

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, DECEMBER 17, 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 Sokol.

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, Wood and Geraghty - 20.

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

Chairman Monroe declared the Public Hearing regarding amending the existing Fixed Base Operator lease agreement with Schermerhorn Aviation II, Inc. open at 10:02 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

There being no one wishing to speak on the amendment to the existing Fixed Base Operator lease agreement with Schermerhorn Aviation II, Inc., Chairman Monroe declared the Public Hearing closed at 10:05 a.m.

Sheriff York requested to address the Board. He read a prepared statement for the record regarding the termination of Corrections Officer Thomas Nygard due to numerous violations of rules and regulations, and more specifically for disobeying the direct order of a Superior Officer. A copy of said statement is on file with the minutes. Sheriff York stated that Thomas Nygard sued the Warren County Sheriff's Office and believed he could successfully appeal the firing. He apprised that the case was argued before the Supreme Court, Appellate Division, by Second Assistant County Attorney Patricia Nenninger and subsequently dismissed. In conclusion, Sheriff York thanked Lieutenant James LaFarr, who directs the Office's Professional Standards and conducted the intensive inquiry, as well as the County Attorney's Office, and most notably Mrs. Nenninger who was superb in her defense of this matter before the Appellate Division Judges.

Chairman Monroe extended privilege of the floor to Doug Kenyon, representing the New York State (NYS) High School Basketball Championships, who requested to address the board members. Mr. Kenyon expressed the displeasure of his committee for the decision made by the Occupancy Tax Coordination Committee to reduce their funding by 44%, from

the previous allotment of \$50,000 to \$28,000. He noted that the Championships benefitted the entire County and they averaged approximately 20,000 spectators. Mr. Kenyon requested that the Occupancy Tax Coordination Committee reconsider the amount awarded to the NYS High School Basketball Championships.

Chairman Monroe declared the Public Hearing on Local Law No. 1 of 2011 entitled "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County" open at 10:15 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

There being no one further wishing to speak on Local Law No. 1 of 2011 entitled "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County", Chairman Monroe declared the Public Hearing closed at 10:17 a.m.

Chairman Monroe requested Barbara Taggart, Administrator of Westmount Health Facility, to come forward to present a Proclamation to Dr. Spitzer in recognition of his service to the Westmount Health Facility. Ms. Taggart recognized Dr. Spitzer for forty years of providing physician services to the residents of Westmount Health Facility and wished him well in his retirement. She read the Proclamation into the record, a copy of which is on file with the minutes. The board members responded with applause and a standing ovation.

Chairman Monroe extended privilege of the floor to Brian Cole, representing Clarion Inn & Suites, who wished to address the board members. Mr. Cole referred to the recent awards of occupancy tax funds for special events and noted that the events were great revenue generators for all of the hoteliers and businesses in the area. He questioned the funding that was awarded to private businesses, which he did not feel would host significant revenue generating events.

Mr. Kenny said occupancy tax funds were distributed to both private business and non-profit organizations alike and was based on a number of factors, such as the number of bed nights, the time of year of the event, the economic impact of the event to the County, as well as the number of years the County had sponsored the event.

Privilege of the floor was extended to Mark Donahue, President of the Adirondack Balloon Festival Board of Directors, who wished to address the board members. Mr. Donahue advised that he was also disheartened with the amount of the occupancy tax funds awarded this year for the Adirondack Balloon Festival. He explained that in the past his event was requested to absorb expenses that had previously been paid by the County, for things such as the tower lights and the port-a-johns. This year, he continued, they were asked to share overtime costs incurred for the Department of Public Works (DPW) staff during the event; however, he said, the amount awarded for the event would not cover such additional costs.

He opined other events that utilized DPW staff and County personnel should be asked to share the burden as the Balloon Festival had been. Mr. Donahue concluded that the funding cut, coupled with sponsorship reductions would force his Board to re-evaluate the event and the future of the event because of the overall economic situation.

