

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JUNE 15, 2012**

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 10:10 a.m.

Mr. Daniel G. Stec presiding.

Chairman Stec apologized for his tardiness, explaining that earlier in the morning he and several other Supervisors had attended a ground breaking ceremony for the Local 773 Pipefitters Training Complex being constructed in the Tech Meadows Business Park located in the City of Glens Falls. He added that this was an important event for the community as it represented a good opportunity for the region from a job perspective, as well as for the benefits it presented for the local economy.

Salute to the flag was led by Supervisor Kenny.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Loeb, Kenny, Frasier, Bentley, Vanselow, Merlino, Stec, Mason, Strainer, Westcott, Sokol, Thomas, Wood and Geraghty - 19.

Absent: Supervisor Dickinson - 1.

Motion was made by Mr. Taylor, seconded by Mrs. Wood and carried unanimously, to approve the minutes of the May 18, 2012 Board Meeting, subject to correction by the Clerk of the Board.

Before proceeding with the agenda review, Chairman Stec called for a moment of silence to mark the recent passing of an important community member to both Warren County and the City of Glens Falls, Joseph Vogel, who he said had passed on far too early at only 62 years of age. He noted Mr. Vogel's dedication to his community and to his spouse, the County's beloved Clerk, Pam Vogel, and said that Mr. Vogel would be greatly missed.

Commencing with the agenda review, Chairman Stec extended privilege of the floor to Dan Durkee, Health Educator, for the presentation of certificates to the winners of the 2012 Tar Wars Tobacco Free Education Program and Poster Contest for students in grades 4 and 5 in the participating schools in Warren County. Mr. Durkee made a power point presentation which displayed the winning posters and outlined the program objectives; *a copy of the power point presentation is on file with the minutes.* Chairman Stec presented each winner with a certificate commending their efforts, following which a round of applause was given.

Privilege of the floor was extended to Kathie Duncan, Chairwoman of the Board for the Glens Falls Hospital Foundation, who was in attendance to speak about the 2012 fund-raising campaign for the Charles R. Wood Cancer Center. Ms. Duncan announced that she and Claudia Higgins, the Foundation's Annual Fund Manager, wished to apprise the Board of the annual fund-raising project chosen by the Glens Falls Hospital. She noted the Glens Falls Hospital was a not-for-profit organization and, as such, there were no profits available to invest in technology or the important equipment needed to keep residents healthy. Therefore, Ms. Duncan stated, the Hospital Foundation undertook an annual fund-raising effort for a certain designated cause or equipment purchase. For 2012, she said, they had selected the purchase of a new linear accelerator for cancer treatment which was a highly sophisticated piece of equipment that would target cancerous tumors and shrink them without damaging healthy tissue. Ms. Duncan continued that the new equipment would significantly reduce the duration of radiation therapy; she noted

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that some current forms of radiation therapy required five to seven weeks of daily treatment and the new linear accelerator equipment would speed this process to three days, in some cases. She equated this as a change from hours of treatment, to minutes of treatment, preserving healthy tissue which up until now had been inadvertently destroyed. Ms. Duncan stated that the linear accelerator equipment cost approximately \$4 million and the Foundation had assumed a goal of raising \$2 million to make the purchase. She advised there were about 1,000 new cases of cancer diagnosed in the region every year, which was an amazing statistic for a relatively small community, 60% of which required some sort of radiation therapy. Ms. Duncan continued that the equipment targeted for purchase represented an opportunity to improve the quality of life for area residents with cancer diagnoses by allowing them to stay close to home and receive the best cancer care possible. She stated that once purchased, there would not be more state of the art technology available within 100 miles of Glens Falls Hospital. Speaking as a cancer survivor herself, Ms. Duncan said this was a very easy cause to endorse as the availability of top technology would change lives in the community. Ms. Duncan then introduced Ms. Higgins to speak on the "Communities Against Cancer" campaign the Foundation was embarking upon in their challenge to raise \$2 million.

