

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, JANUARY 16, 2015**



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

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Conover.

Roll called, the following members present:

Supervisors Conover, Girard, McDevitt, Taylor, Brock, Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Sokol, Beaty, Westcott, Thomas, Wood and Geraghty - 18; Supervisors Monroe and Kenny absent - 2.

Commencing the Agenda review, privilege of the floor was extended to Amy Clute, *Warren County Self-Insurance Administrator*, who was in attendance to recognize individuals that had earned their Warren County Safety Certificate through the Safety Certificate Program. Mrs. Clute introduced Michael Needham, *of Needham Risk Management*, who had developed the Safety Certificate Program and would assist with the presentation of the Certificates. She advised that she had provided each member of the Board of Supervisors with a schedule of upcoming safety training programs for 2015 and she explained that each of the Safety Certificate Program graduates being honored today had achieved a higher level of safety training than most employees, having completed three core credit courses, as well as three elective credits, for a total of six credits. Mrs. Clute noted this was the third graduation ceremony held for the Safety Certificate Program and she advised a total of 38 people had been recognized over the last 2 years. She specifically acknowledged both the Warren County Department of Public Works and the City of Glens Falls for embracing the Safety Certificate Program and she apprised that in her review of statistical information pertaining to injuries and lost work days, she was able to identify significant reductions for both organizations. Mrs. Clute asked Supervisors who had not considered enrolling their town employees in the Safety Certificate Program to do so as she felt there was sufficient evidence to confirm that the program would effect positive results.

Proceeding with the Certificate presentations, Mrs. Clute and Mr. Needham recognized the following individuals on their achievement of completing the necessary requirements to earn their Warren County Safety Certificate; Mrs. Clute invited Mayor Diamond, *City of Glens Falls*, to make the presentations to the City of Glens Falls employees:

- ★ Michael Schaefer, *City of Glens Falls*
- ★ Judy Villa White, *City of Glens Falls*
- ★ Jessica Burnham, *Warren County Self-Insurance Department*
- ★ James Schrammel, *City of Glens Falls Fire Department*
- ★ John Ellingsworth, *City of Glens Falls Fire Department*
- ★ Jason Vilander, *City of Glens Falls*
- ★ Bruce Ashline, *Warren County Department of Public Works*
- ★ Walt Piekarz, *Warren County Department of Public Works*
- ★ Mariann Roberts-Huck, *Town of Bolton*
- ★ Ross Dubarry, *Warren County Airport Manager*
- ★ Gerald Baker, *Warren County Department of Public Works*

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- ★ Chad Hayes, *Warren County Department of Public Works*
- ★ Tracy Benoit, *Warren County Department of Public Works*
- ★ Tom Girard, *City of Glens Falls*
- ★ Rob Hall, *Town of Warrensburg*
- ★ Lisa Coutu, *Warren County Community Service Board*

Each graduate of the Safety Program was presented with a plaque and a special hard hat commemorating their accomplishments. A round of applause was given after each presentation. Mrs. Clute gave special thanks to the employees of the DPW Sign Shop who had done the lettering work for the special hard hats.

Resuming the Agenda review, Chairman Geraghty noted a motion was necessary to approve the minutes of the December 19, 2014 Board Meeting and the January 5, 2015 Organization Meeting, subject to correction by the Clerk of the Board. The motion was made by Supervisor Vanselow, seconded by Supervisor Frasier and carried unanimously.

Moving on to the report by the Chairman of the Board, Chairman Geraghty advised he had nothing to report; he then called for the reports by Committee Chairmen on the past months meetings or activities.

Supervisor Conover advised he had nothing to report relative to the Finance Committee because they had not met since the last Board Meeting. He noted that any Supervisors who had not visited the County Attorney's Office to sign their agreements for the additional occupancy tax funding distributions to the towns should do so.

With regards to the Court Expansion Project, Supervisor Girard advised the project engineers, *Clark Patterson Lee*, had received a response from the Office of Court Administration and their architect staff about the expansion plans. He said some minor security issues had been identified and some suggestions were made to rectify them, all of which they were confident could be addressed. Supervisor Girard said they were hoping to obtain the conceptual approval necessary to advance the expansion project in February. Referring to the Cornell Cooperative Extension (CCE) Building, Supervisor Girard apprised lighting changes had been made pursuant to suggestions provided following a National Grid Energy Survey to increase energy efficiency in the CCE Building. Supervisor Girard recalled prior discussion regarding the possibility of installing additional insulation in the building and offsetting some of the electrical heating costs by introducing a gas heating source. He said they had initially considered using unexpended funds in the DPW budget, but those monies had since been reallocated to fund the costs of security upgrades in the Municipal Center Building. Supervisor Girard continued that he intended to meet with Dr. James Seeley, *CCE Executive Director*, to prioritize the needs for the facility in hopes of obtaining the necessary funding to remove CCE from a demand meter energy use scenario to obtain better energy pricing. Finally, Supervisor Girard advised an update was available relative to the Environmental Assessment (EA) for the proposed Runway Extension Project which Jeffery Tennyson, *Superintendent of Public Works*, would present when he joined the meeting.

Chairman Geraghty asked Paul Dusek, *County Administrator*, and Supervisor Thomas, *Budget Officer*, to review the budget and determine whether funding could be found to assist CCE with their energy needs and Mr. Dusek acknowledged the request.

