, 2006

Supervisors	Stec Monroe Tessier Champagne	Committee Members Present: Representing Planning & Community Development Dept.: Patricia Tatich, Director Wayne LaMothe, Assistant Director Laura Moore, Planning Associate Joan Parsons, Commissioner, Administrative & Financial Services Joan Sady, Clerk, Board of Supervisors Paul Dusek, County Attorney Amanda Allen, Legislative Office Specialist JoAnn McKinstry, Confidential Secretary, Commissioner, Administrative & Financial Services Katy Goodman, Secretary to the Clerk
Committee Members Absent: Supervisors	Belden Gabriels Mason	

Mr. Stec called the meeting to order at 1:34 p.m.

Motion was made by Mr. Monroe, seconded by Mr. Tessier and carried unanimously to approve the minutes of the previous meeting, subject to correction by the clerk.

Privilege of the floor was extended to Ms. Tatich, and she distributed copies of her Agenda packet for the meeting to the committee members, and a copy of same is on file with the minutes.

Ms. Tatich commenced with review of the Pending Items list from the Clerk of the Board of Supervisors' Office. A copy of the list was included in the agenda packet. She stated Item No. 1 concerned the status of possible solutions for housing rehabilitation program problems relative to funding the Mobile Home Replacement Program. Ms. Tatich advised they were still waiting to hear from the (Governor's) Office of Small Cities relative to the reuse of funds for the Mobile Home Replacement Program.

Next, Ms. Tatich noted was the status of the county-wide housing surveys relative to the application for the sewer project at the County-owned Countryside Adult Home (formerly County Residential Hall) (in the Town of Warrensburg). She commented she was not sure how the surveys related to the sewer project at the facility but she felt this item was part of Item No. 1. However, Ms. Tatich said she felt the idea was that there was an income eligibility test and if they were to do a broader project than just for the facility the entire general area around

it would have to be surveyed. She advised Ms. Moore and she had met with Town of Warrensburg Supervisor Kevin Geraghty and Town Councilman John Alexander concerning a variety of projects. Ms. Tatich stated Mr. Geraghty and Mr. Alexander were aware if the sewer line could be extended from the facility to the Town's main street the line would pick up the school. The Town is interested in doing that work if they could obtain funds for the materials, she said. Ms. Tatich noted she thought Mr. LaMothe had spoken with William Remington, County DPW Superintendent, about the work but the costs of it were more than any funds the department would have. She advised she wanted the committee members to be aware the Town would like to connect the Countryside Adult Home and the school on the sewer line and to extend the line to the Town's main street. In addition, Ms. Tatich said there was the need to build a sidewalk in the area of the school because the students have to cross the road in a dangerous crosswalk to get to the school. Ms. Tatich stated their entire discussion concerned the fact that it would be good if those projects could be carried out and that at the least she would convey that information to the committee members at this meeting.

Ms. Tatich stated the third pending item was that the possibility of having a Community Housing Trustees' Program in the County was to be discussed at this meeting. She recalled that Mr. Monroe had spoken about such a program at some previous committee meetings relative to the fact that the need for affordable housing in the north country was a growing problem and that there was a desire to create such housing permanently. Ms. Tatich advised that Senator Little had been working on this issue and an Adirondack Community Trust for Housing was going to be established. She stated the question regarding a trust was how the County could either be a partner in it or make sure that the County received some attention on this issue. She said she believed there were funds in the Governor's budget to at least start such an initiative.

Mr. Monroe stated at some of the meetings he had attended about affordable housing one of the points made was that it would be critical to find property zoned suitably to allow sufficient density where such housing could be located. He noted a representative from an affordable housing agency had said that was a problem in the Adirondacks because so much real estate was zoned otherwise. Mr. Monroe stated he thought perhaps one role of the County would be to assist the towns in making sure they had the right zoning in place for affordable housing. Mr. LaMothe noted he and Mr. Monroe had discussed that the zoning situation was caused by the State's purchase of 600,000 acres of land during the Governor's terms in office which had created the loss of 14,000 buildable lots. He noted if those lots could be transferred either to hamlet areas or adjacent to them that would help the situation. Mr. Monroe advised that Senator Little had submitted a bill to the State legislature to do that about three weeks ago.

