

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, SEPTEMBER 21, 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 10:00 a.m.

Mr. Daniel G. Stec presiding.

Salute to the flag was led by Supervisor Vanselow.

Roll called, the following members present:

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

Absent: Supervisor Merlino - 1.

Motion was made by Mr. Strainer, seconded by Mr. Monroe and carried unanimously to approve the minutes of the August 17, 2012 Board Meeting, subject to correction by the Clerk of the Board.

A moment of silence was observed in honor of Mr. Thomas Lawson who had passed away on September 13, 2012; Chairman Stec noted that Mr. Lawson had served as the County Attorney for 25 years, beginning in 1970.

Privilege of the floor was extended to John Strough, Member of the Warren County Historical Society/Queensbury Town Councilman, who spoke on the Rural Heritage Festival and Youth Fair which was held during the month of August at the Warren County Fairgrounds property. He advised the inaugural year of the event had been a success, drawing more than 600 attendees. Mr. Strough credited Martha Strodel, member of the Warren County Historical Society, as being the mastermind behind the planning of the Rural Heritage Festival and said the success of the event was due in large part to her efforts. He noted that they planned to repeat the event in August of 2013, in connection with the Warren County Bicentennial celebration. In closing, Mr. Strough commented that the site of the event, the Warren County Fairgrounds property, was a true gem that many did not know existed; he added, that if the property were marketed properly, the site would likely be used for many more events.

Mr. Merlino entered the meeting at 10:04 a.m.

Delbert Chambers, also of the Warren County Historical Society, spoke on the croquet tournament he had initiated in coordination with the Rural Heritage Festival which challenged the members of the Board of Supervisors to compete against one another. He advised competitive events, such as the croquet tournament, were a traditional part of festivals held throughout history, and in this case, allowed the upper echelon of the communities leaders to come into contact with their voting constituents. Mr. Chambers thanked those members of the Board of Supervisors who had promptly responded to his invitation to participate in the tournament, noting that Mrs. Wood and Messrs. Geraghty, Merlino, Strainer, Thomas and Vanselow had elected to compete; he added that he hoped more Supervisors would participate in the event being planned for 2013. Mr. Chambers announced that Mr. Merlino had won the tournament and he presented him with an award commemorating his victory. A round of applause was given, following which Mr. Merlino thanked Mr. Chambers and the members of the Warren County Historical Society, commenting that the event had been very enjoyable.

Commencing with the agenda review, Chairman Stec announced that Supervisor Loeb would make a presentation to the Warren County Youth Court members and staff in recognition of National Youth Court Month.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, SEPTEMBER 21, 2012

Following Mr. Loeb's presentation, a round of applause was given to honor the hard work and dedication of the Youth Court members and staff.

Privilege of the floor was extended, once again, to Mr. Strough who made a presentation to the Board on behalf of the Town of Queensbury. Mr. Strough introduced Dr. Marilyn Van Dyke, Historian for the Town of Queensbury, and the two spoke on the history of the Town of Queensbury, which had been the first Quaker settlement in Warren County, dating back to 1762. A framed poster was presented to the Board of Supervisors which included many photographs depicting the history of the Town of Queensbury, in commemoration and celebration of the Town's 250th anniversary. Chairman Stec thanked Dr. Van Dyke and Mr. Strough for their gift, as well as for all of the time and hard work they had dedicated to the Town's anniversary celebration.

Privilege of the floor was extended to Marissa Muratori, Town of Lake George Board member, who made a brief statement relative to the Umbrella Group and their efforts to expand operations into Warren County. Ms. Muratori explained the Umbrella Group was an award winning not-for-profit organization whose primary focus was to assist the elderly and disabled population in an effort to help them maintain their independence and continue residing in their own homes, rather than an assisted living facility. She further explained the Umbrella Group intended to apply for AARP (American Association of Retired People) grant funding to expand their services into Warren County, but required a letter of support from the Warren County Board of Supervisors to do so. Ms. Muratori advised the services provided by the Umbrella Group were beneficial to Warren County because as the population increased, the number of elderly residents requiring assistance grew, as well.

Mr. Taylor questioned whether accepting AARP grant funding would require the Umbrella Group to become directly affiliated with the AARP and Ms. Muratori replied that she was unsure if this was the case. She added that in order to qualify for AARP grant funding, specific requirements had to be met which were consistent with the practices already being employed by the Umbrella Group. Mr. Taylor stated his support for efforts to assist elderly and disabled residents in maintaining and residing in their personal dwellings. Mr. McDevitt advised that he, too, supported these efforts and noted prior action taken by the Board of Supervisors to lower property tax rates for the elderly population. Mr. Dickinson advised the Town of Lake George was in full support of the Umbrella Group's efforts and was willing to provide them with the necessary office space to implement their program in Warren County; he added that he hoped the rest of the Board of Supervisors would support this initiative, as well. Mr. Loeb said that he felt the concept supported by the Umbrella Group was a good one, but questioned the specifics of the measures that would be taken to support the elderly and disabled population. Ms. Muratori advised the Umbrella Group essentially incorporated a group of retired senior citizens volunteering their time to help other disabled and senior citizens unable to maintain their independence by providing assistance for a plethora of necessities ranging from transportation for appointments to assistance with household or automotive repairs. She continued that in cases where volunteer services were not available, the Umbrella Group ensured that the appropriate assistance was received for fair and reasonable fees. Ms. Muratori advised the Umbrella Group employed a sliding scale membership fee ranging between \$100 and \$300 per year for these assistance services. In conclusion, she stated that the Umbrella Group was an excellent organization that she felt would provide transformational services for the elderly and disabled populations of Warren County.

