

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: GASLIGHT VILLAGE AD HOC

DATE: AUGUST 31, 2012

COMMITTEE MEMBERS PRESENT:

SUPERVISORS MONROE
THOMAS
KENNY
DICKINSON

COMMITTEE MEMBER ABSENT:

SUPERVISOR MERLINO

OTHERS PRESENT:

JEFFERY TENNYSON, WARREN COUNTY SUPERINTENDENT OF PUBLIC WORKS
DAVID HARRINGTON JR., VILLAGE OF LAKE GEORGE SUPERINTENDENT OF PUBLIC WORKS
PAUL DUSEK, COUNTY ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
WANDA SMITH, CONFIDENTIAL SECRETARY TO THE COUNTY ADMINISTRATOR
SUPERVISORS BENTLEY
CONOVER
FRASIER
MASON
TAYLOR
WESTCOTT
WOOD
KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS
KATE JOHNSON, DIRECTOR, TOURISM DEPARTMENT
MIKE SWAN, COUNTY TREASURER
FRED AUSTIN, REPRESENTING FORT WILLIAM HENRY
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

Mr. Monroe called the meeting of the Gaslight Village Ad Hoc Committee to order at 9:00 a.m.

Motion was made by Mr. Dickinson, seconded by Mr. Kenny and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Copies of the meeting agenda were distributed to the Committee members and a copy is also on file with the minutes.

Commencing the Agenda review with Item 1, review of parking revenues, David Harrington Jr., Village of Lake George Superintendent of Public Works, advised there was not much new information to present and advised they were only receiving a couple hundred dollars in parking revenues each weekend when the parking space on the former Gaslight Village property was used. Mr. Monroe noted that, pursuant to his discussions with Jeffery Tennyson, Warren County Superintendent of Public Works, they would need to carefully estimate and plan for a reduction in parking revenues in 2013 due to construction planned for the property. Mr. Tennyson questioned whether the Village had continued to implement parking in the Festival Space area and Mr. Harrington replied the Festival Space parking area had been utilized until earlier in the summer when the space was needed for the Big Apple Circus and the following carnival, but had not been regularly used since. Mr. Harrington advised they intended to use the Festival Space parking area for the fireworks planned for the following Saturday evening, as well as for the upcoming car show to be held in September. Mr. Tennyson advised that parking revenues and expenses should actually be discussed and estimated by the Park O&M Committee and Mr. Monroe agreed.

Moving on, Mr. Monroe advised Agenda Item 2 pertained to a review of grants and Capital Projects, which Paul Dusek, County Administrator, was in attendance to discuss. Mr. Dusek reminded the Committee that at their last meeting discussion had been held relative to a comprehensive review of funding sources and allocations, which had been completed by his staff; during their review, he said, a few instances had been identified where Committee action was necessary to address certain issues. Mr. Dusek noted that monthly accounting reports would now be available to maintain awareness of funding levels and he advised the reports could either be presented to just the pertinent Committee, or they could be presented at both the Park O&M and Gaslight Village Ad Hoc Committees. Mr. Monroe advised that once the park construction was complete, the Gaslight Village Ad Hoc Committee would be disbanded and the Park O&M Committee would continue to address any property related issues, alleviating some confusion on where certain issues should be addressed. Mr. Tennyson interjected that another confusing issue was that of the West Brook Parking Lot, which was a DPW project addressed by the Public Works Committee.

Mr. Dusek distributed several documents to the Committee members including the following:

- * Town Buy-In Analysis II;
- * Warren County Gaslight Village Property Parking Fees & Disbursements Made;
- * Capital Project H284.9550 280 Gaslight Village Property;
- * Capital Project H323.9550 280 Gaslight Festival Space;
- * Capital Project H338.9550 280 Lake George Environmental Park;
- * West Brook Conservation Initiative - LGWC Managed Funding;
- * Warren County Department of Public Works Charles R. Wood Park & Festival Space DRAFT County Administered Grant Accounting Summary;
- * Lake George Environmental Park Funding Sources & Construction Dollars
- * West Brook Conservation Initiative Local Share TEP Reimbursement;
- * Proposed Resolution - Authorizing the Transfer of Funds for Services and/or Materials for the Former Gaslight Village Property from Parking Revenues;
- * Authorizing the Transfer of Funds for Bonding Costs Incurred by the Village of Lake George in Connection with the Former Gaslight Village Property;
- * Authorizing the Reimbursement to the Village of Lake George and Transfer of Funds for Services Provided by Elan Planning, Design & Landscape Architecture, PLLC;
- * Rescinding Resolution No. 415 of 2011 Approving and Authorizing Reimbursement for Parking Services Submitted by the Village of Lake George for the Former Gaslight Village Property; and
- * Letter from the Village of Lake George seeking authorization to incur parking related expenses for upcoming events.

