

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JANUARY 18, 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 10:00 a.m.

Mr. Fred Monroe presiding.

Salute to the flag was led by Supervisor Girard.

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.

Motion was made by Mr. Stec, seconded by Mr. Tessier and carried unanimously to approve the minutes of the December 21, 2007 Board Meeting and the January 3, 2008 Organization Meeting, subject to correction by the Clerk.

Chairman Monroe declared the Public Hearing on the proposed Local Law No. 2 of 2008, open at 10:01 a.m. and requested the Clerk read the Notice.

Clerk read the Notice of Public Hearing.

Chairman Monroe recognized Todd Lunt, Director of Human Resources, who wished to address the board members. Mr. Lunt introduced Sara Johanson, a part-time employee with the Office for the Aging, who was at the meeting today to discuss Long-Term Health Care Insurance. Ms Johanson briefly explained Long-Term Health Care Insurance and the importance of planning for the future. She advised that she would be conducting an informational meeting regarding Long-Term Health Insurance at the Municipal Center on January 31, 2008 at noon and again at 1:00 p.m. and invited all Supervisors to attend.

Privilege of the floor was extended to Ed Kokalas, a resident of the Village of Lake George. Mr. Kokalas advised he was a member of the Lake George Winter Carnival Committee and he expressed his concern with the reduction in funding from the County for the Carnival. He noted that last year, the Carnival received \$14,000 in occupancy tax funding and this year the Carnival was only awarded \$5,000 in funding. He stated that the reduced funding would not only hurt the businesses in the Village, it would also have a significant impact on the whole area. He further stated that due to the lack of funding, the Carnival had reduced its' advertising expenditures by 75% from previous years, which would result in a drop in attendance. Mr. Kokalas requested the board members to re-visit the issue and to consider reinstating the full amount of funding requested for the Lake George Winter Carnival.

Mr. Kenny expounded that the Occupancy Tax Coordination Committee had received

applications for event funding totaling approximately \$700,000 for this year. He advised according to the by-laws, the County was able to award \$280,000 for events. He further stated that the decision on which events to award funding was based on the economic impact the event would have on Warren County. Unfortunately, he said, those decisions had to be based on the number of people that would come to the area, as well as the number of people that would spend the night in the area, in order to regenerate the occupancy tax fund, which funded the events. Mr. Kenny added that the Town of Lake George was awarded between \$100,000 and \$150,000 out of the \$280,000 for this year for events taking place in Lake George.

Chairman Monroe suggested that the issue be discussed further at the next Occupancy Tax Coordination Committee meeting. Mr. Tessier noted that the occupancy tax funding system was going to be reviewed in order to provide more funding for smaller events. He added it was very important to fund re-occurring events, probably more so than funding new events, because events that returned each year had established attendees.

There being no one wishing to speak on the proposed Local Law No. 2 of 2008, Chairman Monroe closed the Public Hearing at 10:15 a.m.

Chairman Monroe declared the Public Hearing on the proposed Amendment of the Lease Agreement with Empire East Aviation, Inc., open at 10:15 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 Amendment of the Lease Agreement with Empire East Aviation, Inc., Chairman Monroe declared the Public Hearing closed at 10:16 a.m.

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

Supervisor Girard, Municipal Shared Services; Supervisor Belden, Public Works; Supervisor Tessier, Social Services; and Supervisor Thomas, Extension Services.

With regard to the Municipal Shared Services Committee, Mr. Girard advised the Committee had met with the City of Glens Falls Common Council in relation to East Field and the progress that was being made.

Concerning the Public Works Committee, Mr. Belden stated that under the Airport portion of the meeting, the Committee was advised that Marshall Stevens, Airport Manager, would be resigning in February. He noted that the position would be advertised and qualified candidates would be interviewed as soon as possible. Under the Parks, Recreation and Railroad portion of the meeting, he said discussions were centered around the two proposed rail stations, one in the Town of Hadley and one in the Town of Thurman. He further explained that there were limited funds to complete both stations; therefore, he stated, the Committee agreed to move forward with a plan that was presented by Clough, Harbour and Associates consisting of basic platforms at both stations, pending approval from the State Department of Transportation (DOT).

Mr. Champagne questioned if further discussions had been held with the Saratoga County Development Corporation with regard to the station in the Town of Hadley and the continuation of the track into Saratoga. Mr. Merlino responded that the Town of Hadley would be much more involved now due to the newly elected Town Supervisor and he looked forward to working with him. He added that the Town of Hadley had also applied for a Smart Growth Grant for approximately \$300,000 to put towards the funding of the rail station.

