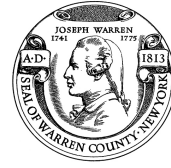


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, NOVEMBER 21, 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 10:05 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Thomas.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Kenny, Brock, Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Sokol, Beaty, Westcott, Thomas, Wood and Geraghty - 20.

Motion was made by Supervisor Brock, seconded by Supervisor Taylor and carried unanimously to approve the minutes of the October 17th and November 7th Board Meetings, subject to correction by the Clerk of the Board.

Chairman Geraghty noted the presence of Judge Krogmann, *Warren County Supreme Court*, Judge Hall, *Warren County Court*, Judge Caruso, *New York State Supreme Court*, and Judge Cocomma, *Deputy Chief Administrative Judge - New York State Office of Court Administration*, and he thanked all of them for attending the meeting. Chairman Geraghty noted later in the meeting it was likely that they would be discussing the Court expansion issue and the input of these Judges would be helpful.

Commencing the Agenda review, Chairman Geraghty declared the Public Hearing open on the Warren County Sewer District (Industrial Park) Assessment Roll for 2015 at 10:09 a.m. and he requested that Joan Sady, Clerk of the Board, read the Notice of Public Hearing aloud, which she proceeded to do. Chairman Geraghty then called for any public comment, but none was made; he advised that they would leave the Public Hearing open while they proceeded with the Agenda review to allow anyone wishing to speak on the Assessment Roll to do so.

Continuing, Chairman Geraghty declared the Public Hearing open on the 2015 Tentative Warren County Budget at 10:10 a.m. and Mrs. Sady read the Notice of Public Hearing aloud. Privilege of the floor was extended to any members of the public wishing to speak on the 2015 Tentative Warren County Budget.

Travis Whitehead, Town of Queensbury, stated his only issue with the budget pertained to the salaries for the members of the Board of Supervisors and the County Administrator which he felt should be subject to permissive referendum, similar to those listed in proposed Resolution No. 551, *Introducing Proposed Local Law No. 1 of 2015 and Authorizing Public Hearing Thereon - Entitled "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County"*. He apprised the Law stated that when an elected official voted for their own salary increase, the action should be subject to a permissive referendum which allowed the taxpayers an opportunity to petition further review before a vote on the action. Mr. Whitehead stated that in this case, they would need to vote against the entire budget in order to vote against the Supervisors/County Administrator's salary increase, which he would not recommend because it would interrupt all of the other budgetary items included. He said the appropriate thing to do would have been to include these positions in a public referendum resolution like proposed Resolution No. 551 and he suggested that they consider doing this for future years.

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There being no further public comment, Chairman Geraghty extended privilege of the floor to any members of the Board of Supervisors wishing to comment on the 2015 Tentative Warren County Budget.

Supervisor Westcott stated he was aware of the amount of work that had gone into developing the 2015 Tentative Budget and that it was a difficult process to undertake; however, he advised he intended to vote against it for multiple reasons. He noted that when the Budget was established, the prior year's budget was used as an indicator because final numbers for the current year were unknown; therefore, he said, when a statement was made that they were cutting the Budget by \$3 million, they could not ensure this was being done. Supervisor Westcott clarified that while they could confirm reductions to individual line items, they could not ensure what the total budget reduction would be. Additionally, he noted that they would be using \$3.6 million in funding from the County's savings to balance the budget and remain under the State imposed property tax cap, which was a significant amount of money. Supervisor Westcott recalled that at the November 7th Special Board Meeting he had relayed his concerns regarding sales tax projections and he advised those concerns had only increased since that meeting. He expressed his feeling that basing the sales tax increase on a 2.5% increase was not accurate and would not likely be met; additionally, he pointed out that fuel prices had dropped by 25% and these sales accounted for a considerable portion of the sales tax revenue collected in Warren County. Supervisor Westcott said he was concerned about the \$500,000 included in the 2015 Tentative Budget for projected casino revenues which he felt was a highly questionable line item. He stated that he would really like to vote in favor of the 2015 Tentative Budget because the increase was less than the property tax cap, but felt he could not do so because they had not looked as hard as they should have at means for cutting spending. Supervisor Westcott said he had been challenged by some of his colleagues to advise of his ideas for areas where savings could be obtained; he added that he had done so for each of the last three budget seasons, pointing out that savings could be garnered through the budget for the Warren County Airport. He stated that they would be spending a combined \$1 million between the net operating deficit and hangar costs at the Airport this year and he noted that his suggestions had never been seriously discussed and the funding was simply carried over for 2015. Supervisor Westcott said he had cited the Airport as a primary example of an area where the budget could be reduced and he advised that because he was unsure whether similar reductions could be made in other departments, he felt the need to vote against the 2015 Budget proposal. He concluded that he wished he could vote for the budget because there were a lot of good employees that were deserving of the raises included in it, but he felt they had not done their due diligence in looking for areas that could be reduced and they needed to make a better effort at reducing spending.

Supervisor Seeber stated she was thrilled to see so many people in attendance and she was very surprised that only one person had spoken on the Tentative Budget; she added that she was unsure whether this lack of comment was a good or a bad thing. Supervisor Seeber recalled the question raised by Mr. Whitehead in relation to salary increases for the Board of Supervisors and the County Administrator and she noted it was similar in nature to concerns identified by Supervisor Beaty at the November 7th Special Board Meeting. She stated that she was not opposed to employing an alternate procedure, if necessary, to address this matter appropriately, nor was she opposed to removing the Supervisors salary increases altogether, but she questioned what the appropriate legal action should be.

Martin Auffredou, County Attorney, responded that it was completely legal for the Board to vote on and enact their own salary increases through the budgetary process as provided in County Law 200 which indicated that the Supervisors set their salaries and were permitted to amend them from time to time, provided that the amendments were included in the tentative budget document, as they were in this case. With respect to the County Administrator's salary increase, Mr. Auffredou advised this was not

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a position with a set or defined term, and as a result, the salary and any modifications thereto were handled through the Salary Schedule portion of the Tentative Budget document, which was before the Board for review and approval.

Supervisor Brock stated that he had voted against the 2015 Tentative Budget at the November 7th Special Board Meeting because he did not have a thorough understanding of what had been included in it. He advised that since that meeting, he had taken the time to meet with the staff of the four largest County departments (*Sheriff's Office, Department of Public Works, Department of Social Services and Public Health*) to review their budgets and resolve his concerns. Supervisor Brock indicated that Supervisors Seeber, Beaty and Simpson had also participated in these meetings which had been very informative and had helped him to become much more comfortable with the budget proposal. He said it was his understanding that the process would be improved for next year to allow more members of the Board of Supervisors to attend meetings with department head staff when the departmental budget requests were submitted and considered. Finally, Supervisor Brock thanked the department head staff that had met with himself and Supervisors Seeber, Beaty and Simpson to answer their questions.

Supervisor Wood stated that while regretful, to appease her own conscience she felt it necessary to make a motion to amend the 2015 Tentative County Budget to reduce the salary increase proposed for the County Administrator from 6.5% to 2%; she added that if her motion received a second, she would request that a roll call vote be taken. Chairman Geraghty stated that they would consider this later in the meeting during the reading of resolutions, and he noted that a motion would also be necessary to waive the Rules of the Board requiring that a resolution be provided in writing.

Supervisor Taylor commented while there were some things in the Budget proposal that might not be favorable to everyone, he was supportive of it. With regards to the proposed salary increase for the members of Board of Supervisors, he apprised that during his seven years serving the Board the only adjustment made to the Supervisors salaries was to reduce them by five percent. Supervisor Taylor concluded that he did not have a strong preference as to whether the salary increase was included or removed, but felt this point was worth noting.

Supervisor Dickinson thanked Supervisor Thomas, *Budget Officer*, for the amount of work he had put forth in developing the Tentative Budget, as well as the department head staff for their cooperation throughout the budget process. He opined that the 2015 Tentative Budget was the culmination of a lot of hard work and the lack of public comment was a reflection of the good work they had done. Supervisor Dickinson concluded that he felt the 2015 Tentative Budget was good for the County and he looked forward to voting in favor of it.

