

**WARREN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
FRIDAY, JULY 20, 2007**

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 Bentley.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Girard, Sheehan, Mason, O'Connor, Kenny, Belden, Bentley, W. Thomas, Tessier, Merlino, Stec, Caimano, Champagne, VanNess, Sokol, F. Thomas, Haskell, and Geraghty - 20.

Motion was made by Mr. Belden, seconded by Mr. VanNess and carried unanimously, to approve the minutes of the June 15, 2007 Board Meeting and the July 6, 2007 Special Board Meeting, subject to correction by the Clerk.

Chairman Thomas declared the Public Hearing, regarding the proposed Local Law No. 6 of 2007, entitled "A Local Law Establishing the Office of Emergency Services for Warren County", open at 10:02 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Privilege of the floor was extended to Scott Walton, resident of the Town of Lake George. Mr. Walton expressed his pleasure with the Board of Supervisors for recognizing the importance of the issue of emergency services. He added it was an enormous task to coordinate services during an emergency. He stated it was only a matter of time before a disaster would strike locally and he applauded the County for taking the steps to be prepared.

Chairman Thomas requested Supervisor Belden and William Lamy, DPW Superintendent, to come forward for presentations. Mr. Belden recognized Sean Geraghty and thanked him for his thirty-two years of dedicated services with the DPW and wished him well in his retirement. He presented Mr. Geraghty with a certificate of appreciation and the board members responded with applause. Mr. Belden also recognized Fred Cleveland and thanked him for his thirty-four years of dedicated service to DPW and congratulated him on his retirement. He presented Mr. Cleveland with a certificate of appreciation and the board members responded with applause.

Chairman Thomas requested Supervisor VanNess to come forward, as well as Marvin Lemery, Fire Coordinator and Administrator of Building Codes. Mr. VanNess said it was an honor and privilege for him to present Mr. Lemery with a plaque recognizing his thirty-three years of dedicated service to the residents of Warren County. He thanked Mr. Lemery and congratulated him on his upcoming retirement. The board members responded with applause.

Chairman Thomas reminded everyone that there would be a light lunch and cake served on July 31st from 11:00 a.m. to 1:00 p.m. in Room 6-103 to celebrate Mr. Lemery's

retirement.

Privilege of the floor was extended to Mark Murray, president of the CSEA (Civil Service Employees Association) Unit 9000. He expressed his gratitude to the full Board of Supervisors for the newly implemented EAP (Employee Assistance Program) for County employees. He noted a lot of work had gone into the preparation of initiating the program and he thanked the County for allowing the CSEA to be involved in the review process. He added it was a great benefit to employees and was already being utilized.

Chairman Thomas announced that at the June 15th Board of Supervisors meeting, the winners of the Tar Wars Poster contest had been recognized and he noted that Zane Belden, of the Town of Queensbury, was the first place winner in the nation. Mr. Caimano suggested that the Chairman send a letter of congratulations on behalf of the Board of Supervisors. Chairman Thomas agreed and said that he would do that.

Privilege of the floor was extended to Eileen Reardon, representative of the American Red Cross. Ms. Reardon referred to the prior discussions held regarding emergency preparedness and stated that was why she was at the meeting today. She reminded the board members she had spoken with them a few times requesting that Warren County include a line item in the budget for the American Red Cross and she was back seeking that support. She noted that they were trying to build the level of volunteers within the County, in particular within the townships, to better respond to emergencies. She added that she felt the County was taking steps in the right direction with regard to emergency preparedness.

There being no one further wishing to speak on the proposed Local Law No. 6 of 2007, Chairman Thomas declared the Public Hearing closed at 10:14 a.m.

Chairman Thomas declared the Public Hearing, regarding the proposed Local Law No. 7 of 2007, entitled "A Local Law Amending Local Law No. 3 of 2004 Restructuring the Department of Public Works for the County of Warren, State of New York", open at 10:15 a.m. and requested the Clerk to read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

There being no one wishing to speak on the proposed Local Law No. 7 of 2007, Chairman Thomas declared that the Public Hearing would remain open in the event that anyone wishing to speak might appear.

