

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JUNE 18, 2010**

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 Bentley.

Chairman Monroe requested a moment of silence to honor PFC Benjamin Osborn, a Lake George native, who lost his life last week while serving in the United States Army, stationed in Afghanistan.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Loeb, Kenny, Bentley, Goodspeed, McCoy, Merlino, Strainer, Champagne, VanNess, Sokol, Thomas, Pitkin, and Geraghty - 18.

Absent: Supervisors and Belden and Stec - 2.

Chairman Monroe extended privilege of the floor to Dan Durkee, Health Educator, for the presentation of certificates to the winners of the "Tar Wars Tobacco Prevention Program" and Poster Contest for students in grades 4 and 5 in the participating schools in Warren County.

Supervisor Stec entered the meeting at 10:06 a.m.

Mr. Durkee provided a power point presentation displaying the posters and listing the winners, as well as the program objectives, a copy of which is on file with the minutes. Chairman Monroe presented each winner with a certificate. The board members responded with applause.

Chairman Monroe declared the public hearing on proposed Local Law No. 2 of 2010, open at 10:14 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Chairman Monroe declared the public hearing on proposed Local Law No. 3 of 2010, open at 10:15 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Chairman Monroe announced that the Public Hearings would remain open for fifteen minutes to accept any public comments.

Motion was made by Mr. Taylor, seconded by Mr. McDevitt and carried unanimously, to approve the minutes of the May 21, 2010 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Monroe recognized Joseph Moloughney, the PCB Dredging Project Coordinator for the New York State Canal Corporation, who requested permission to address the board members regarding the PCB Dredging Project. Mr. Moloughney provided a power point presentation which gave a brief overview of canals, as well as the dredging of the Hudson River for PCB Contamination, a copy of which is on file with the minutes. Following the presentation, Mr. Moloughney requested a resolution in support of the navigational dredging along the Hudson River/Champlain Canal Corridor. Chairman Monroe announced a draft resolution in support of the navigational dredging was being distributed for review and could be introduced at the appropriate time during the meeting.

There being no one wishing to speak on the proposed local laws, Chairman Monroe declared both Public Hearings closed at 10:30 a.m.

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

Supervisor Kenny, Gaslight Village Ad Hoc; Supervisor Taylor, Planning & Community Development; Supervisor Geraghty, Budget; Supervisor Pitkin, Social Services; Supervisor Thomas, Personnel and County Facilities; Supervisor Sokol, Health Services; Supervisor VanNess, Public Safety; Supervisor Strainer, Human Services; Supervisor Stec, Finance; and Supervisor Goodspeed, Real Property Tax Services.

Concerning the Gaslight Village Ad Hoc Committee, Mr. Kenny advised that discussions were held relative to the development of a parking plan for the property and the rates were determined to be set at \$5 per vehicle and the salaries for the parking attendants were set at \$8.50 an hour. He noted that a ticket system would be implemented to track the number of vehicles parked on the property. The Committee also discussed, he continued, potential problems with grant funding streams and Paul Dusek, County Attorney/Commissioner of Administrative & Fiscal Services, was completing a chart of possible scenarios. Mr. Dusek interjected that he did have that information available today. Chairman Monroe mentioned a meeting was held with the New York State Department of Transportation (NYS DOT) to discuss the \$600,000 NYS DOT grant and it appeared favorable that the funds would be included in the State Budget when said Budget was adopted. He recalled the proposal to restructure the Festival Space to accommodate changes to West Brook Road, a swamp and an easement to Beach Road and at the aforementioned meeting with NYS DOT it was recommended that the County proceed with the restructuring of the Festival Space, which would also be relevant to the contracts that were being executed. He suggested that it be further discussed at the next Gaslight Village Ad Hoc Committee meeting.

