

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: JOINT MEETING - PUBLIC WORKS AND GASLIGHT VILLAGE AD HOC

DATE: MARCH 27, 2012

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**PUBLIC WORKS**

**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BENTLEY  
MERLINO  
MONROE  
CONOVER  
WOOD  
TAYLOR  
DICKINSON  
MASON

**OTHERS PRESENT:**

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
REPRESENTING THE VILLAGE OF LAKE GEORGE:  
DAVID HARRINGTON JR., SUPERINTENDENT OF PUBLIC WORKS  
DARLENE GUNTHER, CLERK /TREASURER  
DANIEL G. STEC, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ADMINISTRATOR  
NICOLE LIVINGSTON, SECOND DEPUTY CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISORS STRAINER  
SOKOL

**COMMITTEE MEMBER ABSENT:**

SUPERVISOR FRASIER

MICHAEL CONSUELO, SPECIAL EVENTS COORDINATOR LAKE GEORGE  
REGIONAL CONVENTION & VISITORS BUREAU

FRED AUSTIN, FORT WILLIAM HENRY

**GASLIGHT VILLAGE AD HOC**

**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS THOMAS  
KENNY

DON LEHMAN, *THE POST STAR*

THOM RANDALL, *ADIRONDACK JOURNAL*

AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

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Mr. Bentley called the joint meeting of the Public Works and Gaslight Village Ad Hoc Committees to order at 11:00 a.m.

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

Copies of the meeting agenda were distributed by Jeffery Tennyson, Superintendent of Public Works, and a copy is also on file with the minutes.

Commencing with Agenda Item 1, Mr. Monroe announced the need for discussion on the proposal presented by the Village of Lake George relative to management of the West Brook parking lot. Mr. Tennyson pointed out that the agenda packet included a copy of the current proposal which had changed slightly since its first presentation. He apprised that the original proposal included provisions for the Village to manage and maintain the parking lot for which they would receive a fixed fee of \$10,000; he added that modifications to the proposal had been made to add a second payment option in which the Village would receive 10% of the cash parking meter collections during the initial contract term. Mr. Tennyson explained that the Village had elected to receive 10% of cash collections, rather than 10% of all collections, as the County would directly incur monthly fees for all revenues received from credit card payments, and he estimated those fees would total approximately 10% of the credit card based revenues received. He further advised that the Village had included in their proposal a breakdown of anticipated costs for management and maintenance of the West Brook parking lot during the months of May through October, which they estimated to be approximately \$9,100. Following additional conversation, it was determined that the second payment provision, providing 10% of cash collections to the Village for the season, was preferred.

Motion was made by Mr. Kenny and seconded by Mr. Dickinson to approve the proposal provided by the Village of Lake George for maintenance of the West Brook parking lot to include payment in the form of 10% of all cash

collections made during the months of May through October for the initial contract term.

Mr. Kenny questioned how the parking lot would be addressed outside of the months in which the Village would provide services and Mr. Tennyson replied that they would likely remove the meters and store them elsewhere during the winter season, the same practice used by the Village in maintaining the Beach Road parking lot. Mr. Tennyson added that, as with the Beach Road parking lot, parking would be free during the months when the meters were removed. David Harrington Jr., Superintendent of Public Works for the Village of Lake George, confirmed that the meters would be in operation for approximately six months, depending upon the onset and conclusion of winter conditions, during which they would be removed.

