

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, OCTOBER 16, 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. Frederick Monroe presiding.

Salute to the flag was led by Supervisor Merlino.

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, Pitkin, and Geraghty - 20.

Motion was made by Mr. Stec, seconded by Mr. Belden and carried unanimously, to approve the minutes of the September 18, 2009 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Monroe declared the Public Hearing on the proposed Local Law No. 4 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.

Chairman Monroe requested Supervisor Girard to come forward and present a proclamation to Cornell Cooperative Extension to commemorate the week of October 12-18, 2009 as Cornell Cooperative Extension Week and the month of October 2009 as 4-H Month in Warren County. Mr. Girard read the proclamation and presented it to Dr. James Seeley, Executive Director of Cornell Cooperative Extension. Dr. Seeley thanked the Board of Supervisors for the recognition. The board members responded with applause.

Chairman Monroe recognized Norman Dascher, of Poker Run Productions, LLC, who requested to address the board members concerning the Poker Run Event. Mr. Dascher explained that he would like to share the details of why the Poker Run and High Performance Boat Show was cancelled and he would also like to obtain a sense of support for whether or not this was the type of event that the Supervisors would like to see conducted on Lake George next year. He stated that the Poker Run and High Performance Boat Show was scheduled for Columbus Day weekend, which was an event in which participants traveled to five different locations on the Lake, at each location they received a card and at the end of the run the boat with the highest cards in their hand would win the event. He apprised that last March, he had begun planning the event when he realized that the people that had previously conducted Poker Runs on the Lake were no longer going to do it. Mr. Dascher said he partnered with Performance Marine in Bolton Landing and they filed an application with the Department of Environmental Conservation (DEC) on April 17, 2009 to commence the process of establishing the event. He noted that conversations continued throughout the

month of May 2009 with the Lake George Park Commission (LGPC), as well as the DEC, in which both requested clarification and amendments to the application, which were made and the application was re-submitted. On June 1, 2009, Mr. Dascher said, DEC approved the permit for the event without objection by the LGPC. He added that on June 12, 2009 a meeting was held with the LGPC Law Enforcement representatives, representatives from Warren County Sheriff's Office, the Mayor of the Village of Lake George, representatives from Performance Marine and himself during which all of the details of the permit were reviewed, including the course, the route, the map, as well as the schedule program format and other logistics. Mr. Dascher acknowledged the only issue that arose during that meeting was the inability to raise the speed limit on the Lake from 45 mph to 65 mph in select areas of the Lake, specifically the northern portion of the Lake. He advised that on June 15, 2009 he received a letter from the LGPC Law Enforcement outlining several rules and regulations of the event, including an exemption to the speed limit. Mr. Dascher expounded that the following things had been done in preparation for the event: Village docks had been reserved; they had secured a million dollar liability insurance policy; twenty-five rooms had been reserved at the Fort William Henry; a banquet for two hundred people was booked at King Neptune's Restaurant, as well as a cocktail party there on Friday evening; a helicopter was rented from Bolton Landing to videotape the event; engaged Cedar Graphics of Bolton Landing for the production of twelve dozen t-shirts; ordered trophies; designated the Bolton After-School Program to receive a \$500 donation; secured a radio station and purchased air-time; created a commercial and secured a number of sponsors. He asserted that on September 25, 2009 he received a certified letter in the mail from the Executive Director of the LGPC along with a resolution to revoke the permit for the event citing reasons of safety, navigation, recreational and environmental concerns. He added he received a phone call on Monday, September 28, 2009 from the DEC revoking the permit, two weeks and one day before the scheduled event was to take place. He informed the board members that he was scheduled to meet with the LGPC on October 27, 2009 to request an explanation as to why the permit was revoked. Mr. Dascher estimated the economic impact to the County could have been between \$40,000 to \$60,000 for the weekend. He asked the Board of Supervisors if this would be the type of event they would like to see occur on Lake George or would it be best to hold the event in another location.

