

**WARREN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
FRIDAY, JULY 14, 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.

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Merlino.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Girard, Sheehan, Mason, O'Connor, Kenny, Belden, Bentley, W. Thomas, Tessier, Merlino, Stec, Caimano, Champagne, VanNess, Barody, F. Thomas, and Geraghty - 19.

Absent: Supervisor Haskell - 1.

Motion was made by Mr. Mason, seconded by Mr. Merlino and carried unanimously, to approve the minutes of the June 16, 2006 Board Meeting and the June 20, 2006 Special Board Meeting, subject to correction by the Clerk.

Chairman Thomas declared the Public Hearing on proposed Local Law No. 7 of 2006, open at 10:02 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Mr. Stec apprised District Attorney Kate Hogan had brought the proposed Local Law forward at the Criminal Justice Committee meeting and he fully supported it.

Mr. Barody questioned if the 'grandfather clause' that Albany County had included in their Local Law was included in this Local Law also. Mr. Monroe pointed out Section 5b of the Local Law did exclude those previously living within an area as outlined in the Law. Mr. Stec suggested that Section 5b be removed from the Local Law.

Chairman Thomas informed the board that the Local Law could not be amended at this point, it could only be tabled, according to the County Attorney. Mr. Stec clarified that he did not want to table this Local Law.

Mr. Caimano questioned why the Local Law could not be amended today if the board had not voted on it yet and they were holding a Public Hearing. County Attorney, Paul Dusek, explained that the Local Law could be amended but if it were, then it could not be adopted today. He further explained that the change the board members were looking to make would be a substantial change and would require another Public Hearing. He added that the Law stated that any law that the board passed must be on their desks a certain number of days before it could be adopted.

Mr. VanNess suggested that the board move forward with the Local Law as it was, and amend it at a later date, to at least have something in place that could be enforced now. Mr. Monroe noted that there was no penalty outlined in the Local Law for those that violated it. Mr.

Dusek apprised that there was no criminal penalty or fine attached to the Law and it would require an injunction-type action in court to enforce the Law if someone was found in violation of it.

Chairman Thomas suggested that the board go forward with Local Law No. 7 of 2006 today, and refer it back to the Criminal Justice Committee for review and possible amendments.

Chairman Thomas declared the Public Hearing on the proposed agreement with Argyle Flying Services, LLC for the nonexclusive use of the Floyd Bennett Memorial Airport open at 10:15 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

There being no one wishing to speak on the proposed agreement, Chairman Thomas declared the public hearing closed at 10:17 a.m.

There being no one further wishing to speak on the proposed Local Law No. 7 of 2006, Chairman Thomas declared the public hearing closed at 10:18 a.m.

Chairman Thomas recognized the City of Glens Falls Mayor, Roy Akins, who was in attendance and welcomed him to the meeting.

Chairman Thomas extended privilege of the floor to Mr. Caimano to present certificates of appreciation to those who volunteered during the New York State Association of Fire Chiefs Convention. Mr. Caimano read a list of those participants that Warren County extended appreciation and thanks to for all their hard work; a copy of the list is on file with the minutes. He thanked the New York State Association of Fire Chiefs for coming to Warren County and welcomed them back next year. He also acknowledged Pam Morin and Kate Johnson from the Tourism Department for all their hard work and presented both with certificates of appreciation. The board responded with applause. Mr. Caimano recognized the Supervisors who volunteered their time as well.

Chairman called for reports by Committee Chairmen on past activities and the following presented verbal reports on July meetings or activities:

Supervisor F. Thomas, Legislative; Supervisor VanNess, Fire Prevention & Control and Washington County-Joint Meeting; Supervisor Champagne, Community College and Finance-Joint Meeting with Washington County; Supervisor Stec, Planning and Community Development; Supervisor Bentley, Sheriff and Communications; Supervisor O'Connor, Mental Health; Supervisor Gabriels, Personnel.

Mr. Champagne referred to the Community College and Finance Committee Joint

Meeting. He apprised the committees had reviewed the proposed tentative budget for 2006 and 2007 for Adirondack Community College (ACC). He noted that the budget had increased 5.59%, or a total of \$92,948, for a total annual budget of \$21.4 million.

Mr. Caimano added that he was in attendance as the Budget Officer at the Community College and Finance Committee Joint Meeting. He urged the board to approve the proposed ACC budget. He expounded that by State Law, each college budget was supposed to be funded by 33% from the students, 26.7% from the sponsors and 42% from the State. He noted that in the past fifteen years the State had yet to contribute the full 42%. He said it was outrageous that the balance of the cost was falling on the students and that tuition continued to increase every year because the State was not fulfilling their obligation or complying with the Law.

