

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JUNE 17, 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 Loeb.

Chairman Stec announced that Supervisor Monroe's father passed away and informed the board members of the scheduled service hours. He requested a moment of silence in reflection of Mr. Monroe's father.

Roll called, the following members present:

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

Absent: Supervisor Monroe - 1.

Motion was made by Mr. Belden, seconded by Mr. Strainer and carried unanimously, to approve the minutes of the May 20, 2011 Board Meeting and the June 13, 2011 Special Board Meeting, subject to correction by the Clerk of the Board.

Chairman Stec declared the Public Hearing on proposed Local Law No. 3 of 2011 open at 10:02 a.m. and requested the Deputy Clerk read the Notice of Public Hearing for the record.

Deputy Clerk read the Notice of Public Hearing on proposed Local Law No. 3 of 2011.

Chairman Stec extended privilege of the floor to Dan Durkee, Health Educator, for the presentation of certificates to the winners of the "Tar Wars Tobacco Prevention Program" and Poster Contest for students in grades 4 and 5 in the participating schools in Warren County.

Mr. Durkee provided a power point presentation displaying the posters and listing the winners, as well as the program objectives, a copy of which is on file with the minutes. Chairman Stec presented each winner with a certificate. The board members responded with applause.

There being no one wishing to speak on proposed Local Law No. 3 of 2011, Chairman Stec declared the Public Hearing closed at 10:25 a.m.

Chairman Stec declared the Public Hearing on the proposed commercial operator agreement with Bushwacker Aircraft Company, LLC open at 10:25 a.m. and requested the Deputy Clerk read the Notice of Public Hearing.

Deputy Clerk read the Notice of Public Hearing on the proposed commercial operator agreement with Bushwacker Aircraft Company, LLC.

Mr. Kenny questioned if this agreement, as well as the following agreement, made the County assume any liability for allowing these companies to operate at the Airport. Paul Dusek, County Attorney/Administrator, explained that any time these types of operations or activities were allowed, the County could be named in a lawsuit; however, he said, if an incident occurred because of the business itself or the failure of their equipment, the County would not be responsible or liable for that.

There being no one further wishing to speak on the proposed commercial operator agreement with Bushwacker Aircraft Company, LLC, Chairman Stec declared the Public Hearing closed at 10:29 a.m.

Chairman Stec declared the Public Hearing on the proposed commercial operator agreement with North Country Heli-Flight open at 10:30 a.m. and requested the Deputy Clerk read the Notice of Public Hearing.

Deputy Clerk read the Notice of Public Hearing on the proposed commercial operator agreement with North Country Heli-Flight.

There being no one wishing to speak on the proposed commercial operator agreement with North Country Heli-Flight, Chairman Stec declared the Public Hearing closed at 10:31 a.m.

Chairman Stec expounded that last Friday, a contract signing ceremony for the railroad operator was held at the North Creek Rail Station and he stated that he appreciated that several Supervisors had attended. He thanked Mr. Dusek and his staff, the team and the Supervisors involved in this process for making sure the County did its' due diligence and were thorough in their analysis. He reported that the train runs planned to commence in early July.

Chairman Stec apprised that with regard to the Gaslight Village project, some of the issues had been resolved with the State, such as getting the State to fulfill their contractual obligation relative to the demolition of structures on site and the available grants for such. He informed that the Opera House had been leveled and the remains would be removed now that Americade had concluded. He stated that the resolve had been achieved due to the Supervisors that were part of the Lake George Watershed Coalition and their advocacy on behalf of the taxpayers of Warren County to ensure that the disagreements between the State Comptroller's Office and the New York State Department of State (NYS DOS) did not hinder the progression of the project.

Chairman Stec thanked Jeff Tennyson, DPW Superintendent, and Kevin Hajos, Deputy Superintendent, for their work on the Corinth Road Reconstruction Project. He added that the project was on schedule and under budget. He further reported that two-way traffic should be restored by mid July and the project could be completed by early October.

