

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JULY 15, 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 Kenny.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Loeb, Kenny, Bentley, Goodspeed, McCoy, Merlino, Stec, Strainer, Champagne, VanNess, Sokol, Thomas, Wood and Geraghty - 19.

Absent: Supervisor Belden - 1.

Motion was made by Mr. Bentley, seconded by Mr. Thomas and carried unanimously, to approve the minutes of the June 17, 2011 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Stec declared the Public Hearing on proposed Local Law No. 2 of 2011, entitled "A Local Law Limiting Protest Activities Before, During and After Funeral Services in the County of Warren" open at 10:02 a.m. and requested the Clerk read the Notice of Public Hearing for the record.

Clerk read the Notice of Public Hearing on proposed Local Law No. 2 of 2011.

Chairman Stec announced that the Public Hearing would remain open for fifteen minutes to allow for any public comment.

Chairman Stec called for reports by Committee Chairmen on past month's activities or meetings and the following gave verbal reports:

Supervisor Sokol, Health Services; Supervisor Thomas, Finance; Supervisor Wood, Planning & Community Development; Supervisor Geraghty, Budget; Supervisor Conover, Personnel; Supervisor Monroe, Gaslight Village Ad Hoc; Supervisor McDevitt, Mental Health; Supervisor Taylor, Economic Growth & Development; and Supervisor Loeb, Social Services.

With regard to the Health Services Committee, Mr. Sokol advised that under the Westmount Health Facility portion of the meeting, Resolution No. 404 was generated and would charge off bad debt on an outstanding account within Westmount Health Facility. He added that Westmount Health Facility had also hosted their annual Disaster Drill, which included five different fire departments, imitation smoke and the assistance of the firemen during the training. Mr. Sokol noted that under the Health Services portion of the meeting, the report on revenues and appropriations was reviewed with the Committee, and the report highlighted that salaries continued to decrease, by approximately \$34,000 to date.

Concerning the Finance Committee, Mr. Thomas informed that Resolution Nos. 425 through 430 were resultant of the meeting and included in the Supervisors' packets. He reviewed them as follows: Resolution No. 425, Authorizing County Treasurer to Close a Certain Capital Reserve Project; Resolution No. 426, Authorizing Agreement with Mullen Bros., Inc. for the Transportation of Voting Systems and Voting Booths to Various Locations within Warren County; Resolution No. 427, Approving Tentative Budget for Adirondack Community College and Providing for Public Hearing; Resolution No. 428, Opposing New York State Department of Environmental Conservation Proposed Amendment to 6 NYCRR Section 196.5 Prohibiting the Operation of Vessels with Outboard Motors, Other Than Electric Motors, on Thirteenth Lake in Warren County; Resolution No. 429, Establishing Capital Project No. H325.9550 280 Avigation Easement/Land Acquisition for Five Parcels in the Runway 30 Approach; Authorizing Transfer of Funds and Amending Warren County Budget for 2011; and Resolution No. 430, Establishing Capital Project No. H326.9550 280 Aircraft Rescue and Firefighting Facility Expansion; Authorizing Transfer of Funds and Amending Warren County Budget for 2011.

In connection with the Planning & Community Development Committee, Mrs. Wood reported that Resolution Nos. 405 through 407 were generated from the meeting. She apprised that Resolution No. 405 ratified the actions of the Chairman of the Board with regard to the signing of a letter of support for the Adirondack/Glens Falls Transportation Council to continue as a small Metropolitan Planning Organization under the new Federal Transportation Bill. She noted that the Committee also authorized the reduction in membership of the Warren County Planning Board from nine to five members, which was reflected in Resolution No. 406 in the packets. She added that the Planning & Community Development Department was performing a mapping project for towns affected by the recent flooding. Mrs. Wood reported on the Extension Service Committee, and asserted that the Committee reviewed an Eat Smart New York presentation, which was a program that had suffered significant reductions in funding. She informed that approximately two hundred individuals were waiting for the program.

