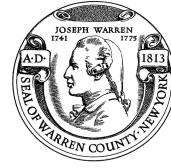


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, NOVEMBER 20, 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 10:02 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Dickinson

Roll called, the following members present:

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

Motion was made by Supervisor Simpson seconded by Supervisor Wood and carried unanimously to approve the minutes of the October 16 and November 20, 2015 Board Meetings, subject to correction by the Clerk of the Board.

Commencing the Agenda review, Chairman Geraghty announced that Ben Driscoll, *on behalf of Catholic Charities*, would be addressing the Board regarding SNAP (*Supplemental Nutrition Assistance Program*) and HEAP (*Home Energy Assistance Program*) benefits. Mr. Driscoll read aloud a prepared statement regarding the positive impact the SNAP Program had on the economy of Warren County; *a copy of which is on file with the items distributed at the Board Meeting.*

Chairman Geraghty apprised representatives of Catholic Charities were at the Town Hall in Warrensburg yesterday along with the Office for the Aging providing information and assisting individuals with SNAP applications.

Resuming the Agenda review, Chairman Geraghty declared the Public Hearing open on the Warren County Sewer District (Industrial Park) Assessment Roll for 2016 at 10:12 a.m. and he requested that Amanda Allen, *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 2016 Tentative Warren County Budget at 10:14 a.m. and Mrs. Allen read the Notice of Public Hearing aloud.

Chairman Geraghty thanked Supervisor Thomas and the Budget team for their efforts in preparing what he felt was an appropriate Budget. He remarked there was no way to please everyone with the Budget, as he was aware that there were some requests that had not been included; however, he said, he felt it was pertinent to highlight the items he believed were important to the majority of the Board as follows: \$80,000 allocation to the Warren County SPCA; the \$62,000 allocation of for improvements to the fire alarm in the Warren County Municipal Center Building; allocating \$100,000 for replacing the boiler at the Warren County Municipal Center Building; the first year payment for the County's portion of the cost for the NSTEM (*Nursing, Science, Technology, Engineer and Mathematics*) Project at SUNY

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(State University of New York) Adirondack; an additional allocation of \$300,000 along with the regular annual allocation for Capital Highway Improvements for a total of \$2.3 million this year; \$29,000 stipend for the District Attorney's Office to cover weekend arraignments; and an increase to Cornell Cooperative Extension budget by \$40,600 to fund two part-time educators, one for the Nutrition Program and the other for Logger Training and Certification Program. Chairman Geraghty noted a cause of concern for him was the fact that no funding had been allocated for communication improvements for police and first responders, necessitated by the narrow banding of the frequencies used. He said he was very passionate about this project, as he had been involved with the fire service for 45 years during which time he had observed the impact of narrow banding on the communications not only in this County but across the entire Country. He said this project needed to be a priority, as it created issues for first responders since they were unable to communicate with their headquarters. He apprised although some small improvements had been made, he felt it was imperative they move forward with this project within the next few years. Chairman Geraghty reiterated a number of beneficial items had been included in the Budget, noting it was impossible to include everything they felt it should contain. He added he believed Supervisor Thomas and the Budget team had done a tremendous job ensuring there would be a minimal tax increase.

Privilege of the floor was extended to any members of the public wishing to speak on the 2016 Tentative Warren County Budget.

Supervisor Girard thanked Chairman Geraghty for his kind sentiments regarding the increased allocation to Cornell Cooperative Extension. He commented he believed the fact that Cornell Cooperative Extension had stepped up to the plate and used creative thinking to make up for the decrease in funding from the County in 2009, as well as cutbacks in funding from the State over the years demonstrated what a strong organization they were. He pointed out their organization served the individuals who needed the most assistance within the region consistently. He commended Dr. James A. Seeley, *Executive Director, Cornell Cooperative Extension*, and his staff for their efforts in continuing to manage the organization appropriately regardless of the funding cutbacks they had sustained. He mentioned he was proud to be involved with such a great organization. He thanked Supervisor Thomas for including the increase for them in this year's County Budget.

Supervisor Conover commended Supervisor Thomas and the Budget team for their stellar job on preparing the County Budget, as he knew there was a great deal of time, effort and knowledge required to prepare it. He then pointed out the 2016 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 Seeber remarked while she did not have Supervisor Conover's Budget experience on a town level, she was aware of the amount of time and effort required when preparing the County Budget. She acknowledged Supervisor Thomas for providing the leadership required to prepare the County Budget with his team. She stated she had been unable to attend the November 6th Special Meeting of the Board to review the 2016 Tentative County Budget due to a prior commitment; however, she noted, she had reviewed it and was well aware of what it was comprised of. She remarked while she recognized and was appreciative of the positive aspects of the 2016 Tentative County Budget she had a few concerns with it, the first of which pertained to clarification on County Law 354 and what it called for in terms of providing notice for meetings. She thanked Supervisor Brock for completing a thorough review of the law and bringing to attention the fact that it specifically stated "we will notify Budget Committee members within twenty-four hours of a meeting with our Department Heads so they had the opportunity to participate in these meetings and discuss the Budgets line by line". She said she was

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aware that a request for discussion regarding clarification on this law had been submitted to Chairman Geraghty, Martin Auffredou, *County Attorney*, and Paul Dusek, *County Administrator*. She continued, she was not aware of any response being provided regarding this matter; however, she noted, her interpretation of the law concludes they were not following the proper procedure. She requested that Mr. Auffredou clarify whether her interpretation of the law was correct that the Budget Committee members should be notified of those Department Head meetings within twenty-four hours. She said if the law was no longer valid then they should discuss removing it.

