

**WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
WEDNESDAY, NOVEMBER 9, 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 11:00 a.m.

Mr. Daniel G. Stec presiding.

Salute to the flag was led by Supervisor McCoy.

Roll called, the following members present:

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

Absent: Supervisor VanNess - 1.

Chairman Stec informed the two items to be addressed today were the presentation of the proposed 2012 County Budget and a Public Hearing on proposed Local Law No. 11 of 2011. He thanked the Budget Officer, as well as the budget team, for the work that was put into the process again this year. He recognized that concerns had arisen regarding the proposed future organization of the Planning & Community Development Department, in particular the reduction of staff and the shifting of responsibilities towards the Warren County Economic Development Corporation (EDC). He referenced the \$150,000 increase from last year that had been proposed in the 2012 budget for the EDC, restoring their funding to \$400,000, based on the understanding that the EDC would assume the economic development related duties from the Planning & Community Development Department. Chairman Stec informed that following further discussions on the matter, he had recommended that the \$150,000 restoration to EDC be reduced to \$100,000; thereby appropriating the remaining \$50,000 to the Planning & Community Development Departmental budget.

Chairman Stec announced he would turn the meeting over to Kevin Geraghty, Budget Officer, for the formal presentation of the proposed 2012 County Budget. He noted that during the message, a power point presentation would be displayed, a copy of which is on file with the minutes.

Mr. Geraghty addressed the board members and presented the 2012 Budget Message as follows:

"Mr. Chairman, Members of the Board of Supervisors and to all those in attendance, I hereby formally present the 2012 budget for Warren County.

"Referring to the slides on the screen you will see on the first slide, the proposed 2012 budget is a 1.7% increase of the 2011 budget amount to be raised by taxes.

"Importantly, on the next slide, you will note that the 2012 appropriations are \$3,163 below the 2011 adopted budget.

"The budget increase is rather remarkable since the 2012 projected revenues are down \$1,925,714 below the 2011 adopted budget.

"The next slide will give you the comparison of revenues and appropriations over the past three years.

"The general fund balance at the end of 2011 is projected to be approximately \$11,300,000 which includes \$7,100,000 of undesignated funds.

"In working with the budget, we also had to deal with a falling full value tax base.

"The 2012 proposed budget amount to be raised by tax is \$39,202,733. This is an increase over the 2011 adopted budget by \$648,907, really due to a loss of revenues.

"While sales tax collections have been improving, we decided to estimate that the revenue would be at the same level as 2011 in view of the uncertain economic conditions.

"We did the same with the mortgage tax revenue estimates.

"The next slides will show significant costs that we also had to deal with.

"Retirement costs were up \$1,052,000. Health insurance costs rose by \$417,000. Social Services costs went up due to a loss of significant federal funding. It is in this context that I make the recommendations next shown.

"The 2012 budget set spending priorities to strengthen Warren County finances, address important County infrastructure needs, provide programs important to our residents and position Warren County to be progressive in terms of economic development and job creation.

"The objective of strengthening Warren County finances was furthered by not only a conservative budget, but also by directing revenues from the Trash Plant sale to the unappropriated fund balance. Surplus funds from Workers Comp, County Road and Road Machinery as well as debt reserve were also used to balance this budget. For the first time in the past few years, this move will allow the County to avoid the cost of borrowing to meet its operating obligation throughout the year. It is expected that this will also have the added benefit of improving our credit rating.

“The objective of beginning to address any County infrastructure needs was addressed by committing over \$600,000 more dollars for County road improvements than was allocated in 2011. While this is an important step in the right direction, it is important to note that this is still less funding than is needed to properly maintain and improve the County road system. We will have to address this issue in next year’s budget and each year thereafter to constantly increase the allocation of funding to get the County on an appropriate maintenance and improvement schedule.

