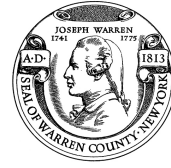


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, OCTOBER 17, 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 Westcott.

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 September 19, 2014 Regular Board Meeting and October 8, 2014 Special Board Meeting, subject to correction by the Clerk of the Board.

Commencing the Agenda review, Chairman Geraghty declared the Public Hearing open for proposed Local Law No. 5 of 2014 entitled "A Local Law Amending and Superceding Local Law No. 10 of 2011 in relation to Imposition of Additional Mortgage Recording Tax to Amend Section 3 to be in effect until December 1, 2016" at 10:05 a.m. and he requested that Joan Sady, Clerk of the Board, read the Notice of Public Hearing aloud, which she proceeded to do.

Privilege of the floor was extended to any members of the public wishing to speak on proposed Local Law No. 5 of 2014; however, no comments were made. Chairman Geraghty then called for any comments from the members of the Board of Supervisors.

Supervisor McDevitt apprised that the Additional Mortgage Recording Tax had raised approximately \$842,907 for Warren County. He continued that the County seemed to be in a situation where they were grappling to find revenue sources and he pointed out that this was not a new tax, but rather the extension of a tax that was first introduced in 2011 for a two-year period. Mr. McDevitt said that basically half of the total Mortgage Recording Tax revenues received were returned to the towns involved while the rest remained with the County. In conclusion, he reiterated this was not a new tax to Warren County and he said he felt it made sense for it to be continued.

Supervisor Merlino questioned whether the Additional Mortgage Recording Tax pertained to the extra .25% tax added that would remain with the County and Chairman Geraghty advised this was correct. Supervisor Merlino stated that he had voted against the Additional Mortgage Recording Tax when it was first introduced and would vote against its extension today.

Supervisor Beaty indicated that he also intended to vote against the extension of the Additional Mortgage Recording Tax. He said he was aware this additional tax had been introduced during a period when the County had faced considerable financial constraints, but he felt they were in a better fiscal position now and the additional tax could be eliminated.

Chairman Geraghty announced the Public Hearing would be kept open as they continued with the Agenda review to allow others the opportunity to speak on the tax extension.

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Privilege of the floor was extended to Barbara Sweet, of the Tri-County United Way, who advised she was in attendance to apprise of the upcoming "Stuff the Bus" food drive that would be held cooperatively with CWI (*Community, Work & Independence, Inc.*). She explained that the event would be held on November 6-8, 2014 at the Price Chopper located at 677 Upper Glen Street in Queensbury and she encouraged all members of the Board of Supervisors to support and promote the event in their towns. Ms. Sweet apprised a CWI bus would be stuffed with donations of non-perishable foods that would be used to prepare food baskets for the upcoming Thanksgiving and Christmas holidays. She concluded there were a number of not-for-profit organizations and groups participating in the food drive and she thanked everyone in advance for their assistance in raising awareness of the event. Ron McClarence, of CWI, also thanked everyone for their support of the food drive program on behalf of CWI. Chairman Geraghty responded by thanking Ms. Sweet and Mr. McClarence for notifying the Board of this event and he said he hoped they would be able to help make it a success. A round of applause was given.

Privilege of the floor was extended to Brandi Bishop and Chelsea Morse, of the Health Promotion Center of Glens Falls Hospital, who were in attendance to speak about the Tobacco-Free Community Initiative. Ms. Morse began by noting that the meeting Agenda indicated that Heather Begin would be making this presentation; however, she said, Ms. Begin was unable to attend that morning. Ms. Morse advised the Health Promotion Center of Glens Falls Hospital consisted of twelve individuals who worked under various grants to provide programs in Warren, Washington and Saratoga Counties and she said that herself, Ms. Bishop and Ms. Begin were currently working under the Living Tobacco Free grant. She explained the grant encompassed two components, one being a community engagement component and the other being the Reality Check component. Ms. Morse apprised that the Reality Check component included a youth led program that helped to make communities aware of marketing techniques used by tobacco companies by holding events and speaking at different schools; she added that Ms. Begin had been unable to attend the meeting because she was making one of these presentations at a local school.

Ms. Bishop spoke about the community engagement component of the Living Tobacco Free initiative, noting that they worked with local businesses and landlords to help develop tobacco policies aimed at protecting employees and residents, as well as to reduce the costs of cleaning up tobacco litter. Additionally, she noted, this helped to normalize tobacco use to lower overall smoking rates by working with youth. Ms. Bishop apprised the smoking rates in Warren County were a little bit higher than in other communities, including neighboring Saratoga County. She stated they desired to work with Warren County to reduce smoking rates on either a County-wide or municipal basis to help create or expand upon existing tobacco policies and to increase the number of tobacco free parks and playgrounds which would protect people from second hand smoke and reduce expenditures associated with cleaning up tobacco litter.

Ms. Morse encouraged anyone interested in receiving assistance to contact her supervisor, Tracy Mills, through the Glens Falls Hospital Health Promotion Center website. Additionally, Ms. Morse passed along a message from Ms. Begin that the Board of Supervisors had the power to change how youth were affected by tobacco by implementing distancing regulations requiring tobacco retailers to be located a certain distance from schools, as well as to change the ways tobacco retailers could place marketing and advertisement material. Ms. Bishop apprised they were currently working on a mapping project to indicate the location of tobacco retailers in Warren and Washington Counties to point out their proximity to school buildings in order to determine how best to address this problem; she noted this information would be presented in the future.

Chairman Geraghty thanked Ms. Morse and Ms. Bishop for their presentation. He called for any further comment on proposed Local Law No. 5 of 2014; there being none, he closed the Public Hearing at 10:15 a.m.

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Privilege of the floor was extended to Bud York, Warren County Sheriff, who introduced Rick Burke, of Televate, LLC, who he said was in attendance to make a powerpoint presentation regarding the results of the study his firm had performed on Warren County's radio communications system. Mr. Burke proceeded with the powerpoint presentation, *a copy of which is on file with the items distributed at the Board Meeting*, following which he welcomed questions from the Board Members and meeting attendees.

Travis Whitehead, Town of Queensbury resident, commented that the previous narrowbanding of the FM communications system had caused some of the issues currently faced and he pointed out there was currently a movement promoting a change to a digital communications system. He stated that some of the work suggested was very important and needed to be done as soon as possible; however, he said, the projected cost of \$6 million to address the system deficiencies seemed to be a lot of money. Mr. Whitehead commented there may be benefits for other areas, such as in the Towns of Stony Creek and Thurman, if the communications towers could be used to increase cellular coverage as a long term solution.

Mr. Burke responded the current Project 25 included a second phase of narrowbanding but they did not necessarily need to do that because a date for mandatory change had not been implemented. He apprised that the geography of the area presented one of the biggest barriers to the communications system and he recommended that they proceed to fix the current system to accommodate any future changes or reduction in bandwidth. Mr. Burke said the idea of partnering with cellular carriers was fundamental to the Televate proposal and he said they also believed there were solutions available for fire departments to use dispatching equipment that would allow pages to be delivered through the cellular networks. He stated that he believed some responders were already partially using cellular based delivery systems, but they had learned there were some areas where this system worked better than others, just as they had learned there were areas where the radio coverage worked better than others. Mr. Burke stated that they should absolutely leverage the investments of the cellular telephone companies to improve their radio communications system. With respect to the cost of the upgrades, he advised their recommendations had included a phased approach which would include immediate expenditures for necessary work with other costs being spread out over time; he added that these were not expenses that would simply go away.

Supervisor Westcott questioned the phasing and timing of addressing the costs associated with the communications needs, as well as whether there were grant funds available to assist with the expense. Mr. Burke replied their recommendation was designed to incorporate multiple phases to upgrade the communications system and he said they believed they needed to work on the simulcast timing and evaluate moving antennas to areas where they were better suited to provide more reliable radio coverage. Additionally, he said they believed the County would be better served by replacing vehicle repeaters sooner, rather than later, due to the difficulty in operations which allowed one radio to interfere with another when multiple vehicles with repeaters responded to an incident. For the near term, Mr. Burke suggested changes to move antennas and make simulcast improvements by installing repeaters in vehicles and placing some paging channel repeaters at various stations, all at an estimated cost in the range of \$500,000-\$750,000. He commented that they could delay the purchase of new radios; however, he stated, it was difficult for him to state that moving the antennas was something that could be delayed because they would be increasing risk until they did so. With regards to grant funds, Mr. Burke indicated that it was difficult to obtain grants for this work and he said he would not rely on grants as the only source of funding to sustain the project. He said although they had been successful in writing grants and receiving funding for other counties in the past, he opined they would likely have to use a combination of local and grant funding, along with a phased implementation program, to achieve the desired communications improvements.

Supervisor Taylor questioned whether there was an opportunity to either receive increased revenue

from the cellular phone companies or to reduce expenses by working with them in a partnership. Mr. Burke replied that everyone paid a 911 fee in their cellular phone bill which went to the State and was returned to the municipalities through grant applications. He stated that in many other states, this tax was provided directly to the county who distributed the funds through a 911 Authority. Mr. Burke said he was unsure if they could petition to increase the tax or whether it was a politically prudent option; however, he stated, he felt they should petition the State for a change in the manner of distribution for 911 fees, but said he did not believe this change would be made any time soon. As for partnering with cellular phone companies, Mr. Burke said he felt this was a sensible idea because the carriers were always looking for ways to improve their service base and the County had tower locations they would ideally like to use while the County would benefit from the use of their tower locations to improve its communications system.

