

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, OCTOBER 19, 2012**

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 10:10 a.m.

Mr. Daniel G. Stec presiding.

Salute to the flag was led by Supervisor Dickinson.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Loeb, Kenny, Frasier, Bentley, Vanselow, Dickinson, Merlino, Stec, Mason, Strainer, Westcott, Sokol, Thomas, Wood and Geraghty - 20.

Motion was made by Mr. Sokol, seconded by Mr. Thomas and carried unanimously to approve the minutes of the September 21, 2012 Board Meeting, subject to correction by the Clerk of the Board.

Commencing with the agenda review, privilege of the floor was extended to Lloyd Mott, Chairman of the Warren County Safe & Quality Bicycling Organization (WCSQBO) who distributed a number of handouts to the Board members which included the WCSQBO Mission Statement, an Accomplishments Report, a listing of the members of the WCSQBO Citizens Advisory Committee, a book of maps outlining biking trails/routes in Warren County, and a number of brochures pertaining to area biking activities; Mr. Mott then proceeded with a review of the documentation provided, copies of which are on file with the Board meeting minutes. He spoke on the history of the WCSQBO which was developed about two and a half years earlier in an effort to promote safe biking opportunities for both accomplished road and mountain bicyclers, as well as for families seeking safe routes to travel by bicycle with their children, and to educate both bicyclists and motorists on the safe sharing of roadways. Mr. Mott noted several newspaper articles in support of the efforts being made by the WCSQBO, as well as one recent editorial which highlighted the importance of bicycling and connecting trails which provided an alternate means of transportation and promoted a healthier lifestyle. He advised that in developing and distributing their biking maps and brochures, the WCSQBO had worked with several County Departments and he thanked Jeffery Tennyson, Superintendent of Public Works; Paul Butler, Director of the Parks, Recreation & Railroad Division; Tanya Brand and Joanne Conley, both of the Tourism Department; and Sheri Norton, former GIS Coordinator for the Planning & Community Development Department, for their assistance. Mr. Mott stated that the WCSQBO was in the process of updating their website with the ultimate goal being to lessen the amount of printed brochures, maps and information distributed in favor of providing the same in an electronic format via their website. He reminded the Board members of the Master Plan document developed by the Adirondack/Glens Falls Transportation Council which had been presented during the spring of 2012; Mr. Mott said they were very proud of this document and noted that it would be helpful when applying for grant funding to further their efforts. Mr. Mott apprised that the Towns of Lake Luzerne and Queensbury had adopted resolutions designating certain roads as connector routes for safer bicycle travel which would be highlighted on future maps. He stated that these efforts could be used as models for other municipalities and he said the WCSQBO sought to meet with representatives from the other Towns to encourage similar actions.

John Strough, Member of the WCSQBO Board of Directors/Queensbury Town Councilman, spoke on the connector trails being established, specifically highlighting the Rush Pond Trail being developed near West Mountain Road in the Town of Queensbury which would provide a safe transportation means for families and children, connecting various neighborhoods to the Queensbury School system properties. Mr. Strough pointed out that

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, OCTOBER 19, 2012

improved connector trails would also help to promote area tourism as bicycling was quickly becoming a more prominent activity amongst locals and visitors, alike. He said they intended to erect tasteful signage along the trails directing users to area convenience stores and restaurants in an effort to benefit both bicyclists and business owners. Mr. Strough advised they were working with local groups, as well as State and Federal organizations to develop additional connections with other bicycling routes and he said he felt the WCSQBO was a worthwhile and useful organization that was trying to do a lot for the region.

With respect to the WCSQBO Citizens Advisory Council, Mr. Mott advised each Township in Warren County was represented by a Council member. He continued that it had been very difficult to schedule a meeting where all members were able to attend and as another means to accomplish this important connection, Mr. Mott said they would be willing to attend Town meetings, or schedule meetings with individual Town Supervisors, to encourage communication on how best to promote and facilitate safe biking practices in each township.

Mr. Conover congratulated the WCSQBO on the work they had done so far and said he encouraged them to continue their efforts. Mr. Monroe agreed, and noted that additional means for transportation was very important, especially for the northern area of Warren County where additional trails could be developed; he pointed out that similar efforts had been made in the state of Vermont, leading to the development of an extensive bike trail system. Mr. McDevitt stated his support for the WCSQBO's efforts, as well, advising that many County taxpayers also felt this was a worthwhile venture. Mr. Mott acknowledged Mr. Monroe's comment about the Vermont bike trail system, advising that he would like Warren County to be considered in the same manner.

