

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, SEPTEMBER 16, 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 10:08 a.m.

Mr. Daniel G. Stec presiding.

Salute to the flag was led by Supervisor Bentley.

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. Bentley and carried unanimously, to approve the minutes of the August 19, 2011 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Stec declared the Public Hearing on proposed Local Law No. 7 of 2011, entitled "A Local Law Amending Local Law No. 4 of 1981, as Amended, and Relating to Rules and Regulations for the Administration of the Warren County Self-Insurance Plan to Decrease the Amount of the Reserve Fund" open at 10:09 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. 7 of 2011.

Chairman Stec advised the Public Hearing would remain open in order to allow time for any comments and he announced that the next item on the Agenda was the presentation of a proclamation in recognition of the Warren County Youth Court Members and Staff. He requested Mr. Loeb come forward to present the proclamation to the members of the Youth Court that were in attendance today. Mr. Loeb reviewed statistical information pertaining to the Youth Court. He congratulated the members for their participation in the program. Chairman Stec presented the proclamation declaring the month of September as National Youth Court Month to the Youth Court members. The board responded with applause.

There being no one wishing to speak on proposed Local Law No. 7 of 2011, Chairman Stec declared the Public Hearing closed at 10:13 a.m.

Chairman Stec declared the Public Hearing on proposed Local Law No. 8 of 2011, entitled "A Local Law Amending Local Law No. 5 of 2010, and Relating to Modifying Residency Requirements for the Deputy Superintendent of the Warren County Department of Public Works" 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. 8 of 2011.

Chairman Stec expounded that he would continue the Agenda review, leaving the Public Hearing open for a few minutes to allow for comments. He advised the next item on the Agenda pertained to his reports. The first item to report on, he continued, was the Irene Storm Damage and Emergency Declaration. Chairman Stec referenced the severe damage in Warren County, as well as surrounding counties, from Tropical Storm Irene. He informed that prior to the arrival of the storm, the Governor had mobilized his staff throughout the State and the head of the Canal Corporation, Brian Stratton, was in the Office of Emergency Services (OES) the day before the storm, preparing to handle Warren County's specific needs. He commended the Governor's staff, the State and the County's Department of Public Works (DPW) staff, the Sheriff's Office including dispatchers and Road Patrol, the town Highway Departments, fire companies and rescue squads. He also recognized the efforts of National Grid and the level of communication received from them, as well as their response to the storm. Chairman Stec added that a frequency problem with the radio signal located on Prospect Mountain had been resolved, and the problem with the emergency generator located on the Municipal Center Campus had been addressed, as well. He noted that formal recognition of all those involved during the storm would take place at the October Board Meeting. Throughout the disaster, he continued, Brian LaFlure, Fire Coordinator/Director of OES, was unable to be on the front lines due to a health issue; however, he said, Mr. LaFlure remained involved with coordinating efforts by establishing a command center at his home. Chairman Stec apprised that Amy Drexel, Deputy Director of OES, did an amazing job leading the emergency response efforts in Mr. LaFlure's absence, and he requested the board members recognize Ms. Drexel for all her dedicated work. The board members responded with applause.

Chairman Stec stated his next item to report on was the Capital Region Economic Development Council-SUNY Adirondack Forum. He asserted that SUNY Adirondack hosted the public forum for the Capital Region Economic Development Council recently and approximately one hundred people attended. He noted that the regions involved in the Council would be competing for larger sums of money related to grant funding in the future. He noted that the master plan for the region would be submitted this fall and would be competing against other regions to secure the next round of grant funding. Chairman Stec concluded that he was very pleased with the level of participation at the recent Council meeting at SUNY Adirondack.

