

**WARREN COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
THURSDAY, APRIL 13, 2006**

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:02 a.m.

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Kenny.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Sheehan, Mason, O'Connor, Kenny, Belden, Bentley, W. Thomas, Tessier, Merlino, Stec, Caimano, Champagne, VanNess, Barody, F. Thomas, Haskell, and Geraghty - 19.

Absent: Supervisor Girard - 1.

Motion was made by Mr. Merlino, seconded by Mr. Mason and carried unanimously, to approve the minutes of the March 17, 2006 Board Meeting, subject to correction by the Clerk.

Chairman Thomas declared the public hearing on proposed Local Law No. 3 of 2006, entitled "A Local Law Imposing a Hotel and Motel Occupancy Tax for a Second Three (3) Year Period as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)", open at 10:03 a.m. and requested the Clerk to read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Mr. Monroe asked if there had been any further developments regarding the Capital Projects being covered under Occupancy Tax monies. Mr. Dusek explained that the State Comptroller's Office had indicated that they would work with him in regards to pulling the legislative record, which had been started, but they had not found much information in that record. He anticipated he would have a report on that issue within another month.

Mr. Kenny stated as the Board members considered renewing the Occupancy Tax Law, he had some numbers he had put together that he wanted to share. In 2004 approximately \$2.6 million was collected in Occupancy Tax, he said, and in 2005 \$2.8 million was collected, a rise of 7%. He noted a conservative estimate for 2006 was \$3.2 million which would be a 14% increase.

Mr. Kenny provided further statistics on the Occupancy Tax Program in support of its continuance. Copies of information are on file with the Occupancy Tax Committee records.

Mr. Caimano reminded the Board members that they had provided funding for the New York State High School Basketball Championships at the Glens Falls Civic Center, the Lake George Elvis Festival, the New York State Championship Girls Hockey Tournament at the Lake George Forum, and had assisted Glens Falls last year during a concert with managing their buses. He added that the Occupancy Tax Law was doing its job and he hoped it would only be better in the future.

Mr. Stec congratulated members of the Board of Supervisors for the wisdom they had shown in implementing this program three years ago, and he stated it had saved the taxpayers a substantial amount in property tax money and he was pleased to see this Occupancy Tax Law continue for another three years.

There being no one further wishing to speak on proposed Local Law No. 3 of 2006, Chairman Thomas declared the public hearing closed at 10:14 a.m.

Chairman Thomas declared the public hearing on proposed Local Law No. 4 of 2006, entitled "A Local Law Superseding County Law Section 215 and Authorizing a Renewal of a Lease of Certain County Owned Real Property in the Town of Queensbury Without Public Advertisement or Auction", open at 10:15 a.m. and requested the Clerk to read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Mr. Dusek explained that the Local Law allowed the County to execute another five-year lease with Perkins Recycling, which was not mandated. He noted it was stated that once the County had the authority under the Local Law a contract must be approved with Perkins Recycling. He added that the Local Law was subject to a 45 day permissive referendum period and the contract for the lease of the Perkins Facility would come before the Board in June.

There being no one further wishing to speak on proposed Local Law No. 4 of 2006, Chairman Thomas declared the public hearing closed at 10:17 a.m.

Chairman Thomas read the Proclamation recognizing the month of May as Older Americans Month, as well as a Proclamation designating May 14<sup>th</sup> through May 20<sup>th</sup> as Homes for the Aging Week.

Chairman Thomas announced there were posters for each of the Town Supervisors to take and put up in their Town Hall regarding the voting machine demonstration at the Civic Center. He noted that the LDC (Local Development Corporation) meeting that was scheduled to be held after the Board meeting had been cancelled.

Chairman called for reports by committee chairmen on past activities for April. The following committee chairmen or vice-chairmen presented verbal reports on April meetings or activities:

Supervisor Gabriels, Personnel; Supervisor Monroe, Finance; Supervisor Sheehan, Support Services; Supervisor Mason, Insurance; Supervisor Tessier, Tourism, Airport and Criminal Justice; Supervisor Stec, Planning and Community Development; Supervisor

Champagne, Community College; Supervisor VanNess, Fire Prevention and Control.

Mr. VanNess reported at the Fire Prevention and Control Committee meeting the committee had approved a request for a resolution to move forward with architectural and engineering services for the Emergency Training Center but the resolution was not in the packet. Mr. Dusek explained a resolution was not needed when a RFP (Request for Proposal) went out, but in this particular case, he said he understood that the committee wanted to expand upon what would be in the RFP and, therefore, a resolution could be requested.

