

**WARREN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
FRIDAY, OCTOBER 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 10:00 a.m.

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Champagne.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Girard, Sheehan, Mason, O'Connor, Kenny, Belden, Bentley, W. Thomas, Tessier, Merlino, Stec, Champagne, VanNess, F. Thomas, Haskell, and Geraghty -18.

Absent: Supervisor Caimano -1.

Vacant: Queensbury -1.

Motion was made by Mr. Mason, seconded by Mr. Belden and carried unanimously, to approve the minutes of the September 15, 2006 Board Meeting, subject to correction by the Clerk.

Chairman Thomas declared the Public Hearing on proposed Local Law No. 9 for the year 2006, entitled "A Local Law Amending Local Law No. 3 of 2002, Authorizing Revisions of Boundaries to the Empire Zone" open at 10:01 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

There being no one wishing to speak on proposed Local Law No. 9 for the year 2006, Chairman Thomas declared the Public Hearing closed at 10:03 a.m.

Chairman Thomas extended privilege of the floor to Supervisor Belden, who presented certificates of appreciation to four Department of Public Works employees who recently retired from Warren County. Mr. Belden recognized Michael Butler, Michael Prosser, Wayne Smith and James Farrell and thanked each of them for their outstanding work and dedication to Warren County and the Department of Public Works. The board members recognized the employees with a standing round of applause.

Chairman Thomas announced that Supervisor Monroe would be Chairing the Economic Development Corporation Committee for the remainder of the year and Supervisor Sheehan would be Chairing the Health Services Committee for the remainder of the year due to the resignation of Mr. Barody from the Board of Supervisors.

Chairman called for reports by Committee chairmen on past activities and the following presented verbal reports on October meetings or activities:

Supervisor Gabriels, Personnel; Supervisor Monroe, Finance.

Chairman Thomas declared the Public Hearing on the proposed Airport Real Property

Lease Agreements with Schermerhorn Commercial Holdings, LLP. open at 10:15 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Paul Dusek, County Attorney, explained there were already two property leases for the construction of hangars with Mr. Schermerhorn and this was a proposal for two additional hangars at the airport. He further explained one of the property leases being proposed today would be located in the wetlands and as a result they lacked the necessary approvals and completion of the SEQRA (State Environmental Quality Review Act) process for that particular hangar. He apprised the proposed agreement before the board today would be for only one property lease for the construction of one hangar. He said the intent would be to get through the environmental and wetland issues, as far as mitigation, and then bring that resolution back to the full board within the next few months. He concluded that the proposed agreement before the board today was for one basic hangar lease.

Marshall Stevens, Airport Manager, stated this had been a great step for the Airport and Mr. Schermerhorn had taken the Airport in the direction that the board had indicated that they wanted it to go and added he was looking forward to continuing this project.

There being no one further wishing to speak on the proposed Airport Real Property Lease Agreement with Schermerhorn Commercial Holdings, LLP., Chairman Thomas declared the Public Hearing closed at 10:20 a.m.

Chairman Thomas returned to reports by Committee chairmen on past activities and the following presented verbal reports on October meetings or activities:

Supervisor Mason, Insurance; Supervisor O'Connor, Mental Health; Supervisor Belden, DPW; Supervisor Tessier, Airport (including Balloon Festival), Social Services and Tourism; Supervisor Stec, Planning and Community Development; Supervisor Champagne, Community College; Supervisor VanNess, Fire Prevention and Control; Supervisor F. Thomas, Legislative; Supervisor Haskell, Westmount Health Facility; Supervisor Geraghty, Adirondack Park Local Government Review Board.

Chairman Thomas apprised the train ride in Thurman on October 3, 2006 was wonderful and thanked Mr. Haskell for organizing a great day. Mr. Haskell stated the credit was due to Perky Granger, President of the River and Railroad Association, who did 95% of the work.

Chairman Thomas acknowledged LeRoy Akins, Mayor of the City of Glens Falls, was present and welcomed him to the meeting.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Office of Community Services for Warren & Washington Counties Chemical Dependency Subcommittee;
Soil & Water Conservation and Water Quality Strategy Committee;
Warren County Planning Board;
Warren/Washington Counties IDA.

Monthly Reports from:

Probation;
Weights & Measures.

Town of Hague, letter accepting ownership of improvements to the Hague Sewer District.

Town of Queensbury, Planning Board Zoning Board of Appeals agendas; and Notice of Public Hearing on adoption of new comprehensive land use plan.

ANCA (Adirondack North Country Association) Financial statements as of 12/31/05 and letter of appreciation for the ongoing support from Warren County.

Capital District Regional Off-Track Betting Corporation, July 31st Financial Report, and August surcharge in the amount of \$25,577.

Mohican Grange 1300, letter opposing creation of a Warren County Convention and Sports Authority.

National Grid semi-annual PCB Inventory Report.

NYMIR General Liability Handbook; and Law Enforcement Newsletter.