Mr. Conover noted that the proposal included in the agenda packet consisted of two separate memos dated February 28 and March 26, 2012, respectively, the first of which listed the responsibilities of both the County and Village in relation to the parking lot management, while the second provided a breakdown of costs. He then questioned whether an updated list of responsibilities was available as the two documents created some confusion as to what services were included under the 10% cash collection proposal fee. As an example, Mr. Conover cited that the first memo listed sweeping as one of the services provided under the contract, while the second memo indicated a fee of \$2,392 for sweeping, rubbish removal, cleaning and mowing services, and then listed "sweeper" under the "Not Included" section; he stated that clarification on these issues was necessary. Additionally, Mr. Conover questioned how ticketing revenues would be addressed. Respective to the ticketing revenue issue, Mr. Tennyson advised that in recent discussions with Mayor Blais he had indicated that all ticket revenues could be forwarded directly to the County if that was the desired procedure. He further advised that Mayor Blais had noted that the Village currently worked with a firm that handled the follow-up work to ensure that the fines were collected. Darlene Gunther, Clerk/Treasurer for the Village of Lake George, clarified that all parking tickets written in the Village of Lake George went to the Lake George Town Court who collected the fees and the Town Supervisor then forwarded her any parking ticket revenues incurred in the Village. She added that the Village had an arrangement with a company called Complus who pursued unpaid parking tickets at a fee of 20% per ticket. Mrs. Gunther concluded that there was a space on the parking ticket form that allowed for indication as to whether the fine was incurred for a violation in a County or Village parking lot, which would provide a means for tracking the number of tickets given in the West Brook parking lot.

Referring to the memo dated March 26<sup>th</sup>, Mr. Monroe pointed out that the bottom of the second page included a chart outlining "MacKay Fees" and he questioned what these were for. Ms. Gunther apprised that these were all charges incurred through the acceptance of credit card payments, as well as those for set up of the parking meters that accepted credit card payments. She stated that this information had been included to ensure that the County was aware of the ways in which accepting credit card payments would detract from the revenues received. In light of this information, Mr. Monroe said a case might be made to lessen the number of parking meters purchased that allowed for acceptance of credit card payments. Mr. Tennyson noted that Agenda Item 2 called for discussion on this issue.

Returning to the point previously made by Mr. Conover, Mr. Geraghty said it appeared as if work included in the proposal of February 28<sup>th</sup> was being removed in the memo dated March 26<sup>th</sup> and he suggested that clarification be sought from the Village as the excluded services would consume even more of the parking revenues if they had to be paid for separately. Mr. Kenny advised that as per conversations with Mayor Blais, all of the items listed in the February 28<sup>th</sup> proposal memo would be included in the contract and covered under the 10% cash collection fee, and Mr. Geraghty reiterated that this issue should be clarified to ensure this was the case. Mr. Harrington interjected that the West Brook parking lot would receive the same services provided for the Beach Road parking lot which included sweeping, garbage removal and maintenance services, all for the 10% gross cash collection fee indicated;

he advised that Mayor Blais had devised the table included on the March 26<sup>th</sup> memo to show the anticipated costs to be incurred in connection with the contract and he noted that the section entitled "Not Included" was representative of the fees that would be incurred by the Village for the services provided, such as fuel for the sweeper, tipping fees for garbage removal, etc.

Mr. Dickinson stated that the best course of action would be to respond to the proposal with an actual contract that would then be brought to the full Board of Supervisors to ensure that everyone was in agreement. Mr. Monroe advised that the contract should be written to state that they would accept the proposal and pay the 10% gross cash revenue fee, provided that all of the services listed were covered, exclusive of the credit card fees indicated.

Mr. Monroe called the question and the previous motion was carried by unanimous vote and the necessary resolution was authorized for the April 20<sup>th</sup> Board meeting.

Resuming the agenda review with Item 2, Mr. Tennyson called for discussion on the parking meters for the West Brook parking lot, reminding the Committee of the previous issue related by the Village regarding the fees associated with collection of parking revenues via credit card payment. He said that they would be ordering the parking meters within the week and had initially intended to purchase all credit card capable machines; however, he added, in light of the Village's recommendation to reduce the number of credit card meters to encourage use of cash machines, thereby preserving the revenues received, this issue was being revisited.

