

**WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, FEBRUARY 20, 2009**

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 Simmes.

Roll called, the following members present:

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

Absent: Supervisor Stec - 1.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously, to approve the minutes of the January 16, 2009 Board Meeting and the January 23, 2009 Special Board Meeting, subject to correction by the Clerk of the Board.

Chairman Monroe declared the Public Hearing on proposed Local Law No. 2 of 2009 open at 10:01 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Supervisor Stec entered the meeting at 10:03 a.m.

Chairman Monroe requested Don DeGraw, Airport Manager, and Supervisor Belden to come forward for a presentation. Mr. DeGraw recognized Michael Bourdeau who had been an employee at the Airport for the past twenty-seven years and would be retiring. He noted that Mr. Bourdeau was a dedicated and fantastic employee and he thanked him for his years of service. Mr. Belden, Chairman of Public Works Committee, presented Mr. Bourdeau with a Certificate of Appreciation on behalf of the Board of Supervisors for his twenty-seven years of dedicated service. Mr. Belden wished him well in his retirement. The board members responded with applause.

Chairman Monroe announced that a number of representatives from NYMIR (New York Municipal Insurance Reciprocal) were at the meeting today to present a capital distribution check to Warren County, the Town of Johnsbury and the Town of Lake George.

Kevin Crawford, Executive Director of NYMIR, stated that NYMIR had been in existence for fifteen years and one of the long-term goals was to be in a position of financial security in order to be able to share the good results with its' members. He noted that today was the beginning of a three-year program, in which they would be giving back to the members. He added that they appreciated the loyalty of their members and these funds were being distributed to those that had been in the program for at least five years. Mr. Crawford

presented Supervisor Goodspeed with a check in the amount of \$3,817 for the Town of Johnsbury; he presented Supervisor Tessier with a check in the amount of \$3,950 for the Town of Lake George; and he presented Chairman Monroe with a check for \$31,335.50 for Warren County. Chairman Monroe commented that he could remember a time when it was difficult for local governments to obtain insurance and NYMIR had been a great success story. The board members responded with applause.

Chairman Monroe introduced Peter Kehoe, Executive Director for the New York State Sheriff's Association, who was at the meeting today to provide information on the accreditation program and to recognize the Sheriff's Office for another outstanding achievement, the re-accreditation of the Correction Facility. Mr. Kehoe explained that Warren County was one of the first Sheriff's Offices' in the State to achieve accreditation of the Correction Facility in 1999. Since that time, he added, only twenty of the States sixty-two counties had been able to achieve accreditation and yet today, Warren County was being re-accredited for the third time. He noted that the Sheriff's Office was also one of the first in New York State to receive accreditation of its' Law Enforcement Division, and currently held accreditation from the New York State Law Enforcement Accreditation Council. Mr. Kehoe stated that the Sheriff's Office had also achieved and maintained accreditation of its' Civil Division and the Public Safety Answering Point. He said that these were all very significant accomplishments and were unmatched by most other counties.

Mr. Kehoe congratulated Sheriff York and the men and women of the Warren County Correction Division and Sheriff's Office. He asked Sheriff York to come forward and he presented him with a plaque commemorating the occasion. Sheriff York said he was proud to accept the award on behalf of the staff of the Correction Division. The board members responded with applause.

Mr. Kehoe also recognized Captain Michael Gates, Administrator of the Correction Facility; Lieutenant Albert Maday; and Sergeant John Dann, all of whom devoted a great deal of time to the administrative details required which made this re-accreditation possible. The board responded with applause.

There being no one further wishing to speak on the proposed Local Law No. 2 of 2009, Chairman Monroe declared the Public Hearing closed at 10:15 a.m.

Chairman Monroe announced John Carr, resident of the Town of Lake George, had requested permission to address the board regarding the Lake George Park Commissions proposed stream corridor regulations.

