

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, NOVEMBER 20, 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 Stec.

Roll called, the following members present:

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

Absent: Supervisor Bentley - 1.

Motion was made by Mr. Pitkin, seconded by Mr. Champagne and carried unanimously, to approve the minutes of the October 16, 2009 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Monroe declared the Public Hearing on the proposed Local Law No. 5 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.

Chairman Monroe recognized Aaron Frankenfeld, of the Adirondack/Glens Falls Transportation Council (A/GFTC), who had requested permission to address the board. Mr. Frankenfeld advised that the A/GFTC recently approved the draft of the Long Range Transportation Plan for 2030 for public review and comment. He added that the public comment period would run between now and the end of the year. He distributed a handout to the Supervisors which outlined the Plan, a copy of which is on file with the minutes. He noted that it was a Federal requirement that the Plan be updated every four years. Mr. Frankenfeld concluded that the Plan was prepared with significant public input, consultation with resource agencies and committee involvement.

Chairman Monroe acknowledged Sarah Rudgers-Tysz, of Mediation Matters, who requested permission to address the board. Ms. Rudgers-Tysz advised that Mediation Matters was a non-profit organization that provided conflict resolution services to five surrounding counties. She reported that they provided services in a number of areas, including family and community types of cases. She added that they worked closely with the Warren County Family Court in providing services. Ms. Rudgers-Tysz noted that their newest program focused on agricultural issues that arose within counties, ranging from family, community or small claims types of issues to direct agricultural related suppliers, personnel and business disputes that arose on farms. She apprised that the services offered were all free of charge and their mission was to make the services available to those that needed them and could

benefit from these free services. Chairman Monroe asked if they dealt with zoning issues and Ms. Tysz replied affirmatively, noting that they would make sure to have a skilled mediator that was aware of those types of terms to work through those issues. She thanked the board members for their time.

Chairman Monroe expounded there was a request from the Village of Lake George to continue funding in the amount of \$25,000 to support the Visitor's Center. He explained that Kate Johnson, Director of Tourism, had said that it was not anticipated that this contract would be extended and the \$25,000 was applied towards the salary of the Special Events Coordinator for 2010. He asked Mr. Kenny if he wished to address this matter. Mr. Kenny advised that with the Gaslight Village property nearing completion for a Certificate of Occupancy, additional investments would be needed for the property; therefore, he added, that should be taken into consideration before occupancy tax funds were used for anything. He recommended that the item be referred to the Occupancy Tax Coordination Committee for consideration.

Chairman Monroe recognized Supervisor Champagne who had requested permission to address the board regarding Adirondack Community College (ACC) and the Regional Higher Education Center. Mr. Champagne remarked that he had asked Joseph Cutshall-King, Vice President of the ACC Foundation, to attend the meeting today to provide the board members with information about the Regional Higher Education Center. Mr. Cutshall-King apprised that ACC had been in the process of raising funds in order to qualify for a grant for the new Regional Higher Education Center. He stated that they were attempting to raise \$2.5 million, and if that goal was achieved by December 1, 2009, the Kresge Foundation would provide an additional \$350,000 in grant funds. He encouraged everyone to make a donation of any amount and noted that all donors would be listed on the "Wall of Fame" in the new building. Mr. Cutshall-King reported that the new building was fully occupied and in addition to SUNY Plattsburgh and Empire State College, Paul-Smiths College had recently partnered with ACC. He thanked the board members for their continued support.

There being no one wishing to speak on the proposed Local Law No. 5 of 2009, Chairman Monroe closed the Public Hearing at 10:15 a.m.

Chairman Monroe declared the Public Hearing on the proposed Warren County Sewer District (Industrial Park) Assessment Roll for 2010 open at 10:16 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 Warren County Sewer District (Industrial Park) Assessment Roll for 2010, Chairman Monroe closed the Public Hearing at 10:18 a.m.