Chairman Stec expounded that he would proceed with the Agenda review, moving on to reports by Committee Chairmen on past month's activities or meetings and the following gave verbal reports:

Supervisor Bentley, Legislative & Rules; Supervisor McCoy, County Facilities; Supervisor Merlino, Tourism; Supervisor Champagne, Intercounty Solid Waste; Supervisor VanNess, Public Safety; Supervisor Sokol, Health Services; Supervisor Thomas, Finance;

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, SEPTEMBER 16, 2011**

Supervisor Geraghty, Budget; Supervisor Conover, Personnel; Supervisor Monroe, Gaslight Village Ad Hoc; Supervisor McDevitt, County Clerk-Motor Vehicles; Supervisor Taylor, Economic Growth & Development; Supervisor Loeb, Social Services; and Supervisor Belden, Public Works.

Regarding the Legislative & Rules Committee, Mr. Bentley directed the board members attention to Resolution No. 547, which introduced Local Law No. 9 of 2011 relative to invasive species, and he requested unanimous support from the Supervisors on this resolution.

In connection with the County Facilities Committee, Mr. McCoy informed that discussions were held concerning the problems with the generator located on the Municipal Center Campus, which had since been resolved. He expressed his support of Local Law No. 9 of 2011, as well.

Pertaining to the Tourism Committee, Mr. Merlino advised Resolution No. 518 included in the packets was generated from the meeting and authorized an application to the New York State Department of Economic Development for Matching Funds for the promotion of tourism. He also offered his support of Local Law No. 9 of 2011.

Mr. Strainer reported on behalf of the Adirondack Balloon Festival and thanked the Board of Supervisors for their financial support through occupancy tax funding. He announced that currently, area hotels were sold out of rooms for the upcoming Festival weekend. He extended his appreciation to Jeff Tennyson, Superintendent of Public Works, and Sheriff York for offering assistance to alleviate traffic problems during the event. Mr. Strainer expressed his support of Local Law No. 9 of 2011.

Mr. Champagne echoed the support of Local Law No. 9 of 2011. Concerning the Intercounty Solid Waste Committee, he expounded that the bids from local haulers, including tipping fees, for waste removal had been received and the data was currently being analyzed.

With regard to the Public Safety Committee, Mr. VanNess mentioned the tremendous job the volunteer fire companies did during Tropical Storm Irene. He commended all involved for the planning and execution of their emergency response efforts. He reminded the board members of the fundraiser to be held in Mr. LaFlure's honor on Saturday, September 17, 2011 from 3:00 p.m. to 6:00 p.m. and he encouraged all to attend.

Chairman Stec advised reports would resume following the closure of the Public Hearing. Prior to closing the Public Hearing, Chairman Stec shared a story of his recent travels with the Governor to damaged areas in Essex County as a result of Tropical Storm Irene, and following a press conference Senator Little requested that Warren County be included in the Emergency Declaration, to which the Governor agreed. He noted that he was able to thank the Governor personally for including Warren County in the Declaration. Chairman Stec

expressed his appreciation for Senator Little taking the time to make sure Warren County was included and also noted how impressed he was with all levels of government.

There being no one wishing to speak on proposed Local Law No. 8 of 2011, Chairman Stec declared the Public Hearing closed at 10:35 a.m.

Chairman Stec declared the Public Hearing on proposed Local Law No. 9 of 2011, entitled "A Local Law in Relation to Preventing the Spread of Aquatic Invasive Species in Warren County" open at 10:36 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. 9 of 2011.

Privilege of the floor was extended to William McGhie, representing the East Shore Schroon Lake Association. Mr. McGhie thanked the Supervisors for introducing this local law and noted the importance to his Association, and others, to have a form of enforcement to stop the launching of boats that were covered with any kind of invasive species.

Privilege of the floor was extended to John Matthews, of Cast Away Marina in Lake George. Mr. Matthews questioned how his establishment would be liable, as a public launch ramp, relative to enforcing the law. He added that his establishment catered to many out of State launchers that may not be aware of the law and he wondered how he, and other establishments, would be able to enforce such.