Pertaining to the Budget Committee, Mr. Geraghty announced that the budget packets and meeting schedules would be presented to Department Heads on Tuesday, July 19, 2011 and they planned on commencing the meetings in August. He added that Department Heads, their budget teams and Committee Chairmen would be invited to these meetings, as well. He acknowledged that there still remained challenges ahead for next year; however, he said, he was confident that the employees would make it work. Referring to an unrelated matter, Mr. Geraghty advised that he had recently toured the Countryside Adult Home and he stated that he was very impressed with how clean and well kept the facility was. He also informed that Milton Street Bridge in the Town of Warrensburg was now open and commended the DPW staff for their efforts on the project. He commented that the FEMA (Federal Emergency Management Agency) tour to review storm damage in his community had gone very well.

Chairman Stec referred back to the Public Hearing that was still open, and there being no one wishing to speak on proposed Local Law No. 2 of 2011, Chairman Stec declared the Public Hearing closed at 10:14 a.m.

Chairman Stec declared the Public Hearing on proposed Local Law No. 4 of 2011, entitled "A Local Law Authorizing the County to Enter into a Ground Lease with the Adirondack Housing Association, LLC Respecting Real Property Owned by Warren and Washington Counties Held in Trust for Adirondack Community College d/b/a SUNY Adirondack for a Nominal Rent and a Term not to Exceed Forty Nine Years", open at 10:15 a.m. and requested the Clerk read the Notice of Public Hearing for the record.

Clerk read the Notice of Public Hearing on proposed Local Law No. 4 of 2011.

Privilege of the floor was extended to Chandler Atkins, property owner in the Town of Lake Luzerne and Professor at Adirondack Community College (ACC). Mr. Atkins distributed a prepared statement and the "SUNY Adirondack Student Housing Questions and Answers" survey as performed by Scion to the board members, a copy of which is on file with the minutes. He advised that he was speaking on behalf of their community trust and he had three points that he wished to make, as well as one request. He requested that the Board of Supervisors postpone their vote until more due diligence could be accomplished on the proposed request for a student housing land lease. Mr. Atkins highlighted his three points as follows: 1- he was not sure the survey had been adequately completed; 2 - he did not believe this Board had been made fully aware of a developer model for this project; and 3 - he was not sure the 501c3, as proposed by the College with the Faculty Student Association, was in their best interests. He expounded on each of his points made, as detailed in his prepared statement. Mr. Atkins asserted that it was necessary to thoroughly survey their stakeholders. He added it was also necessary to study the developer model and to have presentations from developers. In conclusion, he noted it was necessary to do a true comparison between a 501c3 proposal and the developer model and evaluate the revenues, expenses, costs of development and risk factors inherent in this project. He suggested looking at the tax revenue from a developer constructed project on or off campus versus a land lease with minimal upside potential for the new 501c3. Mr. Atkins stated that it was necessary to include a realistic contingency plan in the event of failure under both of these scenarios.

Privilege of the floor was extended to Peter Girard, property owner in the Town of Lake Luzerne and Professor at ACC. Mr. Girard also distributed a prepared statement to the board members, a copy of which is on file with the minutes. He requested that the aforementioned proposed Local Law to lease the property for student housing at ACC not be approved. He expressed his concern that the building of dorms seemed contrary to the mission of the community college. He provided a brief history of the establishment of the community college system in New York State, and noted that the goal was to provide educational opportunities to local students. He opined that the building of dorms was not an

investment in education, but rather an investment in housing. Mr. Girard recalled that a privately owned and operated student housing building was in operation a few years ago on Bay Road directly across from the college; however, he said, that operator closed the housing down and converted the space to office space. He suspected that the problems were greater than the profit margin.