Mr. Auffredou apprised he believed the law in which Supervisor Seeber was referring to was County Law 354 and not Local Law 354. He requested further clarification from Supervisor Seeber on her position of non-compliance with the law. Supervisor Seeber said she was simply requesting that Mr. Auffredou provided clarification as to whether the law required the Budget Committee to be notified of the meetings that took place with the Department Heads. Supervisor Seeber apprised that two years ago she had requested a copy of the schedule of the meetings the Budget team had with Department Heads to review their respective Budgets. She continued, she was informed the schedule would be forthcoming; however, she noted, she never received a copy of it. She stated although she had been advised the process would be more transparent this year, her request for a copy of the schedule was denied since all individual Department Budget requests for 2016 would be reviewed at their respective Committee Meeting for discussion. Supervisor Seeber reiterated it appeared to her they were not in compliance with County Law 354 since Committee Members had not been notified within twenty-four hours of meetings the Budget team had with the Department Heads; she inquired whether this Law would be adhered to next year. Mr. Auffredou inquired whether Supervisor Seeber was referring to Budget Committee Meetings or the meetings that took place between Department Heads and the Budget team and Supervisor Seeber responded she was referring to the meetings that took place between the various departments and the Budget team. Mr. Auffredou informed he did not view this as applicable since it could be considered a matter of discussion. He opined it was not a requirement of this particular law that the Budget Committee be notified of the Budget teams meetings with individual departments wherein they discussed their Department Budget requests for the following year. Supervisor Seeber questioned what meetings County Law 354 was referring to and Mr. Auffredou replied he believed County Law 354 was applicable to Committee meetings. As an example he questioned whether Supervisor Seeber was referring to the fact that she received no notification for when the County Attorney's Office met to review their Budget. Supervisor Seeber noted she was not a member of the Budget Committee; however, she said, her interpretation of the law concluded that the Budget Committee members would be notified when the County Attorney's Office met with the Budget team in order to offer them the opportunity to attend if it was their desire to do so. Mr. Auffredou interjected that he did not interpret the law in that manner. Supervisor Seeber inquired whether at some point they could discuss the matter further with the full Board and Mr. Auffredou responded it was of his opinion that he did not interpret the law in the same manner as Supervisor Seeber. He indicated he did not believe County Law 354 applied to the meetings the Budget team had with the individual departments to review their respective Budget requests. He mentioned the County may already be or could decide to implement in the future a policy regarding this; however, he restated, he did not believe County Law 354 required that the Budget Committee Members or the full Board be notified of when they were meeting with the individual departments. He mentioned he felt this may be something they decided to do in addition to the ordinary review process in the future. Supervisor Seeber indicated she thought this particular law had been in place for a number of years. She said she was aware of the fact that a request had been submitted in writing to Mr. Auffredou, as well as a few others requesting clarification on it. Mr. Auffredou questioned whether Supervisor Seeber was referring to the emails from Supervisor Brock and Supervisor Seeber replied she was referring to Supervisors Brock and Westcott's email. She stated the email of most concern to her had been sent on Tuesday, November 17th at 2:07 p.m. Mr. Auffredou informed he had been out of the office all day on Tuesday.

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Supervisor Seeber pointed out the email had requested that Mr. Auffredou provide clarification on the law before today's Board Meeting. She noted she would like to state for the record she had concerns that they were not following the proper procedure according to the law concerning notification. She said Supervisors Brock and Westcott could speak to their efforts in attempting to clarify the law.

Next, Supervisor Seeber informed of her concern regarding the fourteen salary adjustments included in the Budget. She remarked she would be much more comfortable reviewing all salary adjustments with the Performance Evaluation Committee that had been established this year but had not met in several months. She said this would ensure salary adjustments were managed in a consistent manner with a performance work plan. She mentioned she was aware that Chairman Geraghty had indicated information regarding that particular Committee would be forthcoming to move ahead with the Committee again. She indicated reinstating the Committee would provide consistency, offering the opportunity for every employee to not only be treated fairly but also have some positive feedback or an opportunity to work on their performance. Supervisor Seeber advised she had some more concerns with the 2016 Tentative County Budget; however, she noted, she felt the two she had voiced should be on the record. She commented she was disappointed they had not been provided more information in terms of those requests regarding County Law 354. She said she was not signaling out Mr. Auffredou, as she was aware of the fact that Supervisor Brock had taken many steps in an attempt to clarify the matter before it got to this point. She reiterated she would like clarification on the matter which could be provided at a later date if necessary.

Chairman Geraghty asked Supervisor Thomas to elaborate on the fourteen salary adjustments included in the 2016 Tentative County Budget. Supervisor Thomas advised Department Heads had requested these adjustments; however, he noted, there were no performance evaluations to go along with them. He indicated some of the adjustments made were not for the total amount requested. Chairman Geraghty interjected he felt the Budget team performed something similar to a performance review. He informed he was working to get the Performance Review Committee reinstated. He said since he had previously served as the Budget Officer he felt it was pertinent to note that all salary adjustments were carefully considered with the assistance of certain criteria set by the Budget team such as salary comparisons with other Counties, feedback from the Department Head, the equity the position offered the County, etc. Supervisor Thomas added they took into consideration any impact the salary adjustment would have on other similarly classified positions.

Mr. Dusek advised that there were many human resource programs such as wage studies, wage tables and employee manuals that include all of the various policies and procedures that the County had been severely behind on for a number of years. He reminded the Board that this was why he began and was successful in his push to reinstate the Human Resources Department for the County. He mentioned some progress was made on the tasks they would like to see accomplished this year by the Human Resources Department; however, he said, due to the unanticipated resignation of the Human Resources Director they were working on the basic tasks first before they could tackle the larger projects. He pointed out in the interim they had not neglected the task of performing wage studies to ensure the salaries of positions within the County were appropriate. He reminded the Board following the recession in 2009, Non-Union employees were not offered pay increases for a number of years following which a great deal of consideration was given as to how wage adjustments should be handled. He continued, during this time frame an analysis was performed on all of the wages for Non-Union employees since employees in the Union were covered by the Collective Bargaining Agreement which was negotiated and reviewed and approved by the Board. He mentioned the study of Non-Union employee wages included both internal and external review of wages with other governments and the private sector when feasible. He stated this study was very comprehensive and included spreadsheets and information that was known as a grave concern to the public; therefore, he apprised, in order to

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ensure the public was aware they were handling the matter appropriately he reviewed this data with *The Post Star* which allowed them to report on it. He indicated during that time frame the full Board was comfortable proceeding in this manner since given the resources available to them at that time. He remarked he was hopeful that the Human Resources Department would be able to make improvements to this process; however, he advised, he believed they had taken the appropriate steps given the resources available during this time frame to develop an appropriate method for setting wages for all of the Non-Union employees within the County. He pointed out they continued to follow this same procedure today when considering wage adjustments which included review of the following; what the salary in the private sector was for similar positions; what the likelihood was that the employee could move to another position within the County and make more money and how the position compared internally to other positions to ensure they come up with a salary that was considered reasonable to both the employee and the taxpayers since the funds to pay the salaries came from the taxpayers. He said the goal had been to have a comprehensive salary and compensation plan and schedule in place. He reminded the Board during the time frame when they were looking to reinstate the Human Resources Department he had requested that they put out an RFP (*Request for Proposal*) for a comprehensive wage and salary study for the entire County; however, he noted, the Committee members felt it was more important to focus on getting a Human Resources Director in place before conducting the study since they may be able to utilize the skill set of the person they hired to assist them with the process. He remarked he was confident that this would be accomplished but felt it was prudent to note it was time consuming and would take some time to accomplish due to the changes in the Department. He informed he thought they should push as hard as they could to accomplish them as quickly as possible. He remarked he thought it was important to note for the record that the taxpayers money was being expended responsibly.