Copies of all of the aforementioned documents are on file with the minutes.

Mr. Dusek credited his Confidential Secretary, Wanda Smith, with creating many of the documents distributed. He said she had spent a considerable amount of time researching accountings and resolutions associated with the former Gaslight Village property which she had then massaged into the information presented. Mr. Dusek noted that he had asked Mrs. Smith to attend the meeting to assist in answering any questions the Committee might have.

Mr. Dusek proceeded with a thorough review of the documentation provided, beginning with the Town Buy-In Analysis II, which essentially suggested that the Town of Lake George could purchase half of the County's ownership interest in the former Gaslight Village property for the sum of \$673,611.1582, representing half of the expense incurred by the County in relation to the property, to date.

Mr. Dickinson requested that further discussion on the possible sale of County ownership shares in the former Gaslight Village property be tabled until he had the opportunity to discuss the proposed purchase amount with the

Town Board and Mr. Monroe responded with a suggestion that a resolution be approved to offer sale of 50% of the County's ownership shares to the Town for the aforementioned price, as well as to authorize the County Attorney's Office to proceed in developing the appropriate contracts if the Town was inclined to accept. This way, he said, a resolution would already be in place to allow the purchase process to proceed, if the Town Board was agreeable, without delaying the process further.

Motion was made by Mr. Kenny, seconded by Mr. Dickinson and carried unanimously to offer the sale of 50% of the County's ownership interest in the former Gaslight Village Property to the Town of Lake George for the sum of \$673,611.1582, and authorizing the appropriate contracts to be written for completion of the sale, provided the Town of Lake George was in favor of the purchase, and the necessary resolution was authorized for the September 21st Board meeting.

The next document reviewed was the Warren County Gaslight Village Property Parking Fees Collected & Disbursements Made. Mr. Dusek noted that although the document would serve as a full accounting for parking revenues received, as well as related expenses, it did not include all of the disbursements to be made as corrections were necessary to offset expenses paid from incorrect accounts, as he had eluded to earlier in the meeting. Moving on to the Capital Project H284.9550 280 Gaslight Village Property document, Mr. Dusek advised this represented the Capital Project established for the property purchase. He continued that some of the other expenditures made from this fund were for survey, attorney and bonding fees; Mr. Dusek advised the bonding fees incurred by the County for the property purchase had not been included in the Town Buy-In Analysis. He pointed out that the Capital Project had a \$.38 balance and said he assumed it would be closed as he did not foresee any future use for the account.

Mr. Dusek directed the Committee members to the Capital Project H323.9550 280 Gaslight Festival Space document which was being used to supply funding for the design and planning stages of the park portion of the project. As indicated in the document, he said \$15,000 had been appropriated to the Capital Project from occupancy tax funds via Resolution No. 299 of 2011, while expenditures totaling \$12,400 had been incurred. Mr. Dusek pointed out one area of the document indicating that an amount of \$4,030 was to be reimbursed from parking revenues, which would decrease the total expenditures to \$8,370 and increase the Capital Project balance to \$6,630. He explained that a prior resolution had indicated an expense incurred for submission of a grant application by Elan Planning, Design & Landscape Architecture, PLLC would be paid from parking revenues; however, Mr. Dusek said, the County and Village of Lake George had later mistakenly split the cost according to their ownership percentage and paid it directly, with the County's share coming from Capital Project H323.9550 280. Mr. Dusek advised this was one of the areas he had noted previously in the meeting as requiring Committee action to correct and he said he would address the matter later in the meeting with an alternate request.

