

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, APRIL 19, 2013**



The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Thomas.

Following the reciting of the Pledge of Allegiance, Chairman Geraghty requested that those in attendance remain standing for a moment of silence for the victims of the Boston Marathon bombing and the fertilizer plant explosion in West, Texas.

Roll called, the following members present:

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

Motion was made by Mrs. Wood, seconded by Mr. Montesi and carried unanimously to approve the minutes of the March 15, 2013 Board Meeting, subject to correction by the Clerk of the Board.

Commencing with the agenda review, Chairman Geraghty declared the Public Hearing on proposed Local Law No. 5 for the year 2013, entitled "A Local Law Amending the Warren County Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)", open at 10:01 a.m. and he requested that Joan Sady, Clerk of the Board, read the Notice of Public Hearing.

When asked to comment on the purpose of proposed Local Law No. 5 of 2013, Martin Auffredou, County Attorney, advised that Warren County sought to follow the path taken by many other counties in imposing provisions within their Occupancy Tax Laws to incorporate requirements for online room remarketers, such as Hotwire.com and Expedia.com, to pay into the occupancy tax fund, as authorized by State Law. Mr. Auffredou clarified that the adoption of the proposed Local Law would mandate that room remarketers collect occupancy tax for all online room reservations and later remit the taxes collected to Warren County in the form of a payment to the occupancy tax fund. He added that although similar regulations were being imposed in many counties across the State of New York, the initiative was being challenged through a case currently being heard by the Court of Appeals. Mr. Auffredou advised that neighboring Saratoga County was one of those that had amended their occupancy tax local law to include provisions to collect occupancy tax from room remarketers. He reiterated that changes to the County Occupancy Tax Laws had come about as a result of revisions to State Laws which permitted the collection of occupancy tax revenues from room remarketers.

Mr. McDevitt questioned whether any estimates had been prepared to represent the anticipated increase, or decrease, in occupancy tax collections in relation to the Occupancy Tax Law amendment. Mike Swan, County Treasurer, responded that although there was no way to accurately estimate the figures Mr. McDevitt sought, he said he anticipated an increase in occupancy tax revenue collections in the range of \$40,000 to \$60,000 annually. Mr. Auffredou noted that Saratoga County had enacted their Occupancy Tax Law amendments in the fall of 2012 and Chairman Geraghty added that when consulted on the matter, Saratoga County officials had advised they had not yet received any collections from room remarketers.

With respect to Mr. Auffredou's prior comments regarding pending lawsuits in the Court of Appeals, Mr. Conover indicated his concern that changes in the Occupancy Tax Law might incur penalties or fees to the hotelier community for occupancy taxes not remitted by room remarketers while the State Law was being challenged. Mr. Auffredou replied that there was no indication that this would be the case and he said he was confident that the County's lodging facility owners would not be affected.

Chairman Geraghty declared the Public Hearing on proposed Local Law No. 6 for the year 2013, entitled "A Local Law Amending Sections 6 and 7 of Local Law No. 9 of 2011 in Relation to Preventing the Spread of Aquatic Invasive Species in Warren County" open at 10:08 a.m. and he asked Mrs. Sady to read aloud the Notice of Public Hearing.

Mr. Auffredou announced the amendments to Local Law No. 9 of 2011 would authorize the Lake George Park Commission (LGPC), New York State Department of Environmental Conservation (NYSDEC) and the New York State Police (NYSP) to enforce Warren County's invasive species transport laws, and would also include provisions for a more flexible penalty assessment structure for infractions to said laws. He advised that the existing Environmental Conservation Law empowered the LGPC to enforce municipal Local Laws which affected Lake George within the boundaries of the Lake George Park. Mr. Auffredou continued they had taken the position that this Local Law did affect Lake George, and the LGPC had agreed; he noted that the enforcement abilities of both the NYSDEC and the NYSP would extend beyond the Lake George Park. He advised that the LGPC had written a letter in support of proposed Local Law No. 6 of 2013, which he asked Mrs. Sady to read aloud. *A copy of the aforementioned letter is on file in the Office of the Clerk of the Board.*

Mr. Dickinson noted that the point of the revised penalty structure was not to penalize in order to make a profit, but rather to provide deterrent measures to discourage violation of the transport law.

Alexander Gabriels, Town of Bolton resident, stated that he had a long history of involvement with the invasive species issue. He commented that while he felt the expanding enforcement allowances to include the NYSDEC and NYSP was a good idea, he did not agree with including the LGPC. Mr. Gabriels theoretically questioned how many citations the Warren County Sheriff's Office had issued for violations of the invasive species transport law in the past year, noting that since the Sheriff's Office was having a difficult time enforcing the transport law, then the County was facing the same difficulties, showing the weakness of the proposed Local Law and the lack of resources, direction and leadership from the County on this critically vital issue. He suggested that in order to improve the situation, enforcement by the Warren County Sheriff's Office needed to be increased so that marina owners experiencing confrontational issues with boat owners asked not to launch their boats when an invasive species was detected had the ability to contact the Sheriff's Office, rather than the LGPC, as they preferred to do. Mr. Gabriels pointed out that if a citizen or marina owner had an issue with the way the Sheriff's Office was handling certain situations, they had the ability to vote against the Sheriff during election years; he commented that they did not have the same ability for the LGPC and said that as a State entity, he found this to be a serious problem that had yet to be reflected upon in depth and in theory by Warren County. Mr. Gabriels continued that both the NYSP and NYSDEC were well trained in the enforcement of laws such as the transport law, and were experienced in doing so, but it was yet to be determined how the LGPC would handle the enforcement measures. He commented that he would much rather see the NYSP and NYSDEC Officers enforce the transport law, rather than the seasonal employees hired by the LGPC. Mr. Gabriels stated many members of the private sector had a fear that LGPC Enforcement Officers would be present at each marina launch site and would participate in the pre-launch inspections. He noted that having an Enforcement Officer present at all times in any marina did not provide a good public image, even though the marina was providing a good ecological effort for Lake George.

Mr. Gabriels stated that the County had not established any standards, criteria or limitations in association with the proposed Local Law, which were necessary for the citizens of Warren County to support it. He advised that it was already illegal to transport invasive species into Lake George and the LGPC already had enforcement authorities in this arena; he questioned whether the proposed Local Law would expand the LGPC authorities, allowing them to stop boats being transported on highways near Lake George for inspection, as the proposed Local Law did not limit their enforcement abilities on land. Additionally, Mr. Gabriels advised the proposed Local Law exacerbated the ongoing battle between the County, Towns and the LGPC, to try and prevent the LGPC from assuming greater authority on land, particularly in relation to issues that did not affect the water quality of Lake George; he added that enforcing laws on land was a very different process than enforcing navigational laws on Lake George for public safety and welfare. In closing, Mr. Gabriels stated that while he understood the strategies being employed to draw attention to the invasive species in Lake George in order to gain additional support from the State, he implored the Board of Supervisors to refrain from adopting the proposed Local Law and instead to petition the State to amend Article 43 of the Environmental Conservation Law to provide clear enforcement authority for NYSDEC and NYSP Officers.

Mr. Monroe stated that, in his opinion, the proposed Local Law was very important because although the Sheriff's Office was willing and able to respond to transport law violations, they did not have the manpower available to station Officers at various launches for inspections and there was some question about whether such actions were necessary. He apprised that the decision to authorize the LGPC and NYSDEC to enforce the transport law had been made following discussions with local government representatives for municipalities surrounding Lake George, as well as NYSDEC Commissioner Joseph Martens and Dave Wick, Executive Director of the LGPC. Mr. Monroe advised that during this meeting, the local government representatives had expressed the importance of an effective enforcement mechanism for the transport law, recognizing the limits of the Sheriff's Office; he added that both the LGPC and NYSDEC had subsequently made commitments to help enforce the Local Law, as presented. Mr. Monroe stated that he did not believe anyone expected the LGPC to place Enforcement Officers either on a road patrol or on shore and he explained the idea would be to implement four zones which LGPC Enforcement Officers would patrol, responding to calls made by inspectors, as necessary, when an individual with a watercraft harboring visible invasives insisted upon launching their vessel after being asked not to. Through the implementation of the four zone process, Mr. Monroe noted that once a call was made, the responding LGPC Enforcement Officer would be able to reach the launch site very quickly. Mr. Monroe concluded that he was fully supportive of the proposed Local Law. Mr. Dickinson stated that he agreed with all of Mr. Monroe's comments. Mr. Mason agreed, as well, adding that although the Local Law might be viewed as inadequate and needing improvement in the future, it was important to note that the Invasive Species Transport Law would be applied on a County-wide basis, while enforcement by the LGPC only applied in the Lake George Park.