Supervisor Westcott informed as instructed he had placed his issues with the 2016 Tentative County Budget in writing on November 19th; he noted one of his issues was with County Law 354 as voiced by Supervisor Seeber. He remarked he believed his involvement as a member of the Budget Committee for the last four years was the most important work he had done during his tenure on the Board. He mentioned that he and Supervisor Brock's interpretation of County Law 354 differed from Mr. Auffredou's interpretation of it. Supervisor Westcott indicated he believed the intention of the law was to be open and willing to allow whomever wanted to attend meetings to do so. He said he was aware that within the Rules Of The Board there was information concerning quorums, etc. they had to be mindful of and account for; however, he stated, he felt at the very least Supervisors should be notified of the meetings with Department Heads so they could be afforded the opportunity to attend and review the budget line by line similar to what Supervisor Brock did with the Budget for the City of Glens Falls. Supervisor Westcott apprised if there was no violation of the law, he felt they should consider opening up the Budget process even more than it was today.

Supervisor Westcott reminded the Board that he had voiced his concern regarding the salary increase for Mr. Dusek at the November 6th Special Board meeting, at which time he was told any resolution taking this into consideration would follow the public hearing today for the 2016 Tentative County Budget. He stated he would be proposing a resolution to seek removal of the County Administrator's salary increase from the 2016 Tentative County Budget as supported by himself and Supervisor's Beaty, Brock, McDevitt and Seeber. He informed there were a number of positive aspects about the Budget such as the first years bond payment for the SUNY Adirondack NSTEM Project, additional funding for roads, etc. He emphasized his appreciation for all of the hard work that was put into preparing it. Supervisor Westcott voiced his opinion that the five Supervisors who voted in opposition of having confidence in the County Administrator at the October 16th Board Meeting viewed this as a matter of principle for them. He pointed out that they needed to take into consideration that Mr. Dusek had received a 6.5% pay increase last year; therefore, he said, Mr. Dusek's salary in 2016 would be \$140,000

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which was significantly less than the \$62,000 salary of the County Administrator for Washington County.

Supervisor Westcott informed he had taken ten hours this week to review and comment on the report submitted by Travis Whitehead, *Town of Queensbury Resident*, regarding the geothermal analysis which was emailed to all Supervisors. He mentioned he never realized the geothermal system did not run during the winter months. He said it was startling to him that the matter had never been addressed before.

In conclusion, Supervisor Westcott advised he would be moving forward with introducing a resolution that removed the salary increase for Mr. Dusek from the 2016 Tentative County Budget, as this would allow for the Board to vote on the 2016 Tentative County Budget without the pay increase included. He said this would allow those who voted in opposition of having confidence in Mr. Dusek the opportunity to vote in opposition of his pay increase.

Supervisor Thomas reminded the Board part of his presentation at the November 6, 2015 Special Board Meeting included having the Human Resources Department develop a full compensation listing for each employee which would encompass salaries and cost associated with health insurance, medicare, workers compensation, disability, etc., as he believed this would have benefitted both the Supervisors and employees since it would display what the cost was to the taxpayer to employ them. He mentioned he felt it would be beneficial for this information to be included along with the Performance Evaluation. In regards to the Committees, Supervisor Thomas apprised that each Department Head presented their 2016 Budget Requests to their respective Committees. He said he was aware of a few Departments such as the DPW who had reviewed their budgets line by line with the Committee. He stated any individual Department Budget could have been reviewed line by line at these meetings. He said he was unsure of what else was expected in terms of review.

Supervisor Brock stated he had hoped to receive clarification on County Law 354 prior to today; however, he said, since his interpretation of the law differed from Mr. Auffredou's, he requested that Mr. Auffredou provide his explanation in writing. Mr. Auffredou stated he believed Supervisor Westcott had helped clarify it, as Supervisor Westcott had described reviewing the City of Glens Falls Budget line by line. He apprised his position was when Departments such as his own met with the Budget team, this was not the type of meeting referred to in County Law 354. He continued, the County in the present or future could include a notification to all Supervisors of that particular meeting; however, he said, he concluded it was not a violation of the law if they did not provide notice of these meetings. He said if the Supervisors should so choose they could take the necessary steps to provide notification of these meetings. He said he recalled that he had to present the 2016 Department request for the County Attorney's Office to the Support Services Committee at their meeting on October 2nd. He continued, during this meeting ample opportunity was given to all present to ask questions or make comments. He pointed out during this meeting several other Departments had presented their 2016 Department requests, as well. He remarked he believed this process was new this year, as he did not recall doing this in prior years. He informed although this was not a requirement of County Law 354, it had been carried out this year. He apologized for not getting back to Supervisor Brock before the meeting, as he did see the email exchange; however, he informed, he would be happy to put his position in writing.

Supervisor Brock stated he was confused because County Law 354 stated "the Budget Officer will within twenty-four hours inform the members of the Budget Committee of those meetings". He inquired what meetings the law was referring to and Mr. Auffredou responded he believed the law was referring to the November 6th Special Board Meeting and other meetings of this type, which occurred after the Tentative Budget had been prepared. He reiterated his statement from earlier that he did not believe

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the meetings with that occurred between the Department Head and the Budget team was contemplated under County Law 354. Supervisor Brock interjected his interpretation of the Law differed from that of Mr. Auffredou. He asked whether the review of the 2016 Department Budget request with their respective Committees and being provided twenty-four hours notice of these meetings was what the Law was referring to and Mr. Auffredou replied in the negative. Supervisor Brock questioned what County Law 354 required the Budget Officer to notify the Budget Committee of and Mr. Auffredou responded the Law required the Budget officer to provide notice of the Tentative Budget. Supervisor Brock apprised that the Law did not state that to which Mr. Auffredou apprised they could respectfully disagree on that.