Continuing with the pending items, Ms. Tatich stated Item No. 4 was the status of a vacancy on the County Planning Board for a representative from the Town of Queensbury as Thomas Haley was to resign from the board in May. Mr. Stec, Town of Queensbury Supervisor,

advised he was still looking for a candidate from the Town and he hoped to have a recommendation for the next committee meeting.

Concluding the Pending Items list, Ms. Tatich spoke on the Abbreviated Consolidated Plan (Item No. 5). She advised they would like to at least pursue a policy document on projects under this plan by obtaining a consensus between the communities and this committee about which projects would need some level of assistance either financially or from the department.

Review of the agenda items resumed and pursuant to Committee Actions: Resolutions and Requests, Item No. 1, Mr. LaMothe requested approval of an interfund transfer in the (Community Development) CD 63 (Sports Complex) budget code. He apprised the amount of the transfer was \$8,000 and it was needed to move administrative funds in the CD 63 8668 budget code into the CD 63 8686 budget code for program funds. Mr. LaMothe noted the funds were erroneously placed in the 8668 code when the CD 63 budget code was established.

Motion was made by Mr. Champagne, seconded by Mr. Tessier and carried unanimously to approve the interfund transfer, as presented, and to refer it to the Finance Committee. A copy of the interfund transfer was included in the agenda packet.

Privilege of the floor was extended to Ms. Moore, who spoke on Committee Actions agenda Item No. 2, a resolution request to consider developing the First Wilderness Heritage Corridor as a New York Scenic Byway and to rename the Dude Ranch Trail as defined by ANCA (Adirondack North Country Association). Ms. Moore stated she had met with ANCA representatives a couple of weeks ago relative to the Association submitting a request to the (State) Department of Transportation (DOT) concerning the NY Scenic Byway Program and the Dude Ranch Trail. She advised the issue discussed was to rename and redevelop the Dude Ranch Trail to follow the First Wilderness Heritage Corridor from Corinth to Tahawus. She noted this change would actually benefit another Scenic Byway Program that is north of Warren County along with Corinth which is in Saratoga County.

Dialogue ensued between Mr. Stec and Ms. Moore on the proposal. In reply to Mr. Stec's query about renaming the Dude Ranch Trail, Ms. Moore explained the trail currently runs in a loop configuration through the Towns of Bolton, Lake Luzerne, part of the Town of Hadley and part of the Town of Warrensburg. She stated the Trail had really outgrown this particular name and the actual need for the name. Thus, Ms. Moore advised ANCA felt it would be consistent in Warren County to utilize the First Wilderness Heritage Corridor Program.

Discussion ensued, and Mr. LaMothe explained the current Trail would be incorporated into the Corridor as one project instead of having the current three separate designations of the Lake George Loop of the Scenic Byway, the Dude Ranch Trail and the First Wilderness Heritage Corridor Program. Mr. Tessier asked why the other sections were not renamed as

the Dude Ranch Trail. Ms. Moore explained the concept of the Scenic Byways was to promote public entities which did not include dude ranches.

Ms. Moore stated this information should be referred to the Tourism Committee. Ms. Tatich noted they wanted to be sure that committee is aware of the situation. It was the consensus of the committee members to refer the information to the Tourism Committee.

Motion was made by Mr. Monroe, seconded by Mr. Champagne and carried unanimously to approve the aforementioned request, as presented. The necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Pursuant to the Planning General: Project Updates and Discussions agenda item, Ms. Tatich spoke on the Outdoor Drama project relative to the status of the update of the Feasibility Study and items relative to moving the location of the project to the Town of Lake George. She recalled the committee had discussed this project at length at the last committee meeting (April 25, 2006). Ms. Tatich noted the project was to be moved from the Town of Lake Luzerne to the Town of Lake George.

