

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: GASLIGHT VILLAGE AD HOC

DATE: OCTOBER 2, 2012

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS MONROE  
MERLINO  
THOMAS  
KENNY  
DICKINSON

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
ROBERT BLAIS, MAYOR, VILLAGE OF LAKE GEORGE  
PAUL DUSEK, COUNTY ADMINISTRATOR  
MARTIN AUFFREDOU, COUNTY ATTORNEY  
JOAN SADY, CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISORS BENTLEY  
CONOVER  
FRASIER  
LOEB  
MASON  
TAYLOR  
WOOD  
PAUL BUTLER, DIRECTOR, PARKS, RECREATION & RAILROAD  
KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS  
MIKE SWAN, COUNTY TREASURER  
FRED AUSTIN, REPRESENTING THE FORT WILLIAM HENRY RESORT  
JOHN STROUGH, COUNCILMAN, TOWN OF QUEENSBURY  
DON LEHMAN, *THE POST STAR*  
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

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Mr. Monroe called the meeting of the Gaslight Village Ad Hoc Committee to order at 9:30 a.m.

Motion was made by Mr. Thomas, seconded by Mr. Dickinson 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.

Referring to the "Warren County Gaslight Village Property Parking Fees Collected & Disbursements Made" document distributed with the agenda packet, Paul Dusek, County Administrator, advised the balance reflected therein was not accurate because it did not account for recently approved expenses which were in the process of being applied. Mr. Dusek outlined the expenses as being a \$3,200 payment to Elan Planning, reimbursement to the Village of Lake George in the amount of \$2,369.04 for materials purchased to establish additional parking areas for the Big Apple Circus and reimbursement to the Village of Lake George in the amount of \$2,470 for an expense paid to Elan Planning which should have come from parking revenues. Mr. Dusek advised that although the document distributed indicated a positive balance of \$28,623.38, that total would actually be lowered to a figure closer to \$20,000 once the outstanding expenses were applied.

Proceeding to Agenda Item 1, Jeffery Tennyson, Superintendent of Public Works, pointed out that the agenda packet included two invoices totaling \$1,861.50 forwarded by the Village of Lake George for which they were seeking reimbursement from parking revenues and he asked Martin Auffredou, County Attorney, to comment on the matter. Mr. Auffredou explained that the original SEQRA (State Environmental Quality Review Act)

documents were prepared in 2007, when the former Gaslight Village property was acquired. He further explained that since the plans for the property had changed significantly since that time, it had been determined that updated SEQRA documentation was necessary to account for the new facets of construction planned for the property. Mr. Auffredou continued that because the Village of Lake George had served as the lead agency for the initial SEQRA review, it was agreed that they would retain the same status for the second SEQRA process. He advised that William Lamy, of the Project Management Executive Committee (PMEC), had prepared the long form version of the SEQRA documentation, which had then been reviewed and edited by himself before forwarding the documents to Attorney Howard Krantz, legal counsel for the Village of Lake George, along with some proposed language for the notification letters and correspondence required in connection with the SEQRA process. Mr. Auffredou stated that although there was some initial discussion that the Village may retain outside legal services to assist with the SEQRA work, when the documents were forwarded to the Village it was his understanding that he and Attorney Krantz would work together to complete the process; he added that the Village had subsequently retained the services of the law firm of Miller, Mannix, Schachner & Hafner, LLC, unbeknownst to him. Mr. Auffredou said he was aware that the SEQRA work had been completed, but he had not yet received any type of positive or negative declaration as to whether the property would be environmentally impacted by the work proposed. He indicated that he had not been privy to any prior discussions relative to paying the legal fees from parking revenues, but had been subsequently advised by Attorney Krantz that the Village of Lake George sought to fund the services from the parking revenues collected in association with the former Gaslight Village property.

Mr. Dickinson questioned whether the Village of Lake George intended to use outside legal services throughout the rest of the project and Mr. Auffredou replied that he could not attest to the Village's intentions, but advised that once the SEQRA process was completed he did not foresee the need to do so. Mr. Dickinson then questioned whether the Village was requesting that all of the legal fees submitted be paid from the parking revenues, and Mr. Auffredou replied affirmatively. In response to an additional question posed by Mr. Dickinson, Mr. Tennyson advised the parking revenue fund accounted for all of the parking fees collected and did not separate them into County or Village shares.

Mr. Monroe stated that although the Village typically submitted invoices for reimbursement from parking revenues, the difference in this case was that the expense had not been pre-approved by the Committee, as they usually were.

Mr. Dusek explained the parking revenue fund was established to fund expenses related to the Festival Space and maintenance of the environmental portion of the Gaslight Village Project and included a clause that at the end of the year the property owners would split any remaining funds in accordance with their percentage of ownership; however, he noted, their plan had been to refrain from splitting any leftover funds to allow sufficient funding for any maintenance needs. He further explained that the reimbursements and expenses paid from the parking revenues so far had been consistent with typical maintenance expenses. Mr. Dusek pointed out that the attorney fees associated with the initial SEQRA review had been funded by the Village of Lake George and he had expected the cost of the second SEQRA review would be addressed in the same manner as they could not be considered a true maintenance expense. That being said, he noted there were circumstances in which non-maintenance expenses were paid from parking revenues, such as the decision to fund bonding costs incurred by the Village when they purchased the Town of Lake George's property shares. Mr. Dusek concluded that it was not impossible for the legal fees presented to be paid from parking revenues and said it was a matter for the Committee to consider and decide whether the expense was appropriate.

