

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2008**

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. Frederick Monroe presiding.

Salute to the flag was led by Supervisor Stec.

Roll called, the following members present:

Supervisors Simmes, Monroe, Girard, Sheehan, Taylor, O'Connor, Kenny, Belden, Bentley, Goodspeed, Tessier, Stec, Strainer, Champagne, VanNess, Sokol, Thomas, Haskell, and Geraghty - 19.

Absent: Supervisor Merlino -1.

A moment of silence and remembrance for the Honorable LeRoy Akins, Mayor of the City of Glens Falls, was led by Mr. O'Connor.

Motion was made by Mr. Belden, seconded by Mr. Sheehan and carried unanimously to approve the minutes of the July 18, 2008 Board of Supervisors Meeting, subject to correction by the Clerk of the Board.

Chairman Monroe declared the Public Hearing on the Adirondack Community College proposed tentative budget for 2008-2009 open at 10:02 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Mr. Champagne said that the proposed budget was necessary, in order to keep the college alive and competitive and he encouraged the Board to approve the budget as presented. Chairman Monroe pointed out that there was no increase to the County's share from last years budget.

There being no one further wishing to speak on the Adirondack Community College proposed tentative budget for 2008-2009, Chairman Monroe closed the Public Hearing at 10:05 a.m.

On behalf of Ric Stafford, coordinator and designer of the proposed September 11, 2001 Memorial, Nick Taylor requested to address the Board concerning the Memorial. Mr. N. Taylor stated that the proposed Memorial would be constructed within Crandall Park and asked the Board for their support. He said that Mr. Stafford had approached him with the concept a few months ago and together they had requested the support of the Crandall Park Beautification Committee and the City of Glens Falls Common Council. He added that the Crandall Park Beautification Committee had unanimously supported the Memorial; however, he noted, the Common Council had tabled the request. He stated that in the meantime he

was requesting the support of the Warren County Board of Supervisors.

Mr. VanNess apprised that he had seen the plans for the Memorial which included the Pentagon and the Twin Towers of the World Trade Center. He added that there were many families in the north country that were effected by the events on September 11, 2001. He said that Mr. Stafford was not requesting funding for the project and instead asked the Chairman to sign a letter of support on behalf of the Board for the Memorial.

Motion was made by Mr. Haskell, seconded by Mr. Thomas and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 613 of 2008 for the record.

Mr. H. Taylor noted for the record that he was related to both Nick Taylor and Ric Stafford. He advised that the project had been well planned and the cost of the project would be covered through fund-raising. He pointed out that there had been an increased level of patriotism immediately following the September 11, 2001 attacks. He said that it was important to have a symbol to remind people of the tragedy and to keep the level of patriotism in this country high.

Motion was made by Mr. VanNess, seconded by Mr. Sokol and carried unanimously to support the creation of a September 11, 2001 Memorial to be located in Crandall Park and authorizing the Chairman of the Board to send a Letter of Support for same to the project coordinator. Clerk noted it would be Resolution No. 614 of 2008 for the record.

Privilege of the floor was extended to Phil Tucker, Vice President of the Greater Capital Region Building and Construction Trades Council, to address the Board regarding Resolution No. 586 of 2008, which was an appeal to the New York State Legislature to amend or repeal the requirements of the Prevailing Wage Law to make government sponsored work more competitive and less costly. Mr. Tucker distributed a folder of information to the members of the Board; a copy of which is on file with the minutes. He advised that he had included two studies on prevailing wage; one from the Fiscal Policy Institute and one from the Economic Policy Institute. He reported that the New York State Department of Labor defined prevailing wage as a minimum rate of compensation for different work classifications with the rate of compensation posted on a county by county basis and updated annually. He added that the current prevailing wage rates were posted by counties on the Department of Labor website and that they usually recognized the rate of compensation established by the union collective bargaining agreements. He stated that the prevailing wage rate also included supplemental benefits, such as pensions and health insurance.

