

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, APRIL 15, 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 McDevitt.

Roll called, the following members present:

Supervisors Conover, McDevitt, Taylor, Loeb, Kenny, Belden, Goodspeed, McCoy, Stec, Strainer, Champagne, VanNess, Sokol, Thomas, Wood and Geraghty - 16.

Absent: Supervisors Monroe, Girard, Bentley and Merlino - 4.

Motion was made by Mr. Strainer, seconded by Mr. Belden and carried unanimously, to approve the minutes of the March 18, 2011 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Stec reported there were five unique items that had occurred since the last meeting and noted he was pleased to announce that the parking issue between Americade and the New York State Department of Environmental Conservation (NYS DEC) had been resolved favorably. He added that Sheriff York was a key factor in the matter, in that NYS DEC was willing to reduce their fee due to Sheriff York offering to provide security during the event, for which Bill Dutcher, President of Americade, agreed to cover the additional cost of security provided by the Sheriff's Office, estimated at approximately \$8,000.

Another item to report on, Chairman Stec, continued, was the railroad operator, and a resolution for such was included in the Supervisors' packets. He asserted that the board members had a five year contract to consider today which would be addressed in further detail by Paul Dusek, County Attorney/Administrator, later in the meeting. He likened the situation to that of the Burn Plant, as it had been an ongoing issue before the board for many years; there had been costs involved to the taxpayer; it had been controversial and very few members of the current board were Supervisors when the County embarked on this venture. He opined that the proposed contract would give the County much stronger footing than that of the past.

Chairman Stec informed that Resolution No. 250 included in the packets would authorize a public hearing regarding the funeral protest law which was very emotional for nearly every American. He stated this matter was very similar to the sex offender law, in that it had been passed on to the local government level to determine a solution. He noted the proposed Local Law included a mandated setback for protests of at least seven hundred fifty feet and also covered not only the funeral itself, but also the procession, funeral homes, churches and places of worship services to allow grieving families their right to privacy and to mourn in an appropriate manner.

Chairman Stec referred to Resolution No. 230 in the Supervisors' packets which authorized the County's contribution to the Lake George Asian Clam Rapid Response Task Force for the eradication of the invasive species, which was contingent on surrounding local governments contributing, as well. He recalled that four towns in Warren County had already pledged \$5,000 each to protect the Lake and he expressed his hope that the neighboring governments would do the right thing.

Chairman Stec concluded his report with commenting on the Hudson River Black River Regulating District matter. He apprised he had met with Assemblywoman Sayward and discussed this issue, one which she and Senator Little were well aware of. He reminded the board members of the unfavorable ruling the County received in litigation and the desire to pursue an appeal of such ruling along with the other counties involved. He added that Assemblywoman Sayward had assured him that discussions were ongoing at the highest State level to pursue a legislative solution to this matter.

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

Supervisor Conover, Personnel; Supervisor McDevitt, Mental Health; Supervisor Taylor, Economic Growth & Development and Support Services; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Belden, Public Works; Supervisor Goodspeed, Real Property Tax Services; Supervisor McCoy, County Facilities; Supervisor Strainer, Human Services; Supervisor Champagne, Solid Waste & Recycling and Community College; Supervisor VanNess, Public Safety; Supervisor Sokol, Health Services; Supervisor Thomas, Finance; Supervisor Wood, Planning & Community Development; Supervisor Geraghty, Budget.

Concerning the Personnel Committee, Mr. Conover referenced Resolution No. 258 in the packets which authorized an amendment of the Collective Bargaining Agreement with the Warren County Police Benevolent Association (PBA). He commended Mr. Dusek for his diligence in developing a coherent policy pertaining to lateral transfers and the associated benefits.

With regard to the Mental Health Committee, Mr. McDevitt informed that he and Supervisors Girard and Loeb attended the monthly meetings which were very informative. He also reported that he and Mr. Dusek; Frank O'Keefe, County Treasurer; and Rob Lynch, Deputy Treasurer, had met with four representatives from National Grid in an effort to obtain a better handle on energy efficiency in Warren County. He added that the presentation by National Grid outlined their efforts to reduce the County's electric load to ensure that the County's dependence on electricity generated by power plants could be reduced.