“The objective of providing certain programs of particular importance to the residents was furthered by funding programs important to our residents:

- a. \$7,500 has been allocated to the Cornell Cooperative Extension for the VITA (Volunteer Income Tax Assistance) Program which provides important income tax filing assistance to those in need;
- b. Funds for the Office for Aging meal sites has also been restored, but the budget calls for efficiencies in meal preparation by reducing the amount of monies available for this service and requiring that the meal preparation be consolidated at two sites. Importantly, as I mentioned, all meal sites are funded in the budget and all home meal programs are likewise funded. In addition, as kind of a safety valve and to be sure that an effective meal preparation consolidation program can be achieved, funding previously provided for this program has been placed into the contingency budget in the event that some or all of these funds are needed to maintain a satisfactory program;
- c. Funding for veterans’ transportation services has been added to the budget to address the loss of shared services previously offered under the Social Services budget;
- d. \$7,884 has also been added to the Up Yonda budget to address shortfalls in outside revenues available for the program and to be sure that this park and all the services that it provides continues to be available for the residents of Warren County;
- e. The Department of Emergency Services’ funding has been increased to allow for a full-time director so that County residents may be assured that these very important services will always be available whenever weather related or other disasters hit the County;
- f. Funding has been provided to consolidate the County and City of Glens Falls Dispatch Centers.

"Finally, the objective of furthering economic development in Warren County was accomplished by the provision of an additional \$150,000 of funding for the work of the EDC, provided that certain economic development services currently provided by County Planning staff can be adequately addressed. This is an important aspect of the budget as it demonstrates Warren County's commitment to fund activities, spur economic development and job creation, important to Warren County residents and it does so by not increasing taxes, but by reallocating funding.

"All of these objectives and bringing in a budget with a minimum tax increase in the face of a sharp decline in revenues necessitated the making of hard choices. Certain staff and department functions were reduced or eliminated. In this regard, the County budget calls for the elimination of the Print Shop, the restructuring and reduction of staffing in the Human Resources Department and Planning and Community Development offices, as well as the elimination of positions in the Clerk of the Board's office, Social Services, Health Services, Office for the Aging and Department of Public Works. We also had to defer beginning the repayment of storm damage sustained this past May and for which no FEMA funds were received. Finally, we had to utilize trash plant revenues accruing for 2011 to balance this budget.

"After the difficult budgets faced by Warren County in 2009 and again last year, I had hoped that this would be an easier budget year. This did not happen due to the continued loss of revenues from various sources, as well as increased costs associated with retirement and health insurance. Added to that, was a need to prepare a contingency budget for the Hudson River Black River Regulating District assessments in view of current litigation regarding that matter. Also, it was clear that we could not continue to significantly underfund County road maintenance and needed improvements or ignore important funding allocations for economic development.

"I realized that this budget could not be just about reducing spending and living within a tax cap, it had to provide for essential governmental services, infrastructure improvement and allow for the embracing of certain new programs that would benefit us in the future.

"I believe that this budget not only continues the fiscal conservative path of the past two years, but it also demonstrates that it is possible to reallocate funding in effective ways to avoid increasing taxes while at the same time, right sizing our government and living within our means.

"While this budget re-evaluates and examines the allocation of funding within the various Warren County programs, I believe a multi-year plan is an absolute necessity. In many instances, a reallocation of funding and/or change of direction in various programs offered by the County can take months or even years before the change can be fully effective or the savings can be fully realized. Also, the use of one time revenues and the implication

for future budgets has to be planned for now. As your Budget Officer, I am recommending multi-year planning so that the Board is aware of the various funding demands that will be made upon it in the future and is able to react not just at budget time, but in a more timely and considered manner.

“Given all the financial realities that have to be dealt with, I believe that this budget is a responsible budget and one that positions Warren County for continued financial strength into the future provided that the County also engages in multi-year planning as I just mentioned.

“Finally, I would be remiss if I did not thank the Department Heads for their valuable contribution in making this budget a reality. At the end of the day, I and my budget team depended upon the knowledge and expertise that the Department Heads brought to the table. Warren County is very fortunate since, not only do the Department Heads bring knowledge and expertise, they also bring an understanding of the need of the County to address budget issues on a County basis and not just on a department-by-department basis. These individuals are truly dedicated public employees.

