

**WARREN COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
FRIDAY, AUGUST 18, 2006**

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:21 a.m.

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Stec.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Girard, Sheehan, Mason, O'Connor, Kenny, Belden, Bentley, W. Thomas, Merlino, Stec, Caimano, Champagne, VanNess, F. Thomas, Haskell, and Geraghty - 18.

Absent: Supervisors - Tessier and Barody- 2.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously, to approve the minutes of the July 14, 2006 Board Meeting, subject to correction by the Clerk.

Chairman Thomas declared the Public Hearing on the proposed tentative Adirondack Community College budget for 2006-2007, open at 10:23 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read Notice of Public Hearing.

Mr. Champagne, Chairman of the Community College Committee, expounded that the Warren County Community College and Finance Committee had met with the Washington County Community College and Finance Committee, as well as the Adirondack Community College faculty and Trustees. He added that the Community College Committee and the Finance Committee recommended approving the budget as presented. Mr. Monroe, Chairman of the Finance Committee, echoed Mr. Champagnes' comments.

There being no one further wishing to speak on the proposed budget, Chairman Thomas declared the Public Hearing closed at 10:25 a.m.

Chairman Thomas introduced Richard Mason, Supervisor of Ward 3 in the City of Glens Falls. Mr. Mason announced he was on the Soil and Water Conservation Board and introduced David Wick, District Manager of the Soil and Water Conservation District.

Privilege of the floor was extended to Mr. Wick, who presented a power point presentation to the board members, a copy of which is on file with the minutes. Mr. Wick outlined the different types of projects that the Soil and Water Conservation District had undertaken and those that they were currently working on. Mr. Wick announced that the Soil and Water Conservation District would be holding their 50<sup>th</sup> Anniversary Celebration on Friday, September 22, 2006 at the Echo Lake Lodge in Warrensburg and extended verbal invitations to the board members. The board members responded with applause.

Chairman Thomas recognized Ed Milner, Chairman of the Board of Directors for the

Soil and Water Conservation District and thanked him for his work and dedication to the organization.

Mr. Stec thanked Mr. Wick for all the help that the Soil and Water Conservation District had provided to the Town of Queensbury. Mr. Belden thanked Mr. Wick and his staff as well for everything they had done for the Town of Hague. Mr. Haskell thanked Mr. Wick for help in the Town of Thurman. Mr. Geraghty echoed the comments made by the other Supervisors. Mr. Gabriels added he was very impressed with the work that Mr. Wick had done in the Town of Bolton. Mr. Merlino thanked the Soil and Water Conservation District on behalf of the Town of Lake Luzerne. Mr. Bentley thanked Mr. Wick for his work in the Town of Horicon. Chairman Thomas added it was clear how important Mr. Wick and the Soil and Water Conservation District were to Warren County.

Chairman Thomas stated that the next item on the Agenda was a presentation by Drew Spitzer of the Lake George Forum. He noted that Mr. Spitzer was not at the meeting but Jason Sherry of the Lake George Forum was present. Mr. Sherry said they would come back at another meeting to give their presentation due to the length of today's agenda.

Chairman called for reports by Committee chairmen on past activities and asked Mr. Caimano to elaborate on Resolution No. 559 regarding the Occupancy Tax funding for the New York State Association of Fire Chiefs Convention.

Mr. Caimano explained that the Occupancy Tax Coordination Committee had voted to suspend the rules and increase the funding to \$150,000 as opposed to \$50,000 for the New York State Association of Fire Chiefs Convention for the purchase of the necessary tents. He added he would like to request a roll call vote on Resolution No. 559 of 2006.

Mr. Kenny apprised he had several concerns in relation to Resolution No. 559 of 2006. He stated that the Occupancy Tax funds were designated as money to attract new events and/or conventions to Warren County. He added that the board had put a cap on the money not to exceed \$50,000 for any one convention or show. He estimated the Occupancy Tax funding for next year would be approximately \$275,000 to \$300,000 and if \$150,000 was committed to the NYS Association of Fire Chiefs that would only leave between \$125,000 to \$150,000 to distribute to other events.

Mr. Kenny stated another problem was that applications for 2007 Occupancy Tax funding were not accepted until December 1, 2006. He said he was not sure that it was fair to commit a portion of the funding prior to receiving other applications. He asked Tom LaBelle, Executive Director of the NYS Association of Fire Chiefs, to explain the Fire Chiefs investment in the convention as compared to the County's investment for next year.