Supervisor Seeber remarked she believed they were moving in the right direction; she pointed out during the Committee Meetings wherein the 2016 Department Budget requests were reviewed some Chairman of the Committees believed they had to vote on the these requests while others did not, as there was confusion as to whether Committee approval was required. She said a number of years ago the County utilized the Committee process for Department Budget request just as they had this year. She read aloud the following exert from County Law 354 which stated: "Such members shall be informed and entitled to attend all hearings conducted by the Budget Officer pursuant to the subdivision. At least twenty-four hours written notice of any such hearing shall be given to such members by the Budget Officer either personally or by mail". Supervisor Seeber indicated she did not feel County Law 354 was created in the last two years with respect to responding to the Committee Meetings. Mr. Auffredou interjected that he did not believe there was a hearing.

In regards to the salaries of positions, Supervisor Seeber apprised she was suggesting, just as Mr. Dusek had that they move forward with some sort of performance evaluations to assist with making determinations on salary adjustments. She added she felt it was necessary for her to clarify that, as well as the questions surrounding County Law 354 as concerns of hers for the record.

Supervisor Wood commented she believed the discussion occurring concerned policy rather than the Tentative County Budget itself. She reminded the Board this was a Public Hearing concerning the 2016 Tentative County Budget itself; therefore, she said, she felt the correct venue for policy debates to occur would be at a meeting of the Legislative & Rules Committee. Supervisor Wood informed she felt a more thorough investigation would be warranted rather than picking one sentences from County Law 354. She pointed out there was an entire section included in the Law on the Tentative Budget.

Mr. Whitehead concurred with Chairman Geraghty regarding his concerns about the emergency communications. He said it was a scientific fact that when the FCC (*Federal Communications Commission*) forced the County into narrow banding the County lost single strikes in excess of three decibels which meant areas with no issues could suddenly be spotty and areas that were spotty already could have no service at all. He stated this was of particular concern to first responders who were responding to emergencies within the northern portion of the County. He said if there was a delay in funding this project he hoped the delay would be used to review this in combination with other concerns, such as providing better cell phone coverage and internet access to the areas with either spotty or no service at all. He disagreed that they may have to postpone the project due to the lack of grants available that would provide a sufficient stream of funding. He noted there were Federal Programs available that would combine emergency communication improvements with commercial improvements. He added there were processes in place to work with commercial providers to share funding. He remarked he felt making these improvements would better situate the northern portion of the County to attract businesses and improve the economic well being therein. He suggested they address this with the County's Federal representatives since the issue came to fruition due to regulations set by a Federal Organization, i.e. the FCC. He advised he believed they should move

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forward with this project without further delay since the County had moved forward with the \$16.5 million Court Expansion Project, which was fully funded by the County to accommodate the addition of another Family Court Judge in 2016. He remarked as a County taxpayer he would much rather see the funding for the Court Expansion Project allocated towards assisting the municipalities within the northern region of the County such as the Towns of Thurman or Horicon, as he felt the return on investment would be much more worthwhile there. He added the County should have considered utilizing other office space available rather than moving forward with the costly expansion.

Next, Mr. Whitehead apprised he would like to discuss the Siemens Contract for the Municipal Center Building. He said the Budget included a line item for funding this year, as they were about halfway through the fifteen year contract which cost about \$250,000 on an annual basis. He mentioned due to State requirements the contract include a non-appropriation clause which stated if for some reason the County did not feel comfortable appropriating the funding there was nothing that could force them to do so nor were there any moral or legal obligations to pay on this. He stated he would not try to get the Supervisors to agree or disagree with him on that; however, he advised, although he was unsure and would welcome clarification from the County Attorney, he believed if the funding was appropriated now for this contract, no action could be taken for another year on it. He suggested the funding for this particular contract be allocated for another project to allow for the Supervisors to review and decide whether or not there was value with continuing with the contract or not. He requested as a member of the public that the 2016 Tentative County Budget be changed to reflect this or address it in some other fashion since he was unable to propose a resolution from the floor himself to do so.

Supervisor Westcott inquired whether Mr. Whitehead's request would have to be addressed following the Public Hearing and Mr. Auffredou replied affirmatively. He apprised County Law 360 permitted that any changes or alterations to the Tentative Budget must be carried out through a resolution following the Public Hearing but before the Board voted on the final Budget. He stated for the record it would not be his recommendation that the Board entertain a resolution pertaining to Mr. Whitehead's suggestions regarding the funding allocated for the Siemens Contract for the Municipal Center Building at this point and time. He said if they determined during the ensuing year to take a different approach with that appropriation he felt there was adequate means to do so. Chairman Geraghty informed that Mrs. Allen was distributing an un-numbered draft resolution entitled "*A Resolution To Remove From The 2016 Budget the 2.5% Raise for the County Administrator In Order To Vote On It Separately*" that would be voted on later in the meeting. Mr. Auffredou informed the resolution Supervisor Westcott sought was to remove the County Administrator's salary increase from the 2016 Tentative Budget so that it could be voted upon separately. He advised according to his interpretation of County Law 360 what would need to be done in order to accomplish this was a motion to remove the stated salary increase from the 2016 Tentative Budget and then the Tentative Budget could be voted on. He continued, he did not see any authority for a separate vote on the stated salary increase separate and apart from the vote on the 2016 Tentative Budget. He asked whether Supervisor Westcott understood his explanation and Supervisor Westcott replied in the negative. Mr. Auffredou apprised Supervisor Westcott was seeking to have the County Administrator's salary increase removed from the 2016 Tentative County Budget; therefore, he said, following the closing of the Public Hearing, Supervisor Westcott could make motion to remove that salary increase from the Budget. He informed if that motion was adopted, the next vote would be on the final Budget. He reiterated he did not see the authority to vote on the stated salary increase separate and apart from either the vote on the amendment to the 2016 Tentative Budget or the final Budget. Supervisor Westcott indicated it was just a matter of striking the salary increase out of the Tentative Budget and then voting upon the revised budget and Mr., Auffredou concurred.