Chairman Monroe apprised the next item on the Agenda was a report that he would provide on the Adirondack Partnership to produce economic development. He noted a draft resolution was being distributed, a copy of which is on file with the minutes. He requested the board members consider authorizing the execution of a Memorandum of Agreement and participation in the Adirondack Partnership, which would begin meeting in the near future and would seek funding through the Environmental Protection Fund. Chairman Monroe added that the membership would consist of all of the Adirondack Towns, Villages and Counties, as well as State Agencies and non-profit organizations. He stated the purpose was to serve as a forum to discuss Adirondack issues, in particular economic development issues.

Motion was made by Mr. Bentley, seconded by Mr. McCoy and carried unanimously to authorize the execution of a Memorandum of Agreement and participation in the Adirondack Partnership. Clerk noted it would be Resolution No. 870 of 2010 for the record.

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

Supervisor VanNess, Public Safety; Supervisor Champagne, Solid Waste & Recycling; 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 Occupancy Tax Coordination; Supervisor Taylor, Support Services; Supervisor Geraghty, Budget; Supervisor Thomas, Personnel, Social Services and County Facilities; and Supervisor Sokol, Health Services.

With regard to the Public Safety Committee, Mr. VanNess reported the meeting consisted mainly of housekeeping issues and end of the year contract renewals.

Concerning the Solid Waste & Recycling Committee, Mr. Champagne apprised the Committee had reviewed the draft of the Solid Waste Management Plan and had forwarded said Plan to all Supervisors for review. He noted that the Committee had suggested modifications and changes to the Plan, which had been implemented. He further recommended that the Plan be sent to the New York State Department of Environmental Conservation (NYS DEC) for consideration.

Motion was made by Mr. Champagne, seconded by Mr. Belden and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk added it would be Resolution No. 871 of 2010 for the record.

Motion was made by Mr. Champagne, seconded by Mr. Belden and carried unanimously to authorize the submission of the Solid Waste Management Plan to the NYS DEC for their consideration. Clerk stated it would be Resolution No. 872 of 2010 for the record.

Regarding the Human Services Committee, Mr. Strainer reported the meeting consisted mostly of housekeeping issues. He added that the Veterans' Services was still pursuing a part-time receptionist.

In connection with the Finance Committee, Mr. Stec announced Resolution Nos. 835 through 842 were generated from the meeting, and he reviewed them as follows: Resolution No. 835, Awarding Bids and Authorizing Agreements with Warren Tire Service Center, Inc. and Warrensburg Car Care, LLC for Routine Maintenance of Warren County Sheriff and District Attorney's Office Vehicles (WC 96-10); Resolution No. 836, Authorizing Payment to Treasurer of Warren County Soil & Water Conservation District; Resolution No. 837, Authorizing Payments to Adirondack Community College; Resolution No. 838, Authorizing Agreement Continuing Contractual Relationship with Hudson Headwaters Health Network; Resolution No. 839, Authorizing Treasurer to Amend Budget Upon Written Request from Sheriff to Allow for Use of Grant Funding; Resolution No. 840, Authorizing Payment to Clark Patterson Lee for Additional Professional Services Incurred in Connection with the Human Services Building; Resolution No. 841, Tax Anticipation Note Resolution Dated December 17, 2010; a Resolution Delegating to the Treasurer of the County of Warren, New York, the Power to Authorize, from Time to Time During Fiscal Year 2011 the Issuance and Sale of Tax Anticipation Notes of Said County in Anticipation of the Collection of Real Estate Taxes Levied in Fiscal Year 2011; and Resolution No. 842, Revenue Anticipation Note Resolution Dated December 17, 2010; Resolution of the Finance Board of the County of Warren, New York, Authorizing the Issuance of Revenue Anticipation Note(s) in Anticipation of the Collection of Revenues Other than Real Property Taxes or Assessments for the Fiscal Year 2010, in Accordance with Local Finance Law Section 39.00. He reiterated that the State was having a tremendous negative impact on local government finances throughout the State. He pointed out that Resolution No. 860 enacted Local Law No. 1 of 2011 which fixed the salaries of certain County Officers and Employees of Warren County.

