

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, APRIL 17, 2009**

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 Sheehan.

Roll called, the following members present:

Supervisors Simmes, Monroe, Sheehan, Taylor, O'Connor, Kenny, Bentley, Tessier, Merlino, Stec, Strainer, Champagne, VanNess, Sokol, Thomas, Pitkin, and Geraghty - 17.

Absent: Supervisors Girard, Belden and Goodspeed - 3.

Motion was made by Mr. VanNess, seconded by Mr. Tessier and carried unanimously, to approve the minutes of the March 20, 2009 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Monroe acknowledged Pam Morin and Greg Beckler of the North Warren Chamber of Commerce were present and had requested permission to address the board members regarding the Quadricentennial Hudson River Waterfront Map.

Mr. Beckler provided a power point presentation which he reviewed in detail with the board members. He explained that the concept was to develop a map entitled 'The Upper Hudson River Community Waterfront Map' which would be a useful tool for Warren County tourism and education. He stated that this year marked the 400th Anniversary of the discovery of the Hudson River. Mr. Beckler further explained that the current map of the Hudson River was developed by ten different tourism agencies; however, he said, the map ended in the Town of Cohoes and only included approximately half of the Hudson River. He noted that their goal was to develop a sister map to the current map of the Hudson River from Cohoes through Warren County, including communities and points of interests. He advised that in order to achieve their goal, it was necessary to secure partners in the project.

Chairman Monroe clarified that the request was for Warren County to contribute \$5,000 for the development of 'The Upper Hudson River Community Waterfront Map'. Mr. Kenny reported that funds were available in the Special Events fund due to the cancellation of a few events, totaling \$9,000. Chairman Monroe recommended that Mr. Beckler submit the request for funding to the Occupancy Tax Coordination Committee for consideration.

Chairman Monroe recognized Ben Driscoll, 5th Ward Common Councilman for the City of Glens Falls, who was in attendance and had requested permission to introduce representatives from the Philadelphia Phantoms Hockey Team, as well as the Manager of the Glens Falls Civic Center. Mr. Driscoll announced that the representatives were not present at this time; however, he thanked the County for the promotion of the season ticket drive for

the Civic Center and he believed there was a good chance that professional hockey would be returning to the Adirondack region.

Chairman Monroe referred to Resolution No. 79 of 2009, Requesting Introduction of Legislation Authorizing an Amendment to Real Property Tax Law Section 466-e to Allow Counties and the Municipalities Within the Counties to Grant Partial Exemptions to Volunteer Firefighters and EMS Workers, which was passed at the February 20, 2009 Board of Supervisors meeting. He explained that pursuant to discussions with Senator Little's Office, it was determined such Legislation would make the recipients ineligible for an income tax exemption. He recommended that the resolution be rescinded.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 315 of 2009 for the record.

Motion was made by Mr. VanNess, seconded by Mr. Pitkin and carried unanimously to rescind Resolution No. 79 of 2009, Requesting Introduction of Legislation Authorizing an Amendment to Real Property Tax Law Section 466-e to Allow Counties and the Municipalities Within the Counties to Grant Partial Exemptions to Volunteer Firefighters and EMS Workers. Clerk added it would be Resolution No. 316 of 2009 for the record.

Chairman called for reports by Committee chairmen on past activities and the following gave verbal reports: Supervisor Sheehan, Support Services; Supervisor Taylor, Planning & Community Development; Supervisor Kenny, County Clerk-Motor Vehicles and Occupancy Tax Coordination; Supervisor Tessier, Tourism, Social Services and Criminal Justice; Supervisor Stec, Finance; Supervisor VanNess, Public Safety; Supervisor Sokol, Health Services; Supervisor Thomas, Personnel and County Facilities; Supervisor Geraghty, Budget; Supervisor Simmes, Human Services.