Supervisor Girard recalled information provided at the last Public Safety Committee meeting indicating that it would be more costly to upgrade the County's communications system from its current analog state to the newer digital format and he questioned whether it would be a wise expenditure to upgrade an analog system which might become outdated in a certain number of years. Additionally, Supervisor Girard questioned whether the repeater units commented on earlier in the meeting were available in both digital and analog versions. Mr. Burke responded that purchasing digital radios would be one way to manage the narrowbanding issues because this equipment would allow communication with a weaker signal. He continued that although switching to a digital system was a potential solution, the terrain would continue to be a barrier to the system. Mr. Burke said that if antennas and towers were placed in the correct places they could still maintain communications coverage whether in digital or analog format. He suspected that someday it would be more costly to use an analog system than a digital system, but that was not the case currently. Mr. Burke noted that they could purchase digital capable radios, and in fact, they were required to purchase Project 25 capable radios when using grant funds. He commented that if they maintained the analog system and continued to purchase radios with digital capability they would offer the ability to be used on a digital system in the future. Mr. Burke advised that if the funding was available, it would be prudent to consider switching to a digital communications system; however, he added, they would have to be careful in planning the phasing for the change because it would require radio replacements to be made sooner rather than later as there were likely a number of radios that could not be upgraded to work on a digital system. He noted that this change would incur an additional 25%-30% cost over the amounts estimated. Supervisor Girard then questioned what changes Saratoga County had made to their communications system and Mr. Burke advised he believed they had made a major change to a 800MHz digital system which offered more channels. He said he would not recommend this change for Warren County because they did not have a channel issue; he added the problem in Warren County was the lack of coverage due to the mountainous terrain, which strategically placed antennas would improve.

Supervisor Strough said he was also concerned with the possibility of upgrading technology that could be made obsolete with changing technology and he questioned whether the use of satellite communications might be available in the future. Mr. Burke replied that satellite communications would not be an option for reliable public safety communications because they had to be able to see the satellite to communicate with it which made it impossible to use inside vehicles and buildings. He said that this type of communication was typically unreliable and required use of expensive satellite equipment which was only appropriate for mission critical disaster cases. Mr. Burke replied that satellite communications were appropriate for command vehicles used for instances where major incidents occurred in areas where access to a radio tower was not available. In terms of future technologies, Mr. Burke mentioned the FirstNet program which was a nationwide initiative to deploy a public safety broadband data network based on 4GLTE technology. He said this would be an excellent program for public safety, but it was still in development and would not be available in this area for at least ten years. Mr. Burke stated that the staged approach presented by Televate suggested a means by which to address and fund solutions to the communications problems currently faced by Warren

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County. He concluded that the biggest need was for more tower sites and the partnership with the cellular phone companies was a very good means to address this coverage need.

There being no further discussion on the powerpoint presentation, Chairman Geraghty called for reports by Committee Chairman on the past months meetings or activities, which he noted would begin with Supervisor Girard. The following reports were made: Supervisor Girard, County Facilities and Extension Services; Supervisor Westcott, Social Services; Supervisor Thomas, Budget; Supervisor Wood, Public Safety; Supervisor Conover, Finance; Supervisor Monroe, Real Property Tax Services and Park Operations & Management; Supervisor McDevitt, Community College; Supervisor Taylor, Support Services, Personnel and Economic Growth & Development; Supervisor Frasier, Human Services; Supervisor Dickinson, Invasive Species; Supervisor Merlino, Tourism, Traffic Safety and Public Works; Supervisor Sokol, Health Services.

Supervisor Girard began his report by providing an update on the court space issue. He recalled that during the October 8th Special Board Meeting many issues had been brought to light, following which the Board had made a motion to keep the courts together on the Municipal Center Campus and a recommendation was made to possibly move some other County departments to leased space off-site. Supervisor Girard advised that after the meeting he received a call from Bob Sears, a Realtor representing property located at 1 Apollo Drive in Glens Falls, who was very interested in showing him the facility; he added that he had explained to Mr. Sears that the Board had decided upon keeping the courts together on the Municipal Center Campus and possibly leasing space for other departments and Mr. Sears had questioned whether the Apollo Drive facility could be considered to house the departments moved off-site. Supervisor Girard advised Mr. Sears had also contacted Supervisors Strough and Taylor, and they had all visited the Apollo Drive facility, which had 55,000-60,000 sq. ft. of space available that was sufficient to house the entire court system. He noted that the property offered a \$17 per sq. ft. lease rate; however, he added, Mr. Sears had indicated the owners of the facility were very aggressive in trying to rent out the available space and might offer a lower lease rate, especially if it would be a long-term lease agreement where all of the available space would be rented out. Supervisor Girard advised Mr. Sears had forwarded a proposal offering a lease rate of \$9 per sq. ft., which would include outfitting the space at a cap of \$400,000. He stated he felt an ethical responsibility to advise the Board of this offer, as well as to question whether an RFP (*Request for Proposals*) process should be undertaken to afford anyone interested a fair and equal opportunity to present their rental offers for review based on past practices. Supervisor Girard noted past experience had been that these types of scenarios would be open to an RFP process to ensure everyone had a fair and equal opportunity to present their offerings. He concluded that while Mr. Sears was one of the finest commercial Realtors around, and they certainly appreciated his time and assistance, he believed they would need to offer the same opportunity to any other person with space available for lease so that all offers could be explored in the event that the Board decided to move the courts, or other departments, to off-site locations.

Martin Auffredou, County Attorney, confirmed that if the Board decided to proceed in this direction, an RFP with design specifications would need to be released, as required by County Law, to determine all of the options available.

Supervisor Girard commented that they could continue this discussion at the next County Facilities Committee meeting; however, he stated, due to the magnitude of the issue and the fact that there were only five members on the County Facilities Committee, it would be helpful if they could consider the matter further at the Board level so that the Committee would have a better idea of the direction in which to proceed. He noted that a solution to the court's space issues had been delayed for many years and he felt the County owed it to the judges and their staff to try and be as efficient and expedient as

they were able to be in making this decision.

In response to an inquiry made by Chairman Geraghty as to the status of the court space issue, Paul Dusek, County Administrator, said that as he recalled, at the October 8th Special Board Meeting, the Board of Supervisors had voted in favor of keeping the courts together on the Municipal Center Campus. Mr. Dusek added that given the fact that a motion was made and carried, the County Facilities Committee could not take action contrary to this decision unless the Board of Supervisors took action allowing the Committee to do so.

Supervisor Taylor stated that while he understood there were time constraints with the prospect of the new Family Court judge being added in January of 2016, he supported the idea of slowing this process down to review all of the options available before making a decision. He pointed out that without having taken any action to solicit offers, the County had already received proposals for lease space that were about half the anticipated amount. Supervisor Westcott acknowledged the decision made by the Board at the October 8th Special Board Meeting, but noted the Board should do their due diligence and review all options to save as much County funding as possible while addressing the courts space issues.

Supervisor Conover stated that although he was in favor of saving money for the County, he would point out that moving the courts to an off-site location would mean vacating about 40,000 sq. ft. of space in the Municipal Center Building that had already been constructed at a cost to the taxpayers. He commented that they would need to come to some conclusion relative to how this vacated space would be used before they could conceive of soliciting a proposal to move the entire court system to another location.

Supervisor Dickinson stated that the judges and court staff had made clear statements that they preferred to remain on the Municipal Center Campus; therefore, he added, he did not understand why the idea of moving the courts to an off-site location was still being discussed at all.

Supervisor Strough apprised that during a recent conversation with Rich Schermerhorn, of Schermerhorn Real Estate Holdings, LLC, about another matter, the court space issue had arisen and he had advised Mr. Schermerhorn of the Board's decision to maintain the courts at the Municipal Center Campus with the possibility of moving other departments to off-site locations to enable expansion. He said Mr. Schermerhorn had indicated that he would build space to suit the County's needs and, although he had not seen it, it was his understanding that Mr. Schermerhorn had forwarded a proposal to the County Administrator's Office offering the same lease cost of \$9 per sq. ft. Additionally, Mr. Strough said Mr. Schermerhorn had offered to work out a cost agreement to furnish the space in accordance with the County's needs to make the transition to the new space as seamless as possible. Mr. Strough reiterated that he had not seen the letter making these offerings, but was just providing highlights from the conversation he had with Mr. Schermerhorn.

Supervisor Monroe commented that when the Municipal Center Building was constructed in the 1960's, the Board of Supervisors at that time had the vision to choose a large campus and select a building layout large enough to meet their needs for the past 50 years. He said to look at this situation in the short term time frame of 20 years was a mistake and he noted that even if the new construction versus leasing costs were comparable for the first 20 years, they still had to consider costs beyond that time frame. Supervisor Monroe noted the estimated costs for leasing 50,000 sq. ft. of space was approximately \$9 million for the first 20 years, but they needed to consider those costs for the next 50 years, and he estimated that cost would be closer to \$25 million, assuming the lease rates did not escalate. He said he felt they should consider the term beyond the next 20 years because if the expansion was handled properly, the additional space would suit their needs for many more years.

Additionally, Supervisor Monroe commented that they should not be considering moving any of the courts off-site; however, he added, it might be possible to relocate some of the other departments that did not rely upon being located within a certain proximity of the courts.

Supervisor Taylor pointed out that the Municipal Center Building was 50 years old and there were a number of improvements that needed to be made, such as to address the windows that leaked a considerable amount of heat, and he felt these improvements should be made. He opined that they should allocate the space necessary to expand the courts and if there were departments that needed to be moved offsite, it would make sense to lease space at a lower cost; he added that there might be some departments that would better serve the community if they were located elsewhere. Supervisor Taylor concluded that he still felt they should keep the courts in the Municipal Center Building, but he also believed they should review every option to see what was available.

Supervisor Seeber stated that since the October 8th Special Board Meeting everyone had an opportunity to research the issue and while she was committed to being a team player on this issue, she felt at the end of the process they would end up approving new construction to expand the court space at the Municipal Center Building. Her question, she said, was if they took time to delay the process and review all of the options available, how would they address the negative findings reported by the New York State Office for Court Administration in the near term and where would they temporarily house the new Family Court judge when he or she arrived in January of 2016.

Supervisor Girard responded that Supervisor Seeber's points were well taken and he said that possibly an apology was in order because the court space issue had been delayed for so long. He recalled that in the address made by Chairman Geraghty at the Organization Meeting in the beginning of 2014, he had remarked upon the need to resolve the court space issue and, as the County Facilities Committee Chairman, Supervisor Girard said he had felt it incumbent upon himself to begin dialogue and make decisions to provide direction to the engineers so that the schematic and bid work could be completed. Supervisor Girard noted that there were 20 members of the Board of Supervisors, 9 of whom had joined the Board during the last two elections and may not be aware of all the past court space issues; he added that he felt they needed to review every option before making a decision. He continued that Jeffery Tennyson, Superintendent of the Department of Public Works, was the staff member receiving direction on how to advance this process and he said he believed Mr. Tennyson was prepared to determine a temporary solution in the event that a decision could not be made and implemented prior to the January 1, 2016 arrival of the Family Court judge, which would allow the Board to take their time and make a decision everyone could be comfortable with.