Chairman Thomas said he planned to have a conversation with Senator Little regarding this issue because it appeared that throughout New York State the State was paying varying percentages to different colleges within the State and it was not consistent. He added that he would like to know what the formula was to determine the State's share of funding.

Mr. Champagne stated he would like to know who the members of the higher education committee were in both the State Assembly and the Senate to determine who to contact in order to begin discussions to resolve this problem.

Mr. Stec clarified that the board did not think they were entitled to more funding for ACC; the Law said the State was required to fund a specific percentage which they were not doing.

Mr. Bentley referred to the Sheriff and Communications Committee meeting. He apprised that Resolution No. 494 of 2006, Budget Note Dated July 14, 2006 of the County of Warren in the Amount of \$156,051.35 to Cover Retroactive Salary Payments Made Following the Police Benevolent Associations' Contract Settlement with the Sheriff's Office, needed to be amended to include fringe benefits and retirement. Please note: The total of the amended Budget Note is \$193,000.

A motion was made by Mr. Monroe, seconded by Mr. Gabriels and carried unanimously to amend Resolution No. 494 of 2006 as outlined above.

Mr. Sheehan referred to the Social Services Committee report and stated that the savings to Warren County as a result of the 2006 Medicaid Cap was \$3,785,741.

Mr. Girard apprised he had been approached by Councilman Bush from Ward 1 in the City of Glens Falls regarding East Field. He stated he was not familiar enough with the agreements between the City of Glens Falls and Warren County with regard to East Field and

questioned how he could obtain more information. Joan Parsons, Commissioner of Administrative and Fiscal Services, said discussions regarding East Field had been referred to the Municipal Shared Services Committee which had not met in quite some time. Chairman Thomas added that the County was prepared to meet with the Mayor of Glens Falls to begin these discussions again.

Privilege of the floor was extended to Roy Akins, Mayor of the City of Glens Falls. Mayor Akins thanked the board for the access to gasoline at the County fuel pumps that was given to the City over the past weekend when their fuel pump went down. In regards to East Field, Mayor Akins expounded there were a few different options available as to what could be done with East Field in conjunction with the proposed Warren County Sports Authority. He concluded that there were a number of inter-municipal relationships that could be reviewed.

Chairman Thomas asked the members of the Municipal Shared Services Committee and Mayor Akins if they wanted to schedule a meeting to review some of these issues, and Mr. O'Connor replied he thought that was a good idea. Chairman Thomas suggested that Mr. Girard attend that meeting as well. Mr. O'Connor added that the previous Mayor of the City of Glens Falls had always included the members of the Common Council at the Municipal Shared Services Committee meetings.

Mr. Monroe referred to the Finance Committee meeting. He apprised that discussions were had regarding the Bill that was pending in the Legislature, which had passed the Senate and Assembly and was awaiting the Governor's signature to authorize the County to bond \$3 million in relation to the June 2005 flooding which had been paid with a Budget Note. He announced that the Governor had signed the Bill yesterday and a resolution regarding the same would be distributed today.

Mr. Monroe announced that there was a situation that had developed with the Adirondack Park Agency (APA). He stated that the APA had frequently operated with less than the full complement of particularly the local representation. He explained that there were eleven members, five of which were supposed to be appointed from within the Adirondacks. He further explained that due to gridlock between the Governor and the Senate, those seats had remained vacant. He noted that Commissioner Bill Kissel had resigned last June and that seat had remained vacant until yesterday when a replacement, Art Lucy, was sworn in. He added that in the meantime, Deanne Rhem, who was Commissioner, had resigned about a month and a half ago, leaving a vacant seat. He said Frank Mezzano, another in-park Commissioner, had submitted his resignation last winter to take effect June 30, 2006, but had indicated he would be willing to stay because the local representation had been so diluted.

Mr. Monroe expounded he had learned yesterday that the Governor had accepted Commissioner Mezzano's resignation, leaving two vacancies. He noted that the Senate would be back in session in September, but in order for the Governor to make an appointment and complete the background and security checks, the only way there would be a full complement

of Commissioners would be for an appointment to be made within the next couple of weeks for those two seats. He further stated that if that did not happen, and there was a change in Administration in January, the seats would sit vacant again. He urged the board members to encourage the Governor to fill the vacant seats immediately.

