

**WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JANUARY 20, 2012**

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 10:06 a.m.

Mr. Daniel G. Stec presiding.

Salute to the flag was led by Supervisor Monroe.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Loeb, Kenny, Frasier, Bentley, Vanselow, Dickinson, Merlino, Stec, Mason, Strainer, Westcott, Sokol, Thomas, Wood and Geraghty - 20.

Motion was made by Mr. Strainer, seconded by Mr. Bentley and carried unanimously, to approve the minutes of the December 16, 2011 Board Meeting, December 22, 2011 Special Board Meeting and the January 5, 2012 Organization Meeting, subject to correction by the Clerk of the Board.

Chairman Stec declared the Public Hearing on proposed Local Law No. 2 of 2012, entitled "A Local Law Authorizing Warren County to Enter Into Agreements with the Warren County Local Development Corporation to Perform Economic Development, Planning and Grant and Loan Administration Services on Behalf of Warren County" open at 10:08 a.m. and requested the Clerk read the Notice of Public Hearing for the record.

Clerk read the Notice of Public Hearing on proposed Local Law No. 2 of 2012, entitled "A Local Law Authorizing Warren County to Enter Into Agreements with the Warren County Local Development Corporation to Perform Economic Development, Planning and Grant and Loan Administration Services on Behalf of Warren County".

Chairman Stec advised that the Public Hearing would remain open for a few minutes in order to allow for any comment. In the interim, he noted, there were two presentations on the Agenda. Chairman Stec requested Chris Hunsinger, Director of Employment & Training Administration, to come forward for the first presentation. Mr. Hunsinger recognized Carol Rayder, who would be retiring on January 27, 2012 after working for the Employment & Training Administration for the past fifteen years. He expressed kind words of appreciation to Mrs. Rayder and thanked her for her fifteen years of dedicated service to the County and to the Employment & Training Administration. Mr. Hunsinger congratulated Mrs. Rayder on her upcoming retirement and wished her well in the future. Chairman Stec thanked Mrs. Rayder as well, and presented her with a Certificate of Appreciation for fifteen years of dedicated service to Warren County. Mrs. Rayder thanked the Supervisors for providing her with the great privilege of working with Warren County residents and added that she deeply appreciated the honor of being a Warren County employee. The board members responded with applause.

Next, Chairman Stec recognized Marie Edmonds, who was retiring on January 24, 2012 after twenty-eight years of dedicated service to the County. He acknowledged that the Board of Supervisors worked very closely with Ms. Edmonds on a regular basis and it had been an absolute pleasure to work with her. He referred to Ms. Edmonds as the stabilizing force in the Clerk of the Board's Office and noted she would be truly missed. Chairman Stec presented Ms. Edmonds with a Certificate of Appreciation for her years of service to Warren County.

Joan Sady, Clerk of the Board, thanked Ms. Edmonds for all she had done over the years for the Office and for being an incredible support to herself, as well as the entire staff. Mrs. Sady added that Ms. Edmonds would be greatly missed, as would her wealth of knowledge, which was irreplaceable. She wished her well in her retirement and noted that on Tuesday, January 24, 2012, there would be cake and refreshments in Ms. Edmonds honor in the new Committee Room, and she encouraged all to attend.

Ms. Edmonds thanked everyone for the recognition and stated it had been a pleasure to work for the County over the past twenty-eight years. The board members responded with applause.

Chairman Stec directed the board members to the Public Hearing that was still open for comment. There being no one wishing to speak on proposed Local Law No. 2 of 2012, Chairman Stec declared the Public Hearing closed at 10:16 a.m.

Chairman Stec advised the next item on the Agenda pertained to his reports. He mentioned that the retirement reporting information had been distributed to each Supervisor. Concerning his report, Chairman Stec referenced Resolution No. 45, Supporting the Application of Saratoga and North Creek Railway, LLC Before the Surface Transportation Board to Provide Rail Service on the Existing Approximately 29.71 Miles of Rail Track Known as the "Tahawus Line" Running from North Creek, New York with Terminus at Newcomb, New York. He apprised that Tahawus was an Indian word that meant "Cloud Splitter" and it was the name that the Indians had given to Mount Marcy. Chairman Stec noted that the rock located in Tahawus had some commercial value, offered an opportunity to the property owner to generate funds, could establish new jobs in the community and had a use in the market place. He clarified it was a matter of removing the material from Tahawus, thereby providing an economic value, as well as an environmental value; which had led to the preparation of Resolution No. 45. He added that supporting this request to re-activate the Tahawus line would be at no cost to the County and could start clearing obstacles towards meaningful economic development. Chairman Stec further informed that Essex County had recently adopted a resolution in support of this request, as did the Intercounty Legislative Committee of the Adirondacks, and each of the Towns in the County would be considering resolutions of support, as well.

