

**WARREN COUNTY BOARD OF SUPERVISORS  
SPECIAL MEETING  
TUESDAY, JUNE 20, 2006**

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., pursuant to the following:

**NOTICE OF SPECIAL MEETING**

**TO THE MEMBERS OF THE BOARD OF SUPERVISORS OF WARREN COUNTY:**

You are hereby notified that, I, WILLIAM H. THOMAS, Chairman of the Board of Supervisors of the County of Warren, pursuant to the power vested in me by Rule A.3 of the Rules of the Board of Supervisors, hereby call and convene a special meeting of the Board of Supervisors of Warren County to be held in the Supervisors' Room in the Warren County Municipal Center, Town of Queensbury, New York, on Tuesday, June 20, 2006 at 10:00 a.m., for the purpose of considering, and if determined by the Board to be appropriate, voting on, or otherwise taking action on, the following matters:

1. Discuss request by New York State Assembly for a cap on bonding limits for Warren County Convention and Sports Authority, discuss any other matters concerning the proposed legislation that may be requested or of concern, and consider for adoption a further Municipal Home Rule Request for the legislation;
2. Review and consider, if available, the Pinnacle Warren County Convention Update Study; and
3. To conduct such other business as may properly come before the Board of Supervisors.

The Clerk of the Board of Supervisors is hereby directed to call for the meeting and give written notice to all members of the Board of Supervisors of such meeting.

Dated: June 16, 2006

WILLIAM H. THOMAS, CHAIRMAN  
Warren County Board of Supervisors

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Merlino.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Sheehan, Mason (entered at 10:09 a.m.), Kenny, Belden, Bentley, W. Thomas, Tessier, Merlino, Stec (entered at 10:08 a.m.), Caimano, Champagne, VanNess (entered at 10:34 a.m.), Barody, F. Thomas, Haskell, and Geraghty - 18.

Absent: Supervisors Girard and O'Connor - 2.

Chairman Thomas apprised William Remington, Superintendent of DPW, had requested permission to address the board regarding radio reception. Privilege of the floor was extended to Mr. Remington who distributed a handout from the Warren County Sheriff's Office to the board members, a copy of which is on file with the minutes .

Mr. Remington explained there was an open microphone on one of the County band radios and he believed it was a bad wire in the microphone of the radio. He listed the hundreds of users on the County band radios. He noted he had been working closely with the Sheriff's Department and they had been turning the radios over to a private line frequency, and unless the radio had that private line frequency the user could not send or receive on the radio. He added that they needed to re-program every radio to the private line frequency and they would be starting tomorrow with all of the DPW crews. He said that he had sent a letter to all of the towns and the Highway Superintendents outlining what needed to be done. He stated that all radios on the County's system would have to be re-programmed.

Chairman Thomas questioned how much the re-programming of the radios would cost and Mr. Remington replied it would cost between \$3,000 and \$5,000 for the County radios and he thought it would be less then \$500 to re-program the radios for the towns. Mr. Remington added it would take approximately fifteen minutes to re-program one radio. Mr. Geraghty noted the problem was that if a town had old radio equipment then they would have to purchase new radios at an additional cost.

Mr. Remington expounded they had been searching since June 7<sup>th</sup> to try and find the problem but they could not find it. Currently, he said, the radio system was not functioning and it was not safe for the DPW crews to be out in the field without being able to communicate with each other. He added it would take approximately one week to re-program the County radios. Chairman Thomas noted the problem was that he was asking the towns to find money in the middle of the year to do something that they had not budgeted for.

Mr. Gabriels wondered if there would be any opportunity for Homeland Security Funding, given this was disruptive of a very significant piece of the County's infrastructure. Mr. Remington replied he would check with Marv Lemery, Warren County Fire Coordinator, to see if that would be a possibility.

Mr. Mason suggested that Mr. Remington check with the manufacturer of the radios because they should have the technicians and the knowledge to find the problem and resolve it. Mr. Remington stated that Brian LaFlure, Systems Maintenance Coordinator, had exhausted every option in locating the problem and he considered him the County expert in this field.

Mr. Monroe said he agreed that the manufacturer should be able to resolve this problem. He added that he had a friend that was a retired engineer from Motorola and he would talk to him about the problem.

Chairman Thomas directed Mr. Remington to begin the process of re-programming the County radios and to look into replacing the older radios next year. He suggested that Mr. Monroe contact the person that he knew to check on other possible ways of doing this. He also asked Mr. Remington to check with Mr. Lemery in regards to the Homeland Security Funding as an option to cover the costs and to report back to the DPW Committee at the next meeting.