Supervisor Kenny commented that they should look at the entire plan again, because the current Family Court space was 4,992 sq. ft. and they were seeking to expand it to 21,000 sq. ft., which was five times as large. He said he was aware that the Family Court had been existing in cramped quarters and he appreciated that, but he believed this plan was more extravagant than what was actually necessary. Supervisor Kenny concluded that Jon Norris, of Clark Patterson Lee, had interviewed all of the court staff during the needs assessment review, and while Mr. Norris' efficiency was beyond question, he believed that the additional space identified might be larger than necessary based on an attempt to satisfy everyone who had been interviewed, rather than to provide what was actually needed.

Chairman Geraghty advised that if the Board was in favor of authorizing the County Facilities Committee to review all available options, including moving the courts off-site, a motion would be necessary to nullify the prior direction provided by the Board, which indicated a desire to retain all of the courts on the Municipal Center Campus. Mr. Dusek confirmed this was the case, noting that at this time the County Facilities Committee and County staff had no alternative but to work under the

direction the Board had given, which was for the courts to remain on the Municipal Center Campus. Supervisor Monroe noted the Board's decision had been to keep the courts on the Municipal Center Campus, but to explore the option of moving other departments off-site to provide additional space.

Supervisor Thomas said he did not understand why they would disrupt the entire building to expand the courts and he agreed with Supervisor Kenny's comments that the initial space needs projected could likely be reduced. He added that the issues in the Family Court could be compared to a ticking time bomb and he noted that if the situation exploded, the consequential costs to the County could be much more than the amount projected for the new construction that would alleviate the issue. Beyond that, Supervisor Thomas said he believed they were attempting to circumvent the laws that the members of the Board of Supervisors had taken an Oath to uphold, specifically the Prevailing Wage Law, the Taylor Act and proper bidding practices; he added that by seeking the lowest possible lease rate, they were circumventing these laws and practices. He concluded that while he was not a proponent of the Prevailing Wage Rate Law, it was a Law they worked under nonetheless and if they wanted to avoid this Law they should be writing to the State Legislature to ask that it be changed, rather than trying to circumvent it.

Supervisor Wood indicated that her views on the matter had not changed and she confirmed her opinion that the courts should remain on the Municipal Center Campus. She noted that the budget for the Sheriff's Office was already increasing for 2015 due to the addition of Corrections staffing and she advised that moving the courts off-site would dramatically increase the cost of operations, yet again, because they would need to transport inmates for court appearances.

Judge Krogmann, Warren County Supreme Court, commented that the court staff had not been apprised of any potential temporary solutions; however, he noted, if the temporary housing was located separate from the current court system, the scenario would invite more input from the New York State Office of Court Administration. Therefore, he concluded this temporary solution was of critical concern.

Judge Breen, Family Court Judge, thanked the Board for their time and consideration of this matter and he advised a tour of the courts had been scheduled for Tuesday, October 21st beginning at 8:45 a.m., which he invited everyone to attend so that they could learn about the problems faced, as well as to answer any questions that might be raised.

Supervisor Conover asked everyone to consider the effects on efficiencies if departments were removed from the Municipal Center Building, specifically relating to whether additional staffing would be necessary. He added his opinion that before an RFP seeking lease space could be released, they would need to identify which departments would be moved and what additional costs this movement would incur. Supervisor Conover concluded that until this review and reporting work was done, it was premature to even consider the release of RFP documents.

Chairman Geraghty concluded it appeared to be the consensus of the Board to uphold its original decision to maintain the courts on the Municipal Center Campus and explore the possibility of moving other departments off-site to make room for expansion of the court space; he added that the County Facilities Committee would continue this work.

Concluding his report, Supervisor Girard expressed his apologies for missing the last meeting at Cornell Cooperative Extension (CCE), but advised the RFP for solar power at CCE had been released and some information returned. He advised issues had been identified with the possibility of placing a solar farm on the property surrounding CCE due to the flood plain that needed to be discussed, but he confirmed

that they would be moving forward with the solar project in one form or another.

Supervisor Westcott reported that the Social Services Committee had met earlier that morning, approving proposed Resolution No. 503, *Appointing Maureen Schmidt as Commissioner of the Warren County Department of Social Services*, which would appoint the current Deputy Commissioner of the Department of Social Services, Maureen Schmidt, to the Commissioner position for a five-year term commencing October 20, 2014. He explained this decision had been made following a very thorough and professional search lead by Mr. Dusek and Gretchen Steffan, County Human Resources Director, in which a number of resumes had been reviewed and candidates interviewed. Supervisor Westcott stated that following this process, the Social Services Committee had made the decision to promote Ms. Schmidt based on her extensive and outstanding employment history with Warren County which included her having served in many supervisory positions, most recently as the Deputy Commissioner, filling in for the previous Commissioner who had retired. He commented this appointment would maintain continuity within the Department of Social Services and he said he was very pleased and honored to present her as the Commissioner of the Department of Social Services; Supervisor Westcott concluded that he hoped his fellow Board Members would vote in favor of proposed Resolution No. 503 and support Ms. Schmidt in her new position.

Supervisor Thomas advised the Budget Committee had met on October 7th, at which time they had reviewed the multi-year plan, sales tax projections and various expense projections including those related to road paving, communications system improvements, and increased payments to the towns for snow and ice contracts, as well as the decrease in projected health insurance coverage costs. He advised that since that meeting, the Budget Team had met a couple of times to make decisions on changes to the budget and they were awaiting reports reflecting how those changes would affect the overall budget; he noted these effects would be discussed at the next Budget Committee meeting scheduled for October 21st. Supervisor Thomas apprised they had decided to include funding in the 2015 Budget proposal for operational expenses at Westmount Health Facility through May, but advised that the Budget would have to be altered if it became necessary to fund Westmount expenses for the remainder of the year.

Chairman Geraghty commended Supervisor Thomas for the good work he was doing in developing the 2015 Budget. He acknowledged it was challenging work to develop a timely budget with a minimum increase and he thanked Supervisor Thomas for his efforts.

Supervisor Wood advised the Public Safety Committee had met on September 29th to address some typical County business, but noted that the majority of the meeting had been dedicated to the review of a presentation made by Televate, a portion of which was repeated for the Board's benefit earlier that morning. With regards to proposed Resolution No. 492, *Extending the Period of Employment for the Temporary Full Time HR/Civil Service Assistant*, Supervisor Wood noted that she had voted against the extension of this position the last time it was requested and she said she still had some significant concerns, particularly regarding the organizational structure of the Human Resources Department. She continued that she also realized the County had the privilege of employing many good people and as the Board of Supervisors debated and took action, they sometimes forgot or did not realize that what they did had far reaching and sometimes unintended consequences both in day to day operations and the message sent to employees; she added that the County's employees were people who worked hard with less resources and staffing than they had in the past. Keeping this in mind, Supervisor Wood stated that the growth of the Human Resources Department, while important, had caused her a great deal of concern, not just because the departmental budget had increased so drastically, but also because they continued to add staff, reclassify and adjust salaries in that area while many other departments had struggled for longer with much less. She stated that many Board Members wanted

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to send a strong message that they were not comfortable with this based on many concerns, and while she agreed this should be done, they needed to be careful not to cause some of those unintended consequences that might set back the important functions of the department in order to send their message. Supervisor Wood added that if they hurt the departments, they would also hurt their day to day operations, and they would ultimately hurt themselves because the Board would be left with the task of trying to figure out how to fix the problems caused.

Ms. Wood commented that although everyone seemed to be talking about this issue, no one seemed to be willing to come forth and point out the problem, so she said she would be that person. She stated that while she felt it was alright to point out the problem, she also felt it was important to propose a practical solution. Supervisor Wood suggested that, with the permission of the Chairman of the Personnel Committee, an executive session be held to discuss the employment of two particular unnamed employees. Additionally, she said she felt it was time to review the local law that created the Human Resources Department and make adjustments. Supervisor Wood stated that to keep things moving forward, she would propose an amendment to proposed Resolution No. 492 to include language stating that the Temporary Full Time HR/Civil Service Assistant shall dedicate 20 hours per week to Human Resources work and 20 hours per week to Civil Service work, and directing the County Administrator to ensure the terms of the resolution were carried out. Supervisor Wood said this was a compromise that would increase the level of comfort with the request and would also clarify exactly what the position would do. She acknowledged there were some concerns that even if the resolution were amended it would not be enforced; however, she said, this would be a directive of the Board and if they found it was not being enforced they could discipline accordingly. Supervisor Wood concluded that if these concerns were present she felt they should do something about them instead of talking amongst themselves and that was why she had decided to suggest the aforementioned amendment to proposed Resolution No. 492.

Motion was made by Supervisor Wood and seconded by Supervisor Kenny to amend proposed Resolution No. 492 to clarify that the Temporary Full Time Hr/Civil Service Assistant shall dedicate 20 hours to Human Resources work and 20 hours to Civil Service work and to direct the County Administrator to ensure that this takes place.

Supervisor Westcott stated he did not feel qualified to make a decision like this on the spot.