Chairman Thomas asked Mr. Stec to share his thoughts regarding this matter. Mr. Stec said he would like to add to the resolution to authorize the hiring of an engineer to do necessary engineering work to review two sites, the ACC (Adirondack Community College) site, as well as the County-owned Ciba Geigy site on Lower Warren Street.

A motion was made by Mr. Stec and seconded by Mr. VanNess to request architectural and engineering services to review two potential sites, the ACC site and the Ciba Geigy site for the location of the Warren and Washington County Emergency Training Center.

Mr. Kenny expressed his concern in regards to the impact on future use of the Ciba Geigy site as that was the only industrial site in the County's inventory. Mr. Stec said that was the kind of information they hoped to get from an engineer.

Mr. VanNess noted that Washington County had advised that they had property known as the Washington County Sewer District II which was no longer being used and Washington County would be looking into that property as well. Mr. Caimano added that site was one of two sites that the Warren/Washington Counties IDA (Industrial Development Agency) had taken over and the Washington County Sewer District II property did not have room to accommodate an industrial building but at one time they had discussed the possibility of locating a fire station there.

Mr. Stec clarified that he was not saying that ACC was not a good site, but other options needed to be explored because there were concerns with the ACC site. He noted that the Ciba Geigy site needed to be added to the resolution because there would be a cost for the engineering services to review it.

Mr. Barody apprised if the Board wanted to move forward as quickly as possible, then the other sites that had been mentioned ought to be looked at. Chairman Thomas suggested that the resolution include not only ACC and Ciba Geigy, but the other possible sites, as well.

Mr. VanNess stated if the resolution could be generalized to include the other possible sites he would amend his motion. Mr. Dusek said he could develop the RFP to cover all of the possible sites.

Mr. Mason commented that he was confused because he thought ACC was the proposed site for the Training Center. Mr. VanNess explained there had been valid opposition to the ACC site and the Fire Prevention and Control Committee had decided to look at other locations for the facility. He noted that ACC had not been ruled out.

General discussion ensued regarding the possible site locations.

Chairman Thomas asked Marv Lemery, Warren County Fire Coordinator, to address how and why the Queensbury area was decided as the best location in County for the Emergency Training Center. Mr. Lemery explained that in 1974 they had looked at property in Warrensburg and spent a considerable amount of money for engineering services there only to find out they could not use that property. He stated in 2002 they had received conceptual approval from the Board of Trustees at ACC to site the facility there. He noted that since that time the College had talked about developing a curriculum for Fire Science and Fire Management degrees. He added those two types of degrees did not require hands-on training and could be done at the college no matter where the training site was located. He apprised that the Warren County Fire Training Committee and the Washington County Fire Training Committee still felt that the college was the most viable site. He said the new developments and changes that had taken place around ACC over the past few years had led the committees to look at alternative sites.

Mr. Lemery stated if the alternative sites turned out not to fit the requirements that were currently available at ACC, then they would come back to the Board of Supervisors, as well as the Washington County Board of Supervisors, with a proposal to construct at ACC.

Mr. Haskell stated he thought that an engineer had said that as long as the land was a flat piece of property then construction of a training facility would be possible. Mr. Lemery responded yes, that an engineer that he had spoken with had said as long as the facility was going on flat land they could assist in the design of the buildings for future construction. Mr. Haskell clarified that it made sense to have an engineer look at the Ciba Geigy property because of the Brownsfield issues, but the rest of the sites would not need to be included at this time because they were located on flat lands.

Chairman Thomas questioned if the siting process would be completed before an architect developed designs of the building and Mr. VanNess said no, they wanted to look for a site and design criteria at the same time.

Motion was made by Mr. Caimano, seconded by Mr. Monroe and carried unanimously to waive the rules requiring the proposed resolution to be in writing and approve the resolution. Clerk noted this will be Resolution No. 306 of 2006 for the record.

Chairman Thomas continued, returning to reports by committee chairmen on past activities. The following committee chairmen or vice-chairmen presented verbal reports on

April meetings or activities:

Supervisor Barody, Health Services and Economic Development.

Chairman Thomas asked Mr. Haskell to discuss Resolution Nos. 292, 300, 301 and 302, all of which dealt with bond resolutions in relation to the improvements and renovations at the Municipal Center and the Department of Social Services (DSS). Mr. Haskell explained that the DSS building was a three-story building with one-story already condemned and it was very necessary to replace that building before the rest of it was condemned. He further explained the Board had decided to put all of the human services in one building, including Office of the Aging, Employment and Training, Health Services and the Department of Social Services. He noted that upon approval of these resolutions an engineering firm would be hired to complete the building design to go out to bid in January 2007, with ground-breaking in the spring of 2007 followed by a sixteen month construction period.