Chairman Monroe announced that at this time he would turn the meeting over to Supervisor Geraghty, Budget Officer, for the Tentative 2010 Budget review.

Mr. Geraghty presented the following Budget Message:

"Budget Message
November 20, 2009"

"Today I will present the 2010 Tentative Warren County Budget. Again, I would like to thank JoAnn McKinstry, Joan Sady and Rick Murphy for their patience with me in preparing this Budget. I would also like to thank the Budget Committee and Department Heads for their work on the Budget.

"After receiving the initial information on the 2010 Budget our goal was to trim the 2010 Budget increase by \$4,000,000. That was when we had a Budget increase of \$6,000,000. Those increases have ballooned to almost \$11,000,000 in uncontrollable increases such as transportation for the physically handicapped children, retirement, health insurance costs and increase in solid waste. Working with all the parties mentioned above we have now reduced the 2010 Budget Plan by over \$7,100,000. We have eliminated another 50 positions from the 2010 Budget, some through layoffs and the rest through attrition. This will make a total of over 72 position reductions in two years.

"I ask each Supervisor to carefully examine the Budget presented today. I caution you about deficit spending and the borrowing of money we are currently doing to meet current cash flow shortfalls. As you know we have no fund balance to reduce the 2010 Budget.

"We will accept any specific ideas to reduce the spending plan further but these changes must be done through full Board Resolutions.

"We must continue to provide mandated services and services for our seniors. I also must remind you that we do not know how State Government may affect us next year or the year after and we must be prepared to deal with this as it comes our way."

A power point presentation of the Tentative 2010 budget highlights followed. A copy of the power point presentation is on file in the Office of the Clerk of the Board of Supervisors with Budget Committee records.

Mr. Geraghty advised that the Tentative 2010 Budget was a 10.8% increase over the 2009 amount to be raised by tax. He noted that appropriations were up 1.3% over the 2009 Adopted Budget; however, he said, revenues were down 1.5%. He stated that the Tentative 2010 Budget amount to be raised by tax was \$39,905,342, or an increase of \$3,900,339 over the 2009 Adopted Budget. He added that mandated increases in the 2010 Budget included retirement, solid waste, debt service, contract settlements, health insurance,

mandated program costs, and reductions in projected sales tax revenue. He asserted that this amounted to approximately \$11 million. Mr. Geraghty apprised that reductions that were made included the abolishment of positions, the Budget Officers recommendations and reductions in funding for outside agencies; said reductions amounted to approximately \$7.1 million.

Mr. Geraghty referred to the comparison sheet included in the power point presentation, which outlined the appropriations and revenues from the 2009 Adopted Budget compared to the Tentative 2010 Budget. He reviewed the town tax rates based on the Tentative Budget, and compared the 2009 tax rate to the proposed 2010 rate and the difference between both, which was per \$100,000 of assessed valuation.

Mr. Geraghty listed other options to consider such as the implementation of a vehicle use tax, which could approximately garner \$300,000 in revenue for one year; and the implementation of a 1% dedicated sales tax increase, which could generate approximately \$14 million a year in revenue.

Mr. Geraghty reiterated that this was the Tentative 2010 Budget and noted he would certainly entertain any specific request by board members to reduce the budget further. He opened the floor to questions.

Mr. Merlino expressed his support of a 1% sales tax increase. He referred to the option listed by Mr. Geraghty which stated that the implementation of a 1% dedicated sales tax increase could generate approximately \$14 million a year in revenue. He said that the tax rate listed for the Town of Lake Luzerne based on the Tentative 2010 Budget was an increase of 6.256; he added if the increase in sales tax was implemented for half a year next year and strictly utilized for property tax relief, the increase to the taxpayers in the Town of Lake Luzerne would be 3.62 which was equal to the 2009 tax rate of 3.62. Using the same premise he outlined the following: the City of Glens Falls 2010 tax rate based on the Tentative Budget was 4.721, with an increase in sales tax it would have been 4.239; and the Town of Queensbury 2010 tax rate based on the Tentative Budget was 4.53, and with an increase in sales tax it would have been 3.62. Mr. Merlino reported that out of sixty-two counties in New York State, only five counties had a sales tax under 8%. He added that an increase in sales tax would be a way to get Warren County back into a secure financial position and it would be the Supervisors duty to keep it that way.

