

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, FEBRUARY 15, 2008**

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. Fred Monroe presiding.

Salute to the flag was led by Supervisor Sheehan.

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 Mr. Sheehan, seconded by Mr. Belden and carried unanimously to approve the minutes of the January 17, 2008 Special Board Meeting and the January 18, 2008 Board of Supervisors Meeting, subject to correction by the Clerk.

Chairman Monroe declared the Public Hearing on the proposed Local Law No. 3 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.

Chairman Monroe requested Supervisor Tessier and Robert Phelps, Commissioner of the Department of Social Services (DSS), to come forward. Mr. Tessier presented a Certificate of Appreciation to Clara Fiore, an employee with DSS who was retiring after thirty-eight years of service to Warren County. Mr. Tessier congratulated Ms. Fiore and wished her well in her retirement. Ms. Fiore thanked Mr. Phelps and the Board of Supervisors for allowing her the opportunity to serve the County. Mr. Phelps took a moment to reflect on Ms. Fiore's career with the DSS and he thanked her for her years of hard work and dedication. The board members responded with a round of applause.

There being no one wishing to speak on the proposed Local Law No. 3 of 2008, Chairman Monroe closed the Public Hearing at 10:15 a.m.

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

Supervisor O'Connor, Municipal Shared Services; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Belden, Real Property Tax Services and Public Works.

Concerning the Municipal Shared Services Committee, Mr. O'Connor advised that the Committee would be trying to hold as many meetings as possible in the City of Glens Falls with the Glens Falls Common Council in an effort to have all members present at the meetings. He added that the Committee was still working on the issues with East Field and progress was being made.

With regard to the Occupancy Tax Coordination Committee, Mr. Kenny stated the Committee had focused on revisions to the 'Special Event' funding criteria and scoring sheet that had been used in the past. He noted that he had distributed a packet to each Supervisor

outlining the proposed revisions, a copy of which is on file with the minutes. He reviewed the changes in detail for the board members.

In connection with the Real Property Tax Services Committee, Mr. Belden said the Department had been awarded a grant in the amount of \$25,000 to perform a study on county-wide assessing. He noted that the Committee also approved increasing the Veterans' tax exemption from \$180 to \$240. Regarding the Public Works Committee, Mr. Belden stated under the DPW portion of the meeting, it was decided to bond equipment for 2008 and 2009. He added that under the Airport portion of the meeting, the Committee was advised interviews were continuing for the position of Airport Manager. William Lamy, Superintendent of DPW, noted he had received applications from as far away as California, Texas, Illinois and Maryland. Concerning the Parks, Recreation and Railroad portion of the meeting, Mr. Belden apprised discussions were focused on grant funding for the two rail stations in the Towns of Hadley and Thurman.

Chairman Monroe expounded that the Budget Committee had referred the issue of construction of the rail stations to the full Board of Supervisors and he added that the County's share of the cost for the work that had been done to date was \$164,000. He said if the County proceeded with the project and maximized the amount of the grant, the County's share would be \$265,000. Mr. Geraghty added that the \$164,000 was the current commitment based on what had already been spent; however, he said, the County would need to pay back a portion of the funds that had already been spent as well, which could total \$429,000. Chairman Monroe asked Mr. Lamy to explain this issue further. Mr. Lamy advised that the amount of money spent to date on the project was \$1.1 million, which included both the County's share and the federal share of costs. He further explained that the federal funds that had been received on a reimbursement basis would have to be paid back. In order to continue with the project to make both stations functionally complete, he said, it would require roughly the remainder of the outstanding grant, totaling approximately \$1.375 million. Mr. Lamy added that in order to get to that point, the County would need to spend an additional \$429,000; however, he noted, if the County chose to stop the project, the County would need to pay back the \$164,000 local share of the \$1.1 million that had already been spent. He clarified if the County stopped the project today it would cost \$1.1 million and to complete the project it would cost the County \$71,000 which had already been spent, plus an additional \$429,000, totaling \$500,000.

Mr. Lamy apprised the County had only allocated, to date, \$71,000 and if the County continued to make the stations functionally complete and the \$2.5 million grant funds were spent, the County's obligation would be \$500,000 and the conditions of the grant would be satisfied. He stated that there was a final date of September of 2008 to award construction contracts and pay a portion of the bills to show progress on the project or the grant funds would be withdrawn.