Mr. Tennyson noted that the amount of the Elan Planning expense was actually higher than the figure reflected in the documentation provided and he suggested that it be adjusted accordingly, to which Mrs. Smith responded that the figure appeared to be lower because it only included the County's share of the expense and not the Village's. Mr. Tennyson then stated his concern that the County was the sole holder of the Elan contract and therefore was paying the total bill and awaiting for reimbursement from the Village, which was not reflected in the documentation provided. Mr. Dusek replied that was not the case and he indicated that the County and Village had each paid their respective share of the grant submission costs directly to Elan Planning. He continued that this matter would be rectified by a resolution authorizing reimbursement to both the County and Village from parking revenues for the amounts paid directly to Elan Planning.

Proceeding to the Capital Project H338.9550 280 Lake George Environmental Park document, Mrs. Smith advised

the Project currently contained a \$0.00 balance, but said she believed it had been set up to accept anticipated grant funding. Mr. Tennyson advised Mrs. Smith's assumption was correct and he said prior resolutions already adopted would provide authorization for the Chairman of the Board to execute any and all grant documentation allowing funds to be accepted, once awarded.

The next document reviewed was the one entitled West Brook Conservation Initiative - LGWC Managed Funding. Mr. Dusek advised this document outlined the various grant fund recipients, work plan tasks and budgets associated with the project. Mr. Tennyson interjected that the document related primarily to early work associated with the property, most of which was already completed.

Mr. Dusek advised the Warren County Department of Public Works Charles R. Wood Park & Festival Space DRAFT County Administered Grant Accounting Summary document outlined two major funding sources associated with the project, those being the New York State Department of State (DOS) and New York State Environmental Facilities Corporation (EFC) grants. He explained it had been critical to examine these funding sources closely as in both cases, use of funds contributed by the Charles R. Wood (CRW) Foundation had been identified for use as the 50% Local Share and they needed to be sure that the CRW funds had not been overcommitted. Mr. Dusek advised that in making her review, Mrs. Smith had identified a couple of areas where, although funds were available to cover the Local Share match, there was no resolution in place authorizing such action. Additionally, he noted, the total amount of CRW funds committed for use in this document differed from the total reflected in the documentation provided by Elan Planning. Mr. Dusek said he believed the Elan document was more for planning purposes, with the Grant Accounting Summary being the more definitive of the two, and there might be a gap in the process where the Elan document was being updated. Mr. Tennyson commented that the Elan document was intended for planning purposes and was updated as grant approvals were received, but did not include any anticipated Local Share matches for future grants. Additionally, he pointed out that the Elan document did not include construction inspection or oversight costs, in part because they had not yet occurred, and they were now being estimated for inclusion, leading to some of the cost variation. Mr. Tennyson continued that while they had some indication of the grant amounts forthcoming, they were working to maximize the use of grant funds, as well as the use of County-forces as an in-kind services match where they were able to do so. He concluded that although the document represented a valiant effort by Mrs. Smith, the dollar figures listed would fluctuate until grant documents were received, at which point the appropriate Capital Projects would be increased and the final Local Share totals established.

Mr. Dusek stated that one of the most important facets of the Grant Accounting Summary document was that it indicated no County dollars would be expended in relation to the former Gaslight Village project, in direct response to concerns from several Supervisors; he added that the only County expense indicated was \$43,500 for the West Brook Road Parking Lot, which was anticipated. Mr. Dusek said the only portion of the document he had been unable to decipher had been the \$43,300 identified as County in-kind services for construction of turf pavers on the Festival Space and he asked Mr. Tennyson to comment on this issue. Mr. Tennyson explained the amount included in the original grant application for construction work to be completed had been a bit lower than the actual cost and they were trying to make up the difference in cost using in-kind services. He continued that they anticipated using County DPW forces to do the grading work for the pavers, contracting work out where necessary, such as for the sprinkler system; he added that the in-kind services might also be eligible for use as the Local Share for future grants received. Mr. Dusek advised this situation would have to be watched carefully as offsetting funds would be necessary if the in-kind services match was insufficient. Mr. Monroe advised CRW funds could be used to supplement the available Local Share funding if necessary and Mr. Dusek responded that all of the committed CRW funds had already been identified for use. Mr. Monroe commented that the \$317,000 in CRW funds had been identified for use as the Local Share for a potential CFA (New York State Consolidated Funding Application) which

had yet to be confirmed; additionally, he noted, there was some indication that additional CRW funding might be provided in the future, over and above what had already been committed. Concluding the review of the current document, Mr. Dusek pointed out that at some point, a resolution would be necessary to authorize expenditure of \$21,700 in CRW funds as the 50% Local Share match for the design of the turf pavers on the Festival Space, with the remainder to be funded by the EFC GIGP (Green Innovation Grant Program) funds.