Mr. Dickinson questioned whether the credit card acceptance portion of the parking meters could be disabled and Mr. Tennyson responded that he was waiting for more information from the vendor to make this determination. If this was the case, he said it might be sensible to order the credit card capable machines and install them as cash only for the time being, but keeping the option open for future use. Mr. Harrington advised that the parking meters could become credit card capable at any time and he said that if the meters were ordered without the credit card mechanism, it could be purchased and added at a later date. He noted that although the cost might be slightly greater to purchase the additional mechanisms separately, they would be wasting money if they were to buy them now and not use them. Mr. Harrington suggested implementing two cash only and two credit card capable parking meters and revisiting the issue at the end of the season to determine whether a change should be made.

Subsequent to further discussion on the matter, it was the consensus of the Committee that Mr. Tennyson should proceed in ordering two cash only and two credit card capable parking meters.

Proceeding to Agenda Item 3, Mr. Tennyson advised that the new Charles R. Wood Park Event and Operations Committee had been established as per Resolution No. 193 of 2012, approved at the March 16<sup>th</sup> Board meeting. He further advised that the members of the new Committee would be Messrs. Monroe, Merlino, Kenny and Dickinson, for the County, and Mayor Blais and John Earl, Deputy Mayor, for the Village of Lake George, and he noted that he would serve as the alternate member for the County and Mr. Harrington for the Village, if needed. Mr. Tennyson apprised of discussions held at the Public Works Committee meeting held earlier that morning where it had been determined that the West Brook and Beach Road parking lots would fall under the authority of the Public Works Committee, while the Gaslight Ad Hoc Committee would handle the County portion of the development of the Charles R. Wood Park, which included grant documents, contracts and budget items for the development of the 12-acre parcel, as well as to oversee the receipt of revenues from the Wood Foundation. He said the Charles R. Wood Park Event and Operations Committee meeting would be in charge of developing programs, procedures, budgets and rules of use for the Festival Space, as well as the overall day-to-day operations of the Park once it was established, and would serve as the enduring Committee, while the Gaslight Ad Hoc Committee would be dissolved once the build-out of the park was completed under the current grant agreements.

Mr. Monroe said there were several questions relating to how the new Charles R. Wood Park Event and Operations Committee would be managed as it was a different type of Committee than was typically established by the County in that it included members from both the County and the Village. He said they would need to determine whether the Committee was subject to the Open Meetings Law, as well as where the meetings would be held. Mr. Tennyson noted that when the Committee was developed, it was done with the thought that it would actually be more of a flexible working group able to make quick decisions without having to undergo the same extensive approval requirements of a formal Committee; he added that they would also need to determine whether meeting minutes and advertisement requirements applied. The Committee needed to maintain the ability to give rapid responses to requests for use of the property, Mr. Tennyson noted, citing as an example a recent meeting to discuss an upcoming American Legion carnival event where they had needed to quickly determine whether the property was available and assign a usage fee. He advised that similar rapid considerations would need to be provided for other events, as well as providing answers on day-to-day operational issues, that might need more flexible consideration than what was afforded through the monthly Committee cycle. Mr. Monroe stated that if the Committee could take action, it was subject to the Open Meetings Law, requiring public notice of meetings and recording of meeting minutes. He added that the only way around this was to make the Committee completely advisory, which would not allow actions to be taken. Paul Dusek, County Administrator, agreed with Mr. Monroe's assessment.

As for the location where the meetings were to be held, Mr. Tennyson suggested that they be held alternately at the Municipal Center and a Village-designated site; he added that they also needed to determine who the chairman of the Committee would be and advised that this designation could also be alternated between County and Village officials on an annual basis. Mr. Tennyson advised that authorities to take action within an existing budget without necessitating a formal meeting would be required, similar to the ways in which Department Heads were permitted to take actions and report back to the Committee. Mr. Monroe cited this as another reason why the meetings would be subject to the Open Meetings Law.

