

**WARREN COUNTY BOARD OF SUPERVISORS  
SPECIAL BOARD MEETING  
THURSDAY, JANUARY 17, 2008**

**NOTICE OF SPECIAL MEETING  
TO THE MEMBERS OF THE BOARD OF  
SUPERVISORS OF WARREN COUNTY:**

You are hereby notified that, I, FREDERICK H. MONROE, Chairman of the Board of Supervisors of the County of Warren, pursuant to the power vested in me by Rule A.3 of the Rules of the Board of Supervisors, hereby call and convene a special meeting of the Board of Supervisors of Warren County to be held in the Supervisors' Room in the Warren County Municipal Center, Town of Queensbury, New York, on Thursday, January 17, 2008 at 8:00 a.m., for the purpose of considering, and if determined by the Board to be appropriate, voting on, or otherwise taking action on, the following matters:

1. To review the Conservation Easement and Bond Resolution concerning the acquisition of the Gaslight Village and Waxlife USA Museum properties from The Charles R. Wood Foundation;

2. General discussion concerning the above; and

3. To conduct such other business as may properly come before the Board of Supervisors.

The Clerk of the Board of Supervisors is hereby directed to call for the meeting and give written notice to all members of the Board of Supervisors of such meeting.

Dated: January 14, 2008

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 8:04 a.m.

Mr. Fred Monroe presiding.

Salute to the flag was led by Supervisor Geraghty.

Roll called, the following members present:

Supervisors Simmes, Monroe, Girard, Sheehan, Taylor, O'Connor, Kenny, Belden, Bentley, Goodspeed, Tessier, Merlino, Stec, Strainer, Champagne, VanNess, Thomas, Haskell, and Geraghty - 19.

Absent: Supervisor Sokol - 1.

Chairman Monroe thanked everyone for coming this morning. He stated that the purpose of the meeting was to have further discussions on the Gaslight Village Property and Paul Dusek, County Attorney, needed to explain the negotiations and the revised Conservation Easement that he had prepared for the board members today.

Mr. Dusek distributed a revised Conservation Easement, a draft Bond Resolution, a draft Agreement and a Modified Concept Plan to the board members, copies of which are on file with the minutes.

Mr. Dusek explained that the transaction to date has been based upon the assumption that there would not be any funding from the State and has been proceeding along a path that would require the County of Warren, the Town of Lake George, the Village of the Lake George and three environmental groups (3 E's) to provide the funds necessary to acquire the Gaslight Village and Waxlife Museum properties. He referred to the copy of the plan that he distributed and noted it had essentially stayed the same as the original plan; however, he said, the differences within the plan included that the Waxlife Museum building would be removed and that entire area would be utilized for the stormwater drainage project. Another substantial change, he added, was that the festival space in the upper right-hand portion of the parcel would be a minimum of two and a half acres of usable space, as opposed to the original concept of two acres. Mr. Dusek said also included in the plan, was an agreement to release the space from those conditions that were previously set, such as a requirement that the County or Towns could only erect tents for fourteen days, which has been removed from the easement agreement. As part of the agreement, he stated, the site could now be used for parks, recreation, area for special event tents, special event or community buildings and similar public uses. He advised the agreement also allowed for the County to put in parking areas, not just permeable, on the festival space. Mr. Dusek clarified that the use of the festival space had significantly expanded from the original agreement, which he felt was one of the most important aspects of where the understanding now lies with the environmental groups, as far as the development of the site.

Mr. Dusek apprised another important aspect of the site was that the development of the drainage project was to be done by the environmental groups and he added the 3 E's were trying to secure grant funding to complete the project. On the other hand, he said, the agreement did not make it mandatory that the 3 E's complete the drainage project; therefore, he stated, if they did not complete the project within five years, the municipalities, at their option, could complete the necessary work. He noted that under the agreement, the County would be responsible for the demolition of the existing buildings; however, he added, the County was not obligated to it and therefore if the County did not tear down certain buildings, the environmental groups could undertake that. He said the 3 E's had a right, if there was a fund from revenues generated from the property, to access those funds to tear down the buildings.

Mr. Dusek expounded another significant aspect of the project was that once the environmental groups had completed the project, it would be turned over to the County, primarily the Soil & Water Conservation District, to continue the yearly maintenance of the project. He said Dave Wick, District Manager of the Soil & Water Conservation District, had indicated that approximately every seven years it would require significant maintenance to clear the areas where sediment collected. He stated this was a general summary of the nature of the project.

Mr. Haskell queried if Mr. Dusek had said that maintenance would be the responsibility of the County and Mr. Dusek replied affirmatively that maintenance of the drainage project would be the County's responsibility once the project was completed. Mr. Haskell asked what the cost for such would be and Mr. Wick advised the maintenance budget for the in-stream

sediment pond and the wetland project on the south side of the property would be less than \$20,000 a year, using Soil & Water Conservation District staff and Environmental Conservation volunteers. Mr. Wick added that those funds would come out of the income that would be generated from the property. Mr. Haskell clarified that any revenues generated from the property had to be used towards funding the maintenance and Mr. Dusek confirmed that any revenues received from the use of the property had to be used for the maintenance of the property, similar to the agreements that the County had with the Airport and the railroad.