Mr. Tucker quoted Article 23 of the New York State Labor Law which stated that "it was the declared public policy of the State of New York to develop sound apprenticeship training standards and to encourage industry and labor to institute those training programs". He advised that an apprenticeship was a three to five year program that each trade had to train their employees and he added that apprentices on the job site received a lower rate of

pay than the journeymen. He said that in some trades the apprentices received reduced benefits. He expressed that one journeyman on the job made it allowable to have one apprentice and added that after the initial apprentice, two to three additional journeymen were necessary to have an additional apprentice. He advised that apprenticeship programs were monitored by the New York State Department of Labor. He added that apprenticeship programs were available to both union and non-union contractors. He reported that numerous studies had shown that repealing the Prevailing Wage Law would lower the quality of construction and increase the cost overruns. He added repealing the law would promote a low skill, low wage workforce with inadequate training, substandard or no health insurance, which would at some point put a larger demand on public assistance. He noted that lowering the prevailing wage would mean less state income tax which would also be taken into consideration by the State prior to making a determination. He urged the Board to table Resolution No. 586 of 2008 to discuss the matter further prior to making a decision.

Chairman Monroe declared the Public Hearing on Local Law No. 9 of 2008 entitled "A Local Law Authorizing an Increase in Fees Collected by the County Clerk for Recording, Entering, Indexing and Endorsing a Certificate on Any Instrument", open at 10:21 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Mrs. Simmes requested Pam Vogel, County Clerk, to explain the impact of this local law. Mrs. Vogel stated that the legislation, which had been brought to both the Senate and the Assembly, had passed in July. She explained that one of the fees would be increased from \$5 to \$15 and the per page fee would be increased from \$3 to \$5. She said that a document that was originally recorded would have an initial fee of \$15 and if it were a three page document the fee would have been \$9 in the past, and now would be \$15. She noted that the cost of the cover page would remain at \$5 due to the fact that it was considered a page of the instrument. She advised that there had been a 2% reduction in State aid and the intent of the new legislation was that it would help the counties to recoup some of the funding through the increase in fees. Chairman Monroe inquired as to the estimated amount of revenue that could be generated by the increased fees and Mrs. Vogel responded that approximately \$300,000 in additional revenue was estimated for 2009. She added that the per page fee had not been increased for the last 25 years.

There being no one further wishing to speak on proposed Local Law No. 9 of 2008, Chairman Monroe closed the Public Hearing at 10:25 a.m.

Chairman Monroe called for reports by Committee chairmen on past activities and the following gave verbal reports: Supervisor Geraghty, Budget; Supervisor Haskell, County Facilities; Supervisor Thomas, Personnel and Legislative; Supervisor Sokol, Health Services and Planning & Community Development; Supervisor VanNess, Public Safety; Supervisor Champagne, Solid Waste and Recycling; Supervisor Stec, Finance; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Sheehan, Support Services; and Supervisor Girard,

Information Technology.

Concerning the Budget Committee, Mr. Geraghty stated that thus far the preliminary budget review reports had reduced the budget by \$1,776,338. He said that this was a preliminary amount and added that they would continue to review the departmental budgets to determine where additional cutbacks could be made. He advised that ten positions had been eliminated from the 2009 County budget and there had been discussion pertaining to a possible hiring freeze. He thanked the department heads for their cooperation and encouraged them to look for additional ways to reduce their budgets. Chairman Monroe added that the New York State Governor was proposing additional reductions that could have an effect on the County budget.

In connection with the County Facilities Committee, Mr. Haskell reported that at the Committee meeting Frank Morehouse, Superintendent of Buildings & Grounds, had distributed a draft resolution provided by the County Attorney which would authorize the standardization in purchase contracts of a particular type or kind of exit devices, automatic door closers, flush valves and heat pumps for County-owned buildings for reasons of efficiency and economy, and authorizing the inclusion of such standardized equipment in the specifications for the Health and Human Services Building. He stated that Michael Gates, Lieutenant for the Department of Corrections, had presented options for the use of the old jail and had suggested that some items there might be of value, such as slide gate mechanisms, motor gears, toggle switches and micro relays, which would be difficult items for operators of older jails to find. He added that Lieutenant Gates had also suggested the issuance of a Request for Proposal for the sale of these items. Mr. Haskell explained that he had been informed that since the old jail had been used as a training facility in the past, it was possible that they could receive assistance with the asbestos and steel removal from the New York State Correction Facilities. He said that the steel would need to be removed as there was the presence of asbestos and lead paint in the steel bars of the cells, which would cost approximately \$1,000 to remove. He advised that Lieutenant Gates had suggested that the services of the Mount McGregor Asbestos Abatement Team could be used for the removal of the steel. He apprised that the Core Team had met the previous day at the Fort William Henry Resort to review the bids that would be proposed later in the meeting. Chairman Monroe suggested that Mr. Haskell continue his report following the Public Hearing.