Paul Dusek, County Attorney/Administrator, expounded that the law itself was directed to the person that was launching or attempting to launch; therefore, he said, a marina owner would not be liable. He noted the one item that may be of concern to marina owners would be the discard of the invasive items, in that they had to be discarded away from the shore in such a manner to prevent it from re-entering the water body. Mr. VanNess suggested that the County provide signs at local marinas outlining the County law, which could assist the marina owners with enforcement.

Privilege of the floor was extended to Graham Cox, resident of the Town of Bolton. Mr. Cox expressed his support of the proposed Local Law No. 9 of 2011; however, he said he had concern with the enforcement aspect, as well. He added that he was currently working on a volunteer basis with the Mountain Lake PBS Station out of Plattsburgh. He advised that the Mountain Lake PBS Station had received funding from the Lake George Association to do a PBS quality documentary on how communities were dealing with invasive species. Mr. Cox informed the total cost for the documentary was \$50,000 and they had secured \$16,000 to date. He stated they would be delighted with any contribution that the County could make towards this project.

Privilege of the floor was extended to Roger Phinney, Executive Director of the Eastern New York Marine Trades Association. Mr. Phinney assured the board members that the Eastern New York Marine Trades Association and the Empire State Marine Trades Association supports the need to protect the water bodies in the County from the spread of an aquatic invasive species. He noted he had a few concerns with the content in the scope of the proposed local law, but not with the objective. Mr. Phinney reviewed his concerns in detail relative to specific sections of the local law. He apprised that the marine industry in this region had been working to assist in the effort to limit the spread of aquatic invasive species and the Eastern New York Marine Trades Association had devoted a web page on their site providing education and information on the subject and he suggested that educational information from the County could be included there. He said that rather than exposing boaters to stiff penalties and possible incarceration for unwittingly carrying invasive species, his association supported a program that would focus on the following: educating boaters regarding the identification and prevention of invasive species; inspecting vessels entering and exiting New York State waterways; providing a method of decontamination; and identifying any aquatic invasive species and making a survey record thereof, as well as collecting pertinent data regarding the same. Mr. Phinney urged the Supervisors to examine the issues that he outlined and the impact that they had on the local law.

Privilege of the floor was extended to Vince Blondo, of the East Shore Schroon Lake Association. Mr. Blondo commended the Board of Supervisors for introducing this local law. He added that his Association had a Scout Program on Schroon Lake which consisted of eighty volunteers that scouted forty-four miles of shoreline each year and they were interested in learning how they could cooperate with this particular local law.

Mr. Belden expressed his support of Local Law No. 9 and noted that this was a step in the right direction. He added that education on the matter would be extremely important. He noted that the resolution should be adopted today and any changes that may be necessary could be made at a later date. Mr. McCoy agreed it was imperative to pass this resolution today.

Mr. Kenny stated his support for Local Law No. 9; however, he requested the board members consider removing the possible penalty of imprisonment.

Mr. Monroe acknowledged the validity of Mr. Phinney's concerns and asserted that amendments to the law should be made. He recommended that Washington and Essex Counties be requested to adopt the same or a similar local law and Mr. Dusek advised that would need to be a separate resolution.

Privilege of the floor was extended to Kathy Bozony, Natural Resource Specialist with The Fund for Lake George and the Lake George Water Keeper. Ms. Bozony expressed her appreciation to the Supervisors for introducing this invasive species law. She recommended

that the local law be supported by Washington and Essex Counties, as well as all of New York State. She agreed that there were details within the local law that needed to be worked out.

Privilege of the floor was extended to Zandy Gabriels, member of the Lake George Asian Clam Task Force and Director of Norowal Marina in the Town of Bolton. Mr. Gabriels opined the penalties listed in the local law were too severe and should be amended. He further suggested that this resolution be forwarded to State Legislators. He noted a few concerns with the matter of inspections and enforcement that should be clarified, as well.