Mr. Kenny expressed his support for the event and added that these were the types of events that generated sales tax revenue and occupancy tax revenue for the County. He noted he would like to be informed of the results of the meeting between Mr. Dascher and the LGPC. Chairman Monroe stated that he supported the event also and opined that it was very discouraging to have a State Agency ruin an attempt to bring in revenue to the County. Mr. Bentley suggested that it be recommended to the New York State Governor to de-fund and eliminate the LGPC. Mr. Tessier said that every event in the area affected the sales tax revenue for the County and he did not understand how one organization could stop this event which would have benefitted the County. Mrs. Simmes apprised as Supervisor for the Town of Bolton that she was in favor of this event taking place.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 718 of 2009 for the record.

Motion was made by Mr. Champagne, seconded by Mrs. Simmes and carried unanimously supporting the Poker Run and criticizing the lateness of regulatory action by the Lake George Park Commission in revoking the permit for the event. Clerk added it would be Resolution No. 719 of 2009 for the record.

Returning to the Public Hearing, there being no one wishing to speak on the proposed Local Law No. 4 of 2009, Chairman Monroe closed the Public Hearing at 10:18 a.m.

Chairman Monroe declared the Public Hearing on the proposed Airport Real Property Lease Agreement with Schermerhorn Aviation II, Inc. open at 10:19 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Privilege of the floor was extended to Scott Campbell, representative of the Friend's of the North Country, who requested to address the board members concerning the progress of the Hazard Mitigation Plan. Mr. Campbell reported that sections of the Plan had been drafted and submitted to SEMO (State Emergency Management Office) for preliminary review; however, he said, the Plan was not ready for the Board of Supervisors review, although it should be within the next couple of weeks. He stated that SEMO was now requesting each jurisdiction, including the County, to identify a specific project that would have a mitigative effect within that community. He apprised that in order for the draft Plan to be approved, each community would have to develop some sort of mitigative action. Additionally, he noted, each jurisdiction would need to adopt the Plan by resolution in order for it to be approved by SEMO, and the resolution should include the language "as amended from time to time". Mr. Campbell added that the Plan would be required to be updated every five years.

Mr. VanNess expounded that the process of developing the Hazard Mitigation Plan had been ongoing for quite some time and the lack of having the Plan adopted was hindering the County's and Town's abilities to obtain grant funding. He said that the sooner the questionnaires were returned to the Friend's of the North Country, the sooner the finalized Plan could be presented. Chairman Monroe suggested that the Friend's of the North Country meet with the Highway Superintendents throughout the Towns in order to obtain more detailed information pertaining to Hazard Mitigation. He thanked Mr. Campbell for providing the information to the board members today.

There being no one wishing to speak on the proposed Airport Real Property Lease Agreement with Schermerhorn Aviation II, Inc., Chairman Monroe closed the Public Hearing at 10:28 a.m.

Chairman Monroe recognized Jim Martin, representative of the LA Group, who had requested permission to address the board members concerning the Adirondack Park Regional Assessment Project. Mr. Martin provided a power point presentation, a copy of which is on file with the minutes. He noted that the same presentation had been made to the Warren County Economic Development Corporation who thought it should be presented to the full Board of Supervisors. He explained that the Assessment Project was an assessment of the socioeconomic status of all one hundred and three communities that comprised the Adirondack Park. He added that the Project had recently received an award from the Upstate Chapter of the American Planning Association for the best practices in terms of planned preparation. Mr. Martin reviewed the power point presentation in detail. He highlighted that when reviewing the population growth demonstrated from 1950 to 2000, the Town of Queensbury alone accounted for 28% of the population growth, while each of the Villages throughout the Park experienced a population decline. He also reported that the population in the Park was aging at an accelerated rate and currently, the only region in the entire country that was older than the Adirondack Park was the west coast of Florida. Mr. Martin advised that the Project Report was available for review on the Adirondack Association of Towns & Villages website in its entirety. He thanked the board members for their time.