Chairman Geraghty once again called for any comments on the Public Hearing on the Warren County Sewer District (Industrial Park) Assessment Roll for 2016, and there being none, he declared it closed

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at 11:03 a.m.

Supervisor Conover informed that the County Facilities Committee had requested that the County staff review the Geothermal Contract with Siemens for the Municipal Center Building and report on it at a future meeting. He said due to some new information that had been brought to light about the contract and the fact that it had been approved prior to when the majority of the Board members took office he felt the matter needed to be addressed within the near future. He inquired whether he was correct to assume that the budgeting of the funds for the contract did not necessarily mean the funds had to be expended which meant they could wait until the County Facilities Committee had enough time to review the information supplied to them to make a determination as to whether the contract should be paid. Mr. Dusek stated his understanding was whether funds were appropriated was a different issue than whether the funds were expended. He said the Board could appropriate funds and then make decisions later to not expend the funds; however, he noted, the clause referred to by Mr. Whitehead was a different clause. In terms of lease agreements, he advised, using the copier lease agreement as an example, the County was required to include that clause because if the funding was not appropriated for some reason the County was not obligated to go forward with those copiers which meant the copiers would be pulled from the building leaving the County without any. He added he was unsure whether the County could be held liable for damages or not, etc, as that would require further review. He informed there was a difference there which he wanted to ensure was clear. He stated he thought what Mr. Whitehead was driving at was a non-appropriation clause which stood for something different than if after the funds were appropriated a determination was made not to pay. He continued, this could lead into some legal issues the County Attorney would need to advise upon since it would need to be determined whether the County was justified legally not to pay on the contract. Supervisor Conover apprised he thought the point being made was the suggestion if the money was appropriated it would automatically be expended which was this was not necessarily the case. Mr. Dusek apprised assuming the County had no legal basis not to pay then he believed appropriating the funds did trigger a payment obligation. As an example, Mr. Dusek stated if the funding was appropriated for the copier contract and there was no reasonable justification to not move forward with the contract next year, the County would be locked into the contract. He continued, on the other hand, if a situation occurred where the municipality had no more money to fund copiers they would not appropriate funds for them; however, he noted, the copiers would be taken away. He said in situations such as this typically the municipality would be unable to acquire copiers from elsewhere because they had no funding to pay for them. He indicated it was a different type of authority the County had which had to be reviewed in those terms. He reiterated the non-appropriation clause allowed for the County to get out of a transaction but only for the proper reasons. Supervisor Conover remarked his point was just because the funds were appropriated did not mean an expenditure would automatically occur in cases where administratively they had cause to delay payment to not make it at all. Mr. Dusek informed the County could always delay or stop a payment on a contract if they had a valid legal reason to do so.

Supervisor Girard apprised it was all in flux as the Board reviewed and interpreted the information that was presented by Mr. Whitehead. He said he understood Mr. Whitehead's point, as he would hate to have to wait until next year to take any action because the funds had already been appropriated for the contract costs in the 2016 Tentative County Budget. He asked whether they could move the funding into the Contingent Account until a determination was made instead of appropriating it to the contract. He explained this would allow them to take their time investigating whether or not there legally valid issues with the contract that would permit them to not expend the funding to Siemens. Mr. Auffredou remarked in his view he felt that was imprudent at this time. He reiterated his sentiment from earlier that he was not recommending any changes at this particular juncture. He said it may be dependent upon the review of the matter be circumstances upon which the Board changed their mind about payment or whatever the case may be; however, he noted, they were not currently in a position to do

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that. He indicated he thought leaving it the way it was preserved the County's rights and was the appropriate way to proceed at this point in time.

Supervisor McDevitt pointed out the selling point for the Geothermal Contract with Siemens for the Municipal Center Building in 2007 had been that NYSERDA (*New York State Energy Research and Development Authority*) would verify whether the savings reflected were accurate. He said if NYSERDA determined the savings listed were not accurate than the contract would be null and void. He mentioned it was difficult to pinpoint any evidence that NYSERDA had ever been involved; therefore, he inquired whether any evidence of their involvement existed. Mr. Dusek informed by Supervisor McDevitt's own definition this was a transaction that was over eight years old; therefore he said, he was unable to answer the question without completing some thorough research.

Chairman Geraghty once again called for any comments on the Public Hearing on the 2016 Tentative Warren County Budget, and there being none, he declared it closed at 11:11 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 thanked Supervisors Westcott, Seeber and Merlino for attending the dedication of the Sergeant Kristie A. Roberts Memorial Bridge located on the Warren County Bikeway over State Route 149 with him on November 14th. He announced anyone interested in copies of the programs distributed at the ceremony should contact him after the meeting.

Supervisor Dickinson apprised he had attended the October 22nd meeting of the Intercounty Legislative Committee of the Adirondacks in Lowville, New York, which was located in Lewis County. He said they had toured a dairy farm in Lowville, New York that had over 8,800 cows and 35,000 acres of farm land. He stated this was an incredible family-owned business that had grown from 200 cattle in 1985 when they started up the business to over 8,800 today. He informed the bulk of their business operated as a dairy farm that supplied milk to the only Kraft Manufacturing Plant in the World which was located in Lowville, New York, as well. He remarked he was impressed with how technologically advanced and knowledgeable they were. He mentioned the largest issue their operation was faced with was dealing with a tremendous amount of bureaucracy. He said another challenge they faced pertained to waste material. He stated their operation was up-to-date and very technical in the way they treated their waste material including all of their bedding.

Supervisor Merlino apprised that Chairman Geraghty had neglected to mention that Supervisor Strough had attended the dedication of the Sergeant Kristie A. Roberts Memorial Bridge located on the Warren County Bikeway, as well. Chairman Geraghty apologized for negating Supervisor Strough. Supervisor Merlino reported the only proposed Resolution concerning Tourism was No. 525, *Authorizing Intermunicipal Agreement with the Village of Lake George to Pay the County Portion of the Conceptual Planning Study Done by Elan Planning And Design for the Performance Stage at the Charles R. Wood Park*. Supervisor Merlino reported on the October 29th meeting of the Public Works Committee wherein proposed Resolution Nos. 544-553 and 559-561 were approved. In regards to the Traffic Safety Board Meeting, Supervisor Merlino thanked Supervisor Wood for filling in for him in his absence and provided an overview of proposed Resolution Nos. 565-566, which were approved there. Returning to Tourism, Supervisor Merlino apprised he had attended the New York State Forum on Tourism hosted by the Governor's Office in Albany, New York with Joanne Conley, *Temporary Tourism Coordinator*, and Michael Consuelo, Executive Director, Lake George Regional Chamber of Commerce; he noted the Governor was very supportive of the Adirondacks. He added the State had increased funding for the I Love NY Program from \$45 million to \$50 million. He said he was impressed with the fact that the I

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Love NY Program had offices in Canada, the United Kingdom, Germany, Australia and China.

