

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, NOVEMBER 19, 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 VanNess.

Roll called, the following members present:

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

Absent: Supervisor Girard and Bentley - 2.

Chairman Monroe commenced the meeting by recognizing Evelyn Wood, the newly elected Supervisor for the Town of Thurman, and he welcomed her to the Board of Supervisors. The board members responded with applause.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously, to approve the minutes of the October 15, 2010 Board Meeting and the November 5, 2010 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Monroe declared the Public Hearing on the Warren County Sewer District (Industrial Park) Assessment Roll for 2011 open at 10:02 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

There being no one wishing to speak on the Warren County Sewer District (Industrial Park) Assessment Roll for 2011, Chairman Monroe declared the Public Hearing closed at 10:05 a.m.

Chairman Monroe extended privilege of the floor to Pam Vogel, County Clerk, to provide an update on the Bicentennial Citizens Advisory Committee. Mrs. Vogel distributed a handout to the board members which outlined the progress of the Committee to date, a copy of which is on file with the minutes. She noted that the purpose of the Committee was to identify and coordinate a series of events to commemorate Warren County's Bicentennial in 2013. She summarized a list of potential programs and events that had been discussed and added that the Committee would meet again in January 2011.

Chairman Monroe extended privilege of the floor to Luisa Craige-Sherman and Michael Dufault for a presentation on the Last of the Mohicans Outdoor Drama. Mr. Dufault, founder of the Last of the Mohicans Outdoor Drama, presented a power point presentation, a copy of which is on file with the minutes. He introduced members of his Board of Directors that were with him today and thanked the Board of Supervisors for their generous support of their project over the years. He reviewed the power point presentation in detail, for the board members, which outlined the formation and production of outdoor dramas throughout the country. Mr. Dufault highlighted the future plans for the Last of the Mohicans Outdoor Drama in Warren County and noted they hoped to have a full season of production by 2013.

Chairman Monroe declared the Public Hearing on the 2011 Tentative Warren County Budget open at 10:15 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

There being no one wishing to speak on the 2011 Tentative Warren County Budget, Chairman Monroe declared the Public Hearing closed at 10:21 a.m.

Chairman Monroe stated he had a report on the Gaslight Village demolition project. He advised the contract had been awarded for the demolition on the south parcel and said demolition should commence in the near future. He added a meeting had been held in which the process for the north parcel had been discussed, including scheduling for the use of the Festival Space. He commented that Mr. Merlino had suggested that a special committee be established to coordinate with the Village of Lake George regarding the future plans for the Festival Space.

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

Supervisor Strainer, Human Services; Supervisor Stec, Finance; Supervisor Merlino, Tourism; Supervisor Goodspeed, Real Property Tax Services; Supervisor Belden, Public Works; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Taylor, Planning & Community Development; Supervisor Geraghty, Budget; Supervisor Thomas, Personnel and County Facilities; and Supervisor VanNess, Public Safety.

Regarding the Human Services Committee, Mr. Strainer stated that he had received a letter commending the Office of Veterans' Services and advising of a positive experience in dealing with the Director of Veterans' Services. He thanked the former Director of Veterans' Services, Bill McGarr, for filling in during the absence of the current Director. The remainder of the meeting, he continued, consisted of housekeeping issues.

Concerning the Finance Committee, Mr. Stec reported Resolution Nos. 706 through 713 were generated from the meeting. He reviewed the resolutions in detail as follows: Resolution No. 706, Authorizing Agreement with Fiscal Advisors & Marketing, Inc. for Financial Advisor Services; Resolution No. 707, Authorizing Agreement with Orrick, Herrington & Sutcliffe, LLP for Bond Counsel Services; Resolution No. 708, Authorizing Agreement with Systems East, Inc. for Software Support and Maintenance for Tax Collection System; Resolution No. 709, Authorizing Settlement in Tax Foreclosure Action Relating to Tax Map Parcel No. 47.-1-2 in the Town of Johnsbury; Resolution No. 710, Rescinding Resolution No. 221 of 2009 and Declining New York State Affordable Housing Corporation Grant Award; Resolution No. 711, Urging New York State Public Service Commission to Reject Proposal from National Grid to Increase Residential Natural Gas and Electric Rates; Resolution No. 712, Budget Note Resolution Dated November 19, 2010 of the County of Warren in an Amount Not to Exceed \$600,000 to Cover Projected Shortfall in the Waste Management Fund; and Resolution No. 713, Authorizing Agreements with Various Insurance Providers for Health and Dental Insurance for Warren County Employees and Retirees; Establishing Rates for Coverage Effective December 1, 2010 and January 1, 2011. Mr. Stec referred to the recent meeting of the Intercounty Legislative Committee of the Adirondacks which was held at Aeon Nexus in the City of Glens Falls. He recalled that Omar Usami, Director of Aeon Nexus, had attended a board meeting in the past to provide information to the Supervisors, and at the Intercounty Legislative Committee of the Adirondacks meeting they presented their program on reverse auctions.

