

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

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:03 a.m.

Mr. Frederick Monroe presiding.

Salute to the flag was led by Supervisor Bentley.

Roll called, the following members present:

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

Absent: Supervisor Girard - 1.

Motion was made by Mr. Sheehan, seconded by Mr. Belden and carried unanimously, to approve the minutes of the June 19, 2009 Board Meeting and the June 30, 2009 Special Board Meeting.

Chairman Monroe requested Supervisor Sokol to come forward for a presentation. Mr. Sokol recognized Jean Spencer, WIC Coordinator, for her twenty-nine years of dedicated service to the County. He presented Ms. Spencer with a certificate of appreciation and he wished her well in her retirement. Pat Auer, Director of Public Health, added that Ms. Spencer would be truly missed and thanked her for all she had done for the WIC Program. Ms. Spencer thanked the Board of Supervisors for being supportive of the Program over the years. The board members responded with applause.

Chairman Monroe asked William Lamy, DPW Superintendent, to come forward for a presentation. Mr. Lamy acknowledged that Judy Johnson, DPW Fiscal Manager, could not be at the meeting today; however, he said, Ms. Johnson had provided him with a letter which he read to the Board of Supervisors. Mr. Lamy stated that Ms. Johnson had worked for Warren County for twenty-nine years and had been in the DPW division since 1983. He noted that Ms. Johnson was the financial rock for the Department and added that he could not thank her enough for all she had done for the Department over the years. Mr. Lamy said the Department wished Ms. Johnson the best in her retirement. The board members responded with applause.

Chairman Monroe recognized Tom Monjeau, Assistant Attorney General of the New York State Attorney General's Office, who wished to address the board regarding outreach services offered by the Attorney General's Office. Mr. Monjeau expressed the Attorney General's desire to make everyone aware of the programs that they offered and the goal to have a presence in every county in the State. He listed a few of the programs that were offered, such as Internet Safety; Smart Seniors; Consumer Fraud; Project Sunlight and Know Your Home Contractor. Mr. Monjeau reported that the Attorney General's Office also had

different bureaus within the Office that offered specific programming, such as the Health Care Bureau and the Medicaid Fraud Control Unit. He noted that he had brought brochures that would be available in the Board of Supervisors Office.

Mr. VanNess commented that several constituents had received phone calls concerning re-financing and re-mortgaging and he questioned if the Attorney General's Office had a program that addressed those issues. Mr. Monjeau replied that the topic was included as part of the Smart Seniors Program and the Basic Consumer Fraud Program. Mr. Monjeau added if there were any other topics or presentations that people were interested in that he did not mention, upon notification, the Attorney General's Office would try to put together a program to address whatever the issues were. He thanked the board members for their time.

Chairman Monroe stated that George Kapusinski, resident of Huletts Landing, had requested permission to address the board members regarding the Lake George Park Commission's Stream Corridor regulations. Mr. Kapusinski thanked the Board of Supervisors for opposing the Lake George Park Commission's Stream Corridor regulations. He expressed his opinion that the Lake George Park Commission's rules and regulations were misguided. He advised that he had started a blog, an online newsletter, called the Huletts Current and he tried to focus on issues that the people in Huletts Landing would be interested in. He noted that the Lake George Park Commission's spring newsletter had stated "The Commission retained the Center for Watershed Protection, a nationally recognized authority on watershed issues, to evaluate conditions here and to prepare an environmental impact statement", which he thought would make an interesting story for his readers if he could interview someone at the Center for Watershed Protection. He reported that he had contacted the Lake George Park Commission requesting a contact person from the Center for Watershed Protection to interview about their input into the new regulations for publication on his blog. Mr. Kapusinski said that he never received a response. He further stated that he traveled to Maryland, New York, to visit the headquarters of the Center for Watershed Protection and was surprised to learn that the Center had a stream within ten feet behind their building. He pointed out the irony that the Center for Watershed Protection, which advised the Lake George Park Commission, had constructed their building next to a stream. He noted that he was still unable to secure an interview while in Maryland. Mr. Kapusinski passed around photographs that he had taken of the Center for Watershed Protection building in Maryland for the board members review; copies of said photographs are on file with the minutes. He reviewed the pictures in detail. He stated that he had read in the newspaper on numerous occasions that the Lake George Park Commission was working with the Warren County Board of Supervisors and he asked that the Supervisors relay his request for an interview with a representative from the Center of Watershed Protection and for the Center to please explain, on the record, how they could advocate rules which they do not follow themselves. Mr. Kapusinski thanked the board members for listening to his concerns.

