

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, MARCH 19, 2010**

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. Frederick Monroe presiding.

Salute to the flag was led by Supervisor Taylor.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Loeb, Kenny, Belden, Bentley, Goodspeed, McCoy, Merlino, Stec, Strainer, Champagne, VanNess, Sokol, Thomas, Pitkin, and Geraghty - 20.

Motion was made by Mr. Taylor, seconded by Mr. Bentley and carried unanimously, to approve the minutes of the February 19, 2010 Board Meeting, subject to correction by the Clerk of the Board.

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

Supervisor Girard, Extension Service; Supervisor Geraghty, Budget; Supervisor Pitkin, Social Services; Supervisor Thomas, Personnel and County Facilities; Supervisor Sokol, Health Services; Supervisor VanNess, Public Safety; Supervisor Strainer, Human Services; Supervisor Stec, Finance; Supervisor Merlino, Tourism; Supervisor Goodspeed, Real Property Tax Services; Supervisor Belden, Public Works; Supervisor Kenny, Gaslight Village Ad Hoc; and Supervisor Taylor, Planning & Community Development and Support Services.

Concerning the Extension Service Committee, Mr. Girard reported that the Master Gardner Program was going well and had received more interest this year than in prior years. He reiterated the mission statement of Cornell Cooperative Extensive (CCE) was to reach the most needy of residents. He added that CCE was searching for sponsorships and possible grant funding in order to sustain the efficiency of their programs.

Regarding the Budget Committee, Mr. Geraghty advised that the Committee had reviewed potential goals for next year. He reminded the board members that the County was facing another challenging year.

In connection with the Social Services Committee, Mr. Pitkin stated that Resolution No. 182 included in the Supervisors packets would rescind Resolution No. 856 of 2009 which had increased the patient fund at Countryside Adult Home. He noted that Resolution Nos. 222 through 224, as well as Resolution No. 243, authorized the filling of vacant positions. He referred to Resolution No. 242, which appointed an Interim Director of Countryside Adult Home. Mr. Pitkin said that Resolution No. 248 authorized an agreement with Berkshire Farms to provide intensive preventive services, for an approximate savings of \$61,000 per year.

With regard to the Personnel Committee, Mr. Thomas asserted that seventeen resolutions were generated from that meeting, Resolution Nos. 217 through 225 and 237 through 244. He reviewed the various departments and the associated positions that required action by the Personnel Committee. He apprised that the Committee also discussed the new time management system pursuant to several months of research and evaluation and it was recommended that the contract be awarded to Novatime. Mr. Thomas announced that following a lengthy executive session, the Committee authorized the appointment of Paul Dusek as the Commissioner of Administrative & Fiscal Services.

Relative to the County Facilities Committee, Mr. Thomas remarked that the purpose of the meeting was to discuss the bid for the demolition of the former Department of Social Services (DSS) building. He stated that the proposal received was for an amount of \$357,477 and Resolution No. 247 included in the packets authorized the issuance of a bond for the cost of the demolition, and the State Environmental Quality Review Act (SEQRA) documents precluded that resolution. He added that the contract with Novus Engineering was increased for commissioning services for the Human Services Building and would allow the County to recover approximately \$100,000 in grant funds through NYSERDA (New York State Energy Research Development Authority). Mr. Thomas acknowledged that the office renovations for the County Attorney's Office had been completed by the Buildings & Grounds crew and was done in a timely manner. He said the Committee discussed the possibility of erecting fencing between the Municipal Center campus and the Court House Estates due to complaints received pertaining to headlights and noise; however, he noted, said complaints would be investigated further prior to any action taking place. He referred to the salt deposits on the exterior of the Human Services Building and explained that the matter had been thoroughly discussed. He added that the contractor, as well as masonry experts, had reviewed the stains and the County did have a five year warranty with the company that did the brick work. He concluded that the matter should be resolved soon.

Concerning the Health Services Committee, Mr. Sokol expounded that under the Westmount Health Facility portion of the meeting, it was determined that the Facility did not have a mission statement and that was currently being developed to be presented throughout the Facility. He advised Resolution No. 190 included in the packets rejected the proposals received for the RFP (Request for Proposal) for pharmaceutical services for Westmount Health Facility and Countryside Adult Home. He stated that a representative from Excel Engineering provided a conceptual study for the sprinkler system for the Facility, which needed to be installed by August 2013 and had a projected cost of \$471,000. Under the Health Services portion of the meeting, he continued, Resolution Nos. 190 through 201 were generated and pertained mainly to contract renewals.