Chairman Monroe recognized Dr. James Seeley, Executive Director of Cornell Cooperative Extension (CCE), who had requested permission to address the board members. Dr. Seeley apprised that for the past ninety-three years, Cornell Cooperative Extension had served the residents of Warren County. He announced that an additional \$100,000 reduction in funding on top of the \$116,000 reduction already approved would eliminate vital educational programs needed now more than ever. He noted the dramatic increase in people participating in CCE programs directly correlated to these difficult economic times. He reported that 17,512 people were educated by CCE programs last year. Dr. Seeley expounded that a \$216,250, or a 47% reduction in funding would result in the abolishment of seven positions of the thirteen that were currently employed. He remarked that as County funding decreased, funding from the State was also reduced proportionately, which equated to over a quarter of a million dollars in reductions. He commented that CCE educated people that lived, worked and spent their money in Warren County, and said education had long lasting impact. Dr. Seeley stated that he felt that the 50% reduction in funding to CCE was disproportionate to other reductions to outside agencies. He concluded that a reduction of this magnitude could conceivably close their Office, thereby leading to Warren County having the distinction of being the only county in New York State without an Extension Office to improve the quality of life for its residents. He said that he was confident that the decisions made by the Board of Supervisors would be in the best interest of the County's constituents that needed these services the most.

Mr. Kenny requested that a special meeting be scheduled prior to November 3, 2009 for the sole purpose of discussing the sales tax proposal. He expressed his opinion that the voters in Warren County deserved to know how their representatives felt on this issue. He added that some Supervisors believed that an increase in sales tax could resolve some of the budget issues currently being faced, while others did not support such an increase. He asked the members of the board to consider holding a special meeting to discuss the matter. Mr. Pitkin agreed with Mr. Kenny and added that it was an uncomfortable topic that needed to be discussed further. Mr. Strainer echoed the statements made and suggested that the meeting be scheduled at a time when the working public could attend. Mr. Goodspeed also agreed and noted that he did support an increase in sales tax to control taxes and attack the County's debt service.

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

Supervisor Tessier, Social Services; Supervisor Goodspeed, Real Property Tax Services; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Taylor, Planning & Community Development; Supervisor Sheehan, Support Services; Supervisor Girard, Extension Service; Supervisor Geraghty, Budget; Supervisor Thomas, Personnel and County Facilities; and Supervisor Stec, Finance.

In connection with the Social Services Committee, Mr. Tessier apprised that Resolution Nos. 685 through 694 pertained to the reorganization of the Department of Social Services and were included in the Supervisors' packets.

Relative to the Real Property Tax Services Committee, Mr. Goodspeed reported that the Committee approved the conveyance of County-owned property in the Town of Warrensburg to a private entity and also approved a processing fee increase for the maps associated with school districts. He added that the Committee also discussed a complicated issue concerning a parcel located in the Town of Johnsburg which resulted in the parcel being removed from the County Land Auction.

With regard to the Occupancy Tax Coordination Committee, Mr. Kenny stated that the County Treasurer had reported that the occupancy tax revenues collected through September 21, 2009 totaled \$1,543,707 as compared to \$1,845,250 collected for the same time period in 2008. He remarked that the Committee had entertained an application for Special Event Funding from the Great Escape Properties, to host a 'Holiday in the Park' event from November 20th through December 31, 2009. He asserted that the economic impact on the community was estimated at \$4.4 million and an estimate of approximately 40,000 people would attend the event. He noted the application requested \$50,000 in funding; however, he said, \$12,309 remained in the Special Event Fund and the Committee approved the balance be awarded to the Great Escape Properties. Mr. Kenny added that Michael Consuelo, Special Events Coordinator, had provided a report outlining a number of events that he was anticipating bringing to the area.