In connection with the Tourism Committee, Mr. Merlino reported the 2011 Travel Guides were available. He commented that he had received a number of phone calls relative to awarding the contract for a new operator of the Warren County Railroad and he noted that a contract had not been signed, nor had any agreements been made as of yet. With regard to snowmobiling, he announced additional trails would be available this season.

Pertaining to the Real Property Tax Services Committee, Mr. Goodspeed remarked Resolution No. 702 in the packets authorized the deleting of taxes on three separate parcels and Resolution No. 703 authorized the conveyance of lands offered at the County auction.

With regard to the Public Works Committee, Mr. Belden advised under the Airport portion of the meeting, the Committee approved a request to amend the existing Fixed Base Operator (FBO) lease agreement with Schermerhorn Aviation II, to include the second floor conference room at the Airport. He added that the Committee held lengthy discussions concerning the overtime that accumulated in DPW during the Adirondack Balloon Festival and possible solutions were still being considered. He expounded that the Committee reviewed the responses to the RFP (Request for Proposal) for the operator of the railroad and interviews were held with the respondents. Under the Solid Waste & Recycling portion of the meeting,

Mr. Belden said the Committee reviewed the draft plan which detailed the option for the towns to be responsible for their own Waste Management Plans. Mr. Champagne agreed and added that the County would still be the policing agent to ensure that the towns were conforming with the New York State Department of Environmental Conservation (NYS DEC) regulations.

Mr. Kenny apprised that the Occupancy Tax Coordination Committee would meet on December 3, 2010, at which time discussions would be held concerning the request for occupancy tax funding to offset the overtime costs relative to the Adirondack Balloon Festival, the request from the Village of Lake George for funding for the Visitor's Center, as well as an additional request from the Village for occupancy tax funds to be utilized for public safety. He noted that the application packets for special events funding would be distributed and reviewed at the December 10, 2010 workshop session of the Committee.

Regarding the Planning & Community Development Committee, Mr. Taylor remarked that the annual Fall Luncheon sponsored by the Economic Development Corporation (EDC) was held and attracted approximately two hundred people. He noted that the Committee was informed that the Empire Zone Program was recently terminated and EDC was still required to report on forty-seven businesses within that program on an annual basis. He added that EDC had applied for and received a \$30,000 grant from National Grid for the design and approval process for a 25,000 square foot building to be constructed in the Queensbury Industrial Park. Under the Planning & Community Development portion of the meeting, Mr. Taylor stated the Committee approved a request to rescind Resolution No. 221 of 2009 and decline a New York State Affordable Housing Corporation grant award, which was reflected in Resolution No. 710 included in the Supervisors' packets.

Mr. Taylor apprised Support Services had met and under the Self-Insurance portion of the meeting, the Committee approved a request to reject the lowest bid of Triad Group and award the bid and authorize an agreement with TD Insurance for Excess Workers' Compensation Insurance and Employers Liability Specific Excess Insurance, which was outlined in Resolution No. 734 in the packets. He said Resolution Nos. 731 through 733 were also generated from the Self-Insurance portion of the meeting and he reviewed them as follows: Resolution No. 731, Authorizing Memorandum of Understanding with the New York State Workers' Compensation Board Regarding Electronic Mailing of Workers' Compensation Board Notices; Resolution No. 732, Authorizing Renewal of Excess Workers' Compensation Policy with Midwest Employers Casualty Company for 2011; and Resolution No. 733, Authorizing Renewal of Employers Liability Policy with United States Liability Insurance Company for 2011. Under the Board of Elections portion of the meeting, he continued, two resolutions were resultant of the meeting. He asserted Resolution No. 735 would amend Resolution No. 641 of 2010 to increase the amount of the contract with Mullen Brothers, Inc.

because the original contract did not include prevailing wage. Mr. Taylor added Resolution No. 736 would ratify the actions of the Board of Elections Commissioners relating to temporary assistance for elections provided by the Town of Queensbury and would authorize an intermunicipal agreement with the Town of Queensbury for election related services.