Concerning the Support Services Committee, Mr. Sheehan apprised that under the Self-Insurance portion of the meeting, a report was provided by Needham Risk Management regarding their consultation on the Self-Insured Workers' Compensation Program and he noted the report was very thorough. He added that he had attended the Warren/Washington Counties Association of Mental Health Committee meeting in Hudson Falls and toured the new home for the homeless and an Open House would be held soon.

With regard to the Planning & Community Development Committee, Mr. Taylor reported that Resolution No. 301, included in the Supervisors' packets, would rescind Resolution No. 89 of 2009 which stated that no local match was required in connection with the Hudson-Fulton-Champlain Quadricentennial Grant, due to the recent determination that the grant did require matching local funds. He noted that a resolution was included in the packets that would authorize a Memorandum of Understanding between the Planning & Community Development Department and the Information Technology Department for the

development of a website for the First Wilderness Heritage Corridor (FWHC). He referred to Resolution No. 310 of 2009 and explained this would authorize the agreement with CBN Connect for the Needs Assessment and conceptual design services for the Broadband Project in the north country.

In connection with the County Clerk-Motor Vehicles Committee, Mr. Kenny asserted that the Committee re-visited discussions on the transfer tax, which had been referred back to the Committee last month. He added that Resolution No. 300 of 2009 was included in the packets today and was requesting introduction of Home Rule Legislation authorizing Warren County to impose additional transfer tax on real property conveyances in the County.

Regarding the Occupancy Tax Coordination Committee, Mr. Kenny stated that the Committee had been informed that the total collection for 2008 was \$3,302,214, which was a 5% decrease from last year. During the meeting, he continued, the Committee authorized the RFPs (Request for Proposals) for the Special Events Coordinator position and the First Wilderness Heritage Corridor (FWHC) Event Coordinator and the responses had been received. Mr. Kenny said that based on the responses, the Committee had recommended awarding the contract for the Special Events Coordinator sales position to the Lake George Chamber of Commerce, for an amount not to exceed \$50,000 per year. He added that the FWHC Event Coordinator would coordinate two events in each town per year; however, he said, the New York State Department of State (NYS DOS) had yet to approve the position and therefore, the Committee tabled action on the request pending a conclusion by the NYS DOS. Mr. Kenny announced that \$20,000 had been awarded to the Adirondack Balloon Festival, with the understanding that \$15,000 would be returned to the County through rental fees of port-o-johns, generators, etc.

Concerning the Tourism Committee, the Social Services Committee and the Criminal Justice Committee, Mr. Tessier apprised that the meetings consisted mainly of housekeeping issues.

Mr. Merlino announced that the Town of Lake Luzerne would be holding an open house on May 16, 2009 at the new Community Center and he encouraged all to attend.

In relation to the Finance Committee, Mr. Stec reported the Committee authorized seeking out participation with Hamilton and Washington Counties with regard to the Broadband Project and CBN Connect. He noted that a bond resolution was authorized for the 2009 and 2010 bridge projects in the amount of \$500,000.

With regard to the Public Safety Committee, Mr. VanNess advised that a resolution was included in the Supervisors packets concerning the Emergency Services Training Center and a request that Warren County be designated as the lead agency. He added that the resolution also included the SEQRA (State Environmental Quality Review Act) report. He remarked that a joint meeting was held with the Criminal Justice Committee, the Public

Safety Committee and the Social Services Committee and he commended the District Attorney, the Director of Probation, the Sheriff and the Commissioner of Social Services for working together to resolve Medicaid fraud issues and requesting the creation of a part-time Investigator in the Medicaid Fraud Unit.

Mr. Sokol expounded that the Health Services Committee meeting was comprised of housekeeping issues and required no further report.

In connection with the Personnel Committee, Mr. Thomas asserted that Resolution Nos. 261 through 267 included in the Supervisors packets were resultant of the meeting. He noted that the Committee approved the layoff of a Naturalist at Up Yonda Farm due to budget constraints. He added that the Committee had defeated a request to increase the base salary of the Director of Tourism.