Concerning the Planning & Community Development Committee, Mr. Taylor advised that under the Planning & Community Development portion of the meeting, the Committee authorized the extension of a contract with Systems Development Group for Image-Mate Online Information Services in the amount of \$3,600, at no cost to County. He commented that the Committee also approved the submission of a grant application to the New York State Department of State for funding assistance for the 2010 Census. He added that an update was provided on the status of the broadband project and Warren, Washington and Hamilton Counties were now working jointly on the completion of the broadband study. Mr. Taylor reported that a Small Business Assistance Program was being held on Mondays from 6:00 p.m. to 9:00 p.m. at the Crandall Library from now through December 7, 2009. He noted the Committee also discussed several options to cover the expenses of the Assistant Director of Planning position which generated approximately \$130,000 in revenue for the County. Under the Economic Development Corporation portion of the meeting, the Committee was informed that the Hickory Hill Ski Center would be in operation this winter, thereby providing three ski centers to promote within Warren County.

Mr. Sheehan apprised he had no report; however, he said, he had a resolution he wished to discuss, Resolution No. 717, which was generated from the Support Services Committee for the Information Technology Department. He explained that the resolution would authorize the standardization of the telecommunications systems equipment for the new Human Services Building, which was necessary to standardize the equipment with the other systems on the Municipal Center campus.

Mr. Girard announced that he had attended the Mental Health Committee meeting, and a very impressive presentation was given relating to teen substance abuse in the area. Relative to Extension Service, he stated that they were continuing to struggle with the budget reductions. He noted that Resolution No. 705 included in the packets would further reduce the funding to Cornell Cooperative Extension and he added that at the appropriate time he would request to table that resolution.

In connection with the Budget Committee, Mr. Geraghty remarked that there were numerous resolutions included in the packets dealing with the abolishment of positions and reductions in funding to outside agencies. He announced that at the beginning of the budget process, the County faced a \$6 million increase in spending and currently \$4.4 million had been eliminated through program cuts and non-increases in expenses for equipment and contracts. He noted that he would continue to review the figures prior to the preliminary budget being presented.

Regarding the Personnel Committee, Mr. Thomas apprised that the Committee had approved the filling of a vacant Probation Supervisor position. He noted that the reorganization of the Department of Social Services resulted in eleven resolutions to fill vacant positions and seven positions to be abolished. He referred to Resolution No. 700 included in

the packets which authorized the District Attorney to fill the vacant position of Per Diem Investigator due to creation; however, he said, he did not recall that request being reviewed by the Personnel Committee. Chairman Monroe interjected that he had received a phone call from the District Attorney proposing that this request be included unfunded in the Table of Organization, and the funding for this position would be from the Asset Forfeiture funds, thereby having no impact on the County budget. Paul Dusek, County Attorney, countered that the actual position of Investigator would be abolished from the District Attorney's Office and the position of a Per Diem Investigator would be created unfunded. He explained that his would allow the District Attorney to utilize an Investigator as needed and the funds would be transferred into her budget to cover the expense.

Mr. Kenny expressed his opinion that the resolution should include an amount not to be exceed in order to avoid an issue with the County having to provide benefits. Mr. Dusek clarified that the resolution stated that the Per Diem Investigator would not be used unless funding was provided from time to time, following County procedure. Kate Hogan, District Attorney, further explained a Per Diem Investigator would only be used for large trials and only to the extent that the funds were available from an additional source.

Continuing, Mr. Thomas provided a report on the status of the new Human Services Building. He advised that the construction portion would be essentially completed at the end of October, beginning of November. He noted that the moving dates were scheduled for December 3rd, December 10th and December 17th and were necessary due to the majority of older furniture being utilized and relocated and coordinating for such.

With regard to the Finance Committee, Mr. Stec remarked that Resolution No. 668 included in the packets authorized an agreement with New World Systems for the maintenance of financial and human resources management software for the Treasurer's Office. He stated that Resolution No. 669 authorized an agreement with Systems East for maintenance of the tax collection system software which was also requested from the Treasurer's Office. He noted that two resolutions included in the packets were approved for the Sheriff's Office and they were Resolution No. 670, Authorizing Agreement with Myers Power Products, Inc. For Maintenance Agreement regarding Uninterrupted Power Supply Inverter at the Sheriff's Office; and Resolution No. 671, Ratifying Actions of the Chairman of the Board Relative to Execution of Service Agreement for the Lease and Maintenance of Enhanced 911 Customer Premise Agreement with Verizon New York, Inc. He added that Resolution Nos. 697 through 698 involved the sale of three County-owned properties. Mr. Stec said Resolution No. 712 authorized the settlement of litigation against certain pharmaceutical companies, which was also included in the Supervisors' packets.