There being no further comment on proposed Local Law No. 6 of 2013, Chairman Geraghty declared the public hearing closed at 10:21 a.m.

Chairman Geraghty declared the Public Hearing on proposed Local Law No. 7 of 2013, entitled "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County" open at 10:22 a.m. and he requested that Mrs. Sady read the Notice of Public Hearing aloud.

Mr. Bentley questioned whether the salary of the Self-Insurance Administrator should be listed within the proposed Local Law and Mrs. Sady replied that she was uncertain. Mr. Auffredou advised that he would ask his staff to research the matter and would comment on the matter later in the meeting. He added that if it was determined the position should be listed, the proposed Local Law could be

amended prior to adoption.

There being no further comment on proposed Local Law No. 7 of 2013, Chairman Geraghty closed the public hearing at 10:23 a.m.

Continuing with the agenda review, privilege of the floor was extended to Courtney Shaler Smith, Executive Director of Habitat for Humanity. Ms. Smith distributed information regarding the Habitat for Humanity program, detailing its purpose and criteria, which she proceeded to outline briefly; *a copy of the aforementioned documentation is on file in the Clerk of the Board's Office.* She noted that Habitat for Humanity currently had one lot available in the Town of Lake George and another in the City of Glens Falls and they were currently looking for families to partner in constructing homes for each. Ms. Smith said they would love to establish a waiting list of eligible families so that they could assist one family from each County, each year; she encouraged the members of the Board of Supervisors to refer any families they might know of that fit the aforementioned criteria. In response to a question posed by Mr. McDevitt relative to the location of the available lots, Ms. Smith advised they were located on E. Beacon Street in Glens Falls and on Birch Avenue in Lake George.

Chairman Geraghty declared the Public Informational Session regarding a proposal to change the closing time for bars and taverns in Warren County from 4:00 a.m. to 2:00 a.m. open at 10:26 a.m. and he requested Mrs. Sady read aloud the Notice of Public Hearing.

Privilege of the floor was extended to John Diamond, Mayor of the City of Glens Falls, who was in attendance to discuss his proposal to change the closing time for bars and taverns in Warren County from 4:00 a.m. to 2:00 a.m. Mayor Diamond thanked the Board members for taking the time to consider his proposal and he noted that were it not for the regulatory laws implemented by the State Liquor Authority which required a change in bar and tavern closing times to be made on a County-wide basis, the City of Glens Falls would have handled this issue independently. He also thanked the Legislative & Rules Committee for referring the issue on to the full Board, allowing a more comprehensive discussion to take place. Mayor Diamond distributed a packet of information to the Board members containing statistical information, police reports, articles and letters concerning alcohol related events and the bar closing issue, as well as a copy of a letter recently received from the State Liquor Authority and the resolution adopted by the Glens Falls Common Council referring the bar closing issue to the Warren County Board of Supervisors; *a copy of the aforementioned packet is on file in the Clerk of the Board's Office.* Mayor Diamond proceeded to review some of the statistical information provided and he read a few comments printed in local newspapers, as well as a statement prepared by Jim Brock, Glens Falls Common Council member, all of which supported the proposal to change the bar and tavern closing time; *a copy of Mr. Brock's statement was also included in the packet distributed by Mayor Diamond and is on file in the Clerk of the Board's Office.* Mayor Diamond noted that prior to approving the resolution referring this issue to the Warren County Board of Supervisor, public comment had been welcomed, during which none of the local bar or restaurant owners in attendance had expressed any disappointment or opposition to the proposed change in the bar closing time. During his presentation, Mayor Diamond also outlined several incidents of serious assaults that had occurred on South Street in the City of Glens Falls after 3:00 a.m. In closing, Mayor Diamond stated that this was not the type of behavior he wanted to see in the City of Glens Falls, nor in any part of Warren County, and he asked the members of the Board of Supervisors to support his proposal to change the closing time for bars and taverns in Warren County from 4:00 a.m. to 2:00 a.m.

Ben Driscoll, Glens Falls Common Council Member, outlined his personal experiences with bars and taverns in the State of Massachusetts, where the closing time was typically between 12:30 a.m. and 1:00

a.m., as well as his experiences with bars and taverns in the City of Glens Falls. He advised that occasionally, he would go out to see a band at a local bar, arriving between 8:00 p.m. and 10:00 p.m. to see the performance. In his experience, Mr. Driscoll said it appeared the bars received more patronage, and therefore more revenues, between the hours of 8:00 p.m. and 10:00 p.m. than they did between the hours of 2:00 a.m. and 4:00 a.m., and he questioned whether those patrons still present at 2:00 a.m. were the same as those that had entered the bar or tavern between 8:00 p.m. and 10:00 p.m. Concluding his statement, Mr. Driscoll indicated his feeling that behavioral issues were to blame for many of the incidents occurring and a change in behavior would be of benefit to customers, the owners of the bars and taverns and to the community at large.

Paul Bricoccoli, owner of the Bullpen Tavern (*located on Glen Street in the City of Glens Falls*), noted that Saratoga County had considered a similar proposal to change the bar closing times, but had subsequently refrained from doing so. He stated that although he did not enjoy being awake at 4:00 a.m., it was important to note that not everyone in a bar or tavern at that time was causing a problem or partaking in nefarious activities. As an example, Mr. Bricoccoli cited a recent Thursday evening where business had been slow at his establishment until a group of the staff from a local restaurant that had just closed came in; he said everyone had an enjoyable time, the patrons had not gotten inebriated and their patronage had improved his business for the night. Similarly, he noted that the evening before Thanksgiving was typically one when his business made a lot of money because of the number of people returning to the area for the holiday who were seeking a venue to visit and catch up with family and friends they had not seen in a while. Mr. Bricoccoli said there were many instances where groups visited his bars between the hours of 2:00 a.m. and 4:00 a.m. and he said changing the bar and tavern closing times would negatively affect his, and many other businesses, taking money from not just himself, but his staff, as well. Additionally, he noted that the Town and Village of Lake George, along with the Town of Bolton, had a very small window to make money during the summer season and changing the closing time would have significant effects on those businesses. Mr. Bricoccoli cautioned that changing the bar and tavern closing time in Warren County to 2:00 a.m. may just cause patrons to travel to other Counties, such as Saratoga County, where the closing time remained at 4:00 a.m., possibly increasing the occurrence of DWI incidents. He commented that the City of Glens Falls had been doing a very good job in their revitalization and he said the foot patrols were a great deterrent for negative activity, and while he understood they incurred a cost to the City, he hoped they would find a way to continue to sustain them. Mr. Bricoccoli concluded that the majority of the issues being caused could be traced back to a couple of bars located on South Street in Glens Falls and he suggested that those bars be held accountable, rather than penalizing all of the bars and taverns in Warren County.

Robert Ash, Captain of the Glens Falls Police Department (*GFPD*), reviewed statistics for fights, disturbances and assaults for the year of 2007, as compared to 2011, as follows:

Year	6:00 a.m. - 10:00 p.m.	10:00 p.m. - 2:00 a.m.	2:00 a.m. - 6:00 a.m.	Total
2007	110	78	104	292
2011	75	59	118	252

Captain Ash noted that thus far in 2013, 26 arrests had been made on South Street, 19 of which had been made after 2:00 a.m., representing about 75% of the arrests made. Listening to some of the discussions held that morning, coupled with his experience with the bar community, he stated that the sentiment always seemed to be the same when considering negative activities on South Street; he added that the popular consensus was that people drank to excess, started fights and the population was

supposed to accept this as normal behavior for the South Street crowd. Captain Ash opined that this should not be accepted as normal behavior and he stated that the Board of Supervisors had the opportunity to set an example for other Counties by setting an earlier closing time for bars and taverns in Warren County. In reviewing the GFPD reports for the prior evening, he said he had learned of an incident at a South Street establishment where Officers responded to a call for assistance stemming from an argument between bar staff and a patron, ending with three officers subduing two people. Captain Ash continued that while one of the Officers had been attempting to make an arrest, another patron had jumped onto his back, in an attempt to interfere with the arrest; he added that these types of incidents happened continuously on South Street, regularly subjecting GFPD Officers to this type of conduct. Captain Ash stated that something needed to change in order to stem this type of negative activity and he reiterated that the Warren County Board of Supervisors had the opportunity to step up and make that change and in doing so, set an example for surrounding Counties.