Ms. Higgins said the Foundation had quite a challenge ahead of them and noted that the Charles R. Wood Foundation had recently awarded them a \$150,000 matching grant which would be provided when funds of this amount were raised through new gifts to the campaign. She said the "Communities Against Cancer" campaign addressed communities in the broadest sense of the term, including civic communities, neighborhoods, schools, etc. and she said they hoped the County would embrace the concept, as well, and assist with raising awareness about the campaign and its effort to increase donations to the cause. Ms. Higgins apprised of a recent "Ladies Night" event held at Garden Time, a business located in the Town of Queensbury, where a portion of the proceeds from any sales made during a certain time frame were donated to the Charles R. Wood Cancer Center; she added that during the four hour event, over \$1,000 had been raised for donation. Additionally, she noted that students from the Glens Falls Middle School had elected to donate money from a bake sale they had held to the Foundation fund-raiser. Ms. Higgins said that as a form of symbolism, the Foundation was giving anyone who supported the fund-raising effort a magnet which they could write their name and community on and then stick to one of the vans the Foundation used to travel to events; she added that a magnet was given to the donor, as well, to place on their car as a show of support. Window decals were also being distributed to show support, she advised, and a website had been established with videos and information about the campaign. Ms. Higgins encouraged everyone to visit the website and watch the compelling video posted of Dr. Alex Frank, Director of Radiation/Oncology at the Charles R. Wood Cancer Center, confirming that the linear accelerator technology would make a big difference in the lives of the patients who benefitted from it. In conclusion, Ms. Higgins thanked the Board members for the opportunity to address them and said she hoped they would share in the efforts to raise awareness and include the Foundation in their upcoming events. *Ms. Higgins distributed promotional materials relating to the Communities Against Cancer Campaign, copies of which are on file with the minutes.* Chairman Stec thanked Ms. Duncan and Ms. Higgins for their presentation and wished them well in their fund-raising efforts.

Privilege of the floor was extended to Frank Hardick who was in attendance to address the Board regarding a proposal to create a not-for-profit museum showcasing businesses and industry in the tri-county area. Mr. Hardick thanked the Board for their time and attention and noted he had been a practicing engineer in the area for over 50 years, 90% of his work being in the industrial field. He said that for the past eight months he had been working on a campaign to introduce his vision for an industrial museum by contacting local people to suggest the idea, the response to which had been positive and resulted in the formation of a ten-person committee interested in pursuing the idea, six of whom were retired engineers. Mr. Hardick stated that the committee was contacting various

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companies and businesses throughout the County for information requested on a survey document that would be reviewed and processed over the next year; he added that a preliminary list of current companies in Warren County had been established, a copy of which was provided to Chairman Stec with a request that it be distributed to each member of the Board of Supervisors for their review to determine whether any businesses had been missed. *A copy of this list is also on file with the minutes.* Mr. Hardick stated the survey of Warren County businesses would begin during the following week and he noted the Washington County portion of the survey was 35% complete and the Saratoga County portion would begin in September. He said it would take about a year to accumulate data on all existing industries, following which a report would be provided to the Board of Supervisors, at no charge. Mr. Hardick announced that the museum would showcase American made products in the tri-county area. Mr. Loeb commended Mr. Hardick on his efforts and said that he and many others thought this was a fantastic idea for the area.

Chairman Stec pointed out Mr. Dickinson's absence and he noted that Mr. Dickinson had contacted him prior to the meeting to express regret at his inability to attend, especially in light of the proposed resolution to support the redistribution of ownership in the Gaslight Village property to allow equal shares to the County, Town and Village of Lake George, which Mr. Dickinson strongly supported. He noted members of the Lake George Town Board were present to confirm their support of the initiative. Marissa Muratori, Lake George Town Board member, affirmed the Board's opinion that the Town of Lake George would be a very useful participant in the West Brook/Lake George Environmental Park Project and partial property owner. She offered her apologies for the continued deliberation on the matter and advised the Town Board felt they could be a useful project participant and purchase a share of the property responsibly, with limited impact to Town taxpayers. Ms. Muratori then read aloud a resolution adopted by the Town of Lake George supporting the purchase of one-third ownership of the former Gaslight Village property. Chairman Stec responded that no apologies were necessary for the continued discussion relating to the proposed re-distribution of property ownership and he noted there were always projects that seemed to take a lot of time and effort, such as this one, which were worth the effort in the end. Speaking for himself, Chairman Stec stated he felt it was appropriate for the Town of Lake George to re-join the project and he was not opposed to the equal ownership proposal for the County, Town and Village of Lake George, and he noted that Robert Blais, Mayor of the Village of Lake George, had made similar statements on the matter. He said that the resolution presented clearly stated the unanimous position of the members of the Lake George Town Board and he thanked Ms. Muratori for being present to make these affirmations in Mr. Dickinson's absence.

Chairman Stec advised the next item pertained to his reports. Returning to the topic of development at the Tech Meadows Business Park in Glens Falls, he said the construction of the Local 773 Pipefitters Training Complex was an opportunity for the entire County, and specifically the City of Glens Falls and Town of Queensbury where the facility was located, to benefit from the future jobs perspective. He noted that the Global Foundries facility, located nearby in Malta, NY, had employed 1,700 people to date, 1,200 of which were pipefitters; he added that the Training Complex to be constructed would include the only clean room facility located north of Saratoga Springs in the State of NY, which would prove to be a benefit to the area. Additionally, Chairman Stec advised the facility would act as an "anchor" tenant for the Business Park, hopefully attracting the desired manufacturing/technical/industrial types of facilities for development of the remaining six lots available for construction.