Chairman Thomas extended privilege of the floor to Mr. Haskell who announced that each Supervisor had received a memo with their resolution packets, regarding a meeting that would be held on Friday, June 23, 2006 to discuss space issues for the new building with each Department Head. He invited any and all Supervisors to attend the meeting, especially if they wanted to defend their Committees requests. He added that there had to be cuts made to the requests because the proposed building design had expanded beyond what they had anticipated.

Mr. Caimano thanked the Supervisors that attended the New York State Fire Chief's Convention and those that volunteered to work, as well. He noted that the convention had gone very well and he was proud of the efforts put forth by the employees of Warren County. He also referred to Resolution No. 452, Terminating Agreement with WAMC Northeast Public Radio for Media Announcement Spot. He stated he was embarrassed by the miscommunication between himself and WAMC and he apologized for the misunderstanding.

Chairman Thomas announced that Resolution No. 451, Appointing William H. Thomas, Chairman of the Board of Supervisors, as a Member of the Northern Forest Economic Strategy Steering Committee and Authorizing Out-of-State Travel, would allow him to travel to New Hampshire on June 26 - 27, 2006 for a meeting.

Clerk noted a motion was necessary to bring Resolution Nos. 451 through 453 to the floor. Motion was made by Mr. Belden, seconded by Mr. Merlino and carried unanimously to bring Resolution Nos. 451 through 453 to the floor.

Chairman Thomas called for a vote on the resolutions.

Resolution Nos. 451 and 452 were approved.

Chairman Thomas apprised the main purpose for the Special Board meeting today was Resolution No. 453, Home Rule Request for the Enactment of Senate Bill No. 7748-A and Assembly Bill No. 10904-A Entitled "An Act to Amend the Public Authorities Law, in Relation to Establishing the Warren County Convention and Sports Authority, and Providing for its Power and Duties". He further explained that he had been contacted by Senator Little and she had advised that she requested a \$50 million bonding limit for Warren County regarding the Public Authority. He asked Mr. Barody to further elaborate for the board members.

Mr. Barody explained that initially the Legislation had gone forth with no bonding limit and he agreed it was a good prudent idea to put a bonding limit in. He added that the Public Authority in Albany had a bonding limit of \$100 million. He noted that the way the County Attorney had crafted the Legislation the Public Authority would not be able to engage in spending without the boards interaction, due to the fact that the board would be funding the Public Authority. He stated that the Pinnacle report was completed and would be distributed to the board members today, and it provided some estimated costs, such as the construction price of a Class A building for a convention center would be \$12.2 million. He said he did not anticipate that they would spend \$50 million on this project and he believed that the cap was more of a stop gap measure so that the Authority could not run amuck. He expounded that the County had set up the Authority so that they could come to the board with business plans and what they wanted to do, but the board would still need to fund any segmented effort.

Mr. Dusek added that it was theoretically possible for the Authority itself, if created, to go after State or Federal funding on its own and receive money that way and they would be capable of receiving donations. Mr. Barody agreed and stated that was what the board would want to happen and Senator Little had said that she would work with the County in obtaining State monies for the project. He added he thought that Congressman Sweeney would be another source of support for the project. He noted another important part of the project was the environmental piece and he stated that the County had been working hand in hand with the Lake George Association. He said that NYS DEC (New York State Department of Environmental Conservation) and NYS DOT (New York State Department of Transportation), on the environmental side of this project, would have monies available for this project as well.

Mr. Stec said he agreed with most of what Mr. Barody had said and stated certain aspects warranted extra emphasis because all that the County had done at this point was to seek Home Rule Legislation that would give them the option to go forward with the project. He apprised that in addition to the Legislation that was crafted, he had spoken with Assemblywoman Sayward regarding this issue and she had asked Mr. Stec to share with Mr. Dusek a compliment that was intended for him. He said that the lead counsel for the Assembly Majority had high praise for how well crafted the County's Legislation was.

Mr. Monroe asked for clarification as to what the County's obligation would be with this \$50 million bond. Mr. Dusek explained that in order for the Authority to ultimately finance deals and sell bonds they would need to show some source of revenue, some of which would be from the rentals that they would receive from the convention center. He further stated they would also need some source of revenue if they could not get enough funding from the State and Federal levels. Mr. Dusek said he presumed they would not be able to and would need a source of revenue from the County, which would involve a contract with the Authority whereby the County would commit a certain level of funding to the facility.