Regarding the County Facilities Committee, Mr. Thomas advised that the proposed study to be performed by Clark Patterson Lee to review the court space in order to determine a plan of action for an amount of \$71,700 had been defeated. The Committee also discussed the Gaslight Village property, he said, and a short term plan and a long term plan were in the process of being developed for the buildings and the property. He stated that the Human Services Building was progressing ahead of schedule and under budget. He commented that he hoped the Supervisors would be able to tour the building following the May Board meeting. Mr. Thomas apprised that the Committee reviewed a feasibility study on the former Jail and discussions concerning such would continue. He announced that the new Soil & Water Conservation District Office building was nearly completed.

Concerning the Budget Committee, Mr. Geraghty referred to Resolution No. 298 included in the packets which dealt with the 2010 budget guidelines. He stated that it appeared at this time that the County would be facing a \$6,350,000 budget increase due to projected health insurance increases, retirement contribution increases, contract settlements, debt service and burn plant expenses. He noted that the Committee had requested the Labor Management Committee to arrange a meeting with the Union to review the budget situation. He asked that the Supervisors chair a Committee review each program offered by the departments to make recommendations as to what programs could be eliminated. He commented that the State Budget, which included a 8.7% increase, would have a direct impact on revenues in Warren County, specifically the Law Enforcement due to changes in the Rockefeller Drug Laws. Mr. Geraghty apprised that in October of 2009, the local landfills would no longer offer open burn at the sites, due to changes imposed by the New York State Department of Environmental Conservation (NYS DEC).

Chairman Monroe commented on the budget. He expressed his concern that the County was running out of options as to how to maintain a reasonable budget. He stated that the options left may be limited to either approve an increase higher than what the board members would like, the elimination of substantial programs or employee layoffs. He

mentioned that the option to increase the sales tax would expire at the end of the month. He explained that if the board chose to explore this option, it would require a three-step process. The first step, he said, would be to approve a resolution requesting Legislation, followed by the submission of a Home Rule request, and if authorized by the Legislature, the County could then take action to impose such. He reiterated that if the board took no action prior to April 27, 2009, that option would no longer be available. Mr. Pitkin questioned why this was being brought to the board members attention ten days before the deadline. Chairman Monroe explained he had just been made aware of the deadline on Tuesday.

With regard to the Human Services Committee, Mrs. Simmes reported that the meeting consisted mainly of housekeeping issues for the Office for the Aging, Employment & Training and the Youth Bureau.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;
Warren/Washington Counties Industrial Development Agency.

Monthly Reports from:

Weights & Measures;
Probation.

Annual Reports from:

Lake Champlain-Lake George Regional Planning Board.

National Grid, Semi-Annual PCB Report for the period ending 12/31/08.

Communications, resolutions and reports ordered placed on file.

Chairman called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 259 through 306 were mailed and Resolution Nos. 283 and 288 were mailed and had been corrected. She said a motion was needed to approve the resolutions as corrected. Motion was made by Mr. Sheehan, seconded by Mr. Kenny and carried unanimously to approve Resolution Nos. 283 and 288 as corrected. Mrs. Sady noted that Resolution No. 301 of 2009 was mailed and had been withdrawn to go back to the Planning & Community Development Committee.

Mrs. Sady stated a motion was needed to bring Resolution Nos. 258 and 307 through 314 to the floor. Motion was made by Mr. Bentley, seconded by Mr. Thomas and carried

unanimously to bring Resolution Nos. 258 and 307 through 314 to the floor.

Mrs. Sady advised that the resolutions relating to the filling of vacant positions were Resolution Nos. 261 through 267. She noted that unless a roll call was requested on a particular resolution, they would be approved in the collective vote.

Mr. Kenny requested a roll call vote on Resolution No. 281, Authorizing Change Order No. 3 with Mercer Construction Company, LLC to Extend Date of Substantial Completion Date and Ready for Final Payment Date Relative to the General Construction for the General Construction of Warren County Rail Stations, Town of Hadley and Town of Thurman (WC 61-08).