Chairman Stec advised a letter of support for the Umbrella Group had already been prepared and signed and he requested a resolution ratifying his actions in executing the aforementioned letter, as well as another waiving the Rules of the Board which required resolutions to be presented in writing.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, SEPTEMBER 21, 2012

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to waive the Rules of the Board which required resolutions be in writing. Joan Sady, Clerk of the Board, advised this would be Resolution No. 562.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to ratify the actions of the Chairman of the Board in executing a letter of support for the AARP grant application being submitted by the Umbrella Group. Mrs. Sady announced this would be Resolution No. 563.

Privilege of the floor was extended to Michael Garry, legal counsel for the Roaring Brook Ranch Resort located in the Town of Lake George, who discussed at length the prospective construction of a casino resort within Warren County. During his dissertation, Mr. Garry apprised of a legal agreement with the St. Regis Mohawk Tribe which prevented construction of a casino by any other entity in a specified area of upstate New York comprised of eight Counties, one of which was Warren County, and the possible manner in which this impediment could be overcome, advising that the St. Regis Mohawk Tribe had indicated they would consider releasing Warren County from the agreement if the State of New York agreed to reduce the percentage of gaming proceeds received from the tribe. Mr. Garry noted Governor Cuomo's intention to establish a task force or panel that would review the area and determine where the best placement for a casino resort would be and he also pointed out the possible negative impacts to tourism in Warren County if the decision was made to place a casino in an alternate area. He encouraged the members of the Board of Supervisors to discuss the issue with their constituents in an effort to increase acceptance of the prospective construction of a casino resort in light of the positive benefits it would have on the economy and the local jobs it would create, similar to those provided by other establishments constructed in adjoining parts of the State.

Mr. McDevitt questioned whether there was a means by which the County could receive a portion of the gambling revenues collected by a casino resort and Mr. Garry replied that would depend upon the enabling legislation adopted. Mr. Girard asked if a public referendum would be held to allow each County to have some say as to whether they wanted a casino constructed within their limits and Mr. Garry responded that was not the procedure Governor Cuomo preferred as he did not want to wait another year for a public referendum to be held. Instead, he continued, the Governor's task force would agree upon seven possible sites to be identified for casino construction and there would be no local referendum held. Mr. Garry clarified that until the enabling legislation was drafted and approved, they would not know for sure whether measures for local approvals would be included. In the event that the State decided to refrain from reducing the percentage of gambling revenues collected from the St. Regis Mohawk Tribe, Mr. Vanselow questioned whether it was possible to invite the Tribe to construct one of their casinos in the area. Mr. Garry responded this was a possibility as tribal agreements allowed the St. Regis Mohawk tribe to construct casinos anywhere within the range identified therein.

Mr. Monroe advised either outcome could have a considerable impact on Warren County and he suggested the issue be referred to the Legislative & Rules Committee to determine Warren County's position on the matter before any State legislation was approved.

Mr. Loeb stated his opinion that if a casino were constructed in an area outside of Warren County, although it might cause an initial downturn in tourism levels, the effects would not be lasting as people seeking to enjoy the beauty of the area would return; he added that not every Warren County resident foresaw casino construction as a positive for the area. Mr. Garry commented that a casino could be an additional tourism attraction for Warren

County and would not detract from the beauty of the area. He added that the gambling industry was actually facing a downturn right now and counted on their resort attractions to bring in the bulk of their revenues.

Resuming the agenda review, privilege of the floor was extended to Dave Wick, Executive Director of the Lake George Park Commission, who made a powerpoint presentation entitled "Strategies for Prevention of New Invasive Species to Lake George", a copy of which is on file with the minutes. Mr. Wick's presentation included information on the types of invasive species found in Lake George and the areas currently being treated, as well as how the invasive species were being introduced and suggestions for an invasive species prevention plan.

Following the presentation, Mr. Conover questioned whether the State of New York intended to take any action on this issue and Mr. Wick replied he had recently met with NYSDEC (New York State Department of Environmental Conservation) representatives to discuss whether the Lake George Park Commission had the authority to close or restrict use of the three public boat launches on Lake George, two of which were the largest launches on the Lake, in order to stop the introduction of invasive species to Lake George. Mr. Wick replied that it appeared the Park Commission did have the authority, but would have to work with NYSDEC to attain proper permissions from Governor Cuomo to do so. He advised that during the following week he would be hosting a boat tour of Lake George for the NYSDEC Assistant Secretary for the Environment, along with the Chairwoman and the Executive Director of the APA (Adirondack Park Agency), to discuss these issues; he added that the primary concern of all involved parties were the same as those previously cited by the Board of Supervisors, specifically fees, taxes and whether the eradication efforts would affect shoreline and other area businesses. Mr. Wick advised that the Lake George Park Commission shared these concerns and pointed out that the long term effects to shoreline businesses could be catastrophic if the invasive species infestation continued to a level such as the one occurring in Lake Tahoe, NV which was facing a serious Asian Clam infestation problem. He stated that measures were being taken to keep NYSDEC and other State officials well apprised of the infestation issues in Lake George in hopes of obtaining annual funding for eradication efforts and he said they were planning a trip to Washington, DC to raise Federal awareness of the issue, as well. Mr. Wick cited one difference between the Lake Tahoe and Lake George infestation eradication programs as being the amount of Federal funding support received and he advised the Lake Tahoe effort received 50% Federal funding support, while the Lake George eradication efforts currently received none. He explained part of the proposed invasive species prevention plan would include mandatory boat inspections and decontaminations. Mr. Wick continued that local boaters who only launched their vessels in Lake George would not be greatly affected by this program as their boat would be tagged to their trailer upon removing it and no further action would be necessary as long as the boat was only used in Lake George; however, he added, transient boaters would be subject to the mandatory boat inspections and decontaminations to ensure no new invasive species were being introduced to Lake George. Mr. Wick advised that because it was impossible to place the entire cost of the inspection and decontamination program costs on the transient boater population, additional funding from an outside source was necessary and Governor Cuomo's input was being sought to determine how this could be obtained.