Supervisor Seeber said this was a topic of discussion amongst the Supervisors which she and Supervisor Wood had talked about at length; she added that she supported any type of executive session regarding the resources they had in the Human Resources and Civil Service areas and taking a look at the local law for possible amendment. Supervisor Seeber commented that currently, they were talking about an additional \$3,000 expenditure to fill out the remainder of the year and she said that as Supervisors, they were elected to do what was fair and right; she added that she did not think it was fair to every department to continue to build into one area and not allow others the opportunity to express their needs. Supervisor Seeber stated it was likely that every department head would indicate they were understaffed and had too much work to do; therefore, she suggested that they should instead poll each department to see which required temporary assistance. She cited the Veterans' Services Department as one that faced staffing issues, specifically relating to the part-time secretary position which served as the department's only staff member other than the director of the department. Supervisor Seeber noted that the Director of Veterans' Services had come forth repeatedly requesting that the part-time position be expanded to full-time in order to provide adequate service to the County's Veterans, and yet they continued to provide only a part-time assistant there; she added this position was now vacant because the person who had been filling the part-time position was able to find a full-time position with benefits. Supervisor Seeber opined that if they were going to approve new positions, they should be

looking to the Veterans' Services Department in order to provide better service to the Veterans' and produce revenue by allocating and directing those individuals to obtain Veterans' benefits, rather than Social Services benefits. She said that while they could take a hard look at all departments, she felt they needed to be fair and she asked everyone to consider this point. Supervisor Seeber noted that the Human Resources Department budget was increased by \$136,000 from last year, and to be fair, she noted that this had included the addition of a Confidential Assistant who was paid a salary in the range of \$42,000; however, she added, there were other people who had worked for the County for decades that did not make that kind of money. She said it was time to look at longevity and the hard work that every employee did for the County and she commented that what they were considering was not fair. Supervisor Seeber suggested what they could do was to take a position and talk about the issues that were important to their departments; she added that they were elected to represent all of these staff members who lived in Warren County communities. With regards to Supervisor Wood's motion to amend proposed Resolution No. 492, Supervisor Seeber said she was not sure it would be effective. Finally, she commented that \$27,000 from the Contingent Fund had been contributed to the Human Resources and Civil Service Administration so far in 2014 and that funding had been tentatively included in the 2015 Budget to make the Temporary HR/Civil Service Assistant permanent.

Supervisor Taylor said he did not how the Board could possibly determine an appropriate split of time for the HR/Civil Service Assistant because they did not know how the workload might fluctuate; he said he believed the department head needed the flexibility to make this determination. He added that while he could understand the strong feelings about this issue and the desire to take a stand on the issue, they were talking about a relatively minimum expenditure in order to address the backlog of work the temporary position was assigned to, some of which was for certification of payrolls.

Mr. Dusek said he had been very involved in the operations of the Human Resources & Civil Service Administration and he acknowledged there had been some growing pains in terms of the coordination of both the Human Resources and Civil Service aspects of the department which he believed were being referred to. He stated that the position was needed to address a tremendous amount of work that had not been done for years in both the Human Resources and Civil Service areas and he opined that the 20/20 hour split recommended was appropriate for the position, at least for the rest of 2014. He added that there was so much work in both divisions there would be no problem with filling these work hours and he said he supported Ms. Wood's motion. Mr. Dusek stated that the position would be discussed once again as part of the 2015 Budget process where it had been tentatively included as a permanent position. He advised he would be meeting once again with the County Human Resources Director and the Personnel Officer to see how things were proceeding and if the Personnel Committee desired to discuss this further, he felt it would be absolutely appropriate. Mr. Dusek reiterated that he was comfortable that an even split of the hours worked by the Temporary HR/Civil Service Assistant was appropriate and he assured the Board Members that even without their direction, he would carry out the wishes of the Board through regular communications with the County Human Resources Director and the Personnel Officer.

Supervisor Merlino questioned whether the intent of the resolution was to extend the Temporary HR/Civil Service Assistant through the end of 2014 with further review to be undertaken as to whether it would be made permanent for 2015, and Chairman Geraghty replied affirmatively.

There being no further discussion, Chairman Geraghty called for a vote on the aforementioned motion to amend proposed Resolution No. 492, which failed by a vote of 310 for (*Supervisors Conover, Taylor, Kenny, Frasier, Simpson, Merlino, Thomas, Wood and Geraghty*), 660 against (*Supervisors Monroe, Girard, McDevitt, Vanselow, Dickinson, Strough, Seeber, Sokol, Beaty and Westcott*) and 30 absent (*Supervisor Brock*).

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Supervisor Conover advised the Finance Committee had met on October 8th, approving proposed Resolution Nos. 456-458 and 478-481, all of which were fairly standard. He pointed out proposed Resolution No. 478, *Ratifying the Actions of the Chairman of the Board of Supervisors in Executing an Agreement with Rozell North for the Emergency Replacement of Water Main Pipe at the Westmount Health Facility*, which he said he assumed Supervisor Sokol would provide an update on during his report.

Supervisor Monroe reported that the Real Property Tax Services Committee had met on September 30th, where they had discussed a number of issues, including the revisions made to the tax bills to more clearly identify outstanding taxes owed for prior years; he added that this change had been made following a request by Supervisor Seeber to provide better notification and he said it seemed everyone was satisfied with the change. Supervisor Monroe advised the Committee had also discussed the subdivision map filing fees charged by the Real Property Tax Services Department for 2+ lot subdivisions, but it was noted that no fee was charged for filing single lot subdivision maps. He said this discussion had lead the Committee to approve a resolution that would institute a \$25 fee for filing of single lot subdivision maps, as represented by proposed Resolution No. 477, *Amending Resolution No. 256 of 1992 - Authorizing Establishment of Subdivision Map Filing Fees for Tax Map Maintenance*. Supervisor Monroe apprised the Real Property Tax Services Committee had discussed the custom reports produced by the Real Property Tax Services Department and had considered whether a fee should be instituted for them; he stated the Committee had decided to defer a decision on this matter pending receipt of additional information from the Director of the Real Property Tax Services Department as to the amount of time spent on these reports, how often they were requested, etc. Supervisor Monroe apprised that at the close of this meeting, he had brought up the fact that changes in tax laws prevented taxpayers with properties in danger of foreclosure action from paying their oldest taxes first to redeem the property, as well as provisions within the same tax law which instituted an "all or nothing" scenario which prevented taxpayers from redeeming one property when the taxes for multiple properties were delinquent. He opined that these laws were unfair to the taxpayer and although Warren County had expressed opposition when the laws were introduced, the State Legislature had enacted them regardless. Supervisor Monroe advised the Committee had tabled further discussion on this matter pending an opinion from the County Treasurer; however, Supervisor Monroe stated, he felt they should pass a resolution requesting that the State Legislature make changes to this procedure. Supervisor Monroe pointed out there was a taxpayer present today who would like to address the Board later in the meeting with a plea to save his property from the foreclosure auction and he noted that up to this point, his requests had been rejected.

Continuing his review, Supervisor Monroe provided a summary of the September 30th Park Operations and Management Committee meeting, indicating that they had talked about the Shrine Circus event which had lost money due to the rainy weather and because their event was reduced from two days to one. He said Mayor Blais, Village of Lake George, had requested that they waive a portion of the fee charged to the Shrine Circus for use of the Festival Space, leading the Committee to approve proposed Resolution No. 460, *Amending Resolution No. 432 of 2014; Decreasing the Fee Charged to the Shrine Circus for use of the Festival Space of the Charles R. Wood Park for Various Events*. Supervisor Monroe reported that Mayor Blais had been dealing with a number of other events for 2015 and every one had requested fencing and a stage; therefore, he stated, Mayor Blais had suggested that they seek grant funding for the expense to install both fencing and a stage and he said he believed the Committee was in favor of this exercise. Finally, he stated that Mayor Blais had presented a proposal for maintenance of the Wood Park on a flat fee basis, which he said they would discuss further at a future meeting.

At Chairman Geraghty's prompting, Supervisor Monroe introduced Kate Fish, Executive Director of ANCA (*Adirondack North Country Association*), who had just left the Washington County Board of

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Supervisors Meeting where she had made a presentation. Ms. Fish said she was present to speak briefly about ANCA and answer any questions the Board might have about the organization. She stated ANCA was very appreciative of the funding support provided by Warren County which made a big difference in terms of the efforts they were able to undertake; she added that Pat Tatich, of the Planning & Community Development Department, had been a very active and helpful ANCA Board Member for the past five years. Ms. Fish distributed a handout entitled "ANCA Means Business" listing the numerous benefits ANCA provided to Warren County, which she proceeded to outline briefly; *a copy of the handout is on file with the items distributed at the Board Meeting*. In conclusion, Ms. Fish advised ANCA was requesting that Warren County consider doubling their funding from \$750 to \$1,500 for 2015. She apprised ANCA would be 60 years old in 2015, making them one of the longest-operating rural development organizations in northern New York; she also reiterated ANCA's appreciation for the support Warren County had provided in prior years.

Supervisor Girard noted that during his report he had neglected to mention that a public hearing for the Floyd Bennett Memorial Airport Runway 1 Extension and Obstruction Removal Environmental Assessment project would be held at the Town of Queensbury Activity Center (642 Bay Road) on Thursday, October 23rd at 6:30 p.m. Additionally, Supervisor Girard advised they anticipated the receipt of FAA (*Federal Aviation Administration*) approvals on the office complex and restaurant to be constructed by Schermerhorn Aviation, LLC; he added that they hoped to receive a response on the FAA grant application submitted for funding to install a new fuel farm at the Airport, as well.

Supervisor McDevitt pointed out proposed Resolution Nos. 488, *Supporting the Adirondack Community College Capital Improvement Plan for 2015-16*; 489, *Supporting the Adirondack Community College Twenty-One Million Dollar Capital Improvement Plan for 2015-2016*; and 490, *Accepting the Donation of Property Tax Map No. 296.8-1-8.12 (1.5± Acres) from the Michaels Group, LLC to Adirondack Community College*, all of which were approved by the Community College Committee at their meeting on October 7th. He pointed out that proposed Resolution No. 489 referred to the largest of the capital improvements plans at \$21 million and he said he felt it was important to point out the source of funding for this project would be 50% State dollars, with the remaining 50% to be provided by private funding sources. Supervisor McDevitt also pointed out proposed Resolution No. 485, *Authorizing Agreement with Warren-Washington Association for Mental Health to Erect a Temporary Cold Frame Structure on County Owned Right-of-Way*, approved by the Public Works Committee, which would allow the Association for Mental Health's gardening program to be extended into the winter months. With regards to proposed Resolution No. 497, *To Enact Local Law No. 5 of 2014 ("A Local Law Amending Local Law No. 10 of 2011 in Relation to the Imposition of an Additional Mortgage Recording Tax in Warren County to Amend SECTION 3 to Provide that the Local Law shall Remain in Effect Until December 1, 2016")*, Supervisor McDevitt stated it was important to note that the lender would be paying .25% of the 1.25% Recording Tax. He added that he only felt it important to ask how the County would offset the loss of revenues by eliminating the Additional Mortgage Recording Tax which had accounted for about \$843,000 this year.