Supervisor Merlino also thanked Supervisor Thomas and all of the other staff who had worked to produce the 2015 Tentative Budget and he noted that while there were likely things included that not everyone was happy with, as a whole it was a good budget that he would vote in favor of. On another budget-related note, Supervisor Merlino apprised the Board of prior Resolution No. 670 of 2002, *Authorizing Sales Tax Agreement Between Warren County and City of Glens Falls*, which essentially authorized 2% of the County's sales tax collections to be issued to the City of Glens Falls to help subsidize sewage removal from the Town of Queensbury to the City of Glens Falls Sewer Treatment Plant. Supervisor Merlino noted that over the past year he had been attempting to achieve revisions to the sales tax distribution process used by Warren County to assist the smaller towns with lesser distributions and he noted that these efforts had led to his ideas being called "stupid, ridiculous and absurd". He said he had investigated Resolution No. 670 of 2002 and he pointed out that there were no specifications as to what the City of Glens Falls had to use these funds for; he also noted that during the various meetings held leading up to the approval of this resolution, there had been a lot of

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discussion and dissent, including opposition from the former Supervisor of the Town of Lake Luzerne who had stated that this resolution would hurt the smaller towns in the future, and he said he believed this was happening now. Supervisor Merlino apprised of his objection to the current method of sales tax distributions which was based on the wealth of a town and allowed those with higher wealth to receive more, while the smaller towns with less wealth received lower amounts. He pointed out that Resolution No. 670 of 2002 approved a 30-year contract with the City of Glens Falls and he noted that over the 11 years the contract had been in effect so far, Warren County had already paid the City of Glens Falls \$6 million of the County's sales tax revenues to fix the Town of Queensbury's sewage problem. Supervisor Merlino stated that in 2002 when the resolution was approved, it was probably done to help the Town of Queensbury which was likely struggling at the time and the County had a sizable surplus fund to operate from. He commented that this was a 30 year contract with 19 years remaining which he felt needed to be revisited and rescinded; he added that the residents of the Town of Queensbury that used the sewer system should be funding the expense, not taxpayers in other areas of the County. Supervisor Merlino pointed out that they were currently paying the City of Glens Falls approximately \$500,000 per year on this contract and these were funds that could be contributed to the County Treasury to help reduce the operating budget or to fund other capital expenses. He apprised this was a very important issue that he had found to be quite disturbing when it was brought to his attention by a Warren County citizen. Supervisor Merlino concluded that he felt every member of the Board of Supervisors should review this issue and that they should move to rescind Resolution No. 670 of 2002 at the December Board Meeting.

Supervisor Beaty applauded Supervisor Brock for his efforts in meeting with the County's larger departments to perform his independent budget review and for including himself and Supervisors Seeber and Simpson in those very informative meetings. He stated that he would like to see a zero based budgeting process used for future budgets to include actual costs for each line item, as well as a four year history, in order to make more intelligent decisions; he said he hoped they could incorporate these measures for next year. Supervisor Beaty advised he did not intend to vote in favor of the 2015 Tentative Budget for a couple of reasons, the first being that they would be spending nearly \$1 million for operation of the Warren County Airport, but only \$350,000 for County highway improvements. He indicated he had been very surprised to find this was the case, primarily because of the 64,000 residents of Warren County, the majority used the County's highway infrastructure while few used the Warren County Airport. Supervisor Beaty stated that although he was a supporter of the Warren County Airport, he could not support the 2015 Tentative Budget because of this disproportionate funding scenario. Additionally, Supervisor Beaty stated he was not in favor of supporting a 6.5% salary increase for the County Administrator; he added that he felt the County Administrator did a very good job, but this was one of the highest paid County employees and he opined that allowing such a large raise for one position sent a bad message to all other County staff.

Supervisor Simpson pointed out that the County would provide only \$350,000 for improvements to the County's highway infrastructure because the majority of the funding for this work would be provided by the State through CHIPs (*Consolidated Highway Improvement Program*) funding. Supervisor Beaty responded that he was aware this was the case.

With regards to Supervisor Merlino's comments relative to Resolution No. 670 of 2002, Supervisor Kenny stated it would be futile to rescind the resolution because there was a contract in place with the City of Glens Falls that would require continued payments by the County. Supervisor Merlino responded that he understood there was a contract in place and he maintained that the Town of Queensbury should be making payments, not Warren County. He acknowledged that the Town of Queensbury had many stores and businesses within its realm and received \$9 million in sales tax revenues each year; he added that the local newspaper had recently printed an article indicating that

the Town of Queensbury had a zero stress budget with a \$.61 Town Tax, as compared to the Town of Lake Luzerne where residents paid a \$3.80 Town Tax. Supervisor Merlino commented that if the County was not making payments to the City of Glens Falls for the Town of Queensbury's sewer treatment needs those funds could be used to help the smaller towns which were struggling and he felt this contract needed to be revisited and revised.

Supervisor Strough stated that the Town of Queensbury already paid for this expense, through the sales tax revenues generated which represented about 70% of the total collected by Warren County. He added that the Town of Queensbury incurred a number of expenses associated with developing the sales tax revenue the entire County enjoyed and he did not see the Town of Lake Luzerne contributing much to that. Supervisor Strough pointed out another source of mis-information relating to the Warren County Airport, explaining that the Airport did not cost \$1 million to operate as the amount budgeted and the actual cost were two different figures. He clarified that the actual cost of operation was closer to \$700,000 and he said that while some might make comparisons of Warren County's Airport to other airports, it was not fair to do so since different facilities employed different accounting practices.

Chairman Geraghty noted the presence of many people who had attended the Occupancy Tax Coordination Committee meeting held earlier that morning to discuss prospective funding for the Glens Falls Civic Center. He noted that the occupancy tax funding was part of the 2015 Budget, as well, and he said the Board would welcome any public comments to be made on this source of funding.

Frank Dittrich, Town of Lake George Resident, stated that, as he had announced at the previous meeting, he had been asked by a number of hoteliers to represent their prospective specific to the occupancy tax, some of whom were in attendance. He apprised this hotelier group had started meeting a couple of weeks ago with the emphasis of the meetings being on their keen interest in the common goal of making Warren County stronger on a broad basis which would include the Glens Falls Civic Center, although they were not singularly focusing their interests on this one facility. Mr. Dittrich stated the group was trying to find ways to bring more tourists to Warren County so that every community would benefit. He recalled that during a meeting held earlier in November, David Kenny, *Warren County Business Owner*, had spoken about a number of items that needed to be considered going forward, including the needs of the millennium; he explained Mr. Kenny's opinion that most activities supported in Warren County were focused upon the older population and they needed to introduce more activities aimed at attracting tourists in their 20's and 30's who would make lifetime decisions to return to Warren County. He continued that tourism professionals involved in these meetings had been passionate about playing an active role in helping to shape these decisions and identifying areas of focus for change. Mr. Dittrich said the opportunity for the tourism community and the members of the Board of Supervisors to work together was something they should continue to pursue.

Mr. Dittrich stated that at a prior meeting, Laura Kohls, *Warren County Business Owner*, had brought up the issue of transparency and there had been some very positive and active conversations about the occupancy tax and how those funds were used; he added that these same discussions were touched upon at a meeting held earlier that morning and he said he felt they should continue these types of discussions. He said that as a group, the hoteliers felt they could summarize their recommendations into four main points, which he listed as follows:

1. There was a need to obtain external expertise in the form of a consulting firm to help evaluate and report on tourism trends as well as to consult on tourism development and execution in an effort to attract more visitors to the area. Mr. Dittrich said these reports could be used to further shape efforts moving forward and might also be used to effect positive change.