With respect to the document entitled West Brook Conservation Initiative Local Share TEP (Transportation Enhancement Program) Reimbursement, Mr. Dusek apprised that it was not a County document and had been developed by Clark Patterson Lee, one of the project engineers. He said this was an accounting of TEP reimbursements and he had no concerns with respect to the document. Mr. Tennyson advised the key section of the document to note was that which reflected the use of the purchase price of the property as a portion of the Local Share for grant funds, as authorized by NYSDOT (New York State Department of Transportation).

Mr. Dusek said he had distributed copies of the Lake George Environmental Park Funding Sources & Construction Dollars document produced by Elan Planning for the Committee members to review at their leisure as it provided another way to look at the project funding mechanisms. He advised that he had not identified any areas of particular concern that would negatively impact the County.

With reference to the letter forwarded by the Village of Lake George, Mr. Dusek advised Robert Blais, Mayor of the Village of Lake George, was seeking authorization to staff the parking lot for two events on the former Gaslight Village property in September which were the Lake George Triathlon on September 1 - 2 and the Adirondack Nationals Car Show on September 6 - 9, as well as to incur expenses for portable rest rooms and lighting. Mr. Harrington pointed out a typographical error in the letter, noting that the per hour rate for parking attendants should be up to \$21.00 per hour, rather than \$11.00 per hour, as approved by prior resolution. Mr. Tennyson advised this was actually an issue to be addressed by the Park O&M Committee and said he believed authority was already in place to allow these expenditures without additional Committee approval. Mr. Dusek responded that he was unsure whether the authority was already in place and had brought the issue to the Committee's attention because the events were scheduled to begin on the following day. Mr. Kenny questioned whether it would be prudent to purchase portable light fixtures, rather than continue to rent them, and Mr. Harrington replied that temporary facilities were being used because the Festival Space construction plans included permanent lighting fixtures. Mr. Tennyson advised that the County DPW had one portable lighting fixture available for use for both events and he suggested they be used to avoid rental costs. Mr. Harrington advised one set of lights had already been rented for the Lake George Triathlon event so those costs could not be avoided; however, he added, two sets of lights would be necessary for the Adirondack National Car Show and they could borrow the DPW set to avoid some of the costs. Mr. Dusek commented that these expenses would eventually require reimbursement from parking revenues and he wanted to be sure the Committee was in agreement with the Village before they were incurred. Mr. Monroe questioned whether an appropriation code was available to expend funds from and Mr. Tennyson replied affirmatively, noting that an operating budget had been established for administration by the Park O&M Committee and he said he recalled that authority had already been provided by prior resolution for these types of expenses. Following a brief discussion, it was the consensus of the Committee to approve incurrence of the expenses for parking as outlined in the letter forwarded by the Village of Lake George, to eventually be refunded from parking revenues.

Mr. Dusek then outlined four proposed resolutions intended to rectify accounting errors for expenditures relating to the former Gaslight Village property which included the following:

1. Authorizing the Transfer of Funds for Services and/or Materials for the Former Gaslight Village Property from Parking Revenues. Mr. Dusek advised that the County had paid Peckham Industries, Inc.

\$4,212.24 for materials used to establish a gravel parking area on the northern parcel of the former Gaslight Village property; however he said, prior Resolution Nos. 301 and 672 of 2011 had authorized expenditures to be paid from parking revenues. Therefore, Mr. Dusek stated, a transfer of funds was necessary to reimburse the County and pay the expense from the proper budget code.