A motion was made by Mr. Monroe, seconded by Mr. Caimano and carried unanimously to urge the Governor to promptly fill the vacant seats of local representation on the APA board. *Subsequent to the meeting, it was determined that Resolution No. 450 of 2006, Authorizing the Chairman of the Board of Supervisors to Send a Letter to Governor Pataki Requesting that He Expedite the Filling of Vacancies for Resident Commissioners Serving on the Adirondack Park Agency (APA), fulfilled this request.*

Mr. Monroe announced another issue brought to his attention was in regards to the proposed Lowe's in Ticonderoga. He explained there was a commercial area in Ticonderoga comprised of Walmart, Dunkin Donuts and McDonald's, similar to a plaza development. He said that Lowe's had proposed to build a store there, eight hundred feet back from the road. He noted that the Adirondack Park Agency (APA) rules stated only a sixty square foot sign was allowed, and Lowe's wanted a sign closer to three hundred square feet and had said that they would not build there if their request was not granted. He added that Lowe's had applied for a public hearing, to which APA staff had implied they would not get what they were requesting, even before the hearing had been held. He apprised that the board should support Lowe's, because their requests were reasonable and Ticonderoga wanted the store there.

A motion was made by Mr. Belden, seconded by Mr. Stec and carried unanimously to support the Lowe's Company and their request to build in Ticonderoga. The Clerk noted it would be Resolution No. 506.

Mr. Gabriels thanked Mr. Caimano on the success of the New York State Association of Fire Chiefs Convention which was very important for the tourist economy. He added that the tourists come to the County not only to enjoy the primitiveness of the environment, but also to enjoy the modern facilities, including electric lights at night. He noted that during Americade the electric service had gone out in a significant portion of Warren County. He said there had been many occasions in the recent past where the electric service had gone out and he was concerned with this ongoing problem. Chairman Thomas agreed there was a growing concern with the frequency of power outages and suggested inviting National Grid to attend either the August or September Board Meeting.

Mr. Gabriels referred to the Personnel Committee meeting and stated that Resolution No. 497 of 2006, Amending Procedures with regard to the Establishment, Filling and Increasing or Decreasing of Salaries for Non-Union Positions of Employment with Warren County, was included in the packet. He expounded the intent was to establish a more rigorous procedure for increasing or decreasing salaries outside of the budget cycle in order to give the committee members a better understanding of the requests being made.

Chairman Thomas announced the members appointed to review the criteria provided

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by the Community Health Charities as follows: Supervisor Geraghty, Supervisor Girard and Supervisor Kenny.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

- Office of Community Services for Warren/Washington Counties & its Chemical Dependency Subcommittee;
- Soil & Water Conservation;
- Warren County Planning Board;
- Inter-County Solid Waste Coordinating Committee;
- Warren-Washington Counties Industrial Development Agency;
- Lake Champlain-Lake George Regional Planning Board.

Monthly Reports from:

- Probation;
- Weights & Measures;
- Veterinarian.

Quarterly Report from:

- New York State Department of Civil Service, 1st Quarter Empire Plan Experience Report.

Annual Reports from:

- Lake Champlain-Lake George Regional Planning Board;
- New York State Developmental Disabilities Planning Council;
- Warren/Washington Counties Industrial Development Agency.

Lake Champlain/Lake George Regional Planning Board, update on the Greater Glens Falls Urbanized Area MS4 Grant.

The Bolton Free Library, extending appreciation to the Warren County Board of Supervisors for the funds budgeted towards the Bolton Free Library in 2006.

New York State Canal Corporation, requesting support for the Canal Revitalization Bill.

New York State Department of Environmental Conservation, Region 5, regarding Warren County Resolution No. 353 of 2006, opposing year-round bass fishing in Region 5.

Governor's Office for Small Cities, requesting semi-annual progress reports for three

Warren County small cities grant funded projects as well as a letter granting the exception to the conflict of interest regulations requested by Supervisor Haskell.

NYSAC, acknowledgment of Resolution Nos. 422 through 429 of 2006.

New York State Department of Health, notification of availability of a draft Intended Use Plan for the Drinking Water State Revolving Fund program.

Town of Queensbury, Planning Board and Zoning Board of Appeals agendas, as well as a notice of public hearing regarding the Genthner application.

New York State Commission of Investigation, advising of the release of the Commissions Annual Report for 2005.

New York State Office for the Aging, announcing that New York State's Point of Entry has been "branded" as NYCONNECTS: Choices for Long Term Care.