Mr. Dickinson asked what could be done to restrict use of private boat launches owned by businesses, homeowners and other organizations to require boat inspections and decontaminations. Mr. Wick replied that any docking point with more than two boat slips on Lake George was considered to be a marina and all marinas were regulated by the Lake George Park Commission through a permitting process which allowed the Park Commission to require these marinas to abide by specified regulations. He said the permit regulations could be updated to indicate that marinas were not permitted to launch any boats not tagged as being only used in Lake George, with the consequence for violation being the possible loss of the operating permit issued by the Lake George Park

Commission. Mr. Wick advised the Lake George Park Commission was currently discussing how to address the private/homeowner launches and he noted that although the Park Commission was not able to regulate all of them, they could require compliance checks for people launching in these areas. He stated that the process would be based on risk assessment and they would strive to provide the best possible regulatory program within the constraints of the funding available; Mr. Wick concluded they would be able to regulate about 98% of the launches on Lake George and implement compliance regulations for the remaining 2%. Mr. Dickinson stated that if it were up to him, he would immediately close Lake George to boat traffic to address the invasive species problem and begin re-opening it using the review and decontamination program suggested by Mr. Wick. He said that if action was not taken, the invasive species problem could easily get out of control and spread to an untreatable level.

Mr. Girard asked how restrictive the invasive species programs at Lake Tahoe had become and whether transient boats were still allowed to launch in that body of water. Mr. Wick responded that very specific preventive programming had been instituted for Lake Tahoe which essentially required every vessel to be inspected and decontaminated before launching and he noted that the body of water had less launch sites than Lake George, and all of them were controlled by the governing officials, which was not the case in Lake George. Mr. Wick reiterated that the Lake George Park Commission provided regulation oversight for about 98% of the launches on Lake George, with the remaining 2% being primarily private homeowner launches for vessels that were not used in any body of water other than Lake George. He said the program being put together was as cost effective as possible and offered a very strong control component without making the process so onerous that it turned boaters away from Lake George. Mr. Wick advised letters of support for the proposed inspection and decontamination process had been received from several local organizations citing that the inconvenience and delay caused by the inspections were outweighed by the potential for further invasive species damages to Lake George; he added that many of the organizations they had anticipated would be unhappy with the new inspection process had actually turned out to be some of their biggest supporters.

Mr. Loeb thanked Mr. Wick for the presentation and said he was in full support of Mr. Dickinson's suggestion that Lake George be closed to boat traffic until appropriate programs could be implemented. He cited personal experiences in his youthful years when he lived in Sullivan County, located in the Catskill region of New York, which had been a thriving tourist area, but was not any longer. Mr. Loeb stated that Lake George stood to suffer the same consequences and loss of tourism and related revenues if they did not address the invasive species problem with all necessary expediency to save Lake George. He said he felt mandatory inspections and decontaminations for all vessels were necessary, as well as appropriate programming to completely eradicate the invasive species as quickly as possible and he encouraged Mr. Wick to seek as much funding as necessary from Warren County to make this happen. Furthermore, Mr. Loeb recommended that the Board of Supervisors take immediate action to provide a financial commitment to the eradication efforts, possibly introducing a new tax specifically for this means.

Mr. Conover noted that the best time to treat the Asian Clam infestation was in the fall and he was concerned that the funding anticipated to be provided to the efforts would not be available until 2013, which was beyond the prime treatment period. He then suggested that whatever financial commitment was intended for 2013 be made in the near future to provide treatments when they were most effective and he questioned whether this would be preferable. Mr. Wick responded that funding for treatments in the fall of 2012 would be more effective and he advised an estimate of \$1 million had been determined as the cost for treatment of the three sites previously treated, as well as an additional four sites where Asian Clams had been identified. He explained that extensive discussions had been held on how best to apply treatments and a plan had been developed; however, he added, the funding was

not currently available to proceed with them.

Chairman Stec pointed out that the State of New York was the actual property owner of Lake George and he questioned whether there had been any indication that they intended to provide funding for the eradication efforts. He continued that the County had already donated more than its fair share to the effort and he said that even if all of the municipalities surrounding Lake George joined together, it would be a challenge to raise the \$1 million estimated for continued treatments. Chairman Stec advised there seemed to be two options available, one being to exceed the specified tax cap and the second being a reallocation of occupancy tax funds. Mr. Conover noted that although providing a multi-year contribution was preferable to the County, it was not as effective for the eradication effort as a lump sum payment would be and he suggested that the County bond the amount they wished to provide, allowing the eradication effort to continue and the debt to be repaid by the County over time. Chairman Stec agreed that financing the expenditure was a third option and would actually allow for the matter to be addressed in a less costly fashion than it would be if several repeat treatments were necessary due to a lack of funding. He said it was a shame that the State of New York had not addressed the issue already and it might not be a good idea to await State funding that may never materialize, allowing the situation to worsen in the meantime. Chairman Stec apprised he felt it would be most productive to determine the amount of funding available in the occupancy tax reserve fund as this might be the type of critical issue the reserve was intended to address. He then noted a statute that allowed a municipality to address health hazards not addressed by a property owner and then bill the property owner for the actions taken and he questioned whether Warren County had any rights to proceed with the eradication of Asian Clams in Lake George and then bill the State of New York for the associated costs. Martin Auffredou, County Attorney, responded that he would need to perform more research to determine whether the statute Chairman Stec eluded to applied in this case. In the meantime, he continued, the best approach might be to determine how much Warren County could realistically provide within their current means and send a strong message to the State that Warren County was very serious about addressing the issue and looking to the State to take immediate action.