“As I have said in the past, from the Department Heads to their employees, Warren County has a work force that is second to none and demonstrates an attitude and a willingness to work with what they have. This dedication and attitude, together with the Board’s initiatives outlined in the 2012 budget, will serve Warren County well.

“As the last item on the PowerPoint, you will see the tax rates for 2012. Thank you.”

Chairman Stec declared the Public Hearing on proposed Local Law No. 11 of 2011, entitled “A Local Law Amending Local Law No. 8 of 1978 and Amending Local Law No. 2 of 1984 to Authorize Snowmobile Usage on the Warren County Bikeway in a Certain Section Designated Within Local Law No. 11 of 2011” open at 11:25 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. 11 of 2011.

Jeff Tennyson, Superintendent of Public Works, distributed an aerial map to the board members, a copy of which is on file with the minutes. He noted that the map depicted the section of the Bikeway that would be designated for snowmobile usage, and explained the section in detail. He recalled that the Public Works Committee had been approached by the South Warren Snowmobile Club approximately one and a half years ago requesting authorization for usage of the Bikeway and said request was tabled at that time. Since then, he continued, the South Warren Snowmobile Club involved other stakeholders in the area and had received a letter of concurrence from the New York State Department of Transportation

for the portion of the Bikeway that was located in the NYS DOT Right-of-Way (ROW), as well approval from the Town and the New York State Department of Environmental Conservation (NYS DEC) for usage of their portions of the Bikeway. Mr. Tennyson apprised that this was a change from prior seasons snowmobile use in the area, and would allow a trail connection to maintain the connection with the Washington County trail system that was previously established. With regard to maintenance and repair to the Bikeway, he stated, the County and the South Warren Snowmobile Club would enter into an agreement to establish a Club Trail on the new segment; thereby providing that the Club would be responsible for maintenance until March 31<sup>st</sup>. He added that the maintenance would revert back to the Parks, Recreation & Railroad Division after March 31<sup>st</sup>. Mr. Tennyson concluded that it was anticipated that the additional use of the snowmobiles on the paved section of the Bikeway would cause some long term wear and degradation of the asphalt surface and there was a plan in place to address that in the spring if necessary. He noted that the Club had indicated that they would assist in that effort, as well.

Chairman Stec announced he would extend privilege of the floor to members of the public for comment at this time.

Mike Grasso, resident of Lake George, provided a historical perspective on the proposal, noting that prior to any local laws passed in the mid-1980's, there was a trail through Dunhams Bay up over French Mountain and down to what was now the Wild West Ranch and the trail was regularly used for years. Mr. Grasso added that the trail that had subsequently been developed was a life safety issue. He noted that crossing Route 9 in that area was very dangerous, as was the crossing at Route 9L. He opined that the new system being proposed today was much safer and was a great plan.

John Strough, representing the Warren County Safe & Quality Bicycling Organization, expressed that the Organization was not opposed to sharing the Bikeway with the snowmobilers; however, he said, there were concerns that should be addressed. He stated the name was the Warren County Bikeway and that was an appeal to tourists which had an important economic element that they did not want to lose. He questioned if all other alternatives for a trail for snowmobile use had been investigated; and also, prior to this Local Law being adopted, he wondered if it could be implemented on a trial basis to determine whether or not it was the right decision. Another concern, Mr. Strough pointed out, was if damage did occur to the Bikeway, he questioned if it would be a cost to taxpayers for the repairs.

Mark McClain, Treasurer of the South Warren Snowmobile Club, advised that he put up all the trail signs in the fall and removed them in the spring, and the Club also spent thousands of hours preparing the trail system for the season. He expounded that they did this to bring families into Warren County. He referenced area businesses that were now staying open in the winter months due to the business that snowmobilers brought in. He thanked the

Board of Supervisors for all of the years of support and making the County's trail system a great system.