Continuing, Chairman Stec recognized and commended Mike Swan, County Treasurer, for his work in

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identifying a potentially significant issue to the County from both a financial and fairness standpoint, after only six months of serving as County Treasurer. He explained that Mr. Swan and his staff had identified as many as 39 properties that they did not believe were submitting occupancy tax payments as required by law and they were currently working to identify which were either no longer in operation or paying by an alternate means as opposed to those facilities in non-compliance. Chairman Stec stated that this statistic was a testament to the other hundreds of facilities appropriately making occupancy tax submissions who were complying with the law, regardless of whether or not they were agreeable to the process. He added that he felt the occupancy tax program provided a successful investment source in the communities of Warren County and that the Occupancy Tax Committee had done a great job of judiciously managing and distributing the funds as was foreseen when the program was initiated. Chairman Stec stated that because there was a law in place governing the collection of occupancy tax, the County was obligated to ensure compliance and he encouraged Mr. Swan to proceed with the necessary actions.

Chairman Stec noted the first meeting of the Budget Committee to begin discussing the 2013 Budget had been held on the prior day and he thanked Mr. Geraghty, Budget Officer; Paul Dusek, County Administrator; and JoAnn McKinstry, Assistant to the County Administrator, for their hard work and diligence in preparing the significant, and very transparent, documentation presented at the meeting which, he said, represented a true picture of the budget situation. He repeated a comment made by Mr. Kenny during the meeting that in his many years of serving the Board of Supervisors, this was one of the most realistic and informational budget presentation provided this early in the year. Chairman Stec stated it did not appear there would be much funding available for discretionary spending in the 2013 Budget as most was attributed to programs and mandated expenses. He added that mandated expenses were of particular concern to County officials and he commended the newly formed Mandate Relief Committee for their current and future work on that topic. Chairman Stec advised that the County would face a restrictive budget year once again in 2013 and they would be forced to make many difficult and likely unpopular decisions to maintain it; he added that undertaking an open and transparent budgetary process would allow each of the Supervisors the opportunity to listen to the wishes of their respective constituents in order to represent them as best as they were able. He stated that the Board was very capable of making the tough decisions necessary in order to develop a successful budget, although he anticipated it would be a difficult process.

Continuing with the agenda review, Chairman Stec called for reports by Committee Chairman on the past month's activities or meetings and the following gave verbal reports: Supervisor Kenny, Occupancy Tax Coordination; Supervisor Merlino, Tourism; Supervisor Strainer, Human Services; Supervisor Sokol, Health Services; Supervisor Thomas, Finance; Supervisor Wood, Public Safety; Supervisor Geraghty, Budget; Supervisor Conover, Personnel; Supervisor Girard, County Facilities and Extension Service; Supervisor McDevitt, Mental Health; Supervisor Taylor, Economic Growth & Development; and Supervisor Loeb, Social Services.

Referring to the Occupancy Tax Coordination Committee meeting held on June 5th, Mr. Kenny advised of Mr. Swan's reporting of a 4% increase in occupancy tax collections and notations that approximately 30 properties had been identified which were not making occupancy tax submissions as they thought should be. He noted that as reflected by proposed Resolution No. 342, the Committee had voted in favor of re-distributing \$4,500 in occupancy tax funding returned by virtue of a cancelled event with \$2,500 being awarded to the Warren County Safe & Quality Bicycling Organization, Inc. and \$1,000 each to the Sunkiss Balloon Festival and the Adirondack Chapter of the Antique & Classic Boat Society Inc., respectively. Mr. Kenny further noted proposed Resolution

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No. 375 which sought to award \$43,000 in occupancy tax reserve funding to the City of Glens Falls to partner in the purchase of a new basketball floor for the Glens Falls Civic Center to replace the current floor, which was 40 years old.

Mr. Merlino advised that the Tourism Committee had met and approved proposed Resolution No. 343, Amending Resolution No. 694 of 2011; Authorizing Attendance at 2012 In-State and Out-of-State Consumer Shows by Tourism Department Personnel and County Supervisors; and proposed Resolution No. 344, Authorizing Agreement with Kenyon Press for the Printing of the 2012 Warren County Fall Brochure for the Tourism Department. He said the Tourism Department staffed a booth in Lake George during the recent Americade event, distributing many brochures and providing information; he added that the Tourism Department would also be representing and promoting the County during the upcoming Centurion Cycling event.