Chairman Stec referred to the recent Intercounty Legislative Committee of the Adirondacks meeting in which a report from NYSAC (New York State Association of Counties) was provided which contained updates on the State Legislature that was nearing the close of their Legislative Session.

Chairman Stec called for reports by Committee Chairmen on the past month's activities or meetings and the following gave verbal reports:

Supervisor Loeb, Social Services; Supervisor Belden, Public Works; Supervisor Bentley, Public Safety; Supervisor Goodspeed, Real Property Tax Services; Supervisor Merlino, Tourism; Supervisor Strainer, Human Services; Supervisor Champagne, Community College and Intercounty Solid Waste; Supervisor VanNess, Public Safety; Supervisor Thomas, Finance; Supervisor Wood, Planning & Community Development; Supervisor Geraghty, Budget; Supervisor Conover, Personnel; Supervisor Girard, Extension Service; Supervisor McDevitt, Mental Health; and Supervisor Taylor, Support Services.

Regarding the Social Services Committee, Mr. Loeb stated that the meeting consisted mostly of housekeeping issues. He announced that the Youth Court Ad Hoc Committee would be meeting again immediately following the Board Meeting. He added that currently, Youth Court was funded through October of this year and approximately an additional \$11,000 was needed to continue the program for the remainder of the year.

In connection with the Public Works Committee, Mr. Belden advised that under the Airport portion of the meeting, Rich Schermerhorn, FBO (Fixed Base Operator) proposed a decrease in the fees charged for lease space in commercial hangars. He stated Don DeGraw, Airport Manager, would research fees charged at other Airports in the area and report back to the Committee at a later date. He informed that \$15,000 would be allocated from occupancy tax for the Adirondack Hot Air Balloon Festival, leaving an estimated \$6,000 shortfall for overtime and the Committee agreed that the funding should not come from the Public Works budget; he said the shortfall would be addressed in the future. Under the Parks, Recreation & Railroad portion of the meeting, Mr. Belden continued, discussions centered around the execution of the railroad operator contract. He mentioned that the DPW portion of the meeting dealt mainly with housekeeping issues. He added that the highway crews were very busy with road construction work due to the recent storms, and the paving schedule had been delayed to allow for the paving crews to assist with the road construction projects.

Mr. Bentley advised that he had Chaired the Public Safety Committee meeting in the absence of Mr. VanNess. He noted that the Committee discussed the recent flooding in the north country and he requested Brian LaFlure, Fire Coordinator/Director of the Office of

Emergency Services (OES), to provide an update on the damage and possible funding streams. Mr. LaFlure announced that the representatives from FEMA (Federal Emergency Management Agency) and SEMO (State Emergency Management Office) were currently in Thurman to review the damage there, as well as in Stony Creek. He stated that the goal was for FEMA to extend the original Presidential Declaration which had been approved for the April 27th storm through May 8th, to extend that narrow window to Memorial Day; thereby covering all of the damage incurred this spring. He reiterated the importance of documenting any damage in the towns. Mr. LaFlure added that the original Presidential Declaration included any hazard mitigation projects; therefore, he said, any projects or deficiencies listed in the County's Hazard Mitigation Plan, which was approved by FEMA, could receive 87.5% funding from the Federal Government. He noted that the County had not received the individual assistance for the Presidential Declaration; it currently only covered public assistance, such as roads, bridges, or other things that were part of municipal infrastructure.

Concerning the Real Property Tax Services Committee, Mr. Goodspeed remarked that the majority of the meeting was spent discussing the New York State Department of Environmental Conservation (NYS DEC) and property cleanups in the north country. He stated that Mike Swan, Director of Real Property Tax Services, had reported that a long standing parcel in the Town of Johnsbury would be the subject of a NYS DEC cleanup that would conclude in September, and would ultimately permit the County to auction that property and place it back on the tax rolls. He thanked the many Supervisors that participated in the contract ceremony at the North Creek Rail Station.