Privilege of the floor was extended to Luisa Sherman, Executive Director of the Lake George Regional Chamber of Commerce. Ms. Sherman distributed a resolution developed by the Lake George Regional Chamber of Commerce Board of Directors to the board members, a copy of which is on file with the minutes. Ms. Sherman noted that the resolution was developed as a result of recent press articles and actions on behalf of the parties involved in the purchase and adaptive re-use of the former Gaslight Village property located in the Village and Town of Lake George, and she read the resolution.

Mr. Kenny apprised that he felt the board members had individual and collective concerns over the details to be worked out in that property deal and he appreciated that the Lake George Regional Chamber of Commerce had taken a position on the issue. However, he said, he had noticed that in their position they had requested that the Village be assigned a certain piece of property and that the Town be assigned a certain piece as well, yet there was no mention of the County being assigned a certain piece of property, even though the County was a partner in this deal. He added that at this time, the Town was not a partner in the deal and he was not sure whether or not that was changeable in the future.

Paul Dusek, County Attorney, responded that if the Town chose to immediately get back into the arrangement it might be possible; however, he said, it was a very complex deal involving many different players. He stated that in the future, if the Town chose to become an ownership interest in the property, it would become even more complex because once it was acquired, it would most likely be significantly restricted as a matter of law and would probably require a State Legislative Act to allow someone else to come in as an ownership interest.

Mr. O'Connor commented that he would never vote in opposition to anything relative to the preservation of Lake George; however, he said, Warren County did not build the Adirondack Northway which was the main contributor to the storm water runoff and pollution of Lake George. He added that he felt it was time that the State looked at their portion of the responsibility in creating these problems.

Privilege of the floor was extended to Frank McCoy, Town Councilman in Lake George. Mr. McCoy advised he was here to ask that any bond resolution include a provision to keep the south-side of the Gaslight Village property for economic development. He distributed a written letter addressing his concerns to the board members, a copy of which is on file with the minutes. Mr. McCoy read the letter.

Mr. Monroe expounded that Ms. Sherman and Mr. McCoy had pointed out what he thought was the consensus of the board members as well, which was that the County needed to have input in the design early on. The best way to do that, Mr. Monroe said, would be to participate in the payment of the engineers that had been retained by the environmental groups.

Chairman Thomas paused the discussion, and said that there being no one wishing to speak on the proposed Local Law No. 7 of 2007, he declared the Public Hearing closed at 10:29 a.m.

Chairman Thomas declared the Public Hearing, regarding the proposed Local Law No. 8 of 2007, entitled "Warren County Public Safety 911 Answering Point and Automated Dialing System", open at 10:30 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 the proposed Local Law No. 8 of 2007,

Chairman Thomas declared the Public Hearing closed at 10:32 a.m.

Resuming the Gaslight Village property discussion, Mr. Monroe made a motion that Warren County offer to pay half the costs of the design services for the Gaslight Village property and that through Committee, they develop a consensus on what elements they wanted in the plan. Mr. Sheehan seconded the motion.

Prior to calling the question, Chairman Thomas noted a motion to waive the rules of the board would be required.

Motion was made by Mr. Caimano, seconded by Mr. Sheehan and carried unanimously to waive the rules of the board requiring a resolution be in writing.

Chairman Thomas called the question on the previous motion made by Mr. Monroe, and the motion was carried unanimously. Clerk noted it would be Resolution No. 479 of 2007 for the record.

Privilege of the floor was again extended to Mr. Walton. Mr. Walton explained that the residents of Lake George were never contacted with regard to this project. He added that he believed that there would be no local support for an environmental park on the former Gaslight Village property. He suggested that the momentum of the project slow down and stated that he agreed with the comments made by Ms. Sherman and Mr. McCoy.

Mr. Caimano questioned with regard to the resolution that was just unanimously adopted, how they could legally make sure that what the County wanted would be done.