Chairman Monroe declared the Public Hearing on Local Law No. 10 of 2008 entitled "A Local Law Imposing an Additional Mortgage Recording Tax in Warren County", open at 10:30 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Mark Bergman, President of the Warren County Association of Realtors, stated that he was present on behalf of the 730 Realtors who drove the local housing economy, which accounted for 45% of the local economy. He apprised that the Warren County Association of Realtors was opposed to any increase in the mortgage recording tax. He added that an

increase in the mortgage recording tax would create another obstacle to home ownership and an undue hardship on many first time home buyers. He said that the increase would require the average home buyer to expend an additional \$500 in closing costs and many first time home buyers already had to save money in order to cover the expense of closing costs. He apprised that Warren County had the highest closing costs in the nation and the local taxes were 79% higher than the national average. Mr. Bergman expounded that the optimistic projections for an increase in the mortgage recording tax were an additional \$275,000 in revenue to the County. He added that the 1/4% increase could eliminate enough home buyers that it may further depress the housing market. He said that the County's attempt to increase tax revenue could decrease housing sales by more than 100 home sales and further increase the tax shortfall. He advised that the mortgage tax directly impacted the full time residents of Warren County, as the majority of vacation homes were not mortgaged. He explained that the leaders in Washington D.C. and Albany were offering first time home buyer incentives to make home ownership more affordable and jumpstart the economy while the proposed increase would work against that initiative. He expounded that the youth of Warren County were leaving because they could not afford area homes and local taxes and added that an increase would drive away more youths and further reduce overall tax revenues.

Chairman Monroe questioned if the estimated increase in closing costs of \$500 was based on a \$200,000 mortgage and Mr. Berman replied affirmatively. Chairman Monroe asked if the additional closing costs could be added to the mortgage and paid over the life of the mortgage. Mr. Bergman responded that it was possible but was more likely to increase the amount of cash that would be needed at closing. He added that lower income home buyers would have a down payment of approximately 3%; however, he noted, that did not represent the majority of the working class home buyers.

Mr. Thomas inquired as to the average amount of commission that was paid to a realtor and Mr. Bergman responded that the range was from 5% to 7%. Mr. VanNess asked if the increase would effect current home owners or just new home owners and Mr. Bergman responded that it would only effect new home buyers or current home owners who refinanced and he clarified that his point had been that the increase would effect full time residents as opposed to vacation home buyers.

Mr. Geraghty questioned if a breakdown was available for the 79% higher local taxes that Mr. Bergman had referred to and Mr. Bergman responded that he did not have a breakdown, the percentage was based on an average New York State figure. He explained that in his research he had discovered that local taxes in New York State were 79% more than the national average. Mr. Geraghty questioned if the figures had included school and land taxes and Mr. Bergman responded affirmatively and added that town and county taxes had been included as well.

Mr. Girard stated that the Board would be voting on a resolution that would lower the prevailing wage for contractors and asked if Mr. Bergman would be in favor of lowering the real estate commission and Mr. Bergman responded that the amount of commission was not determined by matter of law. Mr. Girard noted that if the housing economy was lowered by

a decrease in the number of homes sold, one of the things that could be done was to decrease the commission to account for the \$500 increase in taxes and Mr. Bergman responded that there had already been an adjustment in the range of real estate commissions. Mr. Girard reiterated his question as to whether Mr. Bergman would be in favor of lowering the real estate commission and Mr. Bergman responded that he was representing the Warren County Association of Realtors and that question had not been presented to the Board of Directors; therefore, he could not give an answer on their behalf. Mr. Thomas questioned if the percentage that a mortgage broker could charge was regulated by law and Mr. Bergman responded that he was not a mortgage officer and could not address that specific point of law. Mr. Thomas stated that it was his understanding that it was regulated by law that a mortgage broker could charge 1% to 2% of the total loan.