Supervisor McDevitt advised the Warren-Washington Counties Community Services Board had met on January 8th to discuss the five county consortium being established by the State of New York which was described as "regional adult mobile crisis response and intervention". He noted that the five

municipalities to be included in this consortium would be Rensselaer, Schenectady, Saratoga, Warren and Washington Counties. Supervisor McDevitt indicated that Warren and Washington Counties would each receive \$100,000 to implement this program which was intended to offer services in an effort to prevent or deter frequent emergency room visits for mental health related issues. Concluding his report, Supervisor McDevitt pointed out proposed Resolution No. 28, *Authorizing Agreement with the City of Glens Falls for Capital Improvement and Operation and Maintenance for Various Recreational Facilities*, noting that it included verbiage indicating funding would be used to support the Glens Falls Civic Center. He added that since the City no longer owned the Civic Center, Mayor Diamond (*City of Glens Falls*) had requested that the resolution be amended to state that the funding would be used for Coles Woods instead.

Supervisor Taylor advised he had nothing to report, but introduced Ed Bartholomew, *President of the Economic Development Corporation (EDC)*, to speak about the very successful training program he had been responsible for establishing. Mr. Bartholomew stated that through a regional approach and with assistance from Chris Hunsinger, *Director of the Employment & Training Administration*, the EPA (*Environmental Protection Agency*), the EDC, the City of Glens Falls and other communities, they had established a series of three classes for unemployed or underemployed individuals. He said they had recently graduated 23 individuals from the 6 week course which undertook a variety of EPA-related programs, such as lead paint and asbestos assessment; he noted that 4 of the graduates had received jobs in the Warren County area, leaving 19 more to be placed. Mr. Bartholomew stated that both the Employment & Training Administration and the New York State Department of Labor had been very cooperative in these efforts. He apprised that the second class would begin in February, with 25 individuals, with the third class beginning in the spring. Mr. Bartholomew estimated there would be about 75 graduates from the program and they had a responsibility to find job placement for at least 80% of the program graduates. He noted that this program was 100% grant funded by the EPA and if they were successful, they would seek to reapply and continue the program in the future. Mr. Bartholomew stated that of the 23 graduates that completed the first course, 18 were Warren County residents and the rest were from neighboring Washington County. He advised this was the first attempt at a program such as this and having the regional facility at the Plumbers and Steam Fitters Union had been a great asset; he added this training program had highlighted a considerable show of cooperation between the Union, the public sector and the private sector, as well. Mr. Bartholomew concluded that they hoped to continue the success of the program in an effort to create more regional employment.

Supervisor Simpson said he had nothing to report, but noted that in preparation for the January 23rd meeting of the Social Services Committee, which would be his first as Committee Chairman, he had met with Mr. Dusek, Gretchen Steffan, *County Human Resources Director*, and Maureen Schmidt, *Commissioner of the Department of Social Services (DSS)*, as well as other key DSS staff members.

Although Supervisor Dickinson advised he had nothing to report relative to the Invasive Species Subcommittee, Chairman Geraghty opined this would be a good opportunity for Dave Wick, *Executive Director of the Lake George Park Commission (LGPC)*, to speak about the status of the boat washing program.

Mr. Wick provided a quick update on the 2014 boat inspection program, noting that it was very successful, having ended the year about \$50,000 under budget while inspecting approximately 20,000 boats; he advised they had achieved a 12% decontamination rate with only a 1% rate of visible invasive species. He said the program was still a work in progress and they hoped to complete the 2015 program even further under the anticipated \$600,000 working budget. Mr. Wick thanked everyone for their support and encouragement during his recent ordeal with the LGPC and he advised he was

available to answer any questions anyone might have.

Supervisor Merlino advised the Tourism Committee had not yet met in 2015, but noted that television promotions continued, as well as a large snowmobile campaign with the Adirondack Tourism Council and he noted that they were continuing to travel to consumer shows. With regards to the Department of Public Works, Supervisor Merlino advised a long time employee, Sandy Kloss, *Fiscal Manager*, would be retiring in April and they would be moving forward to advertise and hire someone to fill the position at least one month before her retirement in order to provide for training. Continuing, Supervisor Merlino recalled that four or five years ago when the County had been under financial constraints, certain Supervisors had worked together to encourage working with the Office for the Aging to continue the mealsite programs; he added that as a result of these efforts the mealsite programs had been continued. Supervisor Merlino reported that in 2011 the Lake Luzerne mealsite had served 6,984 meals and in 2014 they served 11,811 meals, which was a 70% increase. With regards to the Meals on Wheels program for Lake Luzerne, Supervisor Merlino stated that in 2011, 1,890 meals had been delivered, while in 2014 5,950 meals had been delivered, which was a 215% increase. He noted that the Lake Luzerne mealsite had also assisted to make and deliver meals for residents in the Town of Stony Creek. Supervisor Merlino apprised that 4,459 people had attended programs offered at the Lake Luzerne Senior Center, which housed the mealsite, including exercise programs and blood testing. He said he was proud of these statistics and thanked the Board for making the decision to continue the mealsite programs, even in tough financial times. Finally, Supervisor Merlino thanked Mr. Bartholomew for his assistance relating to a large tract of land donated to the Town of Lake Luzerne to be subdivided and given to returning Veterans to build a home and resume their lives. He noted that Mr. Bartholomew had been very helpful in providing assistance to get the property surveyed and some infrastructure placed on it in order to proceed with the subdivisions.