Mr. Dusek explained that currently the environmental groups and the municipalities were negotiating the terms of the conservation easement which in turn would dictate how this property could be used and what could occur on the property. He further stated, that document would then be presented to the full Board of Supervisors for approval along with a resolution authorizing the funding for the project. Mr. Dusek expounded the other issue involved was that the County had a contract that had been outstanding for some time now with the Wood Foundation and the County had received an extension on that contract until September 7, 2007.

Mr. Monroe said that if the conservation easement would control which parts of the property were locked up and which parts were available, the County needed to be involved in a conceptual plan before the conservation easement ruled out any alternatives; however, he added, there was not much time left to do that.

Mr. Dusek advised that as he understood it, the plan was that the environmentalists had hired engineers that would produce a concept plan to be attached to the environmental easement, as a proposal. He further noted that to date, past discussions were that the County wanted assurances of a certain minimal size parcel on the northerly side of the project. Mr. Dusek expressed his confusion and stated it was his understanding that the County was

prepared to give up the southerly side, including the building located there, if that was required. He said the deal on that part of it was that the environmentalists had agreed to work with the County on the development of that project; however, he said, that would not be known until after the closing. He stated that if that was not satisfactory to the board members, they would need to very quickly discuss that further.

Privilege of the floor was extended to Dorothy Harris, resident of the Village of Lake George. Mrs. Harris advised she had attended a Village Board Meeting on Monday evening with the belief that a vote would be held to procure a \$750,000 bond for this project; however, she said, that issue was tabled because the Mayor of the Village of Lake George, Robert Blais, had received so many phone calls against it. She further stated that Mayor Blais had proclaimed at the meeting that it would not be the Village Board that would make the decision, it would be the people. She said if it did go to a vote, the Village could not participate in the project until after that vote, which she believed would occur after September 7th because the people would request a referendum. She concluded that she firmly believed this project would be rejected by the residents of the Village of Lake George.

Mr. Mason expounded he would like to keep the option of the southerly side of the property open, as well as the possibility of utilizing the building located there and he said he thought that Mr. McCoy's suggestion was an interesting concept.

Mr. Monroe added it might make sense to consider the option of delaying the closing until the details of the conservation easement were worked out. Chairman Thomas noted that it had been made clear to him that the board members were not willing to move forward if the County's \$100,000 deposit were forfeited. Mr. Monroe suggested that they work quickly to determine a consensus of the board as to what they were willing to give up on the conservation easement and what they were insistent must stay available for County, Town and Village purposes.

Chairman Thomas said a group of individuals from the County would be meeting with Mayor Blais very soon and from that they would determine what his take was on the current status of the project. He confirmed he would not take any action prior to consulting with the Mayor.

Mr. Tessier apprised that this project was so important he thought the County should try to negotiate the closing date to December 31, 2007 and he further stated that if need be, the Town of Lake George would be willing to put forth the additional \$75,000 for the time extension. Chairman Thomas asked Mr. Tessier if he would go to the Town Board and present that possibility in order to obtain a time extension and Mr. Tessier confirmed that he would.

Mr. Kenny stated that it was his understanding that the whole deal was contingent upon the Village coming up with their share, and he questioned that if the Village could not come up with their share by the September 7th deadline, would the deal fall through, unless a time extension was granted. Mr. Dusek replied that the way the contract was written was that if any one of the parties failed to come up with the funding, the County could either back away or assume the Villages' position.

Mr. Monroe summarized that the feelings of the board members was that they wanted to have alternative plans to review, not just one plan that the board did not have a hand in designing. Chairman Thomas said he would relay all of this information to the environmental groups and the Mayor for further discussions.

Mr. Gabriels agreed that the board members should receive alternative plans to review in furtherance of these discussions. He noted that the Fund for Lake George, one of the environmental groups involved, had wanted to maximize storm water prevention, control and maintenance, and he expressed his concern with the word maximize, suggesting that the County substitute it with the word optimal during negotiations with the environmental groups. Mr. Gabriels questioned who was on the County's negotiating team with regard to this deal and Mr. Dusek replied it was Chairman Thomas and himself.