Regarding the Public Safety Committee, Mr. VanNess reported Resolution No. 183 included in the packets appointed Brian LaFlure, Fire Coordinator, as the temporary Hazard Mitigation Coordinator.

Pertaining to the Human Services Committee, Mr. Strainer announced that the Employment & Training Administration had changed their annual Job Fair to a Career Fair due to the state of the economy. He asserted that the Committee discussed the need for additional staff in the Veterans' Services Department and that was accomplished through Resolution No. 237. He noted that three resolutions were resultant of the Office for the Aging (OFA) portion of the meeting, Resolution No. 221 which authorized the Director of the OFA to fill the vacant position of Fiscal Manager; Resolution No. 240 which appointed the Director of the OFA; and Resolution No. 241 which authorized the Director of OFA to retain consultant services.

With regard to the Finance Committee, Mr. Stec remarked that Resolution Nos. 210 through 216 and 236, 245 and 246 were generated from the meeting. He referred to Resolution No. 210 which authorized an agreement between the Board of Trustees and the Faculty Association of Adirondack Community College (ACC). Resolution No. 211, he said, rescinded Resolution No. 172 of 2010 which rejected the bids received for the Fairgrounds property. He apprised Resolution Nos. 212 and 213 related to the new County-wide time keeping system. Mr. Stec stated Resolution No. 236 authorized the filing of a complaint with regard to the apportionment and amount assessed to Warren County by the Hudson River Black River Regulation District. He noted that Resolution No. 245 authorized the issuance of serial bonds in the amount of \$1.95 million for the replacement/reconstruction of the Woolen Mill and Tannery Road Bridges. He added that Resolution Nos. 246 and 247 related to the demolition of the former DSS building and the issuance of the necessary bonds for such.

Mr. Merlino reported that although the Tourism Committee did not meet he had received an email from Bill Dutcher, founder of Americade, requesting use of the Festival Space on the Gaslight Village property this year, as well as next year. He advised that he would like to invite Mr. Dutcher to the Gaslight Village Ad Hoc Committee meeting that was scheduled for Monday, March 22. Chairman Monroe interjected that he believed Mr. Dutcher would be attending the meeting on Monday.

In connection with the Real Property Tax Services Committee, Mr. Goodspeed reported that Mr. Bentley had chaired the meeting in his absence. He noted that the Committee discussed the rejected bid received for the County Fairgrounds and Resolution No. 211 included in the packets rescinded Resolution No. 172 that rejected the bids, in order for the Committee to reconsider the sale of the property.

Regarding the Public Works Committee, Mr. Belden stated that during the Airport portion of the meeting the Committee discussed the extension of the runway and the County Attorney was currently reviewing the options before the County. Paul Dusek, County Attorney, affirmed he was in the process of determining how much property would be needed at the site and there had been some discrepancy information received concerning the matter that he was working through. Mr. Belden advised that \$800,000 had been awarded to the Airport from Congressman Murphy's Office for the purchase of the new fire truck and noted

that the RFP (Request for Proposal) for the snow blower was being re-released due to the low bidder not meeting the specifications in the original RFP. He referred to Resolution No. 228 included in the packets, which authorized a change order with DeSignore Blacktop Pavings, Inc. in the amount of \$24,000, said funds to be covered by a previously awarded grant. Concerning the DPW portion of the meeting, he reported that the amount of overtime had been reduced due to the implementation of the one person snow plowing. Mr. Belden asserted that during the Parks, Recreation & Railroad portion of the meeting, the Committee discussed the Kellogg property and the associated transfer with the OSI (Open Space Institute). He added that Resolution No. 229 authorized the payment to the four snowmobile clubs upon receipt of grant funds from the New York State Office of Parks, Recreation and Historic Preservation. Mr. Belden commented on the pancake breakfast held at the Up Yonda Farm last weekend and noted there was an outstanding turnout. He also thanked Chairman Monroe for attending the Warren County Council of Chambers meeting in Pottersville.

With regard to the Gaslight Village Ad Hoc Committee, Mr. Kenny apprised that the sole purpose of the meeting had been to discuss the conditions of the demolition agreement and all parties agreed to a specific work schedule for such. He announced that on Monday, March 22, 2010 a public input meeting would be held to discuss the Gaslight Village project and to determine which buildings would be retained or demolished. He encouraged all Supervisors to attend that meeting. He added that on Tuesday, March 23, 2010 a tour of the Gaslight Village property would be conducted for the Supervisors. He noted that for the meeting on Monday, he would enforce public comment to be limited to three minutes. He said that another Gaslight Ad Hoc Committee meeting would be held on April 12, 2010 for final determinations to be made.