Supervisor Seeber expressed her gratitude to Supervisor McDevitt for taking time during the past week to meet with her and discuss the Community College Committee which she would now be chairing. She said she looked forward to meeting with Dr. Kristine Duffy, *President, SUNY Adirondack*, in the upcoming weeks and expected a smooth transition of the Committee chairmanship from Supervisor McDevitt to herself. Supervisor Seeber said she appreciated the opportunity to serve as Chairman of the Community College Committee and looked forward to learning more from Supervisor McDevitt. With regards to the Performance Evaluation Sub-Committee, Supervisor Seeber indicated that over the prior weekend she had continued to work on the rating forms for the County Administrator position and had forwarded them to Chairman Geraghty and Supervisor Taylor, *Chairman of the Performance Evaluation Sub-Committee*, for their review and to determine the best practice to share the forms with all members of the Board of Supervisors for their review and input. Supervisor Seeber thanked those Supervisors that had contacted her with respect to the evaluation forms for both their support and suggestions for the rating process.

Supervisor Westcott said he had nothing to report, but wanted to congratulate Supervisor Simpson on being appointed as Chairman of the Social Services Committee; he noted that Supervisor Simpson would be working with an outstanding Committee, outstanding department and an outstanding DSS Commissioner in Ms. Schmidt. Supervisor Westcott commented that Ms. Schmidt's staff was wonderful and he noted that Julie Montero, *DSS Fiscal Manager*, did an excellent job of handling the departmental budgets while Joanne Collins, *Administrative Assistant*, was very efficient in her administrative duties. He concluded that chairing the Social Services Committee was an excellent job and he wished Supervisor Simpson all the best in this position.

Supervisor Wood apprised that she had met with Brian LaFlure, *Fire Coordinator/Director of the Office of Emergency Services*, to spend an afternoon looking at cell tower sites in connection with the radio

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communications issues experienced by emergency services groups in an effort to keep this process moving forward.

Continuing to the report by the County Administrator, Mr. Dusek advised that since he had become County Administrator a practice had been instituted to review various functions of the County to determine efficiencies. He pointed out that some of the areas reviewed in the past had included Westmount Health Facility, Countryside Adult Home, the Health Services Division, and most recently, the DPW Shop. Mr. Dusek said he appreciated Mr. Tennyson's cooperation with the review and he explained the purpose of the review was to try to introduce resources Mr. Tennyson would use to perform work and make evaluations from a business-model standpoint that Mr. Tennyson might not ordinarily have the time or resources to employ. He continued that he had established a Management Resource Team to meet with staff to review different areas and determine where assistance could be provided, as well as to eliminate any procedures that are no longer necessary. Mr. Dusek advised that during their visit to the DPW Shop they had identified some software issues that they would continue to work with Mr. Tennyson to resolve. He added that the Management Resource Team would move on to review other Departments where business model-type operations were identified in order to determine and identify efficiencies and other areas where costs could be reduced.

Privilege of the floor was extended to Martin Auffredou, *County Attorney*, who pointed out proposed Resolution No. 33, *Ratifying the Actions of the Chairman of the Board of Supervisors in Executing an Area Variance Application and Two Lot Subdivision Applications for the Town of Queensbury Relating to the Sale of the Westmount Health Facility*, which would ratify certain actions of the Chairman of the Board in executing land use applications that needed to be filed with the Town of Queensbury in order to create the 8± acre lot in connection with the sale of the Westmount Health Facility and he noted that those applications had been filed. He advised that land use issues had comprised a very large part of his work during his private practice days, but since he had worked for the County he had been involved in these types of matters much less frequently, making him a bit rusty on the procedures. Mr. Auffredou commented that when visiting the Town of Queensbury to request assistance with this matter, he had found the level of knowledge and the willingness to assist to be both remarkable and refreshing. He advised that these types of transactions required an enormous amount of paperwork but the Town of Queensbury staff had taken the time to sit with him to explain it, as well as to review the documentation required. For the record, Mr. Auffredou expressed his appreciation to Craig Brown and Laura Moore, *Town of Queensbury staff*, for the tremendous amount of assistance they had provided to him over the last couple of weeks. He advised he had prepared a timeline for the Westmount Facility sale, copies of which were available to anyone wishing to review it; he added that he was available to answer any questions anyone might have on the timeline. Finally, Mr. Auffredou apprised that an executive session would be necessary to discuss a current pending litigation matter which he would describe at the close of the meeting, before the executive session was held.

Chairman Geraghty noted that while everyone's anniversary with the County was important, he would like to point out four lengthy anniversaries occurring in January; he then announced the following names, and years of service:

- ★ Debbie McCloud, *Treasurer's Office*, 35 years of service
- ★ Cathy DuFour, *Public Health*, 30 years of service
- ★ Bob Iusi, *Probation Director*, 25 years of service
- ★ Pam Vogel, *County Clerk*, 25 years of service

Chairman Geraghty advised that each of the aforementioned individuals would receive a letter acknowledging and stating appreciation for their lengthy service to Warren County. A round of applause was given.

