

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, FEBRUARY 18, 2011**

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. Daniel G. Stec presiding.

Salute to the flag was led by Supervisor Monroe.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Loeb, Kenny, Belden, Bentley, Goodspeed, McCoy, Merlino, Stec, Strainer, Champagne, Sokol, Thomas, Wood and Geraghty - 19.

Absent: Supervisor VanNess - 1.

Motion was made by Mr. Belden, seconded by Mr. Taylor and carried unanimously, to approve the minutes of the January 21, 2011 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Stec commenced the meeting by acknowledging Mary Rozak of the United Way 2-1-1 and he requested Ms. Rozak come forward to receive a proclamation. He presented Ms. Rozak with a proclamation dedicating the month of February as United Way 2-1-1 Northeast Region Month. The board members responded with applause.

Chairman Stec recognized Jack Bieniek of Cool Insuring Agency; Kevin Crawford of NYMIR (New York Municipal Insurance Reciprocal); and Brian Custer of Wright Risk, who were at the meeting today to present a rebate check to Warren County from NYMIR. Mr. Crawford apprised that part of their capital return program was to recognize the loyalty of their members, which was currently comprised of over six hundred thirty five members across the State of New York. He noted that they had returned over \$8 million to their members and their goal had always been stability and a reduction in premiums. Mr. Crawford presented a check to Supervisor Goodspeed for the Town of Johnsbury for approximately \$3,000 and to Warren County for an approximate amount of \$30,000. The board members responded with applause.

Chairman Stec acknowledged Robert Golden, Dean of SUNY Plattsburgh at Queensbury and Dr. Sue Katana from SUNY Plattsburgh, who were present today and had requested to address the board members. Dean Golden stated in 2005 SUNY Plattsburgh launched the undergraduate programs at the SUNY Adirondack campus. He referred to copies of view books that he had brought for the Supervisors to peruse at their leisure. He introduced Dr. Sue Katana, Coordinator of the Masters and Leadership Program. Dr. Katana remarked that four years ago, they had performed informal research locally trying to determine what graduate programs would be helpful and useful to the area, while reviewing national trends, as well. The results, she continued, showed there was a gap in the

educational portfolio, which led to the design of the Master of Science and Leadership Program, which was unique in the country. She advised that she wanted the Supervisors to be aware that this program was available for professional development and urged the board members to review the materials that they had brought with them today.

Chairman Stec extended privilege of the floor to Doug Kenyon, representing the New York State Boys Basketball Championships. Mr. Kenyon appealed to the board members to reconsider the amount of Special Event Funding that was awarded to the State Basketball Championships that brought approximately 20,000 spectators to the area. He informed that there were many cities in the State of New York that wished to host this tournament every three years and Warren County was fortunate to have it here. He stated that because of the Special Event Funding that had been awarded to the tournament over the years, they were able to provide new initiatives in the forms of marketing and advertising. Mr. Kenyon clarified that the funding for the 2011 Championships had been reduced by 44% and he reminded the Supervisors that the tournament was held in March, which was not typically a month that drew a large amount of tourism to the County. He referred to the recent sales tax report that indicated that March had a higher amount of sales tax collections than the month of June, and that was because of this premier event that was held in the County.

Chairman Stec extended privilege of the floor to Doug Miller, of the Adirondack Sports Complex. Mr. Miller noted the amount of Special Event Funding awarded to the Adirondack Sports Complex had been reduced over 75% of what had been requested and he urged the Supervisors to reconsider the amount distributed to his organization, as well. He stated that his organization did a tremendous amount for the economy in this area and last year they had achieved over 7,000 bed nights over the course of their tournaments.

Continuing the Agenda review, Chairman Stec proceeded to his report on the recent NYSAC (New York State Association of Counties) Conference, which nearly half of the board members attended. He added it was enlightening to realize that many other counties throughout the State were experiencing similar difficulties and situations as Warren County. He explained the largest problem that most counties were having existed between tax cap legislation and mandate relief legislation. Chairman Stec apprised that NYSAC, on behalf of all the counties, had provided the State with arguments regarding the nine mandates that comprised an average of 90% of county property tax burden in New York State. He opined that unless the State implemented meaningful mandate relief, the burden would continue to be shifted to the local governments.