Mr. Merlino requested that the Clerk of the Board read Resolution No. 501 of 2002 to inform new board members of where the funds for this project originated from. Clerk read the resolution as requested, in which it was outlined that Capital Project No. H220.9550 280-Railroad Stations Improvements be established in the amount of \$2.5 million, with the proposed method of financing such Capital Project to be \$2 million federal grant funding; \$71,000 to be provided by a Budget Note and \$429,000 representing Warren County's local share shall be provided by the issuance of a Bond Anticipation Note when needed.

Mr. Lamy advised there were two looming deadlines for future grant applications for the

railroad, which dates would happen before the next Board of Supervisors meeting. He added that if the board members were to choose to seek additional grant monies to complete the stations or to do the next items on the priority list for track improvements, now was the time to do such. He said if the County chose to apply for additional grant funds, it was suggested to submit an application for \$2 million; however, he noted, the County would be responsible for a 20% local match.

Motion was made by Mr. Belden, seconded by Mr. Haskell and carried by majority vote to waive the rules of the board requiring a resolution be in writing, with Mr. Kenny voting in opposition. Clerk noted it would be Resolution No. 164 of 2008 for the record.

Motion was made by Mr. Belden and seconded by Mr. Haskell to authorize the submission of a grant application for federal funding for an amount not to exceed \$2 million for improvements to the rail stations.

Mr. Geraghty expounded if the County applied for additional grant funds and was awarded such grant, the County would be committing to 20% of the local share of the funds and he questioned if the County was prepared to commit more County funds to the project.

Mr. Goodspeed questioned how essential the additional grant applications were for the underlying concept of a meaningful connection between Saratoga and North Creek and if the original plan would be retracted if those funds were not awarded. Mr. Lamy advised he had not been involved in the original formulation of the plan; however, he said, the original plan outlined what needed to be done to make this project safe, viable and to provide for the type of services that were originally envisioned. Mr. Lamy said that the list of issues to be addressed financially for improvement were still part of that overall concept.

Chairman Monroe asked if the board members opted to not apply for additional grant funding at this time, would there be future funding opportunities available for the County and Mr. Lamy replied that was unknown.

Mr. Stec requested an update on the status of funding for the rail station in the Town of Hadley and Mr. Thomas explained that Saratoga County had not contributed any funding towards the station in the Town of Hadley; however, he noted, that the Town of Corinth had because the Town owned the rail-line from Antone Mountain Road to Saratoga Springs. He added that Corinth was responsible for the maintenance of the line, as well as the crossing and they had also applied for grant funds. Mr. Lamy said that the Corinth grant application did not include funds for the station because Warren County owned the land where the station would be built in the Town of Hadley.

Following discussions, Chairman Monroe called the question and the motion was carried by majority vote to authorize the submission of a grant application for federal funding for an amount not to exceed \$2 million for various railroad and stations improvements, with Messrs. Kenny, Champagne, Strainer and Geraghty voting in opposition. Clerk noted it would be Resolution No. 165 of 2008 for the record.

Returning to reports by Committee chairmen on past activities, the following continued to give verbal reports:

Supervisor Stec, Finance; Supervisor VanNess, Support Services, County Facilities and

Public Safety; Supervisor Sokol, Planning & Community Development and Health Services; Supervisor Thomas, Personnel; Supervisor Haskell, Core Committee; and Supervisor Geraghty, Budget.

Concerning the Finance Committee, Mr. Stec referred to Resolution No. 117 included in the packets entitled "Authorizing Agreement Continuing Contractual Relationship with Economic Development Corporation, Warren County, New York, for Economic Development Program for 2008" and noted the amount listed in the resolution was \$300,000; however, he said, the correct amount should be \$350,000.

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried unanimously to amend Resolution No. 117 to correct the amount of the contract agreement from \$300,000 to \$350,000.

Mr. O'Connor commented on Resolution No. 113 which concerned the agreement with the City of Glens Falls for capital improvements for various recreational facilities, and he clarified that the City had spent all of the allocated funds in 2006; however, he said, the expenditures were not able to be verified with the County due to changes in administration in the City.

Chairman Monroe requested Paul Dusek, County Attorney, to discuss Resolution No. 119 entitled "Authorizing Retention of Outside Counsel with Regard to a Supreme Court Decision Concerning the Payment of Property Taxes by the State of New York". Mr. Dusek explained there was a coalition of about seven or eight counties that would be contributing towards retaining counsel to represent the interests of the counties. He further advised that an attorney, James Sonnaborne, had been contacted and had agreed to take the case. He added that they were seeking permission to file an amicus brief on behalf of the counties and he would keep the board members informed of the progress.