Resuming the agenda review with the Report by the Chairman of the Board, Chairman Stec said he had nothing to report. He then called for reports by Committee Chairman on the past month's activities or meetings and the following gave verbal reports: Supervisor Merlino, Tourism; Supervisor Strainer, Community College; Supervisor Thomas, Finance; Supervisor Wood, Public Safety; Supervisor Geraghty, Budget; Supervisor Conover, Personnel; Supervisor Monroe, Legislative & Rules and Real Property Tax Services; Supervisor Girard, County Facilities; Supervisor McDevitt, Mental Health; Supervisor Taylor, Economic Growth & Development; Supervisor Loeb, Social Services; Supervisor Kenny, Occupancy Tax; and Supervisor Bentley, Public Works.

Mr. Merlino apprised that the Planning Guides prepared by the Tourism Department had been delivered and the Travel Guides would be available on October 25th.

Mr. Strainer advised he had attended the ribbon cutting ceremony for SUNY Adirondack's new Wilton Campus; he added that he intended to provide more definitive information at the next Board meeting, but recalled from the presentation made indications that the number of classes provided, as well as the number of participating students, had more than doubled with the Campus relocation.

Mr. Thomas advised that pursuant to the Finance Committee meeting held on October 10th, several resolutions had been approved, as represented by proposed Resolution Nos. 599, 601-604, 605, 622, 623 and 624, which he proceeded to outline briefly.

Mrs. Wood advised the Public Safety Committee had met and approved a few resolutions pertaining to routine business items. She noted that a press release had been held during the prior week to launch a website commemorating Warren County's 2013 Bicentennial celebration, www.warrenny200.org She thanked everyone who

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, OCTOBER 19, 2012

had attended the event, as well as those who had been involved in organizing it.

Mr. Geraghty reported that several Supervisors had attended a meeting of the Inter-County Legislative Committee of the Adirondacks on the prior day in Plattsburgh, NY, where some interesting information had been presented relative to the anticipated impact of the State mandated tax cap in future years. He encouraged each Supervisor to visit the NYSAC (New York State Association of Counties) website to review this information which indicated that the tax cap did not seem to be achieving the desired results and noted a number of Counties suffering financial situations worse than Warren County's. Mr. Geraghty said that during the Inter-County meeting they had visited the former Plattsburgh Air Force Base where a presentation had been made relative to the economic impact proposed for Clinton County in relation to the expansion project they were currently undertaking to provide additional terminal space for commercial airlines. He commented that the Inter-County meetings were typically very informative and allowed Supervisors from different Counties in the Adirondack region to meet and discuss their concerns. Mr. Geraghty apprised that the Budget Team continued to work on the 2013 Budget, a process that was becoming more challenging in light of increasing benefit costs. He stated that although the budget situation was somewhat alarming, he was confident that an acceptable budget would be developed.

Chairman Stec agreed that the powerpoint presentation available on the NYSAC website was very telling about the impact of State mandates in relation to the imposed tax cap. He said he recalled that the tax cap would allow a cumulative levy increase of \$131 million for all of the counties in NY State, while the nine mandates identified by NYSAC as comprising the largest portion of unfunded State mandates would incur a cumulative increase of \$244 million; essentially, he summarized, the tax cap allowance would be overcome by increases in State mandates, the largest being an increase in retirement costs, which would cause counties to cut other areas of their budgets. Chairman Stec pointed out that the increase in retirement costs alone was estimated at \$135 million, which consumed all of the 2% tax cap levy (\$131 million) allowed. He continued that for Warren County, alone, retirement costs were anticipated to increase by \$1.1 million to \$7.6 million for 2013, consuming almost all of the \$1.3 million increase allowed by the 2% tax cap. Chairman Stec stated that the retirement cost increase was non-negotiable and therefore, increases in all other costs such as health insurance costs, gas prices and any remaining mandates, had to be offset in other areas. He concluded that Warren County was not alone in suffering with these issues, as many other counties were dealing with the same budgetary constraints.

Mr. Geraghty noted that all of the Counties located in the Adirondack region, except for one, had benefitted from an increase in sales tax collections during the third quarter of 2012, while most Counties located in western NY had suffered a decrease. He further noted that although the increase in sales tax had been considered to be a positive economic indicator for the area, NYSAC had cautioned it should be noted that the unemployment rate had increased from 8% to 9% State-wide and the Counties should not be lulled into a false sense of security that the sales tax trend would continue, especially since they were seeing sales tax decreases in other areas of the State.

Respective to the Personnel Committee meeting held on October 10th, Mr. Conover advised that several resolutions had been approved, represented by proposed Resolution Nos. 585-590.

Motion was made by Mr. Conover, seconded by Mr. Monroe and carried unanimously to table proposed Resolution Nos. 586-589.

