

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 20, 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 McCoy.

Roll called, the following members present:

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

Absent: Supervisor VanNess; Town of Thurman - vacant - 2.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously, to approve the minutes of the July 16, 2010 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Monroe declared the public hearing on proposed Local Law No. 5 of 2010, open at 10:01 a.m. and requested the Deputy Clerk read the Notice of Public Hearing.

Deputy Clerk read the Notice of Public Hearing.

Chairman Monroe requested John Austin, Historian, to come forward for a presentation. Chairman Monroe announced that Mr. Austin recently retired as the County Historian and added that he had known him for many years. He recognized Mr. Austin for his many years of service to Warren County as a Supervisor, Family Court Judge and as the Historian. He noted that Mr. Austin had been a tremendous resource for the citizens of Warren County and expressed his appreciation for such. Chairman Monroe presented Mr. Austin with a certificate appointing him as the Historian Emeritus in honor of his knowledge and commitment to Warren County. The board members responded with applause.

Chairman Monroe reported on the establishment of a Citizens Advisory Committee for the Bike Trail. He explained a request had been received to establish such a committee to develop more bike trails within the County, in conjunction with the Tourism Department and the Department of Public Works. He noted the importance of bike trails to tourism in the area and apprised he had received information from Parks & Trails New York informing that they offered an assistance program to any municipalities interested in developing bike trails.

Motion was made by Mr. Stec, seconded by Mr. Thomas and carried unanimously to waive the rules of the board requiring a resolution be in writing. Deputy Clerk noted it would be Resolution No. 572 of 2010 for the record.

Motion was made by Mr. Stec, seconded by Mr. Thomas and carried unanimously authorizing the Chairman of the Board to appoint a Citizens Advisory Committee for the bike trail. Deputy Clerk added it would be Resolution No. 573 of 2010 for the record.

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

Supervisor Belden, Public Works; Supervisor Kenny, Gaslight Village Ad Hoc and County Clerk-Motor Vehicles; Supervisor Taylor, Planning & Community Development and Support Services; Supervisor Girard, Extension Services; Supervisor Geraghty, Budget; Supervisor Thomas, County Facilities, Personnel and Social Services; Supervisor Sokol, Health Services; Supervisor Champagne, Intercounty Solid Waste; Supervisor Strainer, Human Services; Supervisor Stec, Finance; and Supervisor Merlino, Tourism.

With regard to the Public Works Committee, Mr. Belden advised that under the Sewer portion of the meeting, the Committee authorized the creation of a temporary part-time position of Sewer Administrator in order to complete the Bolton Sewer Project in a timely manner with the remaining grant funds that had been awarded; he noted that the resolution was included in the Supervisors' packets. He stated that the remainder of the Public Works meeting consisted mainly of housekeeping issues. He referred to Resolution No. 528 in the packets which authorized the filling of the vacant position of Auto Mechanic #4 and noted the importance of that position.

Concerning the Gaslight Village Ad Hoc Committee, Mr. Kenny reported that the Committee discussed revising the boundaries of the Gaslight Village Festival Space, as was reflected in Resolution No. 517 in the packets. Resolution No. 518, he said, would amend Resolution No. 410 of 2010 to increase the reimbursement amount paid to the parking attendants for events held at the former Gaslight Village property from \$8.50 per hour to \$11.00 per hour. Mr. Kenny expounded the Committee had approved reimbursement to the Town of Lake George for maintenance of the property; however, he informed that the County Attorney/Administrator, had withdrawn that resolution prior to the meeting today.

Relative to the County Clerk-Motor Vehicles Committee, Mr. Kenny reiterated the retirement of the County Historian and added that the Committee had approved the filling of the position as was outlined in Resolution No. 526 in the packets. He stated the Committee discussed at length Warren County's Bicentennial which would take place in 2013 and preparations had begun with the establishment of a Bicentennial Citizens Advisory Committee, as reflected in Resolution No. 509.