Relative to the Tourism Committee, Mr. Merlino advised the meeting was comprised of routine end of the year renewal of contracts and agreements and Resolution Nos. 785 through 793 included in the Supervisors' packets were resultant of the meeting. He noted that the Department would be releasing the new slogan "Four Great Seasons, One Outstanding Destination".

With regard to the Real Property Tax Services Committee, Mr. Goodspeed apprised Resolution Nos. 800 through 802 included in the packets were generated from the meeting. The remainder of the meeting, he said, consisted of housekeeping issues.

Concerning the Public Works Committee, Mr. Belden announced that Mr. Bentley had chaired the meeting in his absence and had no report. He further stated that an additional meeting of the Public Works Committee, Parks, Recreation & Railroad only, would be held on December 23, 2010 at 10:00 a.m. and he encouraged all Supervisors to attend, as discussions would continue pertaining to the award of the contract for the railroad operator. Mr. Belden commended Jeff Tennyson, DPW Superintendent, and his staff for the dedication and effort they all put forth in the Department. Chairman Monroe echoed Mr. Belden's statements.

Regarding the Gaslight Village Ad Hoc Committee, Mr. Kenny expounded the Committee discussed the report that was received from the Town of Lake George on revenues and expenses for parking on the property during the summer, to which unanimous approval was reached to authorize reimbursement to the Town and the details were reflected in Resolution No. 817 included in the packets. He added that discussions were also held relative to potential naming rights to the property, the demolition schedule and a dispute resolution, all of which would be carried forward into the 2011 year.

In connection with the Occupancy Tax Coordination Committee, Mr. Kenny apprised Resolution No. 795 authorized an agreement with the Lake George Chamber of Commerce for the 2011 Special Events Coordinator. The Committee also discussed the designation of \$20,000 from the Tourism budget to support the Lake George Visitor Center, he said, and the Committee agreed to uphold the resolution previously adopted by the board. He noted lengthy discussions were held pertaining to the Adirondack Balloon Festival and the amount of overtime accrued in the DPW for the event. Mr. Kenny thanked each member of the Occupancy Tax Coordination Committee for all of their work in reviewing the fifty-four applications for special events funding. He announced that he stood by the Committee's decision for each event that was awarded funding. Mr. Merlino commented that he did not vote in favor of the designation of \$20,000 for the Lake George Visitor Center.

Relative to the Support Services Committee, Mr. Taylor referred to Resolution No. 865 included in the packets, and noted it authorized the renewal of the County's insurance for 2011 and the payment to Cool Insuring Agency, Inc.

Mr. Girard apprised this was the last meeting that Chairman Monroe would be serving as Chairman of the Board and he thanked him for the way he had conducted all of the meetings. He added that Chairman Monroe was a tremendous asset to the County and thanked him again for all that he had done. The board members responded with applause. Chairman Monroe stated it had been an honor and a pleasure to serve as the Chairman of the Board.

Mr. Conover requested that the Legislative & Rules Committee consider approving a resolution of support of the task force designated to address the new invasive species found

in Lake George at their next meeting. Mr. Bentley, as Chairman of the Legislative & Rules Committee, acknowledged the request.

Mr. Geraghty reminded all of the Supervisors that there continued to be pressure for a property tax cap at the State level and he cautioned that unless the County received mandate relief, the County could face more financial challenges. Chairman Monroe agreed and reiterated that a property tax cap would not be beneficial without mandate relief. Mr. Kenny added if the property tax cap does get approved, Warren County would see a severe reduction in services.

Concerning the Personnel Committee, Mr. Thomas reported Resolution Nos. 843 through 850 and 853 were generated from the meeting. He noted the majority of requests were to fill vacant positions in various departments, which he reviewed in detail. He added that the Committee approved amendments to Resolution No. 714 of 2010 to add and delete positions regarding the Time Clock Policy and Procedures for the time and attendance system. He advised that the Committee held lengthy discussions relative to a proposal for vacation leave time for newly hired department heads, which was tabled.