Chairman Stec expounded that due to assistance from Assemblywoman Sayward's Office, the County had been successful in scheduling a meeting with the New York State Department of Environmental Conservation (NYS DEC) to address the issue of the Americade parking fee. He noted that Assemblywoman Sayward was encouraged that the matter could be resolved and a stable, reasonable fee for the use of the parking lot could be reached.

Concluding his report, Chairman Stec informed that Pam Vogel, County Clerk, had been working on establishing a Veterans' Services "Return the Favor" Initiative that would offer honorably discharged veterans a discount at participating local businesses upon presentation of an identification card, and the specific details were outlined in Resolution No. 84 included in the Supervisors' packets.

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

Supervisor Monroe, Gaslight Village Ad Hoc; Supervisor McDevitt, Mental Health; Supervisor Taylor Support Services; Supervisor Loeb, Social Services; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Belden, Public Works; Supervisor Bentley, Legislative & Rules; Supervisor Goodspeed, Real Property Tax Services; Supervisor McCoy, County Facilities; Supervisor Merlino, Tourism; Supervisor Strainer, Human Services; Supervisor Champagne, Solid Waste & Recycling; Supervisor Sokol, Health Services; Supervisor Thomas, Finance; Supervisor Wood, Planning & Community Development; and Supervisor Conover, Personnel.

Concerning the Gaslight Village Ad Hoc Committee, Mr. Monroe reported that the project continued to progress, and six proposals had been received relative to consulting work, which were being reviewed. He advised that the roof of the Opera House had collapsed and the contractors were in the process of verifying the amount of asbestos and the measures necessary for the removal of such. Jeff Tennyson, DPW Superintendent, clarified that the confirmation of the status of the asbestos had not been made as of yet and investigations were continuing.

Mr. McDevitt referred to the Veterans' Services "Return the Favor" Initiative and he thanked Ms. Vogel for her work on that program. In connection with the Mental Health Committee, he noted that there continued to be concern regarding funding for their programs and services. Mr. McDevitt discussed the annual Energy Performance Report as produced by Siemens Building Technologies for the Countryside Adult Home and he expressed his opinion that the report should be reviewed by a third party, due to the complexity of the report.

With regard to the Support Services Committee, Mr. Taylor informed two resolutions were generated from the meeting, Resolution No. 78, which would amend Resolution No. 46 of 2011 to correct the deductible for additional flood and earthquake coverage for the Self-Insurance Department; and Resolution No. 89 which authorized the Board of Elections to charge back costs associated with setup and usage to municipalities and districts utilizing voting machines.

In connection with the Social Services Committee, Mr. Loeb expressed appreciation to the Criminal Justice Committee for their support of Resolution No. 64, which authorized a Memorandum of Understanding between the Department of Social Services and the

Probation Department for Preventive Services. He stated Resolution No. 75 in the packets resulted from the meeting and authorized the submission of an application to the New York State Department of Health for funding under the new Enhancing the Quality of Adult Living (EQUAL) Program. Mr. Loeb referred to Resolution No. 77 in the packets and explained it supported Senator Little's efforts to petition the Legislature for funding for the Youth Court Program and noted he was grateful for the Senator's efforts.

Regarding the Occupancy Tax Coordination Committee, Mr. Kenny announced discussions were held concerning the rules for distribution of the Special Event Funds and the Committee was in the process of making minor adjustments to said rules to be reviewed in the future. He added the Committee had requested Paul Dusek, County Attorney/Administrator, to research the Occupancy Tax Reserve and Mr. Dusek would provide a report on his findings later in the meeting. He reported an event sponsored by the Lake George Chamber of Commerce had reduced the number of days of the event and the Committee decided not to make any changes to the amount awarded for that event, and a similar decision was made relative to the Centurion Bicycling Event which would host a mini-event this year and a large scale event next year.