Continuing, Ms. Tatich stated Mr. LaMothe had suggested some planning actions that should take place in connection with moving the project. One of the suggestions, she said was to look at Section 5 of the Feasibility Study and to have two key people from the Institute for Outdoor Drama come to the County to look at that site and determine its suitability for the project. Ms. Tatich stated relative to the site visit the committee had discussed how to accomplish that and they had looked at using some of the funds that were set aside from those designated for the site design work for the project.

Ms. Tatich advised she had discussed the contract for the project with Scott Parker, Director of the Institute for Outdoor Drama. Subsequently, she said she had discussed the issue with Trish Nenninger, Second Assistant County Attorney, and it was apparent it would be somewhat difficult to put forth a contract that would amend a report for the Feasibility Study for the Outdoor Drama which is owned by the Warren County Local Development Corporation (LDC). Ms. Tatich noted the supervisors would recall the last report cost about \$18,000. She stated that because the LDC originated the project initiative anything that related to the Study should appropriately come under LDC's budget.

Continuing, Ms. Tatich stated she also discussed the department's financial aspects of the situation with Jamie White, the Department's Business Consultant, relative to the fact that they would be seeking consultant services for the Main Street Program. She apprised they concluded they did have sufficient funds to cover the travel costs for Mr. Parker and Mr. Moore from the Institute to come here and to update the Study. Ms. Tatich noted the costs would be less than \$5,000. She advised then as a result of discussion between Ms. Nenninger and herself she had recommended that the LDC handle the costs of the Study update and she

provided Ms. Nenninger with a copy of their last agreement with the Institute with the thought that after the June Board meeting the LDC board might meet to act on the matter. Ms. Tatich advised then Mr. Parker and Mr. Moore could plan to come here in July as they could do so on the 10th and 11th. She noted they would look at the site and meet with County, Town and Village of Lake George officials concerning the project.

Dialogue ensued between Mr. Champagne and Ms. Tatich on whether the committee needed to take any action to forward this recommendation to the LDC. Ms. Tatich responded the action was by the LDC but she had felt it was appropriate to bring it to this committee so they would be aware of what they had discussed with the County Attorney's Office. She acknowledged her recommendation was to move the matter to the LDC.

Ms. Tatich apprised she had indicated to Ms. Nenninger that it should be suggested to the LDC that the amount for the update-related activities be limited to around \$5,000 as they did not know what the travel costs would be. She noted if it appeared the LDC was going to proceed in this way it would be beneficial to have Mr. Parker make their travel plans because there might be some costs savings for booking ahead of the actual travel dates. Mr. Champagne acknowledged although this was a small amount he was concerned the \$5,000 in LDC funds that was for loans to businesses was being spent in this way. Mr. LaMothe advised that the LDC owned the Study and that was the premise with continuing the update in this way.

Mr. Monroe queried if the committee had just approved \$50,000 to update this Study. Mr. LaMothe responded Resolution No. 312 of 2006 had authorized an update to the Study. He advised the resolution stated the Warren County Board of Supervisors would spend the lesser of \$50,000 or up to one-half of the cost to do so. A copy of the resolution is on file with the minutes. However, he said that did not agree with what the minutes of the previous committee meeting read for what was approved. Mr. LaMothe stated pursuant to paragraph 5, Page 11 and paragraph 4, Page 12 of the minutes the County's minimum contribution was \$50,000 or one-half of the cost. He noted perhaps something had changed between the meeting and the final resolution. Copies of pages 11 and 12 of the April 25, 2006 Planning & Community Development Committee meeting minutes are on file with the minutes of this meeting.

Mr. Tessier stated during the (County's) 2006 budget process a resolution was adopted that put \$50,000 in the budget for the update. However, he said those funds were not in the budget when it was approved and they were not removed by resolution so he would ask how that happened. Mr. LaMothe replied he did not know. Mr. Monroe asked how the \$5,000 would relate to the \$50,000. He said he thought it should be part of the \$50,000. Mr. LaMothe advised that was what they had said initially but the County was only authorized to spend so much and it would come to \$100,000 anyhow to do the preliminary site design. If, he said the LDC owned the original Feasibility Study it would probably be easier and quicker to have them continue that work and to save the \$50,000 or whatever the amount turns out to be for the

preliminary site design costs. Ms. Tatich concurred. Mr. Monroe asked if when everything was all done the LDC would turn the Study over to the County or if that was necessary. Mr. LaMothe said they probably would not need to do that.