Marla Willette, with Realty USA, apprised that when there was decrease in the number of homes purchased, there was a trickle down effect on the local economy. She added that the income level of realtor and mortgage companies would be effected, as well as that of attorneys, appraisers, inspectors and other service oriented jobs. She said that retail sales would also be effected as the potential home owners would have spent money at local lumber stores, hardware stores, flooring companies, etc. to accomplish home improvement projects. She pointed out that although a minimum amount of increased revenue could be generated, an increase in the mortgage tax would effect a significant amount of businesses in the local economy. Chairman Monroe clarified that the revenue generated would not be minimal and added that the estimate was an additional \$500,000 for the remainder of 2008 and \$1 million for 2009.

Mr. Strainer noted that the Realtors did not receive the entire commission that was paid on the sale of real estate. He explained that the percentage of commission was determined by the real estate office, who had overhead such as rent for the office, electricity, administrative services, etc. He added that the median cost of a home in the Town of Queensbury was \$250,000, which meant that if \$200,000 was mortgaged for that home the amount of mortgage tax would be a total of \$2,500, an additional \$500 over the current rate. He apprised that with the current price of fuel, it would become a luxury this winter to heat your home. He noted that first time home owners drove the economy and added that the American dream was to own your own home. He stated that an increase in the mortgage tax would be another obstacle that would make it more difficult for first time home buyers to purchase their own home. He added that while the increased mortgage tax may seem minimal to some, in some cases the home buyer had exhausted all of their finances to meet the closing costs. He apprised that the County's economy was down because the housing market was down. He stated that the increase would effect middle income home buyers, as the higher income home buyers and second home owners usually paid cash.

Mr. Goodspeed agreed that the increase would hurt the middle income home buyer, as well as anyone who mortgaged or refinanced their home; however, he added, if the County did not approve the mortgage tax increase, they would need to find another source to make up for the \$1 million loss in revenue. He advised that if the mortgage tax were not increased,

the loss of revenue would need to be recouped throughout the economy by citizens that could not afford to buy homes.

Chairman Monroe noted that the legislation that enabled the County to increase the mortgage tax had been limited to a three year period.

Mr. Girard said that when they had realized that additional revenue would be needed, they had discussed both an increase in the mortgage tax and an increase in the sales tax. He apprised that tourism was the number one industry in Warren County and added that the Board was not considering an increase in the sales tax even though the tax in Warren County was the lowest in the surrounding area. He noted that an increase in sales tax would net an additional \$13 to \$16 million, 40% of which would come from out of county visitors.

Mr. Tessier asked if a comparison of the mortgage tax rate by county was available and Mrs. Vogel responded that Essex County had increased the mortgage tax to 1 1/4 % in November of 2006 and added that Saratoga and Washington Counties mortgage tax was still at 1%. She noted that the rate varied throughout the State. Chairman Monroe added that the capital district mortgage tax was an additional 1/4%.

There being no one further wishing to speak on proposed Local Law No. 10 of 2008, Chairman Monroe declared the Public Hearing closed at 10:45 a.m.

Returning to the report on the County Facilities Committee, Mr. Haskell reiterated that the Core Team had met the previous day at the Fort William Henry Resort to review the bids. He added that it had been determined it would be more expensive to install the geothermal heating and cooling system than to have boilers installed. He apprised that \$560,000 had been budgeted for the geothermal system, of which \$185,000 would be expended on boilers and cooling towers. He requested to waive the rules of the board requiring a resolution be in writing so that the three resolutions pertaining to the bids could be brought from the floor. He noted that representatives from Clark Patterson Associates and Bovis Lend Lease were present to answer any questions.

Greg LeVan, Project Manager of Bovis Lend Lease, apprised that bid opening for phase one of the project, which included sitework, concrete, site electrical and geothermal, had been held on August 11, 2008. He stated that the Core Team had recommended to proceed with the contractors for sitework, concrete and electrical. He added that Bovis Lend Lease was not recommending the geothermal system at this time.

John Horgan, of Bovis Lend Lease, apprised that the analysis had determined that either a geothermal system or a boiler/air conditioning system would work well with the new building plans. He said that the cost for digging the wells for the geothermal system were expected to be a major expense; therefore, they had awaited the receipt of the bids before determining the cost effectiveness of the geothermal system. He added that the bids had come back at approximately \$668,000, which was \$100,000 over the amount used in the

analysis. He stated that the full life cycle cost analysis, which analyzed both initial capital costs and operating costs, had been recalculated using the bid amounts. He added that the analysis also involved taking the cost of energy and escalating it at 4% per year over 30 years, and taking into account the \$78,000 grant from NYSERDA, it was determined that the cost of using geothermal was an additional \$35,000 over the course of 30 years. Mr. Haskell interjected that the receipt of the \$78,000 grant funding from NYSERDA was not guaranteed.