Mr. Kenny commented that the board members should consider that if the County did pull out of this deal, the environmentalists could purchase all of the property and use all of it, which would be the least desirable outcome for the property. Chairman Thomas added that was one negative option and another was that if all the interested parties backed out, the Wood Foundation could sell the property to an outside source which could then develop it into condominiums.

Privilege of the floor was extended to Lisa Manzi, representative of Congresswoman Gillibrands' Office. Ms. Manzi advised the board members that the Congresswoman had voted in favor of a HUD Bill which passed the Congress and was now before the Senate. She further explained that the Bill would create 20,000 new vouchers each year, for financial years 2008 through 2012, and it would improve Section 8 voucher funding formulas, authorize lower income housing voucher programs and alter calculations of income. Ms. Manzi announced that the Congresswoman would be in the Town of Bolton on July 28, 2007 for some events, such as "Congress On Your Corner" and encouraged all the Supervisors to attend. Chairman Thomas thanked Ms. Manzi for her update.

Mr. Merlino said that at the June 26th Parks, Recreation and Railroad Committee meeting, the Committee received a report with regard to the two proposed train stations to be constructed in the Town of Thurman and the Town of Hadley. He further explained that the Committee had decided to move forward with building one train station in the Town of Thurman and to put the construction of the Hadley train station on hold. He requested that both stations be put on hold until further discussions were held with Saratoga County. He stated he did not feel it was fair to construct one station and to leave the other one out.

Mr. VanNess commented it was his understanding at that Committee meeting, that there were grant funds involved with this project that needed to be expended before the grant expired. Therefore, he stated, the Committee had authorized moving forward with the Thurman train station due to the indecisiveness on the part of the Town of Hadley and Saratoga County, so that the County would not lose the grant funds. Mr. Merlino questioned when the grant funds were to expire and Chairman Thomas replied he was not sure of the date, however he did recall that the Planning and Community Development Department had

advised that there was an expiration date.

Mr. Haskell expounded that the Town of Thurman had scaled back the design plan for the proposed station in order to reduce the cost for construction, thereby allowing additional funds to be put towards the Hadley rail station. He added they were still trying to work out the details for both train stations.

Mr. Kenny referred to Resolution No. 465 included in the Supervisors' packets entitled "Authorizing Sale and Removal of County-owned Building Located in the Town of Hadley, Saratoga County, Acquired as Part of the Warren County Scenic Rail Station Improvements (PIN #1755.99) Project". He stated if the station was not going to be built in the Town of Hadley, he thought it would be more of a benefit to the County to keep that building there. Mr. Merlino agreed and said he wanted to table that resolution.

Mr. VanNess apprised that he would make a motion to rescind the aforementioned Committee resolution as long as there was not a time limit on the grant funds.

As a point of order, Mr. Dusek noted that a motion could not be made to rescind a Committee resolution; however, he said, the board members could give a directive resolution that would supercede the other one and the rules of the board would need to be waived.

Motion was made by Mr. Caimano, seconded by Mr. Merlino and carried unanimously to waive the rules of the board requiring that a proposed resolution be in writing.

Hal Payne, Commissioner of Administrative and Fiscal Services, stated Paul Butler, Director of Parks, Recreation and Railroad was on vacation, therefore he called Wayne LaMothe, Assistant Director of Planning and Community Development, to question the time frame on the grant funding for the train stations. Unfortunately, he said, Mr. LaMothe did not have the answer. He noted that he had contacted Pat Beland, former Director of the Parks, Recreation and Railroad, who advised that they were 80% complete on the planning specifications and estimates, which had to be sent to the State by September. He added Mr. Beland said the entire contract, following the review of the aforementioned documents which would determine what the costs would be, would be open until 2010. He concluded there was plenty of time to utilize the funds.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to direct the Parks, Recreation and Railroad Committee to rescind the previous resolution done by Committee (not a resolution before the full Board) with regard to the Thurman and Hadley proposed train stations. Clerk noted it would be Resolution No. 481 of 2007 for the record.