Cliff Satterlee, resident of Old Military Road, expressed his opposition to the proposed Local Law, noting his biggest concerns were the safety issues.

Virginia Russell, owner of Ciro's Restaurant and resident of Lake Luzerne, remarked that volunteers maintained the trail system and the South Warren Snowmobile Club maintained strict ethical guidelines with total respect and appreciation of the generous private property owners where the trail system crossed. She noted that the connection to the Washington County trail system that was established last year resulted in a 75% increase in her winter business.

Peter Aust, President and CEO of the Adirondack Regional Chamber of Commerce (ARCC), read into the record a prepared statement, a copy of which is on file with the minutes. In summation, Mr. Aust expressed his full support, as well as the ARCC's support, of the proposed Local Law.

Rick Haag, Secretary for the Warren County Conservation Council, also read into the record a prepared statement supporting the opening of the County Bikeway to snowmobiling, a copy of which is on file with the minutes. In his statement, Mr. Haag advised that the members of the Council had voted at their November meeting to support and work with all parties interested in opening the bike trail to use by snowmobilers and that they felt the County trail system could and should be a multi-use recreational facility that was not under-utilized or dormant during the winter recreation season.

Larry Bennett, resident of Lake Luzerne and business owner, discussed the importance of sharing property and the trail system. He added that the sharing of the trail system would provide considerable safety to the users, rather than the sharing of highly traveled roads. In conclusion, Mr. Bennett acknowledged the concerns with the proposed Local Law; however, he said, this would be a tremendous improvement to the current trail system and expressed his full support of the proposal.

Jacqueline Anderson, on behalf of the owners of Waterslide World, read a prepared statement into the record, expressing their opposition to the proposal and identifying past problems they have had with snowmobilers unlawfully crossing their property, as well as their concerns with liability.

Shane Mahieu, member of the New York State Snowmobile Association Board of Directors, responded to the previous comment regarding liability issues. He stated that under Law Section 9-103, the Recreational Use Statute, it specifically narrowed land owner exposure and the New York State Snowmobile Association did not rest on the merits of that

Law alone, they had additional insurance policies covering land owners for liability. Mr. Mahieu offered the Associations' assistance to any interested stakeholders to ensure the proper and safe use of the trail that was in question today and expressed his full support of the proposal.

Hank Dashnaw, Treasurer of the Barnstormers Snowmobile Club, expounded that the connection of the Warren and Washington Counties trail systems has had a great impact on Washington County's businesses, so much so that the Barnstormers were able to purchase a Class A Groomer this year. He expressed his full support of the proposed Local Law.

A number of people in the audience continued to express their support of proposed Local Law No. 11 of 2011.

Chairman Stec requested Mr. Tennyson to address the possibility of damage and/or maintenance issues to the trail. Mr. Tennyson acknowledged damage and maintenance were valid concerns. He apprised that he had researched a system called Slurry Seal for the Bikeway, which was essentially a portland, cement base, thin layer that would go on top of the existing asphalt, creating a harder shell and smoother surface. He noted that the Slurry Seal would be tested on the existing segment of the trail in the spring to determine if it would treat the surface. He predicted that the Slurry Seal treatment would need to be applied every three to five years.

Vicky Eastwood, resident of Lake George, stated that she understood the reasoning behind the support of utilizing the Bikeway for snowmobile use; however, she said she was not supportive of the proposal. She advised that the bike trail crossed her driveway and she had many concerns with the idea of snowmobiles coming across her driveway. She questioned what kind of signage would be placed near her driveway and who would be responsible for such. Ms. Eastwood also noted that she plowed her driveway in the winter and she was concerned with the trail being groomed over her driveway.

Mr. Tennyson asserted that in coordination with the local Snowmobile Clubs, signage was placed in any areas where there was a crossing on County property. He remarked that if the Local Law was adopted, the County would enter into an agreement with the South Warren Snowmobile Club and they would suggest what signs were necessary, followed by his staff reviewing the suggestions and then the proper signage would be erected. Mr. Tennyson added that because Ms. Eastwood plowed her driveway, that would slow the snowmobilers down when crossing, as well.