Chairman Monroe introduced Bruce Hersey, Director of The Open Door, who had requested to address the Board of Supervisors. Mr. Hersey asserted that he operated The

Open Door on South Street in Glens Falls. He distributed a packet to the board members which outlined the operations of The Open Door, a copy of which is on file with the minutes. He noted that last year, they served approximately 60,000 meals, many of which went to working individuals. Mr. Hersey apprised the current goal of The Open Door was to develop structured housing and he requested a resolution of support for this project from the board. Deborah Hersey, Assistant Director of The Open Door, stated that included in the packets was the preliminary proposal for the "Aspiring Workers Program and Structured Housing Program". She noted that currently they did much more than just provide food for people, such as referring individuals to area agencies for assistance. Mrs. Hersey pointed out the need for shelter, not only emergency but long-term shelter, in which people could receive life skills training to prepare them to be productive citizens of society. She added that the proposal could reduce taxpayer burden and could be accomplished through a broad base of volunteer support. Mr. Hersey announced that on August 8, 2009 a festival would be held in Crandall Park entitled "Coming Together for Hope". Chairman Monroe thanked Mr. and Mrs. Hersey for the information and noted that at the appropriate time in the meeting he would request a resolution to be introduced from the floor in support of the Program.

Chairman Monroe expounded that as a result of the last Board of Supervisors Meeting, he had invited a representative from the Lake George Park Commission to the meeting today to discuss the Stream Corridor rules and regulations. Chairman Monroe introduced Michael White, Executive Director of the Lake George Park Commission, who presented a power point presentation for the board members. Mr. White reviewed the presentation in detail which outlined the duties and responsibilities of the Commission with regard to water quality. He addressed the proposed regulations as currently drafted which included a stream defined as a water course as identified on a map and inventory; and the designated stream corridor was defined as 100 feet each side of the high water mark of that stream, which when computed would be 8% of the private land in the watershed. He noted that the map identifying streams was active on their website. He referred to the Public Hearing on the environmental impact statement that had been held recently and he noted there had been changes since that time which he highlighted in the presentation.

Mrs. Simmes advised that she had attended the aforementioned Public Hearing and at that meeting she requested that a representative from the Park Commission attend the Bolton Town Board Meeting in July; however, she said, no one was present at the meeting and she questioned why that was. Mr. White responded that the Park Commission had implemented a public planning approach four years ago in which they would hold meetings and invite Supervisors, elected officials, Planning and Zoning Board members, all the environmental groups, State agencies, interest groups and in some cases property and business owners in order to conduct topical discussions. He added that the Park Commission desired to continue that process and did not feel that individual level discussions would benefit their advancement of regulations. Chairman Monroe pointed out that there was a specific provision in the law, which required the Park Commission to consult with local government, which they had not done.

Mr. Belden apprised that the people of the towns deserved to be included in discussions with the Park Commission prior to any decisions being made. He further stated that the Park Commission should hold Public Hearings in each of the towns. Mr. Pitkin commented that he took issue with the statement made by Mr. White that it was not in their best interest to advance their position to meet individually with the towns, and he added that the Park Commission's mandate was to maintain the quality of the Lake with input from all interested parties; not to advance the Park Commission's position. Mr. Tessier pointed out that the Public Hearings conducted by the Park Commission were held in the mornings when most working people could not attend. Mr. Bentley referred to the map that was mentioned by Mr. White and he questioned why that map was not provided at the Public Hearings. Mr. White explained that the map was developed in July of 2008 and was available on their website. Mr. Bentley said it would be beneficial for each Town Hall to have a map that showed every stream that was affected by the regulations and Mr. White concurred and stated that the Park Commission could provide the maps to each town.

Chairman Monroe expressed his appreciation for Mr. White attending the meeting today and explaining the regulations; however, he noted, there was a level of frustration among the Board of Supervisors. He added that there were already regulations in place through the Adirondack Park Agency and the board members were not convinced that the proposed additional regulations from the Park Commission were necessary.

Chairman Monroe announced that Barry Kincaid, resident of the Town of Bolton, had requested permission to address the board members on behalf of the Lake George Property Owners Group. Mr. Kincaid expressed his frustration with the lack of cooperation on the part of the Park Commission. He further stated that the residents of Lake George had repeatedly made their case that the Lake could be protected without extreme regulations such as the ones that were being proposed by the Park Commission. He requested that the Board of Supervisors proceed with political and legal actions to stop the regulations from proceeding.