Mr. Loeb requested a roll call vote on Resolution No. 217, Appointing of Commissioner of Administrative & Fiscal Services.

Concerning the Planning & Community Development Committee, Mr. Taylor reminded the board members that the planning efficiency grant with the City of Glens Falls was progressing for an amount not to exceed \$50,000, with the County share to be \$2,500; thereby leading to the opportunity to explore additional shared services with the City. He said that Resolution No. 189 in the packets authorized an agreement with the Lake George Park Commission for the County to provide GIS services. He added that the Committee authorized the submission of applications for the Community Development Block Grant Funds under the Small Cities Program, for an amount of \$750,000 and that was Resolution No. 188. Mr. Taylor advised that the New York State Housing Trust Fund recently awarded \$300,000 under the HOME Program and the 2010 Budget would be amended accordingly to reflect receipt of said funds. Under the Economic Development Corporation portion of the meeting, Mr. Taylor said the Committee supported a proposal from ConsultEcon, Inc. for completion of a tourism strategy report at a cost of \$38,000, said funds were available within the departmental budget.

With regard to the Support Services Committee, Mr. Taylor stated Resolution No. 207 was resultant of that meeting and authorized the settlement of claims by and against the Warren County Self Insurance Plan.

Mr. Taylor provided an update on the bench marking system and noted they had termed it the 'Work Smart Program'. He said that he and JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services, had worked with the Fire Prevention & Building Code Enforcement Office, the Office of the Clerk of the Board, the Department of Public Health, Westmount Health Facility, Countryside Adult Home and the Department of Social Services thus far, and their goal was to issue a report on the first quarter in April. He also reminded the board members that the New York State Basketball Championship was taking place this weekend at the Civic Center.

Chairman Monroe called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren/Washington Counties Industrial Development Agency and Audit Committee.

Monthly Reports from:

Weights & Measures;
Veterinarian.

Annual Reports from:

Warren County Soil & Water Conservation District;
Warren County Sheriff's Office - 2009 Statistical report;
Indigent Legal Services Fund - 2009 Annual Report.

National Grid, Semi-annual PCB report;

Letter from Gene Merlino, resigning as member of the Warren/Washington Counties Industrial Development Agency.

Communications, resolutions and reports ordered placed on file.

Chairman Monroe announced that Supervisor Taylor would replace Supervisor Merlino as a member of the Warren/Washington Counties Industrial Development Agency.

Mr. McCoy requested a roll call vote on Resolution No. 178, Resolution Approving the Release of a Request for Proposals for the Demolition of the South and North Parcels on the Gaslight Village Property.

Mr. Goodspeed requested a roll call vote on Resolution No. 213, Authorizing Agreement with Novatime for a County-wide Time and Attendance System.

Mr. McDevitt requested a roll call vote on Resolution No. 239, Authorizing Compensation for the Administrative and Fiscal Duties Performed by the Clerk of the Board and the Deputy Commissioner of Administrative and Fiscal Services.

Mr. Pitkin requested that Resolution No. 217, Appointing of Commissioner of Administrative and Fiscal Services, be discussed further in an executive session. Chairman Monroe said that Mr. Dusek had requested an executive session prior to the vote on the resolutions and further discussions could take place at that time.

Mr. McCoy made a motion that Resolution No. 178 be amended to exclude the Cavalcade of Cars Building from the RFP for demolition. Chairman Monroe apprised that there was a process that had been established for the decision regarding the demolition of buildings to be made, as previously outlined by Mr. Kenny.

Mr. Merlino questioned when the RFP would be released and Mr. Dusek replied that the plan was to issue the RFP shortly after the meeting today; however, he said, he was informed that there may be some delay in the demolition process. Walt Lender, of the Lake George Association, explained that the New York State Department of Transportation (NYS DOT) schedule was driving the remaining schedules and this new information regarding a possible delay had sparked a series of meetings with NYS DOT officials to determine if the original schedule could be maintained. Mr. Lender summarized that the RFP for demolition would be released at the end of this month or shortly thereafter.

In response to an inquiry regarding the option to opt out of the demolition plan for either the Cavalcade of Cars Building or the Opera House, Mr. Dusek advised that paragraph 3 of Resolution No. 178, stated that with regard to the buildings, lamp posts, concrete slabs, etc. located on the Festival Space, a determination would be made as to which of those structures would be demolished, if any, prior to the execution of the contract with the selected contractor in late May of 2010.