Mr. Westcott said the invasive species eradication was a huge effort and he questioned when they would need to resume those efforts to be most effective during the fall season, possibly allowing the Board of Supervisors a bit more time to consider the amount of funding they would be able to provide. Mr. Wick responded that the firm under contract to place the mats used to smother the Asian Clam species would begin work on October 9th; he added that the mats needed to be left in place for at least 45 days before they were removed in order to be effective. Mr. Wick concluded this time schedule did not leave a lot of room for delays and noted that if the mats were placed in late October it would be too late in the season to achieve an effective treatment. Mr. Bentley stated that the State of New York collected millions of dollars for their Environmental Protection Fund and instead of using these funds to make unnecessary purchases of additional land that will have to be maintained using taxpayer dollars, he felt they should appropriate funds to address the invasive species issue in Lake George. In the meantime, Mr. Bentley said he would propose using the occupancy tax reserve funds available to further the eradication effort during the most effective period. Chairman Stec advised that Paul Dusek, County Attorney, was reviewing the status of the occupancy tax reserve fund to determine the amount available.

Mr. McDevitt said that he sympathized with the need for funding and supported the concept, but questioned whether it was possible to give the Board of Supervisors a bit more time to consider the considerable expenditure before making any rash decisions. Chairman Stec agreed that further discussion would be prudent to ensure that a well thought out determination was reached and he suggested that the issue be referred to a joint meeting of the Occupancy Tax and Finance Committees, followed by which a special Board meeting could be called, if necessary, to provide the funding in a timely fashion.

Mr. Monroe stated that this issue strongly questioned the priorities of the State of New York, especially in light of the fact that they were considering committing \$50 million to purchase more land while allowing the environment and economy to degrade. He continued that if the County contributed additional monies to the invasive species eradication effort in Lake George, they should challenge the State of New York to match that amount as the efforts should be funded by other State agencies; additionally, he agreed with Mr. Bentley that a statement should be made about the priorities of the State of New York, which were clearly wrong. Chairman Stec agreed and noted that when the County made their initial investment to the effort, they had challenged other municipalities surrounding Lake George to do the same. He said they should not have to leverage local dollars against an environmental priority the size of what had been identified in Lake George, but it appeared that was what would be necessary to address the issue.

Mr. Mason commented that the effort to address the invasive species in Lake George had two facets, one being to actually remove the invasive species and the other to impose boat inspections and decontaminations to stop the introduction of new invasive species, or resurgence of those eradicated, in Lake George. He then questioned whether the County could impose the boat inspections and decontaminations by Local Law. Mr. Wick responded that while it was his understanding that the County could adopt a Local Law of this nature, the regulations imposed had to be enforced and the question became whether funding was available to support the enforcement measures on a local and regional basis. Mr. Mason suggested the adoption of a Local Law be referred to the appropriate Committee to be considered and adopted as quickly as possible. Mr. Auffredou agreed that the County could adopt a Local Law as proposed by Mr. Mason, but reiterated Mr. Wick's point that if adopted, enforcement measures would have to be taken and he advised a determination would have to be made as to how the enforcement measures would be implemented and funded. Mr. Mason responded that when discussed at the Committee level, determinations could be made as to how funding would be determined; he said that the Local Law mandating boat inspections and decontaminations was necessary because it did not make sense to spend millions of dollars to eradicate the invasive species, only to allow their reintroduction through a lack of regulatory local legislation.

Mr. Strainer said he agreed with Mr. Monroe's point that it was ludicrous for the State of New York to make a large and expensive land purchase when there are other environmental issues, such as the contamination of Lake George by invasive species, that should be addressed instead. The problem, he continued, seemed to be that the State was not willing to provide funding for the eradication efforts because other municipalities were doing so at the local level. Mr. Strainer questioned whether Governor Cuomo and other members of the State Legislature had been privy to the information presented on the need for invasive species eradication and Mr. Wick replied in the negative, but advised that NYSDEC representatives would be arriving in the area for a boat tour during the following week and he intended to update them on the situation during that visit. Additionally, Mr. Wick noted a meeting with APA representatives was scheduled in early October to continue to raise awareness on the issue; however, he said, it was very difficult to gain access to representatives at the executive level, such as Governor Cuomo, who were able to provide the funding necessary to support the eradication efforts. Mr. Wick advised there was one area the Board of Supervisors might be able to assist with, that being the \$850,000 Consolidated Funding Grant Application which had been submitted to the Regional Economic Development Council by the Lake George Watershed Coalition and was currently being processed and ranked. He continued that the grant funds were intended for invasive species management on Lake George and the majority of the grant funding could be attributed to Asian Clam management. Mr. Wick encouraged any members of the Board of Supervisors with contacts at the Regional Economic Development Council to advise of the prospective effects invasive species could have on the economic sustainability of the area.