Continuing with reports, Mr. Tessier apprised there was a resolution included in the Supervisors' packets regarding the relocation of Social Services Medicaid staff to the CNA Building in the City of Glens Falls which would be taking place over the weekend. Chairman Monroe added that it had been announced to the press that beginning on Tuesday, operations for Social Services Medicaid staff would be at the CNA Building.

Regarding the Extension Services Committee, Mr. Thomas stated that the Board of Directors for Cornell Cooperative Extension and staff had interviewed three prospective candidates for the position of Executive Director and a decision should be reached very soon.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

- Warren/Washington Counties Chemical Dependency Subcommittee;
- Warren County Planning Board;
- Warren/Washington Counties IDA.

Monthly Reports from:

- Weights & Measures.

Annual Reports from:

- Weights & Measures;
- Adirondack Park Agency;
- Adirondack Park Local Government Review Board;
- New York State Sheriffs' Association.

State of New York, Office of the State Comptroller, Draft report of their audit of Internal Controls Over Credit Cards and Travel and Fuel Expenditures;

Warren/Washington Counties IDA, 2008 Revised Budget;

Peter Kehoe, Executive Director of the NYS Sheriffs' Association, letter regarding the contract with AT&T to provide inmate telephone services;

Capital District Regional Off-Track Betting Corp., December surcharge in the amount of

\$9,186, as well as November/December Financial Reports;

Warrensburg Town Board, Resolution No. 178 of '07, Accepting the Dedication of Cloverleaf Drive and Resolution No. 179 of '07, Accepting the Dedication of Snowshoe Ridge;

Assemblywoman Sayward, letter in support of restoration of Rush Island;

Town of Queensbury, Notice of Public Hearing on January 22, 2008 regarding proposed construction at the Glen at Hiland Meadows;

New York State Department of Environmental Conservation, letter of appreciation for mapping assistance provided by Sheri Norton, GIS Administrator, to aide in the investigation of a missing youth in Washington County;

Letter from the County Attorney's Office announcing the appointments and order of Assistant County Attorney's.

Communications, resolutions and reports ordered placed on file.

Chairman Monroe said that further discussions regarding the Gaslight Village property and project were needed. He added that he felt the issues that had been raised yesterday at the Special Board Meeting regarding the agreement had been resolved and he requested Paul Dusek, County Attorney, to describe the discussions and the resolutions of the issues that were raised to the board members.

Mr. Dusek expounded he would go through the issues that were raised and the response he received to each. He reminded the Supervisors that the map they reviewed yesterday was outdated and had now been corrected and he distributed a copy of such to each Supervisor, a copy of which is on file with the minutes. He referred to the new expanded area consisting of two and a half acres for the festival area on the map. The next issue, he said, was the Waxlife Museum building located on the southern part of the parcel. He explained that the request was that the building should be torn down within a particular amount of time and should be at the cost of the environmental groups, not the County. He stated that the environmental groups had agreed that there would not be any use of the building while it was standing and also that they would tear down the building, using either grant funds or at their own expense, within one year of receiving permits, and in no event would it be longer than two and a half years past the signing of the agreement.

Mr. Dusek advised another issue had been with concerns on the funding and the groups had indicated they would assist in obtaining funds for the maintenance of the project, which they were not legally obligated to do. He added that it was also provided that generally the funds would be spent for the project; however, he noted, if there was an excess in funds it could go to the three municipalities.

Mr. Dusek stated another issue had been if the environmental groups did not complete the project within five years it would become the County's right, not obligation, to complete it and the concern was that if the County completed the project, the Conservation Easement should be removed. The agreement reached with regard to that issue, he said, was that due to the length of time it would take to complete the project, the environmental groups would have a total of fifteen years to complete it, although they would use their best efforts to get it done in five years. He further explained that if for any reason the project was not completed after fifteen years, the three municipalities could undertake the project and be relieved of the Conservation Easement.

Another area of concern, Mr. Dusek apprised, was having an additional, permeable parking area to the west of the two and a half acres of County-owned property. He said that the environmental groups had expressed great concern that they wanted the project to be overall consistent and to have a 'park like' atmosphere and if that area were turned into parking it would diminish the effect of what they were trying to achieve of an integrated entire site. However, he added, that the Village of Lake George had taken the position that the parking was not necessary there anyway.

Continuing, Mr. Dusek addressed the concern regarding the restrictions on the two and a half acres. The agreement reached, he said, was the County could use the festival area at any time. He added that the area would still be covered by the Conservation Easement; however, he noted, it would be specifically in the agreement that the entire protected property was considered dedicated park land, provided that the area of the protected property designated as festival space shall be subject to potential uses for special event tents, special event and/or community buildings, parking areas and similar public uses. Mr. Dusek stated all of that was consistent with the bond resolution included in the Supervisors' packets.