Discussion ensued, following which motion was made by Mr. Dickinson, seconded by Mr. Kenny and carried unanimously to amend Resolution No. 193 of 2012 to change the name of the Charles R. Wood Park Event and Operations Committee to the Park O&M Committee, and the necessary resolution was authorized for the April 20<sup>th</sup> Board meeting.

It was the consensus of the Committee that Mr. Dusek should work with Martin Auffredou, County Attorney, to establish a draft delegation resolution pertaining to management authorities for the Park property to be presented at the next Gaslight Village Ad Hoc Committee meeting.

Mr. Monroe apprised of a proposal presented by Mr. Dickinson for the Town of Lake George to re-join the Gaslight Village/Charles R. Wood Park project and he advised that if the Committee was in favor, a resolution of support should be passed, contingent upon similar approvals from the Village of Lake George and the 3E's (environmental groups - *Fund for Lake George; Lake George Association and Lake George Land Conservancy*). Mr. Dickinson stated that he was not alone in his desire to re-join the project and had the full support of the Town Board. He said that he wanted to advise all members of the Board of Supervisors of this intent so that the Town might begin gathering the funds necessary to re-join. Both Messrs. Kenny and Merlino stated their support of the Town's inclination to re-join the project.

Mr. Dusek advised that he had been involved in the process to remove the Town from the Project which had taken a huge amount of work as there were agreements, funding streams, recordings, etc. to be considered. He said reversing this action would take a lot of work and would not likely be completed quickly. In light of the additional work and expense, Mr. Thomas opined that if they were to re-join, the Town should be responsible for all associated

legal fees incurred as it was the Town's decision to remove itself. Mr. Dickinson responded that there was a new Town Board in place and all members were in favor of re-joining and would be willing to pay their fair share to do so.

Following further discussion, motion was made by Mr. Kenny, seconded by Mr. Merlino and carried unanimously to support the concept of the Town of Lake George re-joining the Gaslight Village/Charles R. Wood Park Project with the Town paying all expenses generated in connection with that action, contingent upon similar approvals from the Village of Lake George and the 3E's, and the necessary resolution was authorized for the April 20<sup>th</sup> Board meeting.

Concluding the agenda review, Mr. Tennyson addressed the Referrals section, as follows:

1. The referral from the Finance Committee to the Public Works and Gaslight Village Ad Hoc Committees relative to making a determination as to whether revenues from parking would be allocated to the General Fund or maintenance of the Festival Space had been clarified during the Public Works Committee meeting held earlier that morning, Mr. Tennyson stated. Therefore, he added, the item could be removed. (*Note: the Public Works Committee determined that the West Brook and Beach Road parking lots would be addressed by the Public Works Committee and that three separate budget lines would be created to track revenues from the West Brook and Beach Road parking lots, as well as the Festival Space, with decisions on expenditure of those funds to be determined at a later date.*); and
2. Mr. Tennyson noted that the members of the Charles R. Wood Park Event and Operations Committee, now the Park O&M Committee, had been named earlier in the meeting, and this item could be removed, as well.

Mr. Dusek announced he had one final item for consideration, that being the establishment of a Local Law allowing for parking fines to be assessed and collected for the West Brook parking lot. He said that if the Committee wished to institute a fine structure, a Local Law authorizing such would be necessary, although he said he was unsure whether the Law would be passed by the County, Town or Village of Lake George, or all three. Mr. Dusek suggested that the Committee provide their approval for the Local Law in order to forward the matter to the County Attorney's Office for their consideration.

Motion was made by Mr. Merlino, seconded by Mr. Dickinson and carried unanimously to approve a Local Law allowing or the institution of a parking fine structure at the West Brook parking lot and the necessary resolution was authorized for the April 20<sup>th</sup> Board meeting.

There being no further business to come before the Gaslight Village Ad Hoc or Public Works Committees, on motion made by Mr. Merlino and seconded by Mr. Thomas, Mr. Monroe adjourned the meeting at 11:53 a.m.

Respectfully submitted,  
Amanda Allen, Deputy Clerk of the Board