In connection with the Public Works Committee, Mr. Belden apprised under the Airport portion of the meeting, the Committee approved the submission of four different grant applications, all of which required a 2.5% local share. Resolution No. 121, he said, authorized the filling of the Senior Airport Facility Maintenance Mechanic position due to retirement. Mr. Belden noted the retiring employee had been with the County for thirty years and he wished him well in his future endeavors. He added lengthy discussions were held pertaining to the Balloon Festival and the Committee was reviewing possibilities to assist with the costs of the event. Under the Parks, Recreation & Railroad portion of the meeting, he continued, the Committee was informed of a donation made by D&J Crossroads in the Town of Chester to the Warren County Fish Hatchery. He stated discussions were held relative to a request from the King's School located in the Town of Hadley to cross County-owned railroad tracks and the necessary research regarding the request was ongoing. Mr. Belden explained a delay in the completion of the Town of Bolton Sewer Project due to weather related issues. He concluded his report by commending the Department for the good work that they had done this season in maintaining the roads during inclement weather.

With regard to the Legislative & Rules Committee, Mr. Bentley advised six resolutions were generated from the meeting and he listed them as follows: Resolution No. 142, Supporting Legislation Amending the Current Social Services Law and Requiring All Recipients of Homeless or Temporary Assistance to Enroll and Successfully Complete Courses Offered by Cornell Cooperative Extension; Resolution No. 143, Calling Upon Governor Cuomo and Members of the State Legislature to Fund and/or Eliminate State Mandates, Provide Immediate Relief to Overburdened Taxpayers by Linking the Amount of Property Tax Paid to Income, Reform the Real Property Tax System and Address Cost Drivers in the Provision of Local

Government Services/Operations Before Implementing a Property Tax Cap; Resolution No. 144, Supporting the New York State Legislature's Task Force Assigned to Address the New Invasive Species Found in Lake George; Resolution No. 145, Urging Legislators to Amend County Law to Allow Counties to Contract with Local Attorneys to Provide Defender Services for the Indigent; Resolution No. 146, Resolution Opposing the Fee Purchase of the Former Finch and Follensby Pond Lands by the State of New York; and Resolution No. 147, Imploring the New York State Legislature to Enact Substantive Reform of the Section of the Real Property Tax Law Governing Tax Exemption Criteria. Mr. Bentley requested Resolution No. 146 be a roll call vote.

Pertaining to the Real Property Tax Services Committee, Mr. Goodspeed remarked the meeting consisted mainly of housekeeping items. One issue that was discussed, he added, concerned the re-issuance of two deeds that had been historically lost and were now corrected. He noted that the Committee received an update on the status of payments received from the County auction last fall.

Concerning the County Facilities Committee, Mr. McCoy informed three resolutions were generated in the meeting, which he listed as follows: Resolution No. 109, Amending Resolution No. 741 of 2010; Authorizing Payment and a Change Order Relating to Evergreen Testing & Environmental Services Performance of In-Place Density Testing at the Former Social Services Building; Resolution No. 110, Rescinding Resolution No. 582 of 2008; Authorizing Agreement with the Lowest Responsible Bidder Regarding Modernization of Existing Elevators at the Warren County Municipal Center (WC 85-08); and Resolution No. 112, Accepting the Siemens Energy Performance Contracts for the Warren County Municipal Center.

Regarding the Tourism Committee, Mr. Merlino apprised Resolution Nos. 79 through 82 were resultant of the meeting, two of which authorized agreements for the printing of various materials for the Department. Resolution No. 81, he said, authorized the continuation of the intermunicipal agreement with the Village of Lake George for the Visitor Center and Resolution No. 82 supported the full funding in the 2011 Governor's Budget for the official I Love New York Gateway Information Center at Beekmantown.

Relative to the Human Services Committee, Mr. Strainer stated Resolution Nos. 68 through 72 included in the packets were generated under the Office for the Aging (OFA) portion of the meeting and all addressed housekeeping matters. He added the OFA continued to search for a suitable location for the Warrensburg mealsite.

Mr. Champagne mentioned the Solid Waste Plan had been forwarded to the NYS DEC for review and he recommended that all town Supervisors determine how they wished to proceed in the future with trash removal services.