With regard to the Social Services Committee, Mr. Thomas stated the Committee received a presentation from the Community Maternity Services Agency pertaining to contracting with the County for at-risk pregnancy services; however, he said, no action had been taken and those discussions would continue. He added an update on the caseloads in the Department of Social Services was provided, as well as an update on the shifting of staff to cover the increase in the work; he noted the increases were attributed to the economy. Under the Countryside Adult Home portion of the meeting, he continued, Resolution No. 769 included in the packets was resultant of the meeting and authorized compensation to Adirondack Technical Services, Inc. for dishwasher repairs. Mr. Thomas expounded Resolution Nos. 770 through 773 were generated under the Youth Bureau portion of the meeting and consisted mainly of the renewal of end of the year agreements.

In connection with the County Facilities Committee, Mr. Thomas apprised Resolution No. 857 in the Supervisors' packets authorized an agreement with Fire, Security & Sound, Inc. for the installation of additional PA speakers and a temperature sensor in the Human Services Building (HSB). He said a review of outstanding items in need of repair at the HSB was conducted in order to ensure the matters were resolved while still under warranty. Mr. Thomas remarked that additional discussions were held relative to the relocation of various departments, and Resolution No. 869 would amend Resolution No. 742 of 2010 to include the relocation of the Board of Elections Department to the HSB. He added that the Personnel and Human Services Departments would no longer be moving to the HSB, and would instead occupy the space vacated by the Board of Elections Department.

Regarding the Health Services Committee, Mr. Sokol discussed the personnel requests that were presented to the Committee and subsequently forwarded to the Personnel Committee, and were reviewed by Mr. Thomas. He stated that the Holiday Reception was held at the Westmount Health Facility which he and Mr. McDevitt attended and it was a wonderful evening. Under the Health Services portion of the meeting, he continued, the requests consisted mainly of year end contract renewals.

Chairman Monroe announced the next item on the Agenda was a report by Paul Dusek, County Attorney/Administrator, on the Champlain Hudson Power Express Notification. Mr. Dusek distributed handouts to the board members, copies of which are on file with the minutes. He explained this pertained to a power cable that would run from Canada to New York City and the Public Service Commission provided an order that a number of municipalities, including Warren County, be notified of the application because of the fact that it would run along the County's border. Chairman Monroe expressed concern that the environmental advocacy group, Adirondack Council, had said that no government funds would be accepted; however, he said, he saw a letter in which the Adirondack Council was seeking \$13,000 from the Public Service Commission to oppose this power line. He opined it was improper for taxpayers to fund the opposition through the Public Service Commission for something that was arguably beneficial to this region. Chairman Monroe suggested that the matter be referred to the Legislative & Rules Committee for further discussions.

Chairman Monroe called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;
Warren/Washington Counties IDA.

Monthly Reports from:

Weights & Measures;
Veterinarian.

June Maxam, letter regarding the 2011 Chestertown Fire District Budget and Tax Levy;

Communications, resolutions and reports ordered placed on file.

Mr. Dusek advised an executive session was necessary to discuss negotiations with the Sheriffs' Employees' Alliance.

Motion was made by Mr. Conover, seconded by Mr. Belden and carried unanimously that executive session be declared pursuant to Section 105 (e) of the Public Officers Law.

Executive session was declared from 11:06 a.m. to 11:45 a.m.

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

Chairman Monroe reported that two draft resolutions were being distributed, one to authorize a bond resolution for the purchase of various equipment in and for the County at a maximum estimated cost of \$4,830,000, as discussed by Mr. Dusek at the Finance Committee meeting; and the other to authorize an agreement with various rail companies regarding storage at the North Creek Railroad Station.

Regarding the resolution with various rail companies, Mr. Dusek explained that the contract with Upper Hudson River Railroad (UHRR) would expire on December 31, 2010 and the agreed upon plan of action was that all of their equipment would be off the tracks by the expiration date. He further stated that he had been informed that UHRR was experiencing difficulties in removing their equipment and had requested to rent space from the County until the spring; he added that this was a revenue opportunity for the County and recommended moving forward with the aforementioned resolution.