Mr. Kenny questioned Resolution No. 736 as outlined by Mr. Taylor and requested an explanation as to why the Town of Queensbury was receiving a payment and the other towns were not. Chairman Monroe said the Board of Elections Commissioners were being contacted and asked to join the meeting to further explain the aforementioned resolution.

Mr. McDevitt welcomed Mrs. Wood to the Board of Supervisors. He referred to the interviews recently conducted for the operator of the railroad and noted the prospect of adding a freight component to the County was very exciting and could increase the ability of marketing to population centers, such as New York City and Boston, all of which would be positive factors for the economic development of the County. Mr. McDevitt mentioned that the Warren County Safe & Quality Bicycling Citizens Advisory Board was still seeking a representative from each town within the County. Chairman Monroe pointed out that representatives had been secured from the Towns of Bolton, Chester, Queensbury, Lake Luzerne and the City of Glens Falls and encouraged Supervisors to identify a representative from the towns that had not been mentioned.

In connection with the Budget Committee, Mr. Geraghty thanked JoAnn McKinstry, Assistant to the Administrator; Rick Murphy, Fiscal Assistant to the Administrator; Paul Dusek, Administrator; and all Department Heads for making the budget process easier this year. He stated that he had attended the Intercounty Legislative Committee of the Adirondacks meeting and discussions were held concerning the potential for the State to remove another 1% from the reimbursements to counties. He added Resolution No. 753 included in the Supervisors' packets would adopt the budget for 2011.

Chairman Monroe referred to the property tax cap and noted the County needed to make it clear to the State that a property tax cap would not work without mandate relief and the two needed to be coupled together. Mr. Geraghty said if the County chose not to provide a mandated program, the State would withhold funding and reimbursements to the County. Mr. Goodspeed recalled that the board members had authorized Mr. Dusek to explore the potentiality of a class action lawsuit in conjunction with other counties, and he questioned the status of that matter. Mr. Dusek responded he was not able to determine a way to pursue that, and part of the reason behind that was because under both Constitutional and State Law, the County was viewed as an arm of the State. He added that there were very few programs that the County actually had control over. In a similar instance, Sheila Weaver, Commissioner of the Department of Social Services, apprised she had been informed that

New York City and a couple other counties were in the process of suing the State for the most recent attempt to recoup funding from counties and the counties were citing the fact that the State was keeping facilities open that were empty which was not related to the care and maintenance of the children. Mr. Dusek acknowledged he was aware of that matter and would continue to follow the status of it. Mr. Taylor recommended that NYSAC be made aware of this issue, as well and Chairman Monroe replied NYSAC was well aware of this and was interested in pursuing action. Mr. Thomas referred to the "9 for 90 Program", which meant nine mandated programs, such as Medicaid and Probation, comprised 90% of counties budgets.

Mrs. Wood thanked everyone for the warm welcome and the assistance that had been offered thus far.

With regard to the Personnel Committee, Mr. Thomas reported Resolution Nos. 714 through 721 were generated from the meeting, the majority of which authorized the filling of vacant positions in various departments. He noted Resolution No. 721 authorized an agreement with the CSEA (Civil Service Employees Association) for the establishment of a new Grade tier to provide an additional sum to the pay rate of Nurses that take after business hours IV calls. He added that labor negotiations were discussed during an executive session and an additional Personnel Committee meeting would be scheduled for November 30, 2010 to continue those discussions.

Pertaining to the County Facilities Committee, Mr. Thomas apprised Resolution Nos. 737 through 742 resulted from that meeting. He announced that the demolition of the Annex Building was complete and Resolution No. 741 authorized an agreement with Evergreen Testing & Environmental Services for in-place density testing at the former Social Services Building. Mr. Thomas stated there were three resolutions that authorized agreements with Fire, Security & Sound Systems, Inc. for video camera support, card access system support and service and maintenance of the fire alarm system all at the Human Services Building. Resolution No. 742, he said, approved the renovation and relocation of various County Departments.