Privilege of the floor was extended to Walt Lender, Executive Director of the Lake George Association (LGA). Mr. Lender assured the board members that they had the LGA's full support in passing this local law. He agreed that the minor amendments previously discussed would be appropriate. He asserted that this law was modeled after a draft of a law that was being introduced at the State level; however, it had not gone through yet. Mr. Lender apprised that there was also a State-wide law on the sale of invasive species, which would assist the County relative to this law. He informed that the LGA had boat launch stewards stationed around the Lake and this law would provide them with much needed leverage.

Privilege of the floor was extended to Colin Powers, Director of Production and Programming at Mountain Lake PBS based in Plattsburgh. Mr. Powers thanked Mr. Cox for mentioning the documentary that he was currently producing entitled "Lake Invaders". He explained that the reason they chose to do this project was because this community was unique in its' aggressive approach to water-borne invasive species, which he believed made this topic a national interest.

Mr. Goodspeed commented that every law was subject to review and interpretation by lawyers and Judges; therefore, he said, he supported this law being adopted as written, due to the urgency of the situation. He reiterated that amendments could be made at a later date and several Supervisors agreed with Mr. Goodspeed's statements.

Privilege of the floor was extended to Ken Parker, resident of the Town of Bolton. Mr. Parker expounded that this was an Asian clam infestation and needed to be eradicated. He stated that fund-raising efforts were underway to allow private citizens to make donations to the eradication effort and he encouraged property owners on the Lake to lend their support.

Mr. Conover apprised there was a battle being fought to protect the County's water bodies and he noted how fortunate the County was to have the groups in this area to help fight this battle. He thanked the Legislative & Rules Committee for moving forward with the proposed local law so quickly and the Occupancy Tax Coordination Committee for allocating the necessary resources to assist in the eradication of the Asian clam.

There being no one further wishing to speak on proposed Local Law No. 9 of 2011, Chairman Stec declared the Public Hearing closed at 11:26 a.m.

Chairman Stec asserted that he would return to reports by Committee Chairmen on past month's activities or meetings.

Regarding the Health Services Committee, Mr. Sokol informed the meeting consisted mainly of housekeeping items and Resolution Nos. 527 through 532 included in the packets were generated from that meeting. He referenced the preliminary budget process and noted it had been the best process he had ever been through. He thanked the Budget Committee, as well as the Administrator of Westmount Health Facility and the Director of Public Health, for doing a stupendous job.

With regard to the Finance Committee, Mr. Thomas informed Resolution Nos. 521 through 523, as well as 533 and 534 were resultant of the meeting and he listed them as follows: Resolution No. 521, Authorizing Appropriation for Department of Public Works Road Machinery, Machinery Automotive-Gas & Oil from Road Machinery Fund Balance; Resolution No. 522, Establishing Capital Project No. H327.9550 280 Tropical Storm Irene; Authorizing Transfer of Funds and Amending Warren County Budget for 2011; Resolution No. 523, Resolution in Honor of the 50th Anniversary of SUNY Adirondack; Resolution No. 533, Approving Implementation of Energy Saving Improvements from National Grid; and Resolution No. 534, Authorizing Agreement with Aeon Nexus Corporation for County Spend Assessment. Mr. Thomas added that the County Treasurer had informed that the Novatime Time Keeping System had been fully implemented and working well.

In connection with the Budget Committee, Mr. Geraghty apprised the budget continued to be a work in progress and although they faced challenges, they were continuing to make strides with the process.

Concerning the Personnel Committee meeting, Mr. Conover referred to Resolution Nos. 536 through 543 in the packets which were generated from the meeting. He highlighted Resolution No. 539, which authorized the filling of the vacant position of Airport Manager due to resignation.

Relative to the Gaslight Village Ad Hoc Committee, Mr. Monroe extended his appreciation to the board members for approving the conceptual plan for the Stormwater Management Project and the design of the Festival Space.

Pertaining to the County Clerk-Motor Vehicle Committee, Mr. McDevitt reported Resolution No. 535 included in the packets introduced proposed Local Law No. 10 of 2011 which would amend Local Law No. 10 of 2008 and extend the imposition of an additional mortgage recording tax until December 1, 2014.