Mr. LaBelle suggested that the Fire Chiefs utilize the funding from Warren County and include \$40,000 of their own funding, as opposed to a rental fee, thereby allowing the Fire

Chiefs to acquire larger tents. He noted this would also free up the Beach Road and the Fire Chiefs would rent the Village Beach parking lot for apparatus use which would allow the show to grow as well. He added there were two questions remaining; the first was would the funding be \$150,000 and the second was who would be responsible for contracting the tents. He stated that if the Fire Chiefs were the contractors then they could sell advertising on the tents.

Mr. Kenny noted that another issue in the handbook was that events must be at least 50% self-funded. He said if the County committed \$150,000 the Fire Chiefs would be required to commit the same. Mr. LaBelle apprised the Fire Chiefs would be committing approximately \$450,000 to host the event. Mr. Kenny reiterated that he was fully supportive of committing \$50,000 to the Fire Chiefs; however, he said, he could not support the \$150,000 for the reasons that he had outlined.

Mr. VanNess expounded that the tents that were erected for the Fire Chiefs Convention were also used by the Tow Truck Convention and Americade. Chairman Thomas stated those other events had said that the tents were actually a hindrance and they did not need them.

Chairman Thomas extended privilege of the floor to Christian Dutcher, a representative from Americade. Mr. Dutcher clarified that Americade had only used the tents as a courtesy to the tents being up for a month and they had derived no benefit from having the tents. He added that they had to relocate some of their mini-tour waves due to the tents.

Chairman Thomas asked Paul Dusek, County Attorney, if there were any legal issues involved with the email submitted by Mr. LaBelle, a copy of which is on file with the minutes. Mr. Dusek replied he had not had a chance to review the email; however, the critical issue today was to reach an understanding of what kind of a contract the County was planning on entering into with this organization. He further explained that the previous contract had the County providing all of the services, such as the tents, security and transportation. He said that the new proposal was that the County would supply the funds and the organization would take care of everything else, and Mr. LaBelle agreed. Mr. Dusek said he would recommend that the County utilize the basic standard form contract that was used for all organizations with an understanding that a few changes would be made to accommodate this particular situation.

Mr. Dusek clarified that the standard form contract that the County used provided that payments would not be made until after the first day of the event and he asked Mr. LaBelle if that would be a problem for his organization. Mr. LaBelle said he was not involved with the contract with Regal Tents last year and he was not sure what their procedure was in that regard. Mr. Dusek stated that Regal Tents did require a sizable down payment. Mr. Caimano added that it should be included in the resolution that the County would provide help if needed for preparation of the convention. Mr. Dusek noted as long as it was acceptable to the board, he could structure the contract slightly different to allow advanced payments, given that this was an unusual situation.

Mr. Haskell said he had proposed this resolution and he was fully supportive of it. He added that the County had made the commitment to the Fire Chiefs and needed to follow through with their commitment.

Chairman Thomas continued, returning to committee reports. The following Supervisors proceeded to present verbal reports on August meetings and activities:

Supervisor Haskell requested to table Resolution No. 546 of 2006, Authorizing Amendment of Agreement with Clark Patterson Associates to Include Professional Services for the Design and Construction of Improvements to the Family Court and Adjoining Areas of the Warren County Municipal Center. He explained there were issues with the Court regarding funding.

Motion was made by Mr. Haskell, seconded by Mr. Caimano and carried unanimously to table Resolution No. 546 of 2006.

Mr. Haskell also requested a roll call vote on Resolution No. 533 of 2006, Authorizing Out-of-State Travel for Supervisor Daniel G. Stec, Assistant County Attorney Patricia C. Nenner and Assistant Director of Planning and Community Development, Wayne LaMothe to attend the 44<sup>th</sup> National Conference on Outdoor Drama. Mr. Stec noted that if there were any problems, he would personally pay for his attendance at the Conference on Outdoor Drama.

Supervisor Stec referred to Resolution No. 553 of 2006, Amending Agreement with the City of Glens Falls for Capital Improvements and Operation and Maintenance for Various Recreational Facilities. He noted that the committee had authorized an additional \$7,500 for emergency repairs to East Field.

Mr. Stec also reported that the Planning and Community Development Committee had applied for a grant for the Town of Queensbury and the Feeder Canal Alliance. He announced that the Mayor of the City of Glens Falls, Roy Akins, and the City had met the application deadline as well. He further noted that the grant was being prepared by the County. He thanked Mayor Akins for his efforts in this area. Mr. Merlino added he wanted to thank the Mayor as well for the help that the City provided on the snowmobile trails.

Supervisor VanNess directed attention to Resolution No. 527 of 2006, Ratifying Actions Taken by Administrator of Fire Prevention and Building Code Enforcement and Chairman of the Board for Submission of an Application to and the Resultant Grant Agreement with the New York State Office of Homeland Security for a Grant to Provide Funds for the State Homeland Security Program (SHSP). He mentioned that the HAZ MAT (Hazardous Material) trailer and crew had responded to two different incidents in the past month. He added that the County had proven that it was prepared for any HAZ MAT situation.