Continuing, Mr. Haskell apprised that the Court Services had requested part of the first and all of the second floor of the Municipal Center for the expansion of the courts. He stated they would have the same architect and engineer design another building, possibly two-story, and then the Board Room, the Purchasing Department, the Commissioner of Administrative and Fiscal Services and other departments would be moved into that building. He said the existing building would then be turned over to the court system to refurbish and they would pay rent on the building. He added that they hoped to have that done at about the same time as the construction of the new DSS building.

Chairman Thomas invited reporters to tour the DSS building with the Supervisors at some point in the near future. Mr. Haskell added he would be happy to give that tour along with Robert Phelps, Commissioner of Social Services, at any time. He said that the employees needed a clean and comfortable working area which they did not have at this time.

Mr. Barody complimented Mr. Haskell for his work on this project and added that one of the Supervisors main responsibilities was to provide infrastructure to the citizens to deliver the services that the citizens wanted.

Mr. Stec echoed Mr. Barody's comments and complimented Mr. Haskell on his dedication to this project. He noted that the DSS building was over eighty years old and needed to be replaced.

Mr. Monroe mentioned he had attended meetings regarding the Hartford Landfill and they were making progress.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Office of Community Services for Warren & Washington Counties & its  
Chemical Dependency Subcommittee;  
Soil & Water Conservation;  
Warren County Planning Board.

Monthly Reports from:  
Probation;  
Weights & Measures.

Quarterly Report from:  
Department of Civil Service, Empire Plan 4<sup>th</sup> Quarter Experience Report.

Town of Queensbury, April 2006 Zoning Board of Appeals and Planning Board agenda.

Assemblywoman Sayward, resolution acknowledgments.

Franklin County Legislature, copy of Resolution No. 56 of 2006, in support of adoption  
of State Legislation to provide a personal income tax credit for volunteer  
firefighters and ambulance corps members.

Fulton County, copy of Resolution No. 119 of 2006, Urging the Greater Adirondack  
Resource Conservation and Development Council to allow member counties  
to appoint all representatives to said council.

Schoharie County, copy of Resolution No. 54 of 2006, requesting New York State to  
take back local share of Medicaid as a component of true Medicaid reform.

Adirondack Park Local Government Review Board, Resolution No. 1 of 2006,  
Requiring the APA to measure the height of structures within the Park in the  
same manner as the NYS Building Code; and Resolution No. 2 of 2006, in  
support of the appeal of Adirondack Wind Partners contesting a second notice  
of incomplete permit application.

Department of State, notice of availability of grant applications for programs to  
enhance NYS natural & cultural resources.

Girvin & Ferlazzo PC, copy of the 2006 Amendatory Payment in lieu of tax agreement  
between the City of Glens Falls Industrial Development Agency and Columbia  
Park Group.

NYS Department of Civil Service, updates on Medicare Part D and Employer Subsidy.

NYSAC, announcing 40<sup>th</sup> Annual County Finance School, May 3rd-5th, 2006; as well

as Resolution acknowledgments for Resolution Nos. 211, 212, 214, 216 & 217.

Capital District Regional Off Track Betting, reporting an increase in revenue for 2005 in the amount of \$40,677.00 to Warren County.

NYS Office for the Aging, notification of grant award for the EISEP.

NYS Office of Parks, Recreation & Historic Preservation, advising the Asa Stower House at 693 Ridge Road in Queensbury will be listed on the New York State Register of Historic Places and nominated to the National Register of Historic Places.

Adirondack/GF Transportation Council, 2006-2007 Amendment to the 2005-2007 Unified Planning Work Program

Warren/Washington Counties IDA, February and March 2006 Operating Report from Wheelabrator, as well as meeting minutes from March 15<sup>th</sup> and 20<sup>th</sup> 2006.

Julie Pacyna, letter of appointment of Daniah Cornell as Deputy Purchasing Agent effective April 13, 2006.

Mariagnes DeMeo, letter changing last day of employment as County Auditor at Warren County from the previously stated date of June 1, 2006 to May 30, 2006.

Communications, resolutions and reports ordered placed on file.

Chairman Thomas requested a roll call vote on Resolution No. 278, Authorizing the Implementation, and Funding in the First Instance 100% of the Federal Aid-Eligible and Non-Eligible Costs, of a Transportation Federal-Aid Project, to Fully Fund Eligible and Ineligible Project Costs, and Appropriating Funds Therefor; Resolution No. 279, Authorizing Chairman to Execute Correspondence Acknowledging Receipt of Certified Titles of Three (3) Parcels to be Acquired as Part of the Warren County Scenic Rail Station Improvements, Warren County (PIN # 1755.99) Project; Adopting Federal Highway Administration Policy Concerning One of the Parcels; and Resolution No. 280, Authorizing Chairman to Execute Correspondence Acknowledging Just Compensation Amounts and Authorizing Negotiations with Property Owners for Land Acquisition Related to the Warren County Scenic Rail Station Improvements, Warren County (PIN # 1755.99) Project.

