

**WARREN COUNTY BOARD OF SUPERVISORS  
SPECIAL BOARD MEETING  
WEDNESDAY, APRIL 1, 2010**

**NOTICE OF SPECIAL MEETING  
TO THE MEMBERS OF THE BOARD OF  
SUPERVISORS OF WARREN COUNTY:**

You are hereby notified that, I, FREDERICK H. MONROE, Chairman of the Board of Supervisors of the County of Warren, pursuant to the power vested in me by Rule A.3 of the Rules of the Board of Supervisors, hereby call and convene a special meeting of the Board of Supervisors of Warren County to be held in the Supervisors' Room in the Warren County Municipal Center, Town of Queensbury, New York, on Friday, April 1, 2010 at 9:00 a.m., for the purpose of considering, and if determined by the Board to be appropriate, voting on, or otherwise taking action on, the following matters:

1. Adoption of a resolution amending the Bond Resolution dated March 19, 2010 authorizing the abatement and demolition of the Annex Building #10 (Formerly occupied by Social Services) and providing funds therefor to increase the amount to pay for Engineering and Construction Manager costs with regard to the demolition of the Social Services building;
2. Accepting the bids for the General Construction and Abatement services and electrical services for the Demolition of the Annex Building #10 (Formerly Occupied by Social Services); and
3. To conduct such other business as may properly come before the Board of Supervisors.

The Clerk of the Board of Supervisors is hereby directed to call for the meeting and give written notice to all members of the Board of Supervisors of such meeting.

Dated: March 29, 2010

FREDERICK H. MONROE, CHAIRMAN  
Warren County Board of Supervisors

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 9:00 a.m.

Mr. Frederick Monroe presiding.

Salute to the flag was led by Supervisor Loeb.

Roll called, the following members present:

Supervisors Conover, Monroe, McDevitt, Taylor, Loeb, Kenny, Belden, Bentley, Goodspeed, McCoy, Stec, Strainer, Champagne, Sokol, Thomas, Pitkin, and Geraghty - 17.

Absent: Supervisors - Girard, Merlino, VanNess - 3.

Chairman Monroe extended privilege of the floor to Joanne Gavin, of the Lake George Citizens Group, who requested permission to address the board. Ms. Gavin apprised that at two meetings of the Gaslight Village Ad Hoc Committee held recently, Mr. Kenny, Chairman of the Committee, had announced that there would be public comment time and the following day there would be a tour of the Gaslight Village property for new and interested Supervisors. She stated that the Lake George Citizens Group, who was supportive of demolition of the Opera House and Cavalcade of Cars Buildings, and the opposing group attended these meetings. As per Mr. Kenny's request, she continued, no members of the Lake George Citizens Group attended the tour, as both sides had voiced their opinions during the public comment period of the Committee meeting. Ms. Gavin said that the opposing group had lobbied the Supervisors at the tour regarding their opposition to the demolition of the buildings on site and they provided information to the Supervisors that was not factual. She advised that the Lake George Citizens Group contacted Mr. Kenny and Chairman Monroe to file a complaint against the opposing group. She opined that it was imperative that the final decision concerning the buildings be based on facts and sound judgement, not politics. She thanked the board members for their time.

Chairman Monroe expounded the main purpose of the meeting was to adopt the resolution amending the Bond Resolution for the abatement and demolition of the Annex Building and to accept the bids for the General Construction and Abatement services. He requested Paul Dusek, Commissioner of Administrative & Fiscal Services, to further explain the actions needed today.

Mr. Dusek advised that when he was made aware of this, he had an initial concern that there were new, unexplained expenses; therefore, he said, he performed in-depth research on this matter. He reported that following his research, he determined that these were not new expenses. He asserted that when the new building project first started, the original site was to be on Gurney Lane Road, with the anticipation of the demolition of the Department of Social Services (DSS) Building. During the course of the process, he continued, the location for the new building was revised to the Municipal Center Campus. Mr. Dusek said that part of the original contract negotiations, with the both the Engineer and the Construction Manager, was the demolition of the DSS Building.

