

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PLANNING & COMMUNITY DEVELOPMENT

DATE: JULY 28, 2006

COMMITTEE MEMBERS PRESENT:

Supervisors	Stec Gabriels Monroe Tessier Champagne Mason	Representing Planning & Community Development Department: Patricia Tatich, Director Wayne LaMothe, Assistant Director Laura Moore, Planning Associate William Thomas, Chairman Joan Sady, Clerk, Board of Supervisors Trish Nenninger, Second Assistant County Atty. Supervisor Caimano, Budget Officer Supervisor F. Thomas JoAnn McKinstry, Confidential Secretary, Commissioner, Administrative & Fiscal Services Kevin Millington, Coastal Resource Specialist, Division of Coastal Resources, New York State Department of State (NYS DOS) David J. Decker, P.E., Director, Lake George Watershed Conference Katy Goodman, Secretary to the Clerk
Committee Member Absent:	Supervisor Belden	

Mr. Stec called the meeting to order at 11:21 a.m.

Motion was made by Mr. Mason, seconded by Mr. Monroe 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 referred to the agenda and pursuant to the first item, she stated there were not any pending items for the meeting.

Ms. Tatich stated under Planning General: Project Updates and Discussions Item No. 1, as requested by the committee members at the last meeting a presentation of information concerning Lake George issues would be made by the guests present. Mr. Stec concurred with her request to have the presentation first and review the remaining agenda items afterwards.

Privilege of the floor was extended to Mr. LaMothe, and he introduced Kevin Millington, Coastal Resource Specialist, Division of Coastal Resources, New York State Department of State

(NYSDOS), and David Decker, P. E., Director, Lake George Watershed Conference. He recalled the Committee members wanted an update on where things stood with some reports on Lake George. Copies of an outline of the presentation were distributed to the Committee members, and a copy of same is on file with the minutes.

Privilege of the floor was extended to Mr. Millington, and he said he knew many of the people present today as he had worked with them for the last ten years through his work for the Department of State's Division of Coastal Resources. He explained the Division works with the local governments of waterfront communities throughout the State to revitalize waterfronts and protect resources. Mr. Millington said he began working in the Lake George area about ten years ago. During that time, he said many types of projects including ones for water quality protection had been undertaken with funds from the State's Environmental Protection Fund (EPF).

Continuing, Mr. Millington spoke on the history and formation of the Lake George Watershed Conference (LGWC). He noted over this time it became more and more apparent that some type of forum should be established under which many agencies and levels of government could address the complex problems that concerned Lake George in a coordinated way.

In that regard, he recalled the Watershed Conference had begun as a Committee that included Supervisor Tessier and Supervisor Champagne and many other supervisors of the towns around the Lake. The purpose of the Committee, he said was to come to a consensus on what actions needed to be taken to protect the Lake. Then, Mr. Millington apprised a \$150,000 EPF grant was used to prepare a long-term management plan for the Lake. He stated the plan was overseen by a group that included all nine of the municipalities around the Lake, the three waterfront Counties, numerous other public agencies, the Soil & Water Conservation District, Cooperative Extension and non-governmental groups involved in the Lake, i.e., the Fund for Lake George, the Lake George Association, etc. Mr. Millington stated the group's efforts resulted in joint priorities being set forth for protecting the Lake concerning stormwater management, invasive species, etc. He noted the plan was built on a plan that was done in the mid-80s and the committee decided to continue the collaborative effort and to focus on implementing it and they renamed the group The Lake George Watershed Conference, he said.

Mr. Millington stated all the members of the LGWC signed a memorandum of agreement to work together and their purpose was to serve as a forum for jointly addressing the Lake's problems. It is not a regulatory agency, he added. Mr. Millington apprised that since the formation of the LGWC about \$1.4 million in grants has been awarded from the State EPF to directly implement the projects set forth in the plan. The grants have been matched by local resources, he added.

Ms. Moore entered the meeting at 11:26 a.m.