With regard to the Tourism Committee, Mr. Merlino apprised Resolution No. 342 included in the packets was generated from the meeting, which authorized an agreement for the printing of the 2011 Fall Brochure. He stated that Peter Girard, Creative Director, had provided updates on email promotions and summer programs, and he had also revamped the Tourism Department website. Mr. Merlino added that 1,740 applicants had registered for the upcoming Warrior Run at West Mountain this weekend.

Relative to the Human Services Committee, Mr. Strainer informed that the Committee approved the filling of a Meal Site Manager position during the Office for the Aging (OFA) portion of the meeting, and approved the filling of an Account Manager in the Employment & Training Administration (ETA), said position was 100% funded. He referenced the Certificate of Appointment included in the packets which listed the members of the Workforce Investment Board. He thanked Supervisors Girard and VanNess for assisting with the cooking at the OFA Picnic for volunteers that delivered Meals on Wheels.

Regarding the Community College Committee, Mr. Champagne requested Mr. Dusek to explain the ground lease that was being introduced today. Mr. Dusek asserted that a local law was developed that was before the board members today that would authorize Warren County to enter into a ground lease with a company to allow the building of student housing at the campus. He further explained that the local law provided the space for the land and an

easement for driveway access from the main road, as well as utilities. He stated it was a forty-nine year lease for \$1 a year. He noted it was set up that way to benefit the College in the anticipation of enhancing student enrollment and to not be an expense of the County. Mr. Dusek concluded the resolution included in the packets would set the Public Hearing for the July Board Meeting. Mr. Champagne clarified that there would be no County dollars involved in this project.

Mr. Champagne reported that the Intercounty Solid Waste Committee had met and the sale of the trash plant was progressing. He reiterated that the RFP's (Request for Proposals) needed to be released as soon as possible for solid waste removal services.

In connection with the Public Safety Committee, Mr. VanNess apprised that the Committee had met again this morning and approved the Sheriff's request to create a position of Cleaner and to delete the position of Senior Custodian, which resulted in a savings of approximately \$16,000. He commended Mr. LaFlure and Amy Manney, Deputy Director of OES, for all the work they had done over the past two months with regard to storm damage. He referenced Resolution No. 383 included in the packets which authorized an agreement with Soil & Water Conservation District to assume the duties of Hazard Mitigation Coordinator for the County.

Pertaining to the Finance Committee, Mr. Thomas stated several resolutions were generated from the meeting and he highlighted a few of the resolutions as follows: Resolution No. 382, Establishing a Reserve for Railroad Repairs in the General Fund and Authorizing the Treasurer to Set Up an Account to Deposit Reserve Funds; Resolution No. 384, Authorizing Mutual Non-Disclosure Agreement with Aeon Nexus Corporation Regarding Review of County Purchases; Resolution No. 385, Urging Funding for the Community Services Block Grant be Adopted to Assure the Continuation of Vital Services to the Citizens of Warren County; Resolution No. 390, Rescinding Resolution Nos. 250 and 330 of 2011, Reintroducing Proposed Local Law No. 2 of 2011 and Authorizing Public Hearing Thereon; Resolution No. 393, Establishing Capital Project No. H324.9550 280 2011 Storm Damage, Authorizing Transfer of Funds and Amending Warren County Budget for 2011; he noted that Resolution Nos. 397 and 398 authorized the issuance of serial bonds for the reconstruction of County Roads and Bridges in the amounts of \$2,170,000 and \$300,000, respectively. He added that Resolution No. 399 authorized a Budget Note in the amount of \$30,000 for repairs needed on the rail line. Mr. Thomas mentioned that at the Intercounty Legislative Committee of the Adirondacks meeting, an encouraging report was provided that the County's IGT (Intergovernmental Transfer) money for Westmount would be forthcoming.