Chairman Monroe noted that the installation of a boiler/air conditioning system, as opposed to a geothermal system, would reduce the original building cost estimate by approximately \$550,000. Mr. Horgan stated that the benefit of a geothermal system was the lower operating costs over a 30 year period; however, he added, since they had not seen the possibility of the lower operating costs, based on the higher first costs, the County would now benefit from an initial first cost by installing a boiler/air conditioning system. Mr. Haskell said that \$550,000 had been budgeted and approximately \$185,000 would be necessary for the replacement of the heating and cooling system; therefore, he noted, the savings for the new building would be approximately \$365,000. He added that the lack of clay and water in the soil, which would retain the heat, had been a determining factor in whether the geothermal system would work for the new building.

Mr. Champagne questioned if the cost of maintenance for the boilers over the next 30 years had been taken into consideration and Mr. Horgan responded that they had considered the cost of replacing the boilers after 15 years. He added that long term maintenance information on a geothermal system was not available since the technology was new.

Mr. Haskell stated that the bid for the sitework portion of Phase One of the Human Services Building would be awarded to Mercer Construction Company, who had bid \$1,289,500 with alternatives of \$15,000 for gas service. He noted that \$69,520 had been deducted due to the bid parcel for a final blacktop, which would not be completed until the end of the construction period, making the final bid amount \$1,234,980. He apprised that the bid for the concrete portion of Phase One of the Human Services Building would be awarded to Rozell East, Inc., who had bid \$580,557 of the \$900,000 which had been budgeted, to which an additional \$97,000 would be expended for a cap on the concrete, making the final bid amount \$677,557. He remarked that \$560,000 had been budgeted for the geothermal portion of Phase One of the Human Services Building and the amount of the bid received from Aquifer Drilling & Testing, Inc. had been \$668,000; therefore, he stated, the bid would be rejected. He said that the bid for the site electric portion of Phase One of the Human Services Building would be awarded to Clifford R. Gray, Inc. who had bid \$147,960 of the \$150,000 which had been budgeted. He noted that Phase One of the Human Services Building would be under budget.

Paul Dusek, County Attorney, asked if all of the bids mentioned had been the lowest bidder and Mr. Haskell replied affirmatively. Mr. Dusek recommended a separate resolution to award each of the three contracts, a resolution to waive the rules of the board requiring a resolution be in writing and a resolution to reject the bid for the geothermal portion of Phase

One of the Human Services Building. He noted that the standard style of resolution should be used when awarding a bid, with a whereas clause that sited the name of the project, the fact that there had been a Request for Proposal, authorizing the Purchasing Agent to award the bids and a resolved clause that awarded the bid.

Regarding the Personnel Committee, Mr. Thomas apprised the meeting consisted mainly of housekeeping issues, with the exception of the Licenced Practical Nurse (LPN) positions at Westmount Health Facility which had been reallocated from a Grade 8 to a Grade 10 pay level. He added that the Committee had approved a resolution referring to waivers of liability in medical certification to be provided prior to an applicant performing a physical agility exam under Civil Service Law.

Concerning the Legislative Committee, Mr. Thomas stated that six of the resolutions to be voted on were generated from that meeting. He explained that the resolutions urged the State Legislature to waive the 45-day waiting period for applicants eligible for placement in a county adult care facilities; appealed to the State Legislature to amend or repeal the requirements of the Prevailing Wage Law; supported the establishment of a sub-steering committee for an economic development plan for the Adirondacks; supported a freeze on State land purchases; opposed the State's legislation to ban open burning of solid waste; and requested a change in legislation to allow inmate housing pods in the Public Safety Building to be closed when not in use.