Privilege of the floor was extended to Mr. Tennyson to provide an update on the EA for the proposed Runway Expansion Project. Mr. Tennyson began by speaking about the postponement of the public hearing scheduled for January 8, 2014 in relation to the EA for the proposed Runway Expansion Project, which he advised had been delayed for a few reasons. He explained that after the first public hearing was held at the end of October, they had continued meetings with regulatory agencies and the FAA (*Federal Aviation Administration*) regarding some concerns raised which the County had been responsive and flexible in addressing. He added that they had also met with NYSDEC (*New York State Department of Environmental Conservation*) representatives following the results of additional NYSDEC field work completed in the end of November that led to some opinions they were currently addressing and working through. Mr. Tennyson apprised the initial inclination had been to shift the project plans to include one of the two viable alternatives previously identified, one of which was Alternative 3, to extend the Runway 1,000 feet to the south with placement of the instrument landing antennae on the "wetland" side of the Runway, which would have a higher impact on the wetlands but was better for aviation purposes. However, he continued, pursuant to the additional NYSDEC field work, it had been determined that the ratio of impact to the wetlands was actually higher than anticipated for Alternative 3, based on NYSDEC's opinion of how much marl fen was actually on site. Mr. Tennyson advised they had received feedback from FAA Operations Inspectors who had reviewed several facilities throughout the State indicating that although proceeding with the Alternative 4 option, *placing the antenna on the Queensbury Avenue side of the Runway*, was not ideal and could cause some operational concerns, similar plans had been implemented successfully by other airports; therefore, he said, the level of comfort with switching from Alternative 3 to Alternative 4 had increased. Mr. Tennyson advised they continued to review the recent information provided by NYSDEC, as well as to coordinate with the FAA to determine what the next steps would be in proceeding with Alternative 4 for the Runway Expansion Project, as well as to determine whether they could proceed with the EA work or if additional field work would be required in the spring and summer months to proceed with a more certain level of information.

Based on the information provided by Mr. Tennyson, Supervisor Beaty questioned whether it was a correct summarization to state that the date for the postponed public hearing for the Runway Expansion Project had yet to be set based on the fact that the FAA had asked NYSDEC to review the marl fen, which encompassed about .9 acres, to determine whether extending the runway would have an effect on it. Supervisor Beaty pointed out the fact that this marl fen area was classified as both S-1, the highest classification assigned by the State, and G-1, the highest classification globally; he added that, significantly, there was only about 10 acres of marl fen in the world, almost 10% of which was located at the Warren County Airport. Supervisor Beaty also questioned whether his understanding that the public hearing would not be rescheduled until the spring or summer, after NYSDEC officials had an opportunity to revisit the marl fen site to review the growth there, was correct. Mr. Tennyson responded in the negative, clarifying that the FAA had not requested any NYSDEC action and this was actually part of the normal course of coordination done at the local level. He explained that essentially, once the project plans changed to include the Alternative 4 option, there would no longer be any effect to the marl fen area and the question raised had been whether there was a need for additional survey work outside of the other wetland delineations already established. Mr. Tennyson continued that the FAA was also reviewing the operation concerns related to moving the instrument landing antennae to the opposite side of the Runway to determine whether further modeling and study was necessary. He commented that the process may move forward very soon, but they were still in the interagency coordination mode at the current time. Mr. Tennyson stated that the County team had been very responsive to FAA/NYSDEC inquiries throughout the project and they wanted to continue to provide complete reportings and responses moving forward; he noted that if delays were necessary to complete additional field work they would be taken, or they may choose to continue the process if both the County team and their FAA counterparts were comfortable in doing so. Mr. Tennyson concluded that

updates on the process would be provided regularly through the County Facilities Committee.

Supervisor Beaty cited a report from Greg Edinger, *Chief Biologist, NYSDEC National Heritage Division*, stating that impacts to the marl fen should be seriously considered because there were only five similar marl fens in the United States and that the marl fen located at the Warren County Airport represented about 10% of the total marl fen area in existence. Mr. Tennyson stated that this was not new information to the County team and Supervisor Beaty countered that this was new information to the Board as it was just released in December. Mr. Tennyson responded that the marl fen had been recognized as a rare resource, the identification of which had not changed since the original field work NYSDEC had completed. Supervisor Beaty reiterated this was new information to the Board of Supervisors, having just been released in December, and he said he had not previously been made aware that the marl fen located at the Warren County Airport represented about 10% of the total marl fen area in the world. Supervisor Beaty continued that the concerns raised by Mr. Edinger had created a situation leading NYSDEC to suggest that the instrument landing antennae should be moved to the opposite side of the Runway and he opined there was a lot more to this situation than what he was absorbing from Mr. Tennyson's comments. Mr. Tennyson responded that he would not disagree with Supervisor Beaty's statements that NYSDEC had raised concerns in their meetings with the County and that was why they had paused in the process to review the matter more closely and the EA process had been delayed. Supervisor Beaty commented that this work would be postponed until the spring or summer so that a review of the marl fen could be performed when it was flourishing. Mr. Tennyson advised that the decision to delay the process until spring/summer had not been finalized and NYSDEC had agreed that their field work performed for the site in November had not been completed at the right time as it was outside of the growing season. Mr. Tennyson added that although they would be proceeding down the path to complete the work, interagency coordination with the FAA and NYSDEC to determine whether additional field work was necessary, or if they could proceed with the review already completed. Supervisor Beaty concluded that the reports released within the last month raised some serious concerns about the Runway Expansion Project due to the impacts on the marl fen, specifically those identified by Mr. Edinger. He added that Mr. Edinger's report suggested that they may need to change the placement of the instrument landing antennae, and even after doing so, NYSDEC may still refrain from approving the project due to the rare S-1/G-1 land classifications.