Mr. Merlino further suggested amending the local law which set forth the weighted voting system due to the unfairness of said system when it came to important issues such as this.

Mr. Kenny asked if the Budget Officer had filed the Budget and Mr. Geraghty replied affirmatively. Mr. Kenny continued, and said that any amendments made to that Budget would be made by the full Board of Supervisors and would become part of the Budget subject

to review by the full board and Mr. Geraghty concurred.

Paul Dusek, County Attorney, explained that under law there were two times that the board could make revisions to the Budget which he listed as follows: 1) changes could be made by a majority vote before the Public Hearing was set; or 2) a Public Hearing may be set and after it was held, changes could be made by resolution to the Budget. He noted that if the Public Hearing was held and the board failed to adopt a resolution that approved and enacted the Budget, then the Tentative Budget would go into effect in 2010.

Mr. Stec expressed his opinion that a 10% increase in the Budget would not be approved and he recommended that the Supervisors determine what percentage increase would be acceptable in order to garner the majority vote to pass the Budget. Mr. Girard suggested that the board members discuss the increase in sales tax as a source of revenue.

Chairman Monroe commended Mr. Geraghty on the job he has done as Budget Officer and added that he had done a tremendous job of cutting expenses. He noted his concern that for many years, the County had a surplus to rely on which was no longer an option and a plan needed to be developed to rebuild that surplus or to have a tax stabilization fund because that was what would allow the County to remain strong in the future and to keep the property tax under control. He added that just cutting expenses would not do that and the only way would be through increases in revenue. Chairman Monroe asserted that important services provided by the County were needed now more than ever. He said that the County needed to balance the protection of the taxpayer while treating County employees fairly and providing the services that needed to be provided.

Motion was made by Mr. Kenny, seconded by Mr. Champagne and carried unanimously to delay voting on the Tentative 2010 Budget and that a Budget Committee meeting be scheduled for next week.

The consensus of the board was that a Budget Committee meeting be scheduled for Tuesday, November 24, 2009 at 1:00 p.m. Clerk advised that she would send out a meeting notice. Mr. Champagne requested a revised copy of the Table of Organization and JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services responded that she would email that. Chairman Monroe recommended that the Table of Organization be sent to all Supervisors prior to the Budget Committee meeting on Tuesday.

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

Supervisor Stec, Finance; Supervisor Tessier, Criminal Justice, Social Services and Tourism; Supervisor Goodspeed, Real Property Tax Services; Supervisor Belden, Public Works; Supervisor Kenny, County Clerk; Supervisor O'Connor, Mental Health; Supervisor Taylor, Planning & Community Development; Supervisor Sheehan, Support Services; Supervisor Simmes, Human Services; Supervisor Geraghty, Budget; Supervisor Thomas, County Facilities

and Personnel; Supervisor Sokol, Health Services; Supervisor VanNess, Public Safety; and Supervisor Champagne, Community College.

Regarding the Finance Committee, Mr. Stec apprised Resolution Nos. 748 through 752 were resultant of that meeting. He expounded that Resolution No. 748 was a modification of the Travel Policy allowing unpaid interns working for the County to use County vehicles. He stated that Resolution No. 750 authorized an agreement with Capital Digitronics, Inc. for a preventative maintenance and service contract for the Sheriff's Office communications equipment. He noted that Resolution No. 752 would set the health insurance rates for the remainder of 2009 and for all of 2010. Mr. Stec added that Resolution No. 752 authorized an agreement with EBS-RMSCO, Inc. for the Health Reimbursement Plan Account for reimbursement of employees for health insurance co-pays and also authorized the County Treasurer to establish an account for such in the amount of \$140,000.