Supervisor McDevitt stated that he also had some comments to make relative to recent reports regarding Correctional Medical Care (CMC), a company that held over \$32 million in contracts with New York State counties. He said it had been alleged that CMC had understaffed their facilities and shifted work hours from physicians and dentists to less qualified and lower-waged staff, including in one case a nurse with a felony conviction. Supervisor McDevitt advised the Attorney General's investigation of CMC began as a result of a referral from the New York State Department of Correction, based on the Commissioner of Corrections' identification of significant lapses in medical care provided to six prisoners who died in custody between 2009 and 2012 at five county jails. He added that they had also found medical records at these facilities had lacked evidence of physician or psychiatric oversight and

did not include required information; he also noted that these records indicated CMC staff had dispensed medications without medical orders. Supervisor McDevitt said that at some point, he would like Mr. Auffredou to comment on a couple of issues, the first being the legality of this organization to continue to operate in jails based on New York State regulations relating to non-medical providers being in control, and secondly the monitoring effect of the Attorney General or a representative monitoring the jails under investigation at this point. Supervisor McDevitt stated he had wanted to have this information entered into the public record because at some point they would be asked to vote on an extension of the CMC contract with Warren County. He noted the presence of Mike Gates, Corrections Captain, and he thanked him for his participation in recent correspondence from the Sheriff's Office which provided an opportunity to understand the fiscal pressures faced at the Warren County Jail.

Mr. Auffredou advised he'd had a number of conversations with Supervisor McDevitt about this matter and he said it was important to emphasize that the issues with services provided by CMC were not occurring in Warren County, but rather in Monroe and Tioga Counties. He continued that it was also important to point out there were demonstrated savings through the CMC contract and the Warren County Jail was not experiencing any problems with the delivery of care to inmates, and in fact, it was his understanding that the care received had been excellent and the inmates were being well cared for in a seamless operation; Mr. Auffredou stated that he would defer to Captain Gates if he had mis-stated any of this information. With respect to the Attorney General's review and settlement agreement with CMC, Mr. Auffredou commented that Warren County was a beneficiary of the agreement as one of 13 counties that contracted with CMC. He explained that within the confines of the settlement agreement the Attorney General's Office and CMC had reached, there were a couple of things to note, the first being that CMC was required to retain an independent monitor, at a substantial cost, who would begin an audit process to review defined areas including staffing needs, medical care and other items found at issue in Monroe and Tioga Counties. Mr. Auffredou stated that audits would be performed for Warren County operations for the past three months to see if any adverse issues had occurred, the auditor could expand the audit to review the past two years; however, he stated, the review for Warren County would not be expanded this far because they were still in their first year of contract with CMC. The second benefit, Mr. Auffredou said, was that if they decided they no longer wanted to contract with CMC, the Attorney General's settlement agreement provided the County with the ability to discontinue their agreement at no penalty to either party. With emphasis, Mr. Auffredou reiterated that the CMC issues were not related to Warren County. He stated that CMC would have to restructure their organization to make a fundamental change in the way they did business; he added that, right now, they were providing administrative functions and would continue to do so, but would have to contract with a professional corporation who would serve as the deliverer of the medical care. Mr. Auffredou concluded that CMC was not in any violation of law with Warren County which meant the County could continue their contract and allow CMC to deliver services at the Warren County Jail while they were making changes to their organization, some of which might cause a need for modifications to the Warren County/CMC agreement in the future.

Supervisor McDevitt thanked Mr. Auffredou for his comments and noted his intent in entering this information into the public record had been to bring light to this matter so the Board of Supervisors, as elected officials, would be informed of these serious issues as they moved forward.

Supervisor Taylor noted that the Support Services Committee had met on October 1st, approving proposed Resolution Nos. 482-484 and the Personnel Committee had met on October 8th, approving proposed Resolution Nos. 491-495, 498 and 499; he provided a brief outline of each resolution, all of which were included in the resolution packet. With regards to the October 1st Economic Growth & Development Committee Meeting, Supervisor Taylor reported the EDC had conducted a 2nd Annual

Zoning & Planning Forum which was attended by 70 individuals representing 18 organizations and municipalities. Additionally, he noted that the EDC had closed on the Hacker Boat property in the Town of Queensbury and he anticipated construction would begin in the fall of 2014 or spring of 2015; he also advised of a recent announcement that a new company called "Just Beverages" would be headquartering in the City of Glens Falls. Supervisor Taylor stated that one measurement for the success of the EDC program was employment rates and he noted that as per New York State Department of Labor statistics, as of August of 2014 there had been a decrease in the unemployment rate to 4.9% , as compared to the August of 2013 rate of 6%. Finally, Supervisor Taylor reported the Committee had watched a presentation about available industrial park properties featuring aerial videos outlining the features of each. He commented that this video was an interesting marketing tool which showed a bird's-eye view of the parcels while outlining the associated benefits of each; he added that the aerial videography was recorded using drones.

Supervisor Frasier advised the Human Services Committee had met on September 29th, approving proposed Resolution Nos. 464-470, all of which were included in the resolution packet. Additionally, she advised the Committee had approved a budget amendment for the Employment & Training Administration to accept Federal Trade Adjustment Act funding, as well as a request from the Veterans' Services Department to fill a vacant part-time Typist position.

Supervisor Dickinson said the Invasive Species Sub-Committee had met on October 8th to receive a final reporting on the Boat Inspection Program for 2014; he said they had learned almost 20,000 boats had been inspected and that the program was very well received with few incidents. Supervisor Dickinson commented that it seemed the boating public recognized the asset and value of the Boat Inspection Program and had expressed interest in seeing it expanded. He said there were some things they hoped to do better next year to save money and increase data collection. Secondly, Supervisor Dickinson advised the Committee had received an update on the Asian Clam eradication efforts, indicating that the small area of matting placed in the northern basin of Lake George had been very successful. He noted that a more extensive matting program had not been undertaken because the severe 2013-14 winter had killed a considerable portion of the Clam population; Supervisor Dickinson stated that although many were hoping for an easy winter this year, he was hoping for another hard winter weather season in order to duplicate the prior season's Clam kill rates. He commented that they were in a holding pattern waiting for information from the science community on what their next steps would be and he noted this was a somewhat scary position because the Asian Clams were able to reproduce so rapidly.

Supervisor Merlino reported that the Tourism Committee had not met since the last Board Meeting; however, he advised, a meeting had been scheduled for October 30th. He noted that the Tourism Department had performed some research regarding visitors to the satellite Tourism Office located in the Adirondack Outlet Mall, subsequent to which they had determined visitors from 19 different states and 9 countries had visited the satellite office, all indicating they had been satisfied with the customer service and products offered by Warren County businesses. Supervisor Merlino advised the Tourism Department was preparing their winter advertising placements and he apprised the 2015 Travel Guide brochures should be available shortly. He advised the October 30th Tourism Committee meeting would feature a presentation by Tom Connors, of Advertisers Workshop, Inc., relative to the advertising placements being made. Additionally, Supervisor Merlino pointed out that the resolution packet included proposed Resolution No. 461, *Ratifying the Actions of the Chairman of the Board of Supervisors in Executing the STOP-DWI Comprehensive Plan of Warren County for 2015*, sponsored by the Traffic Safety Board, as well as proposed Resolution Nos. 485, *Authorizing Agreement with Warren-Washington Association for Mental Health to Erect a Temporary Cold Frame Structure on County Owned Right-of-Way*, 486, *Accepting Donation to Up Yonda Farm and Authorizing the Chairman of the Board of*

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Supervisors to Send a Letter of Appreciation, and 487, Amending Resolution No. 599 of 2012 - Resolution Establishing a Capital Reserve Fund to Finance a "Type" Capital Improvement; Authorizing Transfer of Funds and Amending Warren County Budget for 2012, all sponsored by the Public Works Committee. Finally, Supervisor Merlino mentioned that he had been working on the proposal to make changes to the procedures used for distribution of sales tax revenues. He noted that a recent newspaper article had indicated the Town of Queensbury had proposed an \$18.5 million budget, but received \$9 million in sales tax revenues so it appeared the Town of Queensbury residents were only responsible for 50% of their budget. Supervisor Merlino further noted that the Town of Lake Luzerne's budget was \$3.7 million and they received \$900,000 in sales tax revenues, meaning his constituents were responsible for 75% of their budget.

Supervisor Strough stated he had nothing to report, but wanted to clarify that the Town of Queensbury had proposed a \$30 million budget.

Supervisor Seeber apprised that she, and many other Supervisors, had attended the recent Adirondack Balloon Festival event to volunteer with parking and traffic direction; she said she had worked with Supervisor Girard and she thanked him for putting up with her so early in the morning. She also thanked Mr. Tennyson and Ross Dubarry, Airport Manager, for providing her with a detailed tour of the Airport which had helped her to better understand all of the ongoing issues the Board continued to discuss relative to the Airport facility. Supervisor Seeber once again drew the Board's attention to proposed Resolution No. 492, *Extending the Period of Employment for the Temporary Full Time HR/Civil Service Assistant*, and she requested that a roll call vote be taken for it. Additionally, she pointed out proposed Resolution No. 457, *Making Supplemental Appropriations*, which sought to transfer \$4,173 from the Contingent Account to the Human Resources/Civil Service Budget to fund the extension of the Temporary Full Time HR/Civil Service Assistant position for the remainder of 2014. Supervisor Seeber said that some comments had been made that the request was for "only" \$4,000 to extend the position through the end of the year; however, she said, she would contend this was not just about \$4,000, nor was it a personal attack, but rather about the facts, which she listed as: 1) the Board had not afforded each department head the opportunity to request additional temporary help for, what she believed, were all equally busy and understaffed departments; 2) the Human Resources Department was \$27,669.76 over budget, with those funds having been already transferred from the Contingent Account; 3) dialogue and revision to the local law that created the Human Resources and Civil Service Administration was needed; 4) the Board had not directed the undertaking of an exhaustive search of all available options to address the existing backlog, and she cited two such examples of alternate options as being the use of a college intern or directing a reallocation of resources within the Human Resources and Civil Service Administration, such as they asked every other department head to do; and 5) the temporary position was initially approved for three months beginning in March of 2014, then was extended in August for an additional three months. Supervisor Seeber concluded that she hoped her fellow Supervisors would keep these facts in mind when voting on proposed Resolution Nos. 457 and 492 and she said she hoped they would recognize this issue was not just about \$4,000.