2. The TPCAC (*Tourism Promotion Citizens Advisory Committee*) should be reintroduced. Mr. Dittrich advised the TPCAC had been in place for a period of time and was then disbanded due to a lack of interest; however, he stated, in light of the current meetings of the hotelier community he could attest to the renewed and revitalized interest of many community members in taking active participation to encourage increased tourism in Warren County;
3. Continued improvement in the transparency of the process used for occupancy tax collections and distributions was needed. Mr. Dittrich stated that the accounting procedures for identifying, collecting and distributing occupancy tax should be standardized.
4. Continued discussion. Mr. Dittrich said the hotelier group would request additional meetings to continue discussions on this topic.

Mr. Dittrich stated that it was exciting to see this level of passionate interest amongst the hotelier group to work together in trying to drive Warren County forward in a meaningful way. He concluded his statement by thanking the Board for offering the opportunity to address them on behalf of the hotelier group.

Supervisor Merlino advised he served as Chairman of the Tourism Committee and he said he and Kate Johnson, *Director of the Warren County Tourism Department*, would be happy to meet with Mr. Dittrich and his group any time. He also extended an invitation for Mr. Dittrich and the hotelier group to attend any Tourism Committee meetings so that they could see the marketing efforts being undertaken by the talented staff in the Warren County Tourism Department.

Supervisor Dickinson extended his appreciation to the members of the hotelier group that had attended the meeting, as well as for their involvement and participation. He said he also appreciated their actions to select one representative on behalf of the entire group to make clear and concise points. Mr. Dickinson stated that, as Supervisor for the Town of Lake George, his office was always open to their questions or comments.

With regards to Supervisor Merlino's comments relative to Resolution No. 670 of 2002, John Salvador, *Warren County Resident*, stated he was somewhat familiar with the contract between Warren County and the City of Glens Falls which authorized 2% of the County's sales tax collections to be issued to the City of Glens Falls to help subsidize sewage removal from the Town of Queensbury to the City of Glens Falls Sewer Treatment Plant. He further stated that the contract lacked specificity on the part of one of the involved parties, and in his understanding of contract law, this made the contract an illegal document. Mr. Salvador said that it was improper for a municipal entity to use taxpayer money to compensate another municipality with no provision for oversight of those funds and he opined this was also a violation of local and state finance laws. Mr. Salvador reiterated that in his estimation, this contract was not a legal document.

Chairman Geraghty called for any further comments on the Sewer District Assessment; there being none, he closed the Public Hearing session at 10:39 a.m. Chairman Geraghty then called for any further discussions on the 2015 Tentative Budget, and there being none, closed the Public Hearing at 10:40 a.m. Chairman declared the Public Hearing open on proposed Local Law No. 6 for the year 2014, entitled "Warren County Ethics and Disclosure Law", at 10:41 a.m. and he requested that Mrs. Sady read aloud the Notice of Public Hearing, which she proceeded to do.

Mr. Auffredou advised that since the introduction of proposed Local Law No. 6 of 2014 at the October 17th Board Meeting, he had made three minor technical and non-substantive changes to the body of the proposed Local Law, which he outlined, as follows:

1. Section 7(c)(2) - Mr. Auffredou explained this section made reference to §20 of the Civil

Service Law and the use of a County Civil Service Commission; he advised that because the County did not have a Civil Service Commission in place, he had revised the verbiage in this paragraph to list the County Personnel Officer as an alternative.

2. Section 20(a) - Mr. Auffredou advised this section of the Law pertained to the appointing authority for the Board of Ethics; he added that he had found it necessary to make a very minor change to add the word "the" to one of the sentences in this section.
3. Appendix A - Mr. Auffredou noted that the Appendix A document consisted of the listing of people who would be required to complete annual Financial Disclosure documents; he added that although the proposed Local Law included verbiage indicating this list was not exhaustive and could be added to, he had noted that the Airport Manager was missing from the list and should be added.

Mr. Auffredou also pointed out Section 20(b) which indicated that "*A member of the board of ethics shall not be an official, officer or committee person of a political party or hold any similar office or title in a political party*". He advised this verbiage had been included in the initial version of the Local Law introduced at the October 17th Board Meeting, as per a previous request made by Supervisor Strough; he added that although this section was not new, he wanted to make sure everyone was aware that it had been included. Mr. Auffredou noted that copies of the revised resolution that would enact proposed Local Law No. 6, which also included the entirety of the Local Law, had been placed on each Supervisor's desk at the beginning of the meeting. He said that if the Board was in agreement with the aforementioned changes, he felt it was entirely appropriate to consider and move forward in adopting the Local Law.

Chairman Geraghty called for any public comment on proposed Local Law No. 6 of 2014, and there being none, closed the Public Hearing at 10:46 a.m.

Continuing the Agenda review with the Report by the Chairman of the Board, Chairman Geraghty read aloud the listing of meetings he had attended since the last Board Meeting; *a copy of the list is on file in the Clerk of the Board's Office with the Items Distributed at the Board Meeting*. He then called for the reports by Committee Chairmen on the past months meetings or activities.

Supervisor Thomas began his report by pointing out proposed Resolution Nos. 522, *Authorizing Amendment to the MS4 Stormwater Management Program Plan*, and 523, *Amending Resolution No. 743 of 2010 - Designating the District Manager of the Warren County Soil & Water Conservation District as the Warren County Stormwater Management Officer and Authorizing Agreement with the District Addressing Facility Needs*, both of which were sponsored by the Public Works Committee. He explained that these resolutions authorized minor technical amendments to the MS4 Stormwater Management Program Plan and would extend insurance coverage and indemnification to the person carrying out the functions of the Warren County Stormwater Management Officer when acting in that capacity; he added that these were the same insurance coverages and indemnifications extended to other County employees when working in an official capacity.

Supervisor Thomas said he appreciated the attendance of those members of the public present for the Public Hearing on the 2015 Budget. With regards to the previous comments made, he stated that the Budget was very large and it was not likely that everyone would be in favor of everything that was included in it. Supervisor Thomas stated that he appreciated Supervisor Brock's efforts to better educate himself on the budget by meeting with various department heads and he said he would try to provide better advance notice about meetings to be held when developing the 2016 Budget next year. In response to comments made about funding for the County's highway infrastructure, Supervisor Thomas advised the County had expended \$3 million on road construction and repair in 2014, initially

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budgeting \$350,000 in County dollars and \$1.65 million in CHIPS money to fund a \$2 million construction schedule for 2014; however, he added, they had subsequently decided to expend another \$1 million from the County's savings to expand upon the road project schedule. Supervisor Thomas noted that it was not likely that they would be able to provide additional funding over what was already included in the 2015 Budget because the County had incurred the costs of mandated staffing increases at the Warren County Jail.

With respect to the Warren County Airport, Supervisor Thomas stated he was continually hearing that the operational costs at the facility were in excess of \$1 million, but noted that in researching the historic operational costs for the Airport for the years 2006-2015, he had found this was not the case. He reported that the figures ranged from a low of \$778,000 to a high of \$983,000 with most years falling in the area of \$800,000 to \$825,000. Supervisor Thomas pointed out that in the case of the highest annual cost of \$983,000, the expenditures had included the costs of a project that should have been funded as a capital expenditure. He stated that while everyone was entitled to their own opinions about the Airport facility, they were not entitled to their own facts relative to the costs incurred there. Supervisor Thomas then spoke about the suggested salary increase for the County Administrator position; he recalled that Paul Dusek, County Administrator, had accepted the County Administrator position during a difficult budgetary time for Warren County and had agreed to do the job at a certain salary rate for three years, which he had done and was now seeking a salary increase. Supervisor Thomas stated that Mr. Dusek had served Warren County well in his capacity as County Administrator, leading him to make the decision, as Budget Officer, to include the salary increase in the 2015 Budget. He commented that Mr. Dusek was not the highest paid County employee and he stated that while he did not feel that other County employees were not deserving of salary adjustments, he believed that if Mr. Dusek's salary adjustment was being criticized, all of the other salary adjustments included in the 2015 Budget should be, as well.