Mr. McDevitt expressed his support of Chairman Stec's comments and added that it was very important to tell the world, at large, that Warren County was open for business.

Chairman Stec called for reports by Committee Chairmen on past month's activities or meetings and the following gave verbal reports:

Supervisor Monroe, Gaslight Village Ad Hoc; Supervisor Taylor, Economic Growth & Development; Supervisor Strainer, Community College; Supervisor Thomas, Finance; and Supervisor Geraghty, Budget.

Regarding the Gaslight Village Ad Hoc Committee, Mr. Monroe stated that Resolution No. 47 was generated from the meeting and would authorize an agreement with the Lake George Winter Carnival for use of the former Gaslight Village property for two events, tethered balloon rides and monster truck rides. He added that the Lake George Winter Carnival had also requested authorization for helicopter rides which was referred to the County Attorney for review and he asked Martin Auffredou, County Attorney, if he had a report to provide at this time. Mr. Auffredou apprised that he had researched the General Business Law and it did include a provision which applied to Lake George, and several other water bodies throughout New York State, which made it a misdemeanor for there to be flights over or on the waters of Lake George for a fee. He acknowledged that the Law had been the subject of some controversy; however, he said, it was a Law nevertheless. Based upon the presentation made to the Gaslight Village Ad Hoc Committee, he continued, his concern was that the Carnival would be paying the helicopter operator for said flight services, which was addressed in the intent of General Business Law 248. He opined his concern was focused on allowing County property to be utilized for that purpose.

Continuing his report, Mr. Monroe remarked that discussions were held concerning parking on the westbound lane of Westbrook Road, which was anticipated to generate substantial revenue and the matter would be discussed further at the next Public Works Committee meeting. Relative to questions surrounding the use of State grant funds, Mr. Monroe explained the Governor had announced a grant for the Gaslight Village project which included funds for porous pavement on Westbrook Road. He noted if the contracts could be executed in a timely manner for that grant program, pavement would be placed on the road; however, he said, if the contracts were not executed quickly, the plan would be to request the installation of parking meters on the gravel. He added that the Chairman of the Board had been requested to forward a letter to the Governor outlining the need for the grant to be expedited in order to improve the economy and assist with this project. Mr. Monroe advised the Committee reviewed the status of the land swap which involved the County, the Village of Lake George, the Lake George Steamboat Company, the Fort William Henry and the three environmental groups (3 E's) and an agreement was close to being finalized. He asserted the importance of that agreement being finalized in order for Elan Planning, Design & Landscape Architecture to proceed with the design concept. Mr. Monroe mentioned the need for a management plan as the project progressed and events were established for the Festival Space. He recommended that the authority be delegated to the Superintendent of Public

Works, Jeff Tennyson, for any necessary capital improvements or maintenance on the property for a specific "not to exceed" amount to be determined. He added that due to the time sensitive nature of booking events at the Festival Space, he suggested that a contract with the Village of Lake George be considered because of their experience with booking special events. Another important topic of discussion at the meeting, Mr. Monroe said, was the generous donation made by The Wood Foundation in the amount of \$750,000 for the development of the Park; thereby leading to the request that the Park be named "The Charles R. Wood Park" for a term of ninety-nine years, as outlined in Resolution No. 48 included in the Supervisors' packets.

Relative to the request to re-activate the Tahawus line as discussed by Chairman Stec, Mr. Monroe commented that when the line was in operation, it was a benefit to small and medium sized businesses along that portion of the track. He expressed his support of the request, and acknowledged the importance to the future of Iowa Pacific, the County's railroad operator, the future of the rail line itself and to the economy, as the price of oil continued to increase.

Mr. Girard announced that he had attended the IDA (Industrial Development Agency) and the LDC (Local Development Corporation) meeting recently in the City of Glens Falls, specifically because of the \$200,000 New York State Community Development Block Grant the County planned to return to the State. He referenced Resolution No. 43 in the packets, which would decline said grant award, and he expressed his concern with such. Mr. Girard apprised that this situation was indicative to the dissolution of the Planning & Community Development Department, which caused him great concern.

