

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, SEPTEMBER 18, 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 Tessier.

Roll called, the following members present:

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

Absent: Supervisor Simmes - 1.

Motion was made by Mr. Stec, seconded by Mr. Tessier and carried unanimously, to approve the minutes of the August 21, 2009 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Monroe declared the Public Hearing on the proposed Local Law No. 3 of 2009 open at 10:01 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 Local Law No. 3 of 2009, Chairman Monroe closed the Public Hearing at 10:05 a.m.

Chairman Monroe requested Margaret Sing-Smith, Director of the Youth Bureau, and Supervisor Bentley to come forward to recognize members of the Warren County Youth Court. Ms. Smith introduced three representatives of the Youth Court, Craig Hill, Courtney Baker and Katherine Chambers, that were at the meeting today. Mr. Bentley presented a proclamation declaring the month of September as National Youth Court Month to the representatives of the Warren County Youth Court. The board members responded with a round of applause.

Chairman Monroe recognized Walter and Joan Grishkot and Mark Donahue who had requested to address the board members regarding the Adirondack Balloon Festival. Mr. Donahue thanked the Board of Supervisors for their continued support of the Balloon Festival, as well as William Lamy, DPW Superintendent; Don DeGraw, Airport Manager; Bud York, Sheriff and the staff of the Sheriff's Office, for all of their assistance. Mr. Grishkot echoed Mr. Donahue's statements in thanking the board members. He distributed posters and commemorative pins to the board members and he announced that a new balloon was joining the Festival this year, which was a one-of-kind seven story high fish. Mr. Grishkot added that

the Festival would kick off on Thursday, September 24, 2009 and over eighty balloons would be involved with the Festival this year. He thanked the County again for the use of the Airport. The board members responded with applause.

Supervisor Tessier exited the meeting at 10:10 a.m.

Chairman Monroe recognized Pam Morin, of the North Warren Chamber of Commerce, who requested to address the board members concerning the Quadricentennial Waterfront Community Map Project. Ms. Morin announced that enough funds had been raised to produce 70,000 copies of the map, as opposed to the original plan for 40,000 copies. She remarked that the project was progressing very well and she thanked the Board of Supervisors for their support of the Project.

Chairman Monroe introduced Joanne Smith, of North Creek, who had requested to address the Board relative to the Railroad. Ms. Smith referred to a letter to the editor in *The Post Star* last Sunday that highlighted the importance of the Railroad to the County. She read the article for the benefit of the board members.

Frank O'Keefe, County Treasurer, requested to address the board members. Mr. O'Keefe reported that over the past year, both he and his Office had received unwarranted comments ranging from unexpected deficits, criticism of cash flows, projections of inaccurate Waste Management deficits and most recently, they received criticism from inaccurate deficit projections for 2010. He noted that Rick Murphy, Deputy Commissioner of Fiscal Services, was a member of the Budget Team, along with Hal Payne, Commissioner of Administrative & Fiscal Services; Joan Sady, Clerk of the Board; JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services; and Supervisor Geraghty, Budget Officer. He pointed out that he, as County Treasurer, was not on the Budget Team; however, he said, he had full confidence in Mr. Murphy's deficit estimates. He added that Mr. Murphy had been employed as an Accountant for thirty-five years and was a very valued employee. Mr. O'Keefe asserted that Mr. Murphy's figures were correct. He referred to a memo dated March 17, 2007, in which he issued a very detailed letter warning of the County's financial conditions, including pending debt and comparisons from the 2000 County Budget of \$71 million to the 2007 County Budget of \$136 million, a 92% increase. He stated that he had presented the Supervisors with a cash flow problem in a letter he submitted dated December 18, 2008. Copies of said letters are on file with the minutes.

Mr. O'Keefe apprised that since June of this year, his Office had initiated a concise budget analysis report, highlighting major departments and potential problem areas which he believed was a good management tool. He said that he had asked for comments and recommendations from the Supervisors each and every time he submitted the reports. He remarked that his Office provided good financial management tools for long range decision making and would provide any additional financial data when requested. Mr. O'Keefe stated

that providing this good financial analysis to make intelligent decisions for 2010 and beyond was the answer. He said that massive layoffs of County employees that were not the cause of the financial problems was not the solution. He concluded that reducing the workforce through attrition and controlling costs at all levels was part of the solution.