Continuing, Mr. Millington stated Mr. Decker is the project manager for the LCWC. He asked Mr. Decker to describe some of the projects that were currently being worked on.

Privilege of the floor was extended to Mr. Decker and he referred the committee members to the aforementioned handout on the presentation that was distributed earlier in the meeting. He pointed out the LGWC's Mission Statement was outlined in the handout and he reiterated it is not an enforcement agency. Mr. Decker stated the group meets periodically to make sure they are communicating, coordinating and moving forward positively on the efforts set forth by the members in the plan update along with the priorities for action.

Next, Mr. Decker referred the committee members to the list of yearly grant awards and their recipients from 1999 - 2005 shown in the handout. He explained that each year either the Department of State or the DEC applies for (federal) EPF funds on behalf of the LGWC members and then the programs are carried out based on the grant amounts. Mr. Decker stated each year on a rotating basis one of the municipalities is invited to apply for a grant and then that municipality administers the grant. In addition, Mr. Decker apprised the member municipalities contribute \$7,000 annually to the LGWC which is over and above any matching funds they provide.

Mr. Decker stated a summary of the LGWC's projects and initiatives was outlined in the handout. He noted the Soil & Water Conservation District used grant funds to purchase a hydroseeder which is available free to all LGWC members. Relative to nuisance species management and control, Mr. Decker stated for the first time boat washing stations have been set up and one is in the Town of Bolton and one at Mossy Point. After Labor Day, he said a station will be operated at the Million Dollar Beach in an effort to keep zebra mussels and more milfoil from going into the Lake. Mr. Decker stated with the assistance of the County Planning and Community Development Department the LGWC members have also established an expansive GIS database which will be provided to all the members.

Mr. Gabriels entered the meeting at 11:30 a.m.

Mr. Decker advised under the most recent grant award septic maintenance districts will be developed in some of the member towns that will never have sewers, i.e, Rockhurst in Queensbury, in Ticonderoga and Fort Ann. He noted a salt and sand survey of the watershed towns was done several years ago and that is currently being updated to see if there is a correlation between the use of those materials and high sodium levels in the Lake. Mr. Decker concluded these were just some of the examples of how the EPF grant funds were used by the LGWC member communities. He explained his job was to bring the members together periodically to make sure they are on target and are executing the plan.

Mr. Millington advised future projects would mainly involve three or four areas of concern of which one would be managing the stream corridors in the Towns of Bolton, Hague and Lake George to reduce erosion entering the Lake and sedimentation. Mr. Millington noted a long term project that the County has taken a lead on was to work with County, local and State DOT (Department of Transportation) highway departments relative to good road maintenance practices particularly concerning de-icing. Mr. Millington stated there would be a big push to look at long

term solutions to the Lake's water quality problems.

Continuing, Mr. Millington advised the LGWC would soon be releasing a report to all its members that was prepared for them by the Albany Law School Center for Local Government to assess the ability of local and State governments in the best ways to manage their land use controls and to identify suggestions for strengthening the controls. He noted a couple of years ago the Town of Bolton received an EPF grant and the LGWC worked with them to update their Comprehensive Plan and zoning ordinance and they will continue to do that. In addition Mr. Millington said they worked with the Village of Lake George on the new visitor's center building under the Local Waterfront Program. Also as part of that program, he said Bolton is completing waterfront access improvement projects at Rogers and Veterans' Parks. Mr. Millington noted the First Wilderness Heritage Corridor Project for the scenic railroad that the Planning Department is coordinating also involves some waterfront revitalization work.

Mr. Champagne stated in going back to 1999, he thought one of the big issues that concerned Lake George then was that the way to improve the Lake would be to find out what the most adverse conditions were and then prioritize them and find out ways to fix them. He commented he felt instead of going in that direction a little bit of everything was being done. Mr. Champagne asked if one of the members of the LGWC was Dr. Boylen of the Darrin Fresh Water Institute; and Mr. Millington said that was correct. Mr. Champagne asked if anything had been done since 1999 or before to identify the condition of the Lake and where the worst conditions in it were. He noted he felt that would be a starting point instead of doing all these other projects when the worst problems had not been prioritized. Mr. Champagne queried if the million dollars had been spent on the most problematic conditions of the Lake or was it just because each town was supposed to get a little piece of the action.