Regarding the Planning & Community Development Committee, Mr. Taylor reported that under the Economic Development Corporation (EDC) portion of the meeting, the Committee reviewed the "2010 Directions" which highlighted the key accomplishments of EDC over the last ten years. An update was provided, he noted, of the potential of the Centurion Cycling Event being held in Warren County and a map was distributed outlining the possible ninety-nine mile course. Mr. Taylor apprised that during the Planning & Community Development portion of the meeting, the Committee approved a request to increase the Capital Project for the Broadband Study in the amount of \$10,000, said funds reflected the receipt of funding from the LDC (Local Development Corporation), to be used for the Broadband Needs Analysis and Conceptual Design Study to be prepared by CBN Connect. He added the Committee reviewed maps of cell phone coverage which showed the gaps of coverage throughout the County. He mentioned there was a vacancy on the Planning Board for a representative from the Town of Warrensburg. Mr. Taylor remarked that lengthy discussions were held concerning the Affordable Housing grant for the amount of \$120,000 and as a result, Mr. Dusek was preparing a local law to provide authority for Warren County to engage in activities, grants and programs offered by the State; thereby allowing the utilization of the aforementioned grant funds.

Mr. Taylor announced that the offer made by DA Collins to donate a double-wide trailer to the County needed to be discussed further in the near future in order to determine if the County would accept the offer.

In connection with the Budget Committee, Mr. Geraghty stated that he continued to monitor the State Budget to determine what effects it would have on the County budget. He added that the schedule for budget review meetings would be released soon.

With regard to the Social Services Committee, Mr. Pitkin expounded the Department of Social Services (DSS) had realized an increase in the demand for services relative to the Food Stamps Program and other services, while funding for programs continued to decrease. Resolution No. 391 included in the packets, he said, extended an agreement between Warren County and Cornell Cooperative Extension for the operation of the Food Stamp Nutrition Education Program in the amount of \$108,000, which was 100% Federally funded. He noted Resolution No. 392 authorized the submission of a grant application to the New York State Office of Temporary Disability Assistance (NYSOTDA) for funding of temporary housing facilities for the homeless. Under the Countryside Adult Home portion of the meeting, he continued, the facility was still applying for Veterans' grants to offset costs.

Mr. Pitkin referred to discussions held during the Public Works Committee meeting pertaining to the construction of a platform for the railroad in the Town of Stony Creek. He expressed his concern with building another train platform prior to obtaining the results of the RFP (Request for Proposal) for a train operator. He requested to introduce a resolution delaying the construction of the platform.

Motion was made by Mr. Pitkin, seconded by Mr. Taylor and carried by majority vote, with Messrs. Thomas and Bentley voting in opposition, to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 445 of 2010 for the record.

Motion was made by Mr. Pitkin and seconded by Mr. Taylor to delay construction of a platform in the Town of Stony Creek until the results of the RFP for the train operator were obtained.

Mr. VanNess questioned if the cost for construction of the platform was covered by grant funds. Mr. Thomas responded that approximately \$32,000 was awarded through a grant from the Department of State and the funds would be lost if the County did not expend them prior to the end of the year. Mr. Pitkin remarked that County labor forces would be used from the Parks, Recreation and Railroad Department for the construction. Mr. Geraghty requested that it be a roll call vote. Clerk added it would be Resolution No. 446 of 2010 for the record.

Returning to reports by Committee Chairmen, Mr. Thomas said Resolution Nos. 432 through 439 were generated from the Personnel Committee, the majority of which authorized the filling of vacant positions in various departments. He highlighted Resolution No. 439 which approved the standard work day and time reporting resolution for all elected and appointed officials for retirement purposes. He added the Committee discussed the option of offering health care coverage to children up to the age of 26; however, he stated, the extended coverage would become mandatory at the end of the year and the Committee decided to wait until that time to implement the new coverage.

Pertaining to the County Facilities Committee, Mr. Thomas asserted discussions were focused on the aforementioned grant that the DSS was applying for relative to housing for the homeless and the renovation of the old jail. The Committee also discussed the possibility of erecting a fence near the Court House Estates due to complaints received, he said. Mr. Thomas advised an update was presented on the demolition of the former DSS Building and most of the abatement had been completed; he stated he would introduce three resolutions at the appropriate time concerning the same. Draft resolutions were distributed to the board members for review.