Mr. Monroe advised the Legislative & Rules Committee had met for the main purpose of discussing a proposal presented by the Lake George Park Commission (LGPC) to institute mandatory boat inspections for

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, OCTOBER 19, 2012

transient boaters visiting Lake George in order to stop the spread of invasive species; he pointed out that proposed Resolution No. 618, Supporting the Initiative of the Lake George Park Commission to Implement Mandatory Boat Inspections on Lake George, had been approved as a result. Subsequent to the meeting, Mr. Monroe advised further discussion on the matter had been held with the LGPC and the County Attorney's Office during which it had been advised that the LGPC's rule making process was long and tedious and it was suggested that the adoption of a County Local Law would be much quicker to implement. In response to Mr. Monroe's indication that the idea warranted further consideration, Chairman Stec suggested that the idea of possibly introducing a Local Law to require mandatory boat inspections for transient boaters on Lake George be referred back to the Legislative & Rules Committee.

Continuing with his Committee report, Mr. Monroe pointed out proposed Resolution No. 619, Requesting the United States Senate and Congressional Representatives of New York State to Seek Federal Funding for the Eradication of Invasive Species in Lake George. He noted that Lake Tahoe, which was also threatened by an Asian Clam infestation, although on a much grander scale, received Federal funding for its invasive species eradication efforts and because the issues were comparable they felt that Federal funding should be provided for Lake George, as well. Mr. Monroe pointed out two additional resolutions approved at the Legislative & Rules Committee meeting, those being proposed Resolution Nos. 620, Requesting New York State Legislators to Allow all Counties to be Given the Option to Support any Legislation Relating to Casino Gambling, and 621, Supporting the Concept of Transferring Building Rights on Parcels Included in New York State's Purchase of 69,000 Acres of Former Finch Pruyn Forest Lands to Other Parcels Suitable for Building. With respect to the recent meeting of the Real Property Tax Services Committee, Mr. Monroe noted the upcoming tax foreclosure auction would be held on October 20th, and he apprised of a disturbing fact that the listing of delinquent properties identified for the foreclosure auction had doubled in comparison to the number auctioned in 2011.

Mr. Girard announced that a meeting of the County Facilities Committee had been held wherein several resolutions had been approved, represented by proposed Resolution Nos. 601-611. He then thanked Chairman Stec for his involvement in resolving a dispute between the City of Glens Falls and the Town of Queensbury regarding a sewer treatment contract and for keeping interested parties apprised of the situation. Mr. Girard stated that the matter was handled in a very straightforward and professional manner which helped resolve the disagreement favorably. In return, Chairman Stec relayed his appreciation for Mr. Girard's assistance, as well, and he credited City of Glens Falls Mayor Jack Diamond and the City Common Council, for their cooperation in settling the matter; he advised later that day he and Mayor Diamond would be holding a joint press conference to officially announce that the dispute had been resolved. Chairman Stec stated that in the future, a simpler billing process would be implemented to avoid recurring misunderstandings.

The most recent meeting of the Mental Health Committee had been held at The Prospect School in the Town of Queensbury, Mr. McDevitt announced, where a representative from Governor Cuomo's Office had spoken about more efficient ways to deliver social service benefits in NY. He said the discussions had been a bit confusing and he was still undecided on the matter, but he advised that he would continue to provide updates when available.

Mr. Taylor pointed out that proposed Resolution No. 572, Ratifying the Actions of the Chairman of the Board of Supervisors with Regard to the Execution of an Agreement with Fountains Spatial, Inc. for GIS Services, had been approved by the Economic Growth & Development Committee at their last meeting. He said the agreement with Fountains Spatial, Inc. would provide GIS services to the County and would not result in an increase to the 2012 Budget. Mr. Taylor noted that Ms. Norton, who had previously served as the County's GIS Coordinator,

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, OCTOBER 19, 2012

had chosen to resign from the position for another opportunity. He then presented some good news on behalf of the Warren-Washington Counties Industrial Development Agency (IDA), advising that they had approved an inducement resolution with Morris Products which would essentially add 30,000 sq. ft. to their existing business; he added that through this expansion, Morris Products planned to employ an additional ten people and Mr. Taylor said this was a good sign for the local economy, as was the increase in the number of inquiries relating to the availability of property for development in the Industrial Park.

Mr. Loeb apprised that at the last meeting of the Social Services Committee proposed Resolution No. 592, Authorizing Execution of Client Acceptance of Year Five Annual Guaranteed Savings Report for Siemens Industry, Inc. for Countryside Adult Home, had been approved. He noted that annual reports provided in the past for both the Countryside Adult Home and the Westmount Health Facility had led to a lot of questions regarding the savings identified therein, as well as requests for "real" numbers representing those savings. Mr. Loeb said he was happy to announce that an updated savings report reflecting these requests had been provided and would be reviewed in detail at the next Social Services Committee meeting; he added that if the report was successful in answering the Committee's questions, he anticipated that the same revised format would be provided for the Westmount Health Facility in their future reports.

