

**WARREN COUNTY BOARD OF SUPERVISORS
SPECIAL BOARD MEETING
WEDNESDAY, SEPTEMBER 29, 2010**

**NOTICE OF SPECIAL MEETING
TO THE MEMBERS OF THE BOARD OF
SUPERVISORS OF WARREN COUNTY:**

You are hereby notified that, I, FREDERICK H. MONROE, Chairman of the Board of Supervisors of the County of Warren, pursuant to the power vested in me by Rule A.3 of the Rules of the Board of Supervisors, hereby call and convene a special meeting of the Board of Supervisors of Warren County to be held in the Supervisors' Room in the Warren County Municipal Center, Town of Queensbury, New York, on Wednesday, September 29, 2010 at 3:00 p.m., for the purpose of considering, and if determined by the Board to be appropriate, voting on, or otherwise taking action on, the following matters:

1. Matters relating to the Gaslight Village property, demolition, potential transfer of Town of Lake George's interest, future maintenance and costs, County participation, agreements concerning the same and related matters; and
2. To conduct such other business as may properly come before the Board of Supervisors.

The Clerk of the Board of Supervisors is hereby directed to call for the meeting and give written notice to all members of the Board of Supervisors of such meeting.

Dated: September 24, 2010

FREDERICK H. MONROE, CHAIRMAN
Warren County Board of Supervisors

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 3:00 p.m.

Mr. Frederick Monroe presiding.

Salute to the flag was led by Supervisor Stec.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Kenny, Belden, Bentley, McCoy, Merlino, Stec, Strainer, Sokol, Thomas and Geraghty - 15.

Absent: Supervisors Loeb, Goodspeed, Champagne and VanNess; Town of Thurman - vacant - 5.

Chairman Monroe announced the purpose of the meeting was to discuss the Gaslight Village property and the potential transfer of the Town of Lake George's interest. He requested Paul Dusek, County Attorney/Administrator, to further explain the new proposal

to the board members. Mr. Dusek advised that all parties involved in the project (the 3 E's [environmental groups] and the 3 M's [municipalities]) had met and had reached a possible solution regarding the continuation of the Gaslight Village project. He noted that all parties would have to agree to the new proposal and referred to the draft agreement that was sent to the Supervisors prior to the meeting today. He redistributed copies of the draft agreement to the board members, a copy of which is on file with the minutes. Mr. Dusek reviewed the document in detail.

Mr. Dusek summarized the beginning of the draft agreement which identified all the parties involved; he recited the clauses on pages one through three and apprised the only disagreements concerned the demolition of the Cavalcade of Cars Building and the future use of the Festival Space, in that the Town of Lake George desired to retain the building. Under Section 1 on page three, Mr. Dusek reviewed the proposal for the Town to transfer its' complete interest as a Tenant in Common (calculated to be 19%) in the Gaslight property to the Village of Lake George. He noted that if the agreement was accepted, the Town would have no rights or interests in the property.

Mr. Dusek pointed out Section 2 included the description of the Gaslight property. He highlighted Section 3, Consideration/Conditions and Agreements and stated that in consideration of the Town's transfer, the Town would be paid \$210,000; he reviewed the payment structure that had been agreed upon between the Village of Lake George, The Fund for Lake George and The Lake George Association.

Chairman Monroe commended Mr. Dusek for his work on this agreement. He added there were two other resolutions included in the Supervisors packets, one authorizing a transfer of funds to pay the invoice submitted by the Town of Lake George for maintenance of the Gaslight Village property; and the other to correct an error in the amount of the Adirondack Community College (ACC) budget for 2010- 2011. He confirmed that there was not a written resolution regarding the proposed agreement to transfer the Town's interest to the Village as outlined by Mr. Dusek; however, he said, a motion could be made to waive the rules of the board and to approve the agreement, conceptually, allowing for final adjustments to be made to the agreement if needed. Mr. Dusek agreed, noting that it would be anticipated that, if agreeable to the board members, final resolutions and documents would be prepared for the Board Meeting on October 15, 2010 in order to finalize this transaction and allow for demolition to occur on the property.