Supervisor Strough advised he had nothing to report on.

Supervisor Seeber apprised she wanted to follow up with Supervisor Dickinson's comments regarding Lowville, New York, noting a number of their best Intercounty Legislative Committee of the Adirondack Meetings had taken place at dairy farms, race tracks and wineries all took place in Lewis County. She noted it was a great place to visit. Supervisor Seeber directed the Board's attention to proposed Resolution Nos. 538, "*Authorizing Lease Agreement with Cellco Partnership D/B/A Verizon Wireless to Attach a Telecommunications Antenna on the Side of Scoville Learning Center at Adirondack Community College*", and 539, "*Appointing Trustee of Adirondack Community College*", which concerned SUNY Adirondack." She thanked Amy Bartlett, *First Assistant County Attorney*, for her assistance with preparing these resolutions. She asked for the Board's support on these resolutions. Supervisor Seeber informed that Washington County had extended their support of the NSTEM (*Nursing, Science, Technology, Engineering and Mathematics*) Project at SUNY Adirondack; therefore, she said, she had asked Mrs. Allen to distribute some documents from the college regarding the request proposal and analysis of the capital chargebacks, as well as the proposed legislation regarding that to the full Board. She encouraged anyone with questions to contact herself or Supervisor Conover.

Supervisor Sokol reported that the Health Services Committee had met on two separate occasions this month, first on October 20th during which time Kenneth Rosenberg introduced David Greenberg to the Committee, as he would be the primary shareholder of Westmount Health Facility when the sale went through. He said Mr. Greenberg provided the Committee with some information regarding his background, during which time he been an Administrator for Centers for nineteen years. He stated following the meeting Messrs. Greenberg and Rosenberg, as well as the other representatives from Centers visited the Westmount Health Facility to meet with the management there to discuss their goals for the facility when they took it over. Supervisor Sokol advised the next meeting of the Health Services Committee took place on October 23rd wherein they had approved a few contracts, as well as a transfer of funds for the Office of Community Services. Supervisor Sokol announced he would like to table proposed Resolution No. 533, as it could be addressed at next month's meeting. Motion was made by Supervisor Sokol, seconded by Mr. Conover and carried unanimously to approve the request to table proposed Resolution No. 533.

Supervisor Sokol advised he had been a Supervisor for nine years during which time he attended 207 Board Meetings; he noted during his tenure he had only missed one Board Meeting. He stated he felt it was pertinent to respond for the record to article featured in *The Post Star* last month concerning him leaving the October 16th Board Meeting early. He mentioned he believed often the fully story was not relayed, as the reason for him leaving early related to some unforeseen circumstances that included a good friend of his passing away and his wife having to pick up their daughter at college; therefore, he said, he had informed the Chairman prior to the Board Meeting he would have to leave by 11:30 a.m. to open up his business. He reported that he had contacted Supervisor Seeber later in the afternoon to inquire the status of the vote of confidence in the County Administrator. He added had he been in attendance he would have voted in favor of the resolution. He stated he felt it was necessary to clarify he had a valid reason for leaving.

Supervisor Beaty inquired when Mr. Dusek would follow with the Board regarding Supervisor McDevitt's question as to whether NYSERDA had ever been involved with the Geothermal Contract with Siemens and Mr. Dusek responded it was his understanding based upon what had occurred at the October 27th meeting of the County Facilities Committee that the DPW staff would be working with the County Attorney's Office on the issues with the contract. He added he believed they could research this matter,

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as well. Supervisor Beaty asked whether this meant the question would be answered by the County Facilities Committee and Supervisor Girard replied in the negative. He explained the County Facilities Committee would be asking questions they wanted answers to. He stated he believed this would be one of the questions that would be researched further, as would all the points Mr. Whitehead had brought forward, as well as legal matters. Supervisor Girard remarked rather than continuing to complain about what had occurred in the past, they should pinpoint whether there were focal points where they could proceed on legal grounds, collect data to move forward with some sort of solution if it was in fact determined there were issues with the contract.

Supervisor Beaty advised his concern related to the fact that some of the actions taken in prior years were impacting them today and would continue to do so in the future, He said there were some significant issues brought to their attention by Mr. Whitehead, among other engineers because of the decisions made by the Board several years ago. He remarked he was concerned that Supervisor Girard was indicating that Supervisor McDevitt's question would not be answered. Supervisor Girard interjected he believed what he was stating was he did not have an answer to the question; however, he said, they were going to have a dialogue that included a number of questions at the meeting. He mentioned he felt Supervisor McDevitt would ensure his question was addressed. He added that Mr. Dusek had informed that this would be included on the agenda for that meeting. Chairman Geraghty interjected that he thought there had been questions brought forward by Mr. Whitehead in his report that needed to be answered and would be at some point in time.

Supervisor Beaty apprised he felt comparing salaries to that of similar positions in other County's may not be the correct course of action, as there were many differences that need to be considered such as the individuals doing the work, as well as the fact that the geographic make up of the Counties compared to may be differ than that of Warren County. He pointed out the difference in pay for the County Administrator's in Warren and Washington County was significant; therefore, he said, when they compared salaries it could be out of line. He added he fully supported using performance evaluations, as he believed they were a valuable tool.

Supervisor Westcott informed he had nothing to report.

Supervisor Thomas reported the Budget Committee had met on October 14, 21, 27 and November 5th, all of which he felt were productive and informative. He noted he was looking forward to having more meetings like that in the future. He called to the attention of the Board proposed Resolution No. 569, "*Amending Tentative Budget Providing Appropriations for the Conduct of County Business for the Fiscal Year 2016*". He apprised following a discussion at the October 27th meeting of the Budget Committee regarding whether all of the additional Correction Officers mandated by the State had been hired it was discovered that a Corrections Sergeant had inadvertently been left out of the 2016 Tentative County Budget; therefore, he noted, the amendment was necessary.