In connection with the Economic Growth & Development Committee, Mr. Taylor expounded under the Municipal Shared Services portion of the meeting, brief discussions were held pertaining to consolidation of City dispatch with the County. Following the meeting, he continued, Sheriff York had determined that the cost for the County to assume

those duties would be \$283,000; however, he said, he was continuing discussions with officials from the City of Glens Falls. Under the Economic Development portion of the meeting, he noted, the Economic Development Corporation (EDC) provided a brief overview of their 2011 plans, including targets, such as electronic and medical devices. He mentioned there was a nation-wide search for the replacement of the President of EDC, Len Fosbrook, who recently retired. He announced the annual EDC Luncheon would be held on May 6, 2011 at the Great Escape Lodge and encouraged all Supervisors to attend.

Regarding the Support Services Committee, Mr. Taylor referred to Resolution No. 195 in the Supervisors' packets which adopted the 2011 Purchasing Policy. He remarked that the Committee discussed the consolidation of contracts for physicals which required additional research.

Mr. Kenny apprised a joint Occupancy Tax Coordination and Finance Committee meeting was held to discuss the potential of using occupancy tax funds for the planning phases of the Festival Space on the Gaslight Village property, which resulted in Resolution No. 232 in the packets.

In connection with the Public Works Committee, Mr. Belden stated that under the Airport portion of the meeting, the proposals for two new lease agreements were presented and the resolution authorizing the public hearing was included in the packets. During the Parks, Recreation & Railroad portion, he continued, discussions were held pertaining to the railroad platform at 1000 Acres Resort. With regard to the new sign for the front of the Municipal Center, Mr. Belden asked Jeff Tennyson, DPW Superintendent, when it would be erected and Mr. Tennyson replied when warmer weather arrived, the sign would be installed. Mr. Belden noted there were twelve resolutions that were generated from the DPW portion of the meeting, the majority of which established Capital Projects for bridge projects. He referred to the special meetings held to discuss the railroad operator contract and he thanked everyone involved with the development of the contract.

As a result of the Real Property Tax Services Committee, Mr. Goodspeed remarked Resolution Nos. 196 and 197 were generated from the meeting, which were housekeeping items.

With regard to the County Facilities Committee, Mr. McCoy commented that Frank Morehouse, Superintendent of Buildings, had informed that renovations were in progress for the relocation of various departments. Resolution No. 208, he continued, was resultant of the meeting and authorized an agreement with M.M. Hayes for emergency repairs of the Kronos Time Clock System.

Concerning the Human Services Committee, Mr. Strainer advised a decision should be made this month regarding the relocation of the Warrensburg Meal Site to the Countryside Adult Home. He announced that the funding for the Summer Youth Employment Program had

been reinstated by the government.

Mr. Champagne provided an update on the Trash Plant and remarked that there should be adequate funding in the Reserve Fund to pay off the debt service between now and November; thereby eliminating the need to borrow additional funding for said debt. He reminded the board members that a decision needed to be made as to what the County intended to do with its' refuse following the end of the contract in November. Mr. Dusek confirmed that an RFP (Request for Proposal) would be issued on behalf of the County and all interested municipalities based on the responses received from the individual towns.

With regard to the Community College Committee, Mr. Champagne stated that SUNY Adirondack was reviewing bids received pertaining to a student housing project. He added that the land that the project would be constructed on belonged to Warren and Washington County and Mr. Dusek was aware of this matter.

Pertaining to the Public Safety Committee, Mr. VanNess reported that the Soil & Water Conservation District would be assuming the duties of the Hazard Mitigation Coordinator. Under the Sheriff & Communications portion of the meeting, he said, several retirements were occurring within the Department and Resolution No. 259 in the packets authorized the Sheriff to promote from within, and to hire new staff to fill the vacant positions resulting from the aforementioned retirements. He referred to Resolution No. 209, which authorized the Sheriff's Office to submit a grant application to the New York State Office of Interoperable and Emergency Communications for the 911 Interoperability Grant; and he advised he would introduce an additional resolution at the appropriate time which related to this. Mr. VanNess noted that during the Fire Prevention & Building Code Enforcement portion of the meeting, an increase in permits and revenues of 84% and 38% respectively had been reported. He added that following additional meetings, the Committee approved the creation of two part-time Code Enforcement Officers, and the details were outlined in Resolution Nos. 261 and 262 in the packets.