Finally, Supervisor Thomas agreed the use of \$3.6 million from the County's fund balance was too much, but said he believed they should feel fortunate that these funds were available to balance the budget because if they had not been, the Budget increase faced could have been as high as 15%. He recalled prior comments made about possibly reaching a point where the surplus funds could be returned to the taxpayers and he said that while this would be an admirable action to take, they must remember that if they did not have surplus funds available to use in situations like this the taxpayers would have to sustain the entire increase annually. With respect to the 2% salary increases for the members of the Board of Supervisors, Supervisor Thomas stated that he had included the increase based on his opinion that if all other County employees were receiving a 2% salary increase, the members of the Board should receive the increase, as well.

Supervisor Wood announced that the Public Safety Committee had met on October 27th, approving proposed Resolution No. 529, *Accepting Grant Funds from NYS Division of Homeland Security for a Hazard Mitigation Grant Submitted by the Warren County Soil & Water Conservation District with Local Match to be met with In-Kind Services Provided by Soil & Water and Office of Emergency Services and, to the Extent Needed, Funds to be Budgeted*. She also recognized Cornell Cooperative Extension for their recent 4-H event which had been very nice and the Employee Activities Committee for holding a recent bowling event attended by a considerable number of County employees which was held to raise funds to purchase Christmas gifts for underprivileged families in the community. Finally, Supervisor Wood extended her thoughts to Dave Wick, Executive Director of the Lake George Park Commission, who was currently on paid administrative leave for an unspecified incident. She said she was very dismayed to learn about this situation; she acknowledged all of the good things Mr. Wick had done for Lake George and said she hoped this matter would resolve itself in his favor.

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Supervisor Conover reported that the Finance Committee had met on November 12th, approving proposed Resolution Nos. 538-548, 551, 553 and 555-558, all of which were included in the resolution packet. He then pointed out the 2015 Equalization Apportionment Table which was also included in the resolution packet; he stated that there may not be another table that provided more valuable information on the finances of the County and its municipalities and he asked everyone to review it carefully.

Supervisor Monroe advised the Park Operations & Management Committee met on October 29th to receive an update on construction at the Wood Park. He said they learned the concrete footings for the restroom building had been poured and the current construction contract was proceeding under the projected budget cost. Supervisor Monroe continued that during this meeting they had also received a report from Mayor Blais, *Village of Lake George*, concerning the need for fencing around the Festival Space at the Wood Park for upcoming events. He apprised that 14 events had been scheduled for 2015 so far and all had indicated a need for fencing; Supervisor Monroe added that the cost to rent fencing was about \$5,000 per event. Supervisor Monroe said that the fencing for the Festival Space was originally included in the construction plans, but had been removed to reduce the project cost. He advised discussion had been held by both the Park Operations & Management and Finance Committees about the means to fund the fence installation and it had been noted a possible source of funding might be either occupancy tax funds or parking revenues from the West Brook Parking Lot since much of the parking there was related to events held at the Wood Park. Supervisor Monroe advised the matter had subsequently been referred to the Occupancy Tax Coordination Committee for review.

With regards to the October 28th Real Property Tax Services Committee Meeting, Supervisor Monroe reported that the Committee had discussed the results of the 2014 Tax Foreclosure Auction. He said they also had a rather lengthy discussion relative to the tax foreclosure process and changes made by the State of New York in 1995 which required the newest taxes owed to be paid first in order to redeem delinquent properties which put a lot of stress on property owners. Additionally, Supervisor Monroe noted a change that required taxes for multiple delinquent properties to be paid in an "all or nothing" fashion that did not allow property owners to redeem their parcels individually. He said that following these discussions, the Committee had voted in favor of proposed Resolution No. 528, *Resolution Requesting that the State Legislature Amend the Real Property Tax Law of the State of New York Regarding the Order in which Liens Must be Redeemed to Prevent Foreclosure upon Real Property and the Requirement that all Delinquent Taxes be Included in Tax Payment Installment Agreements*. Supervisor Monroe also pointed out proposed Resolution No. 547, *Supporting Request of the New York State Association of Counties for Contributions in Order to Assist New York State Association of Counties and Wayne County with Legal Expenses in a Pending Lawsuit*, which was sponsored by the Finance Committee as a result of a referral from the Real Property Tax Services Committee. He explained that Wayne County was embroiled in a lawsuit relating to the sale of a property they had foreclosed upon through a tax delinquency process; he added that the sale was now being contested by the prior owner on the grounds that the conveyance was fraudulent as per Section 548 of the Bankruptcy Code. Supervisor Monroe further explained that this resolution would authorize \$2,000 to be provided to Wayne County to assist with their legal costs and he advised it was wise for Warren County to support them because both Counties operated under the same legal provisions when holding their tax foreclosure auctions. Mr. Auffredou clarified that Resolution No. 547 would offer \$2,000 to NYSAC to help them with their legal fees in Wayne County for their legal battle which was currently pending in the Western District of New York Bankruptcy Court. He added that the Real Property Tax Services Committee had felt it was a good idea to assist with these legal costs because a negative outcome for Wayne County could have dire consequences for Warren County, as well.

Supervisor Girard advised the County Facilities Committee had met several times since the last Board

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Meeting, independently on October 28th and November 6th and jointly with the Economic Growth & Development Committee on October 29th. He reported that the joint meeting of the County Facilities and Economic Growth & Development Committees had been held to receive an update from the Floyd Bennett Memorial Airport Advisory Committee which had been very informative; he added that this group was doing great work that was very much appreciated and would assist to make significant progress at the Airport. Supervisor Girard noted that the designated term of the Floyd Bennet Memorial Airport Advisory Committee would expire in about six months, unless the Board decided to extend it and assign them with more research work. He advised that during their meetings, the County Facilities Committee had approved proposed Resolution No. 521, *Authorizing the Department of Public Works to Develop a Proposed Action Plan to Allow Fob Access to the Warren County Municipal Center and Designating 7:45 a.m. as the Time the Warren County Municipal Center is Open to the Public*, and he noted that a considerable amount of discussion had been held with regards to court expansion options. Supervisor Girard recalled that at a prior meeting, the Board of Supervisors had voted to keep the courts together on the Municipal Center Campus, representing two major decisions that had helped with the needs assessment review performed by Clark Patterson Lee.

Supervisor Girard said that at the County Facilities Committee meeting held on October 28th input had been received from Supervisors desiring to see the present court facilities renovated to possibly reduce the amount of additional square footage required and consequently lowering the cost of construction for new space. Supervisor Girard said that following the completion of the needs assessment review, Clark Patterson Lee had established three options for the Court Space Expansion Project which were presented at the November 6th County Facilities Committee meeting. He apprised that between the County Facilities Committee meetings, he had met with Judges Caruso and Cocomma who had explained the issues they faced with the appointment of 25 new Judges across the State of New York. Supervisor Girard said the Judges had indicated their concerns about the accommodations being provided for the new judges in a timely fashion, as well as their concerns specific to the manner in which Warren County was proceeding to address the court space issue. Supervisor Girard commented he had found these conversations to be both deliberate and enlightening, and at their conclusion the Judges had seemed to be pleased with the way in which Warren County was proceeding and they had indicated they would continue to monitor the situation and be helpful in any manner they were able to. He apprised that following the presentation of options by Clark Patterson Lee at the November 6th County Facilities Committee meeting, the Committee had selected Option 1, which would include construction of additional court space and renovation of existing court space and associated facilities, and they had referred same to the Finance Committee. Supervisor Girard advised the Finance Committee had subsequently approved proposed Resolution Nos. 544-546 which essentially appropriated funding for Capital Project No. H350.9550 280, *Court Space Expansion*; adopted the project needs assessment prepared by Clark Patterson Lee; authorized necessary action to move forward with Concept 1 for the Court Space Expansion project; expressed intent to borrow funds to complete the project; and established lead agency status under the State Environmental Quality Review Act (*SEQRA*).

With regard to Extension Services, Supervisor Girard advised that Cornell Cooperative Extension would be assuming sponsorship of the WIC (*Women, Infants & Children*) program from the Public Health Division, which he felt would be a productive arrangement given the other programs Cornell offered. He stated that they were still working on the solar power options for the Cornell Cooperative Extension building and he believed a better update on the status of that project would be presented at Cornell's next meeting which was scheduled for Monday, November 24th.