Mr. Stec suggested that the resolution be worded to state that the agreement was approved in substantially the form as presented; thereby allowing the flexibility for any necessary amendments to the agreement.

Mr. Bentley questioned why the County and Village would not split the funds received from parking and maintenance if amounts received were above \$105,000 and Mr. Dusek

explained the \$105,000 would be new money from the Village to buyout the Town's interest; and therefore, the Village would be reimbursed that amount and any additional amount thereafter would be split between the County and the Village. Chairman Monroe added that the Village would be taking over the responsibility of the maintenance and operation of the Festival Space and would be reimbursed for their actual expenses, but not reimbursed for the management fees. Mr. Dusek emphasized that the Village would not be repaid their initial \$350,000 contribution to purchase the property, although there was an ability under the agreement to share any additional funds available beyond what was needed, according to the ownership percentages.

Mr. Dusek expounded that as a result of this transaction, the County could not assume that there would be sufficient funds for the entire project and this could result in a financial cost to the County; however, he said, the County was already committed to the environmental maintenance of this project and would be exposed to some costs, and this new arrangement did not make that any worse. He added that the Village was even more committed than they were before by purchasing the Town's interest. He reiterated that there was no guarantee that this would be a profitable venture.

Motion was made by Mr. Taylor, seconded by Mr. McCoy and carried by majority vote, with Mr. Bentley voting in opposition, to waive the rules of the board requiring a resolution be in writing. Clerk announced it would be Resolution No. 629 of 2010 for the record.

Chairman Monroe requested Mr. Dusek provide the specific language necessary for the resolution. Mr. Dusek recommended a resolution that would approve the agreement, conceptually, with the understanding that the final agreement would be provided for review and approval at the October 15, 2010 Board of Meeting.

Mr. Stec questioned if there would be an issue with the proposed time line in connection with the demolition project, and if so, he would recommend approving the agreement in substantially the same form as presented today. Mr. Dusek referred to Dave Decker, Project Manager, to comment on the demolition schedule.

Mr. Decker apprised the bids had been received, the contractor had been notified of the acceptance of the low bid, permits had been obtained and the resolutions that had been approved by the Town, Village and County, allowed for the contracts to be signed to authorize the base bid to progress. In order to proceed with authorizing the full construction, he continued, a resolution would be needed stating that there was no objection to proceeding on both sides of the property. He said if no action was taken until the October Board Meeting, he would be apprehensive about authorizing the contractor to proceed with the full site demolition.

Motion was made by Mr. Stec and seconded by Mr. Taylor to approve the agreement for the transfer of the Town of Lake George's interest in the Gaslight Village property to the Village of Lake George, and to authorize the Chairman of the Board to sign the agreement in substantially the same form as presented.

Chairman Monroe announced there were four Supervisors absent from the meeting today; thereby leaving a total weighted vote present of 752. He noted that he had received communications from Supervisor VanNess and Supervisor Goodspeed expressing their support of the presented agreement. Chairman Monroe requested that the resolution to approve the agreement for the transfer of interest be a roll call vote. Clerk stated it would be Resolution No. 630 of 2010 for the record.

Joan Sady, Clerk of the Board, announced a motion was needed to bring Resolution Nos. 627 and 628 to the floor. Motion was made by Mr. McCoy, seconded by Mr. Bentley and carried unanimously to bring Resolution Nos. 627 and 628 to the floor.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 627 through 630 were approved.

Mr. Geraghty reminded the board members that the Warrensburg Town-wide Garage Sale was this weekend.

There being no further business, on motion by Mr. McCoy and seconded by Mr. Stec, Chairman Monroe adjourned the meeting at 3:48 p.m.