Mr. Millington responded that was not the case and those decisions were very deliberate. Regarding the Darrin Fresh Water Institute, he advised they had either completed or were going to complete a chemical analysis for release. Mr. Millington said he thought there had been some issue about who owned the data for the analysis but he believed that was being resolved. He stated he did not have any power over the Institute but he hoped they would release the analysis and he believed they would. Mr. Millington said such an analysis was not needed to know that sedimentation was going into the Lake and that would continue to occur due to such problems as clearance of uplands and failing stream banks, etc. It is also known without the analysis that there are problems with invasive species, he added. Relative to invasive species, Mr. Millington advised the LGWC is boosting the efforts of the Lake George Park Commission in continuing its Milfoil Management Program. In addition, he stated the Conference was involved with a project that eradicated zebra mussels in an area of the Lake near Lake George Village.

Mr. Millington noted the LGWC members should continue to request the aforementioned report. He concurred with Mr. Champagne that to a degree future efforts concerning the Lake do have to be based on a chemical analysis of it. Mr. Millington advised it is hoped in the next two weeks a milestone status report will be released on how the recommendations in the 2001 Plan have

been implemented. He noted the report will probably be released by the Governor. Mr. Millington stated the report will also include the next priorities for the Lake that the LGWC has agreed to do over the next three years. Mr. Millington concluded there had been substantial progress but more needed to be done.

General discussion ensued as Mr. Millington and Mr. Decker responded to questions from the Committee members on various aspects of other projects the LGWC is involved with.

Mr. Caimano left the meeting at 11:42 a.m.

Mr. Monroe, Town of Chester Supervisor, spoke specific to Milfoil problems in Loon Lake in the town. He detailed the various problems the town had encountered with the bid process, APA (Adirondack Park Agency) and State regulations and agencies in their attempts to take care of the problem for Mr. Millington and Mr. Decker's information. Mr. Monroe said when he contacted several State agencies to try to find qualified people or companies that could be solicited to hand harvest Milfoil he was told they could not make recommendations or even give out lists of people to do that work. He suggested perhaps if the State had a general permit system in place to allow such efforts it would help the towns in such situations. In addition, Mr. Monroe said it seemed it would be a good idea for the State to bring together groups of supervisors who were having the same problems and try to find some solutions.

Mr. Decker responded the LGWC was a resource they could use and he thought the Lake George Park Commission would be glad to share information on how they are managing the milfoil in Lake George. The Soil & Water Conservation District was also an excellent resource and had been very successful in obtaining general permits through DEC, he added. Mr. Decker said he would be glad to address any local informal associations that might exist on whatever they could do to address their various water-quality problems.

Mr. Stec thanked Mr. Millington and Mr. Decker for their presentation. Mr. Millington thanked Ms. Tatich for inviting them to the meeting; and Mr. Decker and he left the meeting at 11:50 a.m.

Review of the agenda items resumed; and pursuant to Committee Actions: Resolutions and Requests Items No. 1 and 2, Ms. Tatich stated they had not prepared resolution request forms but they would do so if the committee members approved the requests for resolutions.

Ms. Tatich stated the first request was for a resolution to authorize the submission of an application to the Governor's Office for Small Cities for funding under the Technical Assistance Program. She noted Mr. LaMothe and she had discussed some potential projects which Mr. LaMothe would review.

Mr. LaMothe explained from the County's perspective under the program if there is a local plan such as a hamlet plan or a feasibility study the grant funds can be used to get a specific item in the plan or study ready for a project. He stated engineering type studies would be covered and

it is implied in the program that any project would be eligible for funding under the Small Cities Program. Mr. LaMothe stated the program also implied that an economic benefit for the project would have to be shown. (A copy of a Notice of Funding Availability for the grant was included in the agenda packet.)