Regarding the Economic Growth & Development Committee, Mr. Taylor advised Resolution No. 526 in the packets authorized the County to be a participating partner in the Regional Consortium for the purposes of obtaining grant applications. Mr. Dusek added that this was similar to a resolution that was adopted last year and was important because there was a potential of between \$400,000 to \$700,000, with a sharing of an estimated \$70,000 to \$80,000 among all of the Consortium partners. He explained that the study would yield statistics and information on economic development, infrastructure and transportation elements which would be usable by the municipalities in the County, as well.

Mr. Loeb noted he had no report relative to the Social Services Committee; however, he said, Countryside Adult Home had hosted a wonderful Family Picnic that was well attended. He added that the food was fantastic and was prepared by the staff of Countryside Adult Home.

In connection with the Public Works Committee, Mr. Belden reported that a luncheon was held for Don DeGraw, resigning Airport Manager, and he recognized the great job Mr. DeGraw had done for the Airport and he wished him well in his future endeavors. Under the Parks, Recreation & Railroad portion of the meeting, he continued, the Committee discussed the Stony Creek platform which was nearly complete. He recalled that the work was being performed by DPW staff and commended the job they had done. He added that the new railroad operator was very happy with the turnout of passengers so far. Mr. Belden thanked Ms. Drexel for the outstanding job she did during Tropical Storm Irene and added that the County was very lucky to have her. Concluding his report, Mr. Belden suggested that Resolution No. 539, which authorized the filling of the vacant position of Airport Manager, be withdrawn at this time while other options were reviewed over the next month.

Motion was made by Mr. Belden, seconded by Mr. Conover and carried unanimously to withdraw Resolution No. 539 as outlined above.

Chairman Stec reminded the Supervisors that each town had thirty days to submit the necessary paperwork to FEMA (Federal Emergency Management Agency) for funding. He mentioned that volunteer hours performed by fire companies had a monetary value that could be used to offset their local share contributions.

Chairman Stec announced the next item on the Agenda was the report from the County Administrator. The first item, Mr. Dusek said, was a report on the Sustainable Planning Grant which had already been discussed. Mr. Dusek advised the second item he wished to report on was the Social Welfare Examiner position that had been authorized to be filled, as outlined in Resolution No. 541. He pointed out that it had been discussed at the Social Services Committee to approve the backfilling of any positions resulting from promotion and that had been included in the resolution included in the packets.

Mr. Dusek apprised the third item he had on the Agenda was the Aeon Nexus follow-up report as per Committee request. He recalled that the Finance Committee had requested that he obtain a reference for Aeon Nexus and that he review the costs and guarantees further. He stated he was happy to report that Julie Pacyna, Purchasing Agent, had contacted a few former clients of Aeon Nexus, one being a gentleman from the Connecticut Regional School District who informed that he had never had a better contractual experience with any other vendor and they had realized a savings as a result of Aeon Nexus. He added that Marc Cerror, of Aeon Nexus who attended the Finance Committee meeting, had guaranteed that if the County did not reach a goal of a \$10 savings for every \$1 invested, they would not charge the County for the agreement. Mr. Dusek concluded he was very impressed with Aeon Nexus and he was confident in moving forward with the agreement.

Mr. Dusek announced he had an additional item for the board members to review, that being the SEQRA (State Environmental Quality Review Act) review as it related to the invasive species local law. He requested Mr. Tennyson commence the necessary review with the Supervisors.

Mr. Tennyson described the project as follows: the proposed action was a new Local Law to prohibit the launching or attempting to launch water craft into a water body, either wholly or partially, within or bordering Warren County when an aquatic invasive species or other plant or animal visible to the human eye were in or attached to any part of the water craft or trailer or other device that came in contact with the water body. Under Part II, Section C, he reviewed questions C1 through C7 and recommended the reply of "no" for each and the Supervisors agreed. Mr. Dusek advised the negative declaration would be attached to Resolution No. 547 included in the packets.