Regarding the Health Services Committee, Mr. Sokol mentioned that baked goods were provided at the Westmount Health Facility portion of the meeting that had been prepared by the new Dietary Supervisor of Westmount Health Facility. He referenced Resolution No. 221 which authorized a Revenue Anticipation Note (RAN) in the amount of \$500,000 to cover the delay in State IGT reimbursements. Under the Health Services portion of the meeting, he said, the Department continued to do an excellent job and expenditures for 2010 reflected an additional \$900,000 in revenue. He added payroll continued to decrease and to date that amount totaled \$22,374.

In connection with the Finance Committee, Mr. Thomas remarked Resolution Nos. 221 through 232 were generated from the meeting. He informed that this month, approximately \$65,000 to \$70,000 had been appropriated from the Contingent Fund and cautioned the use of this Fund. He stated resolution Nos. 222 through 225 established Capital Projects for

various DPW bridge projects totaling \$779,794, the County's share being \$155,959 to be appropriated from the Undesignated County Road Fund Balance. Mr. Thomas referenced Resolution No. 226 in the Supervisors' packets, which urged the passage of legislation to allow counties to determine which optional Medicaid benefits to provide, as supported by Senate Bill S.1813 and Assembly Bill A.2285. Resolution No. 227, he said, authorized the appeal of the decision and judgement in the Hudson River Black River Regulating District matter, as discussed by Chairman Stec. He reviewed the remaining Finance resolutions as follows: Resolution No. 228, Making Supplemental Appropriations; he noted this was for DPW in the amount of \$96,093; Resolution No. 229, Authorizing the County Treasurer to Close a Certain Capital Project; he added this was the ACC (Adirondack Community College) Computer System and the balance was approximately \$6,000 which would be returned to the General Fund; Resolution No. 230, Authorizing Contingent Contribution to Lake George Asian Clam Rapid Response Task Force; Resolution No. 231, Authorizing the County Treasurer to Transfer Funds from the Occupancy Tax Reserve to the Tourism Budget and Amending the 2011 County Budget; and Resolution No. 232, Authorizing the Use of Occupancy Tax Funding for Design Consulting Services for Planning Purposes of the Festival Space of the Former Gaslight Village Property.

Mr. Champagne requested an explanation of the resolution concerning Medicaid benefits. Mr. Thomas stated that New York State funded Medicaid at a considerably higher level than was mandated by the Federal Government. He added that the Federal Government funded Medicaid at 125% of the poverty level and the State funded Medicaid at 400%. Mr. Kenny asserted that NYSAC (New York State Association of Counties) recently reported that the total amount paid by New York counties for Medicaid was more than all of the counties in the nation combined. Mr. Loeb requested a roll call vote on this resolution, Resolution No. 226, Urging Passage of Legislation to Allow Counties to Determine Which Optional Medicaid Benefits to Provide (Senate Bill S.1813/Assembly Bill A.2285), because he did not think this would assist the County.

Regarding the Planning & Community Development Committee, Mrs. Wood apprised that the delay in the construction of the railroad platform in Stony Creek was due to the anticipation of written notification that the grant funds would be released and she announced that said notification had been received and the project would proceed as planned.

Mr. Geraghty commented that reports had been received that reflected an increase in occupancy tax funds for 2010 and the sales tax had increased 6.2% for the first quarter of 2011. He thanked the Treasurer's Office for their promptness in providing those figures. He also recognized the Veterans that were at the meeting today, and thanked them for their attendance.

