

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, MARCH 18, 2011**

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

Mr. Daniel G. Stec presiding.

Salute to the flag was led by Supervisor Girard.

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. Belden, seconded by Mr. Taylor and carried unanimously, to approve the minutes of the February 18, 2011 Board Meeting, subject to correction by the Clerk of the Board.

Commencing the Agenda review, Chairman Stec introduced Barbara Sweet and Kevin O'Brien, representatives of the United Way, to provide an update on the VITA (Volunteer Income Tax Assistance) Program. Ms. Sweet began by thanking the Board of Supervisors for their support of the United Way 211 Program and for the proclamation designating the same last month; she added that the 211 calls in the County were increasing significantly. Ms. Sweet referred to the VITA Program, noting the program continued to grow each year and assisted numerous people in the area. Mr. O'Brien extended his appreciation to the board members, as well and added that as of last week, approximately three hundred ten tax returns had been completed. He summarized that the program provided free tax preparation for individuals with an income of less than \$50,000, and the average return was between \$3,000 to \$6,000. Mr. O'Brien informed fifteen volunteers were involved this year, as compared to seven volunteers last year, and the volunteers were trained and supervised by the IRS (Internal Revenue Service).

Mr. McDevitt complimented both Ms. Sweet and Mr. O'Brien for their efforts with this program. He noted that Mr. O'Brien was also a volunteer for Coles Woods and monitored the condition of the associated trails in the Town of Queensbury. Mr. O'Brien referred to a recent project undertaken by the Rotary Club to replace the bridges in Coles Woods and stated that utility poles were needed for such replacement. He asked if there were any Supervisors that knew of any utility poles that could be used, to please contact him.

Dr. Jim Seeley, Executive Director of Cornell Cooperative Extension (CCE), apprised that CCE had completed over one hundred twenty five tax returns to date and he thanked the board members for their support of this program and the residents.

Proceeding to the privilege of floor portion of the Agenda, Mr. Merlino referred to the drawings at the front of the Board Room depicting the planned Town of Lake Luzerne project for a large development to be located on the back side of West Mountain. He said the project, which had been in progress for approximately twenty years, included 2,000 housing units, a hotel and retail shops. He clarified that he was not endorsing the project, he just wanted to bring it to everyone's attention and to date, twelve public hearings had been held. Mr. Merlino noted the SEQRA (State Environmental Quality Review Act) had been completed and was available on the Town's website. He commented that the project had not yet been approved by either the Town Board or the Town's Planning Board.

Privilege of the floor was extended to Zandy Gabriels, who requested to address the board members relative to the Asian Clams Task Force. Mr. Gabriels advised he was a member of the Lake George Asian Clam Rapid Response Task Force that was formed due to the recent findings of the invasive species known as Asian Clams in Lake George. The Task Force, he explained, was charged with the responsibility of finding a way to control this Clam and they were in the process of finalizing a plan to be presented to the appropriate permitting State agencies, the Adirondack Park Agency (APA), New York State Department of Environmental Conservation (NYS DEC), and the New York State Office of General Services (OGS). Mr. Gabriels distributed a handout to the board members outlining the projected budget of the Task Force, a copy of which is on file with the minutes. He informed he was requesting the Board of Supervisors to consider funding the additional \$75,000 needed for the successful completion of this project.

Mr. Conover acknowledged the importance of this project and requested that the matter be referred to the Budget and/or Finance Committees and that representatives of one of the involved agencies be contacted and asked to attend the meeting to provide additional information. Mr. Gabriels affirmed he could provide more information to assist the Supervisors prior to that meeting, as well.

Chairman Stec extended privilege of the floor to Sue Wilder, President of the Hadley Business Association, who requested to address the board members regarding the progress of a tourist train and the possibility of its operation this summer. Ms. Wilder announced that the operation of the tracks from Saratoga to North Creek proved to be a worthwhile endeavor last year and sparked economic growth in the communities along the tracks. She noted that time was of the essence for advertising a tourist train for this summer.