In response to a question posed by Mr. Strainer as to the need to remove the mats placed in Lake George for eradication treatment procedures, Mr. Wick advised the mats had been removed in accordance with APA regulations, as well as in light of initial concerns with regard to possible destruction of the mats which could get caught in the ice and ripped. He said conversations with APA representatives were planned to discuss leaving the mats in throughout the winter months and removed prior to the boating season to reduce the cost of placing and removing the mats and improve the efficiency of the eradication efforts. Mr. Wick advised that if the mats were ripped, they could be fixed later.

Mr. Taylor agreed with prior comments that more time and consideration was necessary to make a decision as to the amount of funding that could be provided by the County and where it would be appropriated from. He said he was bothered by the fact that wealthy landowners residing along the shores of Lake George were not participating financially in the eradication efforts. Mr. Taylor pointed out that the residents surrounding Glen Lake had formed an association to independently fund the eradication of invasive species in that body of water without municipal assistance and he said he felt the residents surrounding Lake George should become involved in a similar process. Mr. Wick agreed with this point and advised the Lake George Park Commission was considering every possible funding mechanism for the eradication efforts, one of those being the creation of a Park-wide taxing district; he further advised the boundaries of the Lake George Park were already established and the formation of a new Park-wide taxing district would require action from the State Legislature because the district included more than one municipality. Mr. Wick continued that it was possible to create a new legislative district Park-wide and this was one of the suggestions being considered, although he expected a considerable amount of political muscle would be necessary to achieve it and he said an indication as to whether or not the Board of Supervisors was in favor of this idea would be immensely helpful.

Mr. Geraghty cautioned the members of the Board of Supervisors that they should not make an arbitrary decision about dedicating funding and should first carefully discuss and consider the matter. He said there were a lot of expenses to be considered, for example the rising retirement costs projected for 2013, as well as the mandated tax cap. Mr. Geraghty supported the idea of referring the matter to the Occupancy Tax and Finance Committees for further discussion and suggested that a serious effort be made to reach out to Governor Cuomo and his team to increase awareness of the need for financial assistance to support the eradication effort. Chairman Stec pointed out that a \$1.1 million increase was projected for retirement contributions in 2013 and that increase alone would exceed the 2% tax cap increase figure of \$780,000. Mr. Geraghty said he agreed that the County should contribute funding to the eradication effort, but believed the State should be providing the bulk of the funding since they claimed ownership of Lake George. Mr. Wick advised the State had provided \$200,000 in funding for the eradication effort in 2012; however, he added, this was not the level of participation many believed was proper. He also agreed that it was difficult to understand why the State was willing to expend \$50 million to make additional, unnecessary land purchases in light of all the other outstanding environmental issues that were not being addressed.

Mr. Monroe commented that while the invasive species issue was a problem for Lake George, it was also a concern of other uninfected bodies of water that could be contaminated by transient boaters leaving Lake George. He said that although he understood the point that boats leaving Lake George would not be inspected or decontaminated due to a lack of funding, this caused a problem for other bodies of water that the boats might be launched in next, unknowingly spreading the invasive species to other waterways in Warren County and points beyond. Mr. Monroe advised that while Lake George should be the primary concern, a broader view was necessary to protect other bodies of water, as well.

Mr. Westcott opined that a financial funding plan as well thought out as the eradication program was necessary to include all of the vested parties effected by the issue to assist with the associated costs. Mr. Wick replied that the Lake George Park Commission had considered a number of different angles to address the financial constraints faced. He said they had received contributions from a number of municipal entities and he planned to meet with all of the hotel owners along the strip of Lake George identified for treatment to discuss the issue and suggest that financial contributions be made to advance the eradication efforts.

Mr. Sokol questioned whether the balance of the occupancy tax funding available had been determined and Mr. Dusek replied affirmatively, advising there was approximately \$650,000 available, including the \$500,000 occupancy tax reserve. Speaking as the Chairman of the Occupancy Tax Committee, Mr. Kenny advised the actions of the Board of Supervisors were based on protocol and therefore, he said, the matter should be referred to the Occupancy Tax and Finance Committees for review and Chairman Stec said this would be his recommendation also.

Mr. Conover commended the actions of the eradication task force and the volunteers donating their time and energy to the effort. He said he wanted the Board of Supervisors to be aware that a number of sites where invasive species had been identified were not being treated, due largely to a lack of funding, and this was concerning due to the species' ability to rapidly reproduce. Mr. Conover noted that the Village of Lake George and the four Warren County municipalities located along Lake George accounted for two-thirds of the assessed value of the entire County. He said the invasive species should not be dismissed as inconsequential and if they were able to raise sufficient funding to treat other sites, they should do so.

In response to the suggestion previously made, it was the consensus of the Board that the issue of providing additional funding to the invasive species eradication in Lake George should be referred to a joint meeting of the Occupancy Tax and Finance Committees for further review.

Mr. Taylor questioned whether a \$500,000 contribution to the eradication effort would make a big impact and Mr. Wick replied that the Lake George Park Commission had determined the funding they currently had available would be sufficient to perform eradication work in four new sites identified and any additional monies received would be used to control the most dense Asian Clam populations. He said he could not make any assurances that a 100% successful eradication process was guaranteed but could advise the best scientists across the Country were working on the issue to obtain the best possible results. Mr. Wick apprised they had not been happy with the treatment results for the Boon Bay area or near the Village of Lake George; however, he said, they had identified the issues leading to the less than favorable results and felt that if those factors were addressed and the measures re-applied, better results could be achieved, or at least the ability to triage the area and reduce the number of Asian Clam to a level that prevented massive algae blooms, allowing the public beaches to be kept open. Mr. Wick said he had not anticipated any type of financial commitment from the County at the current meeting, but was tremendously grateful that it was being considered.