Privilege of the floor was extended to William Long, Vice President of Administrative Services at ACC. Mr. Long apprised that the College Administration and Board had been researching the possibility of student housing for over two years, utilizing various instruments, such as the Scion report as previously mentioned, to assist in the determination as to whether or not the College should pursue such housing. He reported that eighteen or more community colleges in New York State had housing, most of whom had a waiting list for those interested in student housing. He noted that if student housing increased enrollment by two hundred new students, that would total approximately \$500,000 in chargebacks plus the tuition that would be accrued from that as well. Mr. Long informed that the questions and issues that were mentioned had been addressed with the faculty on campus and they had reviewed the financing options very closely. The private developer model that was mentioned, he continued, reflected at least a \$5,000 to \$10,000 difference in the cost per bid. He added that the Administration felt that this was a great educational model and could provide a better learning experience. He concluded that they had educated the campus about this project and their Board had been involved in all aspects, as well.

Privilege of the floor was extended to John Morabito, member of the Board of Trustees for ACC. Mr. Morabito advised that he was on the Student Housing Committee and they had spent a considerable amount of time reviewing every aspect of the housing project. He opined that if the project was financially feasible, it should move forward because he and all the members of the Board of Trustees felt that was the way for the Community College to survive over the course of time. He encouraged the Board of Supervisors to approve the proposal.

Privilege of the floor was extended to Mark Bulmer, Chairman of the Board of Trustees for ACC. Mr. Bulmer announced their Board was unanimously in support of this project moving forward. He acknowledged that the need for financing still existed, and would be reviewed very closely to make sure it was feasible. He added that they truly believed they needed to move forward with housing.

Chairman Stec clarified that the Board of Supervisors would only be approving the land lease and Washington County must approve the same. He questioned if the County would have another opportunity to satisfy their curiosity on some of the other points that were raised today, such as the private developer model versus the 5013c model. Paul Dusek, County Attorney/Administrator, explained that Warren and Washington Counties approval

was needed because of the lease, and if that was approved, there was no other legal matter for the Board of Supervisors to be involved in.

Privilege of the floor was extended to Michael Yuselini, President of the United Group of Companies. Mr. Yuselini stated that the United Group of Companies was a private developer of student housing and in the last ten years they had developed approximately four thousand beds, owned and managed student housing. He noted that in 2006 and 2007, they were the developer and manager of student housing for Finger Lakes Community College and Niagara Community College, whose financings were completed under a tax exempt 501c3 model; thereby eliminating any risks to the Colleges. Both of those schools, he continued, experienced extreme success with their housing on their campus'. He provided additional background information on his company and more history on the success that they had experienced with other community colleges in developing student housing. Mr. Yuselini remarked that students wanted the 'live, learn' environment.

Mr. Champagne interjected as Chairman of the Community College Committee, that a considerable amount of time and research had been put forth in this proposal. He expressed that he had the utmost respect and trust in the members of the Board of Trustees for ACC. He reiterated that the only decision the County needed to make was whether or not to authorize the land lease.

Privilege of the floor was extended to Larry Paltrowitz, Attorney for ACC. In response to an inquiry, Mr. Paltrowitz expounded that the time table for the proposed project was tight and had already been postponed one month from their original schedule. He reiterated that the purpose for today was to approve the land lease and to review the SEQRA (State Environmental Quality Review Act) component for the project. He urged the Board of Supervisors to make a determination today with regard to the land lease and the SEQRA. Mr. Paltrowitz confirmed that Washington County was holding their Public Hearing for the land lease today, as well, and he anticipated that it would be approved. He concluded that everything was in place to move forward, due diligence had been done and he assured that many faculty were in support of this project, financed this way, created this way and managed this way.

Mr. Merlino commented that any time the board members were presented with a major project, it always seemed to come down to the last minute. He opined that approval for this seemed rushed and he was not comfortable with it at this time. Mr. Paltrowitz responded that the Board of Trustees and the Administration of the College had reached out to both Warren and Washington Counties months ago and had scheduled meetings with the respective Committees in order to make sure that this proposal was supported by the Board of Supervisors. He further stated that the College had provided opportunities for anyone interested to obtain information through these meetings, which also included the attendance of the financial and developing consultants to answer every detailed question.