Chairman Geraghty once again noted the presence of Judges Caruso, Cocomma, Hall and Krogmann and he called for any questions or concerns the Board wanted to relate to them on the court expansion issue. There being none, privilege of the floor was extended to Judge Krogmann who reintroduced his

fellow Judges, once more, and stated that their presence underscored the court system's interest in the court expansion matter.

Privilege of the floor was extended to Bob Sears, Commercial Real Estate Agent, who said he had been working as a commercial real estate agent in the Warren County region for the past 37 years. He said he appreciated the direction the Board was proceeding in and the due diligence the judges had performed in advising the Board. Mr. Sears commented that as per reportings in the local newspaper, the court expansion project was estimated to cost about \$16 million and he noted that relocating the courts to space in an alternate location would incur a cost of about \$9.36 million over a period of 20 years, based on a lease rate of \$9 per sq. ft. which could be obtained from the Apollo Drive building. Mr. Sears stated this was just one example of what might happen if they chose to proceed in relocating the courts to an offsite location. He estimated a cost of about \$1.1 million to finance the \$16 million construction project and noted that the cost for leasing 53,000 sq. ft. of space would be about \$468,000 per year. Mr. Sears said he was aware that the leasing option would incur added costs, but he stated that the construction of new space would incur added costs, as well. He noted that when leasing space, the County would not have to worry about costs associated with groundskeeping or building upkeep and they would only be funding janitorial services inside the leased space and their utilities. Mr. Sears acknowledged that the Supervisors had worked hard to review this issue, but he said he believed the best way to proceed would be to release an RFP (*Request for Proposal*) to the private sector to lease office space because he felt they could attract a more competitive lease rate. Additionally, he noted it was likely that they would actually need less than the 53,000 sq. ft. estimated which would further reduce the lease cost.

Mr. Whitehead stated his opinion that the Supervisors were correct in deciding that the courts should remain together and on the Municipal Center Campus, but he felt they had erred in not considering moving other departments off Campus to make room for the courts instead of building new space. As an example, Mr. Whitehead cited the Department of Motor Vehicles as one division that could be removed from the Municipal Center Building and relocated elsewhere. He said it seemed that this issue was considered briefly based on an analysis showing this option would be a financial "wash"; however, he added, this comparison was based on an estimated lease rate of \$17 per sq. ft. and the assumption that \$4 million in renovations to the Municipal Center Building would be necessary. Mr. Whitehead continued that subsequently, the Board had learned a lower lease rate, at \$9 per sq. ft., had been offered but it seemed this idea had not been reconsidered sufficiently and instead they had decided to construct new space in an area that already had a glut of commercial real estate. Mr. Whitehead indicated what had outraged him most was the minutes of a County Facilities Committee meeting held in May of 2014 which reflected discussion pertaining to encouraging the lease of office space in the Human Services Building to the New York State Department of Labor to gain revenue for the County by essentially poaching business from taxpayers offering commercial rental space, which he did not feel was appropriate. He concluded that he did not believe all of the options had been looked at as closely as they should have been before the decision to construct new space was made.

Supervisor McDevitt reported that he had recently attended a luncheon at SUNY Adirondack which was intended to stress the value of the facility's foundation and aid to education. With regards to the recent newspaper reports regarding the administrative review being undertaken against Mr. Wick, Mr. McDevitt highlighted two specific examples of his interactions with Mr. Wick during destructive water-related events in Coles Woods which Mr. Wick had responded quickly and efficiently to resolve. Mr. McDevitt said he had relayed these experiences in order to affirm that the City of Glens Falls had also received assistance from Mr. Wick in the past and he said he could not have hoped to deal with a person who was more professional, knowledgeable and attentive to their needs in both instances.

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Supervisor Taylor advised the Support Services Committee had met on November 7th, approving proposed Resolution No. 517, *Ratifying the Actions of the Chairman of the Board of Supervisors in Executing an Agreement with Technical Building Services, Inc. (TBS) to Replace the HVAC Controller in the Sheriff's Office*, the cost of which was about \$10,500 that would be funded by the Computer Reserve. He further advised the Personnel Committee had met on November 12th, approving proposed Resolution Nos. 530-534, relating to filling vacant positions, and 535-537 which extended provisions in the CSEA contract for use of compensatory time, as well as contracts with Tri-City Foods and Juniper Hill Farms for employee food purchase programs; he added that the Personnel Committee had approved proposed Resolution No. 550 which would enact Local Law No. 6 of 2014 entitled "*Warren County Ethics and Disclosure Law*", as well. Supervisor Taylor also pointed out proposed Resolution No. 548, *Resolution Approving the Issuance of Certain Obligations by the Counties of Warren and Washington Civic Development Corporation to Finance a Certain Medical Facility Project for Hudson Headwaters Health Network*, which was sponsored by the Finance Committee. He explained this resolution represented a \$7.1 million medical facility project to be constructed by Hudson Headwaters Health Network with tax exempt bonding assistance from the Civic Development Corporation (CDC). Supervisor Taylor apprised that he had attended a groundbreaking ceremony for the new building and he opined that this would be a good project. With respect to prior comments made about spending at the Warren County Airport and the argument that not everyone used the facility, Supervisor Taylor stated he had made a list of facilities that not everyone used which, in the City of Glens Falls alone, included Crandall Park, Havalands Cove, East Field and the Glens Falls Civic Center, just to name a few, and he noted there were many other similar facilities in other towns. He commented that most of these facilities were sponsored by government funding, but they were not used by everyone, nor were they absolutely necessary; however, he questioned, what kind of community would Warren County be if they were eliminated. Supervisor Taylor stated that these facilities improved the quality of life for Warren County residents and were worth every penny spent on them.

Supervisor Brock expounded upon his prior comments regarding the 2015 Budget, thanking Supervisor Thomas for the good work he had done in establishing it. He also clarified that the comments he had made at the Special Board Meeting held on November 7th were not meant as any kind of criticism towards Supervisor Thomas, but rather to highlight the need to provide better notification of meetings to new Supervisors.

Supervisor Kenny advised the Occupancy Tax Coordination Committee had met on November 12th, holding a meeting that had lasted almost two hours. He thanked Supervisor Conover for his tremendous dedication and effort to review the occupancy tax law with the County Administrator to develop a new formula which Supervisor Kenny said was extremely complex, but Supervisor Conover managed to make it seem simple, which he appreciated. Supervisor Kenny relayed information provided by the County Treasurer indicating that occupancy tax revenues were up 2.82% as compared to the same time period in 2013. He said they had also learned that the top five events identified as the result of an Occupancy Tax Survey were Americade, the Adirondack Nationals Car Show, the Hudson Valley Firemen's Convention, the Adirondack Balloon Festival and the Town of Warrensburg's World's Largest Garage Sale. Supervisor Kenny advised that at this meeting the Occupancy Tax Coordination Committee had also discussed the need for fencing around the Festival Space at the Wood Park and he said he believed their inclination had been to use revenues from the West Brook Parking Lot to fund the fencing costs; Supervisor Monroe said he recalled this was the case, as well, but noted the matter would have to be discussed by both the Public Works and Finance Committees before a final decision could be made. Supervisor Kenny continued that considerable discussion had been held regarding changes in the accounting procedures for the occupancy tax spending plan, following which the Committee had approved them. Finally, he noted that the Occupancy Tax Coordination Committee had met again earlier that morning to discuss tentative funding for the Glens Falls Civic Center in the

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amount of \$250,000 per year for three years, as well as to review a contract that would be offered to the Glens Falls Civic Center Coalition, subject to review and revision by the County Attorney. Supervisor Kenny thanked all of the members of the public who had attended the Occupancy Tax Coordination Committee meeting that morning and he noted their input was well received and appreciated.