Paul Dusek, County Administrator, explained that there were entitlement funds and non-entitlement funds that were dispersed under these programs, and this particular grant was comprised of non-entitlement funds. He further stated that non-entitlement funds could not be disbursed to communities that received entitlement funds, and it was determined that the City of Glens Falls was considered an entitlement community. As a result, he said, loans could not be made with these funds to anywhere in the City of Glens Falls; thereby hindering the desire of the LDC and the City to utilize the funding. Mr. Dusek opined that the funds were so restricted in terms of how they could be utilized, and the amount of work it would take to try and make use of these funds had presented the question as to whether or not the County was using its' resources in the best manner. He acknowledged the concerns from the perspective of the Towns relative to the availability of Planning Department staff for securing grants; however, he continued, the restructured Planning Department intended to be there for the normal type of grants obtained for the municipalities. Mr. Dusek expounded that this was a transition for the County into a new economic development administration, including planning how future funds would be expended and this particular loan no longer fit into that mold. He stressed that this was not an indication that the Towns would suffer by the ability of the Planning Department to continue to secure and administer other grants.

Mr. Conover mentioned that the construct was that these funds would remain with the LDC and that staffing of the revolving loan funds, which were initially intended to be utilized as the match for this grant, would remain the oversight of LDC, as opposed to the entire program being transferred to the Warren County Economic Development Corporation (EDC). Mr. Dusek agreed and noted that the LDC would remain in effect as it had always been, and the administration services to the LDC would be changing from the County's Planning Department staff to staff that happened to also be employed by the EDC. Mr. Dusek clarified that the EDC would not be coming into contact with these funds, but rather staff from the EDC would also be employed in the LDC to provide the administration of the funds.

Referencing Resolution No. 53 included in the packets, which would enact Local Law No. 2 of 2012, Authorizing Warren County to Enter Into Agreements with the Warren County Local Development Corporation to Perform Economic Development, Planning, and Grant and Loan Administration Services on Behalf of Warren County, Mr. Auffredou expounded that the language included in said Local Law was permissive language and any agreements entered into with the LDC would require prior approval of the Board of Supervisors.

With regard to the declination of the \$200,000 grant, Mr. Taylor stated that the grant was structured in a manner that only \$35,000 could be loaned to any one business and restricted to start-up businesses only. He added that it was further restricted so that the owners and the employees of the business had to be at a low to moderate income. He noted there was also a \$200,000 match required. Mr. Taylor informed that he served on the Loan Review Committee and it was extremely difficult to find the types of businesses that would be eligible under these grant requirements. Also resultant of the Economic & Growth Committee, he continued, was Resolution No. 42 included in the Supervisors' packets, which would authorize Out-of-State travel for the GIS Coordinator to attend a FEMA (Federal Emergency Management Agency) Training Program at no cost to the County. Mr. Taylor advised Resolution No. 44 in the packets would introduce Local Law No. 3 of 2012 and authorize a Public Hearing for a Local Law granting the Warren County Department of Planning & Community Development authority for review of zoning and planning matters referred by municipal referring bodies within Warren County pursuant to General Municipal Law Sections 239-l and 239-m, which was a result of the elimination of the Planning Board.

Mr. Loeb enthusiastically reported that the hardworking employees in the Department of Social Services and at the Countryside Adult Home were looking forward to 2012 as being a good and productive year.

In connection with the Community College Committee, Mr. Strainer apprised two resolutions were generated from the meeting, Resolution No. 51, Resolution Approving the Issuance of Certain Obligations by the Counties of Warren and Washington Civic Development Corporation to Finance a Certain Student Housing Facility Project for Adirondack Housing Association, LLC; and Resolution No. 52, Supporting the SUNY Adirondack Capital Project Reallocation Plan for 2012.

Mr. Westcott informed that he and Chairman Stec had recently met with representatives of NYSAC (New York State Association of Counties) to review a new State-wide program developed by a citizens group entitled "Enough Mandates.com". He explained that this was an initiative that grew out of concerned citizens, local business leaders and elected officials in a bi-partisan manner to try and determine ways to locally support efforts for mandate relief. Mr. Westcott announced that this program would officially be launched at the upcoming NYSAC Conference. Chairman Stec applauded Mr. Westcott's efforts in raising awareness for this new program.