With regard to the Health Services Committee, Mr. Sokol advised that both Westmount Health Facility and Health Services had a number of personnel items that were discussed and he reviewed them in detail with the board members.

In connection with the Finance Committee, Mr. Thomas expounded Resolution Nos. 57, 58 and 132 through 141 were generated from the meeting and were included in the Supervisors' packets. He stated Resolution No. 132 authorized a bond in the amount of \$190,000 for the purchase of vehicles and various equipment for the Sheriff's Office and Resolution No. 135 established the Capital Project for same. He noted Resolution No. 133 increased the Capital Project for the Beach Road Reconstruction project. Mr. Thomas informed Resolution No. 134 authorized a Memorandum of Understanding with the Civil Service Employees Association (CSEA) regarding the Commercial Driver's License Fees for DPW employees. He added Resolution No. 136 authorized payment to TES Environmental Corporation for additional asbestos abatement air monitoring services at the former Social Services Building. Resolution Nos. 137 and 138, he said, increased Capital Projects for Public Works Equipment and the Gaslight Village Property, respectively, to include the bonding and legal fees that were not originally included in the aforementioned bonds. Mr. Thomas reported Resolution No. 139 authorized the County Treasurer to transfer funds from the Occupancy Tax Reserve to the Tourism budget and Resolution No. 140 authorized the settlement of a Westmount Civil Money Penalty. He advised Resolution No. 141 amended Resolution No. 213 of 2010 to correct termination terminology in the agreement with Novatime for the time and attendance system.

Concerning the Planning & Community Development Committee, Ms. Wood announced Resolution Nos. 90 through 94 were resultant of the meeting. Resolution No. 90, she said, would amend Resolution No. 463 of 2010 to amend the agreement with the NYS DEC for the 400th Explore New York reimbursable grant. She added Resolution Nos. 91 through 94 all authorized the submission of grant applications for various housing programs. She mentioned that she attended the CBN Connect meeting in Plattsburgh with Pat Tatich, Director of the Planning & Community Development Department relative to the broadband initiative.

Mr. Geraghty thanked the taxpayers of Warren County for the diligence shown in paying taxes this year and he also reminded the Town Supervisors to forward their property tax collections to the County Treasurer in a timely manner. He further stressed the importance of mandate relief as discussed by Chairman Stec. Mr. Geraghty referred to Federal reductions in health care and warned that the County needed to stay apprised of such reductions and the effects they would have on the area. He reiterated statements made by Mr. Belden in relation to the DPW work crews and stated they had done an excellent job throughout this season.

Regarding the Personnel Committee, Mr. Conover informed Resolution Nos. 115 through 131 were resultant of the meeting, most of which authorized the filling of vacant

positions within various departments. He referred to Resolution No. 131, which would amend the rules of the board to authorize a waiver relative to the filling of vacant positions at Westmount Health Facility.

Chairman Stec commented that the draft Hazard Mitigation Plan had been completed by Brian LaFlure, Director of the Office of Emergency Services (OES) and Amy Manney, Deputy Director of OES, and he requested all towns, as well as the City of Glens Falls, adopt a resolution approving the County's draft Plan.

Chairman Stec announced the next item on the Agenda was a report by Mr. Dusek on the Occupancy Tax Reserve and Youth Court. Mr. Dusek explained there was very serious concern with the funding of the Youth Court because the State had not come through with their portion of funding. The Youth Bureau Director, he continued, tried to access the State funds and was unable to do so, leading to concern because it had been previously understood that as the County reimbursed costs for the State, both County and State funds were needed at the same time. He noted the concern he had was if just County monies were expended, the County would not be able to get reimbursement from the State in the future without coming up with more money. Mr. Dusek said that he had ascertained that the County was not required to pay both at the same time, and County funding could be utilized first and if the State monies did become available, they could be accessed without having to put up any additional cash. He stated that as the year began, Youth Court was short on funds to make it through the entire year and that problem did remain; and depending upon whether the State funds were received, that problem could be aggravated. He clarified that a little over \$18,000 was included in the County budget for Youth Court, and it was also funded by the Town of Queensbury to the extent of about \$7,000, and recently the Youth Court had received a \$2,500 grant from the Bar Foundation. Mr. Dusek advised that operation of the Youth Court costs approximately \$5,500 a month, and it should be able to continue through the end of April, mid May, without any other source of funding. If acceptable to the board, Mr. Dusek noted, there was the opportunity to simply allow Youth Court to continue to function based on the monies currently available and take a "wait and see" attitude with the State to see whether or not funding was received. Mr. Dusek said he would, as Administrator, continue to monitor this to ensure that the County did not accidentally exceed the available funding, thereby leading to a County liability. He asked for guidance from the board as to whether they wished to follow the approach he was suggesting. Mr. Bentley asked if monies from the Traffic Safety Board were included in the aforementioned amounts and Mr. Dusek replied in the negative, noting he had not included that money and would research that option further.