Continuing the Agenda review, Chairman Stec expounded he had a report to provide concerning the NYS DEC and the fee to be charged to Americade for use of the parking lot. He said that he and Supervisor McCoy, along with Senator Little and Assemblywoman Sayward, had attended a meeting in Albany with the NYS DEC representatives. He commented that the meeting was productive and he thanked Mr. McCoy for his input in the discussions. Chairman Stec apprised that the NYS DEC should provide a final decision soon as to what their plan was for Americade moving forward with the use of the parking lot.

Additionally, Chairman Stec reported that the United States Supreme Court had recently ruled that funeral protesters were protected by the First Amendment of the United States Constitution and communication had been received from NYSAC (New York State Association of Counties) suggesting individual counties consider adopting a local law requiring a minimum setback for any sort of protest that could occur at funerals. He advised that he had referred the issue to the Legislative & Rules Committee for consideration.

Chairman Stec referred to a handout received from NYSAC that was distributed to the Supervisors and discussed the possibility of tax cap language being included in the final budgetary legislation in Albany. He reiterated the concern that a tax cap would not be beneficial without substantial mandate relief.

Chairman Stec announced that the Hazard Mitigation Plan had been completed and he reminded the Supervisors that it was necessary for every municipality to adopt a resolution adopting the Plan.

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

Supervisor Loeb, Social Services; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Belden, Public Works; Supervisor McCoy, County Facilities; Supervisor Merlino, Tourism; Supervisor Strainer, Human Services; Supervisor Champagne, Solid Waste & Recycling; Supervisor VanNess, Public Safety; Supervisor Sokol, Health Services; Supervisor Thomas, Finance; Supervisor Wood, Planning & Community Development; Supervisor Conover, Personnel; and Supervisor Monroe, Gaslight Village Ad Hoc.

In connection with the Social Services Committee, Mr. Loeb advised Resolution No. 161 included in the Supervisors' packets authorized the submission of an application to the New York State Department of Health for approval to operate a Social Day Care Service at Countryside Adult Home. He noted Resolution No. 163 opposed the proposed Primary Prevention Incentive Program (PPIP) in the proposed 2011-2012 State Budget and was discussed under the Youth Bureau portion of the meeting.

Regarding the Occupancy Tax Coordination Committee, Mr. Kenny informed that discussions were held concerning the Occupancy Tax Reserve Fund and the Committee agreed to establish a minimum balance of \$500,000, as reflected in Resolution No. 178 included in the packets. He added that the establishment of a Capital Project Reserve Fund was also discussed; however, he said, the Committee had rejected pursuing such action. Mr. Kenny apprised Resolution No. 181 changed the formula for Special Event Funding from 10% of prior years collections to a total annual amount of \$350,000, with the understanding that if collections increased or decreased, said annual amount could be amended by additional resolutions. He reviewed in detail Resolution Nos. 177 through 181, which were generated from the meeting.

Concerning the Public Works Committee, Mr. Belden began by thanking Brian LaFlure, Fire Coordinator/Director of the Office of Emergency Services (OES) and Amy Manney, Deputy Director of OES, for their efforts during the recent ice jam on the Hudson River, and added that they both went beyond their call of duty. Under the Airport portion of the meeting, he said, it was mostly housekeeping issues. He noted one item of importance that was discussed was a proposal for the construction of new hangars and the matter was progressing. He referred to Resolution Nos. 182 and 184 included in the Supervisors packets which authorized two separate bonds for DPW and he questioned why the two bonds could not be combined into one bond. Paul Dusek, County Attorney/Administrator, explained that they could be combined, although two separate resolutions would still be required due to the bonds being utilized for two separate projects with different probable use periods. Mr. Belden opined that the entire DPW crew had done an outstanding job during the last snow storm and the one man plowing appears to be saving the County money, while the amount of overtime usage continued to decrease.