Chairman Stec questioned the financial model and the suggestion that the 501c3 model was most beneficial from the community college perspective, as opposed to the developer model which may be more advantageous from the taxpayer's perspective.

Mr. Paltrowitz asserted that both models were evaluated and reviewed and there were additional costs associated with the private developer model that were not in the 501c3 tax exempt model. He explained that those community colleges, anecdotally, that chose the private developer model, got the private developer out as soon as possible because they were not managing the residence for the benefit of the students, but rather they were managing the housing for the benefit of the profit motive of the developer. He clarified that there was not an economic advantage to the private developer approach.

Mr. Champagne apprised that there would be no County dollars invested in this project and there would be no fiscal obligation on the part of the County if the project were to fail. He simplified that the request today was for the County to lease a piece of property for \$1 a year.

Mr. VanNess asked if this project would require additional security on campus, and if so, would that increase the College's budget line or would it be the responsibility of a private developer, if that model was chosen. Mr. Long replied that security, maintenance and food service had been included in the total cost of the project.

Motion was made by Mr. VanNess and seconded by Mr. Monroe to table the proposed Local Law No. 4 of 2011 and to select a date for an additional meeting to further review the proposal. Following a roll call vote, the motion failed due to the lack of a majority vote. Mr. Kenny requested a numerical breakdown of the vote and Joan Sady, Clerk of the Board, reported 508 were opposed to tabling and 478 were in favor of tabling. She reminded the board members of Mr. Belden's absence.

Privilege of the floor was extended to Connie Farrington, resident of the Town of Queensbury. Ms. Farrington noticed that one model generated property tax revenue and the other did not, which would affect the taxpayers. Mr. Champagne countered that the 501c3 model would generate a profit to the College, thereby reducing the cost of contribution from the County to the College.

There being no one further wishing to speak on proposed Local Law No. 4 of 2011, Chairman Stec declared the Public Hearing closed at 11:45 a.m.

Chairman Stec recognized Don McPhearson, the Engineer from the LA Group working on the design team for the housing project for ACC, who was present to review the SEQRA process. Mr. McPhearson distributed the SEQRA Full Environmental Assessment Form to the board members, a copy of which is on file with the minutes.

Mr. McPhearson commenced the review and noted that the area for the housing project was currently an existing parking lot and a lawn area that was used as surplus parking. He stated that the Environmental Assessment Form had a total of ten pages in Part 1 that outlined the specifics of the project, such as site and project descriptions, which he reviewed in detail with the board members. He noted that Part 2 required the Supervisors' input for completion with regard to potential impacts. Mr. McPhearson read the first item and suggested that the yes box be checked, with the second and fifth bullets being checked yes as well and all other bullets being checked no under Item 1. He reviewed numbers 2 through 20 with the board members and the Supervisors' recommended that each item be checked no; thereby determining that the project would not have a significant impact on the environment and a negative declaration would be prepared.

Chairman Stec informed that Resolution No. 449 in the Supervisors' packets included the negative declaration on the SEQRA as was just reviewed.

Chairman Stec declared the Public Hearing on proposed Local Law No. 5 of 2011, entitled "A Local Law Superseding County Law Section 215 and Authorizing a Six Month Extension of a Five Year Lease with Perkins Recycling Corporation of Certain County Owned Real Property in the Town of Queensbury Without Public Advertisement or Auction", open at 12:05 p.m. and requested the Clerk read the Notice of Public Hearing for the record.

Clerk read the Notice of Public Hearing on proposed Local Law No. 5 of 2011.

There being no one wishing to speak on proposed Local Law No. 5 of 2011, Chairman Stec declared the Public Hearing closed at 12:08 p.m.

Chairman Stec declared the Public Hearing on proposed Local Law No. 6 of 2011, entitled "A Truth in Taxation Local Law to Delineate State Mandates and Property Taxes", open at 12:09 p.m. and requested the Clerk read the Notice of Public Hearing for the record.