In connection with the Criminal Justice Committee, Mr. Tessier reported that Resolution Nos. 727 through 729 were resultant of that meeting. Concerning the Social Services Committee, he said that the meeting discussions focused on the reorganization of the Department which resulted in Resolution Nos. 759 through 764. Mr. Tessier added that relative to the Tourism Committee, a large portion of the meeting dealt with the annual renewal of contracts. He noted that a power point presentation was provided during the meeting about promoting the three ski areas in Warren County.

Mr. Goodspeed thanked Mr. Dusek for the work he did in providing a legal opinion that assisted with the ad campaign for the three ski areas. With regard to the Real Property Tax Services Committee, he referred to an ongoing dispute with a tax map parcel located in the Town of Johnsburg which had been resolved, and Resolution No. 778 included in the packets pertained to that matter. He asserted that Mike Swan, Director of Real Property Tax Services, had expressed his concern that a delay in approval of the 2010 Budget would make it very difficult for his Office to prepare the tax roll. He added that Mr. Swan also advised that the approximate number of tax map parcels on the roll for next years auction was 500 and he described that as the highest number he had seen in his career with Warren County.

Chairman Monroe requested Supervisor Tessier to provide the board members with an update on the Calvacade of Cars Building on the Gaslight Village property and the Certificate of Occupancy (CO). Mr. Tessier explained all the work was nearly complete and they were awaiting receipt of the CO. He remarked that there had been many inquiries for use of the property and he recommended that a special committee be formed in order to prepare scheduling events for next year on the property. Mr. Belden suggested that all the Supervisors take a tour of the property and the buildings in the near future prior to snowfall.

Concerning Public Works, Mr. Belden stated that under the Solid Waste & Recycling portion of the meeting, the Committee heard from Steve Lynch, Solid Waste Coordinator, who provided an update on the Solid Waste Management Plan. Under the DPW portion of the

meeting, he said, the Committee approved an increase in the Capital Project for the Corinth Road Project. He concluded the majority of the meeting consisted of housekeeping issues.

With regard to the County Clerk-Motor Vehicles Committee, Mr. Kenny reported that a request to fill a vacant position of Recording Clerk was presented; however, he continued, the Committee decided not to fill that position at this time.

Mr. O'Connor commented that the Mental Health Committee had met and they were continuing to struggle with reductions in funding.

In connection with the Planning & Community Development Committee, Mr. Taylor apprised that under the Economic Development Corporation (EDC) portion of the meeting, Len Fosbrook, President of EDC, discussed the marketing initiative for the three ski areas in the County. He noted that an update was provided on the Empire Zone which would expire in 2010 and the EDC was preparing to implement a similar program prior to the expiration of the current Program. He added that during the Planning & Community Development portion of the meeting, it was reported that a grant application had been submitted to the New York State Department of State for an amount of \$32,259 to conduct activities related to 2010 census. Mr. Taylor said an update was provided pertaining to the broadband needs analysis design and engineering study which was underway.

Relative to the Support Services Committee, Mr. Sheehan stated that Resolution No. 777 included in the packets was generated from that meeting and authorized the County Attorney and/or retained Worker's Compensation counsel to commence a civil action to seek recovery of a lien on a third-party claim.

Regarding the Human Services Committee, Mrs. Simmes advised that under the Office for the Aging portion of the meeting, the Committee authorized an agreement with Golden Lane Associates to provide for administration of MIPPA funds under the Health Insurance Information Counseling and Assistance Program (HIICAP) and it was Resolution No. 730 in the packets.

Concerning the Budget Committee, Mr. Geraghty requested Committee Chairmen to inform Department Heads to curb their spending for the remainder of the year and to avoid any purchases between now and next year. He referred to earlier discussions on the Gaslight Village property and expressed his concern about revenue being generated through use of the property, as well as the maintenance of the property. He noted that a business plan for the property needed to be determined as soon as possible.

