

**WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, MARCH 21, 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. Frederick Monroe presiding.

Salute to the flag was led by Supervisor O'Connor.

Roll called, the following members present:

Supervisors Simmes, Monroe, Girard, Sheehan, Taylor, O'Connor, Kenny, Belden, Bentley, Goodspeed, Tessier, Merlino, Stec, Strainer, Champagne, VanNess, Sokol, Thomas, Haskell, and Geraghty - 20.

Motion was made by Mrs. Simmes, seconded by Mr. Champagne and carried unanimously to approve the minutes of the February 15, 2008 Board of Supervisors Meeting and the March 12, 2008 Special Board Meeting, subject to correction by the Clerk.

Chairman Monroe declared the Public Hearing on the proposed Local Law No. 4 of 2008, 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 the proposed Local Law No. 4 of 2008, Chairman Monroe closed the Public Hearing at 10:02 a.m.

Chairman Monroe requested Pam Vogel, County Clerk; John Austin, County Historian and Supervisor Kenny to come forward to present a proclamation to representatives of the City of Glens Falls in recognition of the one hundredth anniversary of the City.

Mrs. Vogel acknowledged Wayne Wright and Neil Akins, representatives from the City of Glens Falls who were present, and requested they come forward as well. Supervisor Kenny noted that he had attended the Centennial Celebration at the Queensbury Hotel on March 13, 2008 and it was a wonderful event. He presented a proclamation in recognition of the One Hundredth Anniversary of the City and he added that the Warren County Board of Supervisors, along with the County Clerk and Records Management Program were honored to present the restoration of the 1925 census for the City of Glens Falls in recognition of this occasion. The board members responded with a round of applause.

Mrs. Vogel thanked the Board of Supervisors for their support of the Records Management Program, which had been an on-going project since 1990. Tom Lynch, Records Storage Center, invited everyone to the Records Storage Center to view restored census books that were on display. He discussed the restoration process and the treatment of such books in order to restore them. Mr. Austin provided a history of census books, and specifically the individuals from the City of Glens Falls who conducted the 1925 census for Warren County. The board members again responded with a round of applause.

Chairman Monroe extended privilege of the floor to Supervisor Thomas. Mr. Thomas

announced that the Cornell Cooperative Extension had recently hired a new Executive Director, and he introduced Dr. James Seeley who had assumed the position. Dr. Seeley thanked the Board of Supervisors for their continued support of the Extension Services and he said he looked forward to working with each of them. He stated he had brought some informational brochures on different programs offered through the Extension Services with him today which would be available for anyone that was interested. The board members responded with a round of applause.

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

Supervisor Geraghty, Budget; Supervisor Haskell, Core Team; Supervisor Thomas, Legislative & Rules and Personnel; Supervisor Sokol, Planning & Community Development and Health Services; Supervisor VanNess, Public Safety; Supervisor Champagne, Community College; Supervisor Stec, Finance; Supervisor Tessier, Tourism, Criminal Justice and Social Services; Supervisor Belden, Real Property Tax Services and Public Works; Supervisor O'Connor, Mental Health and Municipal Shared Services; Supervisor Sheehan, Support Services; and Supervisor Girard, Information Technology.

Regarding the Budget Committee, Mr. Geraghty advised that the Committee had continued discussions regarding the 2009 Budget and he would be addressing the Department Heads at the next Department Head meeting about the budget concerns for 2009. He noted that the Committee planned to meet on a monthly basis. Chairman Monroe added that the Treasurer had reported that the debt service reserve on the Burn Plant would not pay the bonds in full in 2010; therefore, he said, it would be 2011 before the County was relieved of the financial obligation on the Burn Plant. He also noted that the County Attorney had advised that the bond for the 2005 Flood Damage must be paid within five years, which would make the budget situation a bit worse.

In connection with the Core Team and regarding the new Health and Human Services building, Mr. Haskell stated that Bovis Lend Lease LMB, Inc. had provided an estimate for the cost of the building, which included several different options. He noted a Special County Facilities Committee meeting had been scheduled for Wednesday, March 26, 2008 at 9:30 a.m. and he invited all Supervisors to attend.

Concerning the Legislative & Rules Committee, Mr. Thomas expounded that five resolutions were generated from the Committee meeting and were included in the Supervisors' packets. He noted that four resolutions were opposing cost shifts from the State onto counties. With regard to the Personnel Committee, he said that one position was approved to be created in the Public Defender's Office, as well as a few reclassifications and upgrades, one in the Purchasing Department and one in the Public Defender's Office.