Mr. Kenny stated that the Occupancy Tax Committee had met twice during the past month, once independently and once jointly with the Finance Committee. During the Occupancy Tax Committee meeting, he said that David Kenny, owner of the Adirondack Outlet Mall located on Route 9 in Lake George, had proposed renting space to the Tourism Department for use as a satellite location for tourism promotion and he said that issue had been referred to the Tourism Committee for further discussion. Additionally, he advised Mr. Geraghty had asked the Occupancy Tax Committee to consider the use of occupancy tax funds to fund expenses associated with overtime incurred by the Sheriff's Office in connection with special events and the matter would be discussed at the next Committee meeting. Mr. Kenny apprised that responses to the Occupancy Tax Event Survey had been tallied at a 17% response rate with the overwhelming sentiment being that the Americade Event was the most popular. Relative to the joint meeting of the Occupancy Tax and Finance Committees, he said extensive discussion had been held on the Asian Clam eradication effort, following which motions were made to allocate funds in the amounts of \$500,000 and \$325,000 from the occupancy tax reserve fund to the eradication effort, both of which failed. Mr. Kenny advised that a subsequent motion to allocate funding in the amount of \$270,000 from the occupancy tax reserve to the Asian Clam eradication effort had been approved, as represented by proposed Resolution No. 623, Authorizing a Supplemental Intermunicipal Agreement Providing Additional Funding to the Village of Lake George to Assist in the Eradication of Asian Clam Infestation. He also noted proposed Resolution No. 622, Temporarily Suspending Resolution No. 178 of 2011 and Removing Contingencies Until a Minimum Balance of \$500,000 in the Occupancy Tax Reserve is Met, which would allow the \$270,000 allocation from the occupancy tax reserve fund.

Mr. Bentley advised that several resolutions had been approved pursuant to the last Public Works Committee meeting, as represented by proposed Resolution Nos. 614 - 617, 625 and 626, which he proceeded to outline briefly.

Chairman Stec called for the Report by the County Administrator and Paul Dusek, County Administrator, advised he had nothing to report. Martin Auffredou, County Attorney, requested an executive session to discuss attorney/client privilege information relating to a matter to be considered later in the meeting.

Motion was made by Mr. Monroe, seconded by Mr. Taylor and carried unanimously to declare executive session pursuant to the Public Officer's Law.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, OCTOBER 19, 2012

Executive session was held from 10:54 a.m. to 11:35 a.m.

Upon reconvening, Chairman Stec advised no action had been taken during the executive session.

Chairman Stec called for the reading of communications and Joan Sady, Clerk of the Board, read them aloud, as follows:

Minutes from:

1. Warren/Washington Counties IDA and Executive/Park Committee;

Monthly Reports from:

1. Probation;
2. Weights & Measures

Annual Report from:

1. Warren County Dept. of Public Works for 2011, copies available upon request
NYS Dept. of Civil Service, Second Quarter 2012 Empire Plan Experience Report;

Communications, resolutions and reports ordered placed on file.

Continuing with the agenda review, Chairman Stec called for a reading of resolutions and discussion. Mrs. Sady apprised that proposed Resolution Nos. 570 through 624 were mailed and a motion was needed to bring Resolution Nos. 569, 625 and 626 to the floor.

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to bring Resolution Nos. 569, 625 and 626 to the floor.

Mr. McDevitt requested a roll call vote for proposed Resolution No. 592, Authorizing Execution of Client Acceptance of Year Five Annual Guaranteed Savings Report for Siemens Industry, Inc. for Countryside Adult Home.

Mr. Westcott requested roll call votes for several proposed resolutions, as follows:

- * Resolution No. 601, Amending Resolution No. 369 of 2012; Increasing the Grant Amount with Regard to the Submission of a Grant Application to the Federal Aviation Administration/New York State Department of Transportation for Runway 1 End Obstruction Removal;
- * Resolution No. 607, Authorizing Agreement with C&S Companies, Inc. to Provide Technical Support Services for the Avigation Easement/Land Acquisition for Two Parcels in the Runway 12 & 19 Approach - Phase I;
- * Resolution No. 608, Authorizing Agreement with C&S Companies, Inc. to Provide Professional Engineering, Consulting and Technical Support Services for the Runway 1-19 Environmental Assessment and Preliminary Engineering Project;
- * Resolution No. 609, Authorizing Agreement with C&S Companies, Inc. to Provide Professional Engineering and Consulting and Technical Support Services for the Runway 1 End Obstruction Removal Project; and
- * Resolution No. 611, Authorizing the Chairman of the Board of Supervisors to Execute a Letter Making a Formal Offer to Forest Management Enterprises, Inc., the Owner of Tax Map Parcel No. 303.11-1-4 in the Town of Queensbury for Purchase by Warren County for Fee Title/Avigation Easement Acquisition for the Approach to Runway 1 at the Floyd Bennett Memorial Airport.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, OCTOBER 19, 2012

Mr. Westcott requested that one combined roll call vote be held for all of the resolutions previously noted and upon Mr. Auffredou's consent, Chairman Stec agreed.