Regarding the Health Services Committee, Mr. Sokol apprised that the resolution requesting that the 45-day waiting period be waived for applicant placement in adult care facilities outlined by Mr. Thomas had originated in the Westmount Health Facilities portion of the Health Services Committee meeting. He said that the waiting period for applicants eligible for Medicaid benefits was 30 days and they were working with Sheila Weaver, Commissioner of the Department of Social Services, to admit eligible persons within this time frame. Mr. Sokol said that they planned to implement these procedures for a six month period and subsequently they would determine if the measures were working. He noted that a meeting was scheduled with Glens Falls Hospital President/CEO David Kruczlnicki to further discuss ways in which admission procedures could be expedited. Mr. Sokol stated that despite the issues previously experienced with respect to the installation of air handlers at the Westmount Health Facility, the units were now in place and working properly. He said that several reallocations of positions within Westmount were also approved which would reclassify the LPN positions outlined by Mr. Thomas, as well as that of a van driver which was reclassified to a Laborer position.

Concerning the Public Health portion of the Health Services Committee meeting, Mr. Sokol apprised that the Point of Care system was now in place. He explained that since the system eliminated the bulk of the paperwork previously needed, time and money would be saved. He said that Pat Auer, Director of Public Health, had presented a mid-year progress report which reflected that the Department of Public Health was fully staffed and was running smoothly, meeting patients demands in a timely manner. Mr. Sokol stated that in an effort

to further save funds for the Department, the Sheriff's Office had loaned radios to the Department of Public Health so that they could be used instead of cellular phones. He said that they would use this method on a trial basis to see if it worked for the Department. Mr. Sokol added that they appreciated the efforts of Bud York, Sheriff, in loaning the equipment.

In connection with the Planning & Community Development Committee, Mr. Sokol stated that a request to amend the County Budget had been approved at the meeting which would increase estimated revenues and appropriations in the amount of \$125,000 to reflect the receipt of grant funds from the State Housing Trust Fund Corporation Restore grant program.

With respect to the Public Safety Committee, Mr. VanNess advised that Sheriff York had requested fencing installation around the Narcotics Unit and it had been determined that the existing fence surrounding the old jail could be used. He said that Resolution No. 542 pertained to this matter and authorized the removal and reinstallation of the fencing. Mr. VanNess added that he thanked Sheriff York for his work in determining that the old fencing could be reused in order to avoid additional costs to the County. Mr. VanNess apprised that during the 2009 Budget negotiations there had been serious discussions regarding staffing, subsequent to which Sheriff York had agreed not to fill two positions within his Department to assist in maintaining the Budget. He pointed out that Resolution Nos. 544 through 546 authorized training courses for Sheriff personnel which were included at a very minimal cost to the County for necessary training. Mr. VanNess thanked Paul Dusek, County Attorney, and the Labor Management Committee for their work in developing the agreement with the Warren County Sheriff's Employees' Alliance which had been done on an in-house basis and had saved the County a considerable amount of money. Mr. VanNess stated that he had just received notification from the County Attorney's Office that the inter-municipal agreement with Washington County was in place for the Emergency Services Training Center and the environmental studies could now begin. He said that he hoped to have additional information regarding the status of the Training Center to present at the next Board meeting.

With regard to the Finance Committee, Mr. Stec apprised that Resolution Nos. 576 and 577 pertained to accepting bids for County-owned property in an effort to compensate for lost revenues from the State. He noted that the properties had been declared as surplus and said that the County had the right to reject bids, as well as the right to refuse to sell the property if they did not feel that the bids were appropriate. Mr. Stec advised that Resolution No. 580 closed several Capital Projects with funds to be returned to the General Fund.

Mr. Merlino stated that although he had no Committee report to present, he wanted to thank the Board of Supervisors for allowing the Town of Lake Luzerne to work with the Planning Department to secure grant funds for rehabilitation of the old bowling alley building to be used as a Senior Center. He announced that they had received \$400,000 in grant funding from the State for rehabilitation of the building and he thanked the Supervisors for their support of the project.

Mr. Tessier noted that four of the resolutions being voted on were requested at the Tourism Committee meeting. He said that three were awarding contracts for various services and the fourth was approving an application to the State of New York for a matching fund grant.

With respect to the Criminal Justice Committee, Mr. Tessier said that he intended to introduce a resolution from the floor at the proper time to abolish a position in the District Attorney's Office and create another. He noted that no additional funding was associated with the request which was necessary to make changes to the title.

Joan Sady, Clerk of the Board, noted that a resolution had been prepared in connection with Mr. Tessier's notation and that it would be Resolution No. 612 for the record. Resolution No. 612 was distributed to the Board members.