Chairman Monroe recognized Nancy Williams, Executive Director of the Lake George Land Conservancy, who requested permission to address the board members concerning the West Brook Road realignment. Ms. Williams began by thanking the Board of Supervisors for their financial commitment to the West Brook Conservation Initiative Project, as well as their philosophical agreements to it. She referred to the recent Public Works Committee meeting in which the Committee authorized a resolution opposing the 'bump out' on West Brook Road. She advised that the West Brook Project had three components consisting of stormwater protection, the environmental park and the Brook itself, which was separate from the stormwater system. Ms. Williams stated that the Conservancy raised funds through private donations. She noted that the 'bump out' was included in the original design; however, she said, slight changes had been made due to safety concerns and to accommodate additional parking spaces, as well as an environmental component which was another basin for sediment control. Ms. Williams expounded that the design for the 'bump out' was estimated to cost \$300,000, for which the Conservancy had applied for Federal

funds to assist with the cost of the Project; thereby not costing the taxpayers any money. She requested the board members reconsider the resolution proposed by the Public Works Committee which would remove the 'bump out' from the design of the West Brook Road.

Mr. Geraghty countered that any funds received through Federal grants would affect the taxpayers of Warren County. Mr. Bentley apprised that the new design for the West Brook Road that was proposed by the Public Works Committee did include a retention pond that would accomplish the same purpose as the 'bump out' and would save the aforementioned \$300,000 by including the West Brook portion of the Project into the realignment of Beach Road. Ms. Williams noted that the \$300,000 included the entire re-paving of the West Brook Road and additions of sidewalks and bike paths.

Mr. Lamy commented that since the beginning of the Project, the Public Works Committee had been involved and participated in numerous discussions over the realignment of the Road. He clarified that the idea of the 'bump out' was brought to the County and presented to the Board of Supervisor based on what the environmental groups had in mind for the site. He asserted that as the West Brook Project had advanced, the reconstruction of the Beach Road Project had advanced under a Master Agreement with the New York State Department of Transportation (NYSDOT) which would be funded by Federal Highway funds. Mr. Lamy explained that when reviewing how West Brook passed under Beach Road to reach Lake George, it was determined that a portion of the Brook could incorporate a stormwater improvement project as part of the Beach Road Project, which would provide a cost savings to the County. Chairman Monroe agreed with Mr. Lamy's explanation; however, he said, if the board members wished to pursue the 'bump out', a motion to table the resolution that was included in the packets would be entertained later in the meeting.

Privilege of the floor was extended to John Carr, resident of the Village of Lake George, who wished to address the board concerning the Stream Corridor regulations. He referred to the presentation provided earlier in the meeting by Mr. White of the Lake George Park Commission. He noted that the statute that established the Park Commission stated clearly that the Park Commission shall consult with the New York State Department of Health, the Adirondack Park Agency and each municipality located in or in part of the Park prior to any action commencing, which had not happened. He added that his opinion was that the process should start over again and should be presented to the local towns and the citizens that live and were affected by it. Mr. Carr said that any regulation proposal should be discussed with all landowners. He asserted that in 1999, stormwater regulations were adopted for the purpose of protecting water quality in the Lake and within the provisions, stormwater was to be collected and held one hundred feet away from the streams to prevent rainwater from going into the streams. He remarked that there were already regulations that protected streams which were sufficient. Mr. Carr recommended that the Park Commission study their existing stormwater regulations to determine if they were working to protect streams, and if not, then provide that information to the towns.

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

Supervisor Belden, Public Works; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Taylor, Planning & Community Development; Supervisor Simmes, Human Services; Supervisor Geraghty, Budget; Supervisor Thomas, Personnel and County Facilities; Supervisor Sokol, Health Services; Supervisor VanNess, Public Safety; Supervisor Champagne, Community College; Supervisor Stec, Finance; Supervisor Tessier, Social Services, Criminal Justice and Tourism; Supervisor Goodspeed, Real Property Tax Services; and Supervisor Bentley, Legislative & Rules.

With regard to the Public Works Committee, Mr. Belden apprised that the County had been awarded a grant through the Federal Aviation Administration (FAA) for the extension of Runway 1 at the Airport which required a 2.5% local match. Under the DPW portion of the meeting, Mr. Belden stated the Committee discussed at great length the 'bump out' of West Brook Road and he suggested that the resolution opposing the 'bump out' be tabled at the appropriate time in the meeting. Concerning the Parks, Recreation & Railroad portion of the meeting, Mr. Belden asserted that the majority of the work to repair the washout of the railroad tracks had been completed in-house with DPW staff.

Mr. Lamy added that the DPW forces had opened up the culvert and hauled the stone to fill the washout. He noted that he had spoken with Jerry Riegel, of the Upper Hudson River Railroad (UHRR), who advised that within two weeks his crews would be performing the compaction and rail work, including fifteen to twenty ties that needed to be replaced. He said that the work was part of the existing contract with UHRR and would be done at no cost to the County. Mr. Lamy concluded that the tracks should be back in full operation by early August. Mr. Belden expounded that the proposed platform to be constructed at the 1000 Acres Ranch & Resort had been put on hold pending the repair of the tracks; however, he said, now that the tracks would be functional, the construction of the platform could be completed and the work would be performed by personnel from the Parks, Recreation & Railroad division.