Respective to the Human Services Committee meeting held on May 25th, Mr. Strainer advised the Committee review had pertained primarily to routine Departmental matters. He pointed out that proposed Resolution No. 407, Amending Resolution No. 287 of 2012; Authorizing Agreement with Washington-Saratoga-Warren-Hamilton-Essex Board of Cooperative Educational Services (BOCES) for Summer Youth Employment & Training Program, had been authorized by a post-Committee meeting request to correctly reflect the amount associated with the agreement.

Mr. Sokol advised the Health Services Committee had met on May 25th at the Westmount Health Facility where a buffet-style breakfast and facility tours were provided. He noted that one Public Health item discussed had related to the Certificate of Need for Certified Home Health Agencies, and although there was currently no new information to provide, he would keep the Board apprised of any updates on the matter. As for business related to the Westmount Health Facility, Mr. Sokol referenced proposed Resolution No. 352, Awarding Proposal and Authorizing Agreement with the Clements Firm to Provide Debt Collection and Legal Services in Connection with County Owned Residential Facilities (WC 022-12), which would be used to collect outstanding debts on the County's behalf at a cost of 28% of the amounts collected. With reference to the sprinkler project being implemented at Westmount, which was required to be completed by August of 2013, Mr. Sokol apprised that project was ahead of schedule and should be completed by the end of July 2012, far ahead of the specified deadline.

Concerning the June 6th meeting of the Finance Committee, Mr. Thomas outlined the proposed resolutions approved which consisted of Nos. 340, 341, 375 - 385 and 405, and he noted that the Committee had briefly discussed the possibility of logging the County-owned property located across the street from the Municipal Center Campus.

Mr. Loeb questioned proposed Resolution No. 384, noting that it indicated \$231,000 in funding would be provided through the issuance of serial bonds and it appeared that repayment of the bonds would be made using County tax dollars. Mr. Thomas responded that the resolution had originated with the Gaslight Village Ad Hoc Committee who had approved it based on provisions that any bond monies encumbered would be repaid using funds donated or contributed by outside sources, specifically those received from The Wood Foundation, and that no County dollars would be used; however, he added, this verbiage was not included in the resolution. Martin

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Auffredou, County Attorney, interjected it was his understanding that the resolution accounted for all monies necessary to fund the project aspects identified in proposed Resolution No. 383, Bond Resolution Dated June 15, 2012. He continued it was their hope that donations promised by The Wood Foundation would be sufficient to advance the Lake George Environmental Park project and that the serial bond funding would not be necessary. Mr. Auffredou noted that the \$750,000 donation committed by The Wood Foundation was payable at a rate of only \$150,000 per year over a five-year term and the resolution would provide the proper permissions to attain serial bond funding for cash flow purposes, if necessary, with the serial bonds to be repaid using grants and donated funds as they were received. He concluded that the minutes from both the prior Gaslight Village Ad Hoc Committee meeting, as well as those from the current meeting, would support the assessment that if serial bond monies were accessed, it was expected that they would be repaid using grants and donations and that no County dollars would be encumbered for this expense. Mr. Monroe confirmed that this was also his understanding and he assumed the only expected out-of-pocket cost would be those associated with the bonding transaction costs, which he believed could be paid using funds received from the sale of property to the Town of Lake George, if they decided to proceed in that direction. Mr. Loeb responded that although he understood the intention of the Gaslight Village Ad Hoc Committee, the resolution did not adequately protect the taxpayers of Warren County from being responsible for the repayment of the serial bonds if other donations and contributions were unavailable. He continued that while he was supportive of the Park and felt it would be a great addition to the region, he also felt it was an extravagance the County could not currently afford. Mr. Monroe countered that a contract was being written to ensure receipt of the \$750,000 committed by The Wood Foundation and ensuring payment at a rate of \$150,000 per year for five years, unless The Wood Foundation chose to make payments sooner. He stated that proposed Resolution No. 384 authorized a serial bond to be attained, if needed, but did not necessarily commit the County to anything. In order to appease Mr. Loeb's concerns, Mr. Monroe suggested that the resolution be amended to indicate that the encumbrance of serial bond funds would be contingent upon execution of the contract with The Wood Foundation.

Motion was made by Mr. Monroe, seconded by Mr. Loeb and carried unanimously to amend proposed Resolution No. 384 to indicate that encumbrance of serial bond funds would be contingent upon execution of the contract with The Wood Foundation.

Mr. Mason questioned whether proposed Resolution No. 383 allowed sufficient permissions for the full \$612,000 in serial bond funding indicated to be attained and used for purposes other than to support the establishment of the Lake George Environmental Park and Mr. Auffredou responded that they were required to reveal the intended use of the funding in the bond resolution. He continued that if they desired to use the funding to support another facet of the Park, they would need to address the matter once again to receive proper approvals by resolution. Additionally, Mr. Auffredou advised, using the funding in a manner other than identified in the approved resolution would be a violation of the Local Finance Law.