Mr. McDevitt questioned whether a resolution enthusiastically supporting the Lake George Watershed Coalition's Consolidated Funding Grant Application had been approved previously and Joan Sady, Clerk of the Board, replied that she did not believe a specific resolution to this effect had been adopted. Chairman Stec suggested adopted of a resolution of this nature, noting that it should be sent to Congressman Gibson and any other pertinent parties; Mr. McDevitt suggested that a copy also be sent to Congressman Owens. Chairman Stec asked if the task force was sufficient to complete the level of eradication work that could be funded by both the grant funding and the County contribution and Mr. Wick replied affirmatively. Additionally, Chairman Stec advised that someone at

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, SEPTEMBER 21, 2012

the Governor's Office needed to be made aware of the efforts being implemented and the concerns and frustrations of Warren County, who although should not have to, were preparing to assist with the eradication efforts financially. Chairman Stec said he was not sure the Governor's Office was aware of the urgency with which this issue should be addressed and they should be advised on the issue as the costs of the eradication efforts increased the longer the work was delayed. Mr. Wick responded that he was scheduled to have a teleconference with the Assistant Secretary for the Environment later that day and said he would be sure to relate these concerns.

Mr. Girard stated that no matter how much funding the County committed it would likely not be enough to sustain the complete eradication. He asked if a plan could be mapped out to increase the eradication efforts for all invasive species in Lake George, and implement enforcement procedures to ensure new invasives were not introduced, and account for all of the anticipated costs that would be associated with these measures to provide a true picture of a program that should be implemented to sustain the health of Lake George. Mr. Girard advised that in order to provide a sustainable program, a funding mechanism needed to be determined; he continued that due to the tax cap imposed by the State of New York, there seemed to be no means for financial support other than occupancy tax funding, which would mean that area events could not be funded, or a sales tax increase which he found preferable as it could be dedicated solely to supporting costs such as the eradication effort, and other necessary costs such as road maintenance, and would be contributed to considerably by the tourism industry. Mr. Girard stated that almost every other county in New York State had already increased their sales tax and this would provide a valid source of funding for certain expenses that were necessary but not being funded due to a lack of money. He advised that the increase could be attributed to specific expenses in order to rule out any concerns with regard to frivolous spending.

Chairman Stec encouraged Mr. Wick to relay the concerns and frustrations of the Warren County Board of Supervisors on the invasive species issue to the appropriate parties at the State level to bring the severity of the situation to their attention and hopefully prompt their assistance with the eradication effort. He added that the matter of funding to be provided by Warren County would be discussed further in a joint meeting of the Occupancy Tax and Finance Committees and he requested that Mr. Wick be notified when the meeting was scheduled.

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to waive the Rules of the Board requiring that a resolution be presented in writing. Mrs. Sady advised this would be Resolution No. 564.

Motion was made by Mr. Monroe, seconded by Mr. Conover and carried unanimously to authorize a letter of support to the Regional Economic Development Council relative to the Lake George Watershed Coalition's Consolidated Funding Application in the amount of \$850,000 for the invasive species management program. Mrs. Sady noted that this would be Resolution No. 565.

Mr. Wick surmised that from the comments made at the meeting, there seemed to be support for the proposed implementation of mandatory boat inspections and decontaminations on Lake George and he requested that the Board consider the idea of possibly adopting a resolution of support for the initiative at a future meeting. He said that when the Lake George Park Commission eventually met with State officials to present the mandatory boat inspections and decontamination scenario, a letter of support from the Warren County Board of Supervisors would be tremendously helpful. Mr. Wick thanked the members of the Board, once again, for their time and support of the eradication efforts being undertaken.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, SEPTEMBER 21, 2012

Motion was made by Mr. Mason, seconded by Mr. Dickinson and carried unanimously to waive the Rules of the Board requiring that a resolution be presented in writing. Mrs. Sady stated that this would be Resolution No. 566.

Motion was made by Mr. Mason and seconded by Mr. Dickinson to support the Lake George Park Commission's initiative to impose and enforce mandatory boat inspections on Lake George. Mrs. Sady advised this would be Resolution No. 567.

Mr. Westcott requested clarification as to whether the boat inspection proposal would make it the State's responsibility to enforce and fund the boat inspections and Mr. Auffredou stated his concern that before taking action on this matter, more discussion needed to be held relative to the costs associated with the inspection and decontamination process and the enforcement thereof, as well as how it would be funded. He continued that the authority for this could be related to the Lake George Park Commission through a State Legislative effort. Mr. Wick advised the Lake George Park Commission did not intend for the County to be responsible for the inspection and decontamination costs, nor the enforcement, and he clarified that he was seeking a resolution of support for the Lake George Park Commission's initiative to move in that direction.