Chairman Stec acknowledged Supervisor Bentley was absent and there were a few resolutions included in the packets that were generated from the Legislative & Rules Committee that he would like to report on. Resolution No. 251, he said, was urging Governor

Cuomo to reject the 2011 New York State Mandate Relief Redesign Team Report and he recalled that several local Legislators had expressed disappointment in the Report, due to the lack of specifics and the lack of immediate actions to be taken to resolve the issues. He referenced Resolution No. 252 which urged the New York State Environmental Protection Agency to use Environmental Protection funds to financially assist in the eradication of the infestation of the invasive Asian Clams in Lake George. Chairman Stec also recognized the several members of the local VFW (Veterans of Foreign Wars) at the meeting today and he suspected it was due to their interest in the Funeral Protest Law. In a separate Veterans matter, he said, Pam Vogel, County Clerk, had been instrumental in initiating a new program called "Return the Favor" in which the County Clerk's Office would be providing Veterans with a Veterans ID card to be utilized at participating businesses to receive discounts. He requested the Information Technology Department provide the associated information on the County's website and Mr. Dusek acknowledged the request. Chairman Stec noted another benefit available to Veterans was the exemption on property taxes. In conclusion, he thanked Mrs. Vogel for her work on the new "Return the Favor" program.

Chairman Stec announced the next item on the Agenda was a report by Mr. Dusek on the railroad operator contract.

Mr. Dusek apprised that the railroad negotiations had come to a culmination in a proposed railroad agreement and said agreement had been furnished to the Public Works Committee, as well as every member of the Board of Supervisors prior to today in order to allow an opportunity for review. Since the time that the Committee reviewed the document, he continued, there had been a few additional changes; one being Exhibit C which had not been attached to the agreement when the Committee reviewed it and said attachment discussed the advertisement and promotional work to be done by the railroad operator. He noted that the operator was planning on spending approximately \$250,000 for promotion in 2011 and the operator had requested flexibility in the amount so as not to guarantee that amount. Mr. Dusek referred to it as a 'best effort' clause which was now included in the contract.

Mr. Dusek asserted that another new provision in the agreement was a section that contained a number of obligations, one of which was for the operator to insure the property, railroad and supporting infrastructure against insurable calamities. He added that the proposal was for the operator to carry a \$5 million policy so that if something happened, the operator would agree to cover the first \$50,000 of a major extraordinary event and then rely on his insurance to cover the remaining balance of it. Mr. Dusek opined this was an advantage for Warren County because the County had never had this before; however, he said, this insurance did not necessarily protect the County and cover everything. Therefore, he added, there was another part of the contract that handled that issue such that if there were a major extraordinary repair that was not covered by insurance, then the operator was still agreeing to pay the first \$50,000 of that extraordinary repair and the County would be responsible in determining the source of funding for the remaining balance. He further stated that the

agreement included the provision that the County would establish a reserve fund from revenues that the operator paid to the County, not County taxpayers funds. Mr. Dusek advised that the proposal was that in the first year, the County would set up 5/6 of the 6% of gross revenues received into this special reserve fund, said amount could be anywhere between \$69,000 to \$170,000 because the County was guaranteed a minimum of approximately \$81,000 under the contract; therefore 5/6 of that would go into the reserve fund. He expounded that the goal would be to put 2% into the reserve fund following the first year and each year thereafter. Mr. Dusek added that per discussions with the Town of Corinth, the plan was to build the reserve up to \$500,000 which would be available for use by either municipality for an event that arose anywhere on the rail line. He summarized that this was a way of trying to cover these types of contingencies in the future; it was not a panacea and if a major disaster occurred within the first year, there may not be sufficient funds in the reserve to pay for it.

Mr. Dusek remarked that any other changes that had been made to the document since Committee review, were underlined and/or drawn through to reflect such and he noted that he did not recall any significant changes other than the items previously mentioned. One item that was discussed, he said, concerned a restriction of freight runs on the County line. He stated that the County had approved no more than one run up and one run back; however, he noted, Committee members found that to be too restrictive. He asserted that the contract had been amended to provide the right to authorize more frequent runs, if authorized by the County Board.

Mr. Dusek briefly highlighted additional changes as follows: added information concerning definitions of CPI; clarified how payment disputes would be handled; clarified termination and risk of loss provisions, as well as a clause concerning the operators responsibility to indemnify, defend and protect the County and Town against third parties property that could be on the track; added North Creek Chamber of Commerce to the parties that they must communicate with regard to ski trains; and added clarification language relative to the aforementioned \$50,000. Mr. Dusek referred to what appeared to be a new paragraph dealing with major extraordinary repairs; however, he said, it was not new, it was just spelled out more clearly in a separate paragraph. He apprised that the resolution included in the packets today allowed the deal to progress, with continuing amendments approved by himself and the Chairman of the Board, as long as said amendments were consistent with the authorization of the board.