Mr. Belden announced that under the Warren County Sewer portion of the Public Works Committee meeting, it was determined that additional costs had been incurred by the engineers for the Hague Sewer Project. The Project was 95% complete and Mr. Belden said he anticipated that the entire system would be functioning by late August.

In connection with the Occupancy Tax Coordination Committee, Mr. Kenny stated that the Committee reviewed an application from the Town of Hague for a one day Octoberfest to be held in September which was denied because typically one day events were not awarded funding from the County. He remarked that occupancy tax revenues were down 19% for the first quarter and the figures for the second quarter would be received next week, although he did not foresee a dramatic improvement.

Regarding the Planning & Community Development Committee, Mr. Taylor commented that there was a vacancy on the Warren County Planning Board from the Town of Queensbury and an individual had been identified to fill that vacancy. He added that the Committee approved the request for a contract with Mend Electric, Inc. for the purchase, delivery and installation of a generator at the Town of Lake Luzerne Community Center and the resolution authorizing such was included in the Supervisors packets. He noted that Resolution No. 513 included in the packets would amend Resolution No. 695 of 2008 and authorize the County to enter into intermunicipal agreements with thirteen participating communities in Warren County relating to the 400th Explore New York grant. Mr. Taylor asserted that the Committee received an update on the broadband initiative which was progressing. He said lengthy discussions were held concerning the funding of the GIS Coordinator position and Resolution No. 475 in the packets outlined that.

Mr. Sheehan reported that he had attended the Mental Health Committee meeting and discussions continued with regard to the preparation of their budgets.

Concerning the Human Services Committee, Mrs. Simmes stated that Resolution Nos. 499 through 502 were resultant of that meeting. She outlined the resolutions as follows: Resolution No. 499, Authorizing Director of Youth Bureau to Execute Intrafund Transfers for Programs in the 2009 Resource Allocation Plan; Resolution No. 500, Authorizing Memorandum of Understanding Continuing Contractual Relationship with Washington County for a Program Involving Runaway, Homeless and Street-Involved Youth; Resolution No. 501, Authorizing Continuation of Contractual Relationships with Agencies Listed in Schedules "A" and "B" for Youth Development and/or Delinquency Prevention Programs; and Resolution No. 502, Authorizing Agreements with the Town of Chester, City of Glens Falls and Town of Johnsbury for Tennis Instruction.

Regarding the Budget Committee, Mr. Geraghty apprised that discussions were focused on the shortfall in the Up Yonda investments and the Committee had agreed to not contribute any County funds for the ensuing year. He said that the Committee received updated information on the ongoing Union discussions which would be discussed later in the meeting. He announced that the mortgage tax had increased and sales tax had decreased and the work was continuing on reducing the \$2.1 million budget shortfall for 2010.

Relative to the Personnel Committee, Mr. Thomas remarked that the Committee had approved the creation of the GIS Coordinator, the filling of the WIC Coordinator position and a Senior Account Clerk within the Department of Social Services which was 59% State funded. He informed the board members that the Committee had discussed the implementation of the Kronos Timekeeping System in all County buildings in conjunction with the new Human Services Building which the Committee had referred to the Finance Committee to determine a source of funding in the amount of \$164,000 to standardize all the timekeeping systems throughout the County. He added that the Time Card Punch Policy and

Break Policy were discussed; however, he said, no action had been taken due to the request for additional amendments to the Policies.

In connection with the County Facilities Committee, Mr. Thomas provided the following updates on the status of the new Human Services Building: the roof was 96% complete; the brick work was nearly 90% complete; the site work would begin next week which included the parking lots, curbing and sidewalks; the third floor had been sheet rocked, taped and painted; the second floor had been sheet rocked and the first floor was 95% sheet rocked. He announced that a tour of the new building was scheduled after the Board meeting today. Mr. Thomas said the Committee had discussed the departments that would be relocating into the new building on the third floor, which consisted of the Board of Elections, the Planning & Community Development Department and five positions from the Probation Department. He noted that discussions continued concerning additional court space and space to house the homeless that were currently staying in motels at a significant cost to the County. Mr. Thomas stated that the Committee authorized an RFP (Request for Proposal) for the demolition of the Department of Social Services (DSS) Building in order to determine the cost for such.