Mr. Haskell expounded that the design style had been decided for the new Health and Human Services Building (Resolution No. 528 of 2006) and the Court system was holding up the process. He added a load bearing test had been done on the old jail to see if it could be used for storage or office space. He stated that the floor could only hold sixty pounds per square foot and an office had to have the capability to hold sixty-five pounds per square foot, therefore it could not be used for office space or storage. He noted that the recommendation was to prepare a RFP (Request for Proposal) to tear down the old jail.

Motion was made by Mr. Haskell, seconded by Mr. VanNess and carried unanimously to authorize the County Attorney to prepare a RFP to demolish the old jail building.

Mr. Dusek advised that he would need to work with the engineers on this project and there could be a slight cost in developing the specifications for that. He further noted that technically it would be a bid as opposed to a RFP.

Supervisor Monroe apprised that the Finance Committee had discussed whether they should implement the cents per gallon rate of sales compensating use tax on motor fuels and gasoline. He stated that the Committee had agreed that if they did that they would have to impose the cost back on the property tax and there was no guarantee that if the sales tax was reduced it would be reflected at the pumps. He noted that the Committee had decided not to take action at this time.

Mr. Monroe also reported that the Finance Committee had moved a resolution to assist the New York State Association of Counties Conference which will be held in Lake George this year. He noted that \$10,000 would be allocated to the Conference; \$5,000 from Occupancy Tax and \$5,000 from the Contingent Fund. He added that the Committee had also discussed the recommendation from Supervisor Belden to increase the Snow and Ice Contracts with the Towns by 10% to partially compensate for the increase in fuel costs.

Mr. Dusek expounded in relation to the Finance Committee, he had been asked to look into the Clark Patterson contract with regard to cost. He explained that when the bills were submitted, Clark Patterson had broken down the contract into their fees and out-of-pocket type costs which made the bills look like they were off in terms of the RFP amounts although they were not. The other issue, he said, was that the Family Court would have been an additional cost but that had been tabled until next month and it would be re-visited at the next Finance Committee meeting. Mr. Dusek clarified that the contract was still at the exact amount that had been bid and the bills were being processed in accordance with that amount.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Traffic Safety Board;

Office of Community Services for Warren/Washington Counties & its Chemical

**WARREN COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
FRIDAY, AUGUST 18, 2006**

---

Dependency Subcommittee;  
Warren County Planning Board;  
Soil & Water Conservation;  
Inter-County Solid Waste Coordinating Committee;  
Ad-Hoc Committee to study Hartford Landfill;  
Warren/Washington Counties IDA and Executive Park Committee.

Monthly Reports from:

Probation;  
Weights & Measures;  
Veterinarian;  
Wheelabrator.

Annual Reports from:

Lake George Association;  
Social Services;  
2005 Financial Report for Warren County.

State of New York, Committee of Investigation, release of report of investigation into Watertown Police Department.

Town of Minerva, letter of thanks for repairs to Olmstedville/Pottersville Road.

New York State Association of Counties (NYSAC), report on pending legislation being opposed by NYSAC.

New York State Municipal Insurance Reciprocal (NYMIR), bi-annual loss report.

Washington County Board of Supervisors, certified copies of Resolution Nos. 256 and 263 of 2006.

Intercounty Legislative Committee, Resolution No. 9 of 2006, opposing year-round bass fishing in Region 5.

Capital District Off Track Betting, May and June Financial Report, as well as 2<sup>nd</sup> quarter distribution of \$35,059 and July surcharge of \$16,115.

United States Environmental Protection Agency, Stormwater Best Management Practices Manual.

State of New York Department of Transportation, regarding the re-scheduling of the bridge work on I-87 Exit 21 from September 11 through October 6, 2006.

New York State Association of Counties (NYSAC), notice of personnel related bills opposed by NYSAC and vetoed by the Governor.

United States Department of the Interior, notice of availability of draft report regarding the Revolutionary War Preservation Study.

New York State Association of Counties (NYSAC), update on recent developments in combating Medicaid Fraud.

Adirondack Park Local Government Review Board, Resolution No. 18 of 2006 in support of Lowe's application for a variance regarding their building sign in Ticonderoga.

Assemblywoman Sayward, acknowledgment of Resolution Nos. 422 through 429 and 450 of 2006 approved at the June 16<sup>th</sup> Board of Supervisor's meeting.