With regard to the Planning & Community Development Committee, Mrs. Wood apprised Resolution Nos. 376 and 377 were resultant of the meeting. She asserted that there were many vacancies on the Warren County Planning Board and the Committee discussed the possibility of reducing the number of members on that Board. Mrs. Wood thanked Mr. LaFlure and Mr. Tennyson for their assistance to the Town of Thurman during the recent flooding,

as well as the support the Town had received from other Supervisors and citizens of the County during their trying time of need.

Concerning the Budget Committee, Mr. Geraghty advised that the budget team was currently gathering the necessary information to commence the budget process and meetings with Department Heads would begin on July 19th, with formal budget review meetings starting in August. He added that the goal was to present an acceptable budget to be adopted in November.

Regarding the Personnel Committee, Mr. Conover expounded Resolution Nos. 366 through 375 included in the packets were resultant of the meeting, most of which were approvals to fill vacant positions. He referred to Resolution No. 374 which amended the procedures with regard to the establishment, filling and increasing or decreasing of salaries for positions. He commended Mr. Dusek and Joan Sady, Clerk of the Board, for their work on this and further opined that the changes addressed a number of prior concerns.

In connection with the Extension Services Committee, Mr. Girard reported that Cornell Cooperative Extension would be hosting their 2nd Annual Golf Tournament on August 27, 2011 and any sponsors would be greatly appreciated.

Relative to the Mental Health Committee, Mr. McDevitt apprised there continued to be deep concerns about meeting the challenges and demands under budgetary constraints.

Pertaining to the Support Services Committee, Mr. Taylor informed three resolutions were generated from the meeting. Resolution No. 370, he said, authorized the Administrator to fill the vacant position of Fiscal Assistant to the County Administrator due to retirement. He noted Resolution No. 345 amended Resolution No. 388 of 2008 and authorized an amendment to the intermunicipal agreement with Washington County relating to County Attorney services provided on a reciprocal basis. He added Resolution No. 346 accepted a proposal and authorized an agreement with Lemire Johnson, LLC for legal representation of the Warren County Self-Insurance Plan with regard to Workers' Compensation cases.

Chairman Stec announced the next item on the Agenda was reports by Mr. Dusek. Mr. Dusek referenced the Community Action Block grant, as outlined in Resolution No. 385, and explained the Finance Committee had requested additional information in the document. He commented that it was a support resolution, not an obligation that the County was taking on and was traditional funding that the organization had obtained. He asserted that the organization provided the local match through donations and there was no County exposure involved.

Mr. Dusek apprised the next item for discussion was the DPW road bond, which required three separate resolutions, one for the roads, one for the bridges and one budget

note for the railroad. He explained that the budget note was necessary because he was unable to find under the Local Finance Law, any authority to bond the railroad repairs; therefore, he said, the budget note had to be paid off by next year.

Mr. Dusek announced that NYSEDA (New York State Energy Research and Development Authority) sent the County a High Performance Building plaque for the Human Services Building (HSB). He acknowledged that this was a compliment to the County and recalled that when the building was constructed, the County had obtained considerable funding towards making the building energy efficient. He expounded that these plaques were only given to projects that were designed to perform at least 30% above the New York State Energy Conservation Construction Code, and he added that the HSB obtained energy performance projections of 37% above the ASHRAE (American Society of Heating, Refrigerating and Air Conditioning Engineers) Standard 90.1-2004 Code.

Mr. Dusek advised another topic for discussion was with regard to a Time Warner TV service contract. He stated that the Health Services Committee had expressed concern regarding a seven year commitment and questioned if other options were available. Upon exploration, he continued, he realized that the County had a six year agreement with Adelpia before it was taken over by Time Warner. Mr. Dusek further explained that Time Warner had agreed to honor the \$7 a month per unit charge, that the County was currently paying for one year, followed by limiting the cap to 5% on any given increase for the calendar year. He opined that the rate was reasonable and he was able to negotiate a five year contract.