Bartlett, Pontiff, Stewart & Rhodes, Attorneys for the Village of Hudson Falls, Notice of Public Hearing to consider adoption of Local Law No. 3 of 2006 regarding amendments to Chapter 215, Zoning Law of the Village of Hudson Falls.

Capital District Regional Off-Track Betting Corp., Financial Report for April 30, 2006, as well as June Surcharge in the amount of \$12,641.

Adirondack Park Local Government Review Board, Copies of Resolution Nos. 6, 7, 8, 9, 11, 12, 13, 14 of 2006.

New York State Association of Fire Chiefs, letter of appreciation and gratitude from Paul Schonewolf.

Communications, resolutions and reports ordered placed on file.

Chairman called for reading of resolutions and discussion.

Mrs. Sady reported that Resolution Nos. 454 through 495 were mailed and a motion to bring Resolution Nos. 496 through 504 and 506 to the floor was necessary. Motion was made by Mr. Sheehan, seconded by Mr. Tessier, and carried unanimously, to bring Resolution Nos. 496 through 504 and 506 to the floor.

Mrs. Sady noted Resolution No. 478 was mailed and subsequently amended to correct the contract amount and a motion to amend Resolution No. 478 was necessary. Motion was made by Mr. Caimano, seconded by Mr. Geraghty, and carried unanimously to amend

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Resolution No. 478 of 2006 as outlined.

Chairman called for a vote on the resolutions.

Resolution Nos. 454 through 504 and 506 were approved.

Privilege of the floor was extended to Mr. Dusek to discuss a resolution regarding the Pinnacle Study.

Mr. Dusek apprised that the board had adopted two resolutions concerning the Pinnacle Study, one in the amount of \$35,000 and the other in the amount of \$2,550 to cover out-of-pocket expenses. He noted that the bill had been received and the \$35,000 fee was honored and the out-of-pocket expenses totaled \$1,371.43. Mr. Dusek explained that the Pinnacle Advisory Group also wanted to include as part of the out-of-pocket expenses, an additional fee of \$1000 for the second scenario of the building that was added as an addendum to the report at the request of the County Attorney and Supervisor Barody because they felt that the study on one of the buildings was not sufficient enough and that the board members should decide what size they wanted the building to be. He further explained as a result of that request, the Pinnacle Group had to put in additional time and were now seeking an additional \$1000. However, he said, the total cost still came in below the total authorized amount which was \$37,550 and the total bill was \$37,371.43 including the additional \$1000. He noted that if this was acceptable to the board members, he would request a resolution authorizing the additional payment of \$1000.

A motion was made by Mr. VanNess, seconded by Mr. Champagne and carried unanimously to authorize the additional payment of \$1000 for the Pinnacle Study. The Clerk noted it would be Resolution No. 505.

Chairman called for a vote on Resolution No. 505 of 2006. Resolution No. 505 of 2006 was approved.

Privilege of the floor was extended to Larry Cleveland, Sheriff. Sheriff Cleveland explained the two Capital Projects that were being closed were the Public Safety Building and the Communications Upgrade Project. He also noted that he had been invited to speak at the New York State Association of Counties (NYSAC) Organization Conference to discuss the jail project and how his Department had completed that project under budget and on time and he was honored to be invited.

Privilege of the floor was extended to William Lamy, Deputy Superintendent of DPW. Mr. Lamy reported that the new septic system at the Countryside Adult Home came back on line last week and restoration of the site was well under way and should be completed within a few days.

Chairman Thomas announced there would be a Local Development Corporation (LDC) meeting immediately following the board meeting.

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Privilege of the floor was extended to Kathleen Sonnabend, resident of the Town of Queensbury. She apprised she had continued to follow the progress on the proposed Emergency Training Center and she thanked Supervisor Girard for listening to the concerns that residents in the community had regarding various types of pollution that could be associated with the project. She urged the board and the members of the Fire Prevention and Control Committee to continue to consider the concerns of the community. She also requested that the Fire Prevention and Control Committee get the scope of the project defined and put down in writing.

Ms. Sonnabend thanked Chairman Thomas and his staff for notifying her of a last minute meeting change for the Fire Prevention and Control Committee meeting. She asked the Committee to avoid making last minute changes to the meetings because it made it difficult for the public to attend those meetings. Chairman Thomas thanked Ms. Sonnabend for her comments.

There being no further business, on motion by Mr. F. Thomas and seconded by Mr. Geraghty, Chairman Thomas adjourned the meeting at 11:32 a.m.