With regard to the County Facilities Committee, Mr. Thomas reported that the Human Services Building was nearly complete and he reiterated the moving dates of December 3rd, 10th and 17th. He noted that Resolution No. 643 included in the Supervisors' packets authorized an RFP (Request for Proposal) for moving services. He added that the various

systems in the building, such as the heating and cooling units and the fire sprinklers, were being tested and training would be conducted this week for employees in the Buildings & Grounds division relative to the operations of the new systems. Mr. Thomas commented that the electrical switch in the Municipal Center building that needed to be replaced because of the fire a few years ago was completed, as were the renovations to the court area for Judge Muller which were performed by the Buildings & Grounds division as well. He referred to Resolution No. 741 in the packets which authorized that the heat in the Municipal Center Building be maintained at the levels that were set last year and prohibited the use of personal space heaters. He concluded that the Committee approved the purchase of a dumpster/trash compactor for the Human Services Building, which was Resolution No. 742.

In connection with the Personnel Committee, Mr. Thomas apprised that there were twenty-one resolutions generated from that meeting which were included in the Supervisors' packets, eleven of which authorized the filling of vacant positions within various departments. He noted Resolution No. 753 amended Resolution No. 500 of 2008, relating to the eligibility of employees and retired employees to participate in the Warren County Insurance Plan. He added that the Committee approved an agreement with the National Employers Council, Inc. for Unemployment Insurance Consulting Services, which was Resolution No. 755 in the packets. Mr. Thomas asserted that the Voluntary Furlough had been extended indefinitely by Resolution No. 754 included in the packets. He said the Committee authorized that longevity pay not be offered and/or provided to new employees in the non-bargaining unit. He reported that a resolution was included in the packets that authorized the County Attorney to assume direct supervision of the attorneys in the Department of Social Services. Mr. Thomas stated that a joint Personnel/Public Safety Committee meeting had been held to discuss operations and staffing levels at the Correction Facility and three representatives of the New York State Commission of Corrections were present for that meeting. As a result of the meeting, he said, two vacant positions of Correction Officer were approved to be filled and were included in the packets.

Regarding the Health Services Committee, Mr. Sokol remarked that although the Countryside Adult Home had not been included on the Committees Agenda, he had spoken with Brenda Hayes, Director of Countryside Adult Home, who informed him that things were going very well at the facility. Under the Westmount Health Facility portion of the meeting, he said that the contract for the conceptual study of installation for the sprinkler system had been awarded to the lowest bidder, and the details were outlined in Resolution No. 737 in the packets. Mr. Sokol advised that under the Health Services portion of the meeting, an update was provided concerning the H1N1 flu vaccine and the clinics that were being offered. He noted that an additional Westmount Health Facility Committee meeting had been held to further discuss the positions of the Dietician, the Director of Nursing and the Assistant Director of Nursing. He concluded that the implementation of an Interim Director of Nursing at the Facility was successfully working out.

Mr. VanNess referred to the joint Personnel/Public Safety Committee meeting that was

held and informed the board members that the representatives from the New York State Commission of Corrections had declared that the Warren County Correction Facility was one of the best run facilities in the State.

With regard to the Community College Committee, Mr. Champagne reminded the board members to consider contributing to the ACC Foundation for the Regional Higher Education Center as previously discussed by Mr. Cutshall-King.

Chairman Monroe announced that he met with the Treasurer this morning regarding the Tobacco Securitization Fund and as a result of that meeting, \$75,000 was transferred from the Tobacco Securitization Fund into the General Fund as part of the budget process.

Mr. Kenny thanked Bud York, Sheriff, for bringing the representatives from the New York State Commission of Corrections to the meeting to answer the questions of the Supervisors. He added that the Group Planner designed by the Tourism Department was a tremendous tool and he commended the staff members of the Tourism Department.

Mr. Tessier echoed Mr. Geraghty's concerns about the Gaslight Village property and the maintenance of it, as well as the direction the County was going with the property in the future.