Mr. Dickinson questioned how parking revenues were applied in the County budget, and whether the Town of Lake George would receive a share of the revenues collected from the West Brook Parking Lot if they proceeded to buy half of the County's ownership interest in the former Gaslight Village property. Mr. Dusek responded that revenues

for parking on the former Gaslight Village property went into the parking revenue fund, but noted that those received for parking in the West Brook Parking Lot were funneled into a separate area of the budget as that was a County-owned facility and the revenues received were not shared or identified for use to fund any maintenance for the Festival Space or the environmental park. Mr. Tennyson interjected that although this determination had been made by the Public Works Committee, the Budget Team had subsequently determined that the parking revenues from the West Brook Parking Lot would be used initially to cover expenses associated with the Festival Space and environmental park, with any remaining funds being applied to the general fund portion of the County Budget. Mr. Dusek stated that he did not recall any decision being made to apply revenues from the West Brook Parking Lot for any Park related expenses and noted there were currently no restrictions on the parking revenues received, all of which were being applied to a designated section of the DPW budget. Speaking as a member of the Public Works Committee, Mr. Mason confirmed that he also recalled a decision being made to keep both the West Brook and Beach Road Parking Lots separate from the former Gaslight Village property with the revenues received being retained by the County. Mr. Tennyson pointed out that the West Brook Parking Lot was built adjacent to the former Gaslight Village property on a County right-of-way and Mr. Monroe agreed that the parcel where the parking lot was built was not affiliated with the purchase of the former Gaslight Village property, but pointed out that most of the people parking in that lot would be accessing the Festival Space and environmental park. With reference to Mr. Dickinson's inquiry as to whether the Town of Lake George would receive a portion of the revenues collected for parking at the West Brook Parking Lot if they were to purchase half of the County's ownership interest in the former Gaslight Village Property, Mr. Tennyson advised that was a matter to be considered by the Public Works Committee and Mr. Dickinson agreed to defer further discussion until that meeting.

Robert Blais, Mayor of the Village of Lake George, entered the meeting at 9:49 a.m.

Mr. Monroe summarized the Committee's prior discussion relative to the Village's request for payment of legal fees relating to the second SEQRA review for the former Gaslight Village property. Mayor Blais confirmed that in light of their status as lead agency for the initial SEQRA review, the Village had agreed to serve as the lead agency again for the second SEQRA review and had elected to retain outside legal services to complete the work on their behalf. He further confirmed that two bills for legal services had been received, both of which were being submitted for reimbursement from parking revenues. Mr. Monroe commented that although prior approval had not been provided by the Gaslight Village Ad Hoc Committee, the fees for legal services seemed to be a legitimate expense for payment from parking revenues.

Motion was made by Mr. Kenny, seconded by Dickinson and carried unanimously to authorize payment from parking revenues for legal services retained by the Village of Lake George in the amount of \$1,861.50 to complete a second SEQRA review for the former Gaslight Village property and the necessary resolution was authorized for the October 19<sup>th</sup> Board meeting.

Resuming the agenda review, the Items of Interest section was addressed, as follows:

- \* Land Swap Status - Mr. Tennyson advised he and Mr. Auffredou had met to discuss the land swap maps and make comments thereon. Mr. Auffredou said the comments had been sent to Attorney John Caffry, the legal counsel primarily responsible for drafting the Land Swap documents, who had agreed with most of the comments made. He advised there was one comment questioning whether or not the Festival Space was the subject of the conservation easement and they had found that it was, although it was treated differently than the balance of the property. Mr. Auffredou stated that at this point it was incumbent upon himself and Mr. Tennyson to forward their final revisions to the survey map to the LGA (Lake George Association), following which Attorney Caffry could finalize the land swap documents.

Mayor Blais said he had been notified by Attorney Krantz that the landowner titles on the survey map were incorrect and needed to be adjusted. Mr. Auffredou replied that this error had been pointed out to Attorney Caffry who agreed that a correction was necessary.

- \* Naming Rights Agreement Status - Mr. Auffredou advised the naming rights agreement had been executed by both the County and the Village and forwarded on to the attorney for the Charles R. Wood Foundation for review and approval.

Mr. Tennyson noted he had recently received the draft 80% design drawings for the Festival Space from Elan Planning; he continued that the DPW Engineering staff would review the documents before coordinating with the Village to make return comments to Elan. Mr. Tennyson asked anyone interested in reviewing the documents to contact him and he said that he would provide an update on the matter at the next Committee meeting.

Mayor Blais stated that the Village had received an invoice in the amount of \$3,200 from Elan Planning for submission of a Consolidated Funding Application to the New York State Department of State and he questioned whether it was appropriate for this expense to be paid from parking revenues. Mr. Monroe responded that the expenditure had already approved and he believed that was one of the pending payments to be made from parking revenues that Mr. Dusek had outlined at the beginning of the meeting.

Mr. Kenny asked if there was any new information to present relative to the Town of Lake George's prospective purchase of one half of the County's ownership interest in the former Gaslight Village property and Mr. Dickinson replied in the negative.

Concluding the agenda review with the Referrals section, Mr. Tennyson advised the only item listed had been with respect to the invoices for legal services submitted by the Village which had been addressed earlier in the meeting and could be removed from the Referral List.

There being no further business to come before the Gaslight Village Ad Hoc Committee, on motion made by Mr. Dickinson and seconded by Mr. Thomas, Mr. Monroe adjourned the meeting at 9:58 a.m.

Respectfully submitted,  
Amanda Allen, Deputy Clerk of the Board