Regarding the Finance Committee, Mr. Thomas advised Resolution Nos. 28 through 37 were generated by the Committee and consisted of the renewal of annual contracts as approved through the 2012 budget process and he reviewed them as follows: Resolution No. 28, Authorizing Payment to Lake Champlain-Lake George Regional Planning Board in the amount of \$7,000; Resolution No. 29, Authorizing Payment to Southern Adirondack Library System in the amount of \$25,000; Resolution No. 30, Authorizing Renewal of Agreement with Warren County Society for the Prevention of Cruelty to Animals, Inc. in the amount of \$8,000; Resolution No. 31, Authorizing Agreement with Adirondack Park Local Government Review Board for Funding of Operating Costs in the amount of \$7,500; Resolution No. 32, Authorizing Agreement with Adirondack North Country Association for Promotional and Economic Development in the amount of \$750; Resolution No. 33, Authorizing Agreement with Cornell Cooperative Extension Association of Warren County for Youth Camping Program at Skye Farm Camp in the amount of \$25,000; Resolution No. 34, Authorizing Agreement with Cornell Cooperative Extension Association of Warren County in the amount of \$304,375; Resolution No. 35, Authorizing Agreement with City of Glens Falls for Capital Improvements and Operation and Maintenance for Various Recreational Facilities in the amount of \$99,000; Resolution No. 36, Authorizing Agreement with Economic Development Corporation, Warren County, New York, for Economic Development Program for 2012 in the amount of \$300,000; and Resolution No. 37, Authorizing Agreement with the Warren County Historical Society for Continuation of Historical Programs in the amount of \$1,250.

Concerning the Public Safety Committee, Mrs. Wood remarked that under the Office of Emergency Services (OES) portion of the meeting, the Committee discussed the status of the Emergency Services Training Center. She referred to Resolution No. 54 included in the Supervisors' packets, which would award the bid and authorize the purchase of a MASK confidence building (WC 04-12) and would further authorize the Laberge Group to perform professional services relating to the Emergency Services Training Center. Mrs. Wood added that the dispatch consolidation with the City of Glens Falls and the Sheriff's Office seemed to be going very well thus far.

Mr. Geraghty reminded the Town Supervisors to have their tax collectors forward their property tax collections to the County Treasurer in a timely manner, as it appeared the County would need to secure short-term borrowing in January; however, he said, such borrowing

could be avoided if the collections were received soon. He mentioned the agreement with the Lake George Winter Carnival and the waiving of the fees for the use of the Festival Space, and he cautioned the Supervisors that the Park would have associated maintenance costs in the future and those fees would be needed to offset such costs.

Chairman Stec informed the next item on the Agenda was the report by the County Administrator. Mr. Dusek acknowledged the release of the Governor's Budget this past week and noted there were three significant issues included in that budget. He stated that the Governor had proposed Medicaid relief for the Social Services bills received by removing 1% of the 3% cap each year, and 1% for Warren County translated to a savings of \$123,000 in the County's budget. Mr. Dusek noted that the Governor had also introduced interesting proposals regarding the Early Intervention and Pre-School Programs, which was another mandate that cost approximately \$1.1 million of County taxpayer monies. The proposal made by the Governor, he continued, was that if there were additional costs sustained in future years for these programs, the State would share those costs with the County and the schools. Lastly and most intriguing, Mr. Dusek apprised, was the addition of another tier to the Retirement System which would raise the employees contribution from 3% to 6%, and would also increase the number of years to sixty-five for retirement. He opined that the Governor's Budget recognized specific areas and programs in which changes needed to be made and he added that he would continue to monitor these developments and report to the Supervisors with his findings.

Chairman Stec expounded that while the Governor's Budget fell short of where it needed to be relative to mandate relief, it was a step in the right direction. He reiterated previous remarks made by Mr. Bentley, noting there were forty-six other states that had set their Medicaid eligibility at 200% of the poverty level; whereas New York State was at 400% of the poverty level. He questioned how many billions of dollars that represented State-wide and how much could be saved by reducing the Medicaid eligibility to 200% of the poverty level.

Chairman Stec called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren/Washington Counties Industrial Development Agency, Executive/Park
Committee and Civic Development Corporation;
Warren County Planning Board.

Monthly Report from:

Weights & Measures.

Capital District Regional Off-Track Betting Corporation, November Surcharge in the amount of \$6,810; Financial Reports for 10/31/11 and 11/30/11.

Warren/Washington Counties Industrial Development Agency and Civic Development Corporation - 2012 Adopted Budgets.

New York State Office of Parks, Recreation & Historic Preservation, advising of listing of the Lake George Battleground property on the National Register of Historic Places.

Martin Auffredou, County Attorney, in accordance with the provisions of County Law Section 502 and Social Services Law Section 66, hereby designates the order in which the Assistant County Attorneys shall exercise the powers and duties of this Office in the event of my vacancy, absence or inability: Amy C. Bartlett, First Assistant County Attorney; and Patricia C. Nenninger, Second Assistant County Attorney. This designation shall be filed with the County Clerk and the Clerk of the Board of Supervisors as required by law. Martin Auffredou, County Attorney.

Communications, resolutions and reports ordered placed on file.