Joan Jenkin, member of the Warren County Safe & Quality Bicycling Organization, informed that she was an avid biker and the Bikeway was the only safe and quality place she could ride her bike. She opined that summer tourism was the most important tourism time of the year. Ms. Jenkin noted that there were many more bicyclists coming to the area and



hosting tours and races in the County. The Bikeway condition, she continued, was very important for attracting more tourism to the County. She further noted her concern with the cost for maintenance and repair to the Bikeway. She urged the Supervisors to research alternative routes for snowmobile use rather than adopting this Local Law.

Brian Reichenbach, Attorney representing Jack Gillette Enterprises Incorporated, owner of Magic Forest. Mr. Reichenbach read a statement prepared by Mr. Gillette into the record. In the statement, Mr. Gillette outlined the history of the development of the bike trail and the impact it had on his property. Mr. Gillette's opposition and disappointment was firmly expressed in his prepared statement.

Mike Fazio, President of the South Warren Snowmobile Club, thanked everyone that came to the meeting today to show their support of the proposed Local Law. He provided rebuttals to the comments that were made in opposition to the proposal. He pointed out that the County expended approximately \$100,000 every year for the maintenance of the Bikeway for bicyclists, plus the staff to provide such maintenance; however, he noted, those that voiced their opposition to this never acknowledged such expenditures. He further confirmed that the Club would provide any necessary maintenance following the winter season at no cost to the County. He discussed the enforcement of snowmobile use on the Bikeway and the plans that were in place to handle such. Mr. Fazio congratulated the Board of Supervisors, past and present, for making the County a premier destination for snowmobilers in the entire northeast snowmobile corridor.

Fred Austin, of the Fort William Henry, provided the development history of both the Bikeway and the snowmobile trail system. He expressed his opinion that the County was not honoring the original local law which stated that no motorized vehicles would be permitted to travel on the Bikeway.

Mr. McDevitt expressed his opposition to the proposed Local Law and agreed with Mr. Austins' statements, in that the County was going against its' word with regard to the trail if this law were to be adopted. He questioned if the County had a responsibility to put the property owners along the Bikeway legally on notice that a major change was going to occur. Chairman Stec replied that the County was not responsible for notifying every property owner along the Bikeway.

There being no one further wishing to speak on proposed Local Law No. 11 of 2011, Chairman Stec declared the Public Hearing closed at 1:20 p.m.

Chairman Stec called for reading of communications.

Clerk read communications, including the following:

Several letters in support of the proposed extension of a portion of the Bikeway to be used by snowmobiles. Copies of all letters have been provided to the board of Supervisors and will be a part of the record of today's meeting.

Communications, resolutions and reports ordered placed on file.

Chairman Stec called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, announced a motion was needed to bring Resolution Nos. 606 through 608 to the floor. Motion was made by Mr. Goodspeed, seconded by Mr. Bentley and carried unanimously to bring Resolution Nos. 606 through 608 to the floor.

Chairman Stec apprised that a SEQRA (State Environmental Quality Review Act) review was necessary prior to voting on Resolution No. 607, which would enact Local Law No. 11 of 2011, and he requested Martin Auffredou, County Attorney, commence the review.

Mr. Auffredou referenced the Short Environmental Assessment Form before the board members and noted the consideration for this action was an unlisted action under SEQRA. Part II, he continued, was the impact assessment and he reviewed the questions with the board members. Following the review and the Supervisors recommendations, Mr. Auffredou announced the answers to A through E should all be no; thereby providing a negative declaration to be attached to Resolution No. 607.

Chairman Stec called for a vote on the resolutions.

Resolution Nos. 606 through 608 were approved.

There being no further business, on motion by Mr. Bentley and seconded by Mr. Belden, Chairman Stec adjourned the meeting at 1:30 p.m.