Mr. Kenny asked Mr. Thomas to further explain the renovations as it related to the second floor of the Municipal Center Building. Mr. Thomas expounded the plan was to re-establish a Committee Meeting room across the hall from the Board of Supervisors Room; thereby relocating the Purchasing Department to the Human Services Building. He said the County Administrator would be moving into the Clerk of the Board's Office located directly behind the Board of Supervisors Room and a new office would be established for the Chairman of the Board, as well as two to three conference rooms. He added the County Attorney's staff would be relocating to the former Planning & Community Development

Department located on the first floor of the Municipal Center Building. Chairman Monroe asserted that the Probation Department would be relocating to the former Sheriff's wing to allow for future expansion of the Family Court.

Concerning the Public Safety Committee, Mr. VanNess informed the Committee discussed the possibility of the County taking over the dispatching services for the City of Glens Falls. He stated Jack Diamond, Mayor of the City of Glens Falls, brought the proposal before the Committee and the matter was referred to the Planning & Community Development Committee which included Municipal Shared Services, for further discussion. Under the Fire Prevention & Building Code Enforcement portion of the meeting, he continued, the Committee determined not to pursue an increase in fees at this time. He noted discussions were held relative to the sharing of staff between the Office of Fire Prevention & Building Code Enforcement and the Planning & Community Development Department as a cost savings measure, which was being further reviewed.

Chairman Monroe recognized Mary Beth Casey and William Montfort, Commissioners of the Board of Elections, were present to address questions that were raised pursuant to Resolution No. 736, Ratifying the Actions of the Board of Elections Commissioners Relating to Temporary Assistance for Elections Provided by the Town of Queensbury and Authorizing an Intermunicipal Agreement with the Town of Queensbury for Election Related Services. Ms. Casey explained an intermunicipal agreement had been in effect since 2005 with all towns and the City of Glens Falls because they held custody of all of the voting machines, and said agreement expired in 2009 when the State required that the lever machines be replaced. She noted that Queensbury had always had an additional component to the intermunicipal agreement to take care of the costs for the Queensbury Highway Superintendent and staff, who assisted with the set up of the election polling locations. She concluded that this resolution would just continue where the previous resolution had expired. In response to an inquiry, Ms. Casey advised that for all the other towns in the County, the schools and towns provided for the set up of the polling locations due to where the district set ups were located. Mr. Stec announced that the Town of Queensbury would be able to absorb the cost for providing these services to assist the County with the election process and therefore suggested that the resolution be withdrawn.

Motion was made by Mr. Belden, seconded by Mr. Champagne and carried unanimously that Resolution No. 736, Ratifying the Actions of the Board of Elections Commissioners Relating to Temporary Assistance for Elections Provided by the Town of Queensbury and Authorizing an Intermunicipal Agreement with the Town of Queensbury for Election Related Services, be withdrawn.

Mr. Thomas referred to Resolution No. 735, Amending Resolution No. 641 of 2010; Ratifying the Actions of the Chairman of the Board of Supervisors Authorizing to Increase the Amount of the Contract with Mullen Brothers, Inc., and asked if this had proceeded through the bid process and Mr. Montfort replied affirmatively; however, he said, prevailing wages had not been included in the original bid which had increased the cost of the contract. Mr. Dusek added it was a matter of State Law to abide by prevailing wage rates and the County was obligated to make sure prevailing wages were included in the bids received.

Mr. Strainer questioned Resolution No. 742 which approved the renovation and relocation of various County Departments. Specifically, he asked about the re-establishment of a Committee Meeting room across the hall and expressed his opposition to such a change. Chairman Monroe asserted the Board of Supervisors Room would still be available for Committee meetings; however, he said, an additional Committee room would allow an additional room in which to hold a meeting. Chairman Monroe recommended that the resolution be amended to refer that portion of it back to the County Facilities Committee for further discussion.

Motion was made by Mr. Champagne, seconded by Mr. Goodspeed and carried unanimously to amend Resolution No. 742 to remove the relocation of conference rooms and refer that portion back to the County Facilities Committee for further consideration.