Chairman Stec called for reading of resolutions and discussion.

Joan Sady, Clerk of the Board, advised that Resolution Nos. 28 through 44 were mailed. She noted that Resolution No. 43 was mailed and had been corrected. She stated that a motion was needed to approve Resolution No. 43 as corrected. Motion was made by Mr. Girard, seconded by Mr. McDevitt and carried unanimously to approve Resolution No. 43 as corrected.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 27 and 45 through 54 to the floor. Motion was made by Mr. Bentley, seconded by Mr. Girard and carried unanimously to bring Resolution Nos. 27 and 45 through 54 to the floor.

Mr. Geraghty requested a roll call vote on Resolution No. 52, Supporting the SUNY Adirondack Capital Project Reallocation Plan for 2012.

Mr. Kenny requested a roll call vote on Resolution No. 45, Supporting the Application of Saratoga and North Creek Railway, LLC Before the Surface Transportation Board to Provide Rail Service on the Existing Approximately 29.71 Miles of Rail Track Known as the "Tahawus Line" Running from North Creek, New York with Terminus at Newcomb, New York. He noted that in the spirit of economic development and because there would be no financial obligation on the part of the County, for the first time in one hundred sixty-nine months, he would be voting in favor of a resolution relating to the railroad.

Mr. Loeb referred to Resolution No. 28, Authorizing Payment to Lake Champlain-Lake George Regional Planning Board, and questioned what value this served to the taxpayers of the County. Mr. Dusek apprised that the Regional Planning Board had become more of an agency that provided grant opportunities for the various municipalities in the region. He added that the County historically had a relationship with the Regional Planning Board, along with many other counties, all of whom contributed funds in an effort to support it. Mr. Dusek mentioned that the primary benefit of the agency was that it now focused more on grants and loans, as opposed to a planning initiative. He further stated that proposed Local Law No. 3 of 2012 before the board members today concerned the movement of the Planning Board reviews that used to be done locally to the Planning Department staff, which actually eliminated that need for the Regional Planning Board in terms of reviewing planning matters.

Mr. Loeb requested a more detailed explanation of Resolution No. 44, Introducing Local Law No. 3 of 2012 and Authorizing Public Hearing Thereon. He noted his concern with references in Section 4 of the Local Law, specifically the references to Sections 239-l and 239-m of the General Municipal Law, as well as similar Sections of said Law. He asked if it would be possible to provide a written explanation as to what the Sections were as outlined in the body of the resolution. Mr. Auffredou explained that the purpose of the Local Law was to authorize the staff of the Planning Department to serve as the planning agency of Warren County. He agreed that there were many citations included in the body of the Local Law; however, he said, those citations were necessary because this was a unique way of a county functioning with its' Planning staff. Mr. Auffredou stated he could prepare an additional document for the Public Hearing that would describe each citation in the Local Law. He further advised that the Local Law was intended as a good way to have Planning staff review projects that would have potential inter or intra-County community impacts.

Chairman Stec called for a vote on the resolutions.

Resolution Nos. 27 through 54 were approved.

Privilege of the floor was extended to Dr. James Seeley, Executive Director of Cornell Cooperative Extension (CCE), who provided a program update. Dr. Seeley announced that due to the support of the Board of Supervisors, CCE would be offering free tax return preparation to households with an income of under \$49,000. He reported that every Tuesday at the CCE Office and every Friday on the road, throughout the tax season, they would prepare tax returns for people. He asked that any Supervisor that had eight to ten interested individuals in their Towns that would like these returns prepared, to please contact the CCE to schedule an appointment at a location in their community.

Prior to adjourning, Chairman Stec advised an executive session was necessary to discuss matters that may lead to the appointment of a particular individual. Motion was made by Mr. Monroe, seconded by Mr. Loeb and carried unanimously that executive session be

declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was declared from 11:50 a.m. to 12:35 p.m.

The board reconvened. Pursuant to the executive session, motion was made by Mr. Loeb, seconded by Mr. Taylor and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 55 of 2012 for the record.

Motion was made by Mr. Loeb, seconded by Mr. Bentley and carried by majority vote, with Messrs. Conover, Sokol and Westcott voting in opposition, to appoint Suzanne Wheeler as Acting Commissioner of the Department of Social Services at an annual salary of \$70,000 for a term commencing January 20, 2012 and not to exceed twelve months, subject to confirmation by the State, and the County shall advertise for the position of Commissioner of the Department of Social Services.

There being no further business, on motion by Mr. Loeb and seconded by Mr. Bentley, Chairman Stec adjourned the meeting at 12:43 p.m.