Mr. Carr apprised he had been studying the issue of stream corridors for approximately a year and a half. He stated his opinion concerning the importance of assessing the economic impacts of stream corridor regulations. He added that the requirements for more permits and variances was enough to turn most projects off, especially commercial projects. He said that

if the Park Commission could provide quantitative data that these regulations were needed, it would be an endeavor worth pursuing. Mr. Carr advised that at this time, he had been unable to get simple phosphorous readings on streams in the basin, yet he had been told that such readings had been collected for over twenty years. He explained that those results would not be released to him because he was a private citizen. Mr. Carr encouraged the County to oppose the Lake George Park Commission's proposed stream corridor regulations on the grounds that the economic impacts, at this time, were too severe for the benefits that were potential.

Privilege of the floor was extended to George Weinschenk, resident of Diamond Point. Mr. Weinschenk commented that storm water regulations had been instituted through the Park Commission, which prohibited any water from leaving properties that didn't naturally leave the property before. He claimed that the regulations were failures which was evident by the condition of Lake George.

Privilege of the floor was extended to Joanne Gavin, resident of the Town of Lake George. Ms. Gavin apprised she was representing the Citizens Group from Lake George, hereinafter referred to as the Group, regarding the Gaslight Village property. She thanked *The Post Star* newspaper for the accurate editorial in today's paper. She explained that the Group agreed that the Cavalcade of Cars building and the Opera House building should both be included in the grant for possible demolition. Ms. Gavin added that the Group felt that it was important for the Board of Supervisors to wait for the completion of The Chazen Companies renderings. She noted the Group also felt very strongly that a public meeting was necessary and suggested that part of the meeting be held during the day and another part be held in the evening, allowing for all interested citizens to attend. She added that all work on the property should be halted until decisions regarding the buildings were made. Ms. Gavin commented that the County and the Village needed to become much stronger advocates for the taxpayers of the Town of Lake George.

Privilege of the floor was extended to Kathy Redpath, resident of the Town of Lake George. Ms. Redpath also acknowledged the editorial in *The Post Star* and extended her appreciation as well. She referred to an article in the recent edition of *The Chronicle* newspaper discussing the Gaslight Village property. Ms. Redpath read a number of statements from the article for the board members.

Privilege of the floor was extended to Luisa Craige-Sherman, Executive Director of the Lake George Regional Chamber of Commerce. Ms. Craige-Sherman remarked on the Gaslight Village property based purely on a tourism, marketing and promotional aspect. She stated it was becoming more evident to those in the tourism industry that Lake George and the associated areas were losing market share. She said that the statistics reflected that if upgrades were not implemented and expansions were not made to the types of venues and tourism components that the area had, the decreasing trend would continue. Ms. Craige-Sherman concluded that the Gaslight Village property had the potential to be far more than just a parcel of land.

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

Supervisor Simmes, Human Services; Supervisor Sheehan, Safety Committee; Supervisor Taylor, Planning & Community Development; Supervisor O'Connor, Mental Health; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Belden, Public Works; Supervisor Bentley, Legislative & Rules; Supervisor Goodspeed, Real Property Tax Services; Supervisor Tessier, Criminal Justice and Social Services; Supervisor Stec, Finance; Supervisor Champagne, Community College; Supervisor VanNess, Public Safety; Supervisor Sokol, Health Services; Supervisor Thomas, Personnel and County Facilities; and Supervisor Geraghty, Budget.

Concerning the Human Services Committee, Mrs. Simmes said the Office for the Aging had a number of contracts that needed to be extended, as well as the appointments of members to the Warren Hamilton Counties Office for the Aging Advisory Council. During the Youth Services portion of the meeting, she added, the Committee was informed of a cash flow crisis within the Youth Court due to the Governors proposed elimination of COPS (Community Optional Prevention Services) funding.