Mr. Dusek apprised that when this project began, the first goal of the parties involved was to acquire the property so that it would not be developed into condominiums or some other way that would have an adverse effect on Lake George. He said that with this agreement the parties were gaining control of the property, which was the first step, granted the next steps were not guaranteed for either parties; however, he stated, both parties had an interest in seeing it through because if the stormwater project was not done, obviously the problems would not be corrected for Lake George.

Mr. VanNess questioned if revenues generated from the festival site could be allocated towards lowering the purchase price of the property and Mr. Dusek replied currently that was not part of the agreement; however, he said, that if there was enough revenue generated from that area it may be possible to lower the payments on the loan and that was something that could be added to the agreement if the board members wanted it to be.

Mr. Kenny expressed his concern with the stormwater project and it being the responsibility of the 3 E's if they received funding for such; however, he added, if they did not secure funding for the project, the responsibility would fall on the County. Mr. Dusek reiterated that it would be an option for the County to do the stormwater project if the 3 E's were not able to. Mr. Kenny queried what the cost of the stormwater project would be and Mr. Wick responded the cost would be approximately \$3 to \$5 million.

Chairman Monroe advised there had been a possibility of the County receiving money from the State, thereby allowing the County to purchase the full property and under that scenario the environmental groups would still be involved with developing the wetland areas; however, he added, that would give the County more control over the use of the land. Mr. Dusek cautioned that if the State provided the funding, the County could be obligated to take certain action once the funding was received.

Mr. Thomas questioned the possibility of use of the State-owned land on the south side of the property, below the parcel, which had been discussed at prior meetings and Chairman Monroe replied a meeting had been held with the Department of Environmental Conservation (DEC) and the Forest Preserve Advisory Committee in which the plan was presented and there were no objections to it at that time. He further stated he believed that DEC was favorable toward the idea; however, he said, it would need to go through the DEC's Unit Management Planning process which would take time and the County could not depend on that right now.

Chairman Monroe summarized the concerns of the board members on the agreement before them today as follows: the demolition of the Waxlife USA Museum building should be the

sole responsibility of the environmental groups; there should be no restrictions on the two and a half acres that the County was purchasing; there should be no restrictions on the use of revenues generated from the two and a half acres of County-owned property; if there was additional revenue remaining after the maintenance of the property was completed, it could be applied toward the debt service and/or should go to the County, Town and Village; an additional one acre of parking on the north side of the property (west of the festival space) should be included in the agreement; and the environmental groups should be mandated to perform the environmental portions of the work and if the County was forced to do the environmental work, the County should be relieved from the Conservation Easement.

Mr. Dusek referred to the draft bond resolution before the board members today and noted that it was asserted that the County was acquiring the property for park, recreational areas, special event areas, parking areas and a soil and water conservation project. He added that those were the only legal purposes that he could think of that the County could acquire that property for; therefore, he said, if that was what the County was acquiring the property for and it matched what was listed in the Conservation Easement, then an agreement should be reached.

Mr. Dusek continued to review portions of the Conservation Easement in detail with the board members. Mr. Goodspeed commented that he thought the board members might be getting hung up on the term 'Conservation Easement' thinking that it meant the land could never be touched, when in actuality this was just a document that was notable for the exceptions to the Easement. He added that this was not an absolute preclusion in the way a Conservation Easement was traditionally perceived. He said this document attempted to reach out to the County to carve out exceptions that were consistent with the County's earlier proposals for use.

Mr. Taylor asked if an agreement was reached, were the funds to purchase the property and to do the project included in the 2008 County budget; and Chairman Monroe replied in the negative and explained that the County would adopt a bond resolution and payments for such would not begin until 2009.

Chairman Monroe advised a decision needed to be reached tomorrow depending on the outcome of Mr. Dusek's negotiations with the environmental groups. He noted another relevant point was that the value of this property was now higher than the amount that the County would be paying to purchase it. He requested Mr. Tessier to discuss that further. Mr. Tessier explained that the property had been assessed at \$3.6 million and the market value was approximately \$5.2 million. Mr. Belden added that the County needed to bond \$1.3 million whether the State provided funding or not. He questioned if the other parties involved were ready to bond their portion of the costs and Mr. Dusek replied affirmatively. Chairman Monroe said it was possible for the Board of Supervisors to pass a bond resolution tomorrow and not approve the Conservation Easement until the issues with it were resolved. Mr. Tessier noted that was what the Town of Lake George had done. Mr. Dusek apprised a decision on the Conservation Easement would need to be reached very soon.

There being no further business, on motion by Mr. Haskell and seconded by Mr. Belden, Chairman Monroe adjourned the meeting at 9:21 a.m.