Mr. Pitkin referred to Resolution No. 717 which authorized the standardization of the telecommunications equipment for the new Human Services Building. He questioned if any research was done prior to this recommendation and Rob Metthe, Director of the Information Technology Department, replied that this transition should have taken place twenty years ago

when the original phone system was purchased for the Municipal Center Building. He further explained that they were using the same phone system that was currently used and were just adding additional equipment to the new Human Services Building, thereby saving a significant amount of money.

Chairman Monroe called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Chemical Dependency Subcommittee of the Community Services Board;
Warren/Washington Counties IDA.

Monthly Report from:

Weights & Measures.

Annual Report from:

County of Warren as of 12/31/08.

Capital District Regional Off-Track Betting Corporation, September Surcharge in the amount of \$10,104;

Warren County SPCA, Expense report through 8/31/09;

New York State Department of Civil Service, Second Quarter 2009 Empire Plan Experience Report.

Communications, resolutions and reports ordered placed on file.

Chairman Monroe called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 641 through 677 were mailed. She added that the resolutions relating to the filling of vacant positions were Resolution Nos. 656, 657, 685 through 695 and 700. She noted that unless a roll call vote was requested on a particular resolution, these resolutions would be approved in the collective vote.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 640 and 678 through 717 to the floor. Motion was made by Mr. Stec, seconded by Mr. Sokol and carried unanimously to bring Resolution Nos. 640 and 678 through 717 to the floor.

Chairman Monroe announced that the County Attorney had requested an executive session to discuss collective bargaining matters. He suggested that the board members conclude the review of the resolutions prior to the executive session.

Mr. Kenny referred to Resolution No. 662 , Authorizing Execution of Client Acceptance of Year Two Annual Guaranteed Savings Report for Siemens Building Technologies, Inc., and questioned if an independent verification of the figures provided by Siemens was done and Mr. Sokol, as Chairman of the Health Services Committee, responded that he had looked into that possibility; however, he said, it would be costly to obtain an independent study on the Report.

Mr. Kenny directed the board members attention to Resolution No. 647, Opposing the Purchase of Tobacco and Alcohol Products Using Cash Benefit Cards Provided by the Department of Social Services. He recommended that the resolution be amended to include the opposition of the purchase of soda and candy, which provided no nutritional or health benefit values. He also suggested that Resolution No. 651, Authorizing Extension Period for Voluntary Furlough, be amended to extend the date to December 31, 2010.

Motion was made by Mr. Kenny, seconded by Mr. Bentley and carried unanimously to amend Resolution No. 647 to include the opposition of the purchase of soda and candy as outlined above.

In reference to Resolution No. 651, Mr. Dusek noted that the resolution could be amended to be extended indefinitely subject to further resolution of the board, which would allow for flexibility in terminating the program at any time.

Motion was made by Mr. Kenny, seconded by Mr. VanNess and carried unanimously to amend Resolution No. 651 to continue the Voluntary Furloughs indefinitely until further action by the Board of Supervisors.

Mr. Thomas requested roll call votes on Resolution No. 706, Recommending to Budget Officer that Funding for Warren County Soil & Water Conservation District be Budgeted for 2010 in the Amount of \$210,000; and Resolution No. 707, Recommending to Budget Officer that Amount of Funding of Certain Non-Mandated Programs to Outside Agencies be Reduced for 2010.

Mr. Girard requested to table Resolution No. 705, Recommending to Budget Officer that Funding for Cornell Cooperative Extension Association be Budgeted for 2010 in the Amount of \$246,875.

Motion was made by Mr. Girard, seconded by Mr. Strainer and carried by majority vote to table Resolution No. 705 as outlined above, with Messrs. Stec, Kenny, Goodspeed, Taylor and Belden voting in opposition.