Mr. Goodspeed echoed Mr. Belden's comments pertaining to Mr. LaFlure and the OES Department. He reported that the Hudson River between Chestertown and North Creek reached its highest level in reported history, prompting evacuations in that area and Mr. LaFlure, as well as the local fire departments were extremely diligent with their efforts throughout the ordeal. He requested Mr. Dusek review Resolution No. 190 included in the packets to further expound on it later in the meeting. Mr. Dusek acknowledged the request.

Mr. McCoy referred to the meeting held with the representatives of the NYS DEC as discussed earlier by Chairman Stec, and he thanked Sheriff York for offering his services during Americade as a means to reduce costs. Relative to the County Facilities Committee, he mentioned that the various department relocations were underway and renovations for the new office for the Board of Elections had begun. He added that he had been selected to serve as a representative of the New York State MEGA (Municipal Electric & Gas Alliance).

Mr. Merlino noted that although the Tourism Committee did not meet, Resolution No. 164 included in the packets authorized an agreement with Benchmark Printing Inc. for the printing of the 2011 Lake George Fishing and Boating Maps. He mentioned that he had recently noticed that the Gasboys in the local towns no longer required the entering of mileage and he had spoken with Jeff Tennyson, DPW Superintendent, and requested that the Gasboy in the Town of Lake Luzerne be re-programmed to require the entering of mileage. He noted Mr. Tennyson would be sending a memo to each town regarding this matter.

With regard to the Human Services Committee, Mr. Strainer apprised that under the Office for the Aging (OFA) portion of the meeting, the Committee was informed that the search continued for a new Warrensburg Meal Site and discussions were held with the representatives of Countryside Adult Home to determine if that location would be feasible. He also commended Mr. LaFlure for his exemplary work and for serving as a part-time Fire

Coordinator while performing the duties on a full time basis which, he opined, should be addressed in the future.

In connection with the Solid Waste & Recycling Committee, Mr. Champagne reiterated that the County was only seven months away from being released from the Trash Plant contract and much work would need to be accomplished prior to the expiration of the contract. He requested Mr. Dusek to prepare a time frame for the necessary thresholds to be met. He added that it was important for the City of Glens Falls to be included with the County's decision making process.

Regarding the Public Safety Committee, Mr. VanNess thanked Mr. LaFlure and Mrs. Manney for their efforts during the recent storm and flooding issues. He stated that the Hazard Mitigation Plan that they had developed played a significant part relative to the actions that were taken to keep matters under control. He reminded all Supervisors to execute a resolution accepting the Plan as previously discussed by Chairman Stec. Mr. VanNess referred to the one man plowing practices in the DPW and noted he was very pleased that the idea had been implemented and it had saved the County a tremendous amount of money. He extended his appreciation to Mr. Tennyson, as well as Bill Lamy, former DPW Superintendent, for initiating the one man plowing practices.

Pertaining to the Health Services Committee, Mr. Sokol reported that the meeting consisted mainly of housekeeping issues. He highlighted Resolution No. 165 included in the packets which amended the Table of Organization for Health Services to amend certain positions within specific codes in order to increase State aid.

Concerning the Finance Committee, Mr. Thomas announced Resolution Nos. 172 through 174 and Nos. 182 through 184, were resultant of the meeting. He asserted Resolution No. 172 amended the Table of Organization and set the salary for a position in the Treasurer's Office; Resolution No. 173 authorized the settlement of an auto insurance claim; and Resolution No. 174 supported a park-wide economic development strategy for the Towns and Villages within the Adirondack Park. He added Resolution No. 182 authorized a bond in the amount of \$207,000 for bridge rehabilitation and Resolution No. 183 established Capital Project No. H318.9550 280 - 2011 Bridge Rehabilitation Projects with the source of funding to be the aforementioned bond. He noted Resolution No. 184 authorized the issuance of a bond in the amount of \$2,181,313 for the replacement/reconstruction of certain bridges in the County. Mr. Thomas referred to the recent Intercounty Legislative Committee of the Adirondacks meeting and he commended Fulton County for a local law they adopted concerning unfunded mandates. He further explained that Fulton County would be including a flyer with their tax bills to explain to the public what they were paying for, which he opined was a great idea that Warren County should look into, as well.