Chairman Monroe announced the next item on the Agenda was a report by Mr. Dusek on the Stormwater Management Officer by the Soil & Water Conservation District, and the proposed funding for such. Mr. Dusek reported that this matter had been discussed for quite some time by the Public Works Committee and it was determined that the best solution was for the Soil & Water Conservation District to assume the duties of the Stormwater Management Officer, due to their experience in that area. He noted that the Superintendent of Public Works had also recommended this and Resolution No. 743 included in the Supervisors' packets designated the District Manager of the Warren County Soil & Water Conservation District as the Warren County Stormwater Management Officer and authorized the necessary agreement with the District addressing facility needs. Mr. Dusek reported that the only difficulty with this approach was that while the Soil & Water Conservation District was willing to take on the management role at no cost to the County, there was a recognition that there would be certain services that were needed in terms of hiring someone on a temporary, seasonal basis, to gather information and undertake projects in order to comply with the program. He advised that the District Manager of the Warren County Soil & Water Conservation District had indicated that those costs should not exceed \$6,000, at least for 2011 and the proposal was to remove \$6,000 from the County Road Fund to accomplish the funding for this program. Mr. Thomas added that the Warren County Soil & Water Conservation District would require some assistance from the Department of Public Works on certain parts of this program.

Chairman Monroe called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;
Warren/Washington Counties IDA.

Monthly Reports from:

Weights & Measures;
Probation.

Capital District Off-Track Betting, Third Quarter Benefit Distribution in the amount of \$51,818, September and October Surcharge in the amounts of \$9,859 and \$8,087, respectively; August 31 and September 30, 2010 Financial Reports.

Town of Johnsbury, Resolution Urging the Warren County Board of Supervisors to Award the Contract for the Railroad Operator in a timely manner.

Town of Horicon, Resolution Urging the Warren County Board of Supervisors to Sell the County Share of the Gaslight Village Property.

June Maxam & Christine Hayes, residents of the Town of Chester, letter challenging the legality of the Chestertown Fire District budget.

Warren/Washington Counties IDA, Proposed 2011 Budget.

Cynthia Hyde, Thurman Town Clerk, advising of the appointment of Evelyn Wood as Town Supervisor effective November 9, 2010.

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. 698 through 751 were mailed. She noted the resolutions relating to the filling of vacant positions were Resolution Nos. 716 through 720, 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. 697 and 752 through 756 to the floor. Motion was made by Mr. Belden, seconded by Mr. Goodspeed and carried unanimously to bring Resolution Nos. 697 and 752 through 756 to the floor.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 697 through 756 were approved, with the exception of Resolution No. 736, Ratifying the Actions of the Board of Elections Commissioners Relating to Temporary Assistance for Elections Provided by the Town of Queensbury and Authorizing an Intermunicipal Agreement with the Town of Queensbury for Election Related Services, which was withdrawn. Estimate of Sales Tax; Mortgage Report; Report of Equalization and Apportionment; Certificates of Appointments for Gaslight Village Ad Hoc Committee and Warren County Safe & Quality Bicycling Citizens Advisory Committee, were submitted.

Mr. Strainer remarked that Kim Sopczyk, a staff member of Cornell Cooperative Extension (CCE), was featured on CNN News. Mr. Thomas complimented CCE for the calendars that were distributed to the Supervisors and stated it was very informative and outlined the programs that were offered by CCE.

Chairman Monroe announced that at the recent Adirondack Park Agency (APA) meeting, it was reported that the APA did approve the Moose River Plains Unit Management Plan. He recalled that back in 2006, the APA had proposed to close 80% of all the campsites in the Moose River Plains, as well as roads and snowmobile trails in that region. He informed that the APA agreed to not close those amenities until new ones were created.

Mr. Dusek requested an executive session to discuss litigation matters. Motion was made by Mr. Conover, seconded by Mr. McDevitt and carried unanimously that executive session be declared pursuant to Section 105 (d) of the Public Officers Law.

Executive session was declared from 11:48 a.m. to 11:59 a.m.

The board reconvened. Motion was made by Mr. Belden, seconded by Mr. Goodspeed and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk added it would be Resolution No. 757 of 2010 for the record.

Motion was made by Mr. Goodspeed, seconded by Mr. Belden and carried unanimously to authorize the settlement of a judgement by the County versus Farr for an amount of \$12,000. Clerk noted it would be Resolution No. 758 of 2010 for the record.

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Mr. Belden wished everyone a Happy Thanksgiving.

There being no further business, on motion made by Mr. Thomas and seconded by Mr. Geraghty, Chairman Monroe adjourned the meeting at 12:05 p.m.