In connection with the Planning & Community Development Committee, Mr. Taylor announced that only the Economic Development Corporation (EDC) had information to present this month. He advised that the Tourism Study was expected to be completed by the end of August. He informed that the EDC Fall Luncheon was scheduled for September 29, 2010 at Hiland Park and he encouraged all Supervisors to attend.

Regarding the Support Services Committee, Mr. Taylor reported the Committee was informed that the Board of Elections (BOE) had a budget shortfall of approximately \$150,000 primarily due to the additional costs associated with the new voting machines; and the Committee referred the request to the Finance Committee to determine a source of funding. Resolution No. 519 in the packets, he continued, ratified the actions of the Chairman of the Board and authorized an agreement with Fort Orange Press, Inc. for the printing of the Voter Educational Brochures. Under the Information Technology portion of the meeting, he stated the Committee approved an agreement with Time Warner Cable for dedicated internet access and additional static IP's, as was outlined in Resolution No. 520. Mr. Taylor added that under the Purchasing portion of the meeting, the Committee approved amending the Purchasing Policy to increase the commodity bid threshold from \$10,000 to \$20,000 to be consistent with changes made to the General Municipal Law, which was Resolution No. 521 in the packets. He concluded that lengthy discussions were held concerning the Workers Compensation Self-Insurance Plan; and the Committee decided to reduce the Reserve Fund which in turn would reduce the premium in 2011 and was reflected in Resolution No. 562.

Mr. Girard reminded the board members that Cornell Cooperative Extension was hosting a Golf Tournament fundraiser on August 28, 2010 at 10:00 a.m. and there were spots still available for interested teams.

Mr. Conover announced that the Town of Bolton would be re-opening the Bolton Pier, and re-dedicating the pavilion and flower garden to the former Town Supervisor, Frank Leombruno on August 29, 2010 at 6:30 p.m. and he invited all Supervisors to attend.

Pertaining to the Budget Committee, Mr. Geraghty informed that the budget discussion meetings would begin on Monday, August 23, 2010.

With regard to the County Facilities Committee, Mr. Thomas expounded a meeting was held this morning to discuss a necessary Change Order and additional bonding; as a result, he noted, three resolutions were approved which he would introduce at the appropriate time. He added the Committee approved the implementation of a crosswalk from the Municipal Center Building to the Human Services Building for safety reasons.

In connection with the Personnel Committee, Mr. Thomas apprised Resolution Nos. 522 through 536 were resultant of the meeting, the majority of which authorized the filling of vacant positions in various departments. He referred to Resolution No. 563, which introduced proposed Local Law No. 8 of 2010 and would amend Local Law No. 3 of 2010 relative to the Office of County Administrator to accurately reflect the titles of positions within the Office.

Concerning the Social Services Committee, Mr. Thomas remarked several requests for training for employees were presented and approved by the Committee. The main purpose of the meeting, he said, was discuss the possibility of entering into a contract with The Open

Door to provide temporary shelter for the homeless, which the Committee approved and that was Resolution No. 564 in the packets. He stated the Committee also approved agreements with two separate appraisal firms in order to obtain accurate appraisals of the Human Services Building for reimbursement from the State.

Mr. Sokol requested that Resolution No. 566, Awarding Proposal and Authorizing Agreement with Patricia A. Murphy, RN Consultant, to Develop, Review and Revise Westmount Health Care Facility Policies and Procedures (WC 55-10), be tabled based on recently received information.

Motion was made by Mr. Sokol, seconded by Mr. Belden and carried unanimously to table Resolution No. 566 as outlined above and to refer the matter back to the Health Services Committee.

Relative to Intercounty Solid Waste Committee, Mr. Champagne noted that the Committee continued to discuss the plan for the Wheelabrator plant. He advised that an error had been made in the estimated amount of fees collected for 2010 by the Trustees, which resulted in a savings to the County of approximately \$400,000; however, he stated, it had not been determined if the County could use the \$5 million in escrow as a savings in 2011, Warren County's share being approximately \$3 million. Mr. Champagne concluded that the Committee awaited a legal opinion on the matter.