New York State Association of Counties (NYSAC), acknowledgment of Resolution Nos. 472 through 476 of 2006; as well as Help America Vote Act (HAVA) Policy Primer.

Putnam County Legislature, Resolution No. 153 of 2006 regarding the Champlain Quadricentennial Commemoration.

Town of Queensbury, Planning Board and Zoning Board of Appeals August meeting agendas as well as Notice of Public Hearing.

State of New York, Division of Criminal Justice Services (NYSDCJS), notice of ineligibility for Operation Impact Tools Funding for 2005-2006.

Assemblywoman Sayward acknowledgment of Resolution No. 474 of 2006 regarding reducing the Municipal Co-op minimum.

Letter of appreciation from Sheriff Larry Cleveland, commending the Westmount Health Facility operation and in particular recognizing the staff.

Communications, resolutions and reports ordered placed on file.

Chairman called for reading of resolutions and discussion.

Mr. Kenny requested a roll call vote on Resolution No. 521 of 2006, Amending Resolution No. 280 of 2006 Authorizing Chairman to Execute Correspondence Approving Increased Administrative Settlement Amounts with Property Owners for Land Acquisition related to the Warren County Scenic Rail Station Improvements, Warren County (PIN

#1755.99) Project.

Mrs. Sady reported that Resolution Nos. 508 through 554 were mailed and a motion to bring Resolution Nos. 507 and 555 through 561 to the floor was necessary. Motion was made by Mr. Sheehan, seconded by Mr. VanNess, and carried unanimously, to bring Resolution Nos. 507 and 555 through 561 to the floor.

Mrs. Sady noted Resolution No. 532 was mailed and subsequently amended to correct verbiage in regards to the submission of an application to the New York State Canal Corporation for grant funding to implement the Erie Canal Greenway Program, and a motion to amend Resolution No. 532 was necessary. Motion was made by Mr. VanNess, seconded by Mr. Caimano, and carried unanimously to amend Resolution No. 532 of 2006 as outlined.

Mrs. Sady stated Resolution No. 543 was mailed and subsequently amended to add Staff Development Coordinator, and a motion to amend Resolution No. 543 was necessary. Motion was made by Mr. Caimano, seconded by Mr. Gabriels and carried unanimously to amend Resolution No. 543 of 2006 as outlined.

Regarding Resolution No. 508, Amending the Warren County Budget and Resolution No. 542, Amending the Table of Organization, Mrs. Sady apprised the Public Defender's Office increase in salaries did not appear to be possible at this time. She further explained that the documentation for the estimated revenue had not been received and therefore, the budget could not be amended. She noted a motion to amend Resolution No. 508 to remove the budget amendment for the Public Defender's Office, as well as to amend Resolution No. 542 to remove the salary increases for the Public Defender's Office was necessary.

Motion was made by Mr. Caimano, seconded by Mr. F. Thomas and carried unanimously to amend Resolution Nos. 508 and 542 of 2006 as outlined.

Mr. Stec expounded that four resolution requests had been approved at the Airport Committee meeting the day before and needed to be brought to the floor for the board to approve.

Motion was made by Mr. Stec, seconded by Mr. Kenny and carried unanimously to approve Resolution Nos. 562 through 565 of 2006.

Prior to adjourning for the day, Mr. Caimano requested an executive session to discuss the employment history of a particular corporation.

Privilege of the floor was extended to Roy Akins, Mayor of the City of Glens Falls. Mayor Akins thanked the board for the additional \$7,500 that was committed to the emergency repairs at East Field.

Chairman Thomas requested a motion to declare an executive session to discuss the employment history of a particular corporation. Motion was made by Mr. Stec, seconded by

**WARREN COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING  
FRIDAY, AUGUST 18, 2006**

---

Mr. Merlino and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was declared from 11:31 a.m. to 1:20 p.m.

Committee reconvened.

Pursuant to executive session, motion was made by Mr. Caimano, seconded by Mr. Bentley and carried unanimously to approve Resolution No. 566, Authorizing Extension Agreement Between Warren County and Paul Kaza Associates, Inc. through December 31, 2006.

Chairman Thomas called for a vote on the resolutions.

Resolution Nos. 507 through 566 were approved, with the exception of Resolution No. 546, Authorizing Amendment of Agreement with Clark Patterson Associates to Include Professional Services for the Design and Construction of Improvements to the Family Court and Adjoining Areas of the Warren County Municipal Center, which was tabled. Certificates of Appointments, naming members to the Saratoga-Warren-Washington Counties Workforce Investment Board, were submitted.

There being no further business, on motion by Mr. Stec and seconded by Mr. Merlino, Chairman Thomas adjourned the meeting at 1:25 p.m.