Chairman Stec called for reading of communications.

Deputy Clerk read communications, including the following:

Minutes from:

Warren/Washington Counties Industrial Development Agency.

Monthly Reports from:

Weights & Measures;
Veterinarian.

Annual Reports from:

Warren County Department of Social Services;
Capital District Regional Off Track Betting Corporation.

New York State Department Of Civil Service, First Quarter Empire Plan Experience Report for 2011;

Ann Lloyd, resident of Warrensburg, letter of appreciation and praise for the efforts of staff at the Warren County Fish Hatchery;

Capital District Regional Off-Track Betting Corporation, Financial Reports for January - April, 2011;

Pamela J. Vogel, Warren County Clerk, Pursuant to County Law Section 526, letter advising of the appointment of Marie A. Trombley as Deputy County Clerk, effective June 1, 2011, succeeding Johannah Ross, who retired on May 31, 2011.

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. 336 through 394 were mailed. She noted that Resolution No. 381 was corrected after the resolutions were mailed and a motion was needed to approve Resolution No. 381 as corrected.

Motion was made by Mr. Bentley, seconded by Mr. VanNess and carried unanimously to approve resolution No. 381 as corrected.

Mrs. Livingston added that the resolutions relating to the filling of vacant positions were Resolution Nos. 366, 367 and 369 through 371 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. 335 and 395 through 399 to the floor. Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to bring Resolution Nos. 335 and 395 through 399 to the floor.

Chairman Stec called for a vote on the resolutions.

Mr. Geraghty requested a roll call vote on Resolution No. 356, Authorizing an Amendment Permit Agreement with American Railway Technologies, Inc. for Storage at North Creek Railroad Station.

Mr. Goodspeed requested a roll call vote on Resolution No. 343, Authorizing Continuation of Agreement with Legal Aid Society of Northeastern New York, Inc. for Family Court Conflict Cases.

Mrs. Wood questioned the wording in Resolution No. 374, which amended the procedures with regard to the establishment, filling and increasing or decreasing of salaries for positions, specifically Section 4 (iii) A and B. She expressed her concern with the wording "and/or" relative to the County Administrator and the Supervisory Committee recommending

a position not be filled, which could bypass the Supervisory Committee. Mr. Dusek responded that the intent was not to change current procedures; however, he said, the resolution was attempting to reflect that both the County Administrator and the Committee had the opportunity to deny approval for filling a position. He further stated that it was possible that he could recommend filling a position and the Committee could recommend not filling it or vice versa, that was the reason for using the wording "and/or".

Resolution Nos. 335 through 399 were approved.

Mr. VanNess announced that Mrs. Sady was not at the meeting today because her father was receiving the Lifetime Achievement Award at the Hudson Valley Firemen's Convention for the services he had provided to the community and the Hudson Valley Volunteer Firemen's Association. He added that it was a great achievement to receive this award and he congratulated Mrs. Sady's father.

Mr. Dusek informed the board members that the flag in the Board Room had been raised and moved in accordance with law as to its positioning. He also reported that a possible solution for the microphone issues had been discovered and Mr. LaFlure had found inexpensive flat microphones that would be purchased to replace the existing microphones on the table.

Privilege of the floor was extended to Fred Austin, of the Fort William Henry. Mr. Austin apprised that approximately forty years ago, a group was formed of Town, County, Village and City Highway Superintendents which continued to meet monthly. At the last meeting, he said, a resolution was passed that would establish an endowment to fund six camperships to attend Skye Farm Camp for Warren County youth in need.

Mr. Dusek advised an executive session was needed to discuss the Warren County et al versus Hudson River-Black River Regulating District litigation, as well as the employment history of a particular individual.

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

Executive session was declared from 11:36 a.m. to 12:39 p.m.

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

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