Mr. Kenny questioned who was disputing the use of the escrow fund and Mr. Champagne replied it was between the Trustees and Warren and Washington Counties; however, he clarified, it was not being disputed, it was an unknown matter at this time.

With regard to the Human Services Committee, Mr. Strainer reported interviews had been held for the Employment & Training Administration Director position. Under the Veterans' Services portion of the meeting, he said, the Committee was informed that the part-time employee in that Office had resigned, which would need to be discussed further at the next Committee meeting.

Pertaining to the Finance Committee, Mr. Stec expounded Resolution Nos. 548 through 556 were generated from the meeting and he listed them as follows: Resolution No. 548, Revenue Anticipation Note Dated August 20, 2010; Resolution of the Finance Board of the County of Warren, New York, Authorizing the Issuance of Revenue Anticipation Note(s) in Anticipation of the Collection of Revenues Other Than Real Estate Taxes or Assessments for the Year 2010, in Accordance with Local Finance Law Section 39.00; Resolution No. 549, Authorizing Submission of a Fiscal Year 2010 Sustainable Communities Regional Planning Grant Application to the U.S. Department of Housing and Urban Development (HUD), Participation in a Regional Consortium and Authorizing the Chairman of the Warren County Board of Supervisors to Sign Required Certifications; Resolution No. 550, Authorizing Re-

Bidding and Advertising for the Sale of Two (2) County-Owned Parcels (Portion of Tax Map Parcel No. 288.-1-49 and Tax Map Parcel No. 288.-1-62) in the Town of Queensbury as Separate Bids, Subject to Certain Terms and Conditions; Resolution No. 551, Awarding Bid and Authorizing Agreement with Mailings Made Easy, Inc. for Mail Pick-Up and Sorting Services for a Discount (WC 68-10); Resolution No. 552, Approving Tentative Budget for Adirondack Community College and Providing for Public Hearing; Resolution No. 553, Awarding Bid and Authorizing Agreement with Lowest Responsible Bidder Relative to the Design of the Sprinkler System at Westmount Health Facility (WC 74-10); Resolution No. 554, Authorizing Purchase of Lockable Mailboxes; Resolution No. 555, Authorizing Renewal Agreement with State of New York Unified Court System for Court Cleaning and Maintenance Services; Resolution No. 556, Authorizing Appropriation of Surplus Funds for Board of Elections.

Regarding the Tourism Committee, Mr. Merlino apprised Resolution Nos. 514 through 516 were resultant of the meeting and authorized agreement with various vendors for the printing of the Brochures, Travel Guides and Group Tour Planners. He added the recent Velo Quebec Bike Event was very successful. He announced that the Train had been a great success for the southern portion of the County this season.

Chairman Monroe reminded the board members that the Public Hearing on proposed Local Law No. 5 of 2010 which would create the Department of Finance was still open and asked if there were any comments to be made prior to the closing of the Hearing.

Mr. McDevitt expressed his opposition to the proposed Local Law No. 5 of 2010, and noted he believed that fundamentally, when government was as close to the voters as possible, it made for effective and good government.

Mr. Loeb advised he was also opposed to the proposed Local Law No. 5 of 2010. He added that eliminating the independence of the Treasurer's position would be a tremendous consolidation of power to the detriment of the security of the County's finances that the public depended on the Supervisors to supply.

Chairman Monroe informed that in order for this proposal to be placed on the ballot in November, the resolution would need to be passed today.

Mr. Taylor opined he was in support of this Local Law, and stated that comments had been made that the Treasurer's position allowed for the taxpayers to be more involved with the financial status of the County, which he disagreed with because all expenditures were approved at the board level. He asserted the importance of having an individual in the Office that had good knowledge of municipal finance.

Mr. Kenny voiced his opposition to the proposed Local Law, stating that it would infuse partisan politics into that Office. He noted that the Treasurer made a number of independent decisions, including investment strategies, which he felt needed to remain independent decisions.