Chairman Monroe reminded the board members that there was a motion on the floor and he requested a second to the motion. There being no second to the motion, Mr. McCoy withdrew his motion to amend Resolution No. 178.

Chairman Monroe announced that it was necessary to conduct a review of the SEQRA (State Environmental Quality Review Act) report for the demolition of the former DSS Building. Mr. Dusek referred to Resolution No. 246, Determining that the Abatement and Demolition of Annex Building #10 (Formerly Occupied by Social Services) Project Will Not Have a Significant Impact on the Environment and Authorizing Preparation of a Negative Declaration be Filed as Provided for Under New York State SEQRA Regulations, included in

the packets and the SEQRA full environmental assessment form attached thereto.

Mr. Dusek explained the law associated with the SEQRA reports and the need to facilitate a review of such forms. He reviewed the SEQRA in detail with the board members. He concluded that as long as the board members were in agreement with the responses listed in the SEQRA form, it would be appropriate to adopt the resolution; thereby allowing a negative declaration on the site. He added that following the adoption of this resolution, the board could adopt the resolution that authorized the bonding and demolition of the building.

Mr. Goodspeed expressed his opposition to Resolution No. 247 which authorized the bonding for the demolition of the former DSS Building and noted he would rather defer the bonding until the County was in a better budget cycle. Chairman Monroe commented that \$19.2 million had been bonded for the construction of the Human Services Building and the project was completed for a total amount of approximately \$16 million. He noted that they had researched the possibility of utilizing the remaining balance of the bond for the demolition of the former DSS Building; however, he said, it was determined that the bond proceeds could not be used. Mr. McCoy recommended that William Lamy, DPW Superintendent, be requested to determine an estimate for an amount to secure the former DSS Building until next year. Mr. Lamy replied he could provide that information; however, he noted, it would be an additional expense to the County to secure the building and said funds were not available in the 2010 Budget.

Mr. Dusek expounded that the board members had determined to rescind the resolution that rejected the bids received for the County Fairgrounds property for the purpose of reconsidering those bids and deciding whether or not to sell the property. He apprised that his Office had ascertained that due to the nature of the property, it fell within the Public Trust Doctrine that required State Legislation in order to sell the property. He recommended that a resolution be adopted today requesting the State Legislation. He noted that if the Supervisors chose to proceed in this direction, he had a draft resolution to present to the board. Mr. Dusek distributed the draft resolution to the board members, a copy of which is on file with the minutes.

Motion was made by Mr. Geraghty, seconded by Mr. McCoy and carried unanimously to authorize a resolution requesting enactment of State Legislation authorizing the sale of the County Fairgrounds property. Clerk noted it would be Resolution No. 249 of 2010 for the record.

Chairman Monroe questioned if the Gaslight Village property should be included in the request for State Legislation. Mr. Dusek said that if it were the desire of the board to pursue that, it should be done as a separate request.

Motion was made by Mr. Geraghty, seconded by Mr. Pitkin and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk added it would be Resolution No. 250 of 2010 for the record.

Motion was made by Mr. Pitkin, seconded by Mr. Loeb and carried unanimously to authorize a resolution requesting enactment of State Legislation authorizing the sale of the Gaslight Village property. Clerk stated it would be Resolution No. 251 of 2010 for the record.

Mr. Dusek requested an executive session to discuss three matters of litigation, collective bargaining negotiations with the new PBA (Police Benevolent Association) and new Corrections proposal for a Union, and matters leading to the appointment of a particular person.

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

Executive session was declared from 11:16 a.m. to 12:36 p.m.

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

Chairman Monroe extended privilege of the floor to Cindy Bardin, resident of Granville, who requested to address the board regarding the possibility of a zoo on the Gaslight Village property. Ms. Bardin expressed her interest in renting a portion of the property, possibly an acre, for the purpose of establishing a zoo. She added that she also had a professional half-pipe for skateboarding that she would like to erect on the property for kids. She distributed pictures of the various animals she currently had, copies of which are on file with the minutes. Mr. Dusek advised there would be legal issues involved due to the conservation easement and restrictions on park land property; however, he said, he could research the matter. The consensus of the board was that the matter be referred to the Gaslight Village Ad Hoc Committee for further discussions.

Motion was made by Mr. Goodspeed, seconded by Mr. Pitkin and carried by majority vote to amend Resolution No. 217, Appointing of Commissioner of Administrative and Fiscal Services, to extend the term through 2012, with Mr. Loeb voting in opposition and Mr. Stec abstaining.