Mr. Geraghty stated his agreement with Mr. Loeb's concerns and confirmed that the matter had been discussed extensively at the Gaslight Village Ad Hoc Committee meeting, prompted by the concerns of Supervisors present who were not members of the Committee, to ensure any serial bond repayments would not be made using County dollars. Mr. Geraghty also confirmed that the Committee had indicated the County Treasurer was only authorized to begin the serial bond process if absolutely necessary. He said his concern was with the indication that the funds would be repaid using unknown grants and contributions which had not yet been committed. Mr. Monroe

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advised that reimbursing State grant funding was being received to support the project, but was not always received as quickly as expenses were incurred, possibly leading to the need for a stable cash flow source. He said that while the annual donation payments from The Wood Foundation might prove sufficient to serve this purpose, an alternate cash flow source was desired to ensure the continuation of Project construction.

Referring to proposed Resolution No. 400, Supporting Re-Appropriation of Ownership Shares of the Former Gaslight Village property among the County of Warren, Village of Lake George and Town of Lake George, Mr. Bentley suggested an amendment to the resolution indicating that after five years, the County would offer the sale of their 33% property share to the Town of Lake George. Upon Chairman Stec's request for counsel as to the validity of this request, Mr. Auffredou advised that it was not possible to bind the actions of a future Board; however, he said, the resolution could be amended to indicate the Board would consider sale of the County's ownership shares to one or more municipalities after five years. Mr. Auffredou cautioned that the value of the County's ownership in the property, as well as any future interest in purchase by other parties, was unknown.

Motion was made by Mr. Bentley and seconded by Mr. Taylor to amend proposed Resolution No. 400 to indicate that the County would reconsider sale of its ownership shares to one or more municipalities after five years; however, the motion failed with Supervisors Conover, Monroe, Girard, McDevitt, Kenny, Frasier, Vanselow, Merlino, Strainer, Mason, Westcott, Sokol, Geraghty and Stec voting in opposition.

Returning to the issue of the amendment to proposed Resolution No. 384, Mr. Thomas stated that he did not feel the amendment sufficiently clarified the issue at hand, and instead suggested that the resolution be amended to clearly indicate that funds from The Wood Foundation would be used to repay the \$231,000 in serial bond funds, in the event they were deemed necessary.

Motion was made by Mr. Thomas, seconded by Mr. Monroe and carried unanimously to further amend Section 3(c) of proposed Resolution No. 384 to indicate that if encumbered, the serial bonds would be repaid using donations from The Wood Foundation, specifically \$150,000 in 2013 and the remaining \$81,000 in 2014.

Resuming the reports by Committee Chairmen, Mrs. Wood advised that the Public Safety Committee had met and approved five resolutions, as represented by proposed Resolution Nos. 345 - 349, to address typical Departmental business.

Mr. Geraghty announced that the Budget Committee had met recently to unveil a five-year budget plan for the County. He said some of the program changes suggested in the budget plan had been reported by the local newspaper and he did not want County citizens to be alarmed by them as all would be subject to extensive review and consideration before any decisions were made. He added the County was very fortunate to have a number of responsible and dedicated Department Heads who he was sure would step forward and work with the Budget team, as they had in prior years, to develop an acceptable budget. Mr. Geraghty advised that copies of the documentation reviewed at the meeting were distributed to each member of the Board of Supervisors and he asked that they take time to study the information before the next Budget Committee meeting in preparation for discussion.

With regards to the meeting of the Personnel Committee held on June 6th, Mr. Conover noted proposed

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Resolution Nos. 358 - 363 had been approved and he highlighted proposed Resolution No. 361, Authorizing the Self-Insurance Administrator to Fill the Vacant Position of Deputy Insurance Administrator Due to Creation, noting that it was strongly recommended by the County Administrator and had received the full support of the Personnel Committee.

Mr. Monroe refrained from providing a report, but noted that another correction was necessary to proposed Resolution No. 384 under Section 3(a) to correctly indicate the grant funding source. He noted that the current version listed the New York State Department of Transportation and it should list the New York State Department of State Environmental Protection Local Waterfront Revitalization Grant Program, consistent with proposed Resolution No. 399 which authorized application for the grant funding.

Motion was made by Mr. Monroe and seconded by Mr. Conover and carried unanimously to amend proposed Resolution No. 384 as previously noted.