With regard to the Planning & Community Development Committee, Mr. Sokol apprised the concentration of the Economic Development Corporation portion of the meeting revolved around the Gore Mountain Ski Bowl and the proposed plans for an interconnect which would link the North Creek Ski Bowl to Gore Mountain. He stated in the Planning & Community Development portion of the meeting, discussions were focused on the Outdoor Drama Theater project and he added that a resolution was included in the Supervisors' packets; however, he said, the board members may want to review that prior to voting on it in lieu of the Budget Officer's recent request to become more efficient. Mr. Sokol stated that relating to the Health

Services Committee meeting, the Point of Care Program would be funded through a bond, and a resolution outlining that was included in the packets. He added that with regard to the influenza, the State was researching a stronger vaccine for next year.

Mr. VanNess reported that there were four resolutions included in the packets regarding the Emergency Training Center. He advised a site for the Center had been chosen on Dix Avenue and they had included a 'fatal flaw clause' which would allow for termination of the contract if a determination were to be made during the study that was considered a 'fatal flaw' on the location. He noted that representatives from the Laberge group were at the meeting today to answer any questions, and they had agreed to be at the meeting at no cost to the County. He added it had been a pleasure to work with the Laberge group and Washington County on this project. Mr. VanNess stated that the intent of the project was to build the facility at the speed and at the rate that the taxpayers of the County could afford, as well as continuing to obtain grant funding. Trish Nenninger, Second Assistant County Attorney, advised that the Washington County Board of Supervisors would be considering the same resolutions at their Board meeting today as well.

Mr. Bentley questioned the progress with the FAA (Federal Aviation Administration) with regard to the location of the Center and Mr. VanNess replied that would be the next step in the process and that William Lamy, DPW Superintendent, was involved with that aspect of the project. Mr. Lamy added that the new Airport Manager had been hired and he would assist in the discussions with the FAA as well.

Mr. VanNess noted that during the Sheriff & Communications portion of the Public Safety Committee meeting, the Committee agreed to authorize the Sheriff's Office to donate the bicycles they had accumulated over the years to local charities and that resolution was included in the packets.

In connection with the Community College Committee, Mr. Champagne said the Committee had met with the Washington County Community College Committee and a report was provided that detailed a slight decrease in enrollment. He added that the Higher Educational Learning Center was planned to be completed in September of 2008 with the intent to be fully operational in January of 2009.

With regard to the Finance Committee, Mr. Stec said that discussions were held concerning the current status of the County's finances. He referred to the resolutions that Mr. Thomas discussed that came out of the Legislative & Rules Committee, and noted that the impact that the State had on the County budget was very significant, specifically the unfunded mandates and the shifting of costs.

Mr. Merlino reported that there would be a meeting on April 8, 2008 at the Corinth Fire House to finalize the proposed authority for the railroad and he encouraged all Supervisors to attend.

Concerning the Social Services Committee, Mr. Tessier advised the Commissioner of Social Services had announced his retirement and advertisements had been placed for the position. Hal Payne, Commissioner of Administrative & Fiscal Services, said two applications had been received to date and the ad would continue to run for another week.

In Connection with the Real Property Tax Services Committee, Mr. Belden stated that the Committee had approved the hiring of a part-time employee to be used only as needed, with an amount not to exceed \$2,000 for 2008. The Committee also discussed the tax exemption for Cold War Veterans and Michael Swan, Director of Real Property Tax Services, would be compiling more information with regard to that to present to the Committee at a later date. In relation to the Public Works Committee, Mr. Belden said it had been determined that the source of funding for the necessary equipment for DPW and for bridge repairs would be a bond. Under the Airport portion of the meeting, it was announced that the Airport Manager position had been filled and he believed that the individual chosen would do a great job.

Regarding the Mental Health Committee, Mr. O'Connor said the meeting was held at the Liberty House on Bay Street in Glens Falls and the Committee members were informed as to the mission of the Liberty House and he would be happy to answer any questions about it. With regard to the Municipal Shared Services Committee, he expounded the Committee was on track with the issues they had been working on. He added that another meeting would be held in conjunction with the City of Glens Falls Common Council on Wednesday, March 26, 2008 at 6:30 p.m. at the Supervisors' Room and he encouraged all Supervisors to attend.

With regard to the Information Technology Committee, Mr. Girard apprised that the entity that currently controlled the County's internet domain name had agreed to relinquish the name to the County at no cost. He noted that discussions were held regarding the capital project that had been established for the IT Department to accomplish projects throughout the County and a request had been made to utilize some of the funds from that capital project for DPW computer software; however, he said, the Committee had determined that those funds would not be used and would remain in the capital project.

Mr. Merlino reminded the board members that at the last Board meeting, a question had been raised as to how much money the County had invested to date on the railroad. He further stated that when the project first began in 1994, \$2 million had been allocated, which was comprised of \$1.6 million in federal funds and \$561,725 in County funds. Since that time, he said, an additional \$2 million had been awarded in grant funds in 2002, of which the County was responsible for \$500,000. He added that of that \$500,000, only \$71,000 had been spent so far. He concluded the total cost to the taxpayers of Warren County for the railroad to date was \$561,725, or 8.6% of the total cost of the project.