Regarding the Health Services Committee, Mr. Sokol apprised the meeting was held at Westmount Health Facility and he thanked the staff for preparing a wonderful breakfast buffet for the Committee members. He noted a brief tour of the Facility was provided following the meeting, as well. Under the Health Services portion of the meeting, he said, the requests consisted mainly of contractual renewal agreements and the Committee approved the filling of a vacant Public Health Nurse position, which was a revenue generating position. He stated that during the Westmount Health Facility portion of the meeting, the Committee reviewed staffing levels, which continued to be a struggle for the Facility to maintain

appropriate coverage and Per Diems were being utilized as much as possible. As a result of the closure of the former DSS Building, he continued, ten new phone lines were installed in the Facility and additional computers were received, assisting in communication abilities. Mr. Sokol referred to the Memorial Day Event held at the Facility and commended Assemblywoman Sayward for attending, as well as Supervisors Stec and McDevitt.

In connection with the Public Safety Committee, Mr. VanNess expounded Resolution No. 397 included in the packets was generated from the Sheriff & Communications portion of the meeting and authorized the continuation of the Marine Patrol unit on Lake George for the remainder of 2010. He noted that following the two tragic events recently on the Lake, it was obvious that boat traffic had increased; thereby necessitating an increased need for law enforcement. Under the Fire Prevention & Building Code portion of the meeting, he remarked that there was a back lag on the issuance of building code permits, due to an increase in demand and a shortage in staff. He requested that Town Supervisors that utilized the Building & Codes Department be understanding with any delays.

Mr. Champagne commented on the issue of the platform planned for the Town of Stony Creek. He noted that the County had conducted extensive research of the properties and property transfers that would be necessary to accomplish the project; however, he said, it seemed additional information was still needed on the amount of time and man hours that would be required to construct the platform; therefore, he requested that the matter be tabled. Chairman Monroe clarified that Mr. Pitkin's request would accomplish the suggestion made by Mr. Champagne. In response to an inquiry, William Lamy, DPW Superintendent, explained tours of the railroad and associated facilities had been conducted for those interested in responding to the RFP, and no statements regarding a platform in Stony Creek had been made to the interested parties.

Mr. Strainer referred to the informational packets on the Supervisors desks from Cornell Cooperative Extension (CCE) and announced they were holding a golf tournament on August 28, 2010; and teams were needed and food or prize donations were being requested. He added the 4-H County Youth Fair would be held on August 7, 2010.

Concerning the Human Services Committee, Mr. Strainer advised under the Employment & Training Administration (ETA) portion of the meeting, Bill Resse, Director of ETA, announced his retirement effective July 9, 2010 and applications were currently being accepted. Relative to the Office for the Aging (OFA), Mr. Strainer thanked Supervisors Loeb, Girard and VanNess for helping him cook at the OFA Volunteer Picnic.

With regard to the Finance Committee, Mr. Stec apprised the resolutions generated from the meeting were predominantly housekeeping matters and he reviewed them as follows: Resolution No. 401, Ratifying the Actions of the Chairman of the Board of Supervisors to Enter into an Agreement with New State Energy Research Development Authority (NYSERDA) to Provide an Energy Analysis for the Human Services Building;

Resolution No. 402, Authorizing Payment to Clark Patterson Lee for Additional Professional Services Incurred in Connection with the Human Services Building; Resolution No. 403, Amending Resolution No. 245 of 2008 and Ratifying the Actions Relative to the Payment of Invoices for the Demolition of the Former Social Services Building; Resolution No. 404, Amending Resolution No. 246 of 2008 and Ratifying the Actions Relative to the Payment of Invoices for the Abatement and Demolition of the Former Social Services Building; Resolution No. 405, Increasing Capital Project No. H295.9550 280-Countywide Broadband Study; Authorizing Transfer of Funds and Amending Warren County Budget for 2010; Resolution No. 406, Increasing Capital Project No. H272.9550 280-Harrington Road Bridge; Authorizing Transfer of Funds and Amending Warren County Budget for 2010; and Resolution No. 407, Establishing Capital Project No. H316.9550 280-ARFF Building Expansion Design; Authorizing Transfer of Funds and Amending Warren County Budget for 2010. He added the Committee held discussions pertaining to potential changes or the future of the County Treasurer position and Mr. Dusek was going to research the matter further and report back to the Committee at a later date. Chairman Monroe noted Mr. Dusek was prepared to discuss the issue following the Committee reports.