Chairman Monroe expressed his confusion in connection with the demolition of the DSS Building and said that he thought the decision was to include the cost for it in the bond and Mr. Thomas clarified that the only decision at this time was to prepare an RFP. Mr. VanNess apprised that his intention was to authorize the RFP and to include it in the bond. Joan Sady, Clerk of the Board, countered that the issue of including the demolition in the bond was not included in the motion that was made at that meeting. Frank O'Keefe, Treasurer, advised that he could wait one month for a decision to be made as to whether or not the demolition would be included in the bond.

Paul Dusek, County Attorney, explained that if there was going to be bonding, it would require a resolution, as well as a twenty-day estoppel period. Mr. O'Keefe responded another alternative would be to obtain a BAN (Bond Anticipation Note) and Mr. Dusek agreed.

Returning to Committee reports, Mr. Sokol advised that the Health Services Committee had met and under the Westmount Health Facility portion of the meeting, the Committee received the Four Year Performance Assurance Report from Siemens Building Technologies as part of their contract, and the total annual savings for this year was \$306,800 as compared to the guaranteed savings of \$195,000. He noted the resolution to approve the Report was included in the packets. Mr. Sokol stated that discussions were held regarding the co-generation project and the effect that the demolition of the DSS Building would have on it and further research would be done to determine if one engine was plausible for the Westmount Health Facility. He announced that the Westmount Health Facility was now

compliant with State and Federal requirements.

With regard to the Public Safety Committee, Mr. VanNess referred to Resolution No. 506 included in the packets, which concerned the 911 surcharge and the County pursuing said funds.

Pertaining to the Community College Committee, Mr. Champagne said Resolution No. 507 in the packets would approve the tentative budget for Adirondack Community College (ACC) and would set the Public Hearing for August 21, 2009 at 10:00 a.m.

Mr. Strainer announced that the New York State Association of Realtors had held a Conference at which forty-two association executives were present to represent approximately 66,000 Realtors for the State. He further stated that the Tourism Department had put together informational packets for the Realtors and he thanked Kate Johnson, Director of Tourism, and Tanya Brand, Group Tour Promoter, for their assistance. He added that Ms. Brand attended the Conference to promote the area and he appreciated her efforts.

Concerning the Finance Committee, Mr. Stec apprised Resolution Nos. 507 through 511 were generated from the meeting. He referred to the resolution that would approve the tentative budget for ACC and explained that the budget did not include any increase in the cumulative share of the two counties; however, he said, there was a reapportionment based on student enrollment thereby increasing Warren County's share by \$118,000. He recognized Dr. Ronald Heacock, President of ACC, was present at the meeting and commended him and his staff on the budget that they developed. He reported that Resolution No. 508 would increase Capital Project No. H293.9550 280-County Center Electrical Panel Replacement in the amount of \$20,000 due to the project being established at an approximate cost of \$120,000 and the actual cost having been realized following the completion of the work for a total of \$140,000. Mr. Stec added that Resolution No. 509 would increase Capital Project No. H296.9550 280-Westmount Sprinkler System Project to cover the cost of the preliminary engineering and design work. He stated that Resolution No. 510 concerned the payment of property taxes for the Gaslight Village property in the amount of \$4,108 for the County's 62% share. He concluded that Resolution No. 511 pertained to amendments to the Travel Policy which consisted of two changes. The first, he said, clarified the policy and the exemptions for the Board of Elections and Fire and EMS Coordinators. He noted the second change authorized individuals from other local entities to be passengers in County vehicles while traveling to conferences or meetings.

Mr. Merlino extended his appreciation to Mr. Lamy for fixing the washout of the railroad tracks at a great savings to the County. He referred to the resolution regarding the generator for the Town of Lake Luzerne and noted that no County dollars were involved, it was through a grant that was awarded to the Town. Mr. Merlino commented on a section

in *The Post Star* entitled "Boos and Bravos", in which Warren County got a "Boo" for the voluntary furlough that had been offered to assist in the budget crisis. He challenged *The Post Star* to develop five ideas to assist in reducing the budget and to publish their ideas in the paper. He clarified that the Board of Supervisors had to make very difficult decisions that had lasting effects which *The Post Star* obviously did not understand. Chairman Monroe pointed out that at the time the "Boo" was given by *The Post Star*, the voluntary furlough had only been in effect for three days and \$500 worth of savings had been realized at that point. He added that the County would not know for months whether or not the program would be successful.

Mr. Tessier reported that the Criminal Justice Committee and the Social Services Committee had held a joint meeting to apprise their Committees of the sharing of services and revenues, which was a very successful meeting. He noted that the Public Defender's Office had experienced a 7.8% increase in cases, which evidenced the rising number of individuals that qualified for such services. He added that Resolution Nos. 465 through 468 and Resolution No. 473 were resultant of that meeting.