Alexander Gabriels, Town of Bolton Resident, advised that during his tenure as Supervisor for the Town of Bolton, he had been heavily involved with the eradication efforts of invasive species in Lake George. He noted that one of the ways to protect Lake George was to employ a multi-tiered approach for preventing invasive mussels, which he felt should be a State-wide program, rather than focusing only on Lake George; he added that it would be acceptable for the State to use Lake George as an example for the scientific and enforcement aspects of the program. Mr. Gabriels stated it was not clear that the Park Commission's proposal to mandate boat inspections and decontaminations was going to be acceptable as it had not even received final approval from the members of the Lake George Park Commission itself; therefore, he said he did not feel it was appropriate for the Board of Supervisors to act on the issue without further consideration and discussion with their respective constituents. Furthermore, he expounded, the economic impact of the boat inspection and decontamination process should be considered, as well, because he said he was sure the new procedures would have a negative impact on the area's economy and it remained to be seen whether those effects would be reversed in subsequent years. In closing, Mr. Gabriels stated that he would welcome the opportunity to attend the joint Occupancy Tax and Finance Committee meetings proposed to discuss the matter further. Speaking as the current Supervisor of the Town of Bolton, Mr. Conover stated that the boat inspections and decontaminations were key to maintaining the health of Lake George and preventing new invasive species from being introduced. He continued that if some type of regulatory maintenance procedures were not implemented, all of the funding expended for the eradication effort would be wasted, allowing current and new invasive species to make a resurgence in the Lake and continue the contamination threat for other bodies of water, as well. Mr. Conover cited that the economic impact and inconvenience resulting from the boat inspection and contamination process would pale in comparison to the effects incurred if the Asian Clam and other invasive species were permitted to continue to infest Lake George.

Chairman Stec said that although there did not seem to be a lack of support for the initiative, he agreed that further consideration on this matter was necessary before taking action, especially in light of the fact that the Lake George Park Commission had yet to finalize and approve their plan for boat inspections and enforcement. Mr. Thomas said he was not comfortable taking action on an issue that the Lake George Park Commission had not officially recommended and agreed the issue warranted further discussion. Mr. Dickinson countered that the point of the resolution was to show the Board of Supervisors' support for boat inspections, in general, that the Lake George

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, SEPTEMBER 21, 2012

Park Commission could use for leverage in their discussions with State officials. Mr. Monroe commented that he also believed the issue should be discussed further at the Committee level before any action was taken, and a number of other Supervisors agreed. Mr. Geraghty questioned how long a boat inspection took and Mr. Wick advised that the pilot program currently in place required about half an hour to perform both the inspection and the decontamination process; he added that the inspection, itself, took about five minutes with the remaining time being used for the decontamination, if necessary.

Mr. Mason said that he would withdraw his motion to support the Lake George Park Commission's initiative to impose mandatory boat inspections, but because Mr. Dickinson declined to withdraw his second to the motion, Mr. Dusek advised it would have to be voted on. Chairman Stec called the question and the motion failed with Supervisors Monroe, McDevitt, Taylor, Kenny, Frasier, Stec, Westcott, Sokol, Thomas, Wood and Geraghty voting in opposition.

Chairman Stec reiterated that although the motion had failed, he did not believe there was a lack of support for the initiative itself, but rather due to the fact that all of the details for the program were not available, nor had it been approved by the Lake George Park Commission. He said the matter would be discussed further at the Committee level, following which a decision would be made.

Resuming the agenda review, Chairman Stec proceeded with his report, acknowledging the County had entered into the preliminary stages of reviewing all of its options relative to the future of the Westmount Health Facility. Due to the length of the meeting, Chairman Stec stated that unless there was pressing information to provide, he would suggest foregoing the Committee Chairman Reports portion of the meeting in the interest of time. As all of the Board members were in agreement, no Committee Chairman Reports were provided. Proceeding to the County Administrator's Report, Mr. Dusek advised he had no information to present either.

Mr. Auffredou announced that he had one item to present, that being a proposed resolution entitled "Authorizing the Warren County Attorney to Commence Legal Proceedings Against Parties Identified by the Warren County Attorney Responsible for Leaking Windows and Related Incomplete or Defective Conditions at the Human Services Building", copies of which were distributed to the Board members in draft format; *a copy of the proposed resolution is also on file with the minutes*. Mr. Auffredou explained some of the windows at the Human Services Building were leaking and although they had reached out to the contractor they believed was responsible for the defective condition, an acceptable response had not been provided. Therefore, he added, he suggested approval of the aforementioned resolution which would authorize his Office to commence legal actions against the responsible parties identified, which might actually be multiple contractors. Mr. Auffredou advised he had been working closely with Kevin Hajos, Deputy Superintendent of Public Works, to resolve the issue and although the potential for an alternate reconciliation existed, the proposed resolution would allow pursuance of the appropriate litigation, if necessary. Mrs. Sady advised this would be Resolution No. 568.

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

Minutes from:

1. Warren/Washington Counties I.D.A and Executive/Park Committee

Monthly Report from:

1. Weights & Measures

Capital District Off-Track Betting, June 30 and July 31 2012 Financial Reports as well as July and August surcharge in the amounts of \$9,434 and \$15,248, respectively.

Communications, resolutions and reports ordered placed on file.

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

Mr. Geraghty requested a roll call vote for proposed Resolution No. 557, Authorizing Acceptance of Settlement for Resident at Westmount Health Facility. Mr. Taylor requested a roll call vote for proposed Resolution No. 550, Rescinding Resolution No. 550 of 2010 and all Prior Resolutions Including Resolution Nos. 577 of 2008 and 889 of 2009 with Regard to Re-Bidding and Advertising for the Sale of Two (2) County-Owned Parcels (Portion of Tax Map Parcel No. 2.-1-49 and Tax Map Parcel No. 288.-1-62) Located in the Town of Queensbury. Mr. McDevitt requested a roll call vote for proposed Resolution No. 556, Authorizing Execution of Client Acceptance of Year Seven Annual Guaranteed Savings Report for Siemens Industry, Inc. Mr. Westcott requested roll call votes for proposed Resolution Nos. 536, Authorizing Agreement with C&S Companies, Inc. to Provide Professional Engineering and Consulting Services for the T-Hangar Paving Project, and 537, Awarding Bid and Authorizing Agreement with Kubricky Construction Corporation for T-Hangar Apron Paving Project at the Floyd Bennett Memorial Airport Queensbury, New York (WC 047-12).