Mr. Girard commented that he had attended the Cornell Cooperative Extension meeting and noted that they were struggling with their budgets and were reviewing and modifying such. He added another meeting would be held soon and he hoped to receive more information at that time. Mr. Girard said that he had been contacted by the Adirondack Community College President, Dr. Ronald Heacock, who wanted to tour Ward 1 of the City of Glens Falls. He stated they had enjoyed a nice afternoon as he showed him around the east end of the City.

Mr. Sheehan apprised that the first Organizational Meeting for the new Safety Committee had been held and added he looked forward to the benefits the County would receive from having such a committee.

In connection with the Planning & Community Development Committee, Mr. Taylor remarked there were a number of resolutions generated from the Committee meeting that were included in the Supervisors' packets today. He noted that the Adirondack Regional Business Incubator (ARBI) had suspended operations; however, he said, those board members and stakeholders would be meeting in March to determine what the future for ARBI would be.

Regarding the Mental Health Committee, Mr. O'Connor advised that a meeting had been held in conjunction with the Combined Services Boards of both Warren and Washington Counties to discuss a pending shortfall within the budget. He added he would keep the Board of Supervisors informed as to the status of the shortfall.

With regard to the Occupancy Tax Coordination Committee, Mr. Kenny reported discussions were held pertaining to the contract proposals for an Event Coordinator for Warren County and also the proposal for a First Wilderness Heritage Corridor (FWHC) Event Coordinator type position.

In relation to the Public Works Committee, Mr. Belden advised lengthy discussions were held under the Parks, Recreation & Railroad portion of the meeting, regarding the Request for Proposals (RFPs) for a railroad operator and it was recommended that the Supervisors of the affected towns prepare the RFP jointly. He noted that the current operator contract would expire in 2010. Concerning the Airport portion of the meeting, Mr. Belden stated that he and a few other Committee members had gone to the Airport following the meeting and were very impressed with the changes and the upgrades that had already been made under the new Fixed Base Operator's (FBO) management. He concluded that the majority of the DPW portion of the meeting consisted of mainly housekeeping issues.

Concerning the Legislative & Rules Committee, Mr. Bentley apprised that five resolutions were generated from that meeting, all of which were included in the Supervisors' packets. Mr Bentley referred to one of the resolutions which was in opposition to Governor Patersons' proposal to place a cap on State-owned land taxes on Forest Preserve Lands. He stated that the Region 5 Open Space Conservation Advisory Committee had also prepared a letter to the Governor opposing such cap on State-owned land. Chairman Monroe added that the Governor had spoken at the Association of Towns meeting last week and had mentioned that there were things within his proposed budget bill that needed to be reviewed further, specifically the proposed tax cap on State land.

Regarding the Real Property Tax Services Committee, Mr. Goodspeed stated that the Committee had received an update on the inventory of County-owned land and the status of potential conveyance of some of the parcels. He noted that more information would be provided at the next Committee meeting. He added that general discussions were held with respect to the economic crisis and how that would reverberate through the real property taxing process. Mr. Goodspeed advised the Committee also discussed the APA (Adirondack Park Agency) proposals concerning regulatory modifications of shoreline setbacks and construction. He said he had requested Mike Swan, Director of Real Property Tax Services, to prepare an analysis to determine the actual financial impact of those regulations, if inputted through an analysis of the County's assessments at the present time.

In connection with the Criminal Justice Committee, Mr. Tessier remarked the meeting consisted mainly of the extension of agreements through the Probation Department. He added that the Social Services Committee dealt with a number of requests to fill vacant positions, resulting in Resolution Nos. 98 through 105 in the Supervisors' packets.

Mr. Merlino announced that due to the substantial amount of snow this winter, this had been a tremendous year for winter activities. He added that as a representative of the four snowmobile clubs, he thanked the Board of Supervisors for their continued support.