Clerk read the Notice of Public Hearing on proposed Local Law No. 6 of 2011.

There being no one wishing to speak on proposed Local Law No. 6 of 2011, Chairman Stec declared the Public Hearing closed at 12:10 p.m.

Returning to reports by Committee Chairmen on past month's activities or meetings, Mr. Conover advised that the Personnel Committee meeting generated Resolution Nos. 416 through 424 in the packets, the majority of which authorized the filling of vacant positions in various departments.

In connection with the Gaslight Village Ad Hoc Committee, Mr. Monroe reported that the Committee received an update on the demolition project and all buildings had been torn

down. He stated that the Committee also approved the report from the Village of Lake George on the parking revenues received last year and on the expenses associated with that revenue, as reflected in Resolution No. 415 in the packets. He added that discussions were held relative to the funding for the required match for the grants and it had been determined that the \$4.2 million purchase price could be used for the match. Mr. Monroe noted that the design of the Festival Space and the Park had commenced and would be presented to the board in the future. He referenced a Community Housing Bill that was passed by the State Legislature, which was supported by Warren County, and he opined it would be a tremendous benefit for affordable housing in the Adirondacks.

Mr. Girard referred to the recent tragic events in Washington County and expressed his sympathy. He noted that government agencies needed to respond in all different forms at difficult times such as this and it all came back to a budget process. He asked the board members to be cognizant of such possible events during the upcoming budget process.

Regarding the Mental Health Committee, Mr. McDevitt asserted that the agencies continued to struggle with budget reductions; however, he said, they would be presenting a budget request with an 8.26% decrease for the County's support.

Concerning the Economic Growth & Development Committee, Mr. Taylor remarked that the new President of the Economic Development Corporation (EDC) provided her plan of direction for development and she was attempting to meet with each Supervisor on an individual basis.

Pertaining to the Social Services Committee, Mr. Loeb advised that considerable discussion was held under the Countryside Adult Home portion of the meeting relative to the continuation of the facility. Subsequent to the meeting, he said, he toured the facility and found it to be in immaculate condition and good repair. He commended Deanna Park, Director of Countryside Adult Home, for all her efforts at the facility. Mr. Loeb stated the Youth Court Ad Hoc Committee had met and would meet again following the Board Meeting today.

Chairman Stec reported that the Gaslight Village project was moving along nicely and he thanked everyone that had been involved with the project. He added that the Corinth Road project was also moving along and was starting to look great. He noted that the project should be completed by October and he thanked Jeff Tennyson, DPW Superintendent and Kevin Hajos, Deputy Superintendent of DPW, for all of their assistance. He thanked Congressman Gibson's Office, as well as Brian LaFlure, Fire Coordinator/Director of the Office of Emergency Services (OES) and Amy Drexel, Deputy Director of OES, for their work with the Emergency Declaration due to the storm issues and damage that resulted.

Chairman Stec announced the next item on the Agenda was a report by Mr. Dusek. Mr. Dusek apprised he was aware of the microphone problems in the Board Room and they

were working to rectify the situation. The next item to report on, he continued, related to the Capital Reserve Project for the Airport Runway and concerns had arisen regarding the transferring of reserve funds into surplus. He asserted that reserve funds, under the General Municipal Law, had very strict provisions. He verified that the name Capital Reserve Project was for the project and the word 'reserve' was utilized to designate the fact that there were some reserve funds in the project, not necessarily all reserve funds.

Mr. Dusek apprised the next matter to report on was the Railroad Operator Agreement, which was approved at the June 17, 2011 Board Meeting. He expounded that the agreement required an amendment because of the freight rights in the Town of Corinth which had now been finalized with CP Rail. He confirmed that this amendment only affected the Town of Corinth, although it did require the approval of the County. He noted the details were reflected in Resolution No. 447 included in the Supervisors' packets.