Chairman called for reading of resolutions and discussion.

Mrs. Sady reported that Resolution Nos. 246 through 294 were mailed, Resolution Nos. 269 and 289 had been corrected and distributed, and a motion to bring Resolution Nos.

295 through 306 to the floor was necessary. Motion was made by Mr. Caimano, seconded by Mr. Tessier, and carried unanimously, to bring Resolution Nos. 295 through 306 to the floor and to correct Resolution Nos. 269 and 289 as presented.

Mr. Kenny requested a roll call vote on Resolution No. 306, Authorizing a RFP (Request for Proposal) for Architectural and Engineering Design of a Fire Training Center and Researching All Possible Sites that are Being Considered.

Chairman Thomas called for a vote on the resolutions.

Sheriff Cleveland apprised Resolution No. 263 was not written properly pursuant to the Resolution Request Form that he had submitted. He explained there were titles that were not included that should have been. He suggested that the resolution be tabled.

A motion was made by Mr. Belden, seconded by Mr. Caimano and carried unanimously to table Resolution No. 263, Amending the 2006 Salary Schedule for Sheriff's Office to Reflect Corrections in Titles.

Resolution Nos. 245 through 306 were approved, with the exception of Resolution No. 263 which was tabled.

A motion was made by Mr. Haskell, seconded by Mr. Barody and carried unanimously to amend Resolution No. 280 to correctly identify the location of the Biondi property in the Town of Hadley.

Privilege of the floor was extended to Supervisor Caimano, who informed the Board members that they each had a sign-up sheet on their desks to volunteer for the New York State Association of Fire Chiefs Convention. Mr. Caimano also asked to introduce a resolution authorizing the Chairman of the Board of Supervisors to write a letter to the State Representatives indicating that communication with the Governor was needed to reinstate funding for the Ski Bowl project.

A motion was made by Mr. Caimano and seconded by Mr. Bentley to suspend the rules and authorize the Chairman to write a letter to the Governor and State Legislators requesting that funding for the Ski Bowl project be reinstated.

Mr. Monroe noted that there were millions of dollars being used for sports in the State and there was no comparison to the economic impact of Gore Mountain for this region. Mr. Caimano agreed and said that should be included in the letter.

Mr. Bentley added he thought the ACC money should be included because the education of young people was very important.

Mr. O'Connor stated he was outraged as a resident of New York State at the gasoline prices. He apprised that as a tourism-based County, they should take appropriate steps to

voice their disapproval to the Government.

Following discussion, the question was called and the motion was carried to authorize the Chairman to write a letter to the Governor and Legislators requesting the funding for the Ski Bowl project be reinstated, as well as the \$2 million loss for the ACC four-year Learning Center. Clerk noted this will be Resolution No. 307 of 2006 for the record.

Mr. Haskell said he agreed with Mr. O'Connor and something needed to be done. Mr. O'Connor added that if the County expected people to visit this area in the summer they needed to be able to afford the gasoline to get here. Mr. Caimano noted outside the State of New York gasoline prices were about twenty cents a gallon less.

A motion was made by Mr. O'Connor, seconded by Mr. Caimano and carried unanimously to suspend the rules and authorize the Chairman to write a letter to State Legislators expressing outrage at the rising gas prices in New York State. Clerk noted this will be Resolution No. 308 of 2006 for the record.

Mr. Monroe expounded he was outraged that the NYS DEC (New York State Department of Environmental Conservation) was proposing to close 90 of 140 camp sites in the Moose River Plains and planned to bring back only 20 new sites and also to close 27 miles of snowmobile trails which would have a huge impact on the economy of Inlet, Old Forge and Indian Lake. He noted that the end of the comment period would be April 28<sup>th</sup>.

A motion was made by Mr. Monroe, seconded by Mr. Bentley and carried unanimously to suspend the rules and authorize a resolution opposing the NYS DEC proposal as outlined above. Clerk noted this will be Resolution No. 309 of 2006 for the record.

Mr. O'Connor commended Senator Little for the bill that was crafted regarding removing the campgrounds from the APA (Adirondack Park Association) jurisdiction and placing them under the jurisdiction of the Department of Health.

There being no further business, on motion by Mr. Caimano and seconded by Mr. Mason, Chairman Thomas adjourned the meeting at 11:40 a.m.