Privilege of the floor was extended to Mr. Dusek, and he stated he did not attend the last committee meeting. He explained Ms. Nenninger, who did attend the meeting, was unaware that when the original Feasibility Study was done he had found that legally it could not be paid for with County funds so the LDC funds were used. He explained that was why his office was recommending that procedure be used now.

Motion was made by Mr. Monroe, seconded by Mr. Champagne to refer the aforementioned recommendation that the LDC cover the costs to update the Feasibility Study for the Outdoor Drama to the Warren County LDC.

Mr. Tessier asked who owned the rights to the title of *The Last of the Mohicans* show; and Mr. Dusek replied he did not know. Mr. Tessier stated Michael Stafford had advised him there was a private corporation that owned those rights and that he was the President of the Corporation and the board members were two people from Lake Luzerne. Mr. Tessier stated before they got too far into the project he wanted to get to the bottom of that issue. He said the members from Lake Luzerne should be removed from the Corporation's board and replaced by two people from Lake George. Mr. Tessier noted Mr. Stafford had some recommendations for who those people should be and they were not necessarily County supervisors. He commented he was surprised that a non-profit corporation owned the rights to the name of the show. Mr. Monroe asked if the show would not be in the public domain since it was written 200 years ago.

Mr. Dusek concurred with Mr. Tessier's suggestion that he should contact Mr. Stafford concerning this issue. Mr. LaMothe explained the group had filed not-for-profit corporations for *The Last of the Mohicans* Outdoor Drama, Incorporated. However, he said Mr. Monroe was correct that the book is public domain. Mr. Monroe noted if someone wrote a play based on the book they might have the copyright in the play. Mr. LaMothe advised the Corporation had a script that the Institute for Outdoor Drama has said no one would want to use. In response to Mr. Tessier's concerns that the Corporation should be dissolved before the production was moved ahead, Mr. Dusek stated he could make a phone call to find out what this issue was about.

Dialogue ensued between Mr. Tessier and Mr. LaMothe on how the drama would be operated. Mr. LaMothe advised his analogy of that was that it would be modeled like the (County scenic) railroad wherein a municipal entity would construct the theater and then contract the production of the drama out. He stated whether that contract would be with the aforementioned not-for-profit corporation or some other entity the process to find an operator would be like what was done to find the railroad operator, i.e. RFP's (Request for Proposals)

would have to be sent out for the services. The respondents would have to meet the qualifications so the current not-for-profit would not have an inside edge on being the production company, he said. Mr. Tessier urged that they find out what the not-for-profit corporation was about.

Mr. Stec stated a motion was on the floor to forward the aforementioned recommendation to the LDC that it should update the Feasibility Study for the Outdoor Drama. The motion was carried unanimously.

Mrs. Parsons suggested that a motion was needed to amend Resolution No. 312 of 2006 as it appeared it needed to be corrected. Mr. Dusek asked for clarification of what Mr. LaMothe was saying about the resolution.

Mr. LaMothe reiterated that according to paragraph 4 of the resolution the County would expend the lesser of \$50,000 or up to one-half of the cost to update the Feasibility Study for the Outdoor Drama. However, he stated according to Page 11, paragraph 5 of the minutes the County's minimum share would be \$50,000 and if the cost was \$80,000 the County's share would be \$50,000. Mr. LaMothe stated if something was changed between the minutes and the resolution and \$50,000 was the cap he just needed to know what the correct figure was. He confirmed for Mr. Stec that the preference was that the resolution should match the minutes.