Mr. Girard advised that at their May 30th meeting, the County Facilities Committee had considered parking plans for the upcoming Adirondack Balloon Festival and subsequently approved a resolution allowing a fee to be charged for preferred parking during the event to raise revenues and offset the associated costs incurred by the County; he added that they were also considering other means by which they could collect donations to further defray costs. As for the Extension Services Committee, Mr. Girard said that Cornell Cooperative Extension had prepared a program reflecting the activities and assistance offered which he hoped each of the Supervisors would review at some point to learn more about the organization and their involvement in the community, which was a great asset to the area.

Concerning the Mental Health Committee, Mr. McDevitt advised that meetings had been held to make budget presentations for the various entities included under the realm of the Committee and he said he felt the Board would be pleased with the information presented. He noted that according to information provided at a previous meeting by the Glens Falls Hospital Behavioral Health Services Organization, the number of young children being seen in the emergency room for significant psychiatric issues had increased by 300-400%, which was particularly concerning, and they were trying to determine why this was occurring and if there was a way to solve the problem. Mr. McDevitt advised that following a presentation by CWI, he was surprised to learn the number of people employed by the organization which totaled approximately 750 within the community.

Mr. Taylor advised the Economic Growth & Development Committee met on May 31st and approved several resolutions, represented by proposed Resolution Nos. 387 - 397, which he outlined briefly. He noted that during a recent meeting of the Warren/Washington Counties Industrial Development Agency (IDA) the true-up for the burn plant had been discussed and indications made that the IDA owed Wheelabrator approximately \$425,000. The good news, Mr. Taylor said, was that Warren County would receive \$71,000.

Relative to the May 30th meeting of the Social Services Committee, Mr. Loeb advised Suzanne Wheeler, Acting Commissioner of the Department of Social Services, continued to be aggressive in ensuring her staff received the proper training for their positions and he noted that both the Social Services and Countryside Adult Home staff continued to do a great job of benefitting the citizens of Warren County. He then requested a roll call vote for

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proposed resolution No. 385, Resolution in Support of Senate Bill No. S5629-B and Assembly Bill No. A6575 an Act to Amend the Tax Law in Relation to Authorizing Certain Counties, Cities and School Districts to Impose up to a Four Percent Rate of Sales and Compensating Use Taxes Pursuant to the Authorities of Article 29 of Such Law and to Preserve the Authority of Certain Counties and City to Impose Such Taxes at Rates in Excess of Four Percent; and to Repeal Certain Provisions of Such Law Relating Thereto. Mr. Loeb said he disagreed with the proposed legislation and desired further discussion on the matter when it was deemed appropriate. Finally, Mr. Loeb noted that a Democratic candidate had been announced to compete with Chairman Stec in his bid for the State Assembly seat during the upcoming November elections. He stated that the Board worked well and very productively together but its true metal of quality would be tested through the election season. Mr. Loeb added that while he wished both candidates luck in their respective campaigns, he hoped the Board would continue to work together in the best interest of the citizens of Warren County. Chairman Stec responded by thanking Mr. Loeb for his comments and stating that he had no doubts that the Board would, indeed, continue its fine work, regardless of the upcoming election.

Chairman Stec announced the next agenda item pertained to the report by the County Administrator. Mr. Dusek advised that at a point deemed appropriate, he would require an executive session to discuss Union negotiation matters. He said he would defer to the County Attorney to expound upon a legislative matter brought to their attention on the prior day. Mr. Auffredou advised of proposed legislation coming before the State Assembly and Senate which could possibly be considered before the close of the current Legislative Session. He explained the proposed legislation pertained to Section 50(e) of the General Municipal Law which provided for the notification received as a precursor to a claim or litigation being filed against a County involving either personal injury or property damages. Mr. Auffredou apprised that the Law in its current state required that Notices of Claim be filed within 90 days of the event giving rise to the damages and served upon the responsible party at the County who was authorized by law to accept service on behalf of the County for actions pending, or to be pending, in Supreme Court; he added that the responsible parties were currently the Chairman of the Board, the Clerk of the Board, the County Treasurer and himself. He continued that the proposed legislation would change Section 50(e) of the General Municipal Law to state that the Notice could be served to the Secretary of State who was then supposed to promptly forward it to the responsible party at the County level. Mr. Auffredou said the concern raised by himself and Mr. Dusek, as well as members of the County Attorney's Association, was that this would provide a delay for Counties to be notified of claims filed and investigate them, which was the whole purpose behind the prior notification provision. He apprised of a telephone conference scheduled for the following Monday with members of the County Attorney's Association which he intended to participate in to further discuss this matter. Mr. Auffredou noted there was also an amendment to the legislation proposed which, in his opinion, could prove potentially devastating to Counties, in that as the Law stood currently, if there was a defect in the content of the Notice of Claim, one could make an application to the Supreme Court and if it was determined to be a good faith excuse, the Supreme Court was authorized to excuse the neglect; however, he added, the good faith could not extend to the timing or the manner in which the Notice was filed. He expounded the proposed change to the legislation would state that one could offer a good faith excuse to the Court for who was served and when; the concern being this would essentially eviscerate the defense any County would have to raise that a Notice of Claim was not served properly or in a timely manner. Mr. Auffredou stated that this was an important mechanism for the County to have and the changes indicated were of particular concern; therefore, he said, he was requesting approval of a resolution authorizing the Chairman of the Board, with his recommendation, to send a letter to the State expressing opposition, and/or

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concern, to the proposed legislation.