Mr. Kenny apprised he had requested that information as well and Paul Butler, Director of Parks, Recreation and Railroad, provided a total cost spent by Warren County to date of \$1,470,327.28, which did not include the cost of salaries for the former Director of Parks, Recreation and Railroad Pat Beland, Mr. Butler or the time Paul Dusek, County Attorney, had vested in the project. Mr. Merlino disagreed with that figure. Chairman Monroe requested a printout of the information that Mr. Kenny presented.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;  
Warren/Washington Counties IDA and Executive/Park Committee;

Warren/Washington Counties Children and Youth Subcommittee.

Monthly Reports from:  
Weights & Measures;  
Veterinarian;  
Probation.

Annual Reports from:  
Warren County Indigent Legal Services Fund - 2007 Annual Report;  
Warren County Department of Public Works - 2007 Annual Report.

City of Glens Falls Industrial Development Agency, Notice of Public Hearing to be held on April 21, 2008 regarding 20 Elm Street Realty Project;

Bartlett, Pontiff, Stewart & Rhodes, Notice of Public Hearing for the Town of Moreau Local Law No. 3 of 2008;

Adirondack/Glens Falls Transportation Council, draft administrative update to the 2007-2009 Unified Planning Work Program;

Capital District Regional Off-Track Betting Corporation, February surcharge in the amount of \$10,040;

National Grid, Semi-Annual PCB Inventory Report;

NYS Division of Housing and Community Renewal, Draft of New York State's Consolidated Annual Performance Report;

Lake George Park Commission, notice of positive declaration to prepare an Environmental Impact Statement with regard to the Stream Corridor Management and Tree Cutting Program for the Lake George Park;

Harris Beach, Attorneys, Application for Real Property Tax Exemption on behalf of the Empire Theater Plaza Project;

Lake Champlain/Lake George Regional Planning Board, Results of U.S. Department of Commerce Performance Evaluation Results;

Warren County Family Court, expressing appreciation to Buildings and Grounds staff for their efforts regarding work in Family Court Conference Room and Library;

Robert Phelps, Commissioner of the Department of Social Services, letter announcing his retirement from Warren County effective May 30, 2008;

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. 174 through 241 were mailed and Resolution Nos. 176, 178, 179 and 180 had been corrected to read "the Temporary

New York State Commission on Local Government Efficiency and Competitiveness" and were being distributed. She noted a motion was needed to approve the corrected resolutions as outlined above.

Motion was made by Mr. VanNess, seconded by Mr. Thomas and carried unanimously to approve the corrected resolutions as outlined above.

Motion was made by Mr. Geraghty, seconded by Mr. Belden and carried unanimously to withdraw Resolution No. 197, Authorizing Agreement with the Saratoga Associates to Perform Regulatory Feasibility Analysis for the Outdoor Drama Center.

Mrs. Sady advised a motion was needed to bring Resolution Nos. 173 and 242 through 247 to the floor. Motion was made by Mr. Bentley, seconded by Mr. Kenny and carried unanimously to bring Resolution Nos. 173 and 242 through 247 to the floor.

Mr. Kenny requested roll call votes on Resolution No. 217, Resolution Not Objecting to Upper Hudson River Railroad Having a New York State Liquor License and Authorizing the Chairman to Issue a Letter to the New York State Liquor Authority; Resolution No. 232, Ratifying Application for State Grant Funding, Through a New York State Senate Initiative Request, to Senator Little's Office, for an Amount Not to Exceed \$2,000,000 for Various Railroad and Stations Improvements Relative to the Adirondack Rail Corridor; Resolution No. 233, Ratifying Application for State Grant Funding, Through a New York State Senate Initiative Request, to Assemblywoman Sayward's Office, for an Amount Not to Exceed \$2,000,000 for Various Railroad and Stations Improvements Relative to the Adirondack Rail Corridor; and Resolution No. 237, Amending Resolution No. 789 of 2007 Concerning Amendment Agreement with Upper Hudson River Railroad Regarding the Number of Days for the 2008 Thomas the Tank Engine Event.

Chairman Monroe expounded Mr. Dusek had requested permission to address the board members regarding Resolution No. 245, Amending Resolution No. 302 of 2006 and Authorizing Amended Agreement with Clark Patterson Lee for Professional Architectural and Engineering Services for Health and Human Services Building, and Abatement and Demolition of the Social Services Building; and Resolution No. 246, Amending Resolution No. 613 of 2006 and Authorizing Revised Agreement with Bovis Lend Lease LMB, Inc. for Construction Management Services for Health and Human Services Building, and Abatement and Demolition of the Social Services Building.