Continuing, Mr. LaMothe advised they had discussed if the County would like to proceed with the Outdoor Drama Project perhaps they would want to apply for funds to cover the costs of the Preliminary Design Report for the project. Mr. LaMothe noted the turn around for these grants was usually fairly quick and he felt from the original discussion with the Institute for Outdoor Drama representatives (about the proposed new site for the Outdoor Drama) that they would favor the site. However, he advised, the project could not start until the grant was awarded so that might delay moving the Preliminary Design Report forward. Thus, Mr. LaMothe said, if there was a County project that had a broad aspect of economic development or a low moderate income benefit perhaps the grant application could be for that project. He stated there was a project at Westmount that had been discussed for quite some time and that the County had previously identified as a goal so perhaps that could be the project.

Mr. Stec spoke in favor of submitting the grant application. Mr. LaMothe said he would recommend that a resolution be done to approve submission of the grant application and that they would continue to look for an eligible project for the grant. Then, he stated if a project was found they would be ready to move on it, but, if one was not found the resolution could be rescinded.

Motion was made by Mr. Mason, seconded by Mr. Monroe and carried unanimously to approve the request to approve the aforementioned resolution. *(Note: Subsequent to the meeting Ms. Tatich provided a resolution request form to the Clerk of the Board of Supervisors for this item and the request was forwarded to the County Attorney for preparation of the necessary resolution for the next board meeting. A copy of the resolution request form is on file with the minutes.)*

Next, Mr. LaMothe discussed the second resolution request relative to a funding announcement from the New York State Canal Corporation for the 2006 Erie Canal Greenway Grant Program. He pointed out a copy of the announcement was included in the agenda packet. Mr. LaMothe apprised \$6 million was available through the Corporation for projects along the Erie and Champlain Canals and that the (local) Feeder Canal was identified in the Canal system as a tributary. He recalled in 1997 the Department had received Federal HUD (Housing and Urban Development) grant funds through the Canal Corridor Initiative Program. Although, he said, there were a lot of problems with the program under the public improvements portion of it some projects were done at Overlook Park near the Feeder Canal (in the Town of Queensbury). Mr. LaMothe advised the grant would provide 50% of the funds for Canal-related projects. He stated he understood that both the Town of Queensbury and the Feeder Canal Alliance had some projects they would like to do concerning the Canal. Mr. LaMothe noted he still had all the background information on computer from 1997 so it would just be a matter of plugging the projects into the information. In addition, he said, the City of Glens Falls, Hudson Falls, the Alliance and the Town of Queensbury could potentially be involved. Mr. LaMothe noted in view of the previous problems

with the program, perhaps it would be better if the Town of Queensbury oversaw and managed it.

Mr. Stec (Supervisor, Town of Queensbury) concurred. He advised he had met recently with Marilyn Ryba, the Town's Executive Director of Community Development, and Steve Lovering, the Town's Director of Parks and Recreation, relative to potential projects. He advised that since 1997 the Town has an improved master plan for the area where the Hudson River Overlook Park is located. Mr. Stec noted the Town also has a grant that is being used to extend the County bike trail down both sides of Richardson Street to the Overlook Park. He apprised the Town would not have a problem with providing the matching funds for the grant. In addition, Mr. Stec stated he had advised the Town Board about the grant at its most recent meeting and they are in favor of proceeding with it and they would be adopting an authorizing resolution at their forthcoming board meeting.

Mr. Stec advised they had checked with the Feeder Canal Alliance and they would like to do some similar projects along the Canal. He stated he had also spoken with Mayor Akins, of the City of Glens Falls, about the City doing projects under the grant. However, Mr. Stec explained because the window to apply for the grant is very narrow he does not think the City would be able to put together a project in that time frame. Perhaps, Mr. Stec noted the Mayor might bring something forward in the future and they could add it on to the application. Mr. LaMothe noted he did not know if there was anything more that could be done at Cooper's Cave. In reply to Mr. Stec's query if that site would be eligible for the grant; Mr. LaMothe said he would have to check on that. Mr. Stec said he had left it with the Mayor that the Town's Senior Planner was the contact point for the Town on this matter. However, he said since the Planning Department would be preparing the grant application if Mr. LaMothe wanted to touch base with Mayor Akins about possible projects that would be fine with him.