Motion was made by Mr. Goodspeed, seconded by Mr. McCoy and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk stated it would be Resolution No. 150 of 2011 for the record.

Motion was made by Mr. Merlino, seconded by Mr. Goodspeed and carried unanimously to maintain Youth Court using all available funds for as long as possible until a determination of funding from the State is made. Clerk added it would be Resolution No. 151 of 2011 for the record.

Mr. Dusek apprised the next matter for discussion pertained to the Occupancy Tax Reserve Fund and the recent discovery of a potential balance of \$900,000. He explained that he had done an in-depth inquiry into the occupancy tax funds, the history of it, as well as the funding of such. He thanked Frank O'Keefe, County Treasurer, for being extremely helpful in trying to uncover all of the information that was available on this. He opined there were four different reasons this confusion developed and he reviewed those reasons as follows:

- 1- There was a difference in the understanding of the funds that were expended;
- 2- This accumulation of fund balance occurred in a very short period of time;
- 3- The fund balance occurred because the County had reduced expenditures and became very conservative with the estimate of revenues; he also noted the funds for occupancy tax collections followed a different calendar year and continued to be received through March of 2011 which added to the complexities; and
- 4- The formulas that were developed for expenditures of the funds were devised to fund all tourism promotions, as well as the Tourism Department, and 10% of the funds had been allocated towards the Special Event Funding. He clarified that even if there was a \$900,000 fund balance, only \$90,000 would be allocated towards additional events.

Mr. Dusek referred to the difference in the understanding of the funds that were expended and explained that when the occupancy tax first came into effect in 2004, the funds were collected in 2004 and the thought was that they would be expended in 2005. He further stated that the full amount collected could not be expended in 2005 because the funds were not fully collected until March of the following year. He informed that at the close of 2008, there was an unappropriated balance noted of \$222,000, which he opined, was not enough of a fund balance. Mr. Dusek advised that the board members would need to determine the appropriate level of the fund balance which would dictate how much money was actually available in surplus and he recommended a minimum fund balance of between \$300,000 and \$500,000.

Mr. Dusek apprised that under accounting standards, technically the occupancy tax was accounted for as a Reserve Fund under the General Fund. He cited the 2009 Financial Report provided by the Treasurer's Office, and the footnote stated that the reserve balance at December 31, 2009 was \$2,408,098 of which \$1,650,000 had been appropriated for the 2010 Budget, leaving an unappropriated fund balance of \$758,000. He added that the Financial Reports were the result of an audit performed and said statements were released in August 2010.

Mr. O'Keefe expounded that Resolution No. 604 of 2005 established a reserve in the amount of \$550,000 and he added that the reserve fund fluctuated drastically. He provided examples of the Occupancy Tax Reserve Fund balance as follows: in 2004 it was established at \$550,000; in 2005 it decreased to \$131,000; in 2006 it decreased to \$97,000; in 2007 it had increased to \$331,000; in 2008 it decreased again to \$222,000; and in 2009 it increased to \$758,000. He noted all of the figures provided were guesstimates as to how much would be collected in occupancy tax. Mr. O'Keefe stated it was the decision of the Occupancy Tax Coordination Committee to set the Occupancy Tax Reserve Fund each and every year.