Mr. Dusek pointed out that the job description associated with the Victim Assistance Program Director position being created had been significantly revised and was based on the fact that this was a program that had been growing and developing over the years. He said that when the position was initially classified as Crime Victim Specialist it was understood to be that of a Senior Crime Victim Specialist; however, he noted, as the Office evolved it became known that the position was not a Senior position, but more of a Director position due to the nature of the duties and responsibilities involved. In order to correct the situation, Mr. Dusek stated that they had revised the duties associated with the position to reflect those actually being performed by the current employee, as well as to introduce the proper title for the position. He said that the position would be exempt from Civil Service testing and the urgency behind the change was due to the fact that the Crime Victim Specialist position was scheduled for testing and therefore it became clear that the change should be made immediately so that there were no issues with applicants testing for a position that was to be reclassified and would not exist. Mr. Dusek summarized that this was actually an administration issue to change the title and duties and required no change in funding. He added that the current employee would continue to hold the title when it was changed.

Motion was made by Mr. Kenny, seconded by Mr. Bentley and carried unanimously to bring Resolution No. 612, Abolishing Crime Victim Specialist Position and establishing Position of Victim Assistance Program Director, to the floor.

Mr. Goodspeed apprised that the first meeting of the Transportation sub-Committee was scheduled to convene immediately following the Board meeting. He said that he looked forward to discussion with both the members of the Committee and public regarding issues associated with energy efficiency, mass transit and ways to enhance contact with people residing in rural portions of Warren County. Mr. Goodspeed added that anyone interested in attending the meeting was welcome to do so.

Regarding the Public Works Committee meeting, Mr. Belden noted that the majority of the business conducted had been routine business which comprised Resolution Nos. 593

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2008**

through 601. He noted that two Warren County bridges had been closed due to unsafe conditions for which work plans were being developed to rectify. Mr. Belden stated that if any of the Supervisors had questions regarding Public Works matters he would be glad to answer them at the close of the Board meeting.

Chairman Monroe called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board.

Monthly Reports from:

Weights & Measures;
Probation.

Annual Reports from:

NYMIR;
Warren County Public Health Emergency Response & Preparedness Plan.

Capital District Regional Off-Track Betting Corporation, Second Quarter Benefit of \$7,451, May 31, 2008 Financial Report and July surcharge in the amount of \$14,548;

New York State Department of Civil Service, First Quarter Empire Plan Experience Report for 2008;

Notice of Public Hearing from the Town of Queensbury, regarding the rezoning of three lots wherein the County owns property within 500 feet;

Letters from area pilots and aircraft owners in support of retaining Empire East Aviation as the Fixed Base Operator at the Floyd Bennett Memorial Airport.

Communications, resolutions and reports ordered placed on file.

Chairman Monroe called for reading of resolutions and discussion.

Mrs. Sady advised that Resolution Nos. 539 through 609 were mailed. She noted that Resolution No. 568 had been withdrawn. Mrs. Sady said a motion was needed to bring Resolution Nos. 538, 610, 611 and 613 through 619 to the floor.

Motion was made by Mr. Haskell, seconded by Mr. Sheehan and carried unanimously to bring Resolution Nos. 538, 610, 611 and 613 through 619 to the floor.

Clerk noted that Resolution No. 612 had been previously approved.

Mr. Kenny requested roll call votes on Resolution No. 586, Urging the New York State Legislature to Amend or Repeal the Requirements of the Prevailing Wage Law Making Government Sponsored Work More Competitive and Less Costly; Resolution No. 595, Awarding Bid and Authorizing Agreement with Reale Construction, Inc. Regarding the Demolition and Removal of a 60' x 100' Metal Structure Located as 4113 Rockwell Street, Hadley, New York (WC 80-08) and Resolution No. 596, Amending Resolution No. 491 of 2008 Which Authorized Supplemental Agreement No. 4 with Clough, Harbour & Associates LLP for Part-Time Construction Inspection and Administrative Services Associated with the Warren County Scenic Rail Station Improvements Project. He noted that he would also like open discussion on Resolution No. 586 with respect to the topic of the Prevailing Wage Law.