Mr. Dusek advised that next month the intermunicipal agreement with the Town of Corinth would be presented to the Public Works Committee to determine how to manage the relationship with the operator and how the funding would be shared. The current proposal, he said, was for Warren County to receive the first 1% of that 6% as previously mentioned, or 1/6 of the revenues on that 6% coming into Warren County, for its' administration of the rail line; he reiterated that the County was not obligated to repair the rail line in the Town of Corinth if an incident did occur on their portion of the track. He noted that the agreement

before the board today was contingent on the County and Town reaching an agreement. In closing, Mr. Dusek said the plan was to execute the contract by the end of April, and the operator was hoping for a start-up target date of July 1, 2011, dependent upon completion of business with the Federal government, approval of freight line operations and other issues.

Mr. Champagne referred to Resolution No. 246 in the packets which would create a Public Authority to oversee, manage and lease or own those portions of the rail line currently owned by the County and Town of Corinth, and he questioned if the Public Authority would have the authorization to borrow money if a calamity were to occur that the County could not financially cover. Mr. Dusek responded that it would depend on the language in the legislation and he would propose that it include that type of authority. He added that he had recommended that the Public Authority would essentially take the place of the County and Town, because it would be the ideal administrative tool to run this contract on behalf of the County and the Town, said appointments to such Public Authority Board being made by the County and Town. Mr. Dusek remarked that the other aspect of a Public Authority was that it would help to insulate the County and the Town from liability, which had been a concern of his. He stated that this contract provided 'risk shifting' to the operator of the railroad by requiring the operator to not only be responsible and assume certain duties and obligations, but also to provide certain amounts of insurance.

Mr. Kenny informed he would not support this contract and was fundamentally opposed to local government being involved in a train project. He mentioned an article in a local newspaper which outlined Warren County's current cost as \$70,000 per year, which included bond costs and additional costs from the General Fund; he questioned if it was anticipated that the County would continue to fund the railroad at a cost of \$70,000 a year. Mr. Dusek replied that in the first year of operation, there would not be sufficient funds to cover expenses, such as bond costs; however, he continued, in the second year of the contract that should change. He clarified that this contract would not necessarily cover all of the County's costs associated with the railroad; it was dependent upon the operators ability to achieve the projected revenues.

Mr. Kenny referred to the proportionate split of 50/50 between the County and the Town of Corinth as discussed by Mr. Dusek and asked what the mileage of track proportion was and Mr. Dusek answered the Town had sixteen miles of track and the County owned forty miles of the track. Mr. Dusek explained the basis for the 50/50 split as follows: the County would receive 1% right off the top, thereby leading to slightly more than 50%; under the formula for the sharing of the reserve, the likelihood was that the County would utilize the reserve more often for a repair due to the amount of track owned, than the Town would; and the Town was critical for the connection to Saratoga and for freight runs. He summarized that the 50% was determined by trying to balance all of these equities and he felt it was a rational basis for doing so.

Mr. Kenny further questioned if the property taxes on the Hadley Station would be assumed by the Town of Corinth and Mr. Dusek replied in the negative. Mr. Dusek stated that the operator had agreed to pay all real estate taxes. Mr. Kenny asked how the sales tax would be divided from the ticket sales at the Hadley Station versus tickets sold at the North Creek Station. Mr. Dusek asserted that had not been addressed in this agreement because the County was receiving a percentage of gross revenues; and he believed, that in terms of the collection of sales tax and remittances, New York State Law would control that.

Mr. Kenny noted that although he was relieved that there were provisions restricting the types of freight that could be carried on the rail line, he expressed his concern with how close the tracks were to the Hudson River and the possibility of pollutants ending up in the River. He wondered if potential accidents along the rail line had been discussed and Mr. Dusek advised that information was obtained on the railroad companies histories, in terms of derailments and such, and it culminated in a FRA (Federal Railroad Administration) record search. He acknowledged that there had been derailments and the issue had been addressed with the operator. He added that the County's agreement stated that they could not haul any kind of hazardous materials, which were clearly identified. Mr. Dusek confirmed there was a risk of derailment to be considered; however, he said, he focused on making sure the agreement had included everything possible to protect the County. Mr. Kenny apprised that he had also visited the FRA website to research the dangers of a derailment and he provided the statistical information that he had obtained.

