

**WARREN COUNTY BOARD OF SUPERVISORS
SPECIAL BOARD MEETING
FRIDAY, OCTOBER 24, 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 Friday, October 24, 2008 at 9:00 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. Discussion and review of Phase II Bids of the Health & Human Services Building Project;
2. Discussion and review of the bid for the Foundation Project of the new Soil & Water Conservation District Office Facility;
3. Consideration of a resolution setting a public hearing on the matter of a Fixed Base Operator Lease Agreement with Empire East Aviation, Inc.; and
4. 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: October 17, 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 9:05 a.m.

Mr. Dan Stec presiding.

Salute to the flag was led by Supervisor Champagne.

Roll called, the following members present:

Supervisors Simmes, Girard, Taylor, O'Connor, Kenny, Bentley, Goodspeed, Merlino, Stec, Strainer, Champagne, Sokol, Thomas, Haskell, and Geraghty - 15.

Absent: Supervisors Sheehan, Belden, Tessier, VanNess and Chairman Monroe - 5.

In the absence of the Chairman, Vice-chairman Stec announced he would conduct the meeting until the arrival of Chairman Monroe. He apprised there were three items for discussion at today's meeting. He said Item 1 concerned the Phase II bids for the Health & Human Services Building project. He requested Mr. Haskell to further explain this item.

Mr. Haskell advised that the Core Team had met and reviewed the bids. He stated the recommendations were to accept the low bidders, with the exception of the general contractor, which they were requesting to postpone awarding until the Core Team had the opportunity to meet with the low bidder to discuss additional items. Mr. Haskell happily reported that the project had remained within the budget and on schedule. Mr. Stec thanked Mr. Haskell for his efforts involved with the project.

Mr. Stec expounded the next item for discussion was with regard to the bid for the Foundation Project of the new Soil & Water Conservation District Office Facility. He asked Mr. Thomas to provide a report to the board members.

Mr. Thomas stated there was a resolution included in the Supervisors' packets that would award the contract to the low bidder, Services Unlimited. He said that the bid received was slightly higher than was anticipated. He further explained that the engineer had estimated \$58,000 for the foundation; however, he said, the actual cost would be \$70,500. He noted that the building cost was much less than they had planned, adding that originally the estimated costs for the building and foundation was \$355,000 and the actual costs would be \$295,000. Mr. Thomas reported that when the project was completed, it was anticipated that the actual costs for the entire project would be \$40,000 less than the original estimated costs.

Chairman Monroe entered the meeting at 9:09 a.m. and relieved Mr. Stec from chairing the meeting.

Mr. Haskell questioned how many bids had been received for the foundation portion of the new Soil & Water Conservation District Office Facility and Mr. Thomas replied five bids had been received and reviewed.

Chairman Monroe announced that the next item for review was the consideration of a resolution setting a public hearing on the matter of a Fixed Base Operator Lease Agreement with Empire East Aviation, Inc.

Paul Dusek, County Attorney, apprised that the draft lease with Empire East Aviation had been distributed to the board members, a copy of which is on file with the minutes. He added that the resolution setting the public hearing for November 21st should be included in the Supervisors' packets. He stated that the lease agreement with Empire East was different than the lease agreement with Schermerhorn Aviation II, Inc. He added that he would be generating a summary of each of the key terms and differences to assist with the review, which he would provide in the near future. Mr. Dusek noted that the proposal was to hold the public hearings simultaneously on November 21st. After reviewing the resolution packets, Mr. Dusek advised he needed to retrieve the aforementioned resolution from his Office.

Mr. Dusek left the meeting at 9:12 a.m.

Joan Sady, Clerk of the Board, said a motion was needed to bring Resolution Nos. 721 through 723 to the floor. Motion was made by Mr. Haskell, seconded by Mr. Champagne and carried unanimously to bring Resolution Nos. 721 through 723 to the floor.

Chairman Monroe called for discussions on the resolutions.

Mr. Haskell questioned Resolution No. 723, Authorizing Change Order No. 1 with Mercer Construction Company, LLC to Include Additional Services Relative to the General Construction for the Construction of Warren County Rail Stations, Town of Hadley (WC 61-08) Site. He expressed his confusion, considering that the engineers had intensely reviewed these properties. He added he could not believe that all of a sudden an unexpected ledge rock had been encountered, requiring an additional \$41,610 to remove such. He requested an explanation.

William Lamy, DPW Superintendent, offered the following explanation. He stated there had been an outcropping of rock that was observed during the planning process; however, he said, in determining where the lines for the water and sewer improvements would be and in trying to establish a proper parking area with correct sub-grade and drainage, it became apparent that there was much more rock than originally thought. Mr. Lamy noted that the rock had no bearing on the station, although the problem was that it did impede the access out to the road for water and sewer connections. He recommended that if the desire was to put the water and sewer lines in and to establish proper parking, then the rock had to be removed. He added that there was \$147,000 available in Federal multi-modal funds that did not require a local share from the County.

Mr. Melino asked if there had been any mention of rock interference in any of the bids received to do this work. Mr. Lamy responded he did not have the full information on all of the bids received.

Mr. Kenny requested a roll call vote on Resolution No. 723, Authorizing Change Order No. 1 with Mercer Construction Company, LLC to Include Additional Services Relative to the General Construction for the Construction of Warren County Rail Stations, Town of Hadley (WC 61-08) Site.

Chairman Monroe announced he would call the vote on Resolution Nos. 721 through 723 and when Resolution No. 724 arrived, the board members would vote on that separately.

Resolution Nos. 721 through 723 were approved.

Chairman Monroe announced that when the meeting adjourned, the Board of Supervisors would be reconvening on November 7, 2008 at 10:00 a.m. for the presentation of the 2009 tentative Budget for the County.

Mr. Dusek returned to the meeting and distributed Resolution No. 724, Setting Public Hearing with Respect to Proposed Fixed Base Operator Lease Agreement with Empire East Aviation, Inc. for the Floyd Bennett Memorial Airport, Warren County, New York.

Chairman Monroe stated a motion was needed to bring Resolution No. 724 to the floor. Motion was made by Mr. Haskell, seconded by Mr. Stec and carried unanimously to bring Resolution No. 724 to the floor.

Mr. Dusek verified that the public hearing would be held at 10:00 a.m. on November 21st. Chairman Monroe suggested that the second paragraph in Resolution No. 724 be amended because the lease agreement with Empire East had not been recommended by the Public Works Committee. Mr. Dusek agreed and added that it would be an appropriate revision to change the recommendation from the Public Works Committee to the full Board of Supervisors.

Mr. Kenny commented that he felt this was the fairest way to handle the issue, by holding the public hearings for both the Schermerhorn and Empire East proposals simultaneously.

Chairman Monroe further suggested that the second paragraph be entirely removed from the Resolution. Motion was made by Mr. Stec, seconded by Mr. Goodspeed and carried unanimously to amend Resolution No. 724 to remove the entire second paragraph.

Resolution No. 724 was approved.

There being no further business, on motion by Mr. Sokol and seconded by Mr. Thomas, Chairman Monroe adjourned the meeting at 9:30 a.m. to reconvene on Friday, November 7, 2008 at 10:00 a.m. to consider the 2009 tentative County Budget.