Supervisor Sokol advised the Health Services Committee had met on September 26th to review a very brisk agenda. He noted that as referenced by Supervisor Conover earlier in the meeting, there had been a water main break at Westmount Health Facility that had required emergency attention to fix it. Supervisor Sokol advised Rozell North had provided the lowest quote for the repair work which was about half the amount initially estimated; he pointed out proposed Resolution No. 478, *Ratifying the Actions of the Chairman of the Board of Supervisors in Executing an Agreement with Rozell North for the Emergency Replacement of Water Main Pipe at the Westmount Health Facility*, and he said he hoped everyone would support it. Finally, he stated that as he had mentioned last month, the attorneys involved in developing the contract for the proposed sale of Westmount Health Facility had been

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working diligently and they were nearing completion of the document; he added that the proposed 2015 Budget would include funding for Westmount through the month of May and he said he hoped they would be able to expedite the sale so that they would not have to find funding for the remainder of the year.

Supervisor Beaty announced that he had attended a number of meetings this month and was drawing some conclusions that the County would face some unbelievable fiscal challenges in the coming year. He noted a written review of the draft environmental assessment for the proposed runway extension project as prepared by Town of Queensbury Resident Travis Whitehead, was included in the mailed resolution packet and he said he hoped everyone had time to review it; Supervisor Beaty pointed out that the proposed runway extension project would require the County to expend at least \$400,000, plus legacy costs. Commenting on the County's current financial status, Supervisor Beaty stated that the 2014 sales tax revenues received were about \$350,000 less than anticipated and there were significant costs forecasted relative to the Warren County Jail which would likely be \$1 million or more; he added that they were now anticipating a cost of \$8-\$12 million to construct an addition to address the court's space needs. He continued they could all agree the County's highway infrastructure was in sore need of additional funding and they were looking for ways to find an additional \$1-\$2 million in funding to address those needs. Supervisor Beaty noted that earlier that morning the Board had received a presentation on the need for upgrades to the County's emergency communications system, which was estimated to cost up to \$600,000, although it had been indicated those upgrades could be made over time. Finally, Supervisor Beaty stated that they had a very sound and adequate Airport which operated at a cost of over \$1 million per year, including project bond interest payments, and they were now talking about spending an additional \$400,000 plus legacy costs to extend a runway with no proof that the extension would result in any additional incremental business. He concluded that he hoped everyone would consider the substantial financial challenges before them and review every area to determine a way to shift funds and procedures to cover these costs.

Returning to the Report by the Chairman of the Board, Chairman Geraghty read his report aloud, a copy of which is on file with the items distributed at the Board Meeting.

Mr. Dusek provided the report by the County Administrator, advising he had met with Mr. Tennyson and the engineers who were preparing for the upcoming public hearing for the Floyd Bennett Memorial Airport Runway 1 Extension and Obstruction Removal Environmental Assessment project. He noted that the focus of the hearing would be on the environmental assessment form that had been released and made available for public comment. Mr. Dusek stated that to start the meeting, a presentation would be made that he believed would provide some useful background information on the runway extension itself which the members of the Board of Supervisors might find worthwhile. Secondly, Mr. Dusek advised that subsequent to advisements received from Supervisor Seeber about public comments she had received indicating a difficulty in finding the Board and Committee Meeting videos, he had met with Mike Colvin, Director of Information Technology, to address this issue and changes had been made to include links to the videos on the home screen of the Warren County web page. Mr. Dusek stated the plan was to totally revamp the County's web page, but said he hoped this would provide more ease of use in the meantime. He added that if anyone received any comments about areas requiring improvement he would request that they be passed along to him to be addressed in the meantime.

Moving on to the report by the County Attorney, Mr. Auffredou advised the 2014 Tax Foreclosure Auction would be held on the following morning at the Warren County Municipal Center; he noted that registration would begin at 9:00 a.m. with the actual Auction to begin at 10:00 a.m. Mr. Auffredou apprised that late last week his Office had obtained the judgement and order from the Warren County Supreme Court which authorized a deed to be signed by the County Treasurer conveying full and

complete title to the parcels remaining in the tax foreclosure proceedings to Warren County. He said he believed there were 35 parcels to be included in the Auction, 6 of which were parcels that had not sold in the 2013 Auction. Mr. Auffredou commented he found it noteworthy to mention that the number of parcels to be auctioned was lower than prior years and reflected the effort put forth by his own Office, as well as the Real Property Tax Services and Treasurer's Offices to reduce the number of foreclosed properties obtained by the County. He stated that this was not an easy or pleasant process, but it was something that had to be done. With regards to proposed Resolution No. 482, *Approving the Warren County Policy on Preservation of Institutional Information*, Mr. Auffredou advised he had drafted the Policy and was asking for support of it; he added that if the resolution was approved, he intended to speak with the County Administrator about including a presentation on the agenda for the next Department Head meeting in order to review the Policy in detail, similar to the manner in which he had reviewed it with the Support Services Committee.

Chairman Geraghty called for the reading of communications and Mrs. Sady read the following aloud:

Monthly Report from:

1. Probation;

Annual Report from:

1. County of Warren for fiscal year ending December 31, 2013;

City of Glens Falls Industrial Development Agency, Notice of Public Hearing regarding the Just Beverages, LLC Project and 14 Hudson, LLC-Park Street Project.

Chairman Geraghty then called for the reading of resolutions. Mrs. Sady announced proposed Resolution Nos. 458-498 were mailed and she noted proposed Resolution No. 497 was amended after mailing; she advised a motion was needed to approve proposed Resolution No. 497, as amended. The necessary motion was made by Supervisor Girard, seconded by Supervisor Conover and carried unanimously.

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

Supervisor Beaty requested a roll call vote for proposed Resolution No. 477, *Amending Resolution No. 256 of 1992 - Authorizing Establishment of Subdivision Map Filing Fees for Tax Map Maintenance*.

Privilege of the floor was extended to Mr. Whitehead who wished to comment on proposed Resolution No. 499 of 2014, *Introducing Proposed Local Law No. 6 of 2014 and Authorizing Public Hearing Thereon ("Warren County Ethics and Disclosure Law")*. He directed the Board's attention to Section 9 of the proposed Local Law, *included on Page 5*, which he said basically pertained to the loopholes for the Law. He recited Section 9(a)(2) of the proposed Local Law, as follows:

- (2) *any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:*
 - (i) *all municipal officers or employees;*
 - (ii) *all residents or taxpayers of the municipality or an area of the municipality; or*
 - (iii) *the general public*

Mr. Whitehead asked Mr. Auffredou to explain why this section had been included in the proposed Ethic's Law because it seemed to be very broad. Additionally, he questioned the inclusion of Section 9(a)(b):

- (b) *Recusal and abstention shall not be required with respect to any matter:*
- (1) *which comes before the Warren County Board of Supervisors or standing Committee or Special Committee thereof when a majority of the board's or committee's total membership would otherwise be prohibited from acting by section 8 of this code;*
 - (2) *which comes before a municipal officer when the officer would be prohibited from acting by section 8 of this code and the matter cannot be lawfully delegated to another person*

Mr. Whitehead noted this seemed to be another exclusion indicating that if the majority had a conflict, the conflict itself would be disregarded; he asked Mr. Auffredou to comment on why these inclusions were appropriate.

Mr. Auffredou responded that, as he had explained to the Personnel Committee, the proposed Warren County Ethics and Disclosure Law had been formulated in large part based on a State model which the provisions Mr. Whitehead referred to were specified in. He said that when drafting the proposed Law, he had concluded it was in the County's best interest to adopt the State's model which had already been subject to extensive and thorough review by the New York State Comptroller's Office and was made available on their website for municipal use. Mr. Auffredou concluded with his opinion that by adopting this State's version of the Ethics Law the County could be assured they would be implementing a policy in compliance with Article 18 of the General Municipal Law.

Dan Freebern, Town of Horicon Resident, commented on proposed Resolution No. 497, *To Enact Local Law No. 5 of 2014 ("A Local Law Amending Local Law No. 10 of 2011 in Relation to the Imposition of an Additional Mortgage Recording Tax in Warren County to Amend SECTION 3 to Provide that the Local Law Shall Remain in Effect Until December 1, 2016")*. He said he had heard this was not a "new" tax and he opined that if it was originally adopted in 2011 and was being renewed, he would contest that it was a new tax. He also noted that this was supposed to have been a temporary tax and he reminded everyone that the tolls on the New York State Thruway were supposed to have been temporary, as well. Mr. Freebern commented that only a minuscule portion of the tax was being returned to the towns, which he felt was wrong. He added that every Supervisor of a town located in the Adirondack Park understood that the problems they faced with a diminishing and aging population was primarily attributed to a lack of meaningful jobs and affordable housing. He pointed out that this tax was one more small thing that effected those that could afford it the least, those being young couples that would like to stay and work within the Adirondacks. Mr. Freebern concluded that he did not believe the Additional Mortgage Recording Tax should be continued.