With regard to the Planning & Community Development Committee, Ms. Wood apprised discussions were held relative to GIS services and the current procedure of billing the towns for services; however, she said, concerns had arisen because it was difficult for the towns to determine how much funding to budget for these services. She added that the concept of having individuals billed directly through the County would be pursued. Ms. Wood added Resolution No. 158 in the packets authorized out-of-State travel for the Director and Deputy Director of the Planning & Community Development Department to attend the American Planning Association 2011 National Planning Conference. She noted Resolution Nos. 186 and 187 amended Resolution Nos. 93 and 94 of 2011 to revise the dates of the Public Hearings for the Community Development Block grant applications. Ms. Wood echoed the sentiments of the other Supervisors that had praised the work of Mr. LaFlure and Mrs. Manney.

Mr. Geraghty expounded that the latest financial report showed that the County's position in cash flow had improved over prior years. He expressed his disdain with the recent discussions at the State level regarding a tax cap, without including substantial mandate relief. He, too, thanked Mr. LaFlure and the OES for the work they did with the recent flooding. He reminded the board members that the NYS Boys Basketball Championships were being held this weekend at the Civic Center and he encouraged all to attend.

Regarding the Personnel Committee, Mr. Conover advised the meeting consisted mainly of requests to fill vacant positions which were reflected in Resolution Nos. 165 through 167. He noted that an additional Personnel Committee meeting had been held to review the reorganization of the County Attorney's Office, and Resolution Nos. 190 through 192 were the result of those discussions.

Mr. Monroe joined the other Supervisors in thanking Mr. LaFlure and Mrs. Manney for their work with the recent flooding issue up north. In connection with the Gaslight Village Ad Hoc Committee, he stated numerous meetings of the Gaslight Village Management Committee had been held with the Village of Lake George, particularly on the NYS DOT TEP (New York State Department of Transportation- Transportation Enhancement Program) grant. He apprised that Elan Planning had been selected as the Consultant for the design and engineering of the park. Mr. Monroe expressed the need for a plan for the Festival Space as soon as possible, and added that there was a possibility that the planning for the Festival Space could be funded by occupancy tax funds and that would be discussed further at the next Occupancy Tax Coordination Committee meeting.

Chairman Stec expressed his appreciation to Mr. LaFlure, Mrs. Manney and the Sheriff's Office for their efforts during the recent flooding and added that their notice plan worked well.

Chairman Stec announced the next item on the Agenda was a report by Mr. Dusek on the DPW project bonding as a result of the previous Finance Committee discussion. Mr. Dusek announced he had three matters to report on. The first, he said, pertained to the bonding of DPW projects and he noted that there were four projects in which the environmental reviews had not been accomplished yet. Therefore, Mr. Dusek stated, those four projects would be covered with County funds, thereby eliminating the need for an additional bonding resolution. He mentioned that a bonding resolution for the Beach Road Reconstruction Project would be presented in the future.

Mr. Dusek apprised the next item for discussion concerned the Hudson River Black River Regulating District litigation which had been ongoing. Following arguments made recently before a Supreme Court Judge, he informed that he was currently awaiting a decision and would report back to the Board of Supervisors when the decision was made.

Mr. Dusek provided an update on the railroad negotiations. He expounded that he was the lead negotiator and was pleased to report that they continued to make progress on those negotiations. He added that it appeared that train service would be available for this summer, according to the potential Operator, as long as the negotiations were concluded in a timely manner.

Chairman Stec called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;
Warren/Washington Counties Industrial Development Agency and its
Executive/Park/Governance Committee.

Monthly Reports from:

Weights & Measures;
Veterinarian;
Probation.

National Grid, Semi-Annual PCB Report.

Capital District Regional Off-Track Betting Corporation, January 2011 Surcharge in the amount of \$6,658.