Fred Austin, *Town of Lake George Resident*, noted that prior to his retirement from Warren County, he had served as the Superintendent of Public Works and the Airport Manager for 29 years and during that time questions had been raised relative to the presence of a marl fen when fencing was being erected around the Airport. He explained that a letter had been received from an office located in Troy, NY, although he could not recall which agency, complaining about the impact to the marl fen through the fencing project; he added that he believed a copy of this letter must be on file somewhere with the County. Mr. Austin advised that after receiving this letter, he had been approached by a couple of elderly residents who told him that the marl fen was actually a site where topsoil had been removed and transferred to the sites of the Queensbury High School and Municipal Center Buildings to save money on ground fill materials during construction. He continued that he had sent a letter back to the office in Troy stating this fact, following which no further response or objections to the fencing project were received. Mr. Austin concluded that this information should be a matter of public record somewhere, if nowhere else in the minutes of the current Board Meeting.

Supervisor Beaty thanked Mr. Austin for his comments, but stated that there had been significant progress over the last 30 years in determining what types of lands were classified as environmentally precious.

Resuming the Agenda review, Chairman Geraghty called for the reading of communications, which

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Amanda Allen, *Deputy Clerk of the Board*, read aloud, as follows:

Capital District Regional Off-Track Betting Corp., October 31 and November 30, 2014 Financial Reports;
New York State Office of Parks, Recreation & Historic Preservation, listing of Queensbury Quaker Burying Grounds on the New York State Register of Historic Places.

With regards to Supervisor McDevitt's comments relative to Mayor Diamond's request to amend proposed Resolution No. 28, *Authorizing Agreement with the City of Glens Falls for Capital Improvement and Operation and Maintenance for Various Recreational Facilities*, to indicate that funding would be used for Coles Woods, rather than the Glens Falls Civic Center, Chairman Geraghty advised a motion would be necessary to authorize the requested amendment.

Motion was made by Supervisor McDevitt and seconded by Supervisor Girard to amend proposed Resolution No. 28 to replace all occurrences of "Glens Falls Civic Center" with "Coles Woods".

Supervisor Seeber questioned whether information relating to how the funds would be expended was received before the monies were granted and she also asked if the County had contributed funds to Coles Woods in the past. Chairman Geraghty responded that the County had always had contracts with the City of Glens Falls; he also pointed out that in 2009 the total amount of funding was reduced when the County had faced dire financial straits. He continued that the resolution had traditionally indicated funds would be used to support the City's recreational facilities that were used by all Warren County residents. Chairman Geraghty advised it would not be fair to modify the resolution to reduce funding at this time because the amount had been previously decided upon and the City had budgeted for it. He noted that in this case, they would just be altering the resolution to remove references to the Glens Falls Civic Center, as it was now outside the City's purview, and insert Coles Woods; Chairman Geraghty added that traditionally, funding for the Glens Falls Civic Center had previously been provided from the occupancy tax fund under separate resolutions. Supervisor Girard apprised that vouchers were provided by the City of Glens Falls to identify actual expenditures for which reimbursements up to the total \$100,000 contract amount were provided. He advised the theory behind this agreement was that these facilities were regional assets which people traveled to visit; he added that this agreement had proven fruitful in the past and helped to provide assistance for maintenance costs associated with the regional facilities.

Supervisor Seeber questioned whether similar resolutions could be authorized for other municipalities and Chairman Geraghty responded that there were agreements with the Town of Bolton, in relation to funding for Up Yonda Farm, as well as with other towns for snowmobile grant funds.

There being no further discussion, Chairman Geraghty called the question and the motion to amend proposed Resolution No. 28 was carried unanimously.

Chairman Geraghty called for the reading of resolutions; Mrs. Allen advised proposed Resolution Nos. 22-33 were mailed and she noted there were no additional resolutions to be brought to the floor. Chairman Geraghty then called for discussion and public comment on resolutions or requests for roll call votes.

With respect to proposed Resolution No. 33, *Ratifying the Actions of the Chairman of the Board of Supervisors in Executing an Area Variance Application and Two Lot Subdivision Applications for the Town of Queensbury Relating to the Sale of the Westmount Health Facility*, Supervisor McDevitt said it did not seem this matter was of an urgent nature which warranted circumventing the typical

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Committee review procedures and he questioned whether the resolution could be tabled until the Health Services Committee could review and vote on it. Chairman Geraghty said he would defer to Mr. Auffredou to provide an explanation for Supervisor McDevitt's inquiry, but he noted that this issue had been previously discussed by the Health Services Committee. Mr. Auffredou explained that, as he had advised previously, one of the conditions or contingencies of the contract for the sale of the Westmount Health Facility had been that the County would secure any necessary land use approvals from the Town of Queensbury. He further explained that the reason he had decided to submit the subdivision applications and seek ratifying approval was because the deadline for filing with the Town of Queensbury had been the previous day and he felt it was in the County's best interest to file the applications and commence the application review process to meet the January 15th application deadline. Mr. Auffredou confirmed it had been his recommendation that the applications be filed and he maintained this was the right decision under the circumstances. Supervisor McDevitt asked Supervisor Strough, *Town of Queensbury*, to confirm the application deadline date and Supervisor Strough asserted that the January deadline had been January 15th. Supervisor McDevitt pointed out that by delaying approval of the resolution they would only be losing one month and Mr. Auffredou countered that in the world of land use, they could never be sure whether they would be losing one month, or several, by delaying the process; he added that he had extensive experience handling these types of matters and he reiterated it was his recommendation, and ultimately his decision, to meet the January 15th deadline for the February cycle of the Town of Queensbury meetings. Supervisor McDevitt then requested that a roll call vote be taken for proposed Resolution No. 33.