Mr. Dusek explained that with regard to Resolution No. 245, the determination had been made to construct a smaller building on the Municipal Center campus and as a result of that, it was necessary to amend the agreement held with Clark Patterson Lee. He added that it included the new cost involved for the project and the explanation of those costs and that it also addressed a possible reduction in the cost if it was elected to not undertake the demolition of the Social Services building for any reason. He clarified that these were new costs over and above what had been spent to date. Mr. Dusek advised Resolution No. 246 followed the same format as Resolution No. 245, although it addressed the agreement with Bovis Lend Lease LMB, Inc.

Mr. Geraghty said he thought the original resolution with Clark Patterson Lee authorized an amount of \$788,000 and he asked Mr. Dusek to explain the bottom line costs associated with

the amended resolutions. Mr. Dusek stated the original bid with Clark Patterson Lee was for \$1,362,125 for all aspects of the project, and the resolution Mr. Geraghty was referring to was made for \$700,000, the purpose for which was to keep the cost paid to Clark Patterson Lee at or below that amount until the SEQRA (State Environmental Quality Review Act) process was completed. He clarified that in these amended resolutions he had included a clause which stated that until the environmental review was done, Clark Patterson Lee was authorized and would only be paid for such amount of services that were necessary or advisable.

Mr. Dusek apprised the total fee for the Health and Human Services building, over and above what had been paid to date, was \$968,000. Chairman Monroe pointed out that the total cost outlined by Mr. Dusek was only for the services of Clark Patterson Lee and there were additional costs associated for the services of Bovis Lend Lease LMB, Inc. Mr. Dusek agreed and stated that for the building work to be done by Bovis Lend Lease LMB, Inc. it would be approximately \$900,000; \$135,000 of that would be for the demolition of the Social Services building, thereby bringing the total to be paid to Bovis to \$1,043,111, on top of the six months of payments totaling \$81,000 that had already been paid.

Chairman Monroe questioned if these figures were incorporated in the estimate of \$16.9 million for the Health and Human Services project and Mr. Haskell replied he believed that they were.

In relation to these resolutions, Mr. Haskell requested to introduce a resolution concerning the SEQRA review process for the new Health and Human Services building. A draft resolution was distributed to the board members.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to commence the Coordinated State Environmental Quality Review Act (SEQRA) review and seeking to establish the Warren County Board of Supervisors as Lead Agency for the revised Health and Human Services building. Clerk noted it would be Resolution No. 248 of 2008 for the record.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 173 through 248 were approved, with the exception of Resolution No. 197 which was withdrawn.

Chairman Monroe extended privilege of the floor for announcements. He stated that he was very pleased to announce that the closing on the Gaslight Village property transaction had been held and he thanked Mr. Dusek for all of his work on the project and negotiations.

Mr. Sokol advised that Peter Wohl, Vice President of the Economic Development Corporation, had announced his resignation and today was his last day. Mr. Stec added today was also the last day for Chuck Fiegl, reporter with *The Post Star*, who would be moving on to Washington D.C. and he wished Mr. Fiegl well in his future endeavors.

Chairman Monroe announced that the Local Development Corporation (LDC) meeting would commence immediately following the Board meeting.

Mr. Kenny apprised that on April 14, 2008 at 6:30 p.m. there would be an 'Old Fashioned Town Hall Meeting' at the Big Cross Street School and the guest speakers would be Sheriff York and District Attorney Hogan. He added that the topic for the evening would be Warren County's 'War on Drugs'.

Mr. VanNess expressed his appreciation to Mrs. Nenninger for her dedication and hard work on the Emergency Training Center. He also thanked the Supervisors for all their support on the project as well.

Mr. Kenny remarked that he had attended a meeting at the West Glens Falls Fire House regarding the Exit 18, Corinth Road project and noted that Mr. Lamy and Supervisor Stec had done an exceptional job in hosting that meeting.

Mr. Lamy directed the Supervisors attention to the 2007 Department of Public Works Annual Report that he had distributed to each of them. He added that if anyone had any questions after reviewing the report they could contact him and he would be happy to discuss it.

Mr. Dusek requested an executive session to discuss pending litigation. Motion was made by Mr. Haskell, seconded by Mr. Thomas and carried unanimously that executive session be declared pursuant to Section 105 (d) of the Public Officers Law.

Executive session was declared from 11:15 a.m. to 11:28 a.m.

Board reconvened and Chairman Monroe noted that no action was necessary pursuant to the executive session.

There being no further business, on motion by Mr. Girard and seconded by Mr. Thomas, Chairman Monroe adjourned the meeting at 11:30 a.m.