2. Authorizing the Transfer of Funds for Bonding Costs Incurred by the Village of Lake George in Connection with the Former Gaslight Village Property. Mr. Dusek explained that prior Resolution No. 579 of 2009 had authorized the County to pay up to \$36,000 towards the cost of borrowing funds by the Village of Lake George for cash flow purposes in connection with the TEP grant with the source of funding to be occupancy tax funds. He further explained the expense had been mistakenly paid from parking revenues and a transfer of funds was now necessary to correct the accounting error.
3. Authorizing Reimbursement to the Village of Lake George and Transfer of Funds for Services Provided by Elan Planning, Design & Landscape Architecture, PLLC. Mr. Dusek advised that although Resolution No. 564 of 2011 had authorized the fee of \$6,500 charged by Elan Planning for grant submission services to be paid from parking revenues, the County and Village had each paid their share of the fee directly from their respective municipal budgets. In order to reimburse both the County and Village for the funds expended, he said a transfer of funds was necessary to reimburse both municipalities from parking revenues to pay the expense from the correct budget code.
4. Rescinding Resolution No. 415 of 2011 Approving and Authorizing Reimbursement for Parking Services Submitted by the Village of Lake George for the Former Gaslight Village Property. Mr. Dusek apprised that Resolution No. 415 of 2011 authorized reimbursement in the amount of \$1,308 to the Village of Lake George for parking expenses incurred. He continued that a subsequent resolution, Resolution No. 647 of 2012, authorized a larger reimbursement amount of \$4,814.70, which included the \$1,308 previously owed and authorized for reimbursement. In order to avoid duplicating an expense, Mr. Dusek advised Resolution No. 415 of 2011 should be rescinded.

Copies of the four proposed resolutions are on file with the minutes.

Motion was made by Mr. Thomas, seconded by Mr. Kenny and carried unanimously to approve all four of the proposed resolutions for presentation at the September 21st Board meeting.

Proceeding with the agenda review, the Items of Interest section was outlined as follows:

- * Land Swap Status - Mr. Tennyson advised the maps showing the concept of the multi-party land swap had been prepared and reviewed by himself and Martin Auffredou, County Attorney. He said a last review of the concept would be performed with Mr. Monroe, after which a final map would be generated to reflect the end state of the land swap transaction.
- * Naming Rights Agreement Status - The naming rights agreement with the Charles R. Wood Foundation had been signed by both the County and Village of Lake George and subsequently forwarded to the Wood Foundation for their review and signature, Mr. Tennyson apprised.

Mr. Kenny questioned whether a resolution was necessary to approve the expenditure of \$21,700 in Wood Foundation funds for the 50% Local Share match for the design of the turf pavers on the Festival Space, as previously noted by Mr. Dusek. Mr. Monroe noted that although it would be necessary at some point, it did not need to be approved at the current meeting because, as pointed out by Mr. Tennyson, the final grant amounts to be received would not be known until they were awarded so they were still uncertain whether this figure would remain consistent.

Mr. Harrington questioned whether an update was available relative to the quotes for production of a Festival Space marketing booklet. Kate Johnson, Director of Tourism, advised she had met with Mayor Blais to assist him in

preparing an RFP (request for proposal) for the marketing booklet; she added that the deadline for submission of quotes had passed, but she had not received any update on the responses received. She further advised that in their discussions, she and Mayor Blais had talked about possible website work, as well.

Concerning the Referrals section of the agenda, Mr. Tennyson noted that all three of the pending items listed, concerning the re-distribution of Gaslight Village Property ownership shares; list of necessary adjustments for expenses paid from incorrect budget codes; and verification of the actual amount of Wood Foundation monies committed, had been addressed earlier in the meeting and could be removed from the Referral List.

Mr. Dickinson thanked both Mr. Dusek and Mrs. Smith for all of their hard work in preparing the Town Buy-In Analysis. Mr. Monroe noted that the Analysis document should be forwarded to the 3E's (Environmental Groups - *The Fund for Lake George, Lake George Association and the Lake George Land Conservancy*) so that they would be apprised of the situation; Mr. Dusek responded that he would forward the information, as requested.

There being no further business to come before the Gaslight Village Ad Hoc Committee, on motion made by Mr. Kenny and seconded by Mr. Dickinson, Mr. Monroe adjourned the meeting at 9:49 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board