Mr. Dusek expounded there was an area on the property that had petroleum contamination which was discovered during the due diligence of inspection that was performed by the engineers. He further stated that the costs to remediate that contamination would be between \$20,000 to \$30,000 if soil was left on site and aerated as allowed according to law, or it could cost as much as \$70,000 if the contamination was removed from the site by truck. He added that the plan was to seek those costs from the Wood Foundation as part of the deal.

Mr. Dusek concluded that significant progress had been made with the agreement due to the cooperation of the environmental groups in trying to meet the demands of the Supervisors. Chairman Monroe thanked Mr. Dusek and all others involved in the negotiations for all of their work on this agreement. He reminded the board members that the concern of the water quality of Lake George was the main purpose of this project, given the Lake was one of the greatest assets for tourism in Warren County.

Mr. Kenny said if there was revenue remaining after the project was completed and it was divided among the municipalities, he questioned if the revenue would be divided proportionately to the original investment or would it be divided equally. Mr. Dusek explained this was a very complicated transaction and there would be multiple phases to come before the board members. He stated the first phase, which was before the board members today, was the bond. Following that, he added, would be all of the other documents involved, one of which that

needed to be approved would be an agreement on those types of issues with the Town and the Village of Lake George. Mr. Kenny commented that during the negotiations, there had been quite a bit of openness and a sense of fairness with all the parties involved and he said he really appreciated that.

Mr. Monroe reiterated that there was still a slight possibility that the State would contribute funding; however, he noted, if that occurred there could be numerous strings attached compared to what has been negotiated to date.

Mr. Dusek advised the bond resolution was included in the Supervisors' packets to be voted on today; however, he added, a Special Board Meeting would need to be scheduled upon completion of the other documents involved for the purchase of the property.

Mr. Belden stated he had a resolution he would like to bring to the floor and discuss.

Motion was made by Mr. Belden, seconded by Mr. VanNess and carried unanimously to waive the rules of the Board requiring that a resolution be in writing. Clerk noted it would be Resolution No. 66 of 2008 for the record.

Mr. Belden said the resolution he was presenting was to support continued State tax payments on State-owned land in the Adirondack Park. A draft resolution was distributed to the board members, a copy of which is on file with the minutes. He noted this issue was discussed extensively at the recent meeting of the Intercounty Legislative Committee of the Adirondacks.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to support continued State tax payments on State-owned land in the Adirondacks. Clerk said it would be Resolution No. 67 of 2008 for the record.

Chairman Monroe apprised there was a resolution included in the Supervisors' packets regarding the Smart Growth Grant application for the study of solid waste and particularly what the County planned to do when the contract with Wheelabrator ended in 2012. He added that a resolution had previously been adopted authorizing R.S. Lynch to submit the grant application; however, he said, an additional resolution was needed to authorize the contract with R.S. Lynch. He noted this was Resolution No. 52 of 2008 included in the packets.

Chairman called for reading of resolutions and discussion.

Mr. Kenny requested a roll call vote on Resolution No. 51, Approving the Recommendation of the Public Works Committee to Proceed with Plans to Make the Proposed Railroad Stations Located in the Towns of Thurman and Hadley Functionally Complete and Authorizing the Engineer for the Project to Present Same to the New York State Department of Transportation for Consideration.

Chairman Monroe requested a roll call vote on Resolution No. 36, Authorizing Agreement with Warren County and Adirondack Park Local Government Review Board

(APLGRB) for Funding of Operating Costs, due to the fact that he serves as the Executive Director of the APLGRB; therefore, he said, he would abstain from voting on that resolution.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 31 through 50 were mailed and a motion was needed to bring Resolution Nos. 51 through 65 to the floor. Motion was made by Mr. Sheehan, seconded by Mr. Bentley and carried unanimously to bring Resolution Nos. 51 through 65 to the floor.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 31 through 67 were approved.

Mr. Girard announced that the City of Glens Falls Fire Chief, Ray Ives, was not able to attend the meeting today; however, he added, Chief Ives had requested him to relay a message of appreciation to the Board of Supervisors, as well as to Sheriff York, for the vehicle that the County was transferring to the City in order for them to facilitate the Code Enforcement Officers.

Chairman Monroe announced that the County Auditor had requested that the Supervisors submit any 2007 mileage vouchers by February 7, 2008. He also announced that the NYSAC (New York State Association of Counties) Conference would be held on January 28 through January, 30, 2008 at the Desmond Hotel in Albany and any Supervisor wishing to attend should see Mrs. Sady to register for the Conference.

There being no further business, on motion by Mr. Haskell and seconded by Mr. Belden, Chairman Monroe adjourned the meeting at 11:02 a.m.