Mr. LaMothe advised the Committee members that under the grant there would be administrative costs to the Department and they would probably be provided by an in-kind match. He noted there would be a memorandum of understanding (MOU) between the County and the Town to carry out the projects. Brief discussion ensued; and Ms. Nenner, Second Assistant County Attorney, confirmed that municipalities are eligible applicants for this type of grant.

Motion was made by Mr. Champagne, seconded by Mr. Monroe and carried unanimously to approve a resolution to authorize submission of the aforementioned grant application to the New York State Canal Corporation on behalf of the Feeder Canal Alliance and the Town of Queensbury for financial assistance for identified improvements along the Canal and bicycle/pedestrian path. *(Note: Subsequent to the meeting Ms. Tatich provided a resolution request form for this item to the Clerk of the Board of Supervisors and the request was forwarded to the County Attorney for preparation of the necessary resolution for the next board meeting. A copy of the resolution request form is on file with the minutes.)*

Pursuant to Planning General: Project Updates and Discussions Item No. 2, Mr. LaMothe discussed the Outdoor Drama Project. He noted as he had said earlier in the meeting he felt that Scott Parker, Director of the Institute for Outdoor Drama, and Barry Moore, the architect who recently visited the new proposed site for the outdoor theater with Mr. Parker, would approve the site. He stated they hoped to have the Institute's report by the next Committee meeting for the Committee's discussion and decisions on where to go from that point.

Mr. Stec noted he had received an inquiry from Michael Dufault (one of the key people involved in the plan to bring the outdoor drama, *The Last of the Mohicans* to the County). Mr. Stec advised Mr. Tessier that Mr. Dufault had mentioned that Village of Lake George Mayor Blais had said the Village was looking at doing something different with the skating rink that is at the proposed site for the outdoor theater. Mr. Stec said he had told Mr. Dufault everyone knew what was going on.

Mr. Tessier responded as soon as the report was received he planned to advise the Mayor that before any more money was spent on the project the Village had to commit to the project right then. He stated the Town (of Lake George) would not be asking for any money; only a commitment that the Village would provide the Town with the use of the property. Mr. Tessier advised he had informed both the Mayor and the Village Board that the Village would not be paid for the property. The project would not be a money maker for the governments but it would make money for other businesses, etc., he added.

Mr. Stec noted one of the questions regarding the Outdoor Drama project was that the County Attorney was to report on the status of the non-profit entity that had been established to undertake the production of the outdoor drama. He asked Ms. Nenninger the status of this report. She replied she had discussed it with Mr. Dusek, the County Attorney, this morning and he was still looking into it. Ms. Nenninger said Mr. Dusek had been trying to put together a resolution even at that time but there was still a piece missing so they hoped to have the resolution at the next Committee meeting. In reply to Mr. Stec's comment that it could take a long time to establish a non-profit agency through the State, Ms. Nenninger said she was not familiar enough with the matter to know whether or not a non-profit for the drama existed. The status of that question was what they were trying to find out, she added.

Mr. Stec recalled in connection with another matter, the Economic Development Corporation (EDC) had brought in the National Development Corporation (NDC) which he thought was authorized to create non-profit status for groups. At the conclusion of further discussion on the issue, Mr. Monroe stated he thought the NDC was involved with establishing tax exempt status for groups. He advised a non-profit could be set up easily and in a short time.