Mr. Goodspeed referred to Section 2 in the resolution, which stated "locomotives shall not be permitted to move south" and questioned if there was clarifying language that should be added. Mr. Dusek said the contract would be specific and he had included the verbiage of 'approximately April 1st' because it was difficult to determine exactly when the winter season would end. Mr. Goodspeed asked if the prohibition against locomotives moving south was a prohibition for 2011 only and Mr. Dusek responded affirmatively. Mr. Dusek added that clarification of 2011 only could be included in the resolution.

Motion was made by Mr. Stec, seconded by Mr. Belden and carried unanimously to authorize the bond resolution for the purchase of various equipment in and for the County at a maximum estimated cost of \$4,830,000. Clerk noted it would be Resolution No. 873 of 2010 for the record. Mr. Dusek pointed out that the resolution would require a roll call vote and the Clerk acknowledged the requirement.

Motion was made by Mr. Stec, seconded by Mr. Belden and carried unanimously to authorize agreements with various rail companies regarding storage at the North Creek Railroad Station. Clerk stated it would be Resolution No. 874 of 2010 for the record.

Chairman Monroe called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 760 through 858 were mailed. She added a correction had been made to Resolution Nos. 825 and 858 and the corrected resolutions were included in the folders. She said a motion was needed to approve Resolution Nos. 825 and 858, as corrected.

Motion was made by Mr. Bentley, seconded by Mr. Girard and carried unanimously to approve Resolution Nos. 825 and 858 as corrected.

Mrs. Sady noted the resolutions relating to the filling of vacant positions were Resolution Nos. 845 through 849, and unless a roll call vote was requested on a particular resolution, all would be approved in the collective vote.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 759 and 859 through 869 to the floor. Motion was made by Mr. Belden, seconded by Mr. Goodspeed and carried unanimously to bring Resolution Nos. 759 and 859 through 869 to the floor.

Mr. Kenny requested a roll call vote on Resolution No. 778, Authorizing Intermunicipal Agreement Continuing Contractual Relationship with the Town of Schroon for Marine Law Enforcement on Schroon Lake in the Town of Schroon, Essex County.

Mr. VanNess requested a roll call vote on Resolution No. 843, Rejecting Request by Warren County Corrections Officers and Corrections Sergeants to Fragment from the Warren County Sheriffs' Employees' Alliance and Form Their Own Bargaining Unit.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 759 through 874 were approved.

Chairman Monroe announced the date of the Organization Meeting, which had been set for Tuesday, January 4, 2011 at 11:00 a.m. He also reminded all Town Supervisors to pick up their tax rolls from the Department of Real Property Tax Services following the meeting. Chairman Monroe remarked that Supervisor Sokol was providing lunch for all the Supervisors immediately following the meeting.

Mr. Belden said it had been a pleasure to work with Chairman Monroe during his time as Chairman of the Board and added he had done a tremendous job for Warren County during very difficult times.

Mr. Goodspeed added there was a phrase "being ahead of the curve" and Chairman Monroe was not just ahead of the curve, he was ahead of those that were ahead of the curve, especially when it came to Adirondack issues. He commended Chairman Monroe for all the work that he had done. He further announced that during the Christmas week, the interconnect lift in North Creek would begin running for the first time.

Mr. Strainer remarked that Supervisor Taylor had received the J. Walter Juckett award, which showed his desire to make his community even stronger, and he congratulated Mr. Taylor. He echoed the sentiments of the other Supervisors regarding the outstanding leadership exemplified by Chairman Monroe.

Mr. Stec thanked Chairman Monroe and stated everyone in the County owed him a huge debt of gratitude for the work he had accomplished and noted it would be an honor to follow in his footsteps.

A number of Supervisors expressed their appreciation to Chairman Monroe and following their statements the board members recognized Chairman Monroe with a standing ovation and applause.

Chairman Monroe thanked all the Supervisors for their comments and wished everyone happy holidays.

Mr. Dusek advised another executive session was needed to discuss labor negotiations.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously that executive session be declared pursuant to Section 105 (e) of the Public Officers Law.

Executive session was declared from 12:06 p.m. to 12:28 p.m.

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

There being no further business, on motion made by Mr. Belden and seconded by Mr. Goodspeed, Chairman Monroe adjourned the meeting at 12:30 p.m.