There being no further discussion, Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 22-33 were approved, as presented (*including Resolution No. 28 in its amended form*).

Continuing the Agenda review, Chairman Geraghty called for announcements.

Supervisor Seeber advised that on Saturday a retirement function would be held for Chief William Valenza, *City of Glens Falls Police Department*, and on behalf of the Board of Supervisors she would be providing Chief Valenza with a certificate signed by Chairman Geraghty recognizing and appreciating his 17 years of service, not just to the City of Glens Falls, but for his collaboration with the Warren County Sheriff's Office and other agencies to benefit the residents of Warren County.

Supervisor Beaty apprised that himself and Supervisors McDevitt and Westcott would be holding an evening public hearing relative to the sale of the Westmount Health Facility; he added that the evening public hearing would be held about a week before the public hearing that was scheduled to be held at the February 20th Board Meeting. Supervisor Beaty stated they had decided to hold this evening hearing in order to provide an opportunity for increased resident participation. He said they were working with Crandall Public Library to schedule the meeting and would be announcing the exact time and date soon.

Supervisor Westcott reminded everyone of the Martin Luther King walk that would be held on Monday, January 19th in the City of Glens Falls, beginning on the steps of City Hall, around 4:00 p.m.; he added that they would march to the Methodist Church where a service would be held and he said he hoped everyone would be able to attend.

There being no further Supervisor announcements, Chairman Geraghty offered privilege of the floor to any members of the public wishing to address the Board.

Christopher Lynch, *Warren County Resident*, addressed the Board to speak about several issues. The first, he said, was to encourage Warren County and the Sheriff's Office to consider purchasing body cameras for Patrol Officers. He indicated the use of body cameras by police forces netted many positive

effects, such as reductions in incident reportings and there were obvious savings in overtime, paperwork, court costs, etc.; as well, he noted that the police personnel were safer and tended to act more professionally when on camera. Mr. Lynch said he believed insurance companies were now reflecting the use of body cameras in insurance premium rates, and given all of these factors, the purchase and use of this type of equipment seemed to be a “no brainer”. He noted that comparison shopping for body camera equipment was simple because there were not many companies that offered them; he estimated the cost to be about \$400 per unit and he opined they could likely use asset forfeiture monies for the purchases. The only caution, Mr. Lynch stated, was that there needed to be standards put in place for use of the body cameras to ensure that the units were worn and in use when they were supposed to be. He commented that President Obama was running a campaign offering thousands of body camera units free of charge to law enforcement agencies and he said he could not believe this was something that was not being looked into. Mr. Lynch said he hoped that the Public Safety Committee would begin discussing this matter at their next meeting.

Secondly, Mr. Lynch commented on the marl fen at the Warren County Airport which he indicated had been discovered and reported on in the 1800's. He said that wetlands shrunk, grew, breathed and lived; Mr. Lynch commented that the NYSDEC report talked about dead matter and seemed to indicate that they were unable to determine the exact location of the marl fen because it was outside of the growing season. He stated that the marl fen had not come from nowhere and was a remainder of prehistoric times. Mr. Lynch commented that this was one of the most important, unique and incredible environmental areas in the United States, and instead of worrying about how the Airport could be expanded, they should instead be preserving and enhancing this very important asset.

Mr. Lynch then commented on a recent newspaper article informing of an ongoing debate in the Town of Corinth relating to the State's decision to allow the local communities to determine whether Veterans would be allowed property tax exemptions. He stated that many Veterans put their professional lives on hold during wartimes, and in many cases their jobs were taken by others who did not enlist in the military. Mr. Lynch said many Veterans had taken a big hit through their military involvement, some more than others, and he would hope that someone on the Board would take the initiative to make a presentation urging every municipality in Warren County to do the right thing and implement the exemptions. Chairman Geraghty responded it was his understanding that most of the municipalities of Warren County already offered Veterans exemptions and he said he believed the issue was being raised more by the school districts.

Finally, Mr. Lynch apprised he had been reading a lot in the local newspaper about the lack of committee chairmanship representation by Town of Queensbury supervisors. He said it had been printed that this fact had nothing to do with political affiliations or ideas; however, he noted, in accordance with his mathematical calculations, he found that idea to be highly unlikely. Mr. Lynch said it was unconscionable that 60-70% of Warren County's population had virtually no representation and he said he believed that it was also illegal under the Voters Rights Act. He advised that he had not perfected his research on this matter, but had found two case precedents which he believed were still case law, both of which had to do with weighted voting. Mr. Lynch commented that regardless of law, reasonably the Town of Queensbury should have equal representation and it was preposterous to have only two committees with chairmen from the Town of Queensbury. He continued that all of the supervisors doing their jobs were foremostly representing their constituents, which meant that all of the up-County supervisors were representing their constituents, but the Queensbury supervisors were not being allowed the same representation for their constituents who had very unique needs, wants, desires, geography and population. Mr. Lynch indicated that the two examples of case law he would leave with the County Attorney for review pertained to various ethnic populations not being represented through manipulation of voting and chairmanships; he added that as he understood the

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law, the instances of black people and Town of Queensbury residents not being represented appropriately were the same.