Mr. Champagne countered that this Local Law would only provide the public with the right to vote for what they wanted. Chairman Monroe interjected that no matter the outcome of this, the board members should consider establishing minimum qualifications for the position of Treasurer, due to the amount of money handled by that Office.

Mr. Goodspeed announced his support for the proposed Local Law and referred to issues that arose last year during the budget process. He recalled that the Treasurer's Office was asked to provide the board members with a projected fund balance last year to assist in the budget process, and the response was that the information could not be provided, which he found to be unacceptable.

Frank O'Keefe, Treasurer, responded to Mr. Goodspeed that the issue of a fund balance was difficult to determine and his Office did not want to supply inaccurate information to the board. With regard to Mr. Taylor's statement that the Treasurer's Office only paid the bills for the County, Mr. O'Keefe apprised that he had sent a detailed package to each Supervisor outlining what his Office did. He summarized that his staff was highly qualified, including the Deputy Treasurer who was a CPA (Certified Public Accountant), and opined that they all did an admirable job.

Mr. Taylor agreed that the Treasurer did provide a very detailed list of the duties performed by his Office; however, he pointed out that the finances of the County were controlled by the Board of Supervisors. He clarified that he believed that the Treasurer's Office did a good job, but he was more concerned about the performance of future Treasurers'. Chairman Monroe echoed Mr. Taylor's statements and added that this was not reflective on the performance of the current Treasurer, it was an unknown concern for the future.

There being no one further wishing to comment on the proposed Local Law No. 5 of 2010, Chairman Monroe declared the Public Hearing closed at 10:45 a.m.

Chairman Monroe referred to the issue of reimbursement to the Town of Lake George for maintenance and mowing that was done on the Gaslight Village property that Mr. Kenny reported had been withdrawn by the County Attorney/Administrator, Paul Dusek. He requested Mr. Dusek to explain why that resolution was not included in the packets today.

Mr. Dusek explained that after the Committee had taken action, concerns had been raised about the accounting that was presented to the Committee members, as well as the

items charged and the sufficiency of documentation. As a result of those concerns, he continued, he met with Supervisor McCoy and encouraged that those items be returned to the Committee for further review. Mr. McCoy interjected that he would not provide any additional documentation and he felt the Town should be compensated for caring for the property over the past three years. Mr. Dusek reiterated that it would be appropriate for the matter to be referred back to the Gaslight Village Ad Hoc Committee.

Mr. Geraghty asserted that the former Supervisor of the Town of Lake George had advised that County funds were not needed to maintain the property and that coffers from the Town would be utilized for such purposes; the Board of Supervisors provided authorization for the Town to proceed as desired. He also referred to the request to increase the amount paid to the parking attendants, which was included in the resolution packets, and expressed his opposition to that request and noted he would ask that the resolution be a roll call vote. He said that these issues should have been resolved in writing from the beginning.

Mr. McCoy expounded he was not a member of the Board of Supervisors when these decisions were originally made. He added that the Town of Lake George had a new Town Board and they had instructed him to request reimbursement from the County for the funds that the Town had expended to date on the project.

Motion was made by Mr. Belden, seconded by Mr. Goodspeed and carried unanimously that the matter of reimbursement to the Town of Lake George for maintenance of the property be referred back to the Gaslight Village Ad Hoc Committee for further discussions.

Mr. Dusek advised he had two additional matters to be discussed that were not included on the agenda. The first, he said, concerned the salary for the position of County Historian. He noted that Resolution No. 526 included in the packets authorized the filling of that position, with the salary to be determined. He added that the previous salary for the Historian was \$10,700, and following review of comparisons from other counties and based on sixteen hours of work per week, he recommended that the salary be set at \$10,000. He said that resolution would need to be amended to include a base salary prior to the vote on resolutions.

Mr. Dusek commented that included in the resolutions for the additional work relative to the demolition of the former Social Services Building as previously discussed by Mr. Thomas, was a credit of \$20,000 that was being consumed by the builder and was included in the contract amount. He added that they would continue to search for additional credits as the matter was resolved. Chairman Monroe reminded the board members that there were three resolutions approved at the County Facilities Committee meeting this morning which was what Mr. Dusek was referring to, and those draft resolutions were being distributed.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to amend Resolution No. 526, Authorizing the Warren County Clerk to Fill the Vacant Position of County Historian Due to Resignation, to include the base salary of \$10,700.