Chairman Monroe called for reports by Committee Chairmen on past activities and the following gave verbal reports:

Supervisor Belden, Public Safety; Supervisor Kenny, Occupancy Tax Coordination; Supervisor O'Connor, Mental Health; Supervisor Sheehan, Support Services; Supervisor Geraghty, Budget; Supervisor Thomas, County Facilities and Personnel; Supervisor Sokol, Health Services; Supervisor VanNess, Public Safety; Supervisor Champagne, Community College; and Supervisor Stec, Finance.

Mr. Bentley requested a moment of silence in the honor of PFC Jeremiah Monroe, a resident of the Town of Horicon, who was killed while serving his Country in Afghanistan.

Concerning the Public Works Committee, Mr. Belden advised that the meeting consisted mainly of housekeeping issues.

With regard to the Occupancy Tax Coordination Committee, Mr. Kenny reported that the Committee had been informed by Mike Consuelo, Special Events Coordinator, that discussions were continuing with the United Church of God, a group that was interested in holding a convention at the Lake George Forum. He noted that the County Treasurer had provided a report outlining the occupancy tax revenues for 2009 to date were down approximately \$90,000, or 9%. Mr. Kenny remarked that the Committee had revisited the application for Special Event Funding from the City of Glens Falls to host the 2010 Hometown Holiday Celebration, which was originally planned to be a week long event and subsequently reduced to a two day event. He stated that the Committee had originally awarded \$2,000 for that event and had agreed to continue with that contribution. He added that the Lake George Blues Blast event that was scheduled for October 3 and 4, 2009 had been cancelled and the \$4,000 that had been awarded for such was returned to the Special Event Fund; thereby leaving a balance in the Fund of \$12,000.

In connection with the Mental Health Committee, Mr. O'Connor commented that discussions were focused on how to continue operations given the funding reductions from various State agencies.

Regarding the Support Services Committee, Mr. Sheehan apprised that the Committee was addressed by John Weber, President of Capital Financial Group, relative to the 2010 projected increases of possibly 15.2% for the HMO's; however, he said, the final figures would not be available until October 1, 2009. He added that Resolution Nos. 602 and 603 included in the Supervisors' packets were generated from the meeting and pertained to

agreements with network vendors for the Self-Insured Workers' Compensation Program. Mr. Sheehan noted that Herb Levin, Director of Weights & Measures, had requested to establish and collect fees for the inspection and testing of weights & measuring devices and systems in the County, and that was Resolution No. 592 in the packets.

Pertaining to the Budget Committee, Mr. Geraghty apprised work was continuing on reducing the budget deficit. He stated that forty-three positions had been eliminated from the current Table of Organization and further reductions in the workforce were scheduled to be discussed in the future. He noted that he had received two letters of support concerning the reduction of the budget and in opposition to a property tax increase.

Concerning the County Facilities Committee, Mr. Thomas remarked that the Committee had not met this month; however, he said, he had updates on the new Human Services Building to provide. He advised that all three floors of the building had been sheet rocked and the first and second floors had been painted; the terrazzo flooring was completed throughout the building; the carpet had been delivered for the second and third floors; the computer room and data closets were completed; and the sidewalks and curbs had been completed. He noted that at the beginning of November the furniture would be delivered and the plan was to begin moving into the building in the beginning of December. Mr. Thomas announced that if any Supervisor was interested in touring the building, they could do so.

With regard to the Personnel Committee, Mr. Thomas apprised that Resolution Nos. 621 through 632 were resultant of that meeting. He reviewed the resolutions in detail for the board members.

In connection with the Health Services Committee, Mr. Sokol expounded that the Health Services portion of the meeting was comprised mainly of annual contract renewals and housekeeping issues.

Mr. VanNess requested a moment of silence in honor of Maureen Rambone, a long-time dispatcher in the Sheriff's Communication Center, who lost a courageous battle with cancer this weekend.