Mr. Girard asked if Mr. O'Keefe would recommend reinstating the 44% that was reduced from the amount of funding awarded to the NYS Boys Basketball Championship due to the event taking place in the next few weeks. Mr. O'Keefe informed that he would not recommend increasing any amounts awarded to events today until additional discussions were held with the Occupancy Tax Coordination Committee. Chairman Stec acknowledged more flexibility was now available with regard to funding for special events; however, he said, it was his opinion that the matter should be referred to the Occupancy Tax Coordination Committee to allow for the appropriate procedure to be followed. He did recognize the urgency relative to the NYS Boys Basketball Championship in that the event was scheduled for March. Many Supervisors voiced their opinions regarding an increase in the amount of funding awarded to the NYS Boys Basketball Championship. Mr. Kenny, as Chairman of the Occupancy Tax Coordination Committee, remarked that he was very hesitant to make any additional awards to any events without reviewing all of the applications again. He expressed his opposition to circumventing the Committee process.

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. Clerk noted it would be Resolution No. 152 of 2011 for the record.

Motion was made by Mr. Bentley and seconded by Mr. Belden to modify the Special Event Funding awarded to the New York State Boys Basketball Championships for an additional amount of \$12,000 bringing the total amount awarded to \$40,000; thereby setting aside the rules previously established by the board concerning the occupancy tax fund. Clerk added it would be Resolution No. 153 of 2011 for the record. Mr. Kenny requested it be a roll call vote and Clerk acknowledged the request.

Chairman Stec called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren/Washington Counties Industrial Development Agency and Audit Committee.

Monthly Reports from:
Weights & Measures;
Veterinarian.

Annual Report from:
Warren County SPCA.

Communications, resolutions and reports ordered placed on file.

Chairman Stec called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 58 through 141 were mailed. She noted Resolution Nos. 66 and 132 were mailed and had been corrected and a motion was needed to approve Resolution Nos. 66 and 132 as corrected. Motion was made by Mr. Bentley, seconded by Mr. Thomas and carried unanimously to approve Resolution Nos. 66 and 132 as corrected.

Mrs. Sady added the resolutions relating to the filling of vacant positions were Resolution Nos. 118 through 129 and unless a roll call vote was requested, all would be approved in the collective vote.

Mr. McDevitt requested a roll call vote on Resolution No. 112, Accepting the Siemens Energy Performance Contracts for the Warren County Municipal Center.

Chairman Stec introduced a draft resolution to authorize and ratify the creation of a temporary Senior Auditor position, said draft was distributed to the board members and a copy of same is on file with the minutes. Clerk stated it would be Resolution No. 154 of 2011 for the record.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 57 and 142 through 154 to the floor. Motion was made by Mr. Monroe, seconded by Mr. Sokol and carried unanimously to bring Resolution Nos. 57 and 142 through 154 to the floor.

Mr. Merlino requested a roll call vote on Resolution No. 81, Authorizing Continuation of Intermunicipal Agreement with the Village of Lake George to Provide Funding for Promotional Space Within the Lake George Visitor Center for the Tourism Department.

Mr. Monroe reiterated Mr. Bentley's request for a roll call vote on Resolution No. 146, Resolution Opposing the Fee Purchase of the Former Finch and Follensby Pond Lands by the State of New York, and pointed out he had an interest in a Hunting and Fishing Club which would be impacted by this and wished to abstain from the vote.

Chairman Stec called for a vote on the resolutions.

Resolution Nos. 57 through 154 were approved. Proclamation-United Way 2-1-1 Northeast Region Month; Certificate of Appointments, Appointing Members to the Warren County Safe and Quality Bicycling Citizens Advisory Committee and to the Warren County Youth Board, were submitted.

Mr. Taylor suggested that a joint meeting of the Occupancy Tax Coordination Committee and the Finance Committee be held to review the occupancy tax law and possibly amending the law to include a percentage cap. Chairman Stec advised he would consider the suggestion.

There being no further business, on motion by Mr. Belden and seconded by Mr. Goodspeed, Chairman Stec adjourned the meeting at 12:40 p.m.