Mr. Dusek explained that questions had arisen as to whether or not costs for demolition could be charged against the bond for the new Building and following review of the bonds, it was determined that such costs could not be charged against the bond. He summarized that although the contracts for the Engineering and Construction Manager were approved, funding for such had not been determined. He clarified that the original bond for \$19.2 million that was issued for the new building included the demolition cost; however, he stated, under law, the expenditures for the Engineering and Construction Manager could not be utilized from the Human Services Building bond and therefore the account numbers were being moved around.

Mr. Dusek reviewed the resolutions before the board members, and noted Resolution No. 258 would increase the bond amount by the amount necessary to cover the Engineering and Construction Manager costs. Resolution No. 259, he said, established Capital Project No. 315.9550 280 for the abatement and demolition. He added that Resolution Nos. 260 and 261 would award the bids for the project and constituted the \$357,000 for the removal costs. He advised that Resolution No. 262 pertained to the air monitoring services, which had been planned as part of the budget for the building; however, he said, the Request for Proposal (RFP) had not been issued and only an estimated cost could be provided. Mr. Dusek reported that there was a fuel tank located in the basement of the former DSS that was covered by the demolition contractor to be removed and Public Works staff would handle the registrations and dealings with the Department of Environmental Conservation (DEC). The only issue that could arise, he stated, was if contamination was discovered. Mr. Dusek remarked that the only other item was that of the elevators, which if the demolition contractor could remove, they would be able to reduce the cost.

Mr. Dusek announced that the bonding resolution must be adopted by a 2/3 vote of the entire board to be effective.

Mr. Pitkin questioned if a determination had been made as to whether or not the remaining furniture in the former DSS Building could be offered to not-for-profit agencies. Mr. Dusek advised he had discussed the issue with Julie Pacyna, Purchasing Agent, and there were concerns associated with doing such. He further stated that liability was a main concern with having people enter the former DSS Building to remove furniture. He added that another problem was the amount of time that it would take for County employees to prepare for such compared to the amount of return, and it was determined that it would not be cost effective. The third option, he continued, was to offer the furniture again to the towns to take. He noted that another possibility would be for Ms. Pacyna to release a request for quotes from scrap dealers and hire a company that had insurance to remove the furniture.

Mr. Pitkin suggested that not-for-profits be allowed to sign a waiver of liability and enter the building for one day to take furniture. Mr. Dusek responded that an indemnity clause could be instituted for not-for-profits, as well as insurance requirements.

Mr. Thomas referred to the resolution for air monitoring services, and said he thought the County already had a contract with someone for those services. Mr. Dusek explained that the individual that the County currently contracted with would not be able to handle this type of job. William Lamy, DPW Superintendent, affirmed that the County's current contractor had been utilized for small projects and following the evaluation of his qualifications, it was determined that this project was larger than he was capable of handling.

Mr. VanNess entered the meeting at 9:24 a.m.

In response to an inquiry, Mr. Dusek reiterated that the original cost for the new Human Services Building was \$19.2, and the actual cost for the project was approximately \$2 million less; the \$219,701 was part of the original contract and the \$357,000 authorized last month was new money that was issued for the demolition of the former DSS Building. He added that the County was in an optimal climate to have obtained the best bids possible for the demolition of that building.

Mr. Pitkin recommended amending Resolution No. 260 to allow not-for-profits a one day access to enter the former DSS Building, with the waivers that were previously discussed, to remove furniture. Mr. Dusek suggested that it be done as a separate resolution.

Motion was made by Mr. Goodspeed, seconded by Mr. Loeb and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 263 of 2010 for the record.