Mr. Dusek expounded that the railroad contract was a lot of work that involved many people, and he mentioned the due diligence of the County Management Team, which consisted of himself; Supervisor Goodspeed; Mr. Tennyson; Paul Butler, Director of Parks, Recreation & Railroad; Rob Lynch, Deputy Treasurer; Wayne LaMothe, Assistant Director of Planning & Community Development; JoAnn McKinstry, Assistant to the Administrator; Julie Pacyna, Purchasing Agent; and Trish Nenninger, Second Assistant County Attorney. He added that these individuals covered many of the issues discussed today. Following the due diligence of the Management Team, he said, a Negotiating Team was established which consisted of himself; Supervisor Goodspeed; Mr. Tennyson; Mr. Lynch; Mr. LaMothe; Richard Lucia, Supervisor of the Town of Corinth; John Lemery, Attorney for the Town of Corinth; and Lynn Schwartz, Attorney in Mr. Lemery's Office. He acknowledged these individuals assisted in making this one of the best agreements that he had seen in quite some time.

Mr. Goodpseed expressed his appreciation to Mr. Dusek for his time and effort on this contract. Chairman Stec echoed Mr. Goodspeed's statement and also thanked the Negotiating Team.

Chairman Stec 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:

Veterinarian;
Probation;
Weights & Measures.

Capital District Regional Off-Track Betting Corporation, February 2011 Surcharge in the amount of \$6,726;

Letter from Supervisor Merlino, expressing his support for the County's selection of a train operator and his appreciation to the committee for their efforts and hard work on this decision.

Letter from the Lake George Association regarding the Lake George Asian Clam Rapid Response Task Force.

Hamilton County Resolution in opposition to fee purchase of former Finch and Follensby Pond Lands.

Communications, resolutions and reports ordered placed on file.

Chairman Stec called for reading of resolutions and discussion.

Nicole Livingston, Deputy Clerk of the Board, advised that Resolution Nos. 194 through 260 were mailed. She added that the resolutions relating to the filling of vacant positions were Resolution Nos. 256, 257, 259 and 262 and unless a roll call vote was requested, all would be approved in the collective vote.

Mrs. Livingston announced a motion was needed to bring Resolution Nos. 193 and 261 through 262 to the floor. Motion was made by Mr. Conover, seconded by Mr. Thomas and carried unanimously to bring Resolution Nos. 193 and 261 through 262 to the floor.

Mr. McDevitt requested a roll call vote on Resolution No. 251, Resolution Urging Governor Cuomo to Reject the 2011 New York State Mandate Relief Redesign Team Report.

Mr. VanNess asserted he would like to introduce a resolution from the floor, a draft of said resolution was distributed to the board members. He requested authorization of a memorandum of understanding for the creation of the Adirondack Regional Interoperable Communications Consortium for the Office of Emergency Services.

Motion was made by Mr. VanNess, seconded by Mr. Belden and carried unanimously to approve the request as outlined above. Deputy Clerk noted it would be Resolution No. 263 of 2011 for the record.

Mrs. Wood requested a roll call vote on Resolution No. 253, Increasing the Allowable Vacation Time for the Director of Nursing at Westmount Health Facility to Twenty (20) Days. She referred to Resolution No. 201, Authorizing the Warren County Department of Public Works to Place Crushed Stone on the North Parcel of the Former Gaslight Village Property to Allow for a Gravel Parking Area, and she urged caution authorizing such action until the site was assessed and a source of funding was determined.

Mr. Kenny requested roll call votes on Resolution No. 245, Awarding Bid and Authorizing Agreement with Die Hard Excavation and Technologies, Inc. for Directional Drilling Under the Warren County Railroad for Electrical Conduit (WC 19-11) Contingent Upon Availability of Grant Funds; Resolution No. 246, Resolution Requesting the Creation of a Public Authority to Oversee, Manage and Lease or Own Those Portions of the Rail Line Currently Owned by Warren County and Town of Corinth; and Resolution No. 247, Approving Agreement with Saratoga and North Creek Railroad, LLC as the Railroad Operator.