Motion was made by Mr. Bentley, seconded by Mr. Monroe and carried unanimously to waive the rules of the Board requiring a resolution be in writing; Joan Sady, Clerk of the Board, noted this would be Resolution No. 408.

Motion was made by Mr. Bentley, seconded by Mr. Mason and carried unanimously to authorize the Chairman of the Board to submit a letter to State officials, with advisement from the County Attorney, expressing concern and opposition to amendments to the General Municipal Law; Mrs. Sady noted this would be Resolution No. 409.

Chairman Stec noted that proposed Resolution No. 405 included SEQRA (State Environmental Quality Review Act) documentation for the Lake George Environmental Park Project and he asked Mr. Auffredou to proceed with an overview of the information included therein. Mr. Auffredou advised the Short Environmental Assessment Form (SEAF) attached to proposed Resolution No. 405 indicated no significant environmental impact would result from the Lake George Environmental Park and he said that if adopted, the resolution would authorize the Chairman of the Board to sign said document and issue a Negative Declaration for the project. He pointed out that copies of the SEAF, as well as the tentative Negative Declaration document, were attached to proposed Resolution No. 383. The Board members had no questions for Mr. Auffredou in regards to the information included on either the SEAF or Negative Declaration documentation.

Chairman Stec called for the reading of communications and Mrs. Sady read them aloud as follows:

Minutes from:

1. Warren/Washington Counties IDA

Monthly Report from:

1. Weights & Measures

NYS Dept. Of Civil Service, First Quarter Empire Plan Experience Report for 2012;

Capital District Regional Off-Track Betting Corporation, January and February 2012 Financial Reports and April surcharge in the amount of \$6569;

Town of Lake George, Res. No. 106 of 2012 authorizing the Board to enter into discussions and proceed with investigation into purchase of 1/3 interest in the West Brook Project.

Communications, resolutions and reports ordered placed on file.

Continuing with the agenda review, Chairman Stec called for a reading of resolutions and discussion.

With respect to proposed Resolution No. 377, Authorizing County Treasurer to Close Certain Road

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Construction Projects, Mr. Merlino noted that one of the road projects to be closed and the remaining funding transferred to the Corinth Road Reconstruction Project was located in the Town of Lake Luzerne. He said he was opposed to this action as there were other roads within the Town that could be repaired using these funds and he felt that when monies were attributed to projects within a town, any unused funding should remain to assist with other road projects. Mr. Merlino stated that although he understood the funds were being transferred to assist with expenses on a larger construction project, they could have been used to address a stretch of highway that he had received numerous resident complaints about. As with the amount of occupancy and sales tax revenues received, he said this was another instance where the smaller towns seemed to be "short-changed".

Mr. Strainer stated his opposition to proposed Resolution No. 374, Authorizing the Superintendent of the Department of Public Works to Charge a Preferred Parking Fee During the Adirondack Balloon Festival at the Floyd Bennett Memorial Airport, expounding that a considerable amount of taxpayer dollars were expended to maintain the Airport facility and the Adirondack Balloon Festival represented the only opportunity for all residents to use it. Therefore, he said, he was opposed to assessing parking fees during the event and he requested a roll call vote for the resolution. Mr. Loeb commented that the preferred parking fee would only be charged for a small portion of the parking in a prime location and Mr. Strainer responded that he felt this resolution would only open the door for more extensive parking fees to be charged in the future.