Chairman Stec called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren/Washington Counties IDA.

Monthly Reports from:

Probation;
Weights & Measures;
Veterinarian.

Capital District Off-Track Betting Corporation, May surcharge in the amount of \$9,624.

Communications, resolutions and reports ordered placed on file.

Chairman Stec called for reading of resolutions and discussion.

Mr. Kenny requested a roll call vote on Resolution No. 427, Approving Tentative Budget for Adirondack Community College and providing for Public Hearing; Resolution No. 437, Reducing Current Airport Real Property Lease Rate for New and Existing Lease Agreements; and Resolution No. 447, Approving and Authorizing Amendment to County of Warren, Town of Corinth and Saratoga and North Creek Railway, LLC Railroad Licensing and Operating Agreement.

Mr. Strainer referred to Resolution No. 406 and questioned the reduction in the number of members on the Warren County Planning Board. Mr. Dusek explained that the Planning Board was unable to achieve a quorum at their recent meetings to conduct business; and therefore, the reduction in membership was needed to alleviate that problem.

Mr. Conover requested an amendment to Resolution No. 449, which would enact Local Law No. 4 of 2011 relative to the student housing project for ACC.

Motion was made by Mr. Conover, seconded by Mr. Monroe and carried unanimously to amend Resolution No. 449 to state that it was understood and agreed to by all parties relative to this lease, that Warren County's approval of the land lease shall not obligate Warren County or ACC, that it was contingent and conditioned on Warren County and Adirondack Community College, not being responsible for any financial debt, mortgage, or borrowing incurred by Adirondack Housing Association, ACC relative to this project.

Mr. Dusek acknowledged the amendment and noted that it could be added to Section 4 as a final sentence in that section.

Mr. Loeb referred to Resolution Nos. 430 and 438, each which pertained to the Aircraft Rescue and Firefighting Facility Expansion Project, and he requested clarification on these resolutions. Mr. VanNess explained that the project was to extend the existing Fire House located at the Airport in order to provide storage for the new fire truck that would be arriving soon. He clarified that the County was only required to provide the 2.5% local share of the total cost of the project.

Mr. Thomas apprised a correction was needed on Resolution No. 428 in the final resolve to correct the representatives that were listed to receive the resolution.

Motion was made by Mr. Thomas, seconded by Mrs. Wood and carried unanimously to amend Resolution No. 428 as outlined above.

Mrs. Sady advised that Resolution Nos. 401 through 445 were mailed. She added that the resolutions relating to the filling of vacant positions were Resolution Nos. 417 through 421 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. 400 and 446 through 453 to the floor. Motion was made by Mr. Goodspeed, seconded by Mr. Sokol and carried unanimously to bring Resolution Nos. 400 and 446 through 453 to the floor.

Chairman Stec called for a vote on the resolutions.

Resolution Nos. 400 through 453 were approved.

Mr. Strainer reminded the board members to keep Mr. LaFlure in their prayers while he was going through a very difficult time. He also reminded everyone of the Cornell Cooperative Extension Golf Tournament that would be held in August.

Mr. Sokol announced that the Westmount Health Facility would be hosting a Family Picnic on Tuesday, July 19, 2011 from 5:00 p.m. to 6:30 p.m. and he said that all Supervisors were invited to attend.

Chairman Stec advised that the Board would recess and reconvene at 1:30 p.m. for the purpose of conducting interviews for the County Attorney position.

Following a brief recess, the Board of Supervisors reconvened at 1:38 p.m.

Mr. Dusek announced that an executive session was necessary to discuss matters leading to the appointment of a particular individual. Motion was made by Mr. Conover, seconded by Mr. Girard and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was declared from 1:41 p.m. to 5:40 p.m.

The Board reconvened. Chairman Stec announced that no action was necessary pursuant to the executive session.

There being no further business, on motion by Mr. VanNess and seconded by Mrs. Wood, Chairman Stec adjourned the meeting at 5:41 p.m.