Regarding the Public Safety Committee, Mr. VanNess stated that the Sheriff's departmental budget was under by approximately \$72,000, as opposed to the previous report that they were over budget. He added that the Sheriff and his staff had made great efforts in assisting to reduce their budget. He noted that the Committee authorized the Sheriff to charge storage fees for vehicles that were impounded and Resolution No. 636 in the packets introduced the Local Law pertaining to such.

Relative to the Community College Committee, Mr. Champagne announced that the Adirondack Community College (ACC) enrollment had increased approximately 14%, which

would increase revenues for the County. He expressed his desire to respond to the comments made by Mr. O'Keefe. He stated that he was offended by the comment that the Supervisors were trying to balance the budget on the backs of the employees. He added that if Mr. O'Keefe had other ideas, rather than reducing the workforce, he would welcome those thoughts. Chairman Monroe interjected that he had received an email from Rob Lynch, Deputy Treasurer, which offered some suggestions for reducing the budget deficit. He noted that he still felt that the Supervisors needed more information on the current budget and cash flow, which the Treasurer's Office was working on preparing.

Mr. Stec advised that he had received the email from Mr. Lynch as well, and agreed that there were some good ideas that could assist in reducing the budget deficit. He added that he would also welcome additional ideas. Concerning the Finance Committee, Mr. Stec expounded that Resolution No. 633 in the packets was resultant of the meeting and authorized the charging off of an uncollected debt. He explained that a former employee at the Westmount Health Facility had been overpaid back in 2005 and attempts to collect that overpayment were unsuccessful. He noted that the matter did go to court and a judgement was made in favor of the County; however, he said, collection of the judgement had not been forthcoming. Mr. Stec concluded that the County Attorney had recommended that pursuing the payment through a collections process would be more costly to the County and therefore should be written off.

Chairman Monroe called for reading of communications.

Clerk read communications, including the following:

Minutes from:

- Warren County Planning Board;
- Warren/Washington Counties Mental Health Subcommittee;
- Warren/Washington Counties IDA .

Monthly Reports from:

- Weights & Measures;
- Veterinarian;
- Probation.

Annual Reports from:

- Social Services;
- Lake Champlain-Lake George Regional Development Corporation.

National Grid, Semi-annual PCB Report for period ending 6/30/09;

Capital District Off-Track Betting, August surcharge in the amount of \$21,321; and 7/31/09 Financial Report;

Notice of Public Hearing, Empire Square Redevelopment Project;

Eileen Frasier, owner of Seasons Bed & Breakfast, correspondence regarding businesses not registering their vacation rental properties;

Robert Lehrer, resident of North Creek, and Kelly Bishop, resident of Bolton Landing, letters supporting the budget cuts necessary to avoid property tax increases. Copies of both letters were distributed to the members of the Board.

Chairman Monroe announced that a request for an executive session had been made to discuss the employment history of two particular people, as well as collective bargaining negotiations with the Union.

Motion was made by Mr. Pitkin, seconded by Mr. Belden and carried unanimously that executive session be declared pursuant to Sections 105 (e) and (f) of the Public Officers Law.

Executive session was declared from 10:38 a.m. to 12:15 p.m.

The Board reconvened and Chairman Monroe stated that no action was necessary pursuant to the executive session.

Mr. Geraghty requested a roll call vote on Resolution No. 633, Charging Off Uncollected Debt. Chairman Monroe asked Paul Dusek, County Attorney, if there was a possibility of collecting these funds in the future, given that a judgement had been issued. Mr. Dusek explained that when his Office was advised of this situation, they immediately made arrangements for repayment and had the employee sign a 'Confession of Judgement', which avoided the need to commence a lawsuit. He added that in the agreement with the employee, the County was allowed to file that 'Confession of Judgement' against the employee. Mr. Dusek further stated that they continued to pursue collection of the funds for quite awhile after the employee stopped making payments; however, he said, the problem was that the individual did not have any assets. He noted that the judgement was in effect for ten years and if the County learned of any assets, they would pursue such. He concluded that the Accountants wanted to get this off the books because it was showing as a receivable.

Communications, resolutions and reports ordered placed on file.