Town of Warrensburg, Resolution Supporting The Adirondack Park Local Government Review Board in their Opposition to State Land Purchase of Former Finch Pruyn Timber Lands; Resolution Requesting a Moratorium on Land Purchases by the State.

New York State Department of Civil Service, Fourth Quarter 2010 Empire Plan Experience Report.

Communications, resolutions and reports ordered placed on file.

Chairman Stec called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 156 through 184 were mailed. She added that Resolution Nos. 182 and 184 had been amended and a motion was needed to approve these resolutions as amended. Motion was made by Mr. Sokol, seconded by Mr. VanNess and carried unanimously to approve Resolution Nos. 182 and 184 as amended.

Mrs. Sady noted the resolutions relating to the filling of vacant positions were Resolution Nos. 166 and 167 and unless a roll call vote was requested, all would be approved in the collective vote.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 155 and 185 through 192 to the floor. Motion was made by Mr. Monroe, seconded by Mr. Conover and carried unanimously to bring Resolution Nos. 155 and 185 through 192 to the floor.

Mr. Loeb requested discussion on Resolution No. 178, Directing that County Officials Take Such Action and Render Such Advice as to Assist the County Board in Maintaining a Minimum Amount of \$500,000 as and for an Unappropriated Fund Balance Designated for Occupancy Tax. He expressed his concern with the wording within the resolution, such as "A fund balance of occupancy tax not less than \$500,000 at any point in time" and "The County should at all times maintain a minimum unappropriated fund balance of \$500,000". He questioned how it would be funded if the balance decreased below \$500,000. Chairman Stec explained that if the balance were to decrease below \$500,000, a resolution of the board would be required. Mr. Kenny added the intent was to not let the balance decrease below \$500,000 and the replenishment of the fund would be from occupancy tax collections. Mr. Dusek apprised that this board was the only board that could authorize the expenditure of monies. He further stated that this was a policy statement of the board and the key word in the resolution was "should" in the sentence "The County *should* at all times maintain a minimum unappropriated fund balance of \$500,000", thereby directing County officials to report to and advise the board if that could not be achieved. If at any time, he continued, it was the board's discretion to reduce the amount of the fund balance, that could be done by resolution. Mr. Dusek added that this allowed for complete flexibility of budgeting.

Mr. Loeb requested a roll call vote on Resolution No. 178, Directing that County Officials Take Such Action and Render Such Advice as to Assist the County Board in Maintaining a Minimum Amount of \$500,000 as and for an Unappropriated Fund Balance Designated for Occupancy Tax.

Mr. Champagne requested a roll call vote on Resolution No. 191, Authorizing and Directing Review of Salaries of Department Heads and Non-Union Employees and the Presentation of Recommendations Concerning the Same to the Personnel and Finance Committees. He opined that during these critical economic times, he was not in favor of this resolution.

Mr. Monroe referred to Resolution No. 189, Resolution on Retention of Lever Voting Machines, and expressed his support of the resolution; however, he said, the resolution should state that the Towns own the title of the machines, as opposed to the County. Clerk acknowledged the correction.

Chairman Stec called for a vote on the resolutions.

Resolution Nos. 155 through 192 were approved. Proclamation - National Crime Victims' Rights Week was submitted.

Mr. VanNess thanked everyone for their condolences following the passing of his father-in-law.

Mr. Thomas announced that on March 27, 2011, his mother would be celebrating her 100th birthday and he wished her a very Happy Birthday.

Mr. Strainer reiterated that the NYS Boys Basketball Championships would be going on all weekend in the City of Glens Falls and he hoped to see many of the Supervisors there.

Chairman Stec reminded the Supervisors that the students from Saga City would be visiting on Tuesday, March 22, 2011 at 11:00 a.m. and he encouraged all to attend.

There being no further business, on motion made by Mr. Belden and seconded by Mr. Goodspeed, Chairman Stec adjourned the meeting at 11:55 a.m.