Mr. Monroe said that although he had not requested to make a Committee Chairman Report, he would like to advise that a decision had been made by the Gaslight Village Ad Hoc Committee to offer the sale of one-half of the County's ownership interest in the former Gaslight Village property to the Town of Lake George for the sum of \$673,611.16, as represented by proposed Resolution No. 530. Mr. Dickinson stated that the Town of Lake George required additional time to review and consider whether they were able to purchase the property for the amount indicated; therefore, he said, he would respectfully request that the resolution be tabled.

Motion was made by Mr. Monroe, seconded by Mr. Dickinson and carried unanimously to table proposed Resolution No. 530 of 2012.

With respect to proposed Resolution Nos. 536 and 537, Mr. Westcott questioned the total construction costs anticipated in relation to both resolutions and Ross Dubarry, Airport Manager, replied that a cost of \$48,500 was anticipated for the engineering and consulting services (*Resolution No. 536*) and \$182,000 for the construction (*Resolution No. 537*). Mr. Westcott then asked how many airplanes were currently housed in the t-hangars for which the paving was being done and Mr. Dubarry advised that the t-hangars would not be built until the paving work was complete, but noted that the foundation for the structures was already in place to sustain ten aircraft in each t-hangar. In response to a question posed by Mr. Westcott as to how many t-hangar buildings were currently in place and if those t-hangars were full, Mr. Dubarry responded that ten t-hangar buildings had been constructed and were used by various tenants. Mr. Dubarry explained the capacity of the t-hangars varied as the bays could either house two small aircraft or one larger model; he added that all of the bays in the two t-hangar buildings being constructed had already been rented and there was a list of pilots waiting for a bay to become available for rental. Mr. Westcott noted that proposed Resolution Nos. 536 and 537 represented a combined cost of \$230,500 and he questioned whether that funding could be better used to maintain the County's highway infrastructure, given the tenuous budget situation and Jeffery Tennyson, Superintendent of Public Works, responded that the work would be funded primarily by FAA (Federal Aviation Administration) funding that could only be used for Airport related expenses. He further advised that the t-hangar buildings were being constructed by private entities and the paving project was just to support the t-hangars which the County received rental revenues for. Mr. Westcott questioned why the grant funding could not be used to cover other fees and Mr. Tennyson advised the FAA grant funding was specific to Airport projects because it was contributed to by a tax attached to airline tickets.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, SEPTEMBER 21, 2012

Mrs. Sady announced that proposed Resolution Nos. 524 through 558 were mailed. She advised proposed Resolution No. 524 was mailed and subsequently corrected, while proposed Resolution No. 548 was mailed and then withdrawn; therefore, she said, a resolution was necessary to approve both of the aforementioned actions.

Motion was made by Mr. Geraghty, seconded by Mrs. Wood and carried unanimously to approve the changes to both proposed Resolution Nos. 524 and 548.

Mrs. Sady announced that the resolutions relating to the filling of vacant positions were proposed Resolution Nos. 553, 554 and 555 and unless a roll call vote was requested, all would be approved in the collective vote. She then advised a motion was necessary to bring proposed Resolution Nos. 523 and 559 through 561 and 568 to the floor.

Motion was made by Mr. Dickinson, seconded by Mr. Taylor and carried unanimously to bring proposed Resolution Nos. 523 and 559 through 561 and 568 to the floor.

Relative to proposed Resolution No. 523, Making Supplemental Appropriations, Mr. Kenny advised he intended to vote against the resolution because the transfer requested for the Westmount Health Facility totaled more than \$100,000 and would lead to a deficit in their operating budget.

Chairman Stec called for a vote on resolutions. Resolution Nos. 523 - 568 were approved, with the exception of Resolution No. 530, which was tabled, Resolution No. 548, which was withdrawn, and Resolution No. 567, which failed. A Proclamation pertaining to National Youth Court Month and a Certificate of Appointment naming members of the Saratoga-Warren-Washington Counties Workforce Investment Board were submitted.

Concluding the agenda review, Chairman Stec asked if there were any announcements to be made, following which Mr. Geraghty advised the Town of Warrensburg would be holding their annual "World's Largest Garage Sale" on September 29-30. Mrs. Frasier announced the Town of Hague planned to hold an Oktoberfest celebration over the upcoming weekend of September 22-23. Mr. Taylor thanked Amanda Allen, Deputy Clerk of the Board, for forwarding the resolutions not included in the original mailed packet prior to the Board meeting via email; he said that having them available for perusal prior to the meeting was very helpful, and many other Board members agreed. Mr. Strainer stated his appreciation for the landscaping work done by the Buildings and Grounds crews around the Municipal Center Building which was very pleasing to see. Mr. McDevitt commented that the Adirondack Balloon Festival had begun on the prior evening, drawing a considerable crowd for the festivities held and he noted that the balloon launch from Crandall Park that morning had provided a beautiful panoramic vista, as well. Mr. Vanselow apprised that over the Columbus Day holiday weekend, October 6-7, a Harvest Festival was planned to be held at Gore Mountain in the Town of North Creek which would include food, music and a number of other attractions.

There being no further business to come before the Board of Supervisors, on motion made by Mr. Strainer and seconded by Mr. Bentley, Chairman Stec adjourned the meeting at 1:02 p.m.