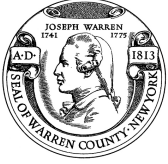
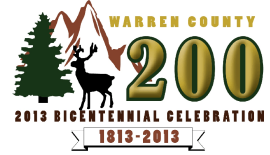


# Warren County Board of Supervisors



**BOARD MEETING  
FRIDAY, JUNE 21, 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 Conover.

Roll called, the following members present:

Supervisors Conover, Girard, McDevitt, Taylor, Loeb, Kenny, Frasier, Bentley, Vanselow, Dickinson, Merlino, Montesi, Mason, Strainer, Westcott, Sokol, Thomas, Wood and Geraghty - 19. Supervisor Monroe, absent - 1.

Motion was made by Mrs. Wood, seconded by Mr. Montesi and carried unanimously, to approve the minutes of the May 17, 2013 Board Meeting and June 12<sup>th</sup> Special Board Meeting, subject to correction by the Clerk of the Board.

Commencing with the agenda review, Chairman Geraghty extended privilege of the floor to Dan Durkee, Senior Health Educator, for the presentation of certificates to the winners of the 2013 Tar Wars Tobacco Free Education Program and Poster Contest for students in grades 4 and 5 in the participating schools of Warren County. Mr. Durkee made a power point presentation which displayed the winning posters and outlined the program objectives; *a copy of the power point presentation is on file with the minutes.* Chairman Geraghty presented each winner with a certificate commending their efforts, following which a round of applause was given.

The agenda review continued with the report by the Chairman of the Board. Chairman Geraghty advised he had attended many meetings, as outlined in the Chairman's Report dated June 21, 2013, a copy of which is on file with the minutes. With respect to the Special Board Meeting held on June 12<sup>th</sup> at the Old Courthouse in the Village of Lake George, Chairman Geraghty said the meeting went very well and he thanked his fellow members of the Board of Supervisors for attending. Additionally, he relayed special thanks to Pam Vogel, County Clerk; Ann McCann, County Historian; Joan Sady, Clerk of the Board, and everyone else who had assisted in planning the event.

Chairman Geraghty introduced Stan Cianfarano, President of the Warren County Historical Society, and Martha Strodel, Trustee of the Warren County Historical Society, who were in attendance to speak about the Rural Heritage Festival & Youth Fair that would be held in the Town of Warrensburg on August 10<sup>th</sup>.

Ms. Strodel advised she served as the Chair of the Rural Heritage portion of the Festival and had worked closely in conjunction with Cornell Cooperative Extension (CCE) to incorporate the Youth Fair aspect. She noted that posters advertising the Rural Heritage Festival & Youth Fair had been produced, copies of which were distributed to the Board members by Mr. Cianfarano; Ms. Strodel asked that each Supervisor take the posters back to their respective Town/City and post them at their Community

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Centers, Post Offices and other places where they might be viewed by the public. Ms. Strodel thanked Chairman Geraghty and the rest of the Board of Supervisors for their support of the 2012 Festival, in its inaugural year, and their vision for the potential success of the event; she noted that although they had not requested occupancy tax funding, the Town of Warrensburg had provided some, helping to make the first year of the Festival a successful one. Ms. Strodel advised that while they needed to develop a better procedure for tracking attendance, they could tell from the number of tickets collected for the door prizes awarded that over 600 people had attended the 2012 Festival. She said that approximately 1/3 of the attendees had come from outside the area, which was impressive for the first year of the event. Ms. Strodel continued that the majority of the attendees were from the Warrensburg, Lake George and Chestertown areas, followed by Glens Falls, Hudson Falls and Washington County. She commented that in its first year, the Festival had been a great success and had received a lot of good press.

Ms. Strodel advised that the Rural Heritage Festival & Youth Fair was not meant to be a replacement for the old Warren County Fair, but rather to celebrate and focus on area traditions of work and play through hands-on demonstrations. She said the Warren County Historical Society and CCE shared many of the same values and it was wonderful to see what the youth of Warren County had learned and how they could work together to make the event inter-generational. Ms. Strodel commented that while they were happy to have tourists and visitors present, the Festival was planned as a celebration and exploration of traditions for Warren County residents and that was one of the main reasons they had distributed the posters and asked that they be hung at Town/City offices or facilities where residents might see them. She noted that Delbert Chambers, of the Warren County Historical Society, had introduced a croquet challenge for the 2012 Festival, which was won by Mr. Merlino, and she advised a second challenge was planned for the 2013 Festival, beginning a new tradition. Mr. Merlino commented that many of the other participating Supervisors had not played as aggressively as he had, allowing him to win the challenge. He said the 2012 event had been a lot of fun and he anticipated that, weather permitting, the 2013 Festival would be, as well; Mr. Merlino encouraged his fellow Supervisors to participate in the 2013 Croquet Challenge.

Continuing with his report, Chairman Geraghty announced that as a token of appreciation to the Town of Lake George and their personnel who had assisted with the June 12<sup>th</sup> Special Board Meeting, he would like to present Mr. Dickinson, Supervisor of the Town of Lake George, with a Warren County Flag to be flown at the Rotary Corner in the Town of Lake George. He noted that Town officials and staff had gone above and beyond, along with the County Bicentennial Team, to ensure the meeting was a success. Chairman Geraghty presented the flag to Supervisor Dickinson and a round of applause was given.