Mr. Champagne queried if they were saying if the cost was \$80,000 the County's share would be \$40,000 and if it were \$120,000 the County's share would be \$50,000 and the other share \$70,000. Mr. Stec apprised Mr. LaMothe was saying he would prefer if the cost was \$80,000 the County's share would be \$50,000 and for a cost of \$120,000 the County's share would be \$60,000. Mr. LaMothe said he believed that was what the minutes said. Mr. Tessier stated he thought the resolution was correct and the share was just 50 - 50. Mr. LaMothe stated he thought they would have to ask the County Attorney to decide one way or the other. Mr. Dusek advised it was up to the committee; and Mr. Stec concurred.

Continuing, Mr. Stec advised he thought whether or not the resolution was in error it would still overrule the committee's discussion; and Mr. Dusek concurred. Mr. Stec stated it was up to the committee whether they wanted to change the resolution to reflect a different understanding or leave it the way it was. He pointed out that Mr. Tessier would prefer the County's share was 50 - 50. Mr. Champagne said he thought the formula was 50 - 50 up to \$50,000; and Mr. Monroe noted that was his interpretation too. Mr. Tessier stated the total figure was never \$50,000 because \$50,000 was in the County budget and \$25,000 was the Town of Lake Luzerne's share and \$25,000 was from the Hudson River fund. He advised they do not believe Lake Luzerne's share could be transferred to the Town of Lake George so its share would be \$50,000 unless they could acquire some other grants. Mr. Stec concurred.

Mr. Monroe stated he did not think the County's share should be left totally open-ended at 50 - 50 and in case the total cost turned out to be \$200,000. Mr. LaMothe stated the committee and the Board of Supervisors would have to approve a contract for the project. Mr. Stec advised according to the resolution the amount was the lesser of \$50,000 or half, so if the cost was \$200,000 even though half would be \$100,000 the County's share would be the lesser amount or \$50,000. Mr. Monroe stated that was what he thought they had voted on. Mr. Stec noted not all the committee members were present today but two agreed that was what they recalled about the previous discussion. He said he tended to agree with that also. Mr. Tessier stated the cost would still be over \$100,000 and he asked if, for example, the total was \$130,000 how it would be split up. Mr. Stec responded the way the resolution was written now the County's cost would be \$50,000. Mr. Tessier stated his understanding was that the share would be 50 - 50 for the first \$100,000 and if it was over \$100,000 it would be half. Mr. Stec said that was not the case. Mr. Tessier asked what the minutes said. Mr. LaMothe replied they read that the County would put in \$50,000 no matter what but the resolution did not say that.

Relative to the original \$50,000 appropriation that was removed from the budget, Mr. Tessier said that was not done by resolution and it was never discussed with the Tourism Committee. Mr. Stec advised he did not have a problem with changing the formula to a strict 50-50, for example, assuming a total cost of \$80,000 the County's share would be \$40,000, and for a total cost of \$180,000 the County's share would be \$90,000 and they would tell the Budget Officer to find the funds. Mr. LaMothe concurred with Mr. Monroe that the committee would have to take further action to enter into a contract anyhow. Mr. Monroe advised he would agree with Mr. Tessier's recommendation.

Mr. Dusek asked if he could suggest that to be on the safe side why they would not rescind Resolution No. 312 of 2006 at this time because it was not serving any purpose at this point. He stated if a contract had to be made later a resolution would be done and the funding authorized at that time. Mr. Dusek noted the Feasibility Study was going to be done through the LDC so the resolution did not do anything now. Mr. Monroe agreed with Mr. Stec that they had wanted to show the Planning & Community Development Department there was a commitment to the project. Mr. LaMothe advised besides the funding the resolution also authorized the preparation of an RFP for a preliminary site design and some other things for the project.

Mr. Tessier stated if all the funds were not used this year the Town would fund the first \$50,000 and then the County could put it in its 2007 budget.

Mr. Stec asked if there were any other issues with the resolution than about the funding. Mr. Dusek advised the resolution needed to be amended to remove the Feasibility Study that the LDC would be paying for. Mr. Stec stated the resolution was also to be amended to say that the County was committed to 50% of the costs with RFPs to follow. Mr. Monroe

recommended that the amendments were subject to resolutions to move forward with contracts.