Mr. Dusek apprised there had been some comparisons drawn to the burn plant. He said that while there were no obligations with the bonds, there could be serious contractual

obligations. He stressed that when the County entered into the contracts with the burn plant, they basically gave an open check book, by saying that whatever the tip fee was the County would pay for all of the garbage being shipped there. He said that through a formula that was based on what their bond costs were, the County automatically got tagged for that amount because that was the nature of the contract the County entered into. He further stated, that in this particular Authority, he recommended to never get into another open check book contract situation. He concluded that although there were similarities, he did not want the board members to worry that this would be like the burn plant because it was up to the way that the contracts would be drafted and the fact that the board would have that control.

Chairman Thomas thanked Frank O'Keefe, County Treasurer, for providing the Estimated Debt Service Schedule that was distributed to the board members, a copy of which is on file with the minutes.

Mr. Barody referred to the Pinnacle report that would be distributed to the board members today, and mentioned a board workshop would be scheduled because some of the data was elusive and hard to understand. He noted they would be asking the consultant that they had on retainer, Kevin McLaughlin, to analyze the report and to present a power point presentation for a workshop session.

Mr. Stec expressed his concern with having a \$50 million cap, when the board members knew they would never expect to bond that kind of money. He said he supported trying to get the Home Rule Legislation, but he thought \$50 million was too much and he would be much more comfortable with a number much less than that.

Chairman Thomas disagreed because he said it would not be much less than \$50 million that would have to be spent to bring this project to fruition and there would be debt involved.

Mr. Caimano noted that the \$50 million had not been spent, it was a cap. He said the County needed to have the option of an Authority to move forward. Chairman Thomas added if the board approved of the \$50 million cap, they would be approving all expenditures up to \$50 million. He stated they needed to get it in place now so they could have it if they wanted to do the Authority and in the future the board would decide if they wanted to spend that money or not.

Mr. Dusek clarified that the bonding would be done by the Authority and it would be up to the Authority how much would be bonded, and it would be out of the control of this board. He further stated that once this board appointed the Public Authority Board it would be a completely separate independent agency. Realistically, he said, they would need money so they would be asking to enter into a contract with the County for a specified dollar amount.

Mr. Kenny questioned if there would be any other triggers that would happen after this Legislation was passed, such as, would this automatically commit the County to any additional expenses. Mr. Dusek replied that the Legislation clearly provided that the County

**may** commit funding and the County **may** transfer assets, for instance, but it did not state **shall**, leaving it optional. He added that the funding mechanisms, particularly, were totally optional to the board.

Chairman Thomas asked if the Authority would need to be appointed immediately and Mr. Dusek responded no, there was no time frame within the statute.

Mrs. Parsons expounded that last night the Assembly had put forward an amendment to the Home Rule Request to include the \$50 million cap. She noted that she had just spoken with Assemblywoman Sayward again who apprised that if the County were to ask for an amendment to this bill, it would require another quick print and would have to sit for three days, and she could not guarantee that it would pass. She added that Assemblywoman Sayward had said that the dollar amount for the cap could be amended at a later date when the Legislature reconvened in the fall.

Chairman Thomas stated that Senator Little was on the phone for him and he called a recess at 11:10 a.m.

Chairman Thomas returned and called the meeting back to order at 11:20 a.m.

Chairman Thomas informed the board members that his discussion with Senator Little was regarding the \$50 million cap that the board had discussed this morning. He noted that the bill could be amended after today according to Senator Little. He stated a 2/3 vote would be required to pass this resolution.

Mr. Gabriels said that this decision had to be made today or it would have to wait until next year. He added that next year there would be a different Governor with a whole different attitude who may take a different look at these Authorities. Chairman Thomas agreed with Mr. Gabriels and said "it was today or nothing".

Chairman Thomas requested a roll call vote on Resolution No. 453, Home Rule Request for the Enactment of Senate Bill No. 7748-A and Assembly Bill No. 10904-A Entitled "An Act to Amend the Public Authorities Law, in Relation to Establishing the Warren County Convention and Sports Authority, and Providing for its Power and Duties".

Resolution No. 453 passed by 2/3 majority vote.

There being no further business, on motion by Mr. Geraghty and seconded by Mr. Haskell, Chairman Thomas adjourned the meeting at 11:22 a.m.