Supervisor Frasier advised the Human Services Committee had met briefly on October 27th, approving proposed Resolution Nos. 518 and 519, both of which authorized agreements for pest control services at the Office for the Aging's mealsite locations.

Supervisor Dickinson stated that the Invasive Species Sub-Committee had not met since the last Board Meeting, and would meet next on December 10th to receive an update from Dave Decker, *Executive Director of the Lake George Watershed Coalition*, who was the primary contact for a \$100,000 grant they had received for Lake George. He advised that the Criminal Justice Committee had met on November 7th, in his absence, and he thanked Supervisor Kenny for chairing the meeting on his behalf. Supervisor Dickinson then reviewed the action taken during the Criminal Justice Committee meeting which had included filling vacancies created by the resignation of an Assistant District Attorney.

Supervisor Merlino reported that the Traffic Safety Board had met on November 17th, approving proposed Resolution No. 520, *Authorizing Agreements and Memorandums of Understanding with Various Agencies/Departments Concerning STOP-DWI Program for 2015*. He advised the Tourism Committee had met on October 30th, approving proposed Resolution No. 515, *Accepting Proposal and Authorizing Agreement with Kenyon Press, Inc., to Print the 2015 Whitewater Rafting Brochure*, and he noted several updates had been provided regarding marketing efforts and brochure distributions. Finally, Supervisor Merlino advised the Public Works Committee had met on October 22nd, approving proposed Resolution Nos. 522-526, all of which were included in the resolution packet.

Supervisor Strough stated that he had nothing to report, but would like to thank Supervisor Thomas for the work he had done developing the 2015 Budget; he added that he would also echo the positive comments made by other Supervisors with respect to Mr. Wick.

Chairman Geraghty apprised he had just been alerted to a recent update on Mr. Wick's situation which indicated he had not been terminated from his position and that his paid administrative leave had been extended, which was good news for Warren County. He added that possibly there might be something that the Board could do to support Mr. Wick in his current situation.

Supervisor Seeber said she had the opportunity to attend a Veterans' Day event at SUNY Adirondack with Supervisor Strough which incorporated a wonderful ceremony recognizing the Veterans' of Warren County. She also highlighted the recent Intercounty Legislative Committee of the Adirondacks meeting which had included transportation by the Town of Lake George's Trolley; she thanked Supervisor Dickinson for the use of the trolley and noted that it had represented a bonding exercise for the representatives of the 10 counties that had attended the meeting. Jokingly, Supervisor Seeber noted that, regretfully, she had not been allowed to drive the trolley.

Supervisor Sokol spoke about the joint meeting of the Health Services and Extension Services Committees held on October 31st during which the matter of the Public Health Division relinquishing sponsorship of the WIC program to Cornell Cooperative Extension was discussed. He noted that the sponsorship would be for a five-year term and that the WIC program received 100% grant funding; he added that he felt there would be a seamless transition of services between the two organizations. Supervisor Sokol indicated that the November 19th Health Services Committee meeting had been held

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primarily in executive session to discuss the proposed sale of the Westmount Health Facility. He said it was his understanding that the contract documents for the property sale should be ready for review prior to the next Health Services Committee meeting; he added that they hoped to move forward with the sale of the Facility because the 2015 Budget only provided operational funding for Westmount through May.

Supervisor Beaty announced that he had been invited to attend a Veterans' Day event at The Glen to give a short speech which he had agreed to do thinking he would only be speaking to a small group. He continued that when he arrived at the event, he had been very surprised and pleased to see a crowd with more than 50 Veterans in attendance. Supervisor Beaty stated it had been a very moving experience to see so many Veterans from so many different branches of the military and to hear their stories; he encouraged anyone invited to next year's event to attend. With respect to proposed Resolution No. 547, *Supporting Request of the New York State Association of Counties for Contributions in Order to Assist New York State Association of Counties and Wayne County with Legal Expenses in a Pending Lawsuit*, Supervisor Beaty said it was his understanding that this lawsuit had already been decided upon in Wayne County's favor by appeal to the Supreme Court over the summer; therefore, he said, he did not understand why it would be necessary to provide funding now. Mr. Auffredou responded he was not aware of any such action and he noted he had recently conversed with the Wayne County Attorney and with NYSAC representatives who indicated several counties had committed to provide financial assistance based on their concerns that the same type of adverse activity could occur in their county. Mike Swan, County Treasurer, interjected it was his understanding that the case was currently under appeal. Supervisor Beaty reported that as per the information he had received, the Fourth Appellate Division had already ruled in favor of Wayne County, but there may be an appeal; Mr. Auffredou replied that this information must be with reference to another lawsuit as this matter was being reviewed by the Bankruptcy Court, which was at the Federal level. Finally, Supervisor Beaty commented on the 6.5% salary increase proposed for the County Administrator, stating that while he had no issue with Mr. Dusek's performance, he wondered how many Warren County residents had received the same level of salary increase this year.

Supervisor Westcott advised that the Social Services Committee had met while he was away and he thanked Supervisor Wood for chairing the meeting in his absence. He noted that the Social Services Committee had approved proposed Resolution Nos. 513, *Authorizing an Agreement with Orkin for Pest Control Services at Countryside Adult Home*, and 514, *Amending Agreement with Mahoney Notify Plus to Include Quarterly Fire Alarm Monitoring Fee for Countryside Adult Home*. Supervisor Westcott further noted that Maureen Schmidt, recently appointed Commissioner of the Department of Social Services, was settling into her new position and was doing a great job. He concluded that they would be organizing a tour of the Department of Social Services so that all members of the Board of Supervisors could meet the staff that worked there.

Continuing the Agenda review, Chairman Geraghty called for the report by the County Administrator and Mr. Dusek indicated he had nothing to report. Privilege of the floor was extended to Mr. Auffredou to provide the report by the County Attorney. With reference to proposed Resolution No. 548, *Resolution Approving the Issuance of Certain Obligations by the Counties of Warren and Washington Civic Development Corporation to Finance a Certain Medical Facility Project for Hudson Headwaters Health Network*, Mr. Auffredou advised he had been asked to opine whether Warren County would be obligated in any debt incurred as a result of this resolution. He said he had performed some research and conferred with the Washington County Attorney and counsel for the CDC subsequent to which he offered the opinion that Warren County would not be incurring any debts or obligations and any default on the obligation could not be enforced against Warren County. He added that the sole purpose of Warren County's approval, as stated in the resolution, was to ensure that interest on the obligations

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was excluded from Federal income taxation. Mr. Auffredou stated that he had also been provided with language that would appear in the bond and the indenture which reflected non-recourse verbiage as it pertained to Warren County; he said he had been assured this language would appear in the closing documents, as well. In conclusion, Mr. Auffredou stated he had no issue with the approval of proposed Resolution No. 548, as presented.

Mr. Auffredou also spoke about proposed Resolution No. 546, *Adopting Court Expansion Project Needs Assessment as Prepared by the Engineering Firm of Clark Patterson Lee; Authorizing Necessary Action for the County to Move Forward with Concept 1 of the Court Expansion Project; Expressing Intent to Borrow Funding Necessary to Complete the Court Expansion Project and Establishing Lead Agency for the Court Expansion Project Under the State Environmental Quality Review Act ("SEQRA")*. He explained that in addition to moving the Court Expansion Project forward, this resolution would commence the SEQRA review process and establish lead agency status for the County. Mr. Auffredou further explained that the SEQRA regulations indicated that any time an agency, such as the County, was faced with an action where a discretionary decision must be made to determine whether to fund, approve or undertake an action, they must consider the SEQRA requirements as early in the action as possible. He counseled that through this resolution, the Board would not be making any final project or substantive SEQRA decisions, but they would be establishing the County's status as lead agency for this action and declaring the project as an unlisted action, as well as authorizing the Chairman of the Board to sign Part 1 of the Environmental Assessment Form which was prepared by Clark Patterson Lee, the Court Expansion Project engineers. Mr. Auffredou advised that the Part 1 Environmental Assessment Form document was distributed to the Board members that morning and he said it provided a very comprehensive and thorough snapshot of the physical environmental setting where the project would take place, as well as the regulatory setting and what approvals, if any, would be required as the project moved forward. He reiterated that the resolution would authorize the Chairman of the Board to sign the Part 1 Environmental Assessment Form and to distribute it to any involved or interested agencies. Mr. Auffredou also reiterated that this resolution would not make any final SEQRA determinations, but would serve as the commencement of the SEQRA process.