Mr. Pitkin requested a roll call vote on Resolution No. 300, Requesting Introduction of Home Rule Legislation Authorizing Warren County to Impose Additional Transfer Tax on Real Property Conveyances in Warren County.

Mr. Champagne referred to Resolution No. 277, Commencing Coordinated State Environmental Quality Review Act (SEQRA) Review and Seeking to Establish the Warren County Board of Supervisors as Lead Agency for the Warren/Washington Counties Emergency Services Training Center, specifically page 10 of the SEQRA review. He noted that question number 10 was marked yes; however, he said, there was no description listed in the box regarding a sewer district. Paul Dusek, County Attorney, recommended that the information in the box be listed as 'a town sewer district'.

Mr. Strainer expressed his disdain with Resolution No. 300 concerning the transfer tax and he said that he hoped the board members would vote in opposition to the resolution.

Mr. Merlino questioned if discussions would be held with regard to the increase in sales tax. Chairman Monroe stated he was in favor of it, although it seemed that there was not enough support of it amongst the board members. Mr. Merlino apprised that if a chart was developed for each town outlining the savings to the constituents, the perception of the increase could change and the time should be taken to show the benefit of such an increase. He stated that it was his opinion that the board should move forward with Legislation before the deadline passed. Chairman Monroe expounded that a power point presentation on a sales tax increase had been presented in the past and outlined that a 1% increase would generate \$15 million and would decrease property taxes. Mr. Pitkin agreed it was worth reviewing and another presentation should be given.

Mr. Kenny said he would be remiss if he did not point out the down side to an increase in the sales tax. He noted that the County was ranked second on taxes per capital out of fifty counties in New York State. He added that Warren County was the second highest taxed county in the highest taxed State in the United States. He asserted that he was absolutely opposed to an increase in sales tax. Chairman Monroe interjected that Warren County was

one of only five counties in the State that had not increased sales tax.

Mr. Tessier apprised if the amount generated from an increase in sales tax was dedicated to relief on property taxes, it could reduce property taxes by as much as one third. He stated it was his opinion that the County should pursue the Legislation prior to the deadline and then try to convince the remaining board members to approve of such. If an agreement could not be reached, he said, at least the County tried to gain support for it. Mrs. Simmes noted she would agree to a small increase in sales tax as opposed to property taxes continuing to rise. Mr. Strainer stated he would like to discuss the issue further in order to make an educated decision and to allow the public the chance to express their opinions. Chairman Monroe pointed out that the Legislation for an increase in sales tax was limited to a two year period. Mr. Taylor apprised there would be less opposition to this increase if the board members knew there would be a cap on property tax.

Mr. Sokol questioned what the next step would be in pursuing this discussion further and he suggested that a public hearing be scheduled. Mr. Geraghty stated he would like to see the impact on each town taxpayer as described by Mr. Merlino and agreed that a special meeting should be scheduled.

Mr. VanNess noted that he had requested JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services, to prepare a report of unfunded mandates by the State and the impact it has had on the County, as well as what the actual percentage of tax increase would be if these unfunded mandates were not imposed upon the County.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 258 through 316 were approved, with the exception of Resolution No. 300 of 2009, Requesting Introduction of Home Rule Legislation Authorizing Warren County to Impose Additional Transfer Tax on Real Property Conveyances in Warren County, which failed; and Resolution No. 301 of 2009, Rescinding Resolution No 89 of 2009 and Further Amending Resolution No. 695 of 2008 Relating to the Hudson-Fulton-Champlain Quadricentennial Grant, which was withdrawn and referred back to the Planning & Community Development Committee.

Chairman Monroe announced a Special Board Meeting to further discuss an increase in sales tax would be held on Friday, April 24, 2009 at 9:00 a.m.

There being no further business, on motion by Mrs. Simmes and seconded by Mr. Strainer, Chairman Monroe adjourned the meeting at 11:25 a.m.