Motion was made by Mr. Merlino, seconded by Mr. Belden and carried unanimously to table Resolution No. 465 of 2007, Authorizing Sale and Removal of County-owned Building Located in the Town of Hadley, Saratoga County, Acquired as Part of the Warren County Scenic Rail Station Improvements (PIN #1755.99) Project. Clerk noted it would be Resolution No. 483 of 2007 for the record.

Mr. Kenny exited the meeting at 11:25 a.m.

Chairman called for reports by Committee chairmen on past activities and the following gave verbal reports:

Supervisor Sheehan, Support Services - Board of Elections; Supervisor Gabriels, Personnel/Human Resources; Supervisor Monroe, Finance and Ad Hoc Sales Tax; Supervisor Girard, Municipal Shared Services; Supervisor Belden, Real Property and DPW; Supervisor Tessier, Social Services and Tourism; and Supervisor Champagne, Community College.

In connection with the Support Services Committee, Mr. Sheehan distributed a handout regarding the Board of Elections and charge backs to Towns/Cities provided by the Board of Elections Commissioners to the board members, a copy of which is on file with the minutes. He requested that all the Supervisors review the information provided and at the next Support Services Committee meeting a decision could be made which would be brought before the full Board of Supervisors next month.

With regard to the Finance Committee, Mr. Monroe reported that the Warren County Historical Society had provided a status report on the Warren County History book and the Committee had also requested to receive quarterly reports in that regard. He added that the Committee had recommended the elimination of the Deferred Compensation Committee, as it was no longer administered locally.

Mr. Monroe apprised that regarding the Ad Hoc Sales Tax Committee, the real property tax raised in 2006 totaled \$32,745,000 and the sales tax revenues totaled \$47,542,000. He noted it was difficult to determine an accurate estimate of the amount paid by non-residents of Warren County; however, he said, the Planning and Community Development Department had provided an estimate in the range of 30 - 40%. He stated that the question arose as to whether or not any increase in sales tax could be devoted to tax stabilization or reduction and the County Attorney advised that it could be done and he had provided a section of law which outlined that it was possible. He added that the Committee had requested additional information on the amount of property tax paid by each town, as well as the percentage of sales and property tax paid in each town.

Mr. Dusek commented that upon his review of all of the legislation that increased sales tax for the counties involved, he determined they were all a standard increase of 1% and there was no language in any of those provisions that said certain items could be exempted. He stated that it was his opinion that it would be very difficult to get the standard format changed in the Legislature.

Mr. Girard advised on the Municipal Shared Services Committee, and specifically East Field. He said he wanted to make sure the Supervisors were still supportive of the County assuming responsibility of East Field, pending the legality of such, and that the interest not be deferred due to the issues with the Glens Falls Civic Center.

Concerning the Real Property Tax Services Committee, Mr. Belden apprised discussions were held regarding County-wide assessing and noted that thirty-three States had

adopted it. With regard to the DPW Committee, Mr. Belden stated he always received the agenda ahead of time in order to review it and he thanked Mr. Lamy for that. He also welcomed Jeff Tennyson to the DPW staff and wished him well.

Mr. Lamy introduced Jeff Tennyson, the newly hired Deputy Superintendent/ Environmental Engineering Services, and stated it was a pleasure to have Mr. Tennyson on board with the Department.

In connection with the Social Services Committee, Mr. Tessier expounded there was a 45% turnover in Case Workers which created many problems within the Department. He added that they had also resolved the delay in the application review process at the Department of Social Services (DSS) with regard to being approved as medicaid eligible at the Countryside Adult Home.

With regard to the Community College Committee, Mr. Champagne advised there would be a joint meeting with the Community College and Finance Committees on Monday, July 23, 2007 at 2:00 p.m. at the Adirondack Community College (ACC) campus. He encouraged all Supervisors to attend, as the ACC Administrators would be presenting their proposed budget.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

- Meeting of Chemical Dependency Subcommittee of the Community Services Board;
- Warren County Planning Board;
- Warren/Washington Counties IDA;
- Lake Champlain/Lake George Regional Planning Board.