Finally, Mr. Auffredou referenced proposed Resolution No. 526, *Approving Plans Submitted by the King's School to Construct a Pedestrian Railroad Crossing Area for Students to Access their Athletic Fields on the Opposite Side of the Railroad Tracks*, explaining that it would approve plans to construct a pedestrian railroad crossing area for students to access their athletic fields and he advised the County would be providing The King's School with a license agreement to construct the crossing. Mr. Auffredou acknowledged the attendance of David Avigdor, *legal counsel for The King's School*, and he stated that he looked forward to working with Mr. Avigdor through this process.

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

Minutes from:

1. Warren/Washington Counties IDA Audit & Finance, Executive/Park and Civic Development Corporation;

Monthly Report from:

1. Probation
 - Capital District Off-Track Betting, Third Quarter Benefit Distribution in the amount of \$11,169 and September and October 2014 surcharges in the amounts of \$5,300 and \$5,225, respectively and August 31 and September 30 Financial Reports;
 - Warren/Washington Counties IDA and Civic Development Corporation, Proposed 2015 Budgets;

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- NYS Office of Parks, Recreation & Historic Preservation, advising of the nomination of the Queensbury Quaker Burying Grounds on the National and State Register of Historic Places.

Chairman Geraghty offered privilege of the floor to any members of the public wishing to comment on the resolutions to be considered.

Mr. Whitehead spoke on proposed Resolution No. 551, *Introducing Proposed Local Law No. 1 of 2015 and Authorizing Public Hearing Thereon*, which would fix the salaries of certain County officers and employees. He advised this was one of the very few actions that was subject to permissive referendum which allowed the public to weigh in on the decision made; he pointed out that the proposed Local Law referenced Section 24(2)(h) of the Municipal Home Rule Law which made the action subject to referendum on petition, and this was an allowance that was not generally offered. Mr. Whitehead explained that referendum on petition was not an easy process for the public because a person would need to obtain at least 1,000 signatures before a petition could be submitted to the Clerk in order for a public review to take place. He stated that proposed Local Law No. 1 of 2015 was subject to public referendum based on verbiage included in Municipal Home Rule Law Section 24(2)(h) requiring such *"in the case of a County, increases to the salary of an elected officer or an officer appointed to a fixed term during his term of office"*. Mr. Whitehead noted that proposed Local Law No. 1 of 2015 listed 16 positions for which the salary increases would be subject to public referendum, some of which were elected, such as the County Treasurer and Sheriff, and the rest were appointed officials with fixed terms, such as the Superintendent of Public Works, Public Defender and the County Attorney. He opined that two classes of positions missing from this list were the elected members of the Board of Supervisors and the County Administrator. Mr. Whitehead stated he believed it would be appropriate for someone to request that this local law be amended to include both the Supervisors and the County Administrator to make it clearer to the public. He said he had briefly discussed this matter with Mr. Auffredou who had mentioned intervening County Law 200 which provided that the salary increases for the members of the Board of Supervisors did not need to be included in the proposed local law; however, as per Section 24(2)(h) of the Municipal Home Rule Law, it would seem that the Supervisors positions should be included and he said he would defer to the Mr. Auffredou on this matter. Mr. Whitehead commented that the proposed salary increase for the Supervisors was only \$300 per individual, and while he did not feel this increase was unreasonable or objectionable, he felt it was unreasonable to exclude the elected Supervisors positions from the local law that would allow for public referendum. Additionally, Mr. Whitehead said he was unsure what made the County Administrator's position different from any other appointed position listed in proposed Local Law No. 1 of 2015 that would qualify its exclusion.

Supervisor Monroe advised he had failed to point out proposed Resolution No. 559, *Resolution Supporting the Recommendations of the Adirondack Association of Towns and Villages and the Adirondack Park Local Government Review Board to Amend the Adirondack State Land Master Plan*, during his previous report. He explained the Adirondack State Land Master Plan was required by term to undergo major reviews every five years; however, he stated, no such review had been made in 27 years, regardless of repeated requests and numerous recommendations for changes submitted by local government groups during that time. Supervisor Monroe apprised that the Intercounty Legislative Committee of the Adirondacks had approved a resolution supporting the changes listed in proposed Resolution No. 559 at their meeting held on the prior day. He noted one of the main points made was that when the Adirondack Park Agency Act was passed in the early 1970's, Governor Rockefeller had signed a memorandum specifically referencing the need for balance between the environmental needs and those of the residents which was echoed in his subsequent press releases and in the Statement of Legislative Findings & Purposes for the Act. Mr. Monroe concluded that as it was written now, the Adirondack State Land Master Plan specifically rejected this idea of balance and that was one of the

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major requests for revision, as identified in proposed Resolution No. 559.

Chairman Geraghty called for the reading of resolutions; Mrs. Sady announced proposed Resolution Nos. 509-558 were mailed and proposed Resolution No. 552 was corrected after mailing. She advised a motion was necessary to approve proposed Resolution No. 552, as amended. The motion was made by Supervisor Sokol, seconded by Supervisor Thomas and carried unanimously. Mrs. Sady then advised that a motion was needed to bring proposed Resolution Nos. 508, 559 and 560 to the floor; the motion was made by Supervisor Vanselow, seconded by Supervisor Dickinson and carried unanimously.

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

Responding to the comments made by Mr. Whitehead, Supervisor Seeber stated that while the \$300 salary increase for the members of the Board of Supervisors was not unreasonable and was legally permissible, she was ethically uncomfortable with taking this action. She advised that as a member of the Board they were constantly asking department head staff to reduce their budgets and save every extra penny they were able to in the interest of budget preservation. Supervisor Seeber added that while they had all known in advance what the salary for their elected position would be, she had not run for office expecting or hoping for a salary increase. She questioned whether she had an ability to refuse the salary increase for her position, and if this was not possible, she would ask for some type of resolution that would allow Supervisors to forgo their salary increases. Supervisor Seeber stated that while the County was not currently in dire financial constraints, there were many big financial decisions to be made in the near future; with regards to the amount of the increase, she commented that although many might find the amount to be inconsequential, she felt it was still taxpayer money which they needed to be accountable for. Supervisor Seeber then reiterated that ethically, she was uncomfortable with accepting the salary increase proposed.

Supervisor Sokol commended Supervisor Thomas for his work on the 2015 Budget, noting that it was probably one of the tougher budgets to negotiate. However, he continued, as he contemplated the salary increases for members of the Board of Supervisors, he was beginning to feel that those funds could be better used to sustain a part-time position or some other budgetary cost. Supervisor Sokol stated that for this reason, he agreed with Supervisor Seeber's comments and said that he too would like to see if there was enough support amongst the Board to retract the salary increases for the members of the Board of Supervisors from the 2015 Budget.

Motion was made by Supervisor Seeber, seconded by Supervisor Sokol and carried unanimously to waive the Rules of the Board requiring that a resolution be presented in writing. Mrs. Sady advised this would be Resolution No. 561.

Motion was made by Supervisor Seeber and seconded by Supervisor Sokol to further amend the 2015 Tentative Budget to remove the salary increases suggested for the members of the Board of Supervisors. Mrs. Sady advised this would be Resolution No. 562.

Supervisor Monroe pointed out that over the past seven years, the only action the Board had taken to alter their salaries had been to reduce them. He stated that while he did not have a strong opinion as to whether the salary increase should be accepted or rejected, the amount did not seem unreasonable. Supervisor Monroe suggested an alternative to rejecting the increase might be to include the Supervisor positions in proposed Local Law No. 1 of 2015, making them subject to permissive referendum.