Mr. Merlino questioned if the outside agencies listed in Resolution No. 707 could be separated out in order to vote on each individually. Mr. Dusek advised that a motion to waive the rules would be necessary.

Motion was made by Mr. Merlino and seconded by Mr. Girard to waive the rules of the board requiring a resolution be in writing.

Mr. Champagne interjected that the Budget Committee had spent a considerable amount of time reviewing the recommendation to reduce funding to outside agencies.

Motion was made by Mr. Merlino and seconded by Mr. Girard to table Resolution No. 707. The motion failed due to the lack of majority vote.

Mr. Goodspeed apprised that he did not agree with all of the recommendations listed in Resolution No. 707; however, he said, the board members needed to continue moving forward in order to produce a County Budget.

Mr. Merlino withdrew his motion to waive the rules and subsequent action on Resolution No. 707 and Mr. Girard withdrew his second to the motion.

Many Supervisors expressed their opinions concerning the reductions to outside agencies as listed in Resolution No. 707. Mr. Thomas expounded that the County needed to challenge the State of New York and make the Legislators realize that the State and local governments could not continue to fund the programs that were offered and mandated. Mr. Kenny recommended that a mandated program be selected and refused to be funded by the County and that the County enlist the support of other counties through NYSAC (New York State Association of Counties) to identify what program could be selected. Mr. Goodspeed further recommended that the County join with other counties and commence a class action lawsuit regarding a specific unfunded mandate against the State of New York. Mr. Stec agreed and added that with regard to mandated programs, the County needed to make sure that they were being funded only to the required minimum level.

Motion was made by Mr. Pitkin, seconded by Mr. Goodspeed and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be resolution No. 720 of 2009 for the record.

Motion was made by Mr. Pitkin, seconded by Mr. Goodspeed and carried unanimously to authorize the County Attorney to research a class action lawsuit and to contact NYSAC to enlist other counties to protest mandated programs by New York State or to target a particular program and not fund it. Clerk added it would be Resolution No. 721 of 2009 for the record.

Mr. Thomas advised that the State had been reviewing the rules pertaining to burning brush and had determined that individual landowners could obtain a permit to burn brush, although municipalities would no longer be allowed to burn brush, which was another example of an unfunded mandate to those towns that did burn brush. He added that he would like to introduce a resolution opposing the State's decision.

Motion was made by Mr. Thomas, seconded by Mr. Stec and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk stated it would be Resolution No. 722 of 2009 for the record.

Motion was made by Mr. Thomas, seconded by Mr. Stec and carried unanimously opposing New York State Department of Environmental Conservation (NYS DEC) ban on brush burning by municipalities. Clerk said it would be Resolution No. 723 of 2009 for the record.

Chairman Monroe called for a vote on the resolutions. Mr. Dusek requested that Resolution No. 714, Conditionally Implementing and Providing for Health Insurance Coverage for County Employees Through CDPHP 25/40 EPA Plan and NYSHIP; Authorizing Agreements with Regard to the New Health Insurance Coverage Plan; and Resolution No. 715, Amending Resolution No. 631 of 2009 Offering Retirees 65 and Over to One of Two Medicare Advantage Insurance Policies, be excluded from the collective vote and voted on following the executive session needed to discuss collective bargaining matters.

Resolution Nos. 640 through 723 were approved, with the exception of the aforementioned resolutions which would be voted on following the executive session. The Report of Committee on Assessment Rolls was submitted.

Motion was made by Mr. Geraghty, seconded by Mr. Sheehan and carried unanimously that executive session be declared pursuant to Section 105 (e) of the Public Officers Law.

Executive session was declared from 12:11 p.m. to 12:40 p.m.

The board members reconvened. Chairman Monroe announced no action was necessary pursuant to the executive session. He called for a vote on Resolution Nos. 714 and 715. Resolution Nos. 714 and 715 were approved.

There being no further business, on motion by Mr. Champagne and seconded by Mr. Taylor, Chairman Monroe adjourned the meeting at 12:45 p.m.