Larry Waimon, Warren County Resident, stated that he had been the lead speaker for the Victim Impact Panel for the past 14 years and reminded the members of the Board of Supervisors that he had addressed them previously with respect to distracted driving. Mr. Waimon apprised that he was a retired Policeman from the State of New Jersey that had been visiting the area with his family since 1958 and had developed a deep sense of caring and affection for the citizens and businesses of Warren County. He said that while he was not a prohibitionist, and liked to have a drink once in awhile, he had been affected by the sadness fostered by over imbibing through his career as a Policeman, as well as his own personal experiences as the only American citizen to have been victimized by drunk drivers on three separate occasions; Mr. Waimon explained that his grandmother had been hit and killed in 1943, his father hit and killed in 1983, and he was himself hit in 1973, somewhat curtailing his career. Mr. Waimon continued that it was these experiences that led him to spend \$100,000 of his own money to write and publish a book entitled "*When Tears Don't Work*", which he distributed freely, as well as to provide public lectures wherever he was requested to do so, in an effort to spread awareness. He apprised that he was a Senior Master of Police Tactics and Strategies and had been teaching martial arts since the mid 1970's, leading him to be honored by induction into two International Halls of Fame. Mr. Waimon said that, thanks to the forward thinking of Bud York, Warren County Sheriff, he had the privilege of offering training to any Officer desiring remedial or advanced training, free of charge, to help protect them. He stated that he sympathized with the Officers attempting to control unruly bar patrons and felt they had the right to do their jobs without being molested or injured, and although he said he had empathy for the complaints of the bar owners in light of the potential loss of revenue, he felt that the needs of the many far exceeded those of the few in this case.

Mr. Waimon expounded that hundreds of thousands of people had been injured, maimed and killed by drunk drivers over the last decade and this was one of the most preventable tragedies. He reminded the Board Members of the statistics relayed by Captain Ash which indicated that the number of calls for Police assistance literally doubled during the 2:00 a.m. to 4:00 a.m. period and he noted that when a similar change of bar closing hours was implemented in New Jersey, the number of distress calls were reduced, as well as the number of injuries to patrons and Police Officers. Mr. Waimon stated that this piece of common sense legislation would lessen the tragedies and distress felt by the region and it was also an opportunity for bar owners to do something significant and forsake the impact to their revenues in an effort to do what was best for the Community at-large. In closing, Mr. Waimon stated that he was tired of reliving his own personal tragedies and would trade anything to not have had to experience them at all. He said an ounce of prevention was better than cure and he asked the Board to undertake this change so that other families would not have to experience the same tragedies he had survived.

Robert Blais, Mayor of the Village of Lake George, advised that if he were Mayor of the City of Glens Falls he would likely be trying to encourage the same bar closing times Mayor Diamond was proposing.; however, he said, he was in attendance to represent the interest of the bar and tavern owners of the Village of Lake George. He advised that he had taken the time to send out questionnaires to all of the bar owners in the Village of Lake George, the responses to which indicated the majority would be adversely affected by the change in bar and tavern closing times. Mayor Blais noted that most of the restaurants and businesses in the Village of Lake George closed between 11:00 p.m. and 12:00 a.m. and he said that many of the employees of these businesses visited the local bars and taverns after finishing their work shifts. As well, he said, many visitors vacationing in Lake George expected to be up and able to be out very late at night during their stay. Mayor Blais noted that one of the most serious incidents experienced in the Village of Lake George involving an intoxicated person had occurred at 9:15 p.m.; he added that he did not feel there was any certain time when irresponsible behavior began and suggested a compromise of changing the bar and tavern closing time to 3:00 a.m., rather than 2:00 a.m. Mayor Blais stated that he did not believe the bars and taverns located in the Village of Lake George were causing the problems cited by Mayor Diamond and he asked the Board members to keep in mind the diversity of Warren County, which included resorts and many hotels which incorporated bars, allowing responsible patrons to return to their lodging facility for a few drinks before retiring to their rooms. He reported that the motel/hotel owners responding to his survey had unanimously indicated that they would be adversely affected by a change in the bar and tavern closing time. Mayor Blais concluded that while he was not opposed to the efforts Mayor Diamond was trying to implement for the City of Glens Falls, he asked the Board members to keep in mind that the change would be made on a County-wide basis and would negatively affect many businesses.

Rachel Seiber, Town of Queensbury resident and City of Glens Falls small business owner, advised that she had over 16 years of experience with the criminal justice system, most of which was within the arena of Victim's Services. She stated that crime rates mattered, and speaking as a person who liked to vacation, a mother and a dedicated community member, she considered crime rates before deciding where she and here family traveled and she said that most County residents hoped the area they lived, and vacationed in, was safe. Ms. Seiber said her family was deeply dedicated to law enforcement and she asked the Board members to consider that by leaving the bars and taverns open until 4:00 a.m., they were increasing the chance of victimizations such as sexual assaults, drunk driving, vandalism and many other types of crimes. She commented that while everyone agreed that they wanted the County's small businesses to succeed and she appreciated the examples provided by Mr. Bricocoli reflecting positive experiences occurring after 2:00 a.m., she said she felt they could still succeed with a 2:00 a.m. closing time, and in doing so reduce crime statistics. Additionally, Ms. Seiber stated that they could make Warren County an even better place by advertising and marketing from a tourism prospective that earlier closing times led to a safer community. She recalled Mr. Waimon's experiences with injuries and family deaths sustained as a result of drunk driving incidents and said she could provide countless additional examples of similar cases. Ms. Seiber noted that with the upcoming National Crime Victims Rights Week, the Board of Supervisors had a great opportunity to make a positive impact which would be beneficial to not only County residents, but also to those who visited Warren County to vacation, by changing the bar and tavern closing time to 2:00 a.m.

Sascha Mehalick, owner of Hot Shots Sports Bar (*located on South Street in the City of Glens Falls*), said he realized that his establishment had a "black eye" of sorts, and was often listed in the local newspaper in connection with negative incidents. He pointed out that one of the altercations Mayor Diamond had highlighted was the result of a personal issue that could have happened anywhere and was not alcohol related. Mr. Mehalick clarified that in the case of the incident where a woman was injured leaving the bar, two men had been fighting and the young lady was accidentally stricken. In

both cases, he stated, he felt the incidents could have been avoided if his staff was permitted to patrol the sidewalk and parking lot areas outside of his business. Mr. Mehalick advised that in the past, he had been informed by the GFPD Officers performing “quality-of-life” patrols that he and his staff were not allowed any authority outside of his establishment and could not monitor outside areas. He continued that recent conversations with GFPD Chief Valenza had indicated this was not the case, prompting him to introduce a presence outside of Hot Shots which, coupled with the increase in GFPD presence, had led to almost a complete decline in fights and altercations outside the establishment. Mr. Mehalick opined that the root of the issues faced was not the bar closing time, but rather the lack of accountability for patrons who started problems, and he suggested harsher penalties be instituted. He continued that punishing the bar owners for the actions of their patrons was not proper because the bar owners were unable to control them. Another possible solution, Mr. Mehalick commented, might be to cease the “buy one, get one” drink special nights; he added that the bars did not make a great profit on these specials which only encouraged patrons to drink more, but were forced to incorporate similar events to retain business. He stated his opinion that a change in the closing time would be considered discriminatory towards bars and taverns and would affect the income of both the bar owners and their staff. Mr. Mehalick noted that if the Board of Supervisors decided to move forward with Governor Diamond’s proposal he would request that they include a provision allowing the bar and tavern closing time to revert to 4:00 a.m. if crime statistics did not improve.

Ray Perry, Trustee for the Village of Lake George, noted that businesses in the Village counted on the income garnered in the approximately 100 day summer season to make their operations successful, and in order to achieve this goal, they really could not sustain a change in the bar closing time. Mr. Perry further noted that a change in closing time from 4:00 a.m. to 2:00 a.m. would cause an estimated revenue loss of \$20,000 per season for each establishment forced to implement the change. He commented that this seemed to be a “South Street” problem, rather than a County-wide issue, and he said he did not feel that all of the efforts had been exhausted to address the problems at the City of Glens Falls’ level.

Tim Beadnell, of the Ridin’-Hy Ranch Resort (*located in Warrensburg*), advised that Ridin’-Hy Ranch Resort was a family owned, year-round business that offered all inclusive meal, accommodation and entertainment packages and a cash bar with the intention being that once visitors arrived, they would not need to leave the resort until their vacation was over. He added that many visitors came to Ridin’-Hy to escape their typical routine and stayed out until later than normal to partake of the entertainment offered at the bar, which allowed them to drink responsibly and walk back to their rooms. Mr. Beadnell commented that visitors had a lot of options available when choosing their vacation destination and he opined that a change in the bar closing time might have a negative effect on the tourism industry for Warren County. He stated that he was opposed to the proposed change because he did not believe altering the bar and tavern closing time for all of Warren County truly targeted the problem areas and would only put Warren County businesses at a competitive disadvantage to other Counties with later closing times; Mr. Beadnell encouraged the Board of Supervisors to consider the impacts to the entire County when making a decision on this issue. He stated that because the problems seemed to be specific to the South Street area, the City of Glens Falls needed to explore more creative solutions to address the issues, rather than moving in a direction that would negatively affect Warren County businesses, and possibly the tourism industry. Mr. Beadnell reminded the Board members that the Saratoga County Board of Supervisors had considered this initiative but had decided not to implement it and he questioned whether they were really solving the problem, or just moving it to a neighboring county with later bar and tavern closing times.

Dragos Minciunescu, employee of the Fire & Ice Bar & Grill (*located in the Village of Lake George*),

commented that the majority of the business received at Fire & Ice occurred between the hours of 12:30 a.m. and 3:30 a.m. and he said he anticipated that if the bar closing time was changed many of the establishment's patrons would go elsewhere. Speaking as a young person himself, Mr. Minciunescu indicated that were he making a decision on evening plans, he would choose to go to an area with the latest closing hours. He stated that unless the bar closing time change was made for all surrounding counties, they would only be penalizing Warren County establishments. Mr. Minciunescu apprised that on many week nights, Fire & Ice closed at 2:00 a.m.; however, he added, most of their business was garnered on the weekends when they remained open until 4:00 a.m. He indicated that the change would affect both bar owners and their staff, all of whom would suffer a loss of income, and as a solution, he suggested working with Saratoga County to implement the change on a bi-County basis.

Doug Frost, owner of the Fire & Ice Bar & Grill, stated that this situation was difficult for everybody. He noted that no bar owner wanted to deal with the 1% of bar patrons that caused problems and he said he did not believe there was a legislative solution available to fix this problem. Mr. Frost pointed out that the bar or tavern itself was not necessarily the cause of the problem, but rather unruly patrons that attended them which they had no control over; as an example, he cited a recent arrest made at the prestigious local golf course, Saratoga National Golf Club. He apprised that the stores and restaurants located in the Village of Lake George closed late during the summer months and his, and other bar and tavern establishments, relied heavily upon the business of those employees leaving their positions at closing time to make money. Mr. Frost agreed with Mr. Minciunescu's previous statement that a change to an earlier closing time would equate to a loss of revenue for both bar owners and employees, adding that salesmen and delivery companies would also be affected by the loss of business. Mr. Frost commented that he did not feel any bar owners would take issue with the earlier closing hours, if they were imposed on a State-wide basis. He said that he did not like having to be awake and managing his establishment until 4:00 a.m., but it was necessary to remain competitive. With respect to the tourism industry, Mr. Frost pointed out that there were many other options available to prospective visitors and he felt that a change in the bar closing times would put Warren County at a severe disadvantage to other Counties with later closing times and these repercussions should be considered. He continued that, ultimately, it was the responsibility of the bar owners experiencing recurring incidents to resolve these issues and attempt to curb the negative behaviors. Mr. Frost stated that, with all due respect to the City of Glens Falls, he chose not to visit the establishments located on South Street because of the incidents that occurred there and he noted that the atmosphere in the Village of Lake George was completely different. He further stated that the City of Glens Falls needed to find a way to deal with these negative issues independently, without affecting the rest of the businesses in Warren County. Mr. Frost indicated that his, and other bar and tavern businesses, would experience a decrease of 15%-20% in gross revenues if the bar closing time was moved up to 2:00 a.m.; in consideration of these projected losses, Mr. Frost encouraged the Board of Supervisors to contemplate banding with the Saratoga County Board of Supervisors to enact bi-County legislation that would change the bar and tavern closing time in both Counties to a similar time so that Warren County would not suffer a loss of business and Saratoga County an increase in negative activity.

With all due respect to Mayor Diamond, Mr. Dickinson stated that the wants and needs of the City of Glens Falls were in direct conflict with those of the Village/Town of Lake George and the Town of Bolton. He noted that the Lake George and Bolton areas incorporated many resort businesses that depended upon the 4:00 a.m. closing time to make as much revenue as possible during the relatively short summer tourist season. Mr. Dickinson stated that many visitors and residents patronized Lake George bars and taverns late at night to socialize and have an enjoyable time, and he agreed that Mr. Frost's suggestion of attempting to enact bi-County legislation in concert with the Saratoga County Board of Supervisors was a good solution. In the meantime, however, he said he did not feel the bar

closing time should be changed from the current 4:00 a.m. as it would cause collateral damage to resort businesses.

Mr. Kenny stated that the problems were not limited to South Street bars and he noted statistics revealed at a prior Board Meeting indicating that Lake George was experiencing them as well; he added that many other areas of the County with bars and taverns were not included in these reports because the majority closed before the 4:00 a.m. mandatory closing time. Mr. Kenny further stated that the assaults and domestic disputes occurring between the hours of 3:00 a.m. and 5:00 a.m. were becoming more frequent and violent and it was time for Warren County to do something to curb such activities. He noted that only 21 counties in New York State had retained a 4:00 a.m. bar and tavern closing time, and that number was quickly decreasing. Mr. Kenny apprised that 11 counties had changed their mandatory closing time to 1:00 a.m., 22 to 2:00 a.m. and 3 to 3:00 a.m.; he pointed out that one of the counties with a 2:00 a.m. bar and tavern closing time was Niagara County, the highest ranked tourism county in New York State, outside of New York City. Mr. Kenny questioned whether Warren County was so alcohol dependent that it needed bars and taverns to remain open for 20 out of 24 hours each day and he opined that it was time to join the majority of the County and close bars and taverns at 2:00 a.m., still keeping bars and taverns open for 18 hours per day. He said that Essex County was considering changing their bar closing time and Hamilton County had already changed to a 2:00 a.m. closing time. Mr. Kenny implored his fellow members of the Board of Supervisors to make the right decision and vote to change the bar and tavern closing time for Warren County to 2:00 a.m. He stated that nothing good happened between the hours of 2:00 a.m. and 4:00 a.m. and the Board of Supervisors had the opportunity to create a safe zone on County roads and in communities between these hours. In closing, Mr. Kenny apprised that he had the opportunity to speak with about 100 people about this issue, 98% of which were in favor of changing the bar closing time to 2:00 a.m.

Mrs. Wood stated that she was not in favor of implementing an earlier bar and tavern closing time and said she believed the problems were being caused by patrons, rather than bar owners. She said it was her understanding that the County did not have authority to make a change in the bar and tavern closing time and could only submit a request to the State Liquor Authority to alter the time, but they had to do so with sufficient reasoning for the change; Mr. Auffredou responded this was a correct assertion. Mrs. Wood continued that many statistics were being discussed one of which seemed to indicate that DWI citations were decreasing in the City of Glens Falls. She noted that one figure which had not been revealed was the number of patrons entering bars versus the number of patrons causing the problems, which she felt would be a more valuable statistic. Additionally, Mrs. Wood commented that although the numbers previously presented by Mr. Kenny were very impressive, there was no clear indication that all of the incidents were alcohol related. She said that in the past she had exhibited a concern that changing the bar and tavern closing time would lead patrons to take their business to Saratoga County where the closing times were later, and given the amount of concern expressed at the current meeting, she believed this to be a reasonable assumption. Finally, Mrs. Wood stated that she was a member of the Legislative & Rules Committee where this matter had first been discussed and agreed that the Committee had been in favor of forwarding this issue to the full Board of Supervisors for discussion; however, she added, the Legislative & Rules Committee had referred the issue without recommendation and for discussion and public comment only, without a following vote. Mrs. Wood concluded that if there was going to be a vote on the issue, it should be referred back to the Committee level for further consideration, especially in light of the new information presented which they had not had proper time to contemplate.

Mr. Merlino commented that his opinion on the issue had changed since he entered the meeting and he agreed with Mrs. Wood's suggestion that the matter should be returned to the Legislative & Rules

Committee for further discussion before making a final decision. He said that he was initially in favor of changing the bar closing time, but as a small business owner himself, he had considered the comments of the bar owners and although it was a tough situation, he felt it warranted further discussion before a vote was taken on the issue.