Chairman Stec extended privilege of the floor to Joseph Cutshall-King, Vice President of the Adirondack Community College Foundation, who requested permission to address the Board regarding the 50th Anniversary of Adirondack Community College. Mr. Cutshall-King thanked the board members for not only fifty years of support, but also for launching Adirondack Community College. He expressed his appreciation for Resolution No. 523 included in the packets, which was in honor of the 50th Anniversary of ACC, also known as SUNY Adirondack. He encouraged all Supervisors to attend the celebration events planned for the upcoming weekend. The board members responded with applause.

Chairman Stec called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;
Warren/Washington Counties Mental Health Subcommittee;

Warren/Washington Counties Industrial Development Agency

Monthly Reports from:

Weights & Measures;
Veterinarian;
Probation.

Annual report from:

County of Warren for year ending 12/31/10.

National Grid, Semi-annual PCB Report for period ending 6/30/11.

Capital District Off-Track Betting, July surcharge in the amount of \$11,268.

The Fund for Modern Courts, Citizen Court Monitoring Report on Warren County Family Court.

Office of New York State Comptroller, Report of Examination of Payroll and Maintenance of Leave Records for the period from January 1, 2009- February 28, 2010.

Lake George Water Keeper, letter in support of proposed Local Law No. 9 of 2011 entitled "A Local Law in Relation to Preventing the Spread of Aquatic Invasive Species in Warren County".

Hilary Smith, Director of Adirondack Park Invasive Plant Program, letter thanking the Board for their proactive measures in dealing with the spread of aquatic invasive species and supporting proposed Local Law No. 9 of 2011.

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. 517 through 544 were mailed. She noted that Resolution No. 539 had been withdrawn. She added that the resolutions relating to the filling of vacant positions were Resolution Nos. 538 and 541 through 543 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. 516 and 545 through 548 to the floor. Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously to bring Resolution Nos. 516 and 545 through 548 to the floor.

Mr. Kenny requested a roll call vote on Resolution No. 520, Approving and Authorizing Amendment to County of Warren, Town of Corinth, and Saratoga and North Creek Railway, LLC Railroad Licensing and Operating Agreement.

Chairman Stec called for a vote on the resolutions.

Resolution Nos. 516 through 548 were approved. Proclamation-National Youth Court Month, was submitted.

Mr. Strainer announced that the Cornell Cooperative Extension Golf Tournament was very successful and the County Board of Supervisors was well represented. He further reported that a Veteran's Night would be hosted at a Phantom Hockey Game on October 6, 2011.

Mr. VanNess reminded the Supervisors that a benefit dinner would be held tomorrow for Mr. LaFlure and he encouraged all to attend and show their support.

Mr. Merlino informed that the Town of Lake Luzerne would be hosting the FEMA representatives for the next three weeks at the Town Hall.

Mr. Monroe requested that Local Law No. 9 which was just adopted be forwarded to Washington and Essex County, as well as the State Legislature. Mr. Dusek reiterated that it should be done as a separate resolution.

Motion was made by Mr. Conover, seconded by Mr. Monroe and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 549 of 2011 for the record.

Motion was made by Mr. Conover, seconded by Mr. Belden and carried unanimously that Resolution No. 547, regarding Local Law No. 9 of 2011, be forwarded to Washington County, Essex County and the New York State Legislature. Clerk added it would be Resolution No. 550 of 2011 for the record.

Prior to adjourning, Mr. Dusek apprised an executive session was necessary to discuss matters leading to the discipline or removal of a particular person.

Motion was made by Mrs. Wood, seconded by Mr. Thomas and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was declared from 12:15 p.m. to 12:45 p.m.

The board reconvened and Chairman Stec announced that no action was necessary

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, SEPTEMBER 16, 2011**

pursuant to the executive session.

There being no further business, on motion by Mr. Belden and seconded by Mr. Bentley, Chairman Stec adjourned the meeting at 12:46 p.m.