Concluding his report, Chairman Geraghty announced Bud York, Warren County Sheriff, had requested to address the Committee with respect to a recent event. Sheriff York stated that it was important for the Board of Supervisors and the public to be aware of police action taken during the prior week which had involved officers from the Warren County Sheriff's Office (WCSO) and the City of Glens Falls Police Department (GFPD). He apprised there had been a fire at the Bull Pen bar in downtown Glens Falls where 911 calls had been placed by people residing in the apartments above the bar that were trapped inside. Sheriff York advised the first responder to the call was GFPD Patrol Officer Richard Grimaldi, who without thought for his own safety, entered the smoke filled building and found the woman who had placed the distress call. He continued that GFPD Sergeant Anthony Lydon and WCSO Patrol Officer Terry Combs had arrived shortly after Officer Grimaldi and had also entered the building to help carry the woman out. Sheriff York said that after rescuing the woman, she had advised there was another person trapped in the building and both Officers and the Sergeant had immediately returned to find that person and bring him out; he added that they were on the verge of returning to the building to search for a third person, who turned out not to be in the building at all, when they were ordered out

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by responding firefighters. Sheriff York concluded that through their heroic actions, these men had saved two lives. He stated that although official award ceremonies would be held in the future to recognize these outstanding efforts, he felt it pertinent to apprise the Board of the incident. A round of applause was given.

Continuing the agenda review, Chairman Geraghty called for reports by Committee Chairman on the past months meetings or activities and the following were given: Supervisor Conover, Finance; Supervisor Girard, County Facilities; Supervisor McDevitt, Mental Health; Supervisor Taylor, Personnel; Supervisor Loeb, Social Services; Supervisor Bentley, Public Works; Supervisor Dickinson, Invasive Species Sub-Committee; Mr. Merlino, Tourism; Mr. Strainer, Human Services; Mr. Sokol, Health Services; and Mrs. Wood, Public Safety.

Mr. Conover advised the Finance Committee had met on June 13<sup>th</sup>, approving proposed Resolution Nos. 345 - 349, all of which pertained to typical County business. He noted that as per the Treasurer's report, sales tax revenues were up a little over 4% for the month of May and the County's cash flow position continued to improve.

Mr. Girard advised the County Facilities Committee had met twice since the last Board Meeting, once at the Airport in order to familiarize new Committee members with the facility. He continued that during their second meeting, the primary focus of discussion had been with regard to securing easements in connection with the Runway 30 approach and the need to amend a prior resolution to increase the amount of the offers to be made for easements as one of the property owners preferred for the County to purchase the necessary property, rather than grant an easement (*this action is represented by proposed Resolution No. 339*). Additionally, Mr. Girard stated, the Committee had discussed the impending deadline to decide whether the County wished to renew its current contract with Schermerhorn Aviation II, Inc. d/b/a Rich Air for FBO (*Fixed Base Operator*) services at the Airport. He explained that the current contract, for a five year term, was set to expire on December 31, 2013 and language in that contract required both Warren County and Rich Air to indicate in writing no later than June 30<sup>th</sup> whether they desired to renew the contract for an additional five-year term. Mr. Girard advised that in their deliberations, the Committee had questioned whether they were able to make changes to the FBO contract before committing to renewal and Martin Auffredou, County Attorney, had advised that if changes were made, a new RFP (*request for proposal*) process would be required. In order to further consider the matter, he said that Supervisor Loeb had suggested an eight month extension of the FBO agreement, through August 31, 2014, and the Committee had subsequently voted to approve this suggestion, as represented by proposed Resolution No. 340 of 2013.

Mr. Girard apprised that he had notified Rich Schermerhorn, of Rich Air, about the proposed extension and Mr. Schermerhorn had responded that he was not in favor of the request for a litany of business minded reasons. Mr. Girard commented that Mr. Schermerhorn had every right to refuse the extension and request that the Board vote either for or against the contract extension, as per the language included in the original contract. He noted that in assuming the FBO role, Rich Air had made many improvements to the Airport terminal building and had constructed new t-hangar buildings. The point of the language included for the five-year extension, Mr. Girard advised, was to allow the County to discontinue the contract and search for another FBO if performance based issues arose; however, he noted, it seemed that Rich Air had fulfilled all aspects of the contract and in some cases, exceeded them.

In fairness, Mr. Girard said that he agreed the County should abide by the language included in the original contract and make their decision prior to the agreed upon June 30<sup>th</sup> deadline. He acknowledged that, as Chairman of the County Facilities Committee, he should have addressed this issue sooner to allow the Committee proper time to address the issue at hand, but said that due to the

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many other issues being discussed concerning the Airport, this one had been overlooked. Mr. Girard advised there were three main issues that had caused concern with the contract renewal, those being collection of revenue for the older County-owned t-hangars, as well as for a County-owned building being used for repair work, and an increase in the amount received by the County for fuel sales; he added that contract changes for any of these items would require an RFP process. Following independent research, Mr. Girard said he had discovered the amount paid to the County for fuel sales was fair, the t-hangars they hoped to receive more revenue for were in horrible condition and Rich Air was not using the County-owned building proposed as a repair site, preferring to use his own building as the costs associated with climate control were lower. Due to the minimal response to the last RFP for FBO services, Mr. Girard stated that it would not be worthwhile to release another RFP and he said he would prefer to extend the contract with Rich Air for another five years, allowing them to continue their proposed expansion projects which included additional office space and a new restaurant. Mr. Girard concluded that he would suggest proposed Resolution No. 340 be withdrawn and a new resolution introduced to authorize an extension of the FBO contract with Schermerhorn Aviation II, Inc. d/b/a Rich Air for an additional five-year period commencing January 1, 2014.

Mr. Auffredou clarified that the FBO contract with Rich Air would expire on December 31, 2013 unless the Board provided written confirmation that they wished to extend the contract for an additional five-year term under the same terms and conditions, prior to the June 30, 2013 deadline included in the current contract. He counseled that the Board would not meet again before the aforementioned deadline and therefore, the Board would need to act upon the matter in some fashion at the current meeting. Mr. Auffredou advised that Mr. Girard was correct in his prior assessment that the five year extension clause was included in the contract to provide the County the opportunity to end the agreement if performance based issues were identified.

Paul Dusek, County Administrator, advised that the initial FBO contract had been negotiated during his previous tenure as County Attorney, making him heavily involved in the process. Mr. Dusek recalled that the RFP process for the FBO contract had generated three responses, those being from the former FBO, Empire East Aviation; the FBO of the Saratoga County Airport, North American Flight Services; and Rich Air. He noted that the discussions relating to which company to select for the FBO contract became quite controversial and after narrowing the selection down to either Empire East Aviation or Rich Air, the Board of Supervisors had held public hearings with each bidder before ultimately choosing to contract with Rich Air. He pointed out that as a result of discussion during the deliberation process, Rich Air had actually substantially improved over their original proposal in several areas, among which included raising the annual base rent from \$6,600 to \$30,000; raising the guaranteed minimum payment from \$56,115 to \$70,000; and raising the per gallon revenue for fuel sales from 5.5 cents to 7.5 cents. *These and the rest of the additional concessions are outlined in Resolution No. 785 of 2008, Approving Fixed Base Operator Lease Agreement with Schermerhorn Aviation II, Inc. for the Floyd Bennett Memorial Airport, Warren County, New York - Airport.*

Mr. Dusek recalled that when the contract was initially contemplated they had determined that a ten-year term would be preferable because it would take quite a while for a new business to take over operations and generate sufficient revenues to recoup their initial investment. He said a review of financial and loss statements from 2009 to present had shown a \$398,000 loss in 2009, a \$237,000 loss in 2010, a \$109,000 loss in 2011 and a \$27,000 profit in 2012, a trend that showed the business was improving. Mr. Dusek cautioned that he was not naive enough to assume business improvement based solely on the figures represented in the loss statements and he assured the Board members that he had made an in depth review of the financial statements to examine the income, expenses and the actual financial reports. Mr. Dusek apprised that in the loss statements one could see the management fees paid, for instance in the 2012 report, a \$78,000 management fee to Mr. Schermerhorn and \$54,000 payment to a Schermerhorn-owned hangar; however, he continued, the Schermerhorn-owned hangar

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was freely available for rental use by the FBO, Rich Air, which allowed them to collect \$24,000 in rental revenues. Mr. Dusek stated that when he looked at all of these items and considered the over \$1 million investment made by Rich Air to begin the FBO contract, he had determined Mr. Schermerhorn could have chosen to take more revenue from the business, rather than reinvest them into it. He said it had been said many times that Mr. Schermerhorn liked serving as an FBO and it was more of a passion or hobby for him and the County had benefitted from this interest. For those Board members who had begun their terms after renovations at the Airport Terminal Building were made, Mr. Dusek apprised that the Building had been a 1950's type structure that actually had a hot water tank on display in the now very executive-looking Conference Room. He commented that Mr. Schermerhorn had taken the liberty of making many aesthetic improvements to the Building, including construction of the Executive Lounge.

With respect to comments that the County should attempt to re-negotiate the FBO contract and try to obtain more revenues, Mr. Dusek commented that Rich Air had served as FBO during an economic recession which was only just receding and he questioned whether another firm would be able to offer anything better if an RFP were released. He noted that the purpose of the five-year contract term with a five-year renewal was to allow the ten-year contract with the opportunity for the County or the FBO to sever the contract if either party desired to do so. Mr. Dusek stated that he felt it was more logical to renew the current contract with Rich Air for an additional five-year period, putting the County in a better position to re-bid the contract at the close of that term.

Mr. Dusek said that Mr. Girard had been very gracious to accept the blame for the late discussion on this issue, but admitted he should also bear some of the blame for not ensuring that the matter came to the Committee's attention in a timely manner. He apologized for the lack of notification and said he had been very busy with other County business, both before and after his recent medical leave of absence. Mr. Dusek stated that he felt encumbered to review all of the documentation and analyze the financial documents carefully to make these assurances to the Board Members in light of the lack of information available. Mr. Dusek concluded that the many issues surrounding the Airport concerning the budget, runway extension and other matters were confusing the situation and making decisions more difficult; therefore, he said, he had tried to separate the issues and present the facts as he saw them for the consideration of the Board Members in making their decision.

Mr. Loeb commented that the purpose of the request for an eight month contract extension had been to allow the Committee time to seek more information with hopes that they would be able to massage the contract into a form that would achieve increased revenues from the FBO for the County; however, he added, it had been determined this would not be possible as their only options were to either renew the contract or release an RFP. He continued that he did not believe anyone was unhappy with the FBO operations, but there was a call for more information by the County Facilities Committee members who were considering a number of issues at once, one of which was a call for the Airport to be closed down completely. After hearing Mr. Dusek's report, Mr. Loeb advised that he was more comfortable with the situation and in favor of renewing the existing FBO contract. Mr. Taylor said he also agreed the FBO contract should be renewed, noting that he was very happy with the work Rich Air had done, as well as the additional improvements they had made at the Airport.

Mr. Mason commented that while he appreciated all of the information they were now receiving, and he had no issue with Rich Air's performance as FBO under the current contract, he did not feel sufficient time had been provided to consider the implications of the renewal. He said he needed more information, and time to review that information, before he would feel comfortable voting on the matter. Mr. Mason opined it was critical that they begin discussing an improved marketing plan for the Airport and he did not see how that discussion could be held if the contract was already renewed. Mr.

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Mason clarified that he was not suggesting that the FBO do more, but rather introduce a collaborative effort to expand marketing for the facility. Respective to indications that the County should be able to attain more funding for use of the County-owned t-hangar buildings, Mr. Mason said this was the first time he had heard that there was a plan to replace them. Mr. Girard responded that the current buildings had outlived their useful existence and there were hazards associated with them leading Jeff Tennyson, Superintendent of Public Works, and Ross Dubarry, Airport Manager, to report that they should be slated for demolition in the near future. He said that he did not foresee the County putting money into the structures to repair them, especially when Mr. Schermerhorn was building new ones. Mr. Girard stated that they were trying to improve the Airport facility and they were on the right track with Rich Air, who was continually making improvements, building new t-hangars and was now developing plans for new office space and a new restaurant. Mr. Mason stated that he still needed more information about the future of the buildings before he could vote on the matter; he reiterated that he had not identified any issues with the FBO performance but would have to vote against a motion to renew the contract based on a lack of pertinent information.

Mr. Strainer asked if the County would be responsible for the costs associated with demolition of the old t-hangars and Mr. Tennyson replied affirmatively. Mr. Tennyson advised that there were certain grant opportunities that could be used to assist with the demolition costs; however, it was a difficult situation because the t-hangars were revenue generating. He said that, most likely, they would bond the costs of the demolition and replacement, using the subsequent t-hangar rental revenues received from Rich Air to repay the bond. Mr. Strainer noted that a 30-day extension of the response deadline would provide the Board Members with additional time to review new information before voting on the contract renewal.

With reference to Mr. Mason's concerns about marketing of the Airport, Mr. Taylor stated that he did not believe the current FBO contract included such provisions. Mr. Auffredou responded there was a small clause in the contract indicating that Rich Air was responsible for promoting those activities for which they were responsible at the Airport and he confirmed that it said nothing about marketing the Airport facility as a whole. Mr. Taylor commented that he felt marketing was a County responsibility which had not been addressed. He opined that the Warren County Economic Development Corporation (EDC) should be addressing this need and he suggested introducing the idea when the new EDC President was chosen. Additionally, Mr. Taylor stated that the removal or reconstruction of County-owned t-hangars was not included in the FBO contract either and concluded that he did not see either issue as being a good reason to refrain from renewing the FBO contract for an additional five-year term.

Both Mr. Bentley and Mr. Kenny stated that they had made the mistake of voting against the FBO contract with Rich Air five years ago, but said they were ready to vote in favor of the renewal now.

Mr. Schermerhorn commented that the County-owned t-hangars would continue to be leased and he noted that one of the new t-hangars being constructed was already fully rented. He said he did not think the old t-hangar should be of great concern to the County as he had promised \$70,000 in revenue per year, whether the t-hangar was rented or not. Mr. Schermerhorn explained that the older and newer t-hangars provided different pricing points, meaning that it was less expensive to rent an older unit than one of the newer ones and therefore, he said he had no doubt the County-owned t-hangars would remain fully rented. With respect to reconstruction of the old t-hangar buildings, Mr. Schermerhorn stated that he had no incentive for rebuilding the hangars because, if extended, his contract would only be for another five years, but he noted that he would be interested in a land lease for the area where the older structures were located. Mr. Schermerhorn stated that regardless of the contract language, he would be open to discussion on suggestions for other means to raise additional income because he wanted everyone to be comfortable with the FBO operations. Regarding the discussion respective to

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an extension of the response deadline, he stated that due to his business situation, which included employment of several employees, he preferred not to extend the June 30<sup>th</sup> deadline and would rather the Board made a decision today as to whether they would continue the contract.

Mr. Schermerhorn confirmed Mr. Dusek's prior comment that his company had made a substantial investment in the Airport upon assuming the FBO position, and continued to do so. He apprised that construction of the two new t-hangars alone cost approximately \$375,000 and he commented that although there were probably other things he could do with the profits he made at the Airport, he chose to reinvest a considerable amount into the Airport because he felt the facility was a huge asset to the community. Mr. Schermerhorn stated that his company had begun their FBO operations at a time when the economy was at its peak and they had maintained operations over the past five years during a recessive period. He said he continued to invest in the Airport and planned to construct additional office space and a new restaurant and he was open to any other suggestions anyone might have. Mr. Schermerhorn confirmed that he wanted to continue operations for a long time and planned to participate in the next RFP process, whether it occurred now or in another five years. He said he would continue his efforts to improve the infrastructure at the Airport and bring in more base pilots, all of which would lead to increased revenues. Mr. Schermerhorn concluded that he hoped Mr. Mason, and anyone else with doubts about the contract renewal, would be comfortable voting in favor of extending the FBO contract, but said he understood if they were not.

Speaking as a business person, himself, Mr. Dickinson observed that the County had a willing, open and responsible party with a great operational track record in place and eager to renew the existing contract; he said it seemed a great waste of time to continue discussion on the matter when the issues raised were not performance based. He opined that they had put Mr. Schermerhorn in an awkward position and acted somewhat disrespectfully toward him; therefore, he proposed that they put the matter to a vote and approve the five-year contract extension and work out any issues during the renewal term.

Mr. Westcott commented that the matter had first been addressed two weeks ago at the last County Facilities Committee meeting where the Committee had voted in favor of a resolution which would extend the contract for eight months to gather more information, but he said they had now learned that the proposed extension was unacceptable to Rich Air. Mr. Westcott indicated that he had contacted the County Facilities Committee members via email to question the reasons behind the decision to request the extension, as well as to inquire about the questions surrounding the contract renewal; however, he said, because he had not received any response, he and some of his supporters had researched the matter on their own. Mr. Westcott apprised that he had a few days to track down and review pertinent information, following which he had forwarded another email to the County Facilities Committee members. He stated that this situation had no reflection upon the FBO and was caused solely by a lack of information. Mr. Westcott noted that the only information he had received with regard to the matter was proposed Resolution No. 340, authorizing an eight month extension of the FBO contract, which he had assumed was acceptable and he commented that it would have been nice to know that it was not prior to the meeting. Mr. Westcott said that he did not feel the requests made by Supervisors Mason and Strainer requesting a bit of additional time to consider the matter before voting were unreasonable and he also commented that he liked Mr. Schermerhorn and felt they saw eye to eye on many Airport issues. In this case, he said he would likely abstain from the vote as he did not feel comfortable voting on the contract because he did not understand all of the issues raised, nor did he want to vote against the contract and be perceived as voting against the current FBO.

Mr. McDevitt said he was comfortable with extending the contract for an additional five years and noted that they were working with a quality local developer who had proven himself in the FBO operations.

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He added that the issues faced were small ones that he anticipated could be worked out over the next five years. Mr. McDevitt commented that the County's credit rating had improved and he felt this was due, in part, to improvements at the Airport and he said he believed that ultimately, Warren County would benefit from an offshoot of the computer chip manufacturing plant located in Malta, NY, with the rationale for placing jobs in Warren County relating to the availability and modern structure of the Airport. He stated that he believed they should renew the current FBO contract with Rich Air to keep up the good work they were doing.

Mr. Strainer announced that he had never received the email Mr. Westcott claimed he had sent, otherwise he would have responded and provided the information requested. He noted that he did not sit on the County Facilities Committee, but had attended the meeting and was aware of the questions raised regarding the contract renewal matter.

There being no further discussion on the FBO contract issue, Chairman Geraghty called for the reports by Committee Chairmen on the past months meetings or activities to resume.

Mr. McDevitt reported that as Chairman of the Mental Health Committee he had been busy during the past week through his involvements with the Community Services Board which had heard budget presentations from several different organizations, including those from Liberty House, 820 River Street, The Council for Prevention and CWI. He commented that all of these organizations employed highly motivated people to assist some of the most vulnerable people in the society, but had not been able to provide staff salary increases since 2009. Mr. McDevitt said he hoped moving forward the Board of Supervisors would be sensitive to the fact that these employees had not received salary increases for several years.

Referring to the Personnel Committee meeting held on June 13<sup>th</sup>, Mr. Taylor apprised several resolutions had been approved, including proposed Resolution Nos. 351-353, all of which pertained to the filling of vacant positions. He also pointed out proposed Resolution Nos. 354, *Authorizing Warren County Attorney to Appoint an Arbitrator for the Police Benevolent Association Labor Negotiations and to Agree Upon the Fees Charged for the Arbitration Services*; 355, *Authorizing and Adopting Policy Concerning Department Head Vacation Benefit*; and 356, *Adopting the Americans with Disabilities Act ("ADA") Section 504 Compliance*, all of which were approved by the Personnel Committee at the same meeting.

Mr. Loeb advised the Social Services Committee had met on May 24<sup>th</sup> with the highlight of the meeting being a presentation by Christian Hanchett, Adoption and Foster Care Supervisor, regarding the successful transition of foster care services from Berkshire Farms back to in-house management within the Department of Social Services which was estimated to achieve a savings of \$550,000 to \$1 million. He said he intended to ask Suzanne Wheeler, Commissioner of the Department of Social Services, to empower her staff to review the programs managed and determine whether there are other areas where savings could be achieved. Mr. Loeb requested a roll call vote for proposed Resolution No. 345, *Resolution Declaring "Mayday for Mandate Relief" and Urging the State to Adopt Laws that do not Impose Further Fiscal Stress on Local Governments and Taxpayers and Build upon Recent Efforts to Reform Costly Unfunded Mandates*. He pointed out that the proposed resolution listed the Medicaid, Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention programs and pensions as being the "root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services". Mr. Loeb questioned which necessary services were being prevented at the expense of child welfare and preventive services and he stated his opinion that this was an inappropriate resolution. Chairman Geraghty responded that he believed the point of the resolution



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was to indicate the expenses for these nine mandates were being levied at the County level when they should be addressed at the State level; with respect to the Early Intervention program, he commented that the County was not allowed any input on the program, as most determinations were made by school districts, but the County was expected to provide funding. Mr. Westcott agreed that NYSAC's (*New York State Association of Counties*) purpose in identifying these nine mandates was part of a lobbying effort with the State to try and achieve reductions in the number of mandates to Counties. Chairman Geraghty advised he did not believe reductions in programming were being requested, but rather for the programs to be funded at the State level, rather than at the County level. Mr. Loeb submitted that whether the programs were funded by the County or the State, the taxpayer would ultimately be responsible for the expense. Mr. Bentley noted that because of the mandates listed, other programs were suffering, such as those which addressed the County's highway infrastructure; Mr. Loeb responded that while he appreciated this point, the resolution seemed to indicate that the only options were to either raise taxes or reduce programs for children.

Reporting on their May 30<sup>th</sup> meeting, Mr. Bentley advised the Public Works Committee had approved four resolutions addressing typical County business, as reflected by proposed Resolution Nos. 341 - 344 which were included in the agenda packet.

Mr. Dickinson noted that the Invasive Species Sub-Committee had not met but he advised he had attended a number of other meetings regarding aquatic invasive species, including two public hearings on the Environmental Impact Statement for the Lake George Park Commission's (*LGPC*) Aquatic Invasive Species Prevention Plan. He said he hoped the LGPC would be able to move forward in implementing the Plan, but noted they had encountered a technicality issue that might turn out to be a serious one. Mr. Dickinson thanked the County, and Mrs. Sady specifically, for the flag Chairman Geraghty had presented, stating that the Town of Lake George had been happy to host the June 12<sup>th</sup> Special Board Meeting as they were very proud of the Old Courthouse and their heritage and history. He apologized for not being able to attend the meeting, but said he had heard from everyone he talked to about it that it had been a wonderful event which was well organized and very entertaining. Mr. Dickinson thanked everyone who had assisted with the Meeting, giving special thanks to the Town of Lake George employees, and specifically, Jim Martino, who served as the head of the Buildings & Grounds Division for the Town of Lake George. Concluding his report, Mr. Dickinson apprised a meeting of the Intercounty Legislative Committee of the Adirondacks had been held on the prior day, hosted by Hamilton County at The Woods Inn in Inlet, NY; he noted that The Woods Inn boasted a beautiful old waterfront building with a commanding view of Fourth Lake. Mr. Dickinson apprised that following the meeting he had the opportunity to speak with the presenters featured at the meeting, members of an engineering group involved with a sewer project in Inlet, and their conversations had quickly turned to the Beach Road Reconstruction Project and the porous pavement technology used. He said the project had gained a lot of notoriety around the State, raising a lot of interest amongst this particular engineering group. Mr. Dickinson stated that he and the representatives had exchanged contact information and he expected to speak with them again in the future.

Mr. Merlino advised the Tourism Committee had met on May 30<sup>th</sup> and approved proposed Resolution No. 333, *Authorizing Agreement with Benchmark Printing, Inc. for the Printing of the 2013 Warren County Fall Brochure for the Tourism Department*. With regard to the damage caused to the Bike Path attributed to snowmobile use, Mr. Merlino advised he had visited the site along with other members of the South Warren Snowmobile Club and determined that the damages were caused by the groomer and not the snowmobiles. He said he was working with Mr. Tennyson to develop plans to resurface the 1.2 miles of the bike path damaged and would like to close the Bike Path for two days during the following week to complete the work prior to the July 4<sup>th</sup> holiday. Mr. Merlino commented that if continued use of the Bike Path as a connecting trail to the Washington County snowmobile trail system

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was permitted, they would no longer use the grooming unit that had caused the damages in that area. He noted that although the same grooming equipment was used for all sections of the Bike Path authorized for snowmobile use, only one area had sustained damage because a different type of blacktopping surface was used. Mr. Merlino stated that the South Warren Snowmobile Club had committed to repairing the Bike Path, making it better than it was before they had used it, and would return to the Board later in the year to request continued use as a snowmobile route.

Mr. Merlino recalled that in prior years he had raised discussion about moving the Tourism Office to another, more visible, location outside of the Municipal Center. He noted that he had previously identified a preferable spot to place the Office; however, when it was announced that the County was interested in the space, the price had almost doubled. Mr. Merlino advised that the price of one of the properties they had been considering to house the Tourism Office had recently decreased by a substantial amount, leading him to revisit the issue. He said he had spoken with Mr. Tennyson and Frank Morehouse, Superintendent of Buildings & Grounds, with regard to the property and hoped to schedule an appointment to tour the building and determine whether it would suit the Department's needs. Mr. Merlino cited that other counties, such as neighboring Saratoga County, were likely in the running for selection by Governor Cuomo as an area where casino gambling would be authorized, which would detract some of the tourism from Lake George; therefore, he continued, Warren County needed to strengthen its efforts to attract tourism and make their Tourism Office more visible and available to visitors. He advised that he had broached this subject at the last Finance Committee meeting and had received no opposition and he said that assuming there were no other Board Members opposed, he planned to continue his efforts and return to a future meeting with a report on alternate locations and a funding plan.

Finally, Mr. Merlino reminded the Board Members that in the past they had experienced issues with funding the senior mealsites, but had pulled together to develop a plan with phenomenal results. He apprised that during the month of May at the Lake Luzerne Senior Center, alone, 549 people had participated in the fitness and social programs, 651 meals had been served and 385 meals-on-wheels had been delivered in Lake Luzerne and Stony Creek; he added that for the same time period during the prior year only 143 meals-on-wheels had been delivered. Mr. Merlino commended this was proof that the Board Members were able to achieve a positive outcome by working together to solve the problem, rather than shutting down the program altogether as some thought they should have.

Mr. Dickinson questioned the cost to the County for the paving work on the Bike Path and Mr. Merlino responded that the South Warren Snowmobile Club would fund all of the repair costs.

Mr. McDevitt said that while he appreciated and applauded Mr. Merlino's passion for the snowmobiling community, he felt such use of the Bike Path was completely inappropriate and he commented that the County had broken a bond with many adjoining property owners by allowing motorized vehicles in an area where they had promised there would be none. Mr. Merlino responded that the Bike Path incurred a considerable maintenance cost to the County, but did not necessarily return a revenue as bicyclists did not pay any type of registration fee and did not typically purchase gas or patronize local lodging facilities or restaurants to the level that visiting snowmobilers did. He continued that if the connection to the Washington County snowmobile trail system was removed, it could prove devastating in the form of a significant loss of income for Warren County. Mr. Merlino advised that he understood the points being made and admitted the damages caused to the Bike Path were resultant from grooming the Path for snowmobile use, but reiterated that they planned to fix the damages and ensure that they would not reoccur. Chairman Geraghty assured Messrs. McDevitt and Merlino that dialogue on this issue would continue later in the year.

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Mr. Strainer advised the Human Services Committee had met on May 23<sup>rd</sup>, during which they had approved proposed Resolution Nos. 334-337. He noted that during this meeting they had also learned that additional monies would be received for the Employment & Training Administration operations, which was a good thing. Mr. Strainer appraised that he and Mr. Montesi had gone to the West Glens Falls Fire Company on the prior day to greet the members of the Hudson Valley Volunteer Firemen's Association (HVVFA) who had come to the area for their 124<sup>th</sup> Annual HVVFA Convention. He noted that the 2013 event was dedicated to two long-time volunteer firefighters from this area, Past Chief Robert Havens, who had been a member of the West Glens Falls Fire Company for more than 50 years, and Bob Westcott, who had been a member of the West Glens Fire Company and then the Queensbury Central Fire Company for a combined total of more than 50 years, as well. Mr. Strainer commented that the dedication was a great honor. He apprised that a Mardi Gras themed parade would be held that evening and the formal dress parade on the following day and he encouraged everyone to attend. He apprised that Mrs. Sady's son, Chris Kilmartin, member of the West Glens Falls Fire Company, had organized the HVVFA Convention; he said this was a huge undertaking and he commended Mr. Kilmartin, and the West Glens Falls Fire Company, for all of their hard work and dedication in planning the event. Mr. Montesi noted that the West Glens Falls Fire Company would be hosting the 2014 HVVFA Convention, as well.

Mr. Westcott commented that proposed Resolution No. 345, *Resolution Declaring "Mayday for Mandate Relief" and Urging the State to Adopt Laws that do not Impose Further Fiscal Stress on Local Governments and Taxpayers and Build upon Recent Efforts to Reform Costly Unfunded Mandates*, was the result of efforts made during the prior year and he asked his fellow Board Members to consider voting in favor of the resolution to show support for NYSAC in their efforts to find savings for the various counties of New York State. He then requested a roll call vote for proposed Resolution No. 339, *Amending Resolution No. 726 of 2012; Authorizing the Chairman of the Board of Supervisors to Execute a Letter Making a Formal Offer to Charon Trust; Queensbury 400 Properties, Inc.; and George L. Sicard and Charles O. Sicard, Owners for Purchase by Warren County for Fee Title/Avigation Easement Acquisition for the Approach to Runway 30 at the Floyd Bennett Memorial Airport*, stating that he needed more information on the matter before he could vote in favor of the resolution.

Mr. Sokol said that the Health Services Committee had not met during the past month, but noted that an out-of-Committee request had been approved, resulting in proposed Resolution No. 365, *Amending Resolution No. 1 of 2013; Adopting the Rules of the Board Regarding Filling Vacant Positions at Westmount Health Facility*, which he asked his fellow Supervisors to support. He reported that negotiations regarding the sale of the Westmount Health Facility were proceeding very smoothly and said that both he and Mr. Dusek were excited about a prospective deal and felt there were good things to come; he added that more information would be provided as it became available.

Mrs. Wood announced that the Public Safety Committee had met twice during the past month, addressing typical business matters. With respect to the Intercounty Legislative Committee of the Adirondacks meeting held on the prior day, she noted that the Adirondack Park Agency (APA) was holding their land use hearings on new State lands, which would be held in Rochester, Albany and finally in Warren County in the Board of Supervisors Room on July 2<sup>nd</sup>. She encouraged anyone who could do so to attend and comment. With respect to proposed Resolution No. 364, *Authorizing Chairman of the Warren County Board of Supervisors to File Certificate Designating the Secretary of State as the Agent for Services of Notice of Claim and Designating the Warren County Attorney as the Officer of Warren County for the Transmittal of Notices of Claim Served upon the Secretary of State*, Mrs. Wood advised most counties were facing this requirement through an amendment to the General Municipal Law.

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Mrs. Wood thanked Mrs. Sady and the rest of the Bicentennial Committee for the work they had done in planning the June 12<sup>th</sup> Special Board Meeting, stating that she appreciated their efforts. Finally, Mrs. Wood noted that she had been on Beach Road during a recent rain storm and noted that the porous pavement surface was noticeably drier than other areas with no pooling of water. She complimented Mr. Tennyson and his staff for the work they had done in connection with the Beach Road Reconstruction Project, noting that it seemed to have been successful.

In Supervisor Monroe's absence, Chairman Geraghty noted that Mr. Monroe would be forwarding talking points to each Board Member in preparation for the upcoming APA land use public hearings. He noted it was important that the Board support their neighboring counties to the north, where the new State lands were located, as visitors traveled through Warren County to reach those areas. Additionally, Chairman Geraghty advised the Adirondack Park Local Government Review Board would be holding a meeting on Wednesday, June 26<sup>th</sup> which would take place on a train ride from the Old Forge Station to the Big Moose Station and he said that Mr. Monroe had invited all members of the Board of Supervisors to attend. He explained that there had been some debate as to whether the rail line they would be traveling should be closed or remain open.

Proceeding with the agenda review, Chairman Geraghty called for the Report by the County Administrator, following which, Mr. Dusek advised he had nothing to report. Chairman Geraghty then called for the report by the County Attorney and Mr. Auffredou advised that although he had nothing to report, he would note that an executive session would be necessary at the close of the meeting to discuss a number of items.

Chairman Geraghty called for the reading of communications, which Mrs. Sady read aloud, as follows:

**Minutes from:**

1. Warren/Washington Counties I.D.A and its Executive/Park and Governance Committees;
2. Annual Meeting of Supreme Court Library Board of Trustees.

**Monthly Reports from:**

1. Weights & Measures;
2. Probation.

**Annual Report from:**

1. Counties of Warren and Washington Industrial Development Agency.

Capital District Regional Off-Track Betting Corporation, March 31 and April 30, 2013 Financial Reports, as well as April and May 2013 surcharge in the amount of \$7,542 and \$8,590., respectively;

N.Y.S. Office of Parks, Recreation and Historic Preservation, notification of listing of the Delaware & Hudson Passenger Station in Lake George on the National Register of Historic Places;

Fulton County Board of Supervisors, Resolution No. 188, Urging Governor Cuomo and State Legislators to Exempt Firearm Permit Records from Foil Disclosure.

Continuing, Chairman Geraghty called for the reading of resolutions. Mrs. Sady advised proposed Resolution Nos. 330 - 362 were mailed; she advised proposed Resolution Nos. 351 - 353 pertained to the filling of vacant positions and noted that unless a roll call vote was requested, all would be

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approved in the collective vote. Mrs. Sady stated that a motion was necessary to bring proposed Resolution Nos. 329 and 363 - 365 to the floor. Motion was made by Mr. Thomas, seconded by Mr. Conover and carried unanimously to bring Resolution Nos. 329 and 363 - 365 to the floor.

Chairman Geraghty called for discussion on resolutions or requests for roll call votes.

Recalling prior discussions, Mr. Merlino noted that action was necessary to address the Airport FBO issue, following which motion was made by Mr. Girard, seconded by Mr. Merlino and carried unanimously to withdraw proposed Resolution No. 340 of 2013.

Motion was made by Mr. Girard, seconded by Mr. Conover and carried unanimously to waive the Rules of the Board requiring that a resolution be presented in writing; Mrs. Sady noted this would be Resolution No. 366.

Motion was made by Mr. Girard, seconded by Mr. Conover and carried by majority vote to introduce a resolution to approve a five-year extension of the current Airport FBO contract with Rich Air under the same terms and conditions, with Supervisors Mason, Strainer and Westcott voting in opposition. Mrs. Sady advised this would be Resolution No. 367.

With respect to Mr. Westcott's prior request for a roll call vote for Resolution No. 339, Mr. Girard assured Chairman Geraghty that this information had been discussed by the County Facilities Committee before approving the resolution, but said Mr. Westcott had not been involved in those discussions because he had not attended the meeting. Mr. Westcott responded that he had read the meeting minutes and forwarded his questions on the matter to his fellow Committee members, but had not received a response.

As there was no further discussion, Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 329 - 367 were approved as presented, with the exception of Resolution No. 340, which was withdrawn. A Certificate of Appointment naming a new member of the Saratoga-Warren-Washington Counties Workforce Investment Board was submitted.

Resuming the agenda review, Chairman Geraghty called for announcements.

Mr. Dickinson related information presented in a recent article in *The Post Star* touting Lake George High School as having the highest graduation rate, with Bolton and Johnsbury High Schools following close behind.

Mr. Kenny announced that on Monday, June 24<sup>th</sup> at 6:00 p.m. he and City of Glens Falls Councilman Ben Driscoll would be hosting a town hall type meeting at the Big Cross Street School regarding proposed development in a section of the City of Glens Falls.

Chairman Geraghty apprised that the Town of Warrensburg would be hosting a Bicentennial Parade on July 4<sup>th</sup> and he invited everyone to attend.

Mr. Vanselow noted the Town of Johnsbury planned to hold their Bicentennial celebration on July 6<sup>th</sup> with a parade at 11:00 a.m., followed by a day of fun and exciting events.

Concluding the agenda review, Chairman Geraghty offered privilege of the floor to any members of the public wishing to address the Board.

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Brian Straub, Town of Queensbury resident, apprised that four years ago when he was looking for a place to base his airplane he had inquired with several local pilots, many of whom had left the Warren County Airport and still had not returned, that recommended he go elsewhere. He said he had ultimately chosen to base his plane in Warren County and felt that Rich Air was doing a good job in the FBO position. Mr. Straub commented that although some mistakes had been made, he felt the operation would get better, especially if the economy continued to improve and he stated that in his opinion, renewing the FBO contract with Rich Air was the right thing to do. Mr. Straub cited that according to a New York State Department of Transportation (*NYS DOT*) study, the Warren County Airport contributed about \$8.5 million per year to the community for an \$800,000 investment for operation costs, which did not seem like much in comparison. Likewise, the runway extension project was estimated to cost approximately \$8 million, about \$7 million of which would be spent in Warren County, causing a combined direct and indirect impact estimated at \$11 million in Warren County for a Local Share of a few hundred thousand dollars, which was a very small contribution. Mr. Straub encouraged the Board Members to support the runway extension project, as well, based on the aforementioned merits.

Mr. Straub stated that the current FBO was still not generating the same level of revenue the prior FBO had been in 2008 because the Airport was severely underutilized by both local pilots and as an event facility. He continued that extending the runway by an additional 1,000' would upgrade the FAA (*Federal Aviation Administration*) classification of the Airport to a Regional Large Airport, which was critical for the future of transportation. Additionally, Mr. Straub advised the Airport was also undermarketed, primarily because no group had been made responsible for the task, nor for putting together a plan for the future of the Airport. He commented that marketing efforts should not be a job for the Board of Supervisors, but rather for a Steering Committee comprised of pilots, business people and representatives of the EDC. Mr. Straub apprised that many airport facilities incorporated the services of several different FBO's to address different jobs and he suggested that this might be a consideration for the Warren County Airport, as well. He stated that in order to improve operations and generate more revenue, they needed to develop a larger vision for the future of the facility. Mr. Straub pointed out there was very little that could be cut at the Airport in terms of funding and operations before the ability to attract grant funding would be affected. He estimated over the last ten years the Airport had attained \$9-\$10 million in grant funding for projects that would have otherwise required 100% funding at the County level; therefore, he stated, they should be very careful about budget reductions at the Airport. In closing, Mr. Straub encouraged the Board of Supervisors to keep up their good work and develop a more active program for marketing, planning and expansion at the Airport, as well as to continue working with Rich Air.

Mr. Westcott thanked Mr. Straub for his comments and said he agreed with them. He referenced a 2002 report called the McFarland Johnson Business Plan that projected if certain things were done, revenues at the Warren County would increase to \$350,000 by 2006, but unfortunately, he said, none of those suggested measures were taken. Mr. Westcott stated that he also believed it was time to develop and implement a plan for increased revenues at the Airport and said he looked forward to working with Mr. Straub in the future.

Mr. Auffredou noted that before concluding the meeting, an executive session was necessary to discuss the employment history of a particular employee; pending litigation; and collective bargaining negotiations.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to declare an executive session pursuant to Section 105(d), (e) and (f) of the Public Officer's Law.

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Executive session was held from 12:06 p.m. to 12:52 p.m.

Upon reconvening, Chairman Geraghty announced that no action had been taken during the executive session.

Motion was made by Mr. Dickinson, seconded by Mr. Conover and carried unanimously to authorize the County Attorney to retain a medical expert for testimony in the case of Russo v. Warren County with the associated fees to be paid from County Attorney Budget Code A.1420 444, Legal/Transcript Fees. Mrs. Sady advised this would be Resolution No. 368.

There being no further business to come before the Board of Supervisors, on motion made by Mrs. Frasier and seconded by Mr. Dickinson, Chairman Geraghty adjourned the meeting at 12:53 p.m.