Hal Payne, Commissioner of Administrative & Fiscal Services, announced that he had just been informed by Kate Johnson, Tourism Director, that the Today Show would be filmed live on Monday, July 27, 2009 from the Sagamore Hotel. He said that four areas in the United States had been selected as tourism destinations and Lake George was chosen as one of the four.

In connection with the Real Property Tax Services Committee, Mr. Goodspeed apprised that Pam Vogel, County Clerk had attended the meeting to engage in discussions relative to the new technology that her Office was utilizing which had created some minor difficulties in the Real Property Tax Services Offices and work was underway to resolve the issue. He stated that discussions were also held concerning continuing observations of potential abuse with regard to the installment plan program that the County administered. Mr. Goodspeed remarked that the County Attorney's Office was researching how other counties handled abuse of their installment programs and would report back to the Committee.

Regarding the Legislative & Rules Committee, Mr. Bentley said four resolutions were resultant of that meeting and he listed them as follows: Resolution No. 503, Supporting Legislation for an Independent Public Defense Commission Entitled "Public Defense Act of 2009"; Resolution No. 504, Supporting Reintroduction of Federal Senate Bill S-1722, The Federal Milk Marketing Improvement Act; Resolution No. 505, Urging Prompt Resolution of Video Lottery Terminal Operations at Aqueduct Racetrack; and Resolution No. 506, Authorizing the Chairman of the Board of Supervisors to Send a Letter to the State of New York Requesting that they Forward Sufficient 911 Surcharge Funds to Cover the Costs of Operation for 911 Center.

Chairman Monroe called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Warren County Planning Board;
Warren/Washington Counties IDA.

Monthly Reports from:

Weights & Measures;
Veterinarian.

Capital District Regional Off-Track Betting Corporation, May and June surcharge in the amount of \$11,973 and \$10,370, respectively;

Petitions Opposing Layoffs in Warren County, signed by over 600 County residents and employees;

New York State Department of Civil Service, First Quarter 2009 Empire Plan Experience Report;

Assemblywoman Teresa Sayward, copy of a letter to the Lake George Park Commission expressing opposition to the proposed Stream Corridor Regulations;

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. 463 through 513 were mailed. She noted that Resolution No. 464 was mailed and had been corrected. She said a motion was needed to approve Resolution No. 464 as amended. Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve Resolution No. 464 as amended.

Mrs. Sady added that the resolutions relating to the filling of vacant positions were Resolution Nos. 471 through 473, and unless a roll call vote was requested, these resolutions would be approved in the collective vote.

Mrs. Sady announced a motion was needed to bring Resolution Nos. 462 and 514 through 518 to the floor. Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to bring Resolution Nos. 462 and 514 through 518 to the floor.

Mr. Belden said he would like to introduce a resolution from the floor requesting the Lake George Park Commission to halt the progression of the Stream Corridor regulations until Public Hearings were held with each town.

Motion was made by Mr. Belden, seconded by Mr. Champagne and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 519 of 2009 for the record.

Motion was made by Mr. Belden, seconded by Mrs. Simmes and carried unanimously disagreeing with the Lake George Park Commission Stream Corridor proposed rules and regulations and authorizing that the rules and regulations not be approved until Public Hearings were held in each of the towns. Clerk added it would be Resolution No. 520 of 2009 for the record.

Mr. Kenny referred to Resolution No. 470, Authorizing the Installation of County Owned Equipment in the Vehicles of Certain Emergency Services Employees, and questioned how many employees this would impact and if the County already had the equipment or if it would have to be purchased. Brian LaFlure, Director of the Office of Emergency Services (OES)/Fire Coordinator, explained the equipment included radios, light bars and sirens that the County had always provided for the part-time employees of the OES and installed in their vehicles. Recently, he said, he had requested a purchase order to replace a light bar and it was brought to his attention that there was no authorization in the County that provided for such action; therefore, he continued, it was necessary to have a resolution on record.

Mr. Kenny commented on Resolution No. 481, Authorizing Agreement with Sign Company Providing the Lowest Responsible Quote for the Replacement of the Municipal Center Sign, and stated that he hoped some thought would go into the design of the new sign that was more reflective of the Adirondack heritage. Mr. Kenny also referred to Resolution No. 478, Authorizing Execution of Client Acceptance of Year Four Annual Guaranteed Savings Report for Siemens Building Technologies, Inc., and expressed his opinion that a cross verification of the numbers should be completed by someone other than Siemens and he asked if an independent audit of the results was performed. Mr. Payne advised that an independent audit had been done in the past. Mr. Sokol interjected that he would discuss the matter at the next Health Services Committee meeting.

Mr. Goodspeed questioned Resolution No. 503, Supporting Legislation for an Independent Public Defense Commission Entitled "Public Defense Act of 2009", and recalled that a similar course of action had been proposed in the past and many concerns had surfaced as to the decline in the level of coverage in rural Upstate New York that would occur.

Motion was made by Mr. Goodspeed, seconded by Mr. Pitkin and carried unanimously to table Resolution No. 503, Supporting Legislation for an Independent Public Defense Commission Entitled "Public Defense Act of 2009".

Mr. Champagne asked if the board members planned to take any action on Resolution No. 482, Rescinding Resolution No. 754 of 2008, Which Approved Horizontal Realignment of West Brook Road As a Part of the West Brook Initiative Project, Subject to Certain Conditions/Contingencies and Additional Development and Coordination with Design Consultant, as was discussed earlier in the meeting.

Motion was made by Mr. Belden and seconded by Mr. Champagne to table Resolution No. 482 as outlined above. Chairman Monroe announced that due to the number of Supervisors opposed, a roll call vote would be necessary. Following the roll call vote, the motion to table Resolution No. 482, Rescinding Resolution No. 754 of 2008, Which Approved Horizontal Realignment of West Brook Road As a Part of the West Brook Initiative Project, Subject to Certain Conditions/Contingencies and Additional Development and Coordination with Design Consultant, failed.

Chairman Monroe questioned if the board members would entertain a motion to support The Open Door Program as presented at the beginning of the meeting.

Motion was made by Mr. VanNess, seconded by Mr. Geraghty and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk advised it would be Resolution No. 521 of 2009 for the record.

Motion was made by Mr. VanNess, seconded by Mr. Thomas and carried unanimously to support The Open Door Aspiring Workers and Structured Housing Program. Clerk said it would be Resolution No. 522 of 2009 for the record.

Mr. O'Connor questioned why the damaged sign in front of the Municipal Center had not been taken down yet and noted that it looked horrible. Mr. Lamy replied that clearance from the insurance company was required prior to the removal of the sign and the insurance company also required that three different quotes be obtained before clearance would be granted.

Chairman Monroe called for a vote on the resolutions.

Mr. Pitkin requested a roll call vote on Resolution No. 482, Rescinding Resolution No. 754 of 2008, Which Approved Horizontal Realignment of West Brook Road As a Part of the West Brook Initiative Project, Subject to Certain Conditions/Contingencies and Additional Development and Coordination with Design Consultant.

Resolution Nos. 462 through 522 were approved.

Chairman Monroe announced that there was a request to use the Gaslight Village property which Mr. Dusek would address; although he noted that to date, any requests to use the property had been forwarded to the Management Committee for approval. Mr. Dusek explained that the Lake George Winter Carnival had asked permission to use the property on September 22, 2009 to conduct the following: to hold band concerts, concession stands; they would like to charge \$10 for parking and \$5 per person for admission, set up a tent and a beer truck, all as part of a fund-raiser for the Carnival. Mr. Dusek apprised that the question was how do these requests get approved due to the lack of a policy and fee structure in effect. Mr. Tessier expounded that he had received the same request and had responded that at this time, the request could not be granted because there was not a Certificate of Occupancy (CO) for the property. Mr. Tessier added he had received five other requests to use the property this fall, as well, and he had provided the same answer.

Mr. Dusek stated that the request had been referred to the Board of Supervisors and an answer needed to be provided and he recommended that the Lake George Winter Carnival be advised that the property was not available at that time. Mr. Tessier agreed and acknowledged that a small committee should be formed to resolve issues such as this. Chairman Monroe said that the three municipalities (3M's) needed to get together to develop a policy for the use of the property. Mr. Belden asserted that the meeting should take place as soon as possible because there were people willing to pay for the use of the property and he added that any group that did use the property would have to provide a Certificate of Insurance to the 3M's. Mr. Pitkin suggested that the three environmental groups (3E's) be included in the meeting with the 3M's.

Mr. Dusek advised that there was a related issue to this that concerned the upcoming bonding in September. He further stated that all County bonds were tax exempt; however, he said, depending upon the use of the property, the bonds for the Gaslight Village property may have a taxable status. He concluded it would be critical to determine how the County proposed to use the property in order for Bond Counsel to structure the bonding for the property properly.

Mr. Dusek requested an executive session to discuss collective bargaining negotiations. Motion was made by Mr. VanNess, seconded by Mr. Merlino and carried unanimously that executive session be declared pursuant to Section 105(e) of the Public Officers Law.

Executive session was declared from 12:35 p.m. to 1:15 p.m.

The Board reconvened and Chairman Monroe announced no action was taken pursuant to the executive session.

Chairman Monroe apprised that subsequent to the executive session, the first item before the board members was the agreement with the CSEA and Mr. Dusek distributed a draft resolution pertaining to the same. Mr. Dusek reviewed the draft resolution with the board members. He reported that negotiations had been held with the CSEA Union and a tentative understanding had been reached with the CSEA Union; however, he said, the details had not been reviewed with the Board of Supervisors. Mr. Dusek explained that discussions were held with the CSEA concerning the re-opening of negotiations, as well as discussions concerning impacts, which the County was required by law to negotiate if the CSEA requested it whenever action was taken such as abolishing positions, which the County had done earlier this year. At the same time, he added, they also met with the CSEA to clarify certain provisions of the contracts to make sure they were in agreement. He expounded that one of the provisions concerned health insurance for retirees and it was clarified that the County could mandate that retirees choose one of two insurance plans, which would result in a savings to the County to be estimated at \$200,000; and an understanding was reached with all Unions that it was consistent with the Union agreements and did not engage in the re-opening of negotiations or contracts. The second thing, Mr. Dusek stated, was to re-open the negotiations and the discussions with the PBA (Police Benevolent Association) and the SEA (Sheriff's Employees Alliance) had been ongoing and had not been resolved yet. He noted that the re-opening of negotiations with the CSEA had been resolved along with the impact negotiations. He outlined the draft resolution as follows: the County had agreed to a procedure concerning what happened to an employee when a job was abolished and it provided for seniority rights, meaning that the least senior member would be the one affected by the job abolishment. He remarked that it also provided for rights for the people that had their jobs abolished to go back to a previous lower position that they had held in the County if they were the more senior worker for that position. Mr. Dusek said it also provided for a recall of these employees in the event that the County's positions opened up again. Another discussion held with the Union, he said, was what the pay for people that left County employment would be and the proposal was that the person be paid their accrued vacation time and personal leave time, and 15% of their unused sick leave up to a maximum of 140 days, which would be a maximum of 21 days. He added that if the person was due to receive the sick leave incentive, they would be paid for that, as well. He apprised that the County also agreed to offer 20% of an employees salary as an incentive to leave the employ of the County and was completely optional on the part of the County. He commented that it would require interested employees to sign up by August 15, 2009. Mr. Dusek advised that the advantage of this to the County was that it would more than likely encourage senior members that were at higher salaries to take advantage of the program and it would also save the County unemployment insurance benefits.

Mr. Dusek announced that this would resolve all of the impact negotiations with the Union with regard to the County's actions to further abolish positions. He noted that there was a sunset clause included in the agreement which was December 31, 2010. The last element, he said, was that there would be a retroactivity of this agreement to those positions that were abolished on June 19, 2009.

Mr. Dusek reported that the other proposal that he would like to introduce was with regard to the PBA and that was to offer an incentive to PBA members that would be willing to leave the County's service. He explained that the incentive would be to offer up to six slots on a first come first serve basis; the incentive amount would be \$17,500 and the member must trigger the incentive by September 15, 2009. He concluded that this would require an agreement with the PBA.

Mr. Dusek said that two separate resolutions would be required to enact the agreements if the board members were in favor these.

Motion was made Mr. VanNess, seconded by Mr. Goodspeed and carried by a majority vote, with Mr. Thomas voting in opposition, to authorize the Chairman of the Board to execute an agreement as to procedure regarding position abolishment, compensation in the event of involuntary separation and reduction in workforce incentive for employees within the CSEA bargaining unit; and to authorize an agreement to offer incentive of \$17,500 to PBA members for up to six slots to be triggered by September 15, 2009. Clerk noted they would be Resolution Nos. 523 and 524 of 2009 respectively, for the record.

Chairman Monroe announced there had been several new developments recently concerning the budget that he wished to inform the board members of. He advised that sales tax was down 6% in June and 5.1% overall for the first two quarters, which could be a shortfall of approximately \$1.2 million; solid waste revenue was expected to be a \$2.2 million decrease from last year; and an increase of \$118,000 for ACC. He pointed out a few good things that had happened, such as the report that mortgage tax had increased approximately \$300,000; an indication from the New York State Department of Health that the annual local share would decrease \$1.866 million for 2009-2010. He reiterated that agreements had been reached with two of the Unions and the reduction of workforce through attrition and the abolishment of jobs was proceeding.

Chairman Monroe distributed a press release which outlined the County's financial picture and read the release for the benefit of the board members, a copy of which is on file with the minutes.

There being no further business, on motion by Mr. Stec and seconded by Mr. Pitkin, Chairman Monroe adjourned the meeting at 1:38 p.m.