Monthly Reports from:

- Veterinarian;
- Probation;
- Weights & Measures.

Quarterly Report from:

- Department of Civil Service, Empire Plan First Quarter Experience Report.

Annual Report from:

- NYMIR (New York Municipal Insurance Reciprocal);
- Social Services;
- Public Health, Emergency Response and Preparedness Plan.

Capital District Off-Track Betting, June surcharge in the amount of \$17,414, July surcharge in the amount of \$14,333 and April 30, 2007 Financial Report;

NYSAC (New York State Association of Counties), Policy Brief on New York State Population Growth Estimates;

Warren County Mass Fatality Response Plan;

Adirondack/Glens Falls Transportation Council, 2007-2012 Transportation Improvement Program;

Adirondack Park Local Government Review Board, amended 2007/2008 budget;

Department of Public Works, letter from William Lamy, Superintendent, appointing Jeffrey Tennyson as Deputy Superintendent of Public Works/Engineering and Environmental Services effective July 16, 2007;

Letters from Richard and Susan Kline and Tom and Diane Golden, in opposition of the proposed Mohring ATV/motorcycle and campground development in Johnsburg and Thurman;

Letter from Marvin Lemery, advising of his retirement as the Administrator of Building Codes and Enforcement effective July 31, 2007.

Communications, resolutions and reports ordered placed on file.

Chairman called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 421 through 470 were mailed. She noted Resolution No. 465 was tabled. Mrs. Sady added a motion was needed to bring Resolution Nos. 420 through 478 to the floor. Motion was made by Mr. Mason, seconded by Mr. Caimano and carried unanimously to bring Resolution Nos. 420 through 478 to the floor.

Chairman Thomas called for a vote on the resolutions.

Resolution Nos. 420 through 483 were approved.

Chairman Thomas extended privilege of the floor to Kathleen Sonnabend, resident of the Town of Queensbury, who distributed a letter to the Supervisors, a copy of which is on file with the minutes. She explained she had written the letter to Mr. Dusek outlining the questions she had with regard to the Siemens Co-generation Project. She noted that she had attached to her letter a copy of the original 'Certificate of Need' for the Westmount Health Facility Co-generation Project. Upon review of the documents, she had concluded that, in her opinion, the project was questionable to be approved on this basis. Ms. Sonnabend also commented on the drilling of wells on the backside of the Municipal Center campus. She said she had heard they had to drill extra wells because they were not finding what was expected and she questioned what additional costs that would entail.

Mr. Payne apprised that the County had a contract with Siemens Building Technologies, Inc. for the drilling of wells and there would be no additional costs to the County

no matter how many wells they had to drill. However, he said, there were no extra wells being drilled, they had only adjusted the design of where the wells were being placed. He further stated there were roughly one hundred eighty six wells being drilled.

Mr. Dusek said he felt he needed to respond to Ms. Sonnabends' comments and the documents she had provided, for the benefit of the Board. He said that he was involved with this project in 2003 - 2004 when it went through the Board of Supervisors and that the project received a tremendous amount of scrutiny from the Supervisors and from his Office. He noted they had gone so far as to justify every number that was presented. He said he also had an accountant review those figures to assure him that the numbers were in fact real numbers.

Mr. Dusek further stated that the chart Ms. Sonnabend provided was incorrect, it was not the final payout pro forma that the County entered into. He noted that the interest rate listed was too high and the numbers were not the numbers that the Board went by. He explained that before the County had signed the contract, the numbers had improved as they went through the process. He added that the same thing had happened with the drilling project out back. Mr. Dusek advised that Ms. Sonnabend should be careful with the statements she had been making which were based on incorrect information.

There being no further business, on motion by Mr. Haskell and seconded by Mr. Bentley, Chairman Thomas adjourned the meeting at 12:18 p.m.