Regarding the Real Property Tax Services Committee, Mr. Goodspeed reported that Resolution No. 440 included in the packets resulted from the meeting and amended the terms of sale for the County Auction.

Chairman Monroe requested Mr. Dusek report on the research for the possible appointment of a Comptroller. Mr. Dusek recalled questions were presented at the Finance Committee for him to research, and one question was related to a concern if the Board of Supervisors did not act on this matter this year, as to whether or not the Treasurer position could be abolished and a Comptroller position created in the future, even in the middle of a term of the Treasurer; and Mr. Dusek stated his findings were yes, it was legal. He apprised that the courts had opined that an office of an elected official could be abolished at any time. Another question that was posed, he continued, was whether or not the Board of Supervisors could control the position of Deputy to the Treasurer and the answer to that was ambiguous. He explained that the Board of Supervisors could fix the qualifications for the position of Deputy; however, he noted, the Board of Supervisors could not usurp the Treasurer's right to appoint a particular person. Mr. Dusek advised the third question he researched was whether or not the Board of Supervisors could fix the qualifications of the Treasurer as an elected office, to which he discovered there was not much legal authority on this subject; however, he had concluded that it was possible and it could be accomplished through a local law, given that there was a rational basis provided and the qualifications were reasonably associated with the position, which would need to be demonstrated within the local law.

Mr. Taylor thanked Mr. Dusek for conducting the necessary research to provide the requested information. He expressed his opinion that the County should pursue an appointed Comptroller because it would provide an opportunity to have continuity, and not be subjected to elections. He added it would also allow for long range financial planning and would keep

politics out of the position. Mr. Taylor recommended that all steps necessary be taken to place on referendum a proposal to abolish the Treasurer's position and to create the position of Comptroller.

Motion was made by Mr. Taylor, seconded by Mr. VanNess and carried by majority vote, with Mr. Loeb voting in opposition, to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 447 of 2010 for the record.

Motion was made by Mr. Taylor and seconded by Mr. VanNess to direct the County Attorney to take all steps necessary to place on referendum a proposal to abolish the Treasurer's position and to create the position of Comptroller, effective at the end of the current Treasurer's term. Clerk noted it would be Resolution No. 448 of 2010 for the record.

Mr. Pitkin agreed that professional qualifications were critical to the Treasurer's position; however, he continued, he was unsure if it was a good idea to change the position to appointed rather than elected. He explained if there was a board of twenty Supervisors and a strong County Administrator to whom the Comptroller answered to, he was concerned about the balance of power. He suggested the position remain an elected position with high professional standards. Mr. VanNess said the proposed resolution would give the public the power to decide if the position should remain an elected position. Chairman Monroe asserted the first step in the process would be to introduce the local law and hold a Public Hearing; at which public comments would be heard and a decision as to which way to proceed would be made. Mr. Stec questioned if a referendum would be required in addition to a local law if the decision was made to retain the elected Treasurer's position with an increase to the necessary qualifications. Mr. Dusek responded there would be no need for a referendum to establish qualifications, as the local law would be sufficient. Mr. Pitkin asked if it was possible to place both options on the referendum and Mr. Dusek replied in the negative and added that a referendum containing both options would lead to confusion. Mr. Taylor suggested if the public was opposed to an appointed Comptroller position then they could alter the qualifications associated with the elected Treasurer's title. Mr. Loeb expressed his opposition to changing the position to appointed and he pointed out there was a reason why certain positions were elected. He said the current Treasurer had been with the County for some time and was highly qualified. Mr. Loeb opined eliminating an elected position of Treasurer was equivalent to eliminating an extra set of eyes to keep watch over the legislative body of the County.