Motion was made by Mr. Monroe, seconded by Mr. Tessier and carried unanimously to amend Resolution No. 312 of 2006 as recommended. A resolution request form is on file with the minutes.

Mr. LaMothe stated he understood that if and when they went to a contract for the project's preliminary site design that there would be a cost identified for the County's share. However, he asked who would do the contract between the Town of Lake George, the Village of Lake George and the County or would there be a Memorandum of Understanding (MOU) between all three of them to outline how they were going to participate and if a capital fund would be set up. Mr. LaMothe asked what the County's role would be. He stated somewhere there had to be a contract and they would have to have all the funds to back the contract. Mr. LaMothe stated either funds would have to come from the communities for a capital fund or a special fund and at that point they would need to tell the Budget Officer the amount of money that would be needed. He asked what the department's involvement would be.

Mr. Stec replied his personal opinion was that the project should at least be coordinated through the County. Mr. Tessier recalled that question was discussed at the last committee meeting when Mr. Merlino, Supervisor of the Town of Lake Luzerne, was present and the minutes could be checked, but it was said they could not determine whether the project would go forward unless the \$100,000 was spent. Then, he stated after that it would be decided whether they would seek grants, private, County or Town funds. Mr. Tessier stated he did not make the comment but it was said the bottom line was if the Town could not do the project then the County would have to pay for it. Mr. LaMothe concluded based on that information he would assume the County was going to shepherd the project through for awhile longer. Mr. Stec agreed that should be the case at least to get it through the administrative phase. However, he stated at some point they did need to start to figure out who was going to fund it. Mr. Tessier stated the first part was going to cost a million dollars and Lake Luzerne could not do that but the Town of Lake George had already spent that amount because it had the road, power and water at the (proposed) site which would reduce the project costs at that point. However, he said relative to the preliminary site design report the Village of Lake George was very interested but it did not have any money to contribute to those costs.

Mr. LaMothe concluded when the RFP for the preliminary site design work was done and they come to the committee with a recommendation for a contract that the Town of Lake George would pay half the costs and the County would pay the rest. Mr. Tessier concurred. Mr. Stec agreed the project was a County-administered one. He reiterated when they reached the point of the preliminary site design they would start looking for various other funding sources. Mr. LaMothe concurred with Mr. Stec that this confirmed what the department's role was for the project.

Ms. Tatich commented the question of what their role was in the project had needed to be discussed in view of some issues that had come up in that regard with their Main Street and Access to Home Programs. Mr. Champagne suggested the department should put a time line together for the complete project that would show what the department expected to do on the project and what the County and Town would do for the committee members' review and approval. He commented he did not want to see things get done and then find out that the Town could not do the project like what happened with Lake Luzerne. Mr. Monroe agreed this should be done at this stage of the project. Then, he said Mr. Tessier could bring the information to the Town. He commented if they were not going to find out what the Town would do then it did not make sense to spend the \$100,000. At the conclusion of further discussion on the time line for the project, Mr. LaMothe said they would be glad to put that together for the committee members.

Dialogue ensued between Mr. Champagne and Mr. LaMothe concerning the issue of whether the committee members still review and prioritize the department's projects as they did in the past. Mr. LaMothe explained that process was part of Pending Item No. 5 that the County's Abbreviated Consolidated Plan was to be updated this year. He noted they had provided information on the status of their various grants and projects at the beginning of the year. Ms. Tatich agreed they needed to look at their long term list of projects and prioritize them.

Discussion returned to the Outdoor Drama project; and Ms. Tatich concurred with Mr. Tessier that if the representatives from the Institute did not like the new site that would be the end of the project. She agreed with Mr. Stec that it is a County project for now.

Mr. Monroe advised that Scaroon Manor (recreation area) was supposed to open yesterday (by the State) but that did not happen. He stated the grand opening is supposed to be done by July 4th and there is an effort to try to have the Governor attend the event. Mr. Monroe said the Planning Department would be invited to the event because they played such a big role in the project.

There being no further business, on motion by Mr. Champagne and seconded by Mr. Tessier Mr. Stec adjourned the meeting at 2:25 p.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk