

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: GASLIGHT VILLAGE AD HOC

DATE: JUNE 5, 2012

COMMITTEE MEMBERS PRESENT:

SUPERVISORS MONROE
MERLINO
THOMAS
KENNY
DICKINSON

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
ROBERT BLAIS, MAYOR OF THE VILLAGE OF LAKE GEORGE
DANIEL G. STEC, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS CONOVER
FRASIER
MCDEVITT
WOOD
TAYNA BRAND, GROUP TOUR PROMOTER, TOURISM DEPARTMENT
KATE JOHNSON, DIRECTOR, TOURISM DEPARTMENT
WILLIAM LAMY, REPRESENTING THE PROJECT MANAGEMENT EXECUTIVE
COMMITTEE (PMEC)
MIKE SWAN, COUNTY TREASURER
FRED AUSTIN, THE FORT WILLIAM HENRY RESORT
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

Mr. Monroe called the meeting of the Gaslight Village Ad Hoc Committee to order at 10:05 a.m.

Motion was made by Mr. Dickinson, seconded by Mr. Thomas and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, who distributed copies of the meeting agenda to the Committee members; *a copy of the agenda is also on file with the minutes.*

Commencing with the agenda review, Mr. Tennyson announced that page 1 included a request to establish Capital Project No. H338.9550 280, Lake George Environmental Park, in the amount of \$762,000.

Motion was made by Mr. Dickinson, seconded by Mr. Kenny and carried unanimously to approve the request to establish Capital Project No. H338.9550 280, as outlined above, and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Tennyson advised the next agenda item began on page 2, in the form of a request for authorization to submit an application to the New York State Department of State (NYS DOS) for \$762,000 in grant funding to support the Lake George Environmental Park project. He noted that this grant opportunity required a 50% Local Share of \$381,000, which they expected to fund using a combination of donated funds and serial bonding; he added that a portion of the Local Share would be funded by the Village of Lake George as the grant would be used to make improvements to the Festival Space. Mr. Tennyson advised that once the \$381,000 in grant funding was received from the NYSDOS, it would be placed in the previously approved Capital Project, along with the Local Share. He

pointed out that the next agenda item, beginning on page 7, included a request to authorize serial bonding to cover cash flow and Local Share funding for the project.

Motion was made by Mr. Dickinson and seconded by Mr. Kenny to approve the request to authorize submission of a grant application to the NYSDOS.

In response to a question posed by Mr. Thomas as to the nature of private donations to be used for the Local Share cost, Robert Blais, Mayor of the Village of Lake George, announced that The Wood Foundation had pledged \$750,000 to the project, payable at a rate of \$150,000 per year for five years, in return for park naming rights, but had intimated an interest in possibly donating additional funds and they intended to discuss this possibility at a future meeting. Mayor Blais advised there were other private organizations that had indicated an interest in contributing to the initiative and there were other grant opportunities available, as well. Mr. Monroe advised that in his discussions with representatives of The Wood Foundation an interest in providing additional funding had been confirmed.

Mr. Geraghty questioned who would be doing the bonding and Mr. Monroe replied that the County would undertake the bonding process to provide a cash flow source while awaiting grant fund reimbursement. Mr. Tennyson added that although the donation promised by The Wood Foundation was more than sufficient to cover the Local Share costs, the distribution was based on a five-year disbursement schedule and construction was set to begin in 2013. He said that depending on the rate of receipt for grant funding, it was possible that bonding would not be necessary; however, he added, in order to qualify for the grant opportunity, a guaranteed source of funding for the Local Share was necessary and would be provided by the requested resolution. Mr. Tennyson continued that they planned to begin the project using the donated funds available and would only initiate the bonding process if the Treasurer determined a need to do so.

Paul Dusek, County Administrator, advised that although it was not uncommon to undertake a bonding process to provide a cash flow source for certain projects while awaiting refunding grant monies, he would caution the Committee that if sufficient donations were not received to support the Local Share, the County would become liable for the expense. He added that it was important for the Committee to note this possibility as the Board of Supervisors had historically stated their preference for using grant funds to support expenses relating to the Gaslight Village property and to refrain from transferring any such expenses to the taxpayers of Warren County. Mr. Dusek pointed out that the initial \$150,000 payment from The Wood Foundation had already been received for 2012 and it was likely that another \$150,000 would be received prior to the start of construction in 2013, allowing a total of \$300,000 to be available in relation to the Project, representing a sufficient cash flow. Mr. Tennyson responded that while this was correct, the funds were not currently available in a form allowing them to commit availability of the 50% Local Share, as required by the NYSDOS grant regulations.

Discussion ensued.

Mr. Monroe called the question and the prior motion to authorize submission of a grant application to the NYSDOS was carried unanimously and the necessary resolution was authorized for the June 15th Board meeting. *A copy of the request is on file with the minutes.*

Returning to the bonding issue, Mr. Tennyson suggested that the bond request amount be reduced to a total of \$612,000, to be used in conjunction with the \$150,000 already contributed by The Wood Foundation to provide a source of funding for the Lake George Environmental Park project in anticipation of grant funding reimbursement

and donations. Mr. Dusek stated he would include stipulations that the monies being donated by The Wood Foundation should be committed to this Project so that they could not be spent in an alternate manner which might lead to an unwanted County expense.

Motion was made by Mr. Kenny, seconded by Mr. Dickinson and carried unanimously to authorize up to \$612,000 in serial bonds to cover cash flow and Local Share costs for the Lake George Environmental Park Project, H338.9550 280, and committing the \$150,000 already received from The Wood Foundation to the Capital Project to meet the total Project cost of \$762,000, contingent upon the Village of Lake George adopting a similar resolution, and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Resuming the agenda review, Mr. Tennyson directed the Committee members to agenda page 8 which reflected a drawing of the pedestrian bridge that would be constructed in connection with the Beach Road Reconstruction Project. He noted that in discussions with Elan Planning, Design & Landscape Architecture, PLLC, they had determined one means for reducing cost in connection with the Park Project would be to replace the much more ornamental bridges included in the initial design with the more standard version being used for the Beach Road Reconstruction Project, thereby reducing the bridge cost by half. Mr. Tennyson apprised that this initiative had already been reviewed and approved by the Project Management Executive Committee (PMEC), who determined that the idea should be presented to the Gaslight Village Ad Hoc Committee because the pedestrian bridges would become County-owned facilities. He noted that the bridges would come pre-fabricated with a steel truss structure and timber decking. Mr. Kenny questioned whether the pedestrian bridges would span both lanes of West Brook Road and Mr. Tennyson replied in the negative, explaining that they would be used only to cross West Brook itself. Mr. Tennyson advised that a resolution was not necessary to approve the design change, they were simply seeking direction on the matter from the Committee.

Following a brief discussion, it was determined by consensus of the Committee that the more standardized bridge design should be utilized, as recommended by Mr. Tennyson and the PMEC.

Mr. Tennyson pointed out that agenda page 10 included a revised fee schedule assessing the proposals provided by various firms for work associated with grant funded elements of the West Brook Conservation Initiative/Festival Space project. He noted that the Committee had previously approved a resolution request to award a contract for these services; however, he added, the resolution had not been presented at the May 18th Board meeting because they were awaiting the contractor selection. Mr. Tennyson advised they had since determined the contract would be awarded to Elan Planning as the lowest responsible bidder. Mr. Monroe clarified that this was a recommendation to award the bid for final design services in connection with the West Brook Conservation Initiative to Elan Planning for an amount not to exceed \$54,000.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to award contract to Elan Planning, Design & Landscape Architecture, PLLC as outlined above and the necessary resolution was authorized for the June 15th Board meeting. *A copy of the revised request presented at the April 27th Committee meeting is on file with the minutes.*

Agenda page 11, Mr. Tennyson announced, reflected a request for authorization to submit a grant application to the NYSDOS for funding to be used for development of the Charles R. Wood Park and West Brook Conservation Initiative not previously identified for funding. He noted that on agenda pages 12 and 13 he had included a copy of the proposal from Elan Planning for the grant application submission which indicated an associated fee not to exceed \$3,200. Mr. Tennyson advised the application fee would be shared by the County and Village of Lake

George in accordance with the percentage of ownership.

Mr. Monroe questioned whether this grant opportunity would require a Local Share and Mr. Tennyson replied that they were unaware of the type and amount of grant being sought and he noted that the \$3,200 indicated was for the fee Elan Planning would charge for work and fees associated with application submission. Mr. Tennyson commented that because grant funds were being sought from the NYSDOS, he would assume that a 50% match would be required, as was typical. He continued that budgets had been established for the property and funds were available to cover the County share of the costs, although a transfer of funds between budgetary codes might be necessary as there were other expenses pending. Mayor Blais interjected that the Village of Lake George would be agreeable to funding the grant application costs using parking revenues to avoid any direct expense to the County or Village. Mr. Dusek recalled Mr. Tennyson's prior indication that the grant opportunity would likely require a 50% Local Share and he questioned how they could plan for this expense if the grant amount was unknown. Mr. Tennyson responded that the current resolution only asked for permission to submit grant applications and he advised that he would return to the Committee once the grant denominations were known to seek further permissions to accept said grant funds, at which time the Committee could determine whether the Local Share required was feasible. In response to a question posed by Mr. Monroe, Mr. Tennyson advised that the award process for the grant funds would not occur until later in the summer season.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the request to authorize Elan Planning to submit a grant application to the NYSDOS on the County's behalf and fund the associated fee, which was not to exceed \$3,200, from parking revenues, and the necessary resolution was authorized for the June 15th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson advised the next agenda item pertained to the Land Swap and Festival Space Boundary issue which Martin Auffredou, County Attorney, would address. Mr. Auffredou distributed copies of documentation outlining the West Brook Land Swap, a copy of which is also on file with the minutes. He advised the Village of Lake George had already approved the document at their last Board meeting and the County needed to approve it, as well. Mr. Auffredou said the mapping and division process had taken a considerable effort to summarize five parcel transactions and develop accompanying maps to depict changes subject to the land swap. Assuming the Committee was in agreement, he requested that the document be approved for presentation and final approval at the June 15th Board meeting.

Mr. Monroe asked if the documentation included exactly those revisions discussed in prior meetings and Mr. Auffredou replied that he believed it did, but noted that he had not been involved in the entire process. Mayor Blais confirmed that the document presented was the one previously approved by the Village Board.

Following further discussion on the matter, motion was made by Mr. Kenny, seconded by Mr. Dickinson and carried unanimously to approve the West Brook Land Swap documentation as presented and the necessary resolution was authorized for the June 15th Board meeting.

Concluding the agenda review, Mr. Tennyson requested discussion on the proposal made by the Town of Lake George to purchase ownership in the Park project to determine the intent of the County, as well as how the value of the property would be determined if a sale of land shares to the Town was deemed appropriate. He then distributed copies of documentation outlining a calculation of the County's investment in the property, thus far; *a copy of the document is on file with the minutes.* Mr. Tennyson pointed out that the document indicated the County's

total investment in the property to be approximately \$1.34 million; however, he noted, if they were to account for the grant funds attributed to the property, the total would be in the neighborhood of \$10 million.

Mr. Monroe recalled that various proposals for future involvement of both the County and Town of Lake George in relation to the property had been presented at the May 18th Board meeting, which included selling some, or all, of the County's shares to the Town, and he asked Mr. Auffredou to comment on any legal implications that might occur if the County were to remove itself from the property ownership altogether. Mr. Auffredou opined that it would not be as complicated as typically seen in other alienation legislation matters, but said due to pressing concerns, he felt the possibility of the County selling all of its ownership shares and leaving the project should be researched and discussed with the New York State Office of Parks, Recreation & Historic Preservation before proceeding to ensure there would not be any legal impediments or consequences. He added that he did not feel there would be any complications if the County were to reduce its shares in the property ownership, but said he still wished to research the matter to ensure this was the case. Mr. Auffredou continued that he would also need to perform a review of all grant documentation to ensure that the County could transfer its interest in the project to another entity without incurring an obligation to repay any grant funding received. He advised there were multiple grant documents and various parties involved which would require a thorough examination.

Mr. Monroe asked the Committee members, as well as other Supervisors present, to advise of their feelings as to the County's future involvement with the former Gaslight Village property.

Mr. Dickinson began by noting that the Town of Lake George desired to rejoin the project, but did not wish to impede its development by slowing the process. He then stated his opinion that the County, Town and Village of Lake George should all become equal partners in the property ownership as each represented a tremendous value to the project. Mr. Dickinson continued that the County provided many benefits that could not be provided by the Town and Village, such as the manpower, engineering, leadership and oversight resources that could be provided by Mr. Tennyson and the County DPW.

Mr. Monroe stated that the County leaving the project would send a very bad message to grantor agencies and private donors providing funding for the project, worse than those expressed when the Town of Lake George left the project. He apprised that he had spoken to a representative of The Wood Foundation about the matter who had indicated they would not be pleased if the County removed itself from the project because they felt it would be less likely that the Park would come to fruition without County involvement. Additionally, Mr. Monroe opined the lack of County participation would have a negative effect on future grant opportunities. He concluded that the Park would represent a considerable asset to the region, and Warren County, as a whole.

Mr. Tennyson interjected that he was unsure if equal property ownership was feasible given the Village's publicly advertised standpoint that they were unwilling to relinquish any of their property shares. He suggested that the County could sell a portion of their shares to make the ownership as close to equal as possible. Mr. Dickinson stated that he would be very disappointed if the Village chose not to re-appropriate some of their shares to allow for equal ownership if the County were willing to proceed in that direction, but said the Town would agree to purchase half of the County-owned shares, if this turned out to be the case.

Mr. Kenny stated that the County should remain in the project and said he was agreeable to equal ownership shares amongst the three parties. Mr. Merlino agreed with Mr. Kenny's opinion and said that although he had been against County involvement in the past, he now felt that it should be maintained. Conversely, Mr. Thomas stated his opinion

that the County should pursue a means to sell their property shares and leave the project.

Mayor Blais stated that the Village of Lake George was very happy with the project and he said he would recommend to the Village Board a redistribution of property shares to allow for equal property ownership as he felt it was fair to do so. He said that while he respected the opinions of the Supervisors who desired for the County to leave the project, he completely disagreed. Mayor Blais concurred with the point Mr. Dickinson had made earlier that the County could provide resources through their DPW that the Town and Village could not, and he also concurred with Mr. Monroe's indication that a lack of County participation would have a negative effect on future grant funding as well as the credibility of the project. He noted it seemed very illogical that the value of the Festival Space, which was initially so important to the County for the project revenues it represented, seemed to have diminished now that it was ready to come to fruition and raise revenues which the Village anticipated would far exceed the attributed expenses. Mayor Blais cited opinions amongst some Supervisors that the County should not be involved in the venture and that the Town and Village should maintain and operate the property as it was located in their realm; however, he quipped, given this scenario the Warren County Airport should rightly be owned and managed by the Town of Queensbury. He stated that Lake George was the hub of tourism in Warren County and the County should want to retain its involvement to ensure a successful venture. Mayor Blais said that County assistance was necessary and he hoped they would not decide to back away from the project.

Chairman Stec advised that this had been a controversial issue for some time and said he agreed with the points made by Mr. Monroe and Mayor Blais, as well as with the point that equal ownership amongst the three involved parties was fair and reasonable. He pointed out that majority ownership had not posed any benefits for the County as all decisions had been made by consensus, therefore he did not see any reason that an even split should not be made. Chairman Stec continued that selling all County-owned shares in the property would impose more legal work than an equal split of ownership shares, and would likely affect grant agreements already made, as well as those to be secured in the future. He said the projects environmental partners (*3E's - Fund for Lake George, Lake George Association and Lake George Land Conservancy*) had been respectful of the County's wavering position but had expressed concern with their abandoning the project in light of the resources available to the County that the Town and Village did not have, such as their State contacts and the infrastructure available through the County DPW. Chairman Stec advised that he was very surprised to note the support for selling the County-owned property shares that was shown at the last Board meeting and said that if overwhelming support was shown to continue in this direction, he would support the move, but he stated that he would prefer the County retain a presence in the project through an equal ownership of property shares with the Town and Village of Lake George, as that would be the most reasonable and fair course.

Mr. McDevitt opined that in a decade this project would be reflected upon as a shining example of government involvement at its best and he said he felt it was critical that the County remain involved in the project to help it move forward and reach completion.

Motion was made by Mr. Kenny and seconded by Mr. Merlino to re-appropriate ownership shares of the former Gaslight Village Property to allow equal one-third ownership status for the County, Village and Town of Lake George, contingent upon approval of a similar resolution by the Village of Lake George.

Mr. Dusek pointed out that a clear determination would need to be made as to how the property shares would be valued for sale to the Town of Lake George. He continued that if they were going to use the actual monetary investment made by the County/Village of Lake George, exclusive of grant funding amounts, they would also need

to consider the amount of funding the Town of Lake George left in the project when they seceded from it to allow them an appropriate credit. Mr. Tennyson questioned whether any money received by the County for the partial sale of its property shares would be used to pay off some of the bond funding used to purchase the property and Mr. Dusek replied affirmatively.

Mr. Monroe called the question and the aforementioned motion was carried by majority vote, with Mr. Thomas voting in opposition, thereby authorizing the necessary resolution for the June 15th Board meeting.

Mr. Auffredou announced he had two items for consideration which were not included on the meeting agenda, the first relating to Resolution No. 72 of 2012, approved by the Village of Lake George at their May 29th Board meeting, pertaining to an amendment to the contract with Elan Planning, Design & Landscape Architecture, PLLC for Park design work to reflect an increased contract amount, contingent upon Warren County adopting a similar resolution. Mr. Tennyson interjected that the P MEC had reviewed this resolution and consented that the additional fee charged by Elan Planning was justified and allowed better plans to seek out and accept grant opportunities. He explained that the Village of Lake George had sponsored the original \$2.5 million TEP (Transportation Enhancement Program) grant in connection with the West Brook Conservation Initiative and a portion of that funding had been used to establish Park designs as developed by Elan Planning. Over time, Mr. Tennyson continued, the plans had evolved to include more features as additional funding was received, increasing the design costs to the current amount. He noted that the additional design costs would be covered by TEP grant funds.

Following a brief discussion on the matter, motion was made by Mr. Dickinson, seconded by Mr. Thomas and carried unanimously to approve a resolution mirroring Village of Lake George Resolution No. 72 of 2012, and the necessary resolution was authorized for the June 15th Board meeting. *A copy of Village of Lake George Resolution No. 72 of 2012 is on file with the minutes.*

Proceeding with his second item for discussion, Mr. Auffredou noted that pursuant to discussions with William Lamy, former Superintendent of Public Works and representative of the P MEC, and Legal Counsel for the Village of Lake George, it was determined that the original SEQRA (State Environmental Quality Review Act) documentation prepared in connection with the former Gaslight Village property should be updated to concur with the revised scope of the project. He said he had referred the matter to the Legal Counsel for the Village of Lake George who would review the matter and make revisions, hopefully completing them in the near future. Mr. Auffredou said the County would participate in the process to the same extent they had with the initial document and would eventually require a resolution authorizing the Village to serve as lead agency for the SEQRA process. He concluded that no Committee action was currently necessary and he would provide an update on the matter when appropriate.

There being no further business to discuss, on motion made by Mr. Dickinson and seconded by Mr. Thomas, Mr. Monroe adjourned the meeting at 11:19 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board