Chairman Monroe called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 590 through 631 were mailed. She stated that a motion was needed to amend Resolution No. 610 to read "one ten bay storage hangar and one nine bay storage hangar", as opposed to two ten bay storage

hangars. Motion was made by Mr. Goodspeed, seconded by Mr. VanNess and carried unanimously to amend Resolution No. 610 as outlined above.

Mrs. Sady added that the resolutions relating to the filling of vacant positions were Resolution Nos. 622 through 630, as well as Resolution Nos. 532 through 535 and 537 through 539, which were tabled at the August 21, 2009 Board Meeting. She noted that unless a roll call vote was requested on a particular resolution, these resolutions would be approved in the collective vote.

Mr. Thomas requested a roll call vote on Resolution No. 637, Authorizing Agreement with Appraisal Resources, Inc. to Appraise Three (3) Parcels of Property Presently Owned by Warren County.

Chairman Monroe directed the board members attention to the two resolutions that were distributed, Resolution No. 638, Resolution Regarding Financing of the Corinth Road/ Main Street/Broad Street (CR 28) Reconstruction Project; and Resolution No. 639, Recovery Zone Designation Resolution Dated September 18, 2009, and he requested Mr. Dusek to explain them. Mr. Dusek referred to Resolution No. 639 and he asserted that he and the Treasurer's Office had met with the County's fiscal advisors regarding the bonding for the County. He remarked that typically, when the County did bonding, they performed the tasks of securing such on their own, such as paying the costs, selling the bonds, etc. In this instance, he continued, there was a special program through NYSAC (New York State Association of Counties) which contained a pooled borrowing. He noted that some of the County's projects were eligible for specific benefits being offered. Mr. Dusek added that if the County joined the pool, there could be a savings in the vicinity of \$50,000 to \$60,000 a year on the County's bonding costs. He concluded that all the County had to do was adopt a resolution that declared the County to be a Recovery Zone. He clarified that the resolution would not commit the County if it were determined that it was not in the best interest to do this.

Relative to Resolution No. 638, Mr. Dusek apprised that the majority of the Project was being funded by the Federal and State governments, and Warren County had a small portion of a local share; however, he said, the problem with any kind of reimbursements from Federal government was that the County had to put forth the funding first. He explained that this resolution would allow more flexibility for the County to determine how to fund the Project. Due to the difficult financial times, he concluded, the County needed the ability to authorize bonding or budget notes. He advised that the next move would be discussed at the October Finance Committee meeting.

Chairman Monroe commented that a concern about bonding had been raised earlier this week by the Treasurer's Office because a school tax bill for State owned land was recently submitted to the State from the County for the amount of \$3.8 million to be paid by

October 1, 2009. He reminded the board members that last January, the required paperwork had been submitted to the State for payment of the Forest Preserve Land Tax which amounted to \$2.5 million. He said that historically, that bill had been paid by the middle of January; however, he added, this year the County did not receive payment from the State until April; thereby causing a cash flow concern. He noted that assistance from Senator Little had been requested to pursue the County's funds from the New York State Comptroller's Office and subsequently, he had been informed that the State would make the school tax payment on time.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 589 and 632 through 639 to the floor. Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to bring Resolution Nos. 589 and 632 through 639 to the floor.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 589 through 639 were approved, as well as Resolution Nos. 532 through 535 and 537 through 539, which had been tabled at the August 21, 2009 Board Meeting.

Chairman Monroe recognized Supervisor Girard who was present at the meeting and welcomed him back. Mr. Girard thanked the board members for their well wishes during his leave of absence.

Chairman Monroe opened the floor for announcements. Mr. Kenny recognized the two candidates that were present at the meeting that would be seeking to represent the City of Glens Falls Ward 4 when Supervisor O'Connor retired at the end of the year. He introduced Bill Loeb and Dan Bruno.

Mr. Loeb thanked Mr. Kenny for the introduction and said it would be an honor to join the Board of Supervisors if elected.

There being no further business, on motion by Mr. Pitkin and seconded by Mr. Strainer, Chairman Monroe adjourned the meeting at 12:35 p.m.