Mr. Merlino pointed out that proposed Resolution No. 598, Authorizing Agreement with Mary Elizabeth Moran to Provide Occupational Therapy Services for the Health Services Department, listed several service rates and he questioned whether these represented an hourly charge, to which Mr. Sokol replied in the negative, advising the amount represented a per visit fee.

Respective to proposed Resolution No. 577, Authorizing Agreement with Northeastern Mobile Dental Services, (Daniel F. Kana, DDS) to Provide Dental Services to Inmates at the Warren County Correctional Facility, Mr. Taylor questioned whether it was necessary to provide dental services to inmates and Mrs. Wood replied that she believed it was; Bud York, Warren County Sheriff, confirmed that the County was mandated by the State of New York to provide dental services to inmates within the Warren County Correctional Facility.

Chairman Stec advised that Mr. Auffredou had suggested an amendment to proposed Resolution No. 623, Authorizing a Supplemental Intermunicipal Agreement Providing Additional Funding to the Village of Lake George to Assist in the Eradication of Asian Clam Infestation. Mr. Auffredou stated that he would recommend the inclusion of an additional paragraph to the resolution, as follows: "Whereas, tourism, and the promotion thereof, is a critical component of the economy of Warren County and the Warren County Board of Supervisors finds that the allocation of occupancy tax funds to the Asian Clam eradication project for Lake George continues to enhance the general economy of Warren County through the promotion of Lake George and the enhancement of the environment of Lake George as a tourist activity and is directly related and supportive thereof."

Motion was made by Mr. Girard, seconded by Mr. Loeb and carried unanimously to amend proposed Resolution No. 623 as recommended by Mr. Auffredou.

Although it was not standard operating procedure, Chairman Stec advised that before proceeding with the vote on resolutions, they would pause to allow for any public comment on proposed Resolution No. 623.

Privilege of the floor was extended to Michael Consuelo, Executive Director of the Lake George Regional Chamber of Commerce and Convention & Visitor's Bureau (CVB), who read aloud a resolution adopted by the Lake George Regional Chamber of Commerce and CVB in support of the Lake George Park Commission's Invasive Species Management Plan, but opposing the use of the occupancy tax reserve as a funding source and calling for "the "surplus occupancy tax" fund to be frozen and that the Warren County Tourism Promotion Citizens Advisory Committee (TPCAC) be reactivated in its original state to further advise the Warren County Supervisors on the disbursement of all occupancy tax money including the "surplus occupancy tax" account as was originally intended when the Local Law Imposing a Hotel and Motel Occupancy Tax was enacted in 2003". *A copy of the resolution adopted by the Lake George Regional Chamber of Commerce and CVB is on file with the minutes.*

Mr. Dickinson directly questioned whether the Lake George Regional Chamber of Commerce and CVB was opposed to using occupancy tax reserve funds in connection with the Asian Clam eradication efforts and Mr. Consuelo replied affirmatively. In response, Mr. Dickinson stated that he was amazed, shocked and disappointed by the Chamber's actions.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, OCTOBER 19, 2012

Privilege of the floor was then extended to Brian Straughter, Vice President of Turf Hotels (*which owns and operates the Holiday Inn Hotel located in Lake George*), who read aloud a letter written by Mike Hoffman, President of Turf Hotels; *a copy of Mr. Hoffman's letter is on file with the meeting minutes*. Mr. Hoffman's letter cited that he was generally opposed to the use of the occupancy tax reserve to fund the Asian Clam eradication efforts, and instead suggested imposing a multi-pronged approach to fund the effort which would include taxing the boaters that use the lake, local businesses and residents, but not visitors to the area. Another solution suggested in Mr. Hoffman's letter, related to action taken by the Saratoga County Board of Supervisors to enact a law making online travel agencies liable for the portion of the occupancy tax that they collected but did not remit; he roughly estimated that this action could bring additional revenues of \$50,000 per year which could be dedicated solely to the invasive species eradication efforts. Mr. Hoffman's letter concluded that for more information, Jan Chesterton, President of the New York State Hospitality and Tourism Association, could be contacted.