Concerning Resolution No. 385, which he had previously requested a roll call vote for, Mr. Loeb opined that approval of the resolution in support of Senate Bill No. S5629-B and Assembly Bill No. A6575 would relay a message that Warren County intended to raise the local sales tax percentage at their first opportunity. He recalled impassioned discussions previously held by the Board regarding a proposed sales tax increase, following which they had wisely decided against, and he stated his opposition to the initiative being presented. Chairman Stec stated that he completely disagreed with Mr. Loeb's feeling that approval of the resolution guaranteed a sales tax increase, while conversely, Mr. Kenny agreed. Mr. Kenny added that he would vote against the proposed resolution and noted that the State had denied every request for a sales tax increase presented in 2012. Mr. Monroe apprised that of the 62 counties in New York State, all but 5 had increased the sales tax charged to an amount higher than 7%, and 3 of the remaining 5 were moving towards an increase. He commented that the increased sales tax revenues could be used to reduce property taxes which were required to be paid in a lump sum with the consequence of not paying being the risk of losing ones home. Regardless of opinions as to whether or not the sales tax should be raised, Mr. Monroe stated that the decision should be made at the County level, rather than at the State level, as would be accomplished by the proposed Senate and Assembly Bills. Mr. Taylor said he agreed with Mr. Loeb's comments, adding that they should make it as difficult as possible to raise the sales tax and noting his opinion that additional sales tax revenue would only encourage increased spending. Mr. Bentley stated that the 1,400 residents of the Town of Horicon contributed 5% of the County tax levy while in comparison, the 12,000 residents of the City of Glens Falls paid only 8% and he said an increase in sales tax would help to even this out appropriately. Mr. Thomas opined that it was not appropriate for the State to have the ability to essentially hold certain counties hostage by refusing to renew approval on increased sales tax amounts which were already being collected and included in the budgets being prepared. Mr. Strainer said he agreed with all of the points being made; his only concern was that there were no provisions in place to ensure that revenues received by virtue of an increased sales tax percentage would be dedicated solely to property tax reduction; he added that if these assurances were made, he would be in favor of the resolution. Responding to Mr. Strainer's comment, Mr. Girard advised that this would be part of the discussion

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undertaken when deciding whether or not to implement an increase. He noted that in past years they had been able to appropriately reduce the County Budget by reducing expenses, positions and programs where necessary but they were facing another difficult budget year which could be assisted by sales tax collections paid primarily by visiting tourists. Mr. Girard continued there were no more easy solutions to meet the budget constraints and a sales tax increase may become necessary, at which point they might need to vote in favor of the measure and deal with the consequences, even if it meant not being re-elected. Mr. Mason said that he too agreed with all of the opinions stated, but said he would be voting against the resolution. Mr. Taylor pointed out that when a sales tax increase was previously proposed, he had prepared an analysis which reflected that residents would be paying more through the sales tax increase than they would for the property tax increase proposed at that time. Mr. Monroe clarified that the issue at hand was not whether a sales tax increase was appropriate, but whether or not the decision should be made by the individual County or the State and he asked the Board members to keep this point in mind when voting on the resolution. Chairman Stec stated that although he was vehemently opposed to raising taxes and would vote against that measure, he felt the final decision should be made at the County level, rather than by the State. He concluded that the manner in which any Board member voted for Resolution No. 385 was not indicative of their feelings regarding a sales tax increase.

Mr. Thomas requested a roll call vote for Resolution No. 400, Supporting Re-Appropriation of Ownership Shares of the Former Gaslight Village Property Among the County of Warren, Village of Lake George and Town of Lake George.

Mrs. Sady advised that Resolution Nos. 341 through 403 were mailed. She informed that Resolution No. 398 was mailed and a corrected version was included in each Board member's resolution folder; Mrs. Sady noted that a motion was necessary to approve Resolution No. 398, as amended.

Motion was made by Mr. Geraghty, seconded by Mr. Sokol and carried unanimously to approve Resolution No. 398, as amended.

Mrs. Sady pointed out the resolutions relating to the filling of vacant positions were Nos. 359 - 363, and unless a roll call vote was requested, all would be approved in the collective vote. She then announced that a motion was necessary to bring Resolution Nos. 340 and 404 - 407 to the floor.

Motion was made by Mr. Bentley, seconded by Mr. Loeb and carried unanimously to bring Resolution Nos. 340 and 404 - 407 to the floor.

Chairman Stec called for a vote on resolutions, following which, Resolution Nos. 340 - 407 were approved as presented, with the exception of Resolution No. 384, which was approved in the amended form noted earlier in the meeting, and Resolution No. 385, which failed.

Chairman Stec called for announcements; however, none were made.

Concluding the agenda review, Chairman Stec reminded the Board members of Mr. Dusek's prior request for an executive session to discuss collective bargaining negotiations.

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Motion was made by Mr. Loeb, seconded by Mrs. Fraiser and carried unanimously to enter into executive session to discuss collective bargaining negotiations pursuant to Section 105(e) of the Public Officer's Law.

Executive session was held from 12:18 p.m. to 12:54 p.m.

Upon reconvening, Chairman Stec announced that no action had been taken during the executive session.

There being no further business to discuss, on motion made by Mr. Loeb and seconded by Mr. Kenny, Chairman Stec adjourned the meeting at 12:55 p.m.