Mr. Dusek distributed copies of a Gaslight Village Project cost analysis to the board members; a copy of which is on file with the minutes. Chairman Monroe pointed out Resolution No. 409 authorized advancement of the West Brook Storm Water Management Project on the Gaslight Village Property and representatives were in attendance from the Lake George Association, Inc., the Fund for Lake George, Inc., and the Lake George Land Conservancy, Inc. if anyone had any questions. He advised the resolution had been passed at the Lake George Town Board meeting and the Village of Lake George would vote on it at

their next meeting. Mr. Goodspeed requested a vote on the resolutions prior to any further discussion. Chairman Monroe pointed out there were resolutions pertaining to the Gaslight Village Project but a vote could be taken on the remaining resolutions prior to the discussion.

Mr. Thomas introduced to the floor the aforementioned draft resolutions. Motion was made by Mr. Thomas and seconded by Mr. Stec to authorize Change Order No. A/D0001 with Ritter & Paratore regarding the asbestos abatement in the east and west crawl spaces in the former Social Services Building and authorizing Chairman of the Board to execute Change Order No. A/D0001 and letter requesting Change Order; to authorize Change Order No. A/D0002 with TES Environmental Corp. regarding additional air quality monitoring in the former Social Services Building and authorizing Chairman of the Board to execute Change Order No. A/D0002; and to authorize variance application with regard to demolition of the former Social Services Building. Clerk noted for the record they would be Resolution No. 449 of 2010; Resolution No. 450 of 2010; and Resolution No. 451 of 2010, respectively.

Mr. Kenny requested a roll call vote on Resolution No. 397, Rescinding Resolution No. 392 of 2009; Authorizing Continuation of Marine Patrol Unit on Lake George for the Remainder of 2010.

Mr. McDevitt requested a roll call vote on the following: Resolution No. 394, Ratifying the Actions of Probation Director, Robert Iusi, for Submission of Application to the New York State Division of Criminal Justice Services, Bureau of Justice for Continuation of Funding of the Day Reporting Center Program and Drug Court Program; and Resolution No. 396, Authorizing the Submission of the Ignition Interlock Plan to the New York State Division of Probation and Correctional Alternatives.

Mr. Loeb requested a roll call vote on the following: Resolution No. 438, Amending Resolution No. 23 of 2010; Establishing Standard Workday for All Elected and Appointed Positions in Warren County Government Under the Retirement and Social Security Law; and Resolution No. 448, Directing the County Attorney to Take All Steps Necessary to Place on Referendum a Proposal to Abolish the Elected Position of Treasurer and Create the Appointed Position of Comptroller.

Pertaining to the resolution on dredging, Mr. VanNess requested it be tabled pending the determination of decisions by Washington County and Saratoga County. He noted the issue did not directly effect Warren County. Clerk pointed out that no action was necessary as the resolution had not been introduced.

Mr. Thomas asked if there would be a roll call vote on Resolution No. 446, a request to delay construction of a platform in the Town of Stony Creek until the results of the RFP for the train operator were obtained, and the Clerk replied affirmatively.

Returning to the discussion on dredging, Mr. Taylor asked if they would request that General Electric pay for a portion of the costs. Mr. Moloughney replied affirmatively; however, he added that General Electric had not yet agreed to the project. He continued by saying there was a resolution passed by Saratoga County several years ago approving the project. Chairman Monroe advised the board could pass a resolution that was contingent on Washington County passing a similar resolution. Mr. VanNess asked if the project was time critical and Mr. Moloughney replied in the negative.