Mr. LaMothe clarified he believed the issue that was to be researched concerned the comment made by Michael Stafford, of Lake George, that there was a non-profit that had the rights to the production of the *Last of the Mohicans*. Mr. Stec acknowledged that was correct. Ms. Nenninger noted the question was whether or not there was a non-profit. Mr. LaMothe advised he had seen their certificate from the State that they are a non-profit; and Ms. Nenninger reiterated Mr. Dusek

was looking into the status of that non-profit. Mr. Monroe stated he was quite sure that there would not be any copyright issues for the *Last of the Mohicans* because it was so old that it would now be in the public domain. However, he said if Mr. Stafford's group had a corporation of that name it did not necessarily give them the rights to produce that particular drama. Ms. Nenninger concurred, and she said those were the dual issues that were being looked at. Mr. Stec acknowledged he was thinking about another issue that pertained to the EDC and he apologized for the confusion.

Mr. Tessier recalled relative to Mr. Stafford's non-profit group, about a month ago Mr. Stafford had advised him they wanted to replace a member of the group who was from Lake Luzerne because that Town could not be the site for the outdoor drama.

Mr. Stec summarized they were waiting for the aforementioned report from the Institute for Outdoor Drama and for a commitment either way from Mayor Blais. He asked what else might need to be done relative to the project. Mr. LaMothe replied earlier in the year the Department had asked for approval of a resolution to allow him to attend the National Outdoor Drama Conference. If, he said the Committee would like the Department to be represented at the conference perhaps they would want to move forward with a resolution so the travel arrangements could be made.

Mr. LaMothe confirmed for Mr. Stec that the conference would be in Manteo, North Carolina at the site of the *Lost Colony* outdoor drama. He commented he would understand if they did not want to send any of the Department's staff. However, Mr. LaMothe said he thought some of the Committee members should attend so that they could see the scope of what would have to be supplied, i.e., dressing rooms, costumes, etc., to operate a production. He stated there is always a session for organizations that are starting up outdoor dramas and that would be very useful to the supervisors. In addition, Mr. LaMothe noted although the full-scale show would end in August, a small-scale presentation of the *Lost Colony* drama would be presented for the conference attendees.

Continuing, Mr. LaMothe advised there was the possibility that lodging would be available free of charge except for maid service in beach-front rental houses owned by the production's board members. Thus, he said the per person cost to the County would be for travel and meals and he thought perhaps the airfare might be about \$450 per person. However, that would depend on how far ahead or close to the travel dates the tickets were purchased, he added. Mr. Stec recalled the aforementioned resolution to approve attendance at the conference was tabled by the Board of Supervisors. (*Note: Resolution No. 119 of 2006 was tabled at the February 17, 2006 Board of Supervisors' meeting.*) Mr. LaMothe apprised his travel costs would be paid from the First Wilderness Corridor grant.

Discussion continued at the conclusion of which it was the consensus of the Committee members that Mr. Stec should attend the conference.

Motion was made by Mr. Monroe and seconded by Mr. Mason to approve a resolution to authorize out-of-state travel for Mr. LaMothe and Mr. Stec to attend the National Outdoor Drama Conference in Manteo, North Carolina. Mr. LaMothe noted the dates of the conference were October 11 through 14. He suggested they consider authorizing Ms. Nenninger to attend the conference in view of the legal process that would be required for a drama production. Ms. Nenninger said she would have to discuss that idea with Mr. Dusek.

Mr. Monroe amended his motion to amend the resolution to reflect that someone from the County Attorney's Office be authorized to attend the conference. Mr. Mason amended his second to the motion accordingly. The motion was carried unanimously. *(Note: Subsequent to the meeting Ms. Tatich provided a resolution request form to the Clerk of the Board of Supervisors which included an outline of the conference. The request was to authorize Mr. Stec, Ms. Nenninger and Mr. LaMothe to attend the National Conference on Outdoor Drama. The request was forwarded to the County Attorney's Office for preparation of the necessary resolution for the next board meeting. A copy of the resolution request form and attachment are on file with the minutes.)*

Mr. W. Thomas entered the meeting at 12:16 p.m.

Discussion between Mr. Stec and Mr. LaMothe concluded that they would look into flying into Baltimore, Maryland to see if it would cost less than to fly into Virginia Beach, Virginia.

There being no further business, on motion by Mr. Mason and seconded by Mr. Monroe, Mr. Stec adjourned the meeting at 12:19 p.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk