

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, MAY 16, 2014**



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 Merlino.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Kenny, Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Sokol, Beaty, Westcott, Thomas, Wood and Geraghty - 19. Supervisor Brock, Absent - 1.

Motion was made by Mr. Simpson, seconded by Mr. Dickinson and carried unanimously to approve the minutes of the March 21, 2014 Board Meeting, subject to correction by the Clerk of the Board.

Mr. Brock entered the meeting at 10:03 a.m.

Commencing the agenda review, Chairman Geraghty extended privilege of the floor to Terrence O'Neill, ProAct, Inc. Discount Card Program Manager, who was in attendance to speak on the ProAct program. Mr. O'Neill stated that the ProAct Discount Card Program had started in New York State in 2005 and since that time had expanded across the country. He explained the program was designed to assist those without prescription or comprehensive coverage, encouraging use by anyone who was paying full cash price for medications as they could save 10%-80%. Mr. O'Neill stated that since the commencement of the program in 2005, New York residents had collectively filled over 4.5 million prescriptions using the discount card, accounting for a savings of over \$170 million. He said this was a significant statistic for ProAct because it represented funds retained by residents taking advantage of the program; he added that ProAct saw this program as an opportunity for residents to ensure that they would get the best available price for their medications, whether or not they had insurance coverage.

Mr. O'Neill then reviewed statistical information distributed to the Board Members relating to usage experience specific to Warren County residents since the program implementation date of June 1, 2009; *a copy of this information is on file with the items distributed at the Board Meeting.* He advised that ProAct was very happy with the way in which the Discount Card Program was performing in Warren County, noting that residents had filled over 32,000 prescriptions and attained an average savings of 39% which equated to approximately \$39.03 per prescription, achieving a total cumulative savings of more than \$1.2 million. Mr. O'Neill commented that these savings represented monies retained by residents, allowing them to fund other necessities. He said that even though the economy was getting better, they encouraged residents to keep the discount card on hand to further increase their savings.

Mr. O'Neill apprised that ProAct's goal for 2014 was to increase awareness of the discount program and ultimately, to increase utilization. He pointed out that the information provided anticipated a slight decrease in discount card use in 2014, as compared to 2013, and he said that this decrease could be caused by many factors, but the one they hoped for was that as the economy regenerated, residents were gaining access to positions which provided insurance benefits with prescription coverage. Mr.

O'Neill continued that because the program was almost five years old in Warren County, new residents may have moved to the area that might not be aware of the Discount Program; therefore, he stated, ProAct would be visiting all of the pharmacies in Warren County over the next two months to supply them with discount cards and information to make sure the pharmacies were aware of the program and able to answer questions that residents might have. He added that they would also be reaching out to local organizations, such as food pantries, community centers and shelters in order to saturate the County with program information and discount cards and these were most typically the types of facilities that individuals who would receive the greatest benefit from the program would visit. In closing, Mr. O'Neill thanked the Board of Supervisors for their past efforts and support of the Program, and asked for their continued support. He said that they encouraged promotion of the Discount Program by elected officials in areas where they saw a need and he advised that anyone with questions, concerns, or ideas on how best to reach out to residents and promote the program should contact him directly using the information he had provided.

Mr. Monroe questioned how to obtain a supply of discount cards for distribution to residents and Mr. O'Neill said ProAct would provide additional cards, but noted that cards had originally been mailed to every Warren County resident. Chairman Geraghty advised a supply was also available in the Clerk of the Board's Office.

Moving on, Chairman Geraghty declared the Public Hearing on proposed Local Law No. 3 for 2014 entitled "Warren County Ethics and Disclosure Law" open at 10:08 a.m. and he requested that Joan Sady, Clerk of the Board, read the Notice of Public Hearing aloud, which she proceeded to do.

Martin Auffredou, County Attorney, noted that earlier in the week he had been approached by Supervisors Strough and Taylor, both of whom had raised questions about proposed Local Law No. 3 of 2014. He said he and Supervisor Strough had discussed Article 11 of the proposed local law, regarding the composition of the Board of Ethics. He then reminded the Board Members that since their last meeting he had suggested some changes to this section of the Law which he felt were necessary to be in compliance with Section 808 of the General Municipal Law, namely to make sure that the proposal indicated that at least one member of the Board of Ethics shall be an elected or appointed officer or employee of the County, or of a municipality located within Warren County. Mr. Auffredou commented that these proposed revisions, as well as a memo indicating that this issue had been brought to his attention by John Salvador, Town of Queensbury resident, as a result of his dealings with the Town of Queensbury, had been forwarded to the members of the Board of Supervisors last week. He apprised that Supervisor Strough had contacted him to indicate that the Town of Queensbury had done something a bit different in their Code of Ethics document, and he felt that the Board of Supervisors should consider this option. Mr. Auffredou said Supervisor Strough had provided him with a copy of an opinion from the New York State Attorney General which stated that although Section 808 of the General Municipal Law indicated that the composition of the Board of Ethics must include at least one elected or appointed officer/employee, the County could exercise its Municipal Home Rule powers to avoid this requirement and return to the original composition of the proposed local law. He stated that while this was a valid option, if the Board of Supervisors decided to move in this direction and exercise the Home Rule option, the meeting minutes should reflect that a conscious decision was made to do so. Mr. Auffredou stated he was not asking the Board to make such a decision at the current meeting, and instead, recommended that the current Public Hearing be left open, and proposed Local Law No. 3 of 2014 referred back to the Personnel Committee for further discussion and revision. He concluded that most likely, new advertising or publication of the local law proposal would be made before the Board addressed it again at a future meeting.

Privilege of the floor was extended to Mr. Salvador, who thanked Chairman Geraghty for the privilege of appearing at the meeting. He said that before he read his prepared comments for the Public Hearing,

he would like to comment on his presentation to the Queensbury Town Board. Mr. Salvador stated that the Queensbury Town Board had taken exception to the General Municipal Law, which he felt was wrong, having relied on an Attorney General's unofficial and informal opinion from 1986 which applied to cities only. He continued there was a chain of legislation dating back to 1934 which allowed cities that were essentially qualified under a special law to alter the composition of their municipal body; he added that this only involved the City of Schenectady, who applied for this allowance in 1934, and he noted that the Attorney General's opinion of 1986 was directed to the City of Mount Vernon, not to a town or county, relying on this chain of authorization dating back to 1934.

Mr. Salvador then proceeded to read aloud the following prepared statement:

"For your record, my name is John Salvador, I am a County resident living in the Town of Queensbury. I want to thank the Board of Supervisors for the opportunity to comment on proposed Local Law No. 3 of 2014. With respect to the procedures outlined in Resolution No. 213, and this Public Hearing on the Warren County Ethics and Disclosure Law, it is my understanding that as stated in Article 1 of this Law, it is being enacted pursuant to Section 808 of the State's General Municipal Law and Section 10 of the Municipal Home Rule Law. Section 10 of the Municipal Home Rule Law speaks to the general powers of local governments to adopt and amend local laws. It is important to recognize that those powers conferred on local governments, including this County, are restricted in Section 10, paragraph 1(D), to the extent that they not be inconsistent with the provisions of the State Constitution or any general law. This restriction can be easily or conveniently overlooked and, therefore, often times is. The General Municipal Law is one of those general laws; it applies to all units of local government, across the State. The General Municipal Law Section 808, paragraph 1, authorizes any county to establish a County Board of Ethics designed to render advisory opinions based on a written request limited to those being county officers or county employees. However, with the adoption of these rules of the Warren County Board of Ethics then, as outlined in Appendix A on page 31, any person in addition to County officers or County employees, including the County Board of Ethics, can on its own motion file an ethics complaint alleging a violation of Warren County Local Law No. 3 of 2014. The same Section 808 of the General Municipal Law, at paragraph 1, authorizes the County Board to appoint the members to serve on the County Board of Ethics; Section 808(1) of the same General Municipal Law is very specific as to the authorized makeup of the County Board of Ethics, stating: "*A County Board of Ethics shall consist of at least three (3) members, a majority of whom shall not be officers or employees of such County or municipalities wholly or partially located in such county, and at least one of whom shall be an elected or appointed officer or employer of the county or a municipality located within such county.*" My understanding is that the current inactive County Board of Ethics consists of three members, all of whom are either an elected or appointed official or employee of the County; ethics violation number one! In order that the makeup of the County Board of Ethics not be inconsistent with the requisites of the General Municipal Law, Section 808, paragraph 1, as it pertains to counties, and therefore in violation with the Municipal Home Rule Law, Section 10, Article 12 of this proposed Local Law No. 3 of 2014 outlining the jurisdiction, powers and duties of the County Board of Ethics should include a section titled "Makeup of the County Board of Ethics", with specific reference to Section 808(1) of the General Municipal Law as the Board's authority to do so.

"Turning to Article 2 of the proposed Local Law No. 3 of 2014, we find the State's definition of a ministerial act being referred to as "*an administrative act including the issuance of a license, permit or other permission which does not involve substantial personal discretion*"; however, substantial discretion is known to have occasionally crept into the day to day operations of certain county departments dealing simply with what could be called ministerial acts. According to Article 4, Section 1(b) of the proposed Ethics and Disclosure Law, ministerial acts are excluded

therefrom. The behavior which can be expected of County officials and employees with respect to the use of discretion in performing ministerial acts was addressed by the State Supreme Court and affirmed years ago, stating that *“even officials performing ministerial duties are commonly required to determine at least the facial significance of the documents upon which they are supposed to act”*. To have excluded ministerial acts from this proposed Ethics and Disclosure Law is in effect to exclude 90% of the County employees from the jurisdiction of the law; what else do County employees do but administration of rules, regulations and laws? As the State statutes define ministerial matters, there is no provision for its exemption. The State statute defines ministerial acts, but there is no provision to exempt it from the ethics laws. Why should the County exempt ministerial acts from its ethics law? Board Resolution No. 213 of 2014 includes the rules of the Warren County Board of Ethics. Therein we find that the Warren County Board of Ethics can only vote on non-ministerial actions, without any hint as to what might constitute a non-ministerial County matter. Then we find a breach of ethics complaint must be filed with the County Attorney’s Office before it can be brought to the Ethics Board’s attention, after which the complaint is to be made known to the respondent. This so handling of a complaint runs the risk of the County Attorney determining that the subject matter of the complaint is simply a ministerial matter, and therefore exempt, or even if not a ministerial matter, that the respondent has not exercised substantial personal discretion. In both cases, the County Attorney’s Office becomes the dead letter depository for ethics complaints; better that the complaint be filed directly with the Ethics Board and the Ethics Board issue advisories as to whether or not the complaint has merit. Only then does one have standing to pursue an Article 78, as is allowed under Article 12 of this law, as the Board of Ethics rules. If you are unhappy with the determination of the Ethics Board, you have the privilege of going to Supreme Court under Article 78, but if you can’t get a determination from the Ethics Board, then you are being denied access to the Courts and that’s wrong.”

Upon concluding his statement, Mr. Salvador thanked the Chairman once again for the opportunity to address the Board.

When asked if he would like to respond to Mr. Salvador’s statement, Mr. Auffredou thanked Mr. Salvador for his thorough review of the proposal and he asked that if the Board entertained his recommendation for this matter be referred back to the Personnel Committee, that each member of that Committee receive a copy of this portion of the Board Meeting minutes.

Mr. Monroe stated that Mr. Salvador had raised a number of issues, but it was not clear to him exactly what was being proposed for changes. He said that if this matter was going to be referred back to the Personnel Committee, it would be helpful if Mr. Salvador would provide a listing of the changes he proposed, as well as the reasons therefore. Mr. Salvador responded he had suggested that a section be included in the Local Law defining the makeup of the Ethics Board, and that the Law conform to the State’s General Municipal Law. Mr. Monroe noted that Mr. Salvador’s comments had also referred to ministerial acts, which are defined in the proposed Local Law. Mr. Auffredou interjected that he did not necessarily advocate a debate on the matter at this point and time and preferred the opportunity to analyze the meeting minutes and compare Mr. Salvador’s comments to the provisions of the local law, following which he would provide his thoughts on how to proceed.

Mr. Taylor said he agreed with Mr. Auffredou’s recommendation that the Public Hearing be kept open and the matter referred back to the Personnel Committee for further review and possible revision. Travis Whitehead, Town of Queensbury resident, noted that the resolution enacting Local Law No. 3 of 2014 consisted of 37 pages, and he said he wished to comment on several of them. He stated that there was a lot of good stuff in the document; however, he added, there were some vague areas as well which might make them difficult to enforce. Mr. Whitehead stated that the New York State Bar Association,

in particular, did not have a lot of good things to say about ethics laws in general as they were presented in New York State. He cited an example from Fulton County where a municipal officer was accused of accepting a gift and the Court had found that the language was vague, without any standard or guidelines whatsoever, and accordingly unconstitutional under the due process and equal protection clauses of the State and Federal constitutions. Mr. Whitehead cited another case from Binghamton, NY, where a judge had reviewed a case and while he had not stated whether the law was unconstitutionally vague, he said it failed as an ethics regulation because it did not give adequate guidance and protection to the municipal officers and employees. He stated that in comparing the Ethics Law proposed for Warren County to many other counties, such as Suffolk, Dutchess and Rockland Counties, what was striking to him was the length of the Law as those of other counties were well under 20 pages. Mr. Whitehead opined there was a lot of extra language included in the proposed local law which did nothing to provide clarification, and he asked that it be reviewed and made more precise and easy to understand.

Mr. Whitehead said he agreed with an early statement included on Page 2, *"The citizens of Warren County are entitled to the expectation of exemplary ethical behavior from their County officers, employees and appointed officials, and this law is intended to create the minimum standards which constitute that behavior"*. Mr. Whitehead then referred to statements from the same page of the proposed Local Law which indicated that the vigilance of the citizenry was important, and that requiring public annual disclosures of interest that may influence or be perceived to influence the actions of government officials would help the situation. However, he continued, Article 18 - Transparency, (*reflected on Page 27 of the proposed Local Law*), stated that *"The Ethics Board shall be subject to the requirements of both the Freedom of Information Law and the Open Meetings Law. Meetings and documents of the Board of Ethics shall be confidential to the extent permitted by New York State Law..."* and he said he took exception to this language because it looked to him as if they intended to be transparent as little as possible. He compared this language to that included in the Dutchess County Code of Ethics which indicated that *"Financial disclosure statements filed pursuant to this Code of Ethics shall be sealed, indexed and maintained on file for five years in an appropriate manner and such disclosure statements shall be available for public inspection in accordance with New York State Freedom of Information Law and such disclosure statements shall be destroyed after five years"*. Mr. Whitehead apprised that the Dutchess County Code of Ethics also included verbiage that would protect the information included in the disclosure statements from being subject to unusual public scrutiny, indicating that exact income amounts were to be redacted, and the ability for any particular item the Ethics Board did not feel added to the case to be redacted was provided for. He stated that he would like verbiage to be added to proposed Local Law No. 3 of 2014 to indicate that the disclosure statements would be available.

Mr. Whitehead apprised of an opinion rendered by Robert Freeman, Executive Director of the New York State Department of State Committee on Open Government, quoting *"an area of frequent controversy and request by the public and news media involves financial disclosure statements. In terms of access to those statements, they are typically available to the public, except those portions indicating the value of an asset or liability of a public officer or employee, or other portions which are demonstrated to be irrelevant to the performance of that person's duties. In short, although municipal boards of ethics are required to comply with both the FOIL and Open Meetings Laws, those statutes generally offer those boards the flexibility and capacity to withhold records or to conduct their meetings in private to enable them to carry out their duties effectively. Following a meeting, minutes must be prepared and Section 106 provides what might be viewed as a minimum requirement pertaining to their content stating that "minutes shall be taken at all open meetings of a public body and shall consist of a record of summary of all motions, proposals, resolutions and any other matter formally voted upon..."* Mr. Whitehead stated that he had been unable to find the minutes of any Board of Ethics meeting on the County website and

he asked that those be pointed out, if available, and he said he would like to see them posted in the future, as a minimum. Continuing to reference Mr. Freeman's opinion, Mr. Whitehead quoted "*In view of the foregoing, as a general rule a public body may take action during a properly convened executive session. If action is taken during the executive session minutes reflective of that action including the date and the vote must generally be recorded, but if no action is taken there is no requirement that minutes of that executive session be prepared*". Mr. Whitehead stated that this practice seemed to be fairly straightforward, but he was seeking more transparency than what was included in the proposed Local Law to ensure that this did not turn into the "dead letter depository" situation Mr. Salvator had eluded to.

Mr. Whitehead commented on several other sections of the proposed Local Law, as follows:

- Article 3. Code of Ethics, Item I. General Standards, No. 2: "*A County officer, employee or elected official shall demonstrate a dedication to the highest ideals of honor, honesty and integrity, thereby promoting public confidence in the honor, honesty and integrity of the government.*" Mr. Whitehead stated that he did not believe it was possible to include the words "honor, honesty and integrity", in one sentence twice, but it had been done.
- Article 3. Code of Ethics, Item I. General Standards, No. 6: "*A County officer, employee or elected official shall give a full day's work for a full day's pay.*" Mr. Whitehead said this raised particular question as to the length of a "full day". He noted later that day the Board of Supervisors would vote on proposed Resolution No. 257, *Amending Resolution No. 519 of 2013; Approving Standard Work Day and Time Reporting Resolution for all Elected and Appointed Officials for Retirement Purposes*, which seemed to indicate that the standard work day for a typical member of the Board of Supervisors was six hours. Mr. Whitehead stated that he did not understand what this clause meant and he questioned whether six hours was the amount of time that each Supervisor was supposed to be working.

Mr. Auffredou responded that there was no comparison between the proposed Ethics Law and proposed Resolution No. 257. He explained that similar to many other Ethics Laws, proposed Local Law No. 3 of 2014, required that a County officer, employee or elected official would be present and working when they were expected to be; as example, Mr. Auffredou cited his own position, advising that as County Attorney, he was expected to be working when he was in his Office. Referring to proposed Resolution No. 257, Mr. Auffredou pointed out his own position was listed as having a seven-hour standard work day, but said this was rarely the length of his actual work day which typically extended three to five hours beyond this figure, as was similar with other County employees. He concluded that this Code of Ethics verbiage was intended to indicate that when County officers, employees or elected officials were being paid to be present, they were working and should not be read in connection with proposed Resolution No. 257 which was intended for the purpose of meeting reporting requirements to the New York State Retirement System. Mr. Whitehead commented that this six-hour limit seemed to be a type of magic number that allowed Supervisors to work a total of thirty hours per week, constituting part-time employment and qualifying them for pension benefits; he noted this allowance had been taken up as a concern, as well. He continued there were probably many days that the Supervisors put in more than six hours addressing County business in a given day, but commented this was likely more the exception than the rule. Mr. Whitehead also stated that he did not question that Mr. Auffredou worked more than seven hours per day. He said that if verbiage such as this, eluding to a "full days work", was going to be included in the proposed local law, he did not understand why they could not clarify the number of hours that were expected to be worked on a daily basis. Mr. Dusek interjected that the standard work day of six hours was not an indication of the number of hours the Supervisors worked every day. He stated that the Supervisors were required to keep track of the time spent addressing County business for three consecutive months at the start of their elected term for State reporting purposes and those hours reported were used for determining retirement credit. For instance, Mr.

Dusek stated that if a Supervisor were to report two hours worked per day, they would receive ten hours of reporting credit for that week, not thirty. He added that six hours was the standard by which a full work day was considered, but in reality, the Supervisors only received credit for those hours actually worked.

- Article 3. Code of Ethics, Item I. General Standards, No. 8: “A County officer, employee or elected official shall conserve public resources.” Mr. Whitehead said while he had an understanding of what this meant, he had commented on multiple occasions that public resources involved not only County monies, but all monies, and that was why it bothered him when people stated that the cost to the County for a grant funded project was only the Local Share percentage of the total project. He stated that the Board of Supervisors should be conserving public resources, as indicated by the Code of Ethics.

Mr. Whitehead advised he questioned the makeup of the Board of Ethics, specifically the fact that the County Attorney would act as staff to the Board of Ethics. He read aloud the description of the County Attorney position from the Warren County website which indicated that “*The County Attorney is the legal advisor to the Board of Supervisors and every officer whose compensation is paid from County funds in all matters involving an official act of a civil nature. The County Attorney prosecutes and defends all civil actions and proceedings brought by, or against, the County, the Board of Supervisors and any officer whose compensation is paid from County funds for an official act, except as otherwise provided by other Law*”. Mr. Whitehead deduced that the County Attorney would not be the judge weighing public opinion against the Board, etc., as his client was the Board of Supervisors and other officers of the County. He added that since those the County Attorney defended were the very people who would likely be targeted by an ethics complaint, it bothered him that the same person tasked with defending these people would be advising the Ethics Board on how to address the complaint and he said this seemed to be a clear conflict of interest. Mr. Whitehead stated that he agreed it was a good idea for the Ethics Board to have access to an attorney, and because the Code of Ethics provided provisions to create a budget line for the Board of Ethics, he would suggest that an attorney, other than the County Attorney, be consulted.

Mr. Whitehead noted there was a procedure in place for adoption of a local law which required a public hearing, as was being held that day, and he said it was unfortunate that the Notice of Public Hearing had only been advertised through a small legal ad which he had difficulty finding even though he was looking for it. He added it was also unfortunate that the Public Hearing was being held on a Friday morning, as it would likely have been better attended if held at a time when more members of the public had been available to attend. Mr. Whitehead stated he was concerned that a vote might be taken on proposed Resolution No. 271 to enact proposed Local Law No. 3 in its current form, but acknowledged it seemed the resolution might be referred back to the Personnel Committee for further review prior to adoption. He concluded his comments by stating that he supported Mr. Auffredou’s recommendation to hold the Public Hearing open and refer the matter back to the Committee level, and he cited the following additional reasons for why a decision on the resolution should be delayed, as quoted from an unspecified source:

- 1) “*Sufficiency of hearing should provide for a complete presentation of arguments for and against the proposed law by the public and attendants at the hearing. Information generated at the hearing is then reduced to writing and used for reference by the legislative body prior to enacting the proposed law.*” Mr. Whitehead stated it would be impossible for Mrs. Sady or her staff to reduce the comments he and Mr. Salvador had made to writing and provide them to the members of the Board of Supervisors prior to voting on the proposed local law.
- 2) “*There must be a seven, or if mailed ten-day, delay between the introduction of the proposed law and the adoption.*” Mr. Whitehead commented although this requirement initially appeared to

have been met because proposed Local Law No. 3 of 2014 was first introduced at the April 18th Board Meeting, the body of proposed Local Law No. 3 of 2014 had been revised during the past week and many of the Supervisors were seeing the revised local law for the first time today; he added that these revisions clearly indicated the seven to ten day lapse requirement had not been met.

Mr. Dickinson stated that it was difficult to describe ethical behavior in words, but it was easy for people to determine if an individual had acted in an unethical manner. He said he considered his Board of Ethics to be the voting public and he commented that if an elected official committed an unethical act, they would be quickly removed from office by their constituency. Based on this statement, Mr. Dickinson said he did not see the need for this diatribe.

Mr. Monroe said he supported the recommendation made by Mr. Auffredou to hold the current Public Hearing open and refer this issue back to the Personnel Committee for further review and revision. He reiterated that it would be supremely helpful for the Committee to have the comments and requested changes made by Messrs. Salvador and Whitehead in writing to assist with their review. Mr. Monroe noted that the disclosure statements they were currently using were fairly comprehensive and he said he did not understand why the document was being changed. He commented that there might be some issue with the outside interest portion of the new disclosure form which required that it be filled out by the employee or any immediate family member currently or planning in the future to engage in any business. Mr. Monroe advised that while in his case he would not have any problem asking his family members to complete the form, he was sure there were certain people whose family dynamics would not allow for the same. Also, he said he did not fully understand why the County required a code of ethics law when one was already provided for by State Law.

Mr. Auffredou responded there was no reason why they could not continue use of the current disclosure forms. He noted that the new form was a bit briefer and the outside interest section had been added in attempt to be more comprehensive and transparent; he added that if there were concerns with the wording of the form, they could be addressed. Mr. Auffredou said that while some might disagree, he acknowledged there was a serious question as to whether Warren County actually required an ethics law, and if so, what it needed to include. He noted that the Attorney General's opinion provided to him by Supervisor Strough clearly stated that the city it referred to *may* have a Board of Ethics, and *if* so there were certain requirements for determining the Board's composition. Mr. Auffredou said they were trying to bring formality to ethics and ethics disclosure in Warren County; he added that he still believed that Warren County should have an ethics law and they should revise the proposal further to make sure it was done right before adopting it.

Mr. Monroe questioned the gifts section of the proposed local law, indicating that it prohibited accepting "*anything of value intended to influence*", which he said was a vague standard. He apprised that when he had worked in the Court system he had been prohibited from accepting any type of gift, even a piece of gum, which was difficult in today's social setting. Mr. Monroe stated while it was fairly clear what a gift intended to influence consisted of, he was unsure if it would prohibit accepting a piece of gum or a cup of coffee from a person one had worked with for many years. He said that possibly a monetary value should be included to clear up some of the vagueness and give a better standing in court.

Mr. Westcott stated that formalizing the code of ethics for Warren County was extremely important and he appreciated the efforts put forth and hoped a clear set of guidelines could be established. He suggested that they might be able to streamline this process by stating that Warren County would adhere to the ethics guidelines in the New York State Law and list them in a very clear fashion which

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made them easy to understand and follow. Mr. Westcott stated his appreciation for the comments made by Messrs. Salvador and Whitehead and for sharing their thoughts with the Board of Supervisors.

Ms. Wood stated that this was not the first time she had seen the revisions to proposed Local Law No. 3 of 2014 as she had received a mailed copy of them from Mr. Auffredou during the prior week, and she said she was fairly sure that the rest of the members of the Board of Supervisors had received this, as well.

There being no further discussion on the proposed Local Law No. 3 of 2014, Chairman Geraghty advised the Public Hearing would be left open until the June 20th Board Meeting and the matter referred back to the Personnel Committee for further review.

Resuming the agenda review with the report by the Chairman of the Board, Chairman Geraghty read aloud the listing of meetings he had attended since the April 18th Board Meeting. *A copy of the Chairman's Report is on file with the items distributed at the Board Meeting.*

Moving on to the next agenda item, Chairman Geraghty called for reports by Committee Chairmen on the past months meetings or activities and the following were given: Supervisor Merlino, Tourism, Public Works and Traffic Safety Board; Supervisor Seeber, County Jury Board and Mental Health; Supervisor Sokol, Health Services; Supervisor Wood, Public Safety; Supervisor Conover, Finance; Supervisor Monroe, Legislative & Rules and Real Property Tax Services; Supervisor Girard, County Facilities and Extension Services; Supervisor McDevitt, Mental Health; Supervisor Taylor, Economic Growth & Development, Local Development Corporation (LDC) and Personnel; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Frasier, Human Services; and Supervisor Dickinson, Invasive Species and Intercounty Legislative Committee of the Adirondacks.

Mr. Merlino stated that the Tourism Committee had not met since the last Board Meeting, but would hold their next meeting on May 29th at 9:30 a.m. He apprised the summer television commercial campaign had started on April 28th and so far the number of responses received for informational requests was about the same as it was for this time last year. Mr. Monroe said the Tourism Department's second quarter newsletter was sent electronically to over 1,000 recipients including all members of the Board of Supervisors and a number of businesses and chambers. He advised that the Tourism Department staff had recently attended Amtrak's New York by Rail Day event at Penn Station, and a conference in Syracuse, NY.

Mr. Merlino advised that at their April 23rd meeting, the Public Works Committee had approved proposed Resolution Nos. 241-244, which he outlined briefly, all of which were included in the resolutions packet. He apprised of updates provided by Justin Gonyo, Saratoga & North Creek Railway (SNCR) General Superintendent, indicating a 10% increase in Snow Train ridership and a 60% increase in advance ticket sales for the summer season. Mr. Merlino said Mr. Gonyo had also apprised them of the two Easter-themed train events and one where they had transported a large group of bicyclists from the Saratoga Station to the Thurman Station where they bicycled back. He stated that an update on the status of the Hadley and Thurman Stations had been provided, as well, indicating that they were very close to completion and that the Hadley Station would be upgraded by SNCR to include equipment conducive for use as a reporting station for freight operations. Mr. Merlino concluded that a review of the fish stocking, fuel and overtime reports had been provided, all of which reflected that operations in each area were proceeding as expected.

With regards to the most recent meeting of the Traffic Safety Board, Mr. Merlino advised the Board had considered and approved requests to apply for two grant opportunities, as represented by proposed

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Resolution Nos. 269 and 270, which were included in the agenda packet.

Ms. Seeber stated that on April 1st she had attended the annual County Jury Board meeting during which they had discussed the need for expansion and had discovered that they believed Warren County's was one of the only courts in New York State that did not have a Jury Assembly Room, which was another important reason to consider the Courts expansion needs. She said they had also discussed the efforts contributed to the polling of jurors and information relative to the need for an assessment review relative to the proposed Veterans' Court. Ms. Seeber said this was a very informative meeting and she had requested that the meeting minutes be forwarded to Mrs. Sady for filing.

Ms. Seeber continued that, as a member of the Mental Health Committee, on April 9th she had attended the Mental Health Awareness Day where she was pleased to represent the Warren County Board of Supervisors. She apprised that teenagers from Warren and Washington Counties had received awards for the anti-bullying video they had developed. Ms. Seeber commented that when she had stopped to consider some of the statistics in the video she had been very alarmed to learn that one in three students reported being bullied throughout the school year. She said these students had done an incredible job with this video and their prevention and awareness work and she applauded their efforts. Regarding the recent Intercounty Legislative Committee of the Adirondacks meeting, Ms. Seeber said she had enjoyed the meeting, which was held in her home town of Lowville, in Lewis County, and learning about the way they handled legislation. She added that the opportunity to speak and interact with representatives from other Counties, as well as those from Warren County, was always beneficial. Finally, Ms. Seeber requested a roll call vote for proposed Resolution No. 265, *Resolution Declaring SEQRA Lead Agency Status for the Off Runway Obstruction Removal at the Floyd Bennett Memorial Airport - Warren County, New York and Authorizing the Chairman of the Board to Execute the SEQRA Full Environmental Assessment Form*, and the opportunity to discuss the resolution when Chairman Geraghty deemed it was appropriate.

Mr. Sokol reported that the Health Services Committee had met on April 25th where they had discussed some contractual items, but primarily personnel matters relating to Westmount Health Facility. He advised that currently, Westmount had several vacancies including one RN, eight part-time LPN and eight CNA positions, and he said these vacancies were attributed to discussions regarding the proposed Westmount sale, as well as the ability to secure higher pay rates at other facilities. Mr. Sokol apprised that in order to address staffing needs the Committee had acted to make some personnel changes, one of which was to delete a Keyboard Specialist and create a new Health Facility Keyboard Specialist to change the associated position grade from a Grade 3 to a Grade 5 in order to address the fact that the employee filling the position was completing additional duties and working out of title. He added that a similar action had been taken to delete the position of Administrative Assistant and create the position of Health Facility Office Specialist which would incorporate a salary increase of about \$5,000. Mr. Sokol explained this action had been taken to retain an employee who was offered a higher salary to accept another job and he assured that the employee would be taking on more duties in association with this position change. Mr. Sokol pointed out that the Health Services Committee had approved proposed Resolution Nos. 249, *Resolution Authorizing Special Counsel to Review Contract Documents Between Warren County and Siemens Industry, Inc. Including Performance Assurance Reports and Provide Legal Advice and Recommendations to the County Concerning Potential Civil Claims that the County may have with Respect to Siemens Industry, Inc.*, and 250, *Authorizing Agreement with Attentive Care of Albany, Inc. to Provide Temporary Nursing and Certified Nurses Aid Coverage at Westmount Health Facility*, as well.

Ms. Wood advised the Public Safety Committee had met on April 28th, addressing a number of basic housekeeping matters. She said that Chairman Geraghty had offered to act as a mediator regarding discussion on the construction of a new pole barn to store Office of Emergency equipment and she

thanked him for this offer.

Mr. Conover advised the Finance Committee had met on May 7th, approving proposed Resolution Nos. 223, 224, 245 and 246, all of which addressed standard business. He apprised that during this meeting the topic of a possible sales tax increase had arisen, leading him to request that staff gather key information for consideration in the future if the matter was revisited.

Mr. Monroe reported on the April 29th Legislative & Rules Committee meeting, apprising that the Committee had entertained a request from Albany County to consider adoption of a resolution in support of the proposed construction of a casino near New York State Thruway Exit 23 in the City of Albany. He explained the reasoning Albany County had presented for approving the request was that Warren County would benefit from the casino being located in Albany because it would generate revenue for the Capital District OTB (*Off Track Betting*), of which Warren County was a participating member. Mr. Monroe said that before the Legislative & Rules Committee meeting was held he had contacted some members of the Saratoga County Board of Supervisors to determine their position on this issue and had learned that they preferred to have a casino located within Saratoga County, although there was no such proposal in place at that time; he added that the City of Saratoga Springs had passed a resolution opposing construction of a new casino within its limits. Mr. Monroe noted that the operators of the Racino located at the Saratoga Raceway had proposed construction of a new casino, but in Rensselaer County. He advised that subsequent to the Legislative & Rules Committee meeting he had contacted the head of the Capital District OTB, who clarified that the OTB would rent space from the proposed Exit 23 casino and there was no proposal for the OTB to be involved in any of the other proposed casino projects. Mr. Monroe concluded that having not had all of the necessary information available to them, the Legislative & Rules Committee had refrained from taking any action on the resolution proposed by Albany County; however, he said, they could revisit the issue at their next meeting and he noted that it might be helpful to have input from other members of the Board of Supervisors as to whether they felt Warren County should be involved in this initiative.

Continuing his report, Mr. Monroe said the Legislative & Rules Committee had also considered and approved a resolution proposed by the Lawsuit Reform Alliance of New York in support of reforming the New York State Scaffold Law which imposes strict liability on employers and owners of buildings when an employee was injured in a fall. He said that the resolution proposed that the liability in cases such as these should be based on comparative negligence, rather than strict liability. Mr. Monroe advised the action taken by the Legislative & Rules Committee was represented by proposed Resolution No. 268, *Supporting Reforms to New York Labor Law §240 and §241 Commonly Known as the "Scaffold Law"*. He explained that the Committee had also approved proposed Resolution No. 267, *Resolution Supporting Proposal to Amend the Local Finance Law to Increase the Number of Bonding Years Allowed to Finance New Biomass Heating Systems from Ten Years to Twenty Years*, noting that many in the Adirondack region believed there was potential for new jobs in the biomass industry, particularly in wood pellet and wood chip production industry, if more biomass heating systems were built in the Adirondacks which would encourage a wood pellet/chip manufacturer to relocate to this area. Mr. Monroe further explained the costs associated with the construction of a biomass heating facility were much higher than the cost of installing a new oil boiler, causing an obstacle for those considering the installation. He noted that the cost of a new oil boiler was about \$25,000, while a new biomass unit would cost close to \$200,000; however, he added, the biomass unit was estimated to incur a savings of \$250,000 over the life of the unit. Mr. Monroe advised the resolution proposed sought to increase the financing term for the biomass units under the existing Local Finance Law in order to assist with the increased costs. He stated that he had been in contact with Senator Little's staff on this matter and a bill was being drafted which Senator Little was sponsoring, to change the financing term.

Mr. Monroe reported that the Legislative & Rules Committee had also discussed the beaver dam issue

and said they intended to continue these discussions at future meetings. Additionally, he said they had addressed a referral from the Support Services Committee with respect to opposing the New York State Elections Law that required election machines and staff to be made available for party lines where only a small number of voters are eligible to participate, but had decided to refer this back to the Support Services Committee for further information. Mr. Monroe stated that subsequent to the meeting advisement had been received from the Board of Elections Commissioners that the Constitutional Election Law provided that any party had the right to a primary election; therefore, he added, no further action was to be taken on this matter. Lastly, Mr. Monroe advised the Legislative & Rules Committee had entertained comments made by Mr. Whitehead regarding the Rules of the Board pertaining to presentation of resolutions. He said the Committee had discussed the various ways in which a resolution could be presented, *i.e. mailed in writing, presented at the Board Meeting in writing or brought from the floor in an unwritten format*, following which he said it was made fairly clear by the Committee that the current system used worked well.

Concluding his report, Mr. Monroe advised the Real Property Tax Services Committee had met on April 29th, approving proposed Resolution No. 236, *Amending Resolution No. 485 of 2013; Approving and Adopting the Warren County Real Estate Auction 2014 Terms and Conditions of Sale Applicable to the Sale of Parcels Acquired by the County by Reason of the Foreclosure of Tax Liens*, to reflect the buyers premium change from 4.75% to 4.7% and extension of the time that the Board of Supervisors had to approve or deny the sale of a parcel from 30 to 45 days to provide time for the Treasurer's Office to do the work they needed to do to complete the transactions. Mr. Monroe advised the Committee had also considered and approved a request to issue a replacement Quit Claim Deed to Cornelius Tully for Town of Lake George Tax Map. No. 238.8-1-31 because he had not recorded the deed and was unable to locate it. *Note: this resolution was not presented to the Board of Supervisors for approval at their May 16th meeting because it was held by the County Attorney's Office.*

Mr. Girard advised the County Facilities Committee had met on April 29th, approving proposed Resolution Nos. 260-266, all of which were included in the resolution packet, and he proceeded to outline each briefly. With regards to the Extension Services Committee, Mr. Girard noted that information was being collected relative to the installation of solar power for the Cornell Cooperative Extension building and he questioned whether an update on this work was available. Jeffery Tennyson, Superintendent of Public Works, advised several meetings had been held with architects from Clark Patterson Lee who had drafted a proposal to perform a study for the Cornell building and the adjacent buildings, as well as some other County buildings. He said that he hoped to have this information available for review at the next County Facilities Committee meeting.

Mr. McDevitt apprised that he had attended the SUNY Adirondack graduation ceremonies held on the prior evening at the Glens Falls Civic Center. He said the graduation was very well attended and he noted that he was impressed by the number of advanced degrees awarded; Mr. McDevitt commented that this highlighted how much SUNY Adirondack had evolved over past years. He advised that Robert Henke, Supervisor of the Town of Argyle, had been in attendance representing the Washington County Board of Supervisors, and he stated the event had been a positive one for both Warren and Washington Counties. With regards to the Mental Health Committee, Mr. McDevitt said he had been attending periodic meetings in Hudson Falls, NY which were also attended by the District Attorneys of Warren and Washington Counties, as well as other representatives from each, in an effort to combat mental health related problems. He advised that at the last meeting they had worked on developing a common theme and in future meetings would work on an action plan.

Mr. Dickinson commented that SUNY Adirondack was doing a great job of extending their educational offerings. He noted that he had recently heard a news report that Paul Smiths College had recently reduced their staff by 20% due to budget reductions and he felt this showed the effort at SUNY

Adirondack and the quality of education was assisting them through these hard economic times.

Mr. Taylor reported that the Economic Growth & Development Committee had met on April 30th, approving proposed Resolution Nos. 226, *Authorizing Extension Agreement with Systems Development Group, Inc. for the Operation of Image Mate Online System for the Planning & Community Development Department*, and 227, *Authorizing Submission of Grant Application to New York State Consolidated Funding Application for Local Waterfront Programs and Community Development Programs for Miscellaneous Projects and Authorizing the Planning & Community Development Department to Schedule Public Hearings*. He then reported on the last LDC meeting, noting that they had approved two loans, one for an existing business with a new owner and the other for a new business in the City of Glens Falls. With respect to the May 7th meeting of the Personnel Committee, Mr. Taylor announced proposed Resolution Nos. 252-259 and 271, all of which were included in the resolution packet, and he proceeded to briefly outline each. With regards to proposed Resolution No. 271, *Enacting Local Law No. 3 of 2014 - "Warren County Ethics and Disclosure Law"*, Mr. Taylor noted that it seemed to be the consensus of the Board that this resolution would be referred back to the Personnel Committee for review; he then made a motion to table proposed Resolution No. 271, which was seconded by Mr. Westcott and carried unanimously. *Note: Resolution No. 271 was never brought to the floor for Board action and therefore a motion to table was not necessary; the resolution was instead classified as withdrawn.*

Mr. Brock stated that he had nothing to report, but requested that roll call votes be taken for proposed Resolution Nos. 262 and 264, noting that he intended to abstain from both votes because his wife worked for Richard Schermerhorn, of Rich Air - Fixed Base Operator.

Regarding the Occupancy Tax Coordination Committee meeting held on May 5th, Mr. Kenny advised that Committee had received a report from Mike Swan, County Treasurer, indicating that occupancy tax revenue collections were up by 4.7% for 2013. He continued that discussions had been held with Mayor Blais, of the Village of Lake George, concerning efforts to streamline the application process for occupancy tax funding, but said they had left this discussion open ended because there had been more questions than answers. Finally, Mr. Kenny apprised that the Committee had approved proposed Resolution Nos. 238, *Amending the Occupancy Tax Scoring System Guidelines to Evaluate Funding Applications*, and 240, *Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget; Authorizing Agreement with the Sister Cities Committee of Glens Falls/Warren County to Cover the Cost of Mailing a Hot Air Balloon (Minus the Basket) to and from Saga City, Japan; Amending 2014 Warren County Budget*.

Mrs. Frasier advised the Human Services Committee had met on April 28th, approving proposed Resolution No. 228, *Authorizing Agreement with Washington-Saratoga-Warren-Hamilton-Essex Board of Cooperative Education Services (BOCES) for Summer Youth Employment & Training Program*, and they had also approved a request for the Employment & Training Administration to host a quarterly Board Meeting of the Saratoga-Warren-Washington County Workforce Investment Board. She pointed out proposed Resolution No. 272, *Authorizing Extension Agreement with Catherine Keating Stauch, R.D., to Provide Dietician Services for elderly Residents under the Supplemental Nutrition Assistance Program (SNAP) and the Title III-C Programs for the Office for the Aging*, which she explained had been approved through a post-Committee request procedure.

Mr. Dickinson advised that although the Invasive Species Sub-Committee had not met since the last Board Meeting, he would like to provide an update on the frozen boat and boat washing programs. He said that the frozen boat program had concluded for 2014, but was very successful having registered about 4,000 boats; he added that on May 15th the boat inspection program had commenced and there seemed to be a good response to the program. Mr. Dickinson noted that, upon former Supervisor Bentley's retirement, he had been appointed to the Board of Trustees for the Supreme Court Library and

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at a recent meeting he had learned of some distressing news that there seemed to be a movement by the State of New York to reduce funding to the law libraries. He apprised that the law libraries were very important to many attorneys in the Warren County area who operated small practices and could not afford to obtain all of the volumes available in the Supreme Court Library. Mr. Dickinson stated that he would keep the Board updated on any new information received relative to this matter. Finally, Mr. Dickinson provided a light hearted recap of the recent trip to Lewis County to attend the Intercounty Legislative Committee of the Adirondacks meeting.

Ms. Seeber noted that during the Intercounty Legislative Committee of the Adirondacks meeting they had learned about how they used a camera system to count the number of snowmobiles using the trail system and she questioned whether the same type of system could be used to count airplanes at the Airport. Chairman Geraghty clarified that the counting system actually used sound and recorded based on pitch; he added that he had given the information on this system to Mr. Merlino to possibly consider using on the snowmobile trails in Warren County.

Mr. Merlino stated that at the next Public Works Committee meeting he intended to discuss the topic of joint brush disposal efforts and he said if anyone was interested in this possibility to contact him directly. With regards to the casino issue, Mr. Merlino advised he had been contacted by a representative of the Racino at the Saratoga Raceway who indicated that they would like to address the Board at a future meeting seeking support for their casino-related initiatives. Finally, he noted that a yellow flyer had been distributed to all Board Members regarding the Warrensburg Beautification Inc. Annual Spring Membership Meeting, which would be held on May 20th, and a meeting on backyard composting that would be held on June 26th at Crandall Library.

Chairman Geraghty called for the reports by the County Administrator and County Attorney and both Messrs. Dusek and Auffredou responded that they had nothing to report.

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

Minutes from:

Warren/Washington Counties Industrial Development Agency, Civic Development Corporation and Executive/Park Committee;

Monthly Report from:

Probation

Capital District Regional Off-Track Betting Corp., March 2014 Surcharge in the amount of \$5,697; Financial Reports For The Period Ending 1/31, 2/28 and 3/31 /14;

Warrensburg Water District, 2013 Annual Drinking Water Quality Report;

2013 Annual Corporate Compliance Report for Warren County, copy of which was provided to all Supervisors.

Chairman Geraghty called for the reading of resolutions. Mrs. Sady advised proposed Resolution Nos. 224 - 266 were mailed, and proposed Resolution Nos. 257 was amended after mailing; she noted that a motion was necessary to approve proposed Resolution No. 257, as amended. Motion was made by Mr. Merlino, seconded by Mr. Girard and carried unanimously.

Mrs. Sady apprised the resolutions relating to the filling of vacant positions were proposed Resolution

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Nos. 253-255 and she noted that unless a roll call vote was requested, all would be approved in the collective vote. She announced that a motion was needed to bring proposed Resolution Nos. 223, 267-270 and 272-274 to the floor. Motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously to bring the aforementioned resolutions to the floor.

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

With regards to proposed Resolution No. 265, *Resolution Declaring SEQRA Lead Agency Status for the Off Runway Obstruction Removal at the Floyd Bennett Memorial Airport - Warren County, New York and Authorizing the Chairman of the Board to Execute the SEQRA Full Environmental Assessment Form*, Ms. Seeber noted she had previously requested a roll call vote be taken on this resolution due to concerns with her inability to receive information regarding the environmental assessment report for the Off Runway Obstruction Removal project; she added that she had requested this report on March 20th but had yet to receive it. Ms. Seeber advised she had reviewed the Part 1 documents distributed to the County Facilities Committee and had addressed any followup questions with Messrs. Dusek, Auffredou and Tennyson, but said she would feel more comfortable voting on the resolution if she were able to do so in an informed, educated manner following a review of the entire environmental assessment report she had requested. She then questioned the status of the report and asked if proposed Resolution No. 265 should be tabled until it was available. Mr. Auffredou explained that proposed Resolution No. 265 was intended to establish lead agency status for Warren County on the Off Runway Obstruction Removal project, as described in the resolutions. He further explained that it also authorized Chairman Geraghty to sign Part 1 of the full Environmental Assessment Form, which needed to be distinguished from the Environmental Assessment as they were two separate documents. Mr. Auffredou advised the Part 1 document completed by McFarland Johnson, the consulting firm for the project, was distributed and discussed at the County Facilities Committee meeting; he added that this document was intended to describe the project and the setting of the project, but did not address areas of environmental concerns, alternatives, recommendations or opinions of the engineer, all of which would be included in the Environmental Assessment document. Mr. Auffredou stated that McFarland Johnson had prepared the Environmental Assessment document, for which FOIL (*Freedom of Information Law*) requests had been made, and it was currently with the FAA (*Federal Aviation Administration*) for review. He said he believed it was appropriate for the Board to take action to approve the resolutions; however, if the Board preferred to address it at another time they could do so, although the resolution document would remain the same. Mr. Auffredou commented that based on his many years as an attorney, during which he represented the Lake George Park Commission for 18+ years and had participated in a lot of high level SEQRA (*State Environmental Quality Review Act*) work, he was confident in stating that at this juncture, the Board did not require the Environmental Assessment to act on proposed Resolution No. 265. He clarified that proposed Resolution No. 265 would commence the SEQRA process by announcing that Warren County would serve as lead agency and would be responsible for conducting the Environmental Assessment that McFarland Johnson had prepared. Mr. Auffredou advised that the Board would be provided with the Environmental Assessment report for their review and analysis before they were asked to make their ultimate SEQRA determination, which would come at a later date. He concluded that this resolution would not have been presented for the Board's review if he had not been absolutely confident it was appropriate for them to act upon it.

Mr. Westcott requested a roll call vote for proposed Resolution No. 249, *Resolution Authorizing Special Counsel to Review Contract Documents Between Warren County and Siemens Industry, Inc. Including Performance Assurance Reports and Provide Legal Advice and Recommendations to the County Concerning Potential Civil Claims that the County may have with Respect to Siemens Industry, Inc.*, stating that while he had a great deal of respect for the firm listed in the resolution, he felt having the

same legal firm provide counsel on both the sale of the Westmount Health Facility and matters relating to the Siemens contracts presented a conflict of interest and he preferred that two separate legal firms be retained for this work.

Mr. Beaty requested a roll call vote for proposed Resolution No. 237, *Authorizing Deletion of Auction Inventory Items that have not been Located*. He stated that this request to delete what totaled to be more than \$100,000 in missing inventory was troubling and he was confused as to how these items had been accounted for over many prior years, but can no longer be found. Mr. Beaty noted that the list included items such as computers, freezers and chairs, and he said he was baffled as to how this could have occurred. With regards to proposed Resolution No. 240, *Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget; Authorizing Agreement with the Sister Cities Committee of Glens Falls/Warren County to Cover the Cost of Mailing a Hot Air Balloon (Minus the Basket) to and from Saga City, Japan; Amending 2014 Warren County Budget*, Mr. Beaty stated that while he supported the Saga City exchange program, he did not feel it was wise to remove \$4,000 from the occupancy tax budget for this expense and he said he was unsure how transporting a hot air balloon to Japan would benefit Warren County. Ms. Seeber stated that when this was discussed by the Occupancy Tax Committee she had asked that someone research whether the balloon could be shipped at a lower rate in consideration of a not-for-profit status; she said she had not heard whether this had been determined and advised that she would not vote in favor of the resolution for this reason. Additionally, Ms. Seeber agreed that proposed Resolution No. 237, which sought to delete inventory items, reflected poorly upon the County; she said she did not understand how the list had grown this large and would not vote in favor of the resolution without more information.

Regarding proposed Resolution No. 240, Mr. Strough apprised that without exception the Saga City representatives had sent a hot air balloon to the Balloon Festival each year and Warren County had not reciprocated in kind because the shipping is so expensive and they had not been able to find anyone willing to burden the cost. He said that the relationship between Warren County and Saga City had been very good and if they wished to maintain it, Warren County would be expected to reciprocate and the only way this could happen was if the balloonist was provided with funds sufficient to cover shipping costs. Mr. Strough concluded that he felt this was a very worthwhile resolution.

Mr. Taylor commented on the inventory issue, stating that although this looked bad, this list covered items with acquisition dates ranging from 1985-2002 and it appeared that the Purchasing Department had a better handle on items acquired subsequent to those dates. He said it was his understanding that the Purchasing staff had made an extensive search for the missing items, but were unable to find them. Additionally, Mr. Taylor pointed out that the \$102,000 total was based on new costs for the missing items and he estimated that the current depreciated values were likely closer to \$15,000. Mr. Dickinson agreed with Mr. Taylor's comments, stating that most of the items listed were old and outdated equipment that had been lost track of and the Purchasing Department was now trying to clean-up the records. Mr. Dickinson also agreed with Mr. Strough's comments regarding Warren County's good relationship with Saga City; he said this was a tourism-oriented event and he noted that the \$4,000 cost was to ship only the balloon and a basket would be provided by the Saga City group. Mr. Dickinson commented this was a good, cooperative effort that would represent money well spent by Warren County that should definitely come from the occupancy tax reserve.

Mr. Monroe said that the proposed resolution requesting inventory adjustments had caught his eye, as well, but he noted that many of the items identified for deletion would likely have cost the County money to dispose of if they had been found. However, he continued, he believed that a better and more accountable system should be put in place to track inventory items, if they had not established one already. Mr. Dusek said that he understood the concerns of the Board members, and he assured them

that there was a numbering system in place for inventory tracking that current staff were following; he added that although the same numbering system had been used for many years, it was not enforced or followed as strictly as it was now. He advised the Treasurer's Office was responsible for issuing inventory numbers for new equipment and removing them from those items that were disposed of and this seemed to be an issue where the current staff had inherited issues not resolved by prior staff many years ago. Mr. Dusek commented that they were always looking for ways to improve procedures and discussions had been held relative to establishing a more elaborate policy to indicate responsibilities and ensure complete accountability which would be presented at a future meeting for review and approval.

Mr. Brock said he believed that most, or all, of the equipment listed had been located in the Sheriff's Office before they moved into the new Jail, but no one could be sure what had actually happened to the items and there was not much to do about them now, except to remove them from the list as requested. Mr. Dusek responded that a lot of the items listed had been part of the inventory accumulated by the Sheriff's Office, which more than likely had been discarded but adequate records had not been kept, and he reiterated that much more stringent records were being kept now than had in the past. As an example, Mr. Dusek cited that during the move from the former Social Services Building to the Human Services Building, meticulous inventory records were kept to ensure that all equipment was accounted for. Mr. Brock commented that there should not be any insinuation that the missing items were removed illegally, but rather than this was caused by an undocumented transition from old to new equipment. Mr. Swan concurred that the relocation of Department of Social Services furniture and equipment had been very well documented and nothing had been lost; he added that the current procedure was working flawlessly now that it was being enforced.

Returning to proposed Resolution No. 240, Ms. Seeber said she would feel more comfortable with the resolution if the wording was changed to indicate that the cost for shipping the hot air balloon would be up to \$4,000 as it seemed there should be some discounted shipping options available.

Motion was made by Ms. Seeber, seconded by Mr. Dickinson and carried unanimously to revise proposed Resolution No. 240, as outlined above.

Mr. Auffredou stated that he did not believe he had answered all of Ms. Seeber's questions relative to proposed Resolution No. 265, *Resolution Declaring SEQRA Lead Agency Status for the Off Runway Obstruction Removal at the Floyd Bennett Memorial Airport - Warren County, New York and Authorizing the Chairman of the Board to Execute the SEQRA Full Environmental Assessment Form*, specifically regarding the availability of the Environmental Assessment Report. He advised it was his understanding that the Report had been submitted for legal review by the FAA and once that review was complete, the Report would be considered finalized and forwarded to the County for SEQRA use. With respect to the FOIL requests submitted for this document, Mr. Auffredou said he anticipated that those requests would be responded to early in the following week and he apprised that he had been involved in advising Mr. Tennyson and Ross Dubarry, Airport Manager, in responding to the requests; he concluded that he hoped by Monday or Tuesday of the following week they would be able to respond fully to the FOIL requests.

Commenting on the inventory issue once more, Ms. Seeber stated that she understood there were policies in place to prevent future situations such as this one and she was happy to see that everyone was working hard to comply; however, she said, as elected officials they often talked about how to deal with things that happened in the past and she questioned whether contact had been made with former Sheriff Larry Cleveland to ask if he recalled what might have happened to these items or where their disposal might have been recorded. Mr. Dusek responded that the current Purchasing staff had

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performed an extensive search for the missing items, but he admitted he was unsure whether the former Sheriff had been contacted; he added that if this information was critical to the Board they could table the resolution until it was received. Mrs. Frasier interjected that she recalled Julie Pacyna, Purchasing Agent, had mentioned that she had contacted former Sheriff Cleveland, as well as many other departments and staff, but had been unable to find the missing items.

Mr. Monroe commented on proposed Resolution No. 264, *Authorizing Commencement of Proceedings Under Article 2 and Article 4 of the Eminent Domain Procedure Law with Regard to Land Acquisition/Avigation Easement - Forest Enterprises Management, Inc.*, advising that when this matter was voted on by the County Facilities Committee he had initially voted against the action because he had many unanswered questions. He added that since the meeting his questions had been answered and he was now prepared to vote in favor of the resolution.

There being no further discussion, Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 223-270 and 272-274 were approved, and proposed Resolution No. 271 was withdrawn as that resolution was not brought to the floor. The following documents were submitted:

- Mortgage Tax Report;
- Proclamation - Older Americans Month;
- Proclamation - Mental Health Month; and
- Certificate of Appointment - Appointing members to the Warren County Youth Board.

Resuming the agenda review, Chairman Geraghty called for announcements.

Mr. Conover noted the "The Adirondack Park Seeking Balance - Adirondack Park Regional Assessment 2014" report that was distributed to each Board member and he asked Mr. Monroe to comment on it; *a copy of the report is on file with the items distributed at the Board Meeting.* Mr. Monroe advised this was a follow-up to the Adirondack Park Regional Assessment project completed in 2009 which had included a snapshot of demographic information in the Adirondacks including population, age of the population, school enrollments and Fire/EMS participating statistics which was extremely detailed based on the results of a survey of all the towns and villages in the Adirondacks. He stated that this project had painted a somewhat dire picture of rapidly declining population and school enrollments; he added that this study was paid for by grant funds from the New York State Department of State and some private donations. Mr. Monroe apprised that everyone involved with the 2009 project had felt it should be updated regularly to identify trending information from 2009 to now, but there was no support for public monies being contributed to fund an updated study; therefore, he continued, a citizen, Brad Dake, who was also a member of the Adirondack Park Regional Assessment Project Steering Committee, had volunteered to fund an updated project independently. Mr. Monroe then proceeded to review some of the information included in the report. He concluded that additional copies of the report were available to anyone wishing to distribute them to their Zoning and Planning Board, and he noted there was also a website (www.apra2014.com) that would be updated weekly with more information.

Gretchen Steffan, County Human Resources Director, introduced her new assistant, Jackie Figueroa, who was a senior professional in human resources, meaning that she had earned designations and credentials based on significant human resources experience. Ms. Steffan said she was very excited to welcome Ms. Figueroa to the County staff and she hoped the Board of Supervisors would join her in doing so.

Mr. Dickinson said he'd had the pleasure of attending an open house event at the Blue Water Manor, located in Bolton Landing, which was now under new ownership. He encouraged anyone wishing to

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have a nice meal at a lakeside location to visit the Blue Water Manor as both the food and the view were outstanding.

Chairman Geraghty reminded everyone about the upcoming Americade and Bike Week events, as well as the grand opening ceremonies for the Lake George/Warrensburg Price Chopper which would be held on Sunday at 8:00 a.m. Mr. Dickinson noted that on Saturday at 4:00 p.m. fund raising events would be held at the new Price Chopper for two Warrensburg-based groups, as well as for North Country Ministries, and he encouraged everyone to stop by the event and support them.

Mr. Conover noted that the Lake George boat washing protection program had commenced and he commented that the program would not have been possible without the support of the Board of Supervisors.

There being no further business to discuss, on motion made by Mr. Simpson and seconded by Mr. Strough, Chairman Geraghty adjourned the Board Meeting at 12:24 p.m.