Chairman Monroe called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;
Warren/Washington Counties IDA Executive/Park and Audit Committee.

Monthly Reports from:

Weights & Measures;
Probation;
Veterinarian.

Capital District Off-Track Betting, Third Quarter Benefit Distribution in the amount of \$51,453 and August 31 and September 30, 2009 Financial Reports.

Warren and Washington Counties IDA, Proposed 2010 Budget.

North Country Engineering, letter expressing concerns relative to the renovations of the Gaslight Village structures.

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. 725 through 777 were mailed. She added that the resolutions relating to the filling of vacant positions were Resolution Nos. 759 through 770, 780 and 781. She noted that unless a roll call vote was requested on a particular resolution, these resolutions would be approved in the collective vote.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 724 and 778 through 781 to the floor. Motion was made by Mr. Goodspeed, seconded by Mr. Belden and carried unanimously to bring Resolution Nos. 724 and 778 through 781 to the floor.

Mr. Strainer requested a roll call vote on Resolution No. 764, Authorizing the Appointment of Suzanne F. Wheeler as Deputy Commissioner of Social Services.

Mr. Girard requested a roll call vote on Resolution No. 735, Authorizing Agreement Continuing Contractual Relationship with Lori A. Girard for Dietician Services at the Westmount Health Facility.

Mr. Pitkin requested a roll call vote on Resolution No. 748, Further Amending the Warren County Travel Policy and County Vehicle Use Regulations.

Mr. Strainer expressed his concern with Resolution No. 764 regarding the hiring of a Deputy Commissioner because he thought the recommendation would be considered by the Social Services Committee prior to the hiring. He noted he was also questioning the base salary for the position, as well as the individuals qualifications for the position. He requested that the resolution be tabled pending further Committee discussion.

Motion was made by Mr. Strainer and seconded by Mr. VanNess to table the aforementioned resolution.

Chairman Monroe advised that an executive session was going to be called and this matter could be discussed during that time.

Mr. VanNess withdrew his second to the motion. Mr. Dusek interjected that matters leading to the hiring of a particular person could appropriately be discussed in executive session; however, he said, salary, which was mentioned as a concern, could not be discussed in executive session.

Chairman Monroe asserted that he would entertain a motion to go into executive session to discuss the hiring of a particular person, as well as collective bargaining matters concerning impact negotiations with Social Services and a litigation matter.

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

Executive session was declared from 11:40 a.m. to 12:17 p.m.

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

Mr. Pitkin apprised that it had been brought to his attention that when an employee that had a County vehicle assigned to them was out on vacation, that vehicle remained unused and he suggested that the Travel Policy be further amended to require that County vehicles assigned to employees be returned to the fleet when the employee was on vacation. He withdrew his request for a roll call vote on Resolution No. 748.

Motion was made by Mr. Pitkin, seconded by Mr. Kenny and carried unanimously to amend Resolution No. 748, Further Amending the Warren County Travel Policy and County Vehicle Use Regulations, to include that County vehicles assigned to employees be returned to the fleet when the employee was on vacation.

Motion was made by Mr. Belden, seconded by Mr. Goodspeed and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 782 of 2009 for the record.

Motion was made by Mr. Sokol, seconded by Mr. Geraghty and carried unanimously to authorize the settlement of a property damage claim in the matter of Warren County versus Johnson for 100% of the damages, as determined by the County Attorney. Clerk added it would be Resolution No. 783 of 2009 for the record.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 724 through 783 were approved and the Mortgage Tax Report was submitted.

Mr. O'Connor announced that his successor after twenty-two years of serving on the Board of Supervisors would be William Loeb and he acknowledged Mr. Loeb was present at the meeting. He welcomed Mr. Loeb and wished him luck and prosperity.

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, NOVEMBER 20, 2009**

There being no further business, on motion by Mr. Belden and seconded by Mr. Stec, Chairman Monroe adjourned the meeting at 12:25 p.m.