NYS Office for the Aging, notification of grant awards for:

Weatherization Program;
Title III B, III C and III E Programs;
Long Term Care Insurance Education & Outreach;
State Pharmaceutical Assistance.

NYS Office of Parks, Recreation & Historic Preservation, notification the 2005 grant application for Ski Bowl Park Improvements was rejected.

NYS Department of Environmental Conservation, announcement of approval for Water Quality Improvement funding in the amount of \$27,500.

NYS Emergency Management Office, announcement of approval of grant funding in the amount of \$17,515.

State of New York, copy of NY State's response to Domestic Violence: Systems and

Services Making a Difference.

Warren County Soil & Water, announcing the North Country Stormwater Trade Show on October 19, 2006.

Citizens Budget Commission, summary report on New York Public Authorities.

Community Development Digest, sample newsletter on federal legislative and regulatory updates.

Hamilton County, copy of Resolution 226 regarding the Long Term Care Point of Entry Program through OFA (Office for the Aging).

Letter of resignation from William Lamy as Deputy Superintendent of Public Works Director of Engineering for the purpose of accepting the appointment of Superintendent of Public Works.

Letter of appointments for the year 2006, in the Department of Public Works from William Lamy.

Letter of resignation from Michael Barody as Supervisor at Large for the Town of Queensbury.

Letter from Lake George Regional Chamber of Commerce supporting the development of a Convention Center in the Town and Village of Lake George.

Letter of petition signed by thirty-three residents of Warren County requesting the appointment of at least twelve additional Sheriff Officers and salary increases.

Communications, resolutions and reports ordered placed on file.

Chairman called for reading of resolutions and discussion.

Clerk reported Resolution Nos. 623 through 656 were mailed and subsequently Resolution Nos. 624, 637 and 638 were amended and a motion to amend Resolution Nos. 624, 637 and 638 was necessary. Motion was made by Mr. VanNess, seconded by Mr. Tessier and carried unanimously to amend Resolution Nos. 624, 637 and 638 of 2006.

Clerk noted a motion was needed to bring Resolution Nos. 622 and 657 through 671 to the floor. Motion was made by Mr. Sheehan, seconded by Mr. Gabriels and carried unanimously to bring Resolution Nos. 622 and 657 through 671 to the floor.

Mrs. Parsons apprised that the board had passed a Resolution at the September 15, 2006 Board meeting which authorized the County Treasurer to appropriate \$925,000 of Tobacco Securitization Funds to pay for the Airport Hangar and the money was being used

to reduce the debt based on a prior Resolution. She further stated that she had received a memo from Paul Dusek, County Attorney, which said that because the rental of the facility was to the FBO (Fixed Base Operator) the funds could not be used for that project. She noted that the request was to amend Resolution No. 608 of 2006 in order to use the \$925,000 to reduce the debt on the Public Safety Building.

Motion was made by Mr. Mason, seconded by Mr. Monroe and carried unanimously to amend Resolution No. 608 of 2006 as outlined above. Clerk noted it would be Resolution No. 672 of 2006.

Mr. Haskell requested a motion to waive the rules in order to bring two resolutions to the floor for approval.

Motion was made by Mr. Girard, seconded by Mr. VanNess and carried unanimously to waive the rules of the board in order to bring two resolutions to the floor for approval.

Mr. Haskell expounded the first resolution was entitled "Authorizing Chairman to Execute Agreement with Siemens Building Technologies, Inc. to Conduct Study of the Expansion of the Westmount Health Facility Power Plant to Supply the New Health and Human Services Building", and the other resolution was entitled "Authorizing Chairman to Execute Addendum to the Agreement with Siemens Building Technologies, Inc. to Conduct Further Study of the Municipal Center Campus to Determine Whether Co-Generation Facility Implementation Should be Pursued". Mr. Haskell further explained that there would be no cost to the County unless Siemens could come up with a budget neutral program, which could not be done last time.

Motion was made by Mr. Haskell and seconded by Mr. Bentley to approve the two resolutions as outlined above. Clerk noted they would be Resolution Nos. 673 and 674 of 2006 respectively.

Mr. Dusek clarified that if it was determined that the project would work and the board decided not to go forward with it, then the County would be responsible for the fees listed in the resolutions. On the other hand, he said, if the decision was to go ahead with the project, the fees would be included in the total cost of the project.

Chairman Thomas called the question and the motion was carried unanimously to approve Resolution Nos. 673 and 674 as presented.

Mr. Girard directed the board members attention to Resolution No. 663. He questioned why the Sports Authority could not be initiated to take over the Glens Falls Civic Center, as well as East Field, and in the future look at the development of a Convention Center. He further stated that the Mayor of the City of Glens Falls was in favor of a Sports Authority and he would like the County to continue to pursue this legislation.

Mr. Kenny and Mr. Girard requested a roll call vote on Resolution No. 663, Rescinding Resolution No. 359 of 2006 Requesting the Enactment of Legislation Creating the Warren County Convention and Sports Authority.