Mr. Kenny asked Mr. Straughter for his opinion as to whether the hotelier and tourism industries in Lake George would be negatively affected if the Asian Clam species was allowed to infest Lake George, leading to the closing of all beaches and Mr. Straughter responded that, put in this prospective, there would definitely be a negative effect. Mr. Straughter clarified that his opposition to the issue was based on the idea that there was not supposed to be an occupancy tax reserve at all, as the occupancy tax monies collected were intended for tourism promotion and were supposed to be re-distributed for that purpose. He continued that the bulk of the visitors to Lake George traveled there by car and did not bring boats with them; therefore, he added, they were not responsible for the pollution of the Lake and should not be penalized just because they are a captive audience. For these reasons, Mr. Straughter said he did not believe it was fair to use funds from the occupancy tax reserve to assist with the Asian Clam eradication efforts.

Mr. Bentley pointed out that the Asian Clam infestation was created by transient boaters traveling to Lake George from other areas and Mr. Straughter reasserted that the majority of the visitors to Lake George were not boaters so it was unfair to essentially tax all of them by using occupancy tax funds for the cleanup work. Mr. Taylor advised that using monies from the occupancy tax reserve to fund the eradication work as proposed would have no effect on the amount of money available annually for tourism promotion or events because they would be using surplus funds from other years. Once again, Mr. Straughter pointed out that the rules employed when creating the occupancy tax did not include provisions for a surplus fund and it was his understanding that all of the funds collected, regardless of the amount, should be re-distributed for tourism promotion and there should be no surplus funds to consider.

Mr. McDevitt stated that he had been to the Lake George Holiday Inn on a number of occasions and believed it to be a wonderful property and a prime example of a business that constantly used its profits for facility improvements. He continued that the health of Lake George and the tourism/hotelier industry were closely related and he used the Centurion Cycling event to illustrate this relationship, advising that the Lake George area had provided a picturesque backdrop for the Cycling event which had drawn hundreds of visitors to the area, many of whom had stayed at the Holiday Inn. He stated that while he fully supported the allocation of \$270,000 from the occupancy tax reserve to fund eradication efforts during the current fall season, he felt that an alternate source of funding needed to be determined for future ongoing treatments and he said he appreciated the solutions identified in Mr. Hoffman's letter as a means to preserve Lake George. In response, Mr. Straughter agreed that while the initial \$270,000 to fund the eradication efforts seemed somewhat reasonable, he was concerned that conceding to this use once might open a Pandora's Box of sorts, leading to use of the reserve funds for highway and road projects in the future under the premise that roads were necessary to bring tourists to the area. He stated that he was in favor of a

means to implement a shared burden to fund the eradication efforts but he did not feel the occupancy reserve fund was the proper solution.

Mr. Girard thanked Messrs. Consuelo and Straughter for stating their positions on the funding issue and he said he found their opinions on the matter, as well as the suggestions made for alternate funding means, to be very interesting. He noted that as a County Supervisor, he represented a section of the City of Glens Falls that housed a cement factory, a paper factory, and a sewer treatment plant, and was populated by many constituents that rarely visited Lake George. Mr. Girard stated that he understood the value of Lake George to Warren County's tourism industry and the need to assist with the invasive species eradication efforts, as well as the points presented about why occupancy tax reserve funds should not be used; however, he continued, there was no other funding available to assist with the eradication effort and they did not want to raise another tax. He apprised that the members of the Board of Supervisors had held extensive discussions regarding whether the eradication of invasive species related to tourism promotion and the prevailing opinion was that it did. Mr. Girard stated that he agreed with the popular opinion and was in favor of using occupancy tax reserve funds to support the Asian Clam eradication efforts to protect Lake George and Warren County's tourism industry. That being said, he noted that opposing opinions from respected organizations and properties, such as those presented today, made it difficult to maintain his decision and justify it to his constituents. Mr. Girard advised that he had no problem with changing his mind on the matter, but he did not feel that altering his vote would be conducive to Warren County as the Board worked together collectively to make decisions in the best interest of the County as a whole. He concluded that he agreed with Mr. Straughter's prior comment that building upon this situation to apply occupancy tax reserve funding to cover road work and other projects was not appropriate.