Supervisor Westcott commented that possibly this issue should be referred to the Legislative & Rules Committee to determine whether different procedures should be used to subject both the Supervisors

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and the County Administrator positions to permissive referendum in future years, given the two laws previously noted by Mr. Whitehead that seemed to contradict one another on this issue. Supervisor Monroe responded his position was that he would not object to subjecting the positions to public referendum, but he felt the Budget Officer's recommendations were not unreasonable.

Supervisor Brock apprised that when serving as a member of the City of Glens Falls Common Council they had not been able to vote for their own salary increases because it was considered self serving, and had instead voted for salary increases for the next term; he added that possibly a procedure such as this should be incorporated. Supervisor Wood commented that this was a good idea, but it was her understanding that the current Board could not bind a future Board to do such a thing and she asked Mr. Auffredou to comment on the matter. Mr. Auffredou advised the issue of binding future Boards was a long standing debate; he stated it was his understanding that a matter for permissive referendum can only be subject to such if it is specified by a particular statute. He counseled that in this case it was his opinion that the Board was governed by County Law 200 when handling salary increases.

Supervisor Beaty recalled that during the November 7th Special Board Meeting he had made the point that he was very uncomfortable voting for his own salary increase and he had proposed that the increase be delayed until the next election cycle, which he felt was a fair way of addressing the matter. He stated that the voting public needed to have a say in this matter which could be accomplished by either making the salary increases subject to permissive referendum or delaying them until the next election cycle.

There being no further discussion, Chairman Geraghty called for a vote on Resolution No. 562 which passed by a vote of 643 for (*Supervisors Girard, McDevitt, Brock, Simpson, Dickinson, Strough, Seeber, Sokol, Beaty, Westcott and Wood*) and 357 against (*Supervisors Conover, Monroe, Taylor, Kenny, Frasier, Vanselow, Merlino, Thomas and Geraghty*).

With regards to her previous statements regarding a motion to reduce the salary increase proposed for the County Administrator, Supervisor Wood made a motion to waive the Rules of the Board requiring that a resolution be presented in writing; the motion was seconded by Supervisor Westcott and carried unanimously. Mrs. Sady advised this would be Resolution No. 563.

Motion was made by Supervisor Wood and seconded by Supervisor Westcott to further amend the 2015 Tentative Budget to reduce the salary increase suggested for the County Administrator from 6.5% to 2%; however, the motion failed by a vote of 457 for (*Supervisors Girard, McDevitt, Brock, Frasier, Simpson, Vanselow, Seeber, Beaty, Westcott and Wood*) and 533 against (*Supervisors Conover, Monroe, McDevitt, Kenny, Dickinson, Merlino, Strough, Sokol, Thomas and Geraghty*). Mrs. Sady advised this would be Resolution No. 564.

Supervisor Westcott requested a roll call vote be taken for proposed Resolution No. 546, *Adopting Court Expansion Project Needs Assessment as Prepared by the Engineering Firm of Clark Patterson Lee; Authorizing Necessary Action for the County to Move Forward with Concept 1 of the Court Expansion Project; Expressing Intent to Borrow Funding Necessary to Complete the Court Expansion Project and Establishing Lead Agency for the Court Expansion Project Under the State Environmental Quality Review Act ("SEQRA")*

There being no further discussion, Chairman Geraghty called for a vote on resolutions and Resolution Nos. 508 through 560 were adopted, as presented; the Estimate of Sales Tax, Mortgage Tax Report and Report of Equalization and Apportionment were submitted. *Note: Resolution Nos. 561, 562 and 563 were adopted earlier in the meeting; Resolution No. 564 failed.*

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Chairman Geraghty called for announcements, but none were made. He then offered privilege of the floor to any members of the public wishing to address the Board.

Mr. Whitehead agreed with Supervisor Monroe's comments with respect to including the Supervisors positions in the list of those subject to permissive referendum as per Resolution No. 551; he added that his prior comments regarding the same resolution were not intended to insinuate that the Supervisors were not deserving of a salary increase. He commented that if this issue was presented again in the future, they would encounter the same ethical questioning. Mr. Whitehead opined that this situation could be avoided by making any salary increases for the Board of Supervisors subject to a permissive referendum, which he hoped would be done in the future. With respect to the prospective sale of the Westmount Health Facility, Mr. Whitehead said he had attended meetings in April and May of 2014 when the Board had first started the process to further negotiate the sale and there had been talk of there being a number of "off ramps" for the sale, but he said he had yet to see one of these opportunities. He apprised that he had attended a recent Health Services Committee meeting held to discuss the Westmount sale which had ended up being held in closed session and the draft contract was not made available to the public. Mr. Whitehead stated he had serious concerns about the Facility and he used the analogy that "he could not see any off ramps but he could see the toll booths ahead", and he was becoming concerned with the cost and details associated with the sale. He pointed out that the problems they had incurred with the co-generation facility at Westmount had been primarily related to the initial contract, and he noted that out of the entire contract document, which was very lengthy, there were probably only a few paragraphs that had caused the damage, but it had taken a long time to find them. Mr. Whitehead encouraged the Board to refrain from rushing to make this important decision and he urged them to lend the matter the time and consideration it deserved.

Mr. Whitehead continued his comments by quoting the minutes from a June 27, 2008 Committee meeting at which the County's consultant, Michael McCarthy, of *McCarthy and Conlon LLP*, had been apprised that the payments from the State for the co-generation facility were not being received. Mr. Whitehead read the following aloud: "*Mr. McCarthy apprised that the impact for the rate appeal that had been filed for the depreciation of the Co-Gen plant had not been accrued.*" Based on the same meeting minutes, Mr. Whitehead summarized that Mr. McCarthy had pinned his hopes that the County would prevail on this issue on the Certificate of Need, which was a contract between the County and the New York State Department of Health. He noted that six years later, the County had not prevailed on this issue and was now \$1 million in arrears on State payments; he added that while the County might prevail based on the contract between themselves and the New York State Department of Health, once the Facility was sold the contract would be nullified. Mr. Whitehead pointed out that the contract pertained to how the New York State Department of Health reimbursed for a County nursing home, which would not have any bearing in this instance based on the proposed sale of Westmount. He said he hoped the County was not relying solely on the opinions provided by Mr. McCarthy because he had not been accurate for the past six years.

Mr. Whitehead quoted another section of the minutes from the June 27, 2008 Health Services Committee meeting, as follows: "*He (Mr. McCarthy) stated that the auditors for the Medicaid Inspector General's Office were not in favor of Co-Gen projects and he wanted the County to be aware of the possibility that there would be a need to defend the CON (Certificate of Need)*". He advised that nothing had changed along this line, and he advised he had spoken with Betsy Henkel, *Comptroller, Westmount Health Facility*, who had spoken to the New York State Department of Health to learn that they expected the money would be forwarded to the County, but it was being held up by OMIG (*New York State Office of the Medicaid Inspector General*) and that office did not communicate with the Department of Health. Mr. Whitehead stated that in the same June 27, 2008 meeting minutes, it seemed the Committee had held out some hope for resolve in this situation, as per the following: "*Mr. Payne (former Commissioner of Administrative & Fiscal Services) said that he had spoken with Paul Dusek, County Attorney, and had*

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been informed that Warren County was protected by the Performance Contract with Siemens Building Technologies, Inc. He explained that due to the fact that Siemens had initiated the CON and had guaranteed an annual savings to the County, if the Medicaid Inspector General's Office declared the CON to be void and withdrew the reimbursement, Siemens would have to ensure that the County broke even."

Mr. Whitehead stated that they now new this was not a fact and that such assurances had never been made by Siemens and they never would be. He concluded that the Board had received a lot of advice over the years, some of which had not been very good, and he said he hoped the Board would give this matter the level of consideration it deserved.

There being no further public comment, Chairman Geraghty thanked everyone for attending the meeting. On motion made by Supervisor McDevitt and seconded by Supervisor Girard, Chairman Geraghty adjourned the meeting at 12:13 p.m.