Mr. Dusek explained that the legislation that was developed regarding Resolution No. 359 of 2006 was written with a focus around the Gaslight Village property in the Town of Lake George and he recommended that if the board decided to go forward with this legislation there should be amendments to it to include the suggestions that Mr. Girard had made.

Mr. Mason asked Mr. Dusek to further clarify that if the board decided to go forward with the creation of the Convention Center and Sports Authority and voted in favor of it, certain aspects could be amended and removed from the resolution at a later date. Mr. Dusek said that would be his proposal. He further explained that if the board voted yes on Resolution No. 663 then the board would no longer be pursuing an Authority; if they voted no on Resolution No. 663 then they would be choosing to continue pursuing an Authority, and if that was the decision, then he recommended making amendments to the Resolution.

Mr. Kenny expounded he had been in favor of the Convention Center until he reviewed the Pinnacle Report and unfortunately the Convention Center and the Sports Authority had been meshed together. He stated after reviewing the Pinnacle Report it became obvious that it would not be economically feasible to go forward with a Convention Center. He noted that he was in favor of the inclusion of the Glens Falls Civic Center in the Sports Authority.

Mr. Champagne moved to table Resolution No. 663 and the motion was seconded by Mr. Belden. A roll call vote on the motion resulted as follows: 426 ayes; 413 noes; 80 vacant Town of Queensbury. The request to table the Resolution failed due to lack of majority vote.

Mr. Monroe requested further discussion in regards to Resolution No. 663. He questioned if it were possible for the City of Glens Falls to form its own Authority. Mayor Akins replied the City of Glens Falls did have an Authority that had been created since the birth of the Civic Center but was never really enforced and was limited to just the City. He further stated that this was not just a situation for the City of Glens Falls but it was a situation for the entire County to realize that while Glens Falls was coming back in economic development, they were not there yet. He added that he believed that the Civic Center under cooperative arrangement could be highly fine tuned in its accounting practices, as well as its booking practices.

Mr. O'Connor reminded the board members that none of the Glens Falls Supervisors or the Mayor of Glens Falls ever requested that the Civic Center be included in this proposition. The request came from our State Senator, he added.

Several Supervisors expressed their concerns and opinions in relation to a Convention Center and Sports Authority in connection with the Civic Center.

Chairman Thomas called for a vote on the resolutions.

Resolution Nos. 622 through 674 were approved. Certificate of Appointment, naming a member to the Safety Committee for Warren County and Report of Committee on

Assessment Rolls, was submitted.

Chairman Thomas acknowledged David Strainer and Matt Sokol, both residents of Queensbury, were present at the meeting. He noted that Mr. Strainer was running on the Democrat line and Mr. Sokol was running on the Republican line for the seat of Supervisor at large for the Town of Queensbury.

Mr. Monroe announced there had been a meeting regarding the Hartford Landfill which did not go well. He added that he would be requesting a Solid Waste and Recycling Committee meeting to review other options for recycling.

Chairman Thomas announced the LDC (Local Development Corporation) meeting scheduled for today would be cancelled.

Mr. Geraghty asked if the County planned on helping the City of Glens Falls and the Civic Center in different ways other than through an Authority. Mr. Belden agreed that the County should look into other ways in assisting the City of Glens Falls. Mr. Mason commented that it would be possible to keep discussions active through the Municipal Shared Services Committee. Chairman Thomas asked the current members of the Municipal Shared Services Committee if they would like him to expand the Committee and appoint additional members. Mr. Belden said he would like to be appointed to that Committee and Mr. Tessier and Mr. Merlino echoed his statement.

Chairman Thomas announced the appointments of Mr. Belden, Mr. Tessier and Mr. Merlino to the Municipal Shared Services Committee.

Chairman Thomas requested an executive session in order to discuss matters pertaining to collective bargaining negotiations involving the Sheriff's Alliance contract.

Motion was made by Mr. Stec, seconded by Mr. Haskell and carried unanimously that executive session be declared pursuant to Section 105 (e) of the Public Officers Law.

Executive session was declared from 11:50 a.m. to 12:10 p.m.

Pursuant to executive session, motion was made by Mr. Geraghty, seconded by Mr. VanNess and carried unanimously to suspend the rules of the board in order to bring a resolution to the floor.

Motion was made by Mr. Geraghty, seconded by Mr. VanNess and carried unanimously to authorize an agreement allowing the Corrections Division staff the option to receive compensation for their unused 2006 vacation time on a one-time, non-precedent setting basis. Clerk noted it would be Resolution No. 675 of 2006.

Chairman Thomas called for a vote on the Resolution. Resolution No. 675 was approved.

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Mr. Dusek stated that in the resolution under 'Whereas', it should read that in recognition of the shortage of staffing within the Corrections Division that has in turn caused increased overtime, the Division be allowed to offer payment for vacation time that has not been used to those employees in the Corrections Division that elect that option.

There being no further business, on motion by Mr. Haskell and seconded by Mr. Champagne, Chairman Thomas adjourned the meeting at 12:15 p.m.