Mr. Dusek requested an executive session to discuss matters leading to the appointment of a particular person and matters regarding current litigation.

Motion was made by Mr. Geraghty, seconded by Mr. Girard 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 11:00 a.m. to 11:25 a.m.

The board reconvened. Chairman Monroe announced that no action was necessary pursuant to the executive session.

Chairman Monroe called for reading of communications.

Deputy Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;
Warren/Washington Counties IDA.

Monthly Reports from:

Weights & Measures;
Probation;
Veterinarian.

Annual Report from:

NYMIR (New York Municipal Insurance Reciprocal).

Capital District Regional Off-Track Betting Corporation, May 31, 2010 Financial Report, June Surcharge in the amount of \$8,988 and Second Quarter Benefit Distribution in the amount of \$3,879;

City of Glens Falls Common Council, in support of The Open Door and their request for housing voucher support from Warren County;

Note of thanks from Debra Grobe Searles, regarding the efficient clean-up of a fallen tree by the Parks, Recreation & Railroad staff.

Letter from Jeffery Tennyson Superintendent of Public Works. Pursuant to Local Law No. 2 of 1971, making the following appointments for the year 2010: Kevin Hajos, PE, as Acting Superintendent of Public Works & Deputy Superintendent of Public Works; Todd Beadnell, PE, as Deputy Superintendent of Public Works Operations; Joan Wolfe as Department of Public Works Records Officer & Deputy Superintendent of Public Works/Administration; and Donald DeGraw, Airport Manager. Kevin Hajos, Todd Beadnell and Joan Wolfe are hereby given the authority to sign all documents (vouchers, purchase orders, contracts, etc.) for the Department of Public Works in my Absence.

Letter from John Austin, resigning as County Historian for health reasons, effective July 31, 2010.

Communications, resolutions and reports ordered placed on file.

Mr. Girard questioned the correspondence received from the City of Glens Falls Common Council, in support of The Open Door and their request for housing voucher support from Warren County. Deputy Clerk read the correspondence in full for the record.

Mr. Girard expressed his opposition to this request, as well as the resolution included in the Supervisors' packets, Resolution No. 564, Authorizing Agreement with Servants of the World, Inc. D/B/A The Open Door to Provide Temporary Shelter Facilities for the Homeless. He questioned the experience of The Open Door with housing homeless and if this was an appropriate endeavor for the County to be involved in. He further stated that the County should not agree to this; thereby allowing The Open Door to obtain a funding source to procure a building. Mr. Taylor countered that the funding source was not to procure a building, it was to allow for application of a Federal Home Loan Affordable Housing Grant.

Privilege of the floor was extended to Bruce Hersey, owner of The Open Door, to address Mr. Girard's concerns. Mr. Hersey explained that he had been involved with working with the homeless since 1970, and he would establish a very structured program for the individuals that would be housed there. He listed a number of organizations, agencies and individuals that he had been in contact with that were willing to assist in this program. Mr. Hersey provided an in depth outline of his experience with assisting struggling individuals and the positive outcomes that had been achieved.

Mr. Dusek clarified that if this proposal came to fruition, it would only be a cost savings measure to the County, in that the homeless would be referred to The Open Door as opposed to the County renting hotel rooms for them. He further stated that by this agreement, the County was not taking on any additional obligations beyond those currently in place.

Sheila Weaver, Commissioner of Department of Social Services, asserted that currently, the numbers that would be supported through The Open Door in this contract averaged between one to four people a month. She added that the number of homeless individuals had decreased dramatically over the past year due to the efforts of her Department; however, she noted, she did expect the numbers to increase over the winter as they had in previous years. She advised that this option was chosen over the other alternative of making improvements to the Countryside Adult Home to provide housing for the homeless, which would be a costly expense for the County.