Supervisor Wood announced the Public Safety Committee had met on October 29th, approving proposed Resolution Nos. 562-564, which she provided a brief overview of. She reported she had attended a meeting last night pertaining to the Great South Wood Project at the Tannery Pond Community Center in the Town of Johnsbury. She explained the Project encompassed two million acres in the southern portion of the Adirondack Park. She stated an enormous amount of work had gone into this Project; however, she apprised, she had a few concerns. She said her first concern related to the lack of a public presence at these public meetings which she felt may pertain to the lack of advertising for them. Another concern, she apprised, related to the notion that the funding for the Project would come from Local Government and the public since the State had no funds available to contribute, as she felt it would be virtually impossible to remain under the 2% State Tax Cap if the municipalities were required

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to fund the Project themselves. She advised the next meeting was scheduled for Monday night at the Oak Hill Ski Center in the Town of Speculator and encouraged all to attend.

Supervisor Conover apprised that the Finance Committee had met on November 10th, approving proposed Resolution Nos. 523-524, 554-558 and 568-575. Supervisor Conover mentioned the suggestion that they amend Resolution No. 745 of 2011 to change the Unassigned Fund Balance from \$6 million - \$12 million to \$10 million - \$16 million was tabled pending review by Mr. Dusek as to how this change would impact the other fund balances. As indicated by Supervisor Seeber. Supervisor Conover apprised the Finance Committee met jointly with the Community College Committee on November 10th to further discuss the NSTEM Project at SUNY Adirondack. He informed there was an article featured in *The Post Star* regarding the action Washington County had taken on the Project. He encouraged anyone with questions regarding the information he had Mrs. Allen distribute regarding the college to contact himself or Supervisor Seeber.

Supervisor Girard stated the County was in the process of installing a propane heater at the Cornell Cooperative Extension building to offset some of the heating costs for the building during the evening hours. He said they planned to monitor this and explore whether additional improvements could be made, as well. He informed the cost of this was being paid for through the reduction in leased fee charged to Cornell Cooperative Extension for the building due to the high utility costs last year in order to heat the building. Supervisor Girard advised the new signage for the Municipal Center campus was moving along rather nicely. In regards to the gas main installation at the Airport, Supervisor Girard apprised that Project was proceeding quite well. He noted the Project would pay dividends to the County. At the conclusion of the October 27th meeting of the County Facilities Committee, Supervisor Girard advised a discussion took place concerning the possible privatization of the Airport following which it was determined that Mr. Dusek would work with Ross Dubarry, *Airport Manager*, in determining the County's following options for the Airport and report back to the Committee on them:

- 1) fully managed by the County;
- 2) fully managed by the FBO (*Fixed Based Operator*);
- 3) Combined approach with the FBO and County involved; and
- 4) Utilizing more than one FBO.

Supervisor Girard reported they had their first glitch with the renovations being completed on the Supreme Court Library to accommodate the new Family Court Judge and their staff. He indicated the reason for the delay related to the fact that they were unaware of the bidding requirements for work on the renovations. He informed CPL (*Clark Patterson Lee*) had moved quickly to get the bids out; therefore, he apprised, they were not expecting to much of a delay. He stated he was pleased with what had been accomplished thus far. He mentioned CPL would be providing a report on the Project, as well as the Expansion Project at a future County Facilities Committee. Supervisor Girard apprised the County Facilities Committee had met with representatives of The Open Door at the November 18th Meeting, wherein they approved proposed Resolution No. 578, *Authorizing Facility Use Agreement with The Open Door Mission to Use the Former County Detention Home for a Code Blue Shelter for the Homeless*". He informed that he had met with Supervisor Seeber prior to the meeting to discuss some other concerns, one of which related to the fact that the homeless required year-round shelter and not a few months a of the year. He said collectively there were a number of issues that needed to be considered such as more involvement with the organizations that deal with these issues on a regular basis, as well as the County.

Supervisor McDevitt congratulated Mr. Auffredou on being elected as a New York State Supreme Court Judge. He asked whether Mr. Auffredou could provide the Board with a synopsis on any pending litigation involving the County, as well as an update regarding the sale of Westmount Health Facility

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prior to the end of the year and Mr. Auffredou responded both items could be addressed at the December 18th Board Meeting, some of which would be during an executive session.

Supervisors Taylor and Brock both advised they had nothing to report on.

Supervisor Kenny informed the Occupancy Tax Committee had met on October 27th, wherein Jeff Mead, *Glens Falls Civic Center General Manager*, reported on the upcoming events scheduled. He indicated the Garden City Bros Circus had been a success. Supervisor Kenny brought the Board's attention to proposed Resolution No. 575 "*Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to Budget Code A.9950 910 - Transfers - Capital Projects Interfund Transfers for the Payment of the Charles R. Wood Park Festival Space Perimeter Fence; Amending 2015 Warren County Budget*"; he noted the estimated cost of the fence was between \$183,000-\$185,000.

Supervisor Frasier advised the Human Services Committee had met on October 23rd, wherein they approved and forwarded onto the Finance Committee a request from the Employment & Training Administration to amend the County Budget to include Trade Adjustment Act Funding. She continued, they also approved a request to appoint Kyle Brock to the last vacancy on the Saratoga-Warren-Washington Counties Workforce Development Board, as well as a request for the Fiscal Manager to attend a meeting. She informed that Sharon Sano, *Senior Employment Counselor*, provided the Committee with a brief overview of the Summer Youth Program and what a success it had been.

Supervisor Simpson stated prior to his Committee report he felt compelled to acknowledge the outpouring of support from law enforcement and public safety organizations, as well as volunteers who were assisting in the search for the elderly gentlemen who had gone missing in the Town of Horicon. He asked that thoughts and prayers be extended to the family. Supervisor Simpson reported the Social Services Committee had met on October 23rd, approving proposed Resolution No. 526-529 of which he proceeded to provide a brief overview of.

Supervisor Vanselow indicated in response to Supervisor Wood's concerns regarding the lack of public presence at the meeting pertaining to the Great South Woods Project, he noted there had been a number of individuals from the public present at previous meetings. Supervisor Vanselow reported the October 23rd meeting of the Support Services Committee had been very brief, with the only item on the Agenda, was concerning a request from the County Auditor's Office for a transfer of funds, which they approved and referred on to the Finance Committee.