Frank Dittrich, *Town of Lake George Resident/member of the Warren County Lodging Association*, apprised that the Warren County Lodging Association had been gathering to watch the changes made relating to occupancy tax distributions over the past few months at Warren County, as well as between the Town and Village of Lake George who had banded together to achieve better leverage. He said they had recently learned about decisions made by the Town of Queensbury with respect to decisions about how occupancy tax funds would be used there, as well as comments made by Mr. Dusek relative to business-like reviews of the activities occurring around the County, which they applauded. Mr. Dittrich said that at every opportunity, the Warren County Lodging Association had suggested contracting with an outside consultant to review the best practices for tourism and how occupancy tax dollars could be used in other areas to establish benchmarks to measure Warren County against. He commented that if they stepped back and reviewed the occurrences since November/December, they were starting to atomize the approach on how to handle the occupancy tax funding, some of which was by design through the reallocation of those funds; he added that they were now seeing different tactics used by the Town/Village of Lake George and the Town of Queensbury in relation to occupancy tax distributions, and as a result, the overall funding pool was becoming smaller with regards to the County and the County's strengths. Mr. Dittrich stated that while they did not know if this was the right way to proceed, the Lodging Association felt it would be best to bring in an outside consultant to determine whether the County was hitting the benchmarks they should be, or falling behind. He said they would like the Board to take this recommendation seriously and the Lodging Association would like to partner with the Board of Supervisors in terms of how to bring in a consultant to evaluate the community.

Jim Mackey, *Town of Queensbury Resident*, said he was in attendance to bring forth a complaint, which he admitted was certainly not as important as some of the other issues brought forth that day. He advised that he had been offended when, during early meetings with regards to the Airport Runway Expansion Project, the Superintendent of Public Works would not allow the people at the meeting with dissenting opinions to use the same equipment that the County used, specifically a screen at the front of the room. He added that this had happened twice, and in fact, had happened contradictory to an email from the County Administrator. Mr. Mackey stated that he had approached the Queensbury Town Board on the matter and four of the five Town Board members had supported his position, forwarding emails encouraging him to contact the County's Superintendent of Public Works to request that the public be allowed use of the County property refused to them in the past. He said he had sent a letter to the County Administrator and the Superintendent of Public Works about four weeks prior to the January 8th public hearing, which was later postponed, seeking assurances that the public would be allowed to use County property to make presentations at that meeting; Mr. Mackey added that he was offended by the fact that he had yet to receive any response to his inquiry. He concluded that this lack of response was a very poor way to treat taxpayers and he said the Board should look closely at their employees and the way they are responding to the citizens of Warren County.

Supervisor Seeber responded to Mr. Lynch's concerns relative to the representation of the Town of Queensbury, pointing out that in prior years the standard had been that if a Supervisor was not a member of a committee, they did not attend meetings and it was sometimes difficult to have input. She continued that as a Supervisor in her first term of office, she had found the committee meetings to be held in a very open and welcoming environment where input was encouraged; she asserted that she had never had any difficulty speaking at committee meetings to represent the desires of her Queensbury constituents. Supervisor Seeber assured Mr. Lynch that on face value, the ratio of chairmanships for Queensbury supervisors had not changed, but the voice of the Town of Queensbury representatives had evolved. She noted that while a weighted voting system was used for Board

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Meetings, a one person/one vote scenario was used for the committee meetings. Supervisor Seeber stated that in both the meetings of the committees she served and those she attended for informational purposes, she had never been discouraged from presenting opinions or thoughts. She commented that the information she received from Queensbury residents was being conveyed and she said she felt Queensbury residents had strong representation between the five Queensbury Supervisors regardless of the fact that they did not hold more chairmanships. Supervisor Seeber stated that with 20 members of the Board of Supervisors, teamwork had to be practiced and she assured that they were all trying to work together. Finally, she commented that the Board was not as alienated as it might appear to be in reading recent articles or hearing the latest happenings.

Mr. Lynch thanked Supervisor Seeber for her comments. He said that many times, residents were being heard and represented, but he also contested that in a lot of cases residents were being ignored, shut out and disrespected; as an example, he cited interactions with Mr. Mackey and Travis Whitehead, *Town of Queensbury Resident*, whether it be about the Airport, the marl fen, or thoughts on out of control spending. Mr. Lynch opined there were a few voices in the County that represented the average citizen and their wants, needs and desires more aggressively or honestly than other voices and both of the gentlemen he had noted were two people who were especially being shut out and their opinions not heard or considered part of the process.

Supervisor Strough advised that he did not have a committee chairmanship; however, he said, whether in or outside the committee structure, he consulted with other Board Members on a regular basis regarding both Town of Queensbury and County issues. Supervisor Strough stated that at no time had he never felt that Queensbury issues were being ignored.