Mr. Whitehead addressed the Board once again with regards to proposed Resolution No. 499, *Introducing Proposed Local Law No. 6 of 2014 and Authorizing Public Hearing Thereon ("Warren County Ethics and Disclosure Law")*, this time pertaining to the financial disclosure forms completed by officials. He read aloud an opinion from Bob Freeman, of the New York State Committee on Open Government, as follows: *"...consequently when Financial Disclosure Statements are prepared pursuant to Municipal Ethics Law, they are subject to FOIL"*. He apprised that in the past he had attempted to obtain copies of Mr. Auffredou's Financial Disclosure Statements through the FOIL (*Freedom of Information Law*) process and was advised that the documents would be provided, but in a redacted form. Mr. Whitehead commented that he hoped the revised forms included in the new Ethics Law would not be subject to such redactions in the future. Mr. Auffredou clarified that the Financial Disclosure form specified in the Ethics Law would be the same version that had been used by the County since 1990. He clarified that the Private Interest Disclosure Form was a new form which was well documented in the draft Ethics Law provided in proposed Resolution No. 499. With regards to Mr. Whitehead's comments pertaining to the redaction of information from his own Financial Disclosure Form, Mr. Auffredou advised that there were very well sounded reasons to redact information; he added

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that while the Financial Disclosure Forms were subject to disclosure, they were also subject to redaction in certain provisions. When making this decision, Mr. Auffredou said he had considered not only his own situation, but that of every other County official who might be subject to such disclosure, and he said that if he were to redact something from his own disclosure, he would make the same redactions from anyone else's.

Resuming the Agenda review, Mrs. Sady advised a motion was necessary to bring proposed Resolution Nos. 456, 457 and 499-503 to the floor; the motion was made by Supervisor Monroe, seconded by Supervisor Conover and carried unanimously.

Chairman Geraghty then called for a vote on resolutions, following which Resolution Nos. 456 - 503 were approved, as presented, with the exceptions of Resolution Nos. 457 and 492, which failed. The Report of Committee on Assessment Rolls was submitted.

Chairman Geraghty introduced the newly appointed Commissioner of the Department of Social Services, Maureen Schmidt. A round of applause was given. Ms. Schmidt thanked the Board of Supervisors for their support and she commented that she worked with a great staff at the Department of Social Services; she noted that her staff was dedicated to helping those community members in need and had done an excellent job of working together to assist her during this recent period when there had not been a Commissioner in place. In conclusion, Ms. Schmidt thanked the Board, once again, and said she was very proud to accept the appointment. Another round of applause was given.

Continuing the Agenda review, Chairman Geraghty called for announcements and offered privilege of the floor to anyone in attendance wishing to address the Board.

Michael Consuelo, Executive Director of the LGCC (*Lake George Chamber of Commerce*) & CVB (*Convention & Visitors Bureau*), advised that LGCC's annual dinner event would be held at 6:30 p.m. on Thursday October 23rd at The Queensbury Hotel. He said they were honored and privileged to have secured Gavin Landry as the key note speaker for the event; Mr. Consuelo explained that Mr. Landry was the head of the New York State Division of Tourism and would speak on advertising and marketing relative to the State, but more importantly, to Lake George, Warren County and the Adirondack Park. He commented that while he was aware everyone had busy schedules, he hoped the members of the Board of Supervisors would be able to attend and he encouraged everyone to contact the LGCC to make reservations.

Richard Mosher, Town of Chester Resident, stated that he was in attendance to represent himself and his mother, Edna Mosher, regarding their properties which were in foreclosure status. He explained he and his mother had several properties that had been in foreclosure status but they had been able to secure payment arrangements for all but two of the parcels, and he advised those two remaining parcels were set to be included in the 2014 Auction. Mr. Mosher asserted that he held a full time job and said he had some stock he could liquidate to pay the approximately \$6,000 needed to enter into an installment agreement and remove the two parcels from the Foreclosure Auction. He advised that he had been scrambling to sell belongings and find ways to pay the overdue taxes and had forgotten about the stock; he added that he was requesting the opportunity to liquidate the stock and pay the taxes in order to prevent them from being sold at Auction.

Chairman Geraghty advised that if the Board was in favor of appeasing Mr. Mosher's request, a motion would be necessary to waive the Rules of the Board requiring that a resolution be presented in writing. Motion was made by Supervisor Merlino, seconded by Supervisor Dickinson and carried unanimously to waive the Rules of the Board. Mrs. Sady announced this would be Resolution No. 504.

Supervisor Vanselow made a motion to withdraw the two parcels owned by the Mosher's from the 2014 Tax Foreclosure Action proceedings and Supervisor Dickinson seconded the motion.

Supervisor Monroe said he'd had a lot of contact with Mr. Mosher on this issue and he said he believed everyone was aware his position had always been to do everything possible to try and help property owners to avoid foreclosure. He said he understood there was some administrative inconvenience involved for both the County Attorney's and Treasurer's Offices, but balanced against the potential loss of property that may have been in a taxpayer's family for many years, he was always in favor of trying to save the property. Supervisor Monroe apprised Mr. Mosher had contacted him numerous times over the last two months and had attended the Last Chance Meeting. He said Mr. Mosher had five properties that had been in foreclosure status and if not for the fact that he had been able to obtain separate installment agreements for some of the properties, State Law would have prevented the County from accepting redeeming funds for any of the parcels if all of them could not be paid in full, which he felt was wrong. Supervisor Monroe continued that Mr. Mosher had advised him of several potential means to redeem the two properties in question, including an oral agreement to sell a truck for \$20,000 and the potential sale of timber which was worth a substantial amount, as well as the stocks he had mentioned previously. Supervisor Monroe advised he had contacted the County Treasurer on the prior day to discuss what Mr. Mosher would need to do to redeem the properties and remove them from the Tax Foreclosure Auction, and the Treasurer had indicated the total funds owed for the parcels, approximately \$15,000, would need to be collected on that day by 4:30 p.m. He said he had conveyed this information to Mr. Mosher, indicating he had reached the limits of what he was able to accomplish, and Mr. Mosher had expressed a desire to address the Board directly. Supervisor Monroe stated that he would be supportive of the motion made by Supervisors Vanselow and Dickinson, with the condition that Mr. Mosher sell whatever assets necessary to bring all of the taxes owed current by March 31, 2015, otherwise the properties would be included in the 2015 Tax Foreclosure Auction. He concluded that this was not a pleasant situation and he understood the concerns expressed by the administrative staff.

Mr. Auffredou stated that Warren County now owned the Mosher's parcels, as per the deed filed in the Warren County Clerk's Office. He said he understood the need to try and do everything to help save a person's property from foreclosure and he stated that in his opinion, they had. Mr. Auffredou acknowledged this was an uncomfortable situation, but stated that in order to remove the parcels from the Foreclosure Auction proceedings his Office, which was already overtaxed and over stressed, would be required to prepare deeds at the County's expense to re-convey the parcels; he added that they may even need to seek a Court order to do this and he asked that the Board consider this tremendous effort when making their decision. Mr. Auffredou said he understood the problem, but maintained there had been ample opportunity for Mr. Mosher to rectify the situation, and he was not convinced adequate assurances had been made that the funds would be paid. He commented that his Office put an enormous amount of time and effort into these processes and were proud of the work accomplished, double checking all of their work along the way, and noted that if something went wrong in the process, he would be held accountable for it. Mr. Auffredou concluded that while he understood the position the Board was taking, he was not happy about it and he asked Mike Swan, Treasurer, to comment on the matter.

Mr. Swan stated that if Mr. Mosher's request was approved, there would be additional fees that the County would be responsible for to transfer the property from the County's name back to Mr. Mosher, estimated at \$425 per parcel. Therefore, Mr. Swan continued, if this was allowed, he felt the approximately \$850 in title transfer fees should be charged to Mr. Mosher because it was not fair for the taxpayers of Warren County to sustain the fees. Secondly, he noted that the last day to redeem properties had been July 18th and almost 600 people had made that deadline; he added that if they were to poll those 600 people, they might find most would take exception to the fact that they were

considering allowing one person to circumvent this deadline, as well as two subsequent deadlines, and yet still maintain their property after the County had already taken title of it. Lastly, Mr. Swan said he would follow the wishes of the Board, but said he needed specifics as to what would be paid, specifically whether they were talking about redeeming the existing installment agreement, the total for which was a moving target that changed every three months but was about \$6,000, or the total amount of taxes owed, which was close to \$15,000 as it included the 2013 and 2014 tax bills.

Mr. Auffredou apprised that as with any real estate closing, the natural inclination was to have all taxes paid to date. He noted that if the Board approved this request and agreed to convey the property back to Mr. Mosher, he would ask that they consider requiring that all taxes be paid up to date, including the 2013 and 2014 taxes, because if they were not paid, the taxes would be re-levied by the County and they would be back in a possible foreclosure scenario for 2015. Mr. Auffredou stated that the responsible thing to do for all Warren County taxpayers would be to require payment of all taxes owed for the parcels.

Supervisor Monroe clarified he was not suggesting that the title to the properties be immediately conveyed back to Mr. Mosher, but rather that the parcels be removed from the Foreclosure Auction with the County retaining title until such time that Mr. Mosher made payment for the parcels; he added that if Mr. Mosher did not make the payment, the parcels would be included in the 2015 Auction. Mr. Swan advised that if Mr. Mosher made payment on the taxes owed, the parcels had to be conveyed back to Mr. Mosher and he suggested that the fees associated with re-conveying the titles should be charged to Mr. Mosher.

Lexie Delurey, Director of Real Property Tax Services, pointed out that the property was now in the County's name and ownership and allowing Mr. Mosher to continue to use the property in such state would present a potential liability exposure to the County. She said her Office, the Treasurer's Office and the County Attorney's Office all went above and beyond their normal scope of duties to make contact with property owners to assist them in retaining their properties when faced with a foreclosure scenario and to remind them of redemption deadlines. Ms. Delurey advised she had repeatedly tried to contact the Moshers to speak with them and remind them of deadlines to avoid foreclosure; she said she had spoken with Mrs. Mosher, but had been unable to reach Mr. Mosher via his cell phone number because it did not allow voicemail messages to be left. She also noted that the Moshers had entered into several installment agreements on their parcels since 1998, typically falling behind on the payments, then paying them off and subsequently starting the whole installment process over again after the required three-year waiting period. Ms. Delurey commented that if the Moshers were not required to pay off the 2013 and 2014 taxes, three of the parcels that were in the foreclosure process this year could be included in the 2015 Tax Foreclosure Auction.