Chairman Monroe called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 174 through 232 were mailed. She added that the resolutions relating to the filling of vacant positions were Resolution Nos. 220 through 223, 243 and 244. She noted that unless a roll call vote was

requested on particular resolution, these resolutions would be approved in the collective vote.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 173 and 233 through 251 to the floor. Motion was made by Mr. Geraghty, seconded by Mr. Bentley and carried unanimously to bring Resolution Nos. 173 and 233 through 251 to the floor.

Mr. Dusek asserted additional resolutions needed to be introduced to the floor. He stated that an application by the Warren County Correctional Supervisors Association was submitted for recognition as a Union and he recommended that the board not recognize the proposal based on a concern of a lack of community of interest and managerial-type problem. He suggested that the rules of the board be waived relating to all of the resolutions that he would be introducing.

Motion was made by Mr. Pitkin, seconded by Mr. Belden and carried unanimously to waive the rules of the board requiring resolutions be in writing. Clerk noted it would be Resolution No. 252 of 2010 for the record.

Motion was made by Mr. Thomas, seconded by Mr. Pitkin and carried unanimously to not recognize the Warren County Correctional Supervisors Association as a Union based on the reasons listed by the County Attorney. Clerk added it would be Resolution No. 253 of 2010 for the record.

Mr. Dusek apprised the Warren County Police Supervisors Benevolent Association has requested that three lieutenants be recognized as a Union.

Motion was made by Mr. Goodspeed, seconded by Mr. McCoy and carried unanimously to recognize the Warren County Police Supervisors Benevolent Association request for three lieutenants to be recognized as a Union. Clerk said it would be Resolution No. 254 of 2010 for the record.

Mr. Dusek remarked the next action item was an appeal of the matter of Warren County, et al against the Adirondack Park Agency and to authorize funding for the appeal for up to \$2,500. He recommended that the source of funding be transferred from the Contingent Fund.

Motion was made by Mr. Belden, seconded by Mr. McCoy and carried unanimously to authorize an appeal of the matter of Warren County, et al against the Adirondack Park Agency and to authorize funding for the appeal for up to \$2,500 to be transferred from the Contingent Fund. Clerk added it would be Resolution No. 255 of 2010 for the record.

Mr. Dusek said a resolution was needed to consent to the settlement of McDowell versus Warren County.

Motion was made by Mr. Pitkin, seconded by Mr. Goodspeed and carried unanimously to consent to the settlement of McDowell versus Warren County. Clerk stated it would be Resolution No. 256 of 2010 for the record.

Mr. Dusek concluded the last necessary action item was to adjust the salary of the Confidential Legal Secretary to the County Attorney to \$38,500.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to adjust the salary of the Confidential Legal Secretary to the County Attorney to \$38,500. Clerk noted it would be Resolution No. 257 of 2010 for the record.

Mr. Geraghty exited the meeting at 1:00 p.m.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 173 through 257 were approved.

Mr. VanNess commended the Public Health Department and the Nurses within that Department for the excellent care and assistance that they had provided his family during a difficult time. Mr. McDevitt echoed Mr. VanNess' statements and relayed a similar experience he had encountered with the Visiting Nurses staff.

Mr. VanNess announced that a 'Guns & Hoses' hockey game fund-raiser for the 911 Memorial would be held on April 9, 2010 at 4:45 p.m. at the Glens Falls Civic Center. He noted tickets would be \$15 per person and \$5 from every ticket sold would be donated to the 911 Memorial.

Mr. Strainer remarked that the Cornell Cooperative Extension would be hosting a Golf Tournament fund-raiser at Cronin's Golf Course. He also requested the Board of Supervisors forward a letter to the New York State Department of Environmental Conservation expressing their disdain with their decision to charge Americade an additional \$50,000 for the use of the State parking and related areas. He suggested that Washington County and Essex County be asked to express their support of Americade, as well.

Motion was made by Mr. Stainer, seconded by Mr. VanNess and carried unanimously to forward a letter to the New York State Department of Environmental Conservation expressing their disdain with their decision to charge Americade an additional \$50,000.

Mr. Dusek thanked the Board of Supervisors for the confidence and support they had provided him with in selecting him to serve as the Commissioner of Administrative & Fiscal Services. He pledged to give his best efforts and noted that he looked forward to the duties and tasks ahead of him. He added that the staff in his Office had offered all their assistance

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to help progress through this transition process and he was very encouraged by their commitment. He concluded that he would provide his best services to benefit the Supervisors, the Department Heads, the employees and the citizens of Warren County. The board members responded with applause.

There being no further business, on motion by Mr. Strainer and seconded by Mr. Belden, Chairman Monroe adjourned the meeting at 1:15 p.m.