In response to an inquiry, Mr. Dusek confirmed that this agreement would be subject to renewal on a yearly basis.

Chairman Monroe called for reading of resolutions and discussion.

Mr. Girard requested a roll call vote on Resolution No. 564, Authorizing Agreement with Servants of the World, Inc. D/B/A The Open Door to Provide Temporary Shelter Facilities for the Homeless.

Mr. Belden requested a roll call vote on Resolution No. 527, Authorizing the Director of Public Health/Patient Services to Fill the Vacant Position of Principal Clerk Due to Resignation.

Mr. Geraghty requested a roll call vote on Resolution No. 518, Amending Resolution No. 410 of 2010 to Increase the Reimbursement Amount of Parking Attendants for Events Held at the Former Gaslight Village Property.

Mr. Loeb requested a roll call vote on Resolution No. 553, Awarding Bid and Authorizing Agreement with Lowest Responsible Bidder Relative to the Design of the Sprinkler System at Westmount Health Facility (WC 74-10).

Mr. Dusek advised a roll call vote would be needed on Resolution No. 576, which authorized the issuance of additional bonds relative to the demolition of the Social Services Building.

Mr. Thomas introduced the following resolutions to the floor, as approved by the County Facilities Committee: Authorizing Change Order with Ritter & Paratore regarding the abatement and demolition of the former Social Services Building and authorizing the Chairman of the Board to execute a Change Order; Authorizing extension agreement with Bovis Lend Lease, LMB; and Authorizing the issuance of an additional \$146,038 bonds of the County of Warren, New York, to pay costs related to the abatement and demolition of Annex building #10 in and for said County. Copies of draft resolutions were distributed to the board members, copies of which are on file with the minutes.

Motion was made by Mr. Thomas, seconded by Mr. Bentley and carried unanimously to approve the resolutions as outlined above. Deputy Clerk noted they would be Resolution Nos. 574, 575 and 576, respectively, for the record.

Nicole Livingston, Deputy Clerk of the Board, advised that Resolution Nos. 506 through 566 were mailed. She noted the resolutions relating to the filling of vacant positions were Resolution Nos. 526 through 533, and unless a roll call vote was requested on a particular resolution, all would be approved in the collective vote. She acknowledged Mr. Belden's request for a roll call vote on Resolution No. 527.

Mrs. Livingston announced a motion was needed to bring Resolution Nos. 505 and 567 through 573 to the floor. Motion was made by Mr. Sokol, seconded by Mr. Thomas and carried unanimously to bring Resolution Nos. 505 and 567 through 573 to the floor.

Chairman Monroe expounded a draft resolution was being distributed to the board members, which would authorize the appointment of the Warren County Employment & Training Director II. He noted a motion was needed to approve the aforementioned resolution.

Motion was made by Mr. Belden, seconded by Mr. Kenny and carried unanimously to authorize the appointment of the Warren County Employment & Training Director II. Deputy Clerk added it would be Resolution No. 577 of 2010 for the record.

Mr. Dusek apprised a resolution was necessary to waive the rules of the board and to authorize the settlement negotiations of several pharmaceutical litigation matters.

Motion was made by Mr. Goodspeed, seconded by Mr. Belden and carried unanimously to waive the rules of the board requiring a resolution be in writing. Deputy Clerk stated it would be Resolution No. 578 of 2010 for the record.

Motion was made by Mr. Goodspeed, seconded by Mr. Bentley and carried unanimously to authorize the settlement negotiations of several pharmaceutical litigation matters. Deputy Clerk said it would be Resolution No. 579 of 2010 for the record.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 505 through 579 were approved, with the exception of Resolution No. 518, Amending Resolution No. 410 of 2010 to Increase the Reimbursement Amount of Parking Attendants for Events Held at the Former Gaslight Village Property; and Resolution No. 568, Enacting Local Law No. 5 of 2010, which both failed.

There being no further business, on motion by Mr. Kenny and seconded by Mr. Strainer, Chairman Monroe adjourned the meeting at 12:21 p.m.