With regard to the joint meeting of the Support Services and County Facilities Committee, Mr. VanNess stated he had chaired the meeting in the absence of the Committee chairman, Supervisor Sheehan. He said that twenty-two HAVA (Help Americans Vote Act) compatible voting machines would be purchased with funding from federal grants. The problem, he noted, was that over 7,500 square feet would be needed to store the machines. He added discussions focused around the possibility of using the former jail space for storage or replacing it with a steel building, and Clark Patterson & Associates had been authorized to conduct an additional study to determine the feasibility of using the former jail space. In connection with the Public Safety Committee, under the Sheriff & Communications portion of the meeting, Mr. VanNess apprised that the Sheriff's Office had received a number of grants, none of which required a local match, totaling approximately \$300,000.

Returning to the issue of the voting machines, Mr. O'Connor said that the courts in New York State were mandating that the new machines be purchased and his concern was that many other States were trying to get rid of these same machines due to the element for fraud. William Montfort, Commissioner of the Board of Elections, explained the different machines available and the one that the County had chosen to purchase. Originally, he stated, there were five machines to choose from; however, he added, that had been narrowed down to three optic scan machines, all of which were very similar. He noted that since the time the three machines were presented, it had been narrowed down again to one machine, a Sequoia Image Cast. Mr.

Montfort apprised that since the time that decision was made, it had been challenged by a number of companies, hoping to reverse the decision and to expand the number of selections. He clarified that the decision had not been reversed to date; therefore, he said, they would be purchasing the Sequoia Image Cast Voting Machines.

Privilege of the floor was extended to Sheriff York who requested a necessary resolution be brought from the floor. Sheriff York explained a resolution was needed to continue a contractual relationship with Oneida County for security at the Central New York Psychiatric Center for Warren County inmates in need of care. He added the cost had increased from \$125 to \$140 per inmate.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 166 of 2008 for the record.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to authorize an agreement with Oneida County for security at the Central New York Psychiatric Center for Warren County inmates in need of care. Clerk added it would be Resolution No. 167 of 2008 for the record.

Continuing with verbal reports, Mr. Sokol expounded in relation to the Planning & Community Development Committee, many grant applications were being submitted, including one for the telecommunications study for the expansion of broadband access to rural areas in Warren County. He added that under the Economic Development Corporation portion of the meeting, the Committee authorized an application to be submitted for parts of Warren County to become Foreign Trade Zones. He explained these were sites licensed by the Foreign Trade Zone Board allowing duty free treatment for exported items. Concerning the Health Services Committee, Mr. Sokol stated that the air handler project at the Westmount Health Facility had been delayed due to inclement weather; however, he said, work should resume shortly.

Regarding the Personnel Committee, Mr. Thomas apprised many reclassifications were approved within different departments. He added Local Law No. 4 of 2008 was proposed which dealt with employee benefits for those outside of the bargaining unit. He noted that he had distributed to each Supervisor a copy of the 2007 Annual Report from the Greater Adirondack Resource Conservation and Development Council, a copy of which is on file with the minutes.

In connection with the Core Committee, Mr. Haskell said the Committee had met with Siemens Building Technologies to discuss the possibility of tying the geothermal project from the current field to the new field in order to supply the new Health and Human Services building. He noted they also discussed security for all County buildings and would be continuing those conversations. He reminded the board members to take a look at the artists' rendition of the new Health and Human Services building which was on display outside of the Board Room. He said Clark Patterson & Associates had determined the price for the hazardous abatement of the former jail to be approximately \$170,000. Mr. Haskell advised construction for the new Health and Human Services building could begin as early as September 15, 2008 and they would be requesting a source of funding at the April Finance Committee meeting. He added that he had requested a cost estimate to include a cellar in the new building which could possibly store the new voting machines, as well as an estimate to include a fourth floor for future growth. Currently, Mr. Haskell stated, the building was designed to be 64,423 square feet.

Concerning the Budget Committee, Mr. Geraghty advised the discussions were focused on bonding issues and upcoming spending issues.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren/Washington Counties Mental Health Subcommittee;
Warren County Planning Board;
Warren/Washington Counties IDA and Executive/Park Committee.

Monthly Reports from:

Weights & Measures.

Annual Reports from:

Warren County SPCA;
Warren County Treasurer - Dog Licensing Report;
Lake Champlain-Lake George Regional Planning Board.