With regard to the Finance Committee, Mr. Stec apprised that the ongoing discussions over the past couple of months concerning the annual single audit had been resolved and Resolution No. 145 in the packets outlined such resolve. He noted that a one year contract for the 2008 single audit would be awarded to Bonadio & Co., LLP with the intent that a new RFP would be developed for the future audits. He added that the results from the RFP for the consulting services for the Treasurer's Office had been received, although he had not had a chance to review them yet. Mr. Stec said that the Treasurer's Office had informed the Committee that the Office of the State Comptroller had offered to provide such services at no cost to the County. He concluded that he would review the information and discuss it further with the Committee next month.

Concerning the Community College Committee, Mr. Champagne advised that the Capital Improvement Plan for the College had been presented, totaling \$1.2 million, 50% of which would be funded through State Dormitory monies. He said that \$634,000 would be the amount contributed from Warren and Washington Counties that had been collected in chargeback funds.

Relative to the Public Safety Committee, Mr. VanNess stated that several renewal agreements had been presented and those resolutions were included in the Supervisors' packets. He referred to Resolution No. 80 which requested the State of New York to house New York State (NYS) parole violators in the NYS Department of Corrections as opposed to the County housing them with no compensation from the State.

In connection with the Health Services Committee, Mr. Sokol expounded that under the Westmount Health Facility portion of the meeting, the Committee was informed of an unannounced survey performed by the NYS Department of Health, which resulted in only minor deficiencies at the Facility. He added that the Westmount Health Facility had received four out of five stars and, he was told, less than 10% of facilities received five stars. Mr. Sokol announced that under the Health Services portion of the meeting, it was determined that the Point of Care was going well and it was expected that by the end of the month all staff would be fully trained. He noted that the Council for Prevention of Alcohol and Substance Abuse had provided a report which detailed a significant decrease in the use of tobacco.

Regarding the Personnel Committee, Mr. Thomas remarked the meeting consisted of housekeeping issues and the resolutions generated from such were included in the packets. He said that the Committee discussed a County policy concerning employee break times, which was being developed on a department-by-department basis.

Mr. Thomas advised that the County Facilities Committee had met and he reported that Phase 1 of the Health and Human Services Building was 98% completed and Phase 2 was approximately 70% completed. He noted that the project still remained under budget. With regard to court space, Mr. Thomas stated, a proposal was received from Clark Patterson

Lee to review renovations to the existing court and possible new construction, thereby developing a plan to deal with the space needs of the court area, for a total amount of \$71,700. Mr. Thomas also directed the board members attention to the Warren County Soil & Water Conservation District 2008 Annual Report which was distributed, a copy of which is on file with the minutes. He added that the new Soil & Water Conservation District Office building was progressing and the hope was for the project to be completed by the end of March.

With regard to the Budget Committee, Mr. Geraghty expounded that Senator Schumer had announced that there would be Medicaid assistance for the Department of Social Services that would be paid over the next nine quarters for a total amount of approximately \$5 million. He cautioned the board members that the State of New York would be facing a \$13.1 billion budget shortfall anticipated for next year; therefore, he said, the County could be impacted. He added that the stimulus plan proposed by the President was a short-term stimulus and the County needed to continue to research the implementation of a three-year budget plan.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;  
Warren/Washington Counties Industrial Development Agency and its  
Executive/Park Committee.

Monthly Reports from:

Weights & Measures;  
Probation;  
Veterinarian.

Annual Reports from:

Warren County Planning Board;  
2008 Annual Dog Licensing Report.

Capital District Regional Off-Track Betting Corporation, December Surcharge in the amount of \$7,166 and January Surcharge in the amount of \$8,957;

Warren County SPCA, 2008 Expense Report;

Fitzgerald, Morris, Baker, Firth, PC, 2009 Warren/Washington Industrial Development Agency Budget.

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. 67 through 165 were mailed and a motion was needed to bring Resolution Nos. 66 and 166 through 174 to the floor. Motion was made by Mr. Sheehan, seconded by Mr. Merlino and carried unanimously to bring Resolution Nos. 66 and 166 through 174 to the floor.