Supervisor Beaty said he had located the report by Mr. Edinger which was dated December 3, 2014 and he noted that it was released after he had asked if there had been any reports released on the marl fen issue. From the report, he read that “*development activities related to the Airport were also a threat [to the marl fen]*” and relating to management recommendations “*where possible restore/maintain the hydrology of the marl fen*”. Supervisor Beaty reiterated Mr. Edinger’s report had indicated the marl fen was located as an S-1 classification by the NY Natural Heritage Program, and G-1 globally, the highest classifications available in either category. He concluded that the fact that the Warren County Airport had almost 10% of all the marl fen left globally was very significant and he opined that NYSDEC would come to the same conclusion, determining that any type of construction in that area would have an effect on this precious natural resource.

Ron Ball, *Town of Queensbury Resident*, said he had addressed the Board of Supervisors on three occasions and he questioned whether anyone really listened to the things he was saying. As an example, he cited that about a year and a half ago he had spoken about invasive species and boat inspections for Lake George and at that time he had advised they were more likely to identify invasive species in a boat’s anchor box than attached to the bottom of the vessel; however, he said, it had taken Mr. Wick more than a year to make this same advisement. Mr. Ball continued that, more recently, he had advised the Board about problems with West Mountain Road, as well as the fact that he had been fighting the work advanced by Supervisor Strough on the Rush Pond Trail to create a public parking space within sight of another one that was already available. He added that he had also alerted the Board to the fact the amount of truck and equipment traffic that would be necessary to finish the Rush Pond Trail would create dangerous traffic conditions. Mr. Ball recalled that he had requested for the Town of Queensbury to take over the plowing maintenance of West Mountain Road, due to the considerable number of Town of Queensbury trucks traveling over that road on a regular basis. With regards to the Airport, Mr. Ball said he had read many articles about the studies and work going on there and the amount of money being spent and he commented that the one thing the Board could do,

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but had not done, was to take a survey of Warren County constituents to determine whether they were in favor of the expansion, or not. He opined that it would be a very simple matter to send a postcard to every resident asking them to indicate whether they were for or against the project, and then send it back to the County. Mr. Ball concluded that far too much time and money was being spent on this initiative when there were just too many questions that would never be answered.

Shawn Lamouree, *Warren County Undersheriff*, responded to Mr. Lynch's comments relative to body cameras for Patrol Officers, indicating that the Sheriff's Office had begun researching this type of equipment long before the incidents in Ferguson, MO and New York City had occurred. He said that during the last week the Warren County Sheriff's Office had hosted a demonstration which they had invited law enforcement agencies from three different counties to attend and view different products of this nature. Undersheriff Lamouree apprised that the Sheriff's Office anticipated moving towards the purchase of body cameras, but before doing so, they wanted to perform their due diligence to look at all of the costs associated with the equipment. He noted that although the purchase price for one unit may be less, they also had to consider the legacy costs associated with storage, data retention and other such issues.

John Salvador, *Town of Queensbury Resident*, stated that since the Board's adoption of the County's Ethics Code late last year, he had not heard of any reported plans to seat the three members of the County's Ethics Board, at least one of whom must be an elected or appointed officer or employee of the County, or a municipality within the County. He pointed out that the room was currently filled with people who qualified for such an assignment; he also pointed out there were those without Committee leadership assignments who qualified for one of the positions, such as Supervisor Strough who could boast of having reestablished the long defunct Queensbury Town Ethics Board. He stated that he did not see any excuse for not proceeding posthaste with the seating of the County Ethics Board.

Additionally, Mr. Salvador advised certain town boundaries, and consequently the Warren County/Washington County boundary, had been improperly mapped for decades and needed to be finally resolved. He said it was not sufficient that the Towns of Queensbury, Lake George and Bolton had long since ceased to issue building permits on the navigable waters of Lake George, but also recognize the New York State Court of Appeals determination that the State's paramount rights extended to every form of regulation in the public interest. Mr. Salvador explained an interpretation of this was that it was improper for the Towns to assess property that was outside their boundaries and on the navigable waters of the State; he added that the towns were taking these steps to this very day. He continued that the Town of Queensbury sought to implement a program to reassess property in the Town. Mr. Salvador said there was over 12 miles of Lake shore in the Town of Queensbury, many of which were occupied by boat docks and boat houses that were on the assessors inventory cards and this was totally improper. He stated that he was very disappointed not to see Supervisor Monroe in attendance as in separate conversation, Supervisor Monroe had indicated that this might be a matter for the Legislative & Rules Committee to review.

Mr. Salvador said he would like some reassurance that the County would attempt to settle this longstanding dispute and Chairman Geraghty assured Mr. Salvador that this issue would be referred to the Legislative & Rules Committee.

Concluding the Agenda review, Chairman Geraghty announced that an executive session would be necessary; Mr. Auffredou clarified the purpose of the executive session would be to discuss the current pending legislation in the case of Gillette v. Warren County.

Motion was made by Supervisor Dickinson, seconded by Supervisor Frasier and carried unanimously

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to enter into an executive session pursuant to Section 105(d) of the Public Officer's Law.

Executive session was held from 11:15 a.m. until 11:34 a.m.

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

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Beaty and seconded by Supervisor Frasier, Chairman Geraghty adjourned the meeting at 11:35 a.m.

Respectfully submitted,
Amanda Allen, Deputy Clerk of the Board