Privilege of the floor was extended to Gary Thornquist, owner of the Lake George RV Park, who noted that prior to the adoption of the occupancy tax, the County had funded the promotion of tourism using \$1 million from the general fund. With the enactment of the occupancy tax, he continued, those funds were returned to the general fund and the taxes collected from area lodging facilities were used instead to fund the promotion of tourism for Warren County. Mr. Thornquist said that along with the occupancy tax rules and regulations, the Tourism Promotion Citizens Advisory Committee (TPCAC) had also been created with the intention that its membership would be comprised of area business owners who would provide input and advisement on how the occupancy tax funds collected should be spent; he added that the TPCAC had only met a few times and was eventually disbanded by the Board of Supervisors, although he did not know the reasons why, and no input from business owners had been sought for occupancy tax expenditures since. Mr. Thornquist questioned whether the Board of Supervisors would be willing to expend \$270,000 from the general fund to support the Asian Clam eradication efforts if the occupancy tax reserve was not available and he said he would venture to guess that they would not. He expounded that the occupancy tax funding had never been intended for use as a "slush" fund, but rather to be used solely for the promotion of tourism, as it was originally designed and presented to both the area businesses owners and the members of the Board of Supervisors when the occupancy tax legislation was adopted. Mr. Thornquist concurred with the Lake George Regional Chamber of Commerce and CVB's opinion that the occupancy tax reserve fund should be frozen until input from area business owners was sought because it seemed clear that many of the Supervisors had not polled their constituents, nor the business owners in their Towns with respect to the matter. In closing, Mr. Thornquist noted there were several organizations, such as the Fund for Lake George, that had millions of dollars in funding available to address environmental issues like the Asian Clam infestation and he questioned whether they had been approached with a request to provide funding, rather than using dollars intended for tourism promotion.

Privilege of the floor was extended to Bill Dutcher who noted that the Americade event he organized contributed approximately \$250,000 to the occupancy tax fund annually. Speaking as a member of the Lake George Association, and an owner of lake front property, he said he did not question the urgency of the Asian Clam issue and he supported the Board's determination that immediate action was necessary to prevent the further spread of invasive species in Lake George; however, he said, he was troubled by the open-ended nature of the use of occupancy tax reserve funds to address the issue. Mr. Dutcher commented that the County had an emergency fund of some sort in existence to address unforeseen issues requiring immediate action and he suggested using those funds, as the Asian Clam infestation represented a true threat and should be addressed in the same manner as any other emergency. He suggested that there might be a way to loan funds to the effort from the occupancy tax reserve to support the necessary work without depleting the fund. Mr. Dutcher advised that he was also concerned that approving the expenditure proposed would lead to the use of occupancy tax reserve funds for other issues purported to be a threat to the tourism industry, such as road projects and repairs, which was inappropriate.

Mr. Monroe advised he had been involved in the debate held when the occupancy tax legislation was originally approved and at that time he had been very concerned about the impact on the towns located in northern Warren County that did not have the same type of tourism infrastructure as the towns surrounding Lake George. He said he had advocated for the idea of using some of the funds collected through the occupancy tax to fund capital projects aimed at enhancing the tourism infrastructure and did not believe the fund should be used solely for tourism promotion. Mr. Monroe added that it was very important to forward the Asian Clam eradication effort immediately in order to contain the infestation and prevent it from spreading into other parts of Lake George. He said that he agreed an alternate source of funding should be identified to fund the eradication efforts for future years, but supported the proposed use of \$270,000 in occupancy tax reserve funding to provide for immediate eradication actions and he noted that the occupancy tax legislation adopted was broad enough to allow such use. Mr. Monroe advised of a suggestion made by Mr. Conover to create an Ad Hoc Committee to seek out alternate funding sources for the invasive species eradication efforts and he said he supported this initiative.

With respect to Mr. Thornquist's prior comments regarding the TPCAC, Mr. Kenny confirmed that when the occupancy tax legislation was adopted, the TPCAC had been created to provide input from local business owner's as to how the funds collected should be expended. He apprised that although the TPCAC had been comprised of 17 members, attendance at their scheduled meetings consistently declined until after ten months in existence, only one person continued to attend and that was Mr. Hoffman. Due to a lack of participation, Mr. Kenny stated that the Board of Supervisors had elected to dissolve the TPCAC.

Chairman Stec commented that the Asian Clam infestation issue was of an emergency nature and was recognized by the Board of Supervisors as such. Unfortunately, he continued, the State, who was the property owner for Lake George and the party truly responsible for funding the eradication efforts, continued to neglect their duty to protect the Lake. Mr. Monroe agreed with this statement, advising that the Environmental Protection Fund (EPF) had been established to address and fund issues such as the invasive species problem. Chairman Stec advised the Board of Supervisors was not opposed to the State assuming the eradication effort, nor a multi-pronged approach to the process incorporating several funding streams; however, he said, they would lose the invasive species battle if they waited for the State to assume their responsibilities to the Lake. He expounded that time was not an ally in this case due to the reproductive ability of the Asian Clam species which allowed them to grow in number very rapidly, and he said the Board of Supervisors had deliberated the issue many times before determining that the use of occupancy tax reserve funds was the best course to address the urgent issue, allowing immediate treatments to begin during the current fall season while they continued to press State officials to develop a long-term plan to maintain the health

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, OCTOBER 19, 2012

of Lake George. Chairman Stec concluded that the members of the Board of Supervisors were respectful of the opposing opinions presented, and although they were not thrilled with the idea of the expenditure of occupancy tax reserve funds either, they felt it was the best course of action for the time being.