Mr. Kenny requested roll call votes on Resolution No. 159, Authorizing the Appointment of a Working Group to Develop a Joint Request for Proposals Between Warren County and the Town of Corinth for the 2011 Scenic Train Operator Agreement; Resolution No. 161, Authorizing Permanent Easement Across Property Owned by John J. And Polly A. Arehart for Public Access to the Proposed Platform to be Built Next to the County Railroad Right-of-Way, at 1,000 Acres Ranch Resort Site in the Town of Stony Creek; and Resolution No. 162, Authorizing Amendment to Waive the One Dollar (\$1) Per Ticket Fee Paid to Warren County by Upper Hudson River Railroad, Inc. from the 2009 Thomas the Tank Engine Event for Up to the First 8,000 Tickets Sold.

Mr. Belden recommended that the board members approve a resolution supporting the Towns and opposing the Lake George Park Commission's proposed regulations of shoreline setbacks.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 175 of 2009 for the record.

Motion was made by Mr. Belden and seconded by Mrs. Simmes opposing the proposed Lake George Park Commission Stream Corridor Regulations.

Mr. Tessier commented that these new regulations would effect six hundred parcels in Lake George and he urged the board members to support the Towns by opposing this proposal. Paul Dusek, County Attorney, requested a point of clarification. He asked if the County was opposing the regulations or supporting those Towns that had opposed the regulations. Mr. Belden replied the County should be opposed to such action of the Park Commission. Mr. Bentley advised he had a draft resolution opposing the current draft Stream Corridor Regulations proposed by the Lake George Park Commission and he presented the resolution to the Clerk of the Board. Mrs. Sady read the draft resolution into the record.

Privilege of the floor was extended to Carol Collins, resident of Warren County. Ms. Collins expressed her concern that it was premature for the County to act on a resolution without informing the public that such would occur. As a Scientist, she said, there was only one way to protect the Lake and that was from the land. She referred to the information provided by public comment earlier in the meeting and noted the information was inaccurate. She added that the most important issue was the significance of protecting the stream corridors.

Following discussion, the board members agreed that the aforementioned resolution, if approved, should be forwarded to the Lake George Park Commission, Governor Paterson, State Legislators and the Department of State. Mr. Belden requested a roll call vote on the resolution. Clerk added that the resolution opposing the proposed Lake George Park Commission Stream Corridor Regulations would be Resolution No. 176 of 2009 for the record and the purpose of the roll call.

Regarding Resolution No. 159, Authorizing the Appointment of a Working Group to Develop a Joint Request for Proposals Between Warren County and the Town of Corinth for the 2011 Scenic Train Operator Agreement, Mr. Kenny questioned if the Town of Hadley was involved with this and Mr. Belden replied affirmatively.

Mr. Kenny expressed his disdain with Resolution No. 162 which would waive the \$1 ticket fee paid to the County from the Thomas the Tank Engine Event up to the first 8,000 tickets sold. He questioned when the County assumed the financial stability necessary to reject \$8,000. Many Supervisors shared their opinions concerning the railroad and the Thomas the Tank Engine Event. Mr. Goodspeed added that he appreciated Mr. Kenny's concerns; however, he said, when the railroad took the risk of bringing Thomas the Tank Engine back it was a legitimate business risk. Mr. Thomas commented that to continue expressing negative opinions about the railroad served no purpose and the County needed to make this the best tourist rail it could be. Mr. Goodspeed noted that the tourist train had worked extremely well for the Town of North Creek. Chairman Monroe remarked that if it weren't for the actions of the County, the tracks would have been torn up and had resulted in State and Federal money being invested in the County, which in return had brought in substantial sales tax money.