Chairman Geraghty said he had spoken briefly with Mr. Mosher and said it seemed Mr. Mosher understood and agreed that he would need to pay all outstanding taxes owed to the County for all properties by March 30th of 2015 to remove all parcels from installment agreements and it seemed he had a plan to do this; he added his concurrence that there needed to be a written agreement to this effect specifying the County's expectations. Chairman Geraghty said they were trying to show some compassion for Mr. Mosher's request and while he understood the feelings of the others in foreclosure status, Mr. Mosher had demonstrated an ability to make payment. He said he was also understanding of the feelings of County staff, but felt that if Mr. Mosher was able to make payment, as he had verbally agreed to do, they should allow him to redeem the properties. In response to a question posed by Mr. Swan, Chairman Geraghty stated the understanding was that Mr. Mosher would provide payment for all outstanding taxes owed on all parcels. Mr. Auffredou commented that he was unsure whether such an agreement was permissible under the Article 11 proceedings.

Supervisor Dickinson stated that he had spent a considerable portion of his life dealing with land transactions and felt property ownership was a very precious issue. He noted the Mosher parcels were family property which Mr. Mosher's mother lived on, as well as himself, and he stated that he did not care how much paperwork was involved, he was in favor of assisting Mr. Mosher to retain his property. Supervisor Dickinson commented that he did not foresee any issues that could not be resolved and he said they should press on with this issue and allow Mr. Mosher more time to pay the taxes owed.

Supervisor Westcott said he agreed they needed to secure an agreement with Mr. Mosher, but they also needed to make clear the amount that needed to be paid, as well as to resolve the potential liability issues, and all of these factors needed to be addressed that day because the Tax Foreclosure Auction would take place on the next day. He commented that it would be very difficult to vote on this issue because there were so many unknown factors. Supervisor Westcott questioned whether it was possible to delay a decision on the issue until later that day, possibly until 5:00 p.m., to allow more time to consider the matter. Chairman Geraghty responded that if they were to pull the parcels from the Auction, the parcels could be included in the 2015 Tax Auction if the taxes went unpaid. Supervisor Westcott reiterated that he was uncomfortable with immediately voting on this matter because it was still unclear how much would be paid and what the potential liability factors were.

With regards to the potential for liability, Mr. Auffredou stated that as he understood the County Law, as long as the County was not actively engaged in ownership activities, such as running a business or regularly visiting the property like a property owner typically would, the County should not be held liable or accountable for any activity on the property, in a normal situation. The twist in this case, he stated, was that the County had already taken title of the property and would presumably be allowing occupancy and business operations to continue, which could be potentially problematic. Mr. Auffredou stated that most of the parcels in the Foreclosure Auction were abandoned, but in this case Mr. Mosher and/or his mother would continue to occupy the property during this time period and they needed to recognize that. He said he understood the wishes of the Board and was willing to determine whether a lease arrangement could be secured to incorporate a scenario with indemnifications and insurances meant to protect the County; he added that while he appreciated Supervisor Westcott's desire to delay a decision until 5:00 p.m., in consideration of his schedule for the remainder of the day, he did not foresee an ability to devote the amount of time required to seriously contemplate this matter. Mr. Auffredou stated that if it was the Board's desire to pull the two Mosher properties from the Foreclosure Auction, he would review the issue and work with Ms. Delurey and Mr. Swan to protect the County's interests as best he was able to.

Supervisor Taylor requested an explanation of what the five parcels were comprised of, for example whether they were five parcels of one working farm, and he questioned why some of the parcels could not have been sold in the past to pay off the taxes. Mr. Swan responded the parcels consisted of: a parcel with a sawmill that had not been used in some time, a parcel with a storage yard and an unoccupied mobile home, a parcel with a barn that housed horses, the parcel with Mrs. Mosher's house, and a parcel behind Mrs. Mosher's house where Mr. Mosher's house was located. Mr. Swan questioned whether Mr. Mosher was residing in his home now and Mr. Mosher replied it was currently vacant and he was living with his mother. Mr. Swan clarified the two parcels remaining in foreclosure were the parcel with the barn and the parcel with the storage yard and vacant mobile home.

Supervisor Conover questioned whether the occupancy issue was handled by the seller or the purchaser and Mr. Auffredou replied that the parcels were typically sold on an "as is" basis. He commented that there were instances where properties included in the Auction went unsold and continued to be occupied; however, he continued, if the properties were occupied, a buyer would obtain property subject to occupancy, possibly requiring successful bidders to seek to evict occupants.

Supervisor Monroe said it would seem that for the 14 properties which had not sold in the 2013 Auction, as well as any that did not sell in the 2014 Auction, the same potential liability issues existed for the County. Mr. Auffredou replied he would defer to Mr. Swan and Ms. Delurey, but said he was not aware of occupancy continuing on a majority of the parcels acquired by the County. He advised he was aware of one parcel on which the County had commenced an Article 15 proceeding which they expected to prevail in and then seek removal of the property's occupant. Mr. Auffredou stated that the County had not exercised any ownership interest in the aforementioned property, other than taking the deed in the foreclosure proceedings.

Supervisor Sokol questioned what the total owed by Mr. Mosher to date was and Mr. Auffredou advised the total he had was \$12,452. Supervisor Sokol asked Mr. Mosher if he had sufficient stocks available to liquidate and pay the total amount owed. Mr. Mosher responded that liquidation of his stocks would provide sufficient funds to pay off the outstanding taxes owed on the two parcels currently in foreclosure status and he said he planned to sell timber and assets to pay off the taxes owed for the remaining parcels currently on installment plans.

Supervisor Seeber questioned how many parcels would be included in the 2014 Tax Foreclosure Auction and Mr. Auffredou advised there were 35. Supervisor Seeber then asked if all 35 property owners were notified of the opportunity to come to today's meeting and appeal to the entire Board; Mr. Auffredou responded in the negative, noting that all had received numerous notifications of their rights in these procedures in the past, and were also provided with the opportunity to attend the Last Chance Meeting in August to reach an installment agreement to redeem their properties, which many property owners had done. He continued that since the August meeting, Supervisor Monroe had communicated with many other people who had reached subsequent payment agreements. Mr. Auffredou commented that the difference was that all of these prior agreements had been reached previous to the County taking title to the parcels; he added that at this time, the County had received full and complete legal title to the two Mosher parcels included in the Foreclosure Auction. Supervisor Seeber said she was very sympathetic to Mr. Mosher's request, but having heard comments from the County Attorney, Treasurer and Real Property Tax Services staff with regards to the numerous opportunities offered to redeem, coupled with her desire to be fair to all, she was having a hard time making a decision on this matter.

Supervisor Monroe acknowledged that notification was not provided to all property owners about the ability to address the Board today in an attempt to save their property; however, he noted, Mr. Mosher had not been directed to attend, but rather had made a request to himself, Supervisor Vanselow and Chairman Geraghty to address the Board. Supervisor Monroe concluded that upon consideration of the Board's policy to receive public comment, he had advised Mr. Mosher it was allowable.

Mr. Dusek commented that as former County Attorney, he had dealt with his fair share of Foreclosure actions. From an Administrator's standpoint, he said they needed to consider the well-being of the County and he noted that Warren County had always done everything possible to try and save properties. He added that the Last Chance meeting was not required by law, but had been developed during his tenure as County Attorney to provide an additional opportunity to redeem and he said he was glad it had remained in practice. Mr. Dusek commented that regardless of the numerous notifications and desire to assist the property owners to retain their parcels, there comes a time when all efforts have been exhausted and the rules have to be followed, which in this case, they had. He said he was concerned that if they started making special rules once the County obtained property through a foreclosure process they might be setting a bad precedent; he also noted that the liability the County would incur during the window before payment was made needed to be considered. Mr. Dusek stated that while he knew it seemed unsympathetic, he felt he had to recommend against the decision to pull the properties from the Foreclosure Auction, based on the rules associated with the procedures which

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many other property owners had followed. He stated that as County Administrator, he felt he would be remiss in his obligations if he did not comment on this situation and tell the Board that he felt the answer to this question had to be no. He added that this was a sad and unfortunate situation, but he felt they would be leading themselves down a path filled with problems if they approved the request. Mr. Dusek pointed out they were following State Law in this case and he noted these parcels had a long history of payment delinquencies and he felt it was best to let the Law take its course of action.

Supervisor Dickinson stated that he was elected to represent the people of Warren County and he did not see any reason why the Board could not approve this request, regardless of whether it was the first time it had been done. He commented that this was the proper thing to do and he reminded the Board Members that the resolution was to withdraw the parcels from the Foreclosure Auction, providing time to think about the situation and figure out the best way to proceed.

Supervisor Girard stated he was not opposed to removing the parcels from the Auction, but he would ask that Mr. Auffredou review and report on the legal aspects of the issue to determine the best course of action for the County. He said that no one wanted to see anyone lose the property, but he agreed this action might set a bad precedent that may not be legal. Supervisor Girard stated that the parcels should be pulled from the Auction and Mr. Auffredou directed to report back on the legal ramifications of the action.

There being no further discussion, Chairman Geraghty called the question and the aforementioned motion to remove the two Mosher parcels from the 2014 Tax Foreclosure Auction was approved by a majority vote of 649 for (*Supervisors Conover, Monroe, Girard, McDevitt, Frasier, Vanselow, Dickinson, Merlino, Strough, Sokol, Beaty and Geraghty*), 321 against (*Supervisors Taylor, Kenny, Simpson, Seeber, Westcott, Thomas and Wood*) and 30 absent (*Supervisor Brock*). Mrs. Sady advised this would be Resolution No. 505.

Mr. Whitehead addressed the Board once again, stating his appreciation to the Board for passing Resolution No. 505 and noting that he was proud of them for doing so.

Supervisor Sokol invited everyone to attend the Communities Against Cancer benefit to assist Glens Falls Hospital's C.R. Wood Cancer Center which would be held at The Tavern located on Aviation Road in Queensbury that evening; he advised that 50% of the proceeds received during the event would be donated to the Cancer Center.

Chairman Geraghty thanked TV8 for televising the monthly Board Meetings.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Conover and seconded by Supervisor Wood, Chairman Geraghty adjourned the meeting at 1:12 p.m.