Chairman Monroe called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 390 through 440 were mailed. She noted the resolutions relating to the filling of vacant positions were Resolution Nos. 433 through 437, and unless a roll call vote was requested on a particular resolution, all would be approved in the collective vote.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 389 and 441 through 444 to the floor. Motion was made by Mr. Bentley, seconded by Mr. Goodspeed and carried unanimously to bring Resolution Nos. 389 and 441 through 444 to the floor.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 389 through 451 were approved, with the exception of Resolution No. 446, a request to delay construction of a platform in the Town of Stony Creek until the results of the RFP for the train operator were obtained, which failed. Certificates of Appointment - Saratoga-Warren-Washington Counties Workforce Investment Board; and Supreme Court Library Board of Trustees, were submitted.

Chairman Monroe announced Amy Manney, Deputy Director of the Office of Emergency Services, had informed him that the County was submitting for Federal Disaster Declaration in connection with the washout in March and she was requesting all Supervisors contact Federal Legislators asking for their support in this Declaration. He reminded the board members of the \$3 million loss suffered by the County from the 2005 washout, which under normal circumstances would have qualified for Federal Disaster Relief; however, he noted, due to Hurricane Katrina striking in New Orleans, the County did not receive any funding. Mr. Geraghty requested that the information be emailed to each Supervisor and Mrs. Manney acknowledged the request.

Messrs. Goodspeed, McCoy and Merlino left the meeting at 11:48 a.m.

Chairman Monroe called for reading of communications.

Clerk read communications, including the following:

Minutes from:
Warren/Washington Counties IDA.

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

Capital District Regional Off-Track Betting Corporation, April Surcharge in the amount of \$8,351; April 30, 2010 Financial Report;

Letter from William Lamy, Superintendent of Public Works, read into record regarding his retirement effective July 30, 2010.

Communications, resolutions and reports ordered placed on file.

Chairman Monroe extended privilege of the floor to Pam Morin, volunteer and member of the Warren County Historical Society. Ms. Morin announced the planning process had begun for the 2013 Bicentennial of the County, as well as for the celebration of the Bicentennial for the Town of Warrensburg. She advised she would be providing the Supervisors with informational packets and the Society was requesting that the Board of Supervisors establish a Citizens Advisory Committee that would garner suggestions and recommendations for the Board's consideration.

Mr. Kenny left the meeting at 11:54 a.m.

Chairman Monroe extended privilege of the floor to Don Sipp, resident of the Town of Queensbury and Courthouse Estates. Mr. Sipp expressed his concern with the County considering to house homeless individuals and sex offenders on the Municipal Center Campus and reminded the board members of the close proximity of the Municipal Center to the Courthouse Estates housing development. He noted Courthouse Estates was comprised of seventy-six homes, that had adults and children of various ages. Gerard Humiston, resident of the Town of Queensbury and Courthouse Estates, echoed Mr. Sipp's comments and concerns and also provided statistical information relating to the number of school aged and pre-school aged children located in the Courthouse Estates neighborhood.

Messrs. Girard, VanNess and Bentley left the meeting at 12:09 p.m.

Chairman Monroe extended privilege of the floor to Dave Redpath, Lake George Citizens Group. Mr. Redpath referred to comments made by Mr. McCoy regarding the use of occupancy tax funds to rehabilitate the Cavalcade of Cars Building located on the Gaslight Village property. He read for the record Local Law No. 4 of 2003 which created the occupancy tax, a copy of which is on file with the minutes.

Mr. Thomas announced that a benefit would be held in the Town of Stony Creek on Saturday, June 19, 2010 from 1:00 p.m. to 5:00 p.m. at the Stony Creek Inn for Cindy's Retreat, which operates programs for cancer survivors and Amanda's House in the City of Glens Falls.

Chairman Monroe advised an executive session was necessary to discuss the possible appointment of a particular person.

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

Executive session was declared from 12:13 p.m. to 12:19 p.m.

The board members reconvened. Pursuant to the executive session, motion was made by Mr. Geraghty, seconded by Mr. Pitkin and carried unanimously to appoint Jeffery Tennyson as Superintendent of Public Works effective August 1, 2010. Clerk noted it would be Resolution No. 452 of 2010 for the record.

There being no further business, on motion by Mr. Stec and seconded by Mr. Geraghty, Chairman Monroe adjourned the meeting at 12:22 p.m.