Mr. Tessier referred to Resolution No. 169, Consenting to Addition of Opera House in the Request for Proposals to be Issued by the Environmental Groups for the Demolition of Buildings on the Gaslight Village Property. He expressed his concern that the resolution did not accurately reflect the intent of the Committee. He explained that the Committee had agreed to include the building into the proposal for a study with the County having the final decision on the buildings. Chairman Monroe agreed that the intent was as Mr. Tessier had stated.

Chairman Monroe requested to discuss the aforementioned resolution further. He acknowledged John Martin, of Clark Patterson Lee, who performed the engineering study of the Gaslight Village property; Walt Lender, of The Lake George Association (LGA); and Robert Blais, Mayor of the Village of Lake George, were all in attendance today and he thanked them for coming. Chairman Monroe reiterated that the original offer from the LGA was to include either both buildings, one building or neither building, in the RFPs for demolition to determine the cost for such and whatever decision was made regarding the buildings would be included in the grant. He added that during the Committee meeting that Mr. Tessier referred to, the

first motion had been to include both buildings and subsequently an amended motion was made to include only the Opera House. Chairman Monroe apprised that in his opinion, it made the most sense to keep the options open and to include both buildings until final decisions were made. He added that he had requested The Chazen Companies to hold a public hearing before the March 20, 2009 Board of Supervisors meeting, at which time a final decision would be made.

Mr. VanNess expounded he had made the original motion to include both buildings in the RFP; however, he stated, a number of residents from Lake George had informed the Committee that improvement work had been ongoing on the Cavalcade of Cars building and it did not seem right to include that building for demolition. He reminded the board members that the County had lost the NYS Fire Chiefs Association Convention due to the uncertainty of available space to house the convention.

Mr. Lender explained that the grant was not under contract yet and therefore the RFP would not be released until the grant was under contract. He clarified that although the grant had been awarded and announced, it was still not under contract. Dave Decker, Director of the Lake George Watershed Conference, further stated that the \$1.2 million grant was the budgeted amount for the demolition of all the buildings on site; however, he noted it was the County's decision as to which buildings would be demolished.

Chairman Monroe apprised the only decision before the board members today was whether or not to include both buildings in the RFP and grant. Mr. Stec commented that if the Cavalcade of Cars was included in the RFP, the County would still retain the option at the end of whether or not to demolish the building. Mr. Tessier agreed and added it should be clear in the resolution that the County had the option to decide to keep either one or both buildings or which would be demolished.

Chairman Monroe advised that the County Attorney could amend or correct Resolution No. 169 to clearly identify that the County retained the option to make the final decision on the status of the buildings.

Motion was made by Mr. VanNess and seconded by Mr. Thomas to amend or correct Resolution No. 169 to include both the Opera House and the Cavalcade of Cars buildings in the RFP and to clearly state that the County had the final decision regarding those buildings.

Mr. Dusek said the language he would include at the end of Resolution No. 169 would read as follows: "In connection with a State grant, which has been awarded but not under contract, to cover costs for the demolition of all buildings on the site with the understanding that the County shall not be obligated to agree to demolish either or both buildings until a later date".

Mayor Blais encouraged the Board of Supervisors to keep all the options open.

Chairman Monroe called the question and the motion was carried unanimously to approve the proposed amendment or correction to Resolution No. 169 as outlined above.

Chairman Monroe stated that the resolutions concerning the personnel actions would be done as a collective vote, as per the County Attorney, unless a Supervisor requested otherwise. He noted they included Resolution Nos. 97 through 101 and Resolution Nos. 103 through 108 for the record.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 66 through 176 were approved.

Chairman Monroe announced there would be a tour of the Court Area immediately following the meeting.

Mr. Goodspeed apprised that March 4, 2009 would mark the 75<sup>th</sup> anniversary of the first arrival of the ski train in North Creek and there would be a number of celebrations throughout the Town during the week and the weekend.

There being no further business, on motion by Mr. Kenny and seconded by Mr. Sokol, Chairman Monroe adjourned the meeting at 12:10 p.m.