Mr. Kenny disagreed with Mrs. Wood's feeling that the matter should be returned to the Committee level, noting that the Legislative & Rules Committee had decided to refer the issue to the full Board and it was at that level that a decision needed to be made. He commented that many times, the Board brought important issues right up to the decision making level, but failed to act on them. Mr. Kenny stated that he believed the Board of Supervisors should act on this important issue at the current meeting, and with that he made a motion to waive the Rules of the Board requiring that a resolution be presented in writing regarding the submission of a request to the New York State Liquor Authority to change the bar and tavern closing time for Warren County from 4:00 a.m. to 2:00 a.m. Mr. Montesi seconded Mr. Kenny's motion. Following a hands raised vote indicating a tally of 11 against the motion and 9 for, Mr. Kenny requested a roll call vote for the motion. A roll call vote was taken and the motion to waive the Rules of the Board was carried by a majority vote of 564 for and 436 against, with Supervisors Conover, Monroe, Frasier, Bentley, Vanselow, Dickinson, Merlino, Sokol, Thomas, Wood and Geraghty voting in opposition. Mrs. Sady announced that the Resolution waiving the Rules of the Board would be No. 262 of 2013.

Mr. Loeb commented that he represented the 4th Ward of the City of Glens Falls, where South Street was located and a lot of the questionable activity was occurring. He stated that South Street was a very vibrant and exciting location to visit and he advised that he and his fellow staff members at the Glens Falls Hospital typically held their annual work parties there. Mr. Loeb noted that at one time, Times Square in New York City had been a very seedy location, but Mayor Giuliani had cleaned it up and made it into the vibrant and profitable location it was today. He opined that if the argument were being made in the opposite, to change the closing time from 2:00 a.m. to 4:00 a.m., there would not be a lot of support. Therefore, Mr. Loeb stated, he did not feel there would be a decrease in the quality of life for residents by changing the bar closing time from 4:00 a.m. to 2:00 a.m. and he said he supported the proposal. Mr. Loeb concluded that he was proud to represent the area of Glens Falls which encompassed South Street and he stated that it was a safe area to visit during most parts of the day and night, although maybe not after 2:00 a.m.

Mr. Bentley stated his opinion that all of Warren County should not be penalized for the activity occurring on South Street and Mr. Dickinson agreed.

Mr. Merlino said a local bar owner in the Town of Lake Luzerne had apprised of a situation where a couple from out of town had visited the bar on two nights during their stay and the bar owner had driven back to their lodgings, which he found to be very responsible. He said he would prefer that the matter be returned to the Committee level for further discussion because maybe there was a way to work with bar and tavern owners to help them be more responsible and alleviate these problems.

Mr. Sokol said that good comments were being made both for and against the proposal but he pointed out that, similar to actions taken by the State in passing on unfunded mandates to the counties, it appeared the County was passing on another mandate to the bar and tavern owners in telling them when to closer their businesses. He apprised that he owned a restaurant, and although zoning laws required that he close before 4:00 a.m., he knew when the right times were to close and to stay open. Mr. Sokol stated that his family had owned an entertainment complex in the Village of Lake George and he was fully aware of the short business season afforded to Lake George businesses, which would be

greatly impeded by losing two business hours per day, and he noted that the sales tax revenues would be affected, as well. Closing his statement, Mr. Sokol said that when he had first run for election to the Warren County Board of Supervisors his platform had been to run the local government like a business, and he felt that was not what was happening in this case.

Mr. Dickinson stated that he was very disappointed and upset with the way this situation was being handled as it would cause a serious loss of revenues for businesses in the Village of Lake George and he said he sincerely hoped the vote to change the bar closing time would fail. He reminded the other Board members that business had not been good during the past five years and they were just starting to see that turn around; he added that he did not feel it was right to consider shortening the available business hours for bars and taverns by two hours per day just when business was starting to get better. Mr. Dickinson noted that both the Roaring Brook and the Ridin'-Hy Ranch Resorts had similar situations where their patrons were able to stay at the facility, visit the on site bar/taverns and then walk back to their rooms, and he said it was very unfair to make them close early because issues were occurring on South Street. Many of the visitors in attendance responded to Mr. Dickinson's statement with a round of applause.

Motion was made by Mr. Kenny and seconded by Mr. Montesi to introduce a resolution to submit a request to the New York State Liquor Authority to change the bar and tavern closing time in Warren County from 4:00 a.m. to 2:00 a.m. Mrs. Sady announced that this would be Resolution No. 263 and Mr. Kenny requested that a roll call vote be taken.

Linda Duffy, owner of Duffy's Tavern (*located in the Village of Lake George*), stated that she may have been one of the bar owners quoted in the local newspaper that Mayor Diamond had referred to as being unopposed to the change in bar closing time. She clarified that she had spoken with *The Post Star* reporter via telephone and said she believed the tone of her statement had been misconstrued. Ms. Duffy clarified that as a wife and mother, she was not very concerned about the change in closing time; however, she added, as a business owner, she felt the change would have a sizable impact on both her family's income and that of the staff working for her. Mrs. Duffy said it seemed clear that many members of the Board of Supervisors had not been fully aware that a vote on this issue would be held and in light of the fact that at least one Supervisor's opinion had been easily changed on the matter just within the past hour, she felt the issue deserved more consideration before it was acted upon in light of the impact it would have on so many people's income. She noted that many bar and tavern owners were very responsible, providing rides home for their patrons when necessary, and with reference to Mr. Mehalick's prior statements, she indicated that if he had been aware of his ability to patrol the outside of his establishment he likely would have been doing so, alleviating the problems occurring there. Mrs. Duffy concluded her statement with a respectful request that the Board of Supervisors take more time to consider the issue fully, before making a final decision.

Todd Trulli, owner of George Henry's Bar & Grill (*located in Warrensburg*), said he felt a lot of broad strokes were being made against bar and tavern owners and he felt as if they were being painted as purveyor's of drunks and crime. The most tired expression continuously repeated, he said, was that "nothing good happens between 2:00 a.m. and 4:00 a.m.", and he said he did not feel they were properly considering the opinions of those who had visited various bars and taverns between the hours of 2:00 a.m. and 4:00 a.m. and had a fabulous time. Mr. Trulli stated that he could not properly express why the change was not a good idea in the minimal amount of time allotted to him and for that reason he felt the Board deserved more time to discuss and consider the issue before making a decision. He said some very intelligent topics had been introduced and he noted that he did not believe any of the 98 people Mr. Kenny had referred to as being in favor of the earlier bar closing time had

spoken out on the issue while there were more than 15 bar and tavern owners stating their valid concerns. Mr. Trulli stated that his establishment was not typically open later than 2:00 a.m., but said that when he was, he offered rides home for his patrons. Additionally, he noted that he'd had one post 2:00 a.m. arrest at his establishment and that individual, incorrigible by nature and not turned this way by the drinks served to him, was now permanently barred from George Henry's. Mr. Trulli said he would like to see more responsibility placed on the bar and tavern owners before implementing an earlier bar closing time that would result in a decrease in income for both bar owners and their employees. He continued that he was also curious about the projected loss in sales tax revenues by introducing an earlier bar closing time as it was something that should at least be entertained before making the change. Mr. Trulli concluded that he would appreciate the chance to discuss and defend his opinion on the matter at a time when he was not feeling as if he were backed into a corner. Another round of applause was given by many of the visitors in attendance in response to Mr. Trulli's statements.

Mr. Vanselow apprised that most of the bars in the Town of North Creek were located in restaurants; he added that North Creek was generally a pretty quiet town and the bars closed prior to 2:00 a.m., but there were occasions when they remained open longer. Referring to Mr. Sokol's prior indication that the closing time for his restaurant was governed by zoning laws, he questioned whether there was a way to implement similar zoning regulations for the South Street area in an attempt to alleviate the problems occurring there without affecting the rest of the bars and taverns in Warren County. Mr. Auffredou responded that some municipalities may have created certain zoning areas requiring restaurants or retail establishments to close at a certain time irrespective of whether they served alcoholic beverages. The bottom line on this issue, he continued, was that the New York State Liquor Authority made the ultimate decision on what the bar and tavern closing time would be and he said he did not feel new zoning regulations were an acceptable answer to this issue. Mr. Vanselow questioned whether this idea had ever been explored as it seemed a sensible solution for those residents who wished for the bar closing times to be changed in their area and Mr. Auffredou replied that he did not believe this had been researched by Warren County and he said he assumed that existing establishments would be allowed to continue operations at their current level, regardless of whether new zoning laws were adopted.

Mr. Thomas noted that each establishment had to be licensed by the New York State Liquor Authority and their Liquor Licenses were renewed on a regular basis, at which time the Town Board's were notified of the impending renewal. He said this notice provided each municipality with the opportunity to encourage the State Liquor Authority to refrain from renewing the Liquor Licenses of those establishments where problems were consistently occurring. Mr. Thomas suggested that this might be the way for the City of Glens Falls to resolve their issues regarding establishments with recurring incidents. In response to Mr. Thomas' recommendation, Mr. Mehalick stated that it was not fair to hold the bar owners responsible for the actions of patrons which were outside of their control.

There being no further public comment on the proposed change of bar and tavern closing times, Chairman Geraghty closed the public information session at 12:11 p.m.

Mr. Conover stated that in his three and a half years serving as Supervisor of the Town of Bolton, he had come to realize that Mayor Blais was a very wise and experienced person. He said Mayor Blais' request to compromise with a 3:00 a.m. closing time seemed very reasonable and would potentially lessen issues experienced in the City of Glens Falls, while still allowing the Village/Town of Lake George and Town of Bolton to harness much of the business available to them during the summer season.

Mr. Conover said it was his hope that the matter could be referred back to the Committee level to consider and discuss the proposal in a calm manner; therefore, he said, he would propose to table proposed Resolution No. 263 and refer the matter back to the Legislative & Rules Committee for further discussion on Mayor Blais' suggested 3:00 a.m. bar and tavern closing time.

Speaking as Chairman of the Legislative & Rules Committee, Mr. Monroe apprised that when discussed at the Committee level, it had been very clear that there were different situations within Warren County, highlighting the importance of garnering public comment on the issue before making a decision and that was why the Committee had referred the matter to the Board of Supervisors, without recommendation, solely for discussion purposes. He continued that he did not feel the Committee had explored all of the options available to them and agreed that the proposed resolution should be tabled and the matter referred back to the Legislative & Rules Committee as it was a very important issue which would have a large impact on the regional economy.

Mr. Conover made a motion to table proposed Resolution No. 263 and refer the bar closing time issue back to the Legislative & Rules Committee for further discussion on the suggested compromise of a 3:00 a.m. bar and tavern closing time, and the motion was seconded by Mr. Monroe. Mr. Kenny called for a roll call vote and the motion to table was carried by a majority vote of 551 for and 449 against, with Supervisors Girard, McDevitt, Taylor, Kenny, Montesi, Mason and Westcott voting in opposition.

Mr. Sokol left the meeting at 12:15 p.m.

Resuming the agenda review, Chairman Geraghty provided his report on the past month's activities. He apprised that during the month of April, he had attended a reception dinner for the Saga City Government delegation and provided a welcoming statement for the Saga City representatives prior to their tour of the Municipal Center Building on the following day; he gave many thanks to Mrs. Sady and Kate Hogan, District Attorney, for all of the assistance they had provided to the Saga City program. Chairman Geraghty said that he had attended a meeting in the City of Glens Falls to hear a presentation on the Governor's Executive Budget, as well as the most recent meeting of the Intercounty Legislative Committee of the Adirondacks which was held in Lewis County and had included a tour of the Maple Ridge Wind Farm. Chairman Geraghty referenced the recent opening of an exhibit of rare manuscripts, maps and legal documents on display at the Chapman Historical Museum entitled "Parchments, Papers & Prints: 200 Years of History from the Warren County Archives" and he thanked Pam Vogel, County Clerk; Tom Lynch, Retired Warren County Records Manager and guest Curator for the exhibit; Tim Weidner, Director of the Chapman Museum; and the members of the Bicentennial Committee for their efforts in creating the exhibit. Concluding his report, Chairman Geraghty reminded the Board members that Monday, April 22 marked the start of National Crime Victims' Rights Week, in honor of which Warren and Washington Counties were jointly hosting a breakfast on April 22nd at the Queensbury Hotel.

Chairman Geraghty called for reports from Committee Chairman on the past months meetings or activities, and the following were made: Supervisor Thomas, sales tax revenue reports and Intercounty Legislative Committee of the Adirondacks; Supervisor Wood, Public Safety; Supervisor Conover, Finance; Supervisor Monroe, Real Property; Supervisor Girard, County Facilities; Supervisor Taylor, Support Services and Personnel; Supervisor Loeb, Social Services; Supervisor Dickinson, Invasive Species Sub-Committee; Supervisor Merlino, Tourism; and Supervisor Strainer, annual meeting with Court representatives.

Mr. Thomas announced that the sales tax revenue figures for the first quarter of 2013 were up by

\$812,000, which was an 8.35% increase and he said he hoped that trend would continue throughout the remainder of the year. He said that during the Intercounty Legislative Committee of the Adirondacks meeting held on the prior day it was mentioned that the recently passed New York State Budget included a 1% increase in funding for the Local Share of Medicaid costs in connection with the Federal Affordable Healthcare Act which was initially slated to take effect in 2014, but the State had decided to move the effective date up to April 1, 2013; he noted that the percentage was anticipated to increase significantly to 3% in 2014, which would assist Warren County greatly. Mr. Thomas made mention of a recent article in the *Adirondack Journal* announcing that Chairman Geraghty had been named Citizen of the Year by the Warrensburg Chamber of Commerce for his almost 40 years as a decision-maker for the Warrensburg Volunteer Fire Company, which conducted many charitable activities, as well as his dedication to score keeping at local and regional basketball games, and he congratulated Chairman Geraghty on this honor. A round of applause was given.

With regards to the March 25th Public Safety Committee meeting, Mrs. Wood reported that proposed Resolution Nos. 186 - 194 had been approved, most of which pertained to typical business matters including the appointment of members of the Emergency Medical Services and Fire Advisory Boards (*Resolution Nos. 193 and 194*). She noted that Amy Drexel, Deputy Director of the Office of Emergency Services, had achieved the necessary credentials to receive the designation of Associate Emergency Manager (AEM). Mrs. Wood added there were less than 2,000 AEM's in the United States, and only about 5,000 in the entire World, and she said this was a very important designation that would be helpful to the County in securing future grants. Concluding her report, Mrs. Wood congratulated Ms. Drexel on the achievement of her AEM designation.

Mr. Conover said the Finance Committee had met on April 10th, approving proposed Resolution Nos. 180, 181 and 233 - 244. He drew the Board's attention to proposed Resolution No. 239, *Establishing Line Item for the Prevention, Control and Rapid Response to Invasive Aquatic Species and Amending the Warren County Budget for 2013*, which he said was an important resolution intended to create a budgetary line from which to appropriate funds for invasive species control on a County-wide basis. Mr. Conover echoed Mr. Thomas' comments with respect to the increase in sales tax collection, noting that the County's budgetary status seemed to be improving, as well.

The Real Property Tax Services Committee had met on March 25th, Mr. Monroe advised, during which discussion had been held relative to the contract for auctioneer services for the annual County land auction. He noted that for a number of years the County had contracted with Auctions International for these services; however, he added, they had received a bid which included a substantially lower buyers premium from Brzostek's Real Estate Auction Co. Inc., and therefore had decided to contract with them for auctioneer services in connection with the 2013 County land auction. Mr. Monroe pointed out that this contract was represented by proposed Resolution No. 222, *Accepting Proposal and Authorizing Agreement with Brzostek's Real Estate Auction Co., Inc. for Professional Auctioneer/Broker to Conduct Land Auction*. He continued that during the aforementioned meeting they had also received a report that Temporary Incidents of Ownership actions had been taken for three properties, located in the Towns of Chester, Hague and Johnsbury in connection with contamination issues, and the County Attorney's Office was moving forward with a separate Article 11 Tax Foreclosure Proceeding for each parcel while the Superintendent of Public Works was gathering information on the properties pertaining to the contamination clean-up costs.

Chairman Geraghty noted there was a parcel located in the Town of Warrensburg for which an Article 11 Tax Foreclosure Proceeding was pending; he said that he had recently driven by the parcel and noted

some ongoing activity which he asked the County Treasurer's Office to investigate. Mike Swan, County Treasurer, advised that some scrap metal was being removed from the property.

Mr. Girard advised the County Facilities Committee had met on March 25th, approving proposed Resolution Nos. 217 - 221, which he proceeded to briefly outline. He noted that Dr. James Seeley, Executive Director of Cornell Cooperative Extension, was in attendance and he questioned whether the VITA (*Volunteer Income Tax Assistance*) program had been successful for 2013 and Dr. Seeley responded affirmatively.

Mr. Taylor began his report with a comment on the discussion held with respect to the proposed change in the bar and tavern closing time, stating that almost everyone who had spoken on the matter had done so in a respectful and civil manner, representing the way in which government was intended to work. With respect to the Support Services Committee meeting held on March 22nd, he advised proposed Resolution Nos. 196 - 200 had been approved and he proceeded to provide a brief outline of each. Mr. Taylor advised the Personnel Committee had met on April 10th, approving proposed Resolution Nos. 247 - 258, which he also provided a summary of.

Mr. Loeb stated that he, too, wished to comment on the discussion held relative to the bar and tavern closing time proposal. He said that the Warren County Board of Supervisors operated successfully based on the Committee process employed and he apprised that he maintained a clear recollection of the motion made by Mrs. Wood at the Legislative & Rules Committee meeting, which was to refer the issue, without recommendation, to the full Board of Supervisors for further discussion so that the Committee could garner additional information to further deliberate the matter. Mr. Loeb advised that while he supported the proposed change to a 2:00 a.m. bar and tavern closing time, he also supported the Committee structure and the deliberation process involved; therefore, he continued, he felt it was appropriate to return the issue to the Committee level where a determination on the matter would be made and presented at a future Board meeting. With respect to the Social Services Committee meeting held on March 22nd, Mr. Loeb reported that a passionate discussion had been held relative to operations at the Countryside Adult Home, following which proposed Resolution No. 185, *Resolution in Support of Countryside Adult Home and the Services it Provides to Warren County*, although not unanimously. Because there were some Committee members who were not in favor of the proposed resolution, Mr. Loeb said he would request a roll call vote be taken.

A meeting of the Invasive Species Sub-Committee was held on March 26th, Mr. Dickinson announced, during which presentations were made by Walt Lender, Executive Director of the Lake George Association, and Dave Wick, Executive Director of the Lake George Park Commission, with respect to the five invasive species already present in Lake George; he added that both presentations were very informative and were available online for anyone wishing to view them. With reference to proposed Resolution No. 239, *Establishing Line Item for the Prevention, Control and Rapid Response to Invasive Aquatic Species and Amending the Warren County Budget for 2013*, Mr. Dickinson noted that the resolution was only to create the line item in the County Budget and did not include provisions for any funding to the budget code. He thanked Mr. Montesi and the Queensbury Town Board who had approved a generous contribution to the invasive species effort at a very opportune time. With respect to the bar and tavern closing time issue, Mr. Dickinson stated that he agreed with Mr. Loeb's prior comments with respect to the need for a proper Committee process and he expressed his appreciation for Mr. Loeb's support of the tabling motion.

Mr. Merlino advised the Tourism Committee had met on March 28th, but had not approved any resolutions. He reported that the Committee had reviewed the Tourism Department's

accomplishments for 2012 and the Tourism marketing plan. Mr. Merlino said new brochures pertaining to area activities, as well as a new brochure outlining facilities with handicap accessibility were now available in the Tourism Office. He continued that the summer television campaign would begin on April 29th and extend through the month of August and he reported that requests for summer tourism related inquiries had increased from the 2012 figures; he added that the number of visitors to the satellite Tourism location at the Adirondack Outlet Mall was also steadily increasing. Concluding his report, Mr. Merlino advised of the upcoming New York By Rail Show which would be held at Penn Station in Manhattan, NY on May 16, 2013.

With respect to proposed Resolution No. 185, *Resolution in Support of Countryside Adult Home and the Services it Provides to Warren County*, Mr. Montesi said he was under the impression that the County suffered a loss of approximately \$500,000 per year in association with the operation of the Countryside Adult Home and that was why the suggestion of privatization was perpetually being introduced. With this point in mind, he questioned why the Board would consider adoption of a resolution in support of continued operation of the Facility. Mr. Loeb responded that there were a number of services provided by the County that did not provide for any source of payment other than from the taxpayer and he said the Countryside Adult Home provided a service to the elderly residents of Warren County who could no longer care for themselves, as the result of a concept dating back to the early 1900's. He added that this resolution would provide some peace of mind to the Countryside residents who became worried about the future of their home each time the privatization issue was raised. Mr. Vanselow recalled the discussion held at the Social Services Committee meeting had centered upon either closing or supporting Countryside Adult Home, with some of the Committee members and others present being in favor of delaying a vote on the issue until the prospective sale of the Westmount Health Facility was concluded to determine whether the potential buyer might be interested in the Countryside Adult Home, as well; Mrs. Frasier agreed that Mr. Vanselow's recollections were correct. Mr. Bentley noted that even if the Countryside Adult Home were closed, the County would continue to incur a sizeable deficit because they would have to provide housing for the current occupants at alternate facilities. Chairman Geraghty advised that he supported continued operations at the Countryside Adult Home and he noted that in the future they might try to implement measures to improve operations and make it more attractive for a potential sale. He said he felt more time was required before making a decision to privatize or close Countryside, especially in light of revisions being made at the State level through the New York State Department of Health, and he asked his fellow Board members to vote in support of proposed Resolution No. 185, as the facility did provide a valuable service for residents of Warren County. Mr. Westcott noted that the privatization of the Countryside Adult Home had not been considered in the 2013 Budget process and due to the budgetary situation of Warren County, he felt that every expense needed to be considered during the 2014 budget development process, including the Countryside Adult Home. Mr. Kenny stated that he had voted in favor of closing the Countryside Adult Home, essentially because it served 40 people, out of a total County population of 72,000, at a loss of \$560,000 annually, and that was why he would vote against proposed Resolution No. 185.

Because it seemed there were so many questions surrounding the future of the Countryside Adult Home, Mr. Montesi questioned why the Board should vote on the resolution at all, and he suggested that it might be better to remove it until the future of the facility was not so uncertain. Chairman Geraghty responded that the resolution had come forth at the request and desire of the Mr. Loeb, as Committee Chairman, and Mr. Loeb asserted this was correct. Mr. Loeb reiterated his prior statement that the Countryside residents were constantly worried and uncertain about the future of the facility, which had become their home, and he had requested that this resolution be presented in an effort to provide the residents with a sense of stability. He added the constant revisiting of this issue did not reflect well upon Warren County. Mr. Mason said that he had been present for the discussion on this

matter and it seemed the proposed resolution was a symbolic gesture to at least temporarily put aside consideration of closing the Countryside facility. He noted that the resolution did not indicate any definite time period for how long support of the facility's operation would be sustained and the decision could be reversed at any time. Mr. Mason indicated that he supported Mr. Westcott's statements that all County expenditures should be considered during the budget preparation, including those incurred in connection with the operation of the Countryside Adult Home.

Resuming the reports by Committee Chairman, Mr. Strainer advised that he had attended the annual meeting with the Courts which included Judge Krogmann, Judge Hall and Bonnie Nadig, Commissioner of Jurors. He reported the Court representatives had been very complimentary towards both Chairman Geraghty and Paul Dusek, County Administrator, and they had expressed appreciation of consideration of their continued need for additional space. With respect to the reporting provided by Commissioner Nadig, he advised that 4,500 questionnaires had been sent to prospective jurors in 2012, which was significantly more than the 2,900 sent in 2011, but significantly less than the 7,400 sent out in 2010. Mr. Strainer said Ms. Nadig's report indicated the demand for jurors in 2012 had increased due to several high profile cases, such as medical malpractice trials; he stated that Ms. Nadig's reports were available for anyone wishing to review them. He noted that no jurors were called to special term for non-compliance during 2012, although there were some who were served with a non-compliance proceeding by the Sheriff's Office, following which those jurors called Ms. Nadig's Office and agreed to serve. Mr. Strainer advised that Ms. Nadig had also visited many local schools to educate students on the juror registration process. In another Court related matter, Mr. Strainer advised he had addressed the prospect of the proposed Veterans' Court with Judge Krogmann and there seemed to be some interest in introducing a program of this nature; he added that Washington County was also considering a similar program and he said he hoped the Warren County Board of Supervisors would support the initiative when it came before them.

Continuing the agenda review, Chairman Geraghty called for the report by the County Administrator which was provided by JoAnn McKinstry, Assistant to the County Administrator, in Mr. Dusek's absence. Mrs. McKinstry reported on the prospective sale of the Westmount Health Facility, advising that she had reached out to the three responding bidders and explained that their discussions would continue in three to four weeks when Mr. Dusek returned from his medical leave.

Mr. Merlino left the meeting at 12:40 p.m.

With regard to the Public Hearing for proposed Local Law No. 5 of 2013, "*A Local Law Amending the Warren County Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)*", Mr. Auffredou recommended that the Public Hearing be left open as a pending matter, and refrain from taking action on the matter, in light of pending litigation challenging the authority of Counties to enact and enforce local laws requiring submission of occupancy tax revenues by re-marketer agencies. He added that while he was in favor of the Local Law, in his opinion, Warren County should be sure of its ability to enforce the Local Law, before enacting it, based on his conversations with Saratoga County officials. Mr. Conover said he supported Mr. Auffredou's recommendation and Mr. Kenny stated that although he had no objection to the delay, he felt this represented another situation where the Board of Supervisors brought an issue to the forefront, but failed to act upon it; he added that by delaying the issue, they would forego the collection of additional occupancy tax revenues for the 2013 summer tourism season.

Motion was made by Mr. Conover, seconded by Mr. Monroe and carried by majority vote to table proposed Resolution Nos. 259, with Supervisors Strainer and Loeb voting in opposition.

Moving on to the Report by the County Attorney, Mr. Auffredou pointed out that proposed Resolution No. 260, *Conducting Review Under the New York State Environmental Quality Review Act and Enacting Local Law No. 6 of 2013*, included SEQRA (State Environmental Quality Review Act) documentation, as well as a proposed Negative Declaration, both of which he had prepared. He said if adopted, the proposed resolution would accomplish the SEQRA process and would enact Local Law No. 6 of 2013; he added that his purpose in reporting the presence of the SEQRA and Negative Declaration documents was to provide the members of the Board with ample opportunity to ask any questions they might have on either document, prior to adopting the resolution presented.

There being no questions with regard to either the of the documents referenced by Mr. Auffredou, Chairman Geraghty called for the Reading of Communications, which Mrs. Sady read aloud, as follows:

Minutes from:

1. Annual Meeting of Warren County Jury Board
2. Warren/Washington Counties Industrial Development Agency and its Civic Development/Executive/Park and Governance Committees

Monthly Reports from:

1. Weights & Measures
2. Probation

Annual Report from:

1. Warren County Jury Board

NYS Dept. Of Civil Service, Fourth Quarter 2012 Empire Plan Experience Report

Capital District Regional Off-Track Betting, February and March 2013 surcharge in the amounts of \$6,330 and \$6,633 respectively

NYS Office of Parks, Recreation & Historic Preservation, Confirming listing of the Delaware & Hudson Passenger Station, 57 Beach Road, Lake George on the NYS Register of Historic Places and its nomination to the National Register

Board of Hudson River-Black River Regulating, District, Consent agreement regarding apportionment of Hudson River area operation and maintenance costs

Lake George Park Commission, Letter of support for the amendments to Local Law No. 9 of 2011 in relation to prevention of the spread of aquatic invasive species

Chairman Geraghty then called for the reading of resolutions. Mrs. Sady announced that proposed Resolution Nos. 181 - 256 were mailed, and she noted that proposed Resolution No. 247 was amended after mailing; she advised that a motion was necessary to approve proposed Resolution No. 247, as amended. Motion was made by Mr. Conover, seconded by Mr. Taylor and carried unanimously to approve the amendments to proposed Resolution No. 247.

Mrs. Sady apprised that the resolutions relating to the filling of vacant positions were proposed Resolution Nos. 248 - 252 and 258, and she said that unless a roll call vote was requested, all would be approved in the collective vote. She noted that a motion was necessary to bring proposed Resolution Nos. 180 and 257 - 261 to the floor. Motion was made by Mr. Conover, seconded by Mr. Taylor and

carried unanimously to bring proposed Resolution Nos. 180 and 257-261 to the floor.

Chairman Geraghty called for discussion on resolutions or requests for roll call votes. Mrs. Wood requested a roll call vote for proposed Resolution No. 239, *Establishing Line Item for the Prevention, Control and Rapid Response to Invasive Aquatic Species and Amending the Warren County Budget for 2013*.

Mr. Monroe noted that proposed Resolution No. 247, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2013*, included provisions to abolish the position of Personnel Generalist within the Personnel/Civil Service Office, as well as several other position amendments for different departments. He said that he did not agree with the abolishment of the Personnel Generalist position, but did not want to vote against the other position related changes listed, and he questioned whether there was a way to remove the abolishment of the Generalist position from Resolution 247 so that it could be voted on separately. Mr. Auffredou advised that, if they were so inclined, the Board could decide to amend proposed Resolution No. 247 to remove the item pertaining to the abolishment of the Personnel Generalist position, and introduce two new resolutions which would waive the Rules of the Board requiring a resolution be presented in writing, and provide a separate resolution Amending the Table of Organization which would list the Generalist position being proposed for abolishment.

Motion was made by Mr. Monroe, seconded by Mr. Girard and carried unanimously to amend proposed Resolution No. 247 to remove the line pertaining to the abolishment of the Personnel Generalist position.

Motion was made by Mr. Monroe, seconded by Mr. Girard and carried unanimously to waive the Rules of the Board requiring a resolution be presented in writing relative to amending the Table of Organization and Warren County Salary and Compensation Plan for 2013 to abolish the position of Personnel Generalist in the Personnel/Civil Service Office. Mrs. Sady advised this would be Resolution No. 264.

Motion was made by Mr. Monroe, seconded by Mr. Girard and carried unanimously to introduce a separate resolution amending the Table of Organization and Warren County Salary and Compensation Plan for 2013 to abolish the position of Personnel Generalist within the Personnel/Civil Service Office. Mrs. Sady advised this would be Resolution No. 265, and would be subject to a mandatory roll call vote, as were all resolutions proposing to amend the Table of Organization and Warren County Salary and Compensation Plan.

With respect to Mr. Bentley's earlier inquiry regarding whether the salary for the Self-Insurance Administrator was set by local law and should be listed in Local Law No. 7 of 2013, Mr. Auffredou advised that both his own Office staff, as well as Mrs. Sady's, had researched prior resolutions of this nature and had not found any where the Self-Insurance Administrator had been listed. He commented that if it was later determined that the position should have been included, an amendment to Local Law No. 7 of 2013 would be presented.

Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 180 - 265 were approved, with the exception of Resolution Nos. 259 and 263, which were tabled. The following Proclamations were also submitted: Law Day in Warren County; National Crime Victims' Rights Week; Child Abuse Prevention Month in Warren County; and Donate Life Month.

When Chairman Geraghty called for announcements, Mr. Monroe apprised of the upcoming Adirondack Park Local Government Day Conference which was scheduled to be held in Lake Placid, NY on April 24th and 25th, and he encouraged everyone to attend. Mr. Mason announced that the Glens Falls Brewfest would be held on May 4th from 4:00 p.m. - 8:00 p.m. at the Queensbury Hotel located in the City of Glens Falls, with all proceeds to benefit the Adirondack Theatre Festival and the Feeder Canal Alliance.

Concluding the agenda review, Chairman Geraghty extended privilege of the floor to any members of the audience wishing to address the Board of Supervisors.

Michael McCabe, Town of Queensbury resident, presented a petition signed by 1,041 individuals in favor of the scheduling of an evening meeting to discuss expenditures related to operation of the Warren County Airport; *the aforementioned petition was submitted to Mrs. Sady and is on file with the Clerk of the Board's Office.* He stated that the group was not against the operation of the Airport, but rather to ensure the associated expenditures were being managed in a reasonable and responsible manner. Chairman Geraghty responded that the Board would take the request for a night meeting under advisement and would request that Mr. Girard, who chaired the County Facilities Committee, consider the request. He requested that Mr. McCabe forward any specific requests for information not already presented to or discussed by the County Facilities Committee to him so that they could be forwarded to Mr. Girard in order to prepare an orderly meeting which accomplished the desires of the group. Mr. McCabe suggested that the meeting be scheduled for 7:00 p.m. and limited to an hour with twenty minutes slated for Supervisor discussion and the rest for public comment and question. Additionally, he recommended that a fact sheet be available for presentation prior to the meeting and that FAA (Federal Aviation Administration) representatives be requested to attend. Mr. McCabe stated that prior to the requested night meeting, he would prepare and forward a list of specific questions and concerns that the group desired to be addressed.

Mr. Kenny pointed out that the resolution packet include a Proclamation naming the month of April, 2013 to be Donate Life Month in Warren County. He apprised that 18 years ago, he had undergone a lifesaving liver transplant and he gave thanks every day for that opportunity. Mr. Kenny said that 18 people died every day waiting for organ transplants, and he noted that while 90% of Americans were aware of transplant opportunities, only 30% signed up. He continued that organ donation was not for everyone and each person needed to investigate the process on their own. In closing, Mr. Kenny quoted a popular bumper sticker slogan stating "Don't take your organs to Heaven, Heaven knows we need them here".

Mr. Vanselow mentioned that the first weekend in May the annual Hudson River White Water Derby would be held in the Town of North Creek, coupled with the Adirondack Adventure Festival. He added that limited camping would be allowed at the North Creek Ski Bowl during this event.

There being no further business to come before the Board of Supervisors, on motion made by Mr. Bentley and seconded by Mr. Dickinson, Chairman Geraghty adjourned the meeting at 1:06 p.m.