Motion was made by Mr. Pitkin, seconded by Mr. VanNess and carried unanimously to allow a one day access to not-for-profits to obtain furniture and equipment located in the former DSS Building with the acceptable liability waivers executed. Clerk added it would be resolution No. 264 of 2010 for the record.

Joan Sady, Clerk of the Board, announced a motion was needed to bring Resolution Nos. 258 through 262 to the floor. Motion was made by Mr. Bentley, seconded by Mr. Goodspeed and carried unanimously to bring Resolution Nos. 258 through 262 to the floor.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 258 through 264 were approved.

Chairman Monroe extended privilege of the floor to Mr. Kenny to respond to the comments made about the Gaslight Village property earlier in the meeting. Mr. Kenny asserted that there had been a number of items of solid information and misinformation that he would like to address for the board members. He noted that he had compiled a list to review as follows:

- 1) The APA (Adirondack Park Agency) would not allow any new buildings to be built on the Festival Space if the Cavalcade of Cars Building and the Opera House were demolished. He referred to Chairman Monroe. Chairman Monroe remarked that generally the APA did not have any jurisdiction within a hamlet and the Gaslight Village property was in a hamlet zone, although there were a few exceptions to that.
- 2) Demolition funds were in jeopardy as the New York State Department of Transportation may not re-pave Route 9. Mr. Kenny advised that this was not true and the demolition funds were intact.

- 3) Resolution No. 660 of 2008, had intent of not demolishing the Opera House or the Cavalcade of Cars Buildings because the County gave permission to the Town of Lake George to do work on those buildings at no cost to the County or to the Village. Mr. Kenny said the Town, the Village and the County were tenants in common on the property and as such, did not need permission from the other parties to improve the property. He added that the resolution that was passed in 2008 was drafted to state if the Town of Lake George wished to improve the property, they would do so inheriting the liability if something happened during the improvements and that the County and the Village would not assume a share of any costs involved in any improvement.
- 4) Any new building on the Festival Space would not pass SEQRA (State Environmental Quality Review Act). Mr. Kenny noted that there was no way of knowing this and the property had already passed SEQRA during the property acquisition process.
- 5) There was a new roof on the Cavalcade of Cars Building. Mr. Kenny apprised that following extensive inquiries, the best guess was that the membrane was replaced in 1993. He added that the Clark Patterson Lee report stated that a new membrane was needed at an approximate cost of \$37,000.
- 6) The buildings could be leased out as they are for weddings. Mr. Kenny asserted that the buildings needed to comply with building codes, needed Certificates of Occupancy (CO), and according to the County Attorney, the buildings could not be leased but could be licensed for use, which could be revoked at any time.
- 7) Demolition should be delayed as the construction of the wetlands may be delayed. Mr. Kenny said this had been discussed for two years ad nauseam and a decision needed to be made.
- 8) Americade would go elsewhere if the buildings were not demolished. Mr. Kenny remarked that he had spoken with Bill Dutcher, founder of Americade, and the County was notified that Americade, the Tow Truck Operators and the Car Show would find it difficult, if not impossible, to use the property with the current buildings in place.
- 9) The Chairman of the Gaslight Village Ad Hoc Committee wanted the discussion to go on forever, as he received a stipend to Chair the Committee. Mr. Kenny assured he did not receive a stipend for Chairing the Committee. He clarified that the only stipends provided were to the Chairman of the Board, the Vice-Chairman of the Board and the Budget Officer.

- 10) The County spent \$250,000 a year on tents for visiting functions. Mr. Kenny stated that this was not true. He noted that the County spent nearly \$250,000 one year for the New York State Association of Fire Chief's Convention.

Mr. Kenny advised if anyone wanted further detail on any of the items he addressed, they could discuss it after the meeting or at the next scheduled Gaslight Village Ad Hoc Committee meeting on April 12, 2010.

There being no further business, on motion by Mr. Goodspeed and seconded by Mr. Stec, Chairman Monroe adjourned the meeting at 9:45 a.m.