Mr. Kenny apprised the Board members of the results of research he had personally performed via the internet and specifically noted a study performed in 1995 by the University of Utah. He said that Legislators of the State of Utah passed Prevailing Wage Laws in 1933 and eventually repealed them in 1981. Mr. Kenny stated that the repeal had taken place because the Legislators believed that the costs of government projects had risen to an unacceptable level; however, he said, the results of the repeal were predictable, but surprising. He said that construction projects were lost to contractors from far away states with low bids and often unskilled and untrained workers. Mr. Kenny cited that several years following the repeal, Legislators discovered that wages for construction workers for most government projects had declined but what had not been predicted was the loss in State revenues in sales and income tax, as well as the rise in unemployment in the State of Utah. He stated that while the State was saving some dollars in project costs, they were losing \$4 to \$5 million annually in revenues and cost overruns became a major problem and were soon consuming any savings attained through lower bids. Mr. Kenny added that with the new out-of-state bidders came unskilled workers with little or no training and suddenly government projects experienced injury rates 15% higher than when Prevailing Wage Rate Laws were in place. He stated that in conclusion, he was opposed to any repeal of Prevailing Wage Rate Laws in New York State based on these results.

Mr. Haskell stated that he also opposed any repeal of Prevailing Wage Rate Laws. He said that the apprenticeship programs utilized by unionized contractors worked well to train their employees and not only trained them in skills, but also for safety which led to fewer accidents and workers compensation cases which contained insurance liability costs. Mr. Haskell added that the Prevailing Wage Rate Laws also helped to maintain local workforces. He said that he was very surprised that the Board of Supervisors was considering a repeal.

Mr. Stec said that he had heard many complaints from Supervisors regarding high project costs within their Town due to Prevailing Wage Rates. He stated his opinion that the way in which the Prevailing Wage Rate Law applied to the Municipal Law led to additional costs for Warren County residents and he cited that the resolution on which the Board would be voting simply noted that the Law was not beneficial to Warren County taxpayers and that

they sought to have it reviewed in order to make it better. Mr. Stec added that the resolution did not take a position in favor of or against the Prevailing Wage Law.

Mr. Taylor stated that he agreed with Mr. Stec's statements and felt that the Prevailing Wage Laws should be amended and should be reviewed to ensure that the wage rates charged reflected local work costs for the area in which the work was being performed.

Motion was made by Mr. Taylor and seconded by Mr. Bentley to amend Resolution No. 586 to request that the Prevailing Wage Law be amended, rather than repealed.

Mr. Merlino suggested that the resolution might be sent with a suggestion that a certain percentage of the workforce working with the unionized groups be from the area in which the work was being performed.

Mr. Kenny stated that if it was the Board's intention to amend the language included in the resolution, it should be tabled until such time that they had discussed the matter with the community and labor groups to include the specific language desired, rather than asking to generally amend the Prevailing Wage Laws.

Motion was made by Mr. Kenny and seconded by Mr. Haskell to table Resolution No. 586, Urging the New York State Legislature to Amend or Repeal the Requirements of the Prevailing Wage Law Making Government Sponsored Work More Competitive and Less Costly.

Chairman Monroe stated that the motion to table Resolution No. 586 took precedence over the motion to amend it. He called the question and the motion to table Resolution No. 586 was approved with Messrs. Bentley, Goodspeed, Merlino, Stec, Sokol and Thomas voting in opposition.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 538 through 619 were approved.

Chairman Monroe opened the floor for announcements. Mr. Belden advised that a meeting to discuss the Gaslight Village Property would be held on Tuesday at 10:00 a.m. He said that any interested Supervisors were welcome to attend. He noted that a meeting of the 3E's (environmental groups) had been held recently; however, he said, they had not learned of the meeting in time to attend. Chairman Monroe stated that a request should be made for the 3E's to notify the County of any meetings planned to discuss matters surrounding the property. Mr. Belden assured Chairman Monroe that he would make that request at the upcoming meeting.

Paul Dusek, County Attorney, requested an executive session to discuss pending litigation relating to the Sheriff's Office.

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2008**

Motion was made by Mr. Haskell, seconded by Mr. Sokol and carried unanimously that executive session be declared pursuant to Section 105 (d) of the Public Officers Law.

Executive session was held from 11:47 a.m. to 12:20 p.m.

Upon reconvening, motion was made by Mr. Stec, seconded by Mr. Geraghty and carried unanimously to authorize the County Attorney to make a Rule 68 Offer in the matter of Vandenburg & LeBarron vs. Warren County.

There being no further business, on motion by Mr. Haskell and seconded by Mrs. Simmes, Chairman Monroe adjourned the meeting at 12:21 p.m.