Chairman Stec called for the reading of resolutions. Prior to casting his vote for the combined roll call vote called for proposed Resolution Nos. 601, 607-609 and 611, Mr. Loeb commented that in reviewing FAA (Federal Aviation Administration) documentation relative to runway length requirements, he had found that the 1,000 ft. runway extension proposed for Runway 1-19 would lengthen it to 6,000 ft., which was the bare minimum for the larger class of aircraft desired for the Airport. He continued that a 7,600 ft. runway was preferable, and unless there was a land feature preventing them from doing so, they should incorporate a more lengthy runway extension. Mr. Loeb concluded that if they were pursuing a 1,000 ft. runway extension only to benefit a few personalities, they should not do it at all and he advised that because the minimal extension proposed would not really meet the needs of the aircraft they hoped to attract, he would be voting against proposed Resolution Nos. 601, 606-609 and 611. Mr. McDevitt observed that the County's portion of the Airport projects in question was 2.5%, with the remainder being funded by FAA grant monies which were contributed to by a tax on airline tickets and only eligible for use in association with airport-related projects. He further noted that these were long-term projects with the purpose and motivation behind them being to ensure that rural airports across the Country remained competitive and he said he was in support of the projects because he felt they would prove to be of economic benefit to Warren County.

Chairman Stec called for a vote on resolutions; Resolution Nos. 569 - 626 were approved, with the exception of Resolution Nos. 586 - 589, which were tabled. The Report of Committee on Assessment Rolls was submitted.

Chairman Stec called for Announcements and the following were made:

Relative to the Adirondack Balloon Festival event held in September, Mr. Strainer advised that he, Mr. Bentley and Mr. Girard and several other County employees had volunteered to help park cars during the event and he thanked Mr. Auffredou; Patricia Nenninger, Second Assistant County Attorney; Mike Swan, County Treasurer; Suzanne Wheeler, Acting Commissioner of Social Services; and Dianna Bentley, of the Self-Insurance Department, for their assistance which had helped to reduce the amount of overtime incurred by the Public Works and Airport staff. He also thanked the Public Works and Sheriff's Office staff for their assistance and commended them on their ability to provide crowd control for attendance levels some times reaching over 45,000 people with only a minimal number of staff. Mr. Strainer stated that although the weather had not been cooperative for all portions of the event, the 2012 Adirondack Balloon Festival was considered to be a success.

With regard to prior notations on the increase in retirement contributions charged to the County, Mr. Merlino noted that although the amounts paid by each individual town were less, they were still facing the same rate of increase for their retirement costs and the taxpayers were essentially paying these costs at both the town and County level.

Mr. Sokol apprised that a Communities Against Cancer Night fundraiser for the Glens Falls Hospital was being held that evening at The Tavern restaurant in the Town of Queensbury and he invited everyone to attend and help a good cause.

Privilege of the floor was extended to Dr. Fredd Senser-Lee who spoke on the Botanical Blossomings on the Bikeways - USA project, which he had founded. He noted articles had been printed in the *Saratogian*, *Glens Falls*

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, OCTOBER 19, 2012

Business Journal and *The Lake George Mirror* regarding his efforts and he introduced his friend and relentless supporter, Lieutenant Colonel John “Jack” Swift, who retired from the United States Air Force after serving in both World War II and the Vietnam War, who was mentioned in each of the articles. Dr. Senser-Lee apprised he had created a non-profit organization to facilitate his vision of including flower and shrub plantings along bikeways across the United States and was working to develop a business plan to attract grant funding to further this effort, noting that thus far, his efforts had been funded with his own personal income, which was minimal, and loans he had received. He reported that he had worked with Rose Harvey, Commissioner of the New York State Department of Parks and Recreation, to gain permissions to plant flowers at all of the uprights and historical sites along the Bikeway; additionally, he noted, two private corporations had stated their support of his project and had provided permission to plant on 5,000 sq. ft. of the property they owned abutting the Gerald B. Solomon Bridge site, and he had also been given permission to plant along nine miles of the Zim Smith Bike Trail located in Saratoga County, NY. Dr. Senser-Lee stated that this was a “community unity opportunity” which would link neighborhoods through joint maintenance and planting efforts and would eventually become a national project as it expanded to other counties and states. He said that he had desired to birth his vision in his native area, making the State of New York the road map for the rest of the nation. Speaking to the Asian Clam eradication effort, Dr. Senser-Lee stated that while he agreed that the invasive species issue was critical and required emergency action, he did not feel it should be addressed in a way that would negatively affect the tourism industry by using funds intended for tourism promotion.

There being no further business to discuss, on motion made by Mr. Kenny and seconded by Mrs. Frasier, Chairman Stec adjourned the meeting at 12:35 p.m.