Warren County Soil & Water Conservation District, request to allow Soil and Water to accept the OTB Scholarship for funding of the County Envirothon;

New York State Department of Transportation, response to their review of the traffic signals on Route 9 at Route 149 and at Exit 20;

Capital District Regional Off-Track Betting Corporation, fourth quarter benefit in the amount of \$1653, as well as January surcharge in the amount of \$10,183;

Carol Birkholz, letter in opposition to the release of personal information of pistol permit holders;

Office of the State Comptroller, report on Internal Controls Over Credit Cards and Travel and Fuel Expenses;

Assemblywoman Sayward, copy of an editorial regarding her request for a moratorium on land purchases in the Adirondack Park pending the outcome of the court appeal.

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. 69 through 154 were mailed. She noted Resolution No. 106 had been rescinded because the information was included in Resolution No. 103; and, she said, Resolution No. 108 had been withdrawn because an additional bonding resolution was not necessary. Mrs. Sady added that Resolution No. 117 was amended to change the contract amount from \$300,000 to \$350,000 in relation to the Economic Development Corporation. She advised that Resolution No. 153 was mailed and

subsequently amended and replaced in the Supervisors' packets. Mr. Dusek apprised a motion was necessary to approve the corrected Resolution No. 153 included in the packets and he reviewed the changes for the board members. Motion was made by Mr. Stec, seconded by Mr. VanNess and carried unanimously to approve Resolution No. 153, as amended.

Mrs. Sady said a motion was needed to bring Resolution Nos. 68 and 155 through 167 to the floor. Motion was made by Mr. Bentley, seconded by Mr. Goodspeed and carried unanimously to bring Resolution Nos. 68 and 155 through 167 to the floor.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 68 through 167 were approved; Certificates of Appointments to the Warren County Youth Board and the Greater Adirondack Resource Conservation and Development Council were submitted.

Chairman Monroe extended privilege of the floor for any announcements. Mr. O'Connor referred to the recent announcement that Travelers Insurance Company would be relocating to the CNA Building in the City of Glens Falls. He reminded the board members that at a past meeting, Mr. Stec had stated his main concern was that the jobs remained in Warren County, not necessarily in the Town of Queensbury, and he thanked Mr. Stec for those statements.

Mr. Kenny extended an invitation to all Supervisors to attend a "Kick-Off Meeting" for the 2008 New York State Association of Fire Chiefs' Convention today at noon in Conference Room 6-103.

Mr. Taylor thanked Chairman Monroe for scheduling the tour of the former jail earlier this morning and added he had thought that the building was unusable; however, he said, he now realized that it could be an option for additional space. He noted that it sent a positive message to the community that the County was researching all options in an attempt to reduce spending.

Mr. Sokol commented on an article in a local newspaper recently which stated that the Adirondack Regional Business Incubator (ARBI) program was ending and he clarified that the program was denied a restoration grant; however, he said, that was not the complete mission behind the ARBI. He added that the ARBI was still in full swing and progressing steadily. He also said that as the new Chairman of the Health Services Committee, he wanted to thank Pat Auer, Director of Public Health, for the phenomenal agenda that she put together each month. He suggested that her agenda be used as an example of efficient preparation for other departments to follow.

Chairman Monroe announced that the Department Head meeting that was scheduled for Tuesday, February 19th has been cancelled. He also announced that the Cornell Cooperative Extension had set up an informational table outside the Board Room and everyone was encouraged to pick up any materials they were interested in. He reminded the board members to provide him with feedback regarding the consolidated committee system. He added that he also had information on the Finch Pruyn Lands that were purchased by the Nature Conservancy and copies were available if anyone was interested.

Chairman Monroe said prior to adjournment, Mr. Dusek had requested an executive session regarding attorney/client privilege discussion in relation to a claim, as well as a matter regarding the employment history of a particular person.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously that executive session be declared pursuant to Sections 105 (d) and (f) of the Public Officers Law.

Executive session was declared from 12:06 p.m. to 12:25 p.m. During the executive session, a draft resolution was distributed to the board members, a copy of which is on file with the minutes.

Board reconvened. Pursuant to executive session, motion was made by Mr. VanNess, seconded by Mr. Sokol and carried unanimously to adopt the draft resolution entitled "Authorizing the Chairman of the Board to Execute Settlement Agreement and Liability Release Relative to Frontier Chemical Royal Avenue Treatment Storage and Disposal Facility". Clerk noted it would be Resolution No. 168 of 2008 for the record.

There being no further business, on motion by Mr. Kenny and seconded by Mr. Geraghty, Chairman Monroe adjourned the meeting at 12:30 p.m.