Mr. Kenny referenced Resolution No. 253, which was requested for a roll call vote by Mrs. Wood. He opined it was wrong to grant an additional two weeks of vacation time to an employee at Westmount Health Facility that had only been employed by the County for five months.

Mr. Loeb requested a roll call vote on Resolution No. 258, Authorizing Amendment of Collective Bargaining Agreement with Warren County Police Benevolent Association.

Mr. Thomas directed attention to Resolution No. 230 which authorized a contingent contribution to the Lake George Asian Clam Rapid Response Task Force and he expressed his opinion that this was a legitimate expense for occupancy tax funds. He proposed the resolution be amended to reflect the source of funding to be occupancy tax funds.

Motion was made by Mr. Thomas and seconded by Mr. VanNess to amend Resolution No. 230 as outlined above.

In response to an inquiry, Mr. Dusek apprised he did not foresee any legal issues with utilizing a portion of occupancy tax funds to assist in the eradication of the invasive species; however, he said, in the past, he had advised that occupancy tax dollars had to be used for promotional tourism expenses. He further stated that it was a judgement call of the Board of Supervisors.

Mr. Kenny announced that although he was in favor of utilizing occupancy tax funds for this purpose, he was not in favor of doing so today and opined that the issue should go

through the Committee process for further review and discussions.

Mr. Thomas withdrew his motion to amend Resolution No. 230 and Mr. VanNess withdrew his second to the motion.

Mr. McDevitt referred to Resolution No. 253, Increasing the Allowable Vacation Time for the Director of Nursing at Westmount Health Facility to Twenty (20) Days, and countered that this was not a precedent setting issue and that similar allowances had occurred before in Warren County. He opined that it was important to have flexibility in making exceptions to basic policies. Mr. Sokol agreed and noted that the employee came to the County with fifteen years of experience. He expressed his support of this resolution.

Mr. Kenny disagreed wholeheartedly that this would not be a precedent setting move and asserted that he would be surprised if this did not come up with other recent hires of the County. Mr. Goodspeed recalled specific discussions providing the County Administrator with additional authority to address these types of issues. Mr. Taylor agreed with Mr. Kenny in that this was a precedent setting matter, and he further stated the need for a policy to be in place.

Chairman Stec called for a vote on the resolutions.

Resolution Nos. 193 through 263 were approved.

Chairman Stec extended privilege of the floor to Ronald Robert, Commander of the VFW Post 5513 in Chestertown. Mr. Robert apprised he and his fellow veterans were at the meeting today because of the proposed local law regarding protestors at funerals. He acknowledged that the protestors could not be stopped; however, he said, they could be curtailed. He reminisced about a fellow Veteran that had been killed in Afghanistan, and the grief that the possibility of the protestors being at the funeral caused the family. He praised the Board of Supervisors for taking the steps to limit access to protestors at the funerals of Veterans.

Chairman Stec confirmed that a public hearing on the aforementioned proposed local law would be held on May 20, 2011 at the Board of Supervisors meeting. He noted that the law was written to prohibit any form of protest at any funeral, one hour prior to, during and one hour after at the funeral home, the church, the cemetery or the route of procession.

Mr. Strainer announced that the Vapors Night Club located at the Saratoga Racino would be hosting a fund-raiser tonight to benefit homeless female veterans.

Prior to adjourning, Mr. Dusek requested an executive session to discuss matters pertaining to collective bargaining negotiations that had been ongoing, as well as one matter involving the employment history of a particular individual.

Motion was made by Mr. Taylor, seconded by Mr. Loeb and carried unanimously that executive session be declared pursuant to Sections 105 (e) and (f) of the Public Officers Law.

Executive session was declared from 12:40 p.m. to 1:25 p.m.

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

There being no further business, on motion by Mr. Strainer and seconded by Mr. McCoy, Chairman Stec adjourned the meeting at 1:26 p.m.