Privilege of the floor was extended to Mr. Dusek to provide the report by the County Administrator. Mr. Dusek advised advertisements had been placed in *The Post Star*, as well as *The Times Union* last weekend for the County Attorney position which was being vacated by Mr. Auffredou at the end of the year. He stated immediately following the November 10th meeting of the Personnel Committee advertisements had been placed with NYSAC (*New York State Association of Counties*), The County Attorney's Association, the Warren County Bar Association, Monster and Craigslist in an effort to attract regional candidates to apply for the position. He informed the application deadline for the position was October 27th following which they would be shared with the Personnel Committee in order to make a determination on how to move forward.

In regards to the sale of Westmount Health Facility, Mr. Dusek apprised although they had hoped to close by December 2nd, this was not going to be the case; however, he noted, they remained optimistic the closing would occur prior to the end of the year. Next, he said he had been recently advised by the Purchasing Manager that paper usage in the County was decreasing which he related to employees cutting back on the number of copies by using alternative methods such as email or scanning copies.

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He stated the copier contract for the County included a provision that permitted them to credit back white or color copies, whichever equated to less copies to balance the contract out each year. He said he was pleased with how well the contract was working for the County.

In conclusion, Mr. Dusek advised that he has attended the ARCC (*Adirondack Regional Chamber of Commerce*) breakfast with Chairman Geraghty whereby Warren and Washington Counties provided presentations to interested ARCC members that were present. He stated the presentation concerning Warren County included the budget and the Multi-Year Plan which he felt was well received. He remarked he enjoyed doing presentations with Chairman Geraghty, as he felt they “played off each other” as they were doing the presentations which worked well. He mentioned he thought it was important for them to attend those types of meetings, as it was another avenue to get the word out about what was going on at the County to the residents and business owners residing here.

Privilege of the floor was extended to Mr. Auffredou to provide the report by the County Attorney. Mr. Auffredou called the Board’s attention to proposed Resolution No. 576, “*Authorizing the Chairman of the Warren County Board of Supervisors to Execute all Necessary Documents Concerning Universal Settlements of Medicaid Rate Appeals with the New York State Department of Health*”, which was distributed to the full Board via email by Mrs. Allen. He explained the resolution concerned the settlement of the pending Medicaid Rate Appeals for Westmount Health Facility. He apprised Resolution No. 20 of 2015 entitled “*Authorizing the County Attorney to Submit a completed Universal Settlement Participation Survey Concerning Settlement Between New York State and Nursing Homes Throughout New York State Including Westmount Health Facility for Medicaid Rate Appeals and Reimbursement Litigation and Designating the County Attorney as the Point of Contact for the County*”, mentioned that there were about 5,707 Medicaid Rate Appeals for nursing homes pending in New York State. He said he had been working closely with Lloyd Cote, *Administrator for Westmount Health Facility*, Betsy Henkel, *former Fiscal Manager for Westmount Health Facility*, and the County’s Consultant, through the ensuing months following the adoption of Resolution No. 20 of 2015 which authorized the County Attorney to make certain filings with the NYSDOH (*New York State Department of Health*). He stated he had been monitoring the settlement and its progress. He advised Ms. Henkel notified him that the NYSDOH was in a position now to reach closure on this settlement. He continued, the settlement called for a resolution of those seven pending Medicaid Rate Appeals excluding those associated with the Co-Generation Plant. He indicated the County would receive a total of \$339,000 payable in five equal annual installments. He stated he would have preferred to bring this through the Health Services Committee; however, he noted, due to time restraints set by the NYSDOH he had no choice but to bring it before the full Board today, as the deadline for final execution was December 5th. He informed subject to approval of the resolution he would travel to Albany, New York with Chairman Geraghty on December 3rd and execute the agreements. He apprised this brought to a conclusion the Universal Settlement and the County’s component of that settlement.

Chairman Geraghty announced there were five different areas across the State where the settlements would be announced. Supervisor Westcott asked Mr. Auffredou to explain why Medicaid Rate Appeals associated with the Co-Generation Plant were excluded from the settlement. Mr. Auffredou advised there were other Medicaid Rate Appeals related to the Co-Generation Plant that were filed; however, he said, these were Medicaid Rate Appeals dissimilar and unrelated to the Medicaid Rate Appeals associated with the Co-Generation Plant. He mentioned the appeals associated with the Co-Generation Plant were considered Capital Rate Appeals. He continued, they were required to go through a process and file documents to exclude the Capital Rate Appeals from the Universal Settlement. He said if they did not do this they would have run the risk of waiving those appeals. Supervisor Westcott inquired whether there were separate appeals for the Co-Generation payments and Mr. Auffredou replied affirmatively. Supervisor Westcott questioned whether Mr. Auffredou had received any updated

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information concerning the appeals associated with the Co-Generation Plant and Mr. Auffredou replied in the negative.

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

Monthly Report from:

1. Probation
2. Capital District Off-Track Betting Corp. Financial Report dated August 31, 2015;
3. Capital District Off-Track Betting Corp. Financial Report dated September 30, 2015;
4. Pro Act Warren County Discount Card Utilization Report for the month of January 2015-October2015.

Minutes from:

1. June 9, 2015 meeting of the Warren/Washington Counties Industrial Development Agency Executive Park Committee;
2. June 15, 2015 meeting of the Warren/Washington Counties Civic Development Corporation;
3. September 15, 2015 meeting of the Warren/Washington Counties Industrial Development Agency Executive Park Committee;
4. September 21, 2015 meeting of the Warren/Washington Counties Industrial Development Agency.

Financial Reports/Correspondence from:

1. Capital District Regional Off-Track Betting Corp., September 2015 surcharge in the amount of \$5,671 and the 2015 3rd Quarter Benefits Distribution of \$17,321;
2. Warren/Washington Counties Industrial Development Agency's proposed 2016 Budget;
3. Email from Travis Whitehead, *Town of Queensbury Resident*, dated October 30, 2015 concerning Siemens Contracts which were previously emailed to all members of the Board of Supervisors on November 2nd;
4. Letter from the Town of Queensbury, announcing a Public Hearing to be held on December 7th at 7:00 p.m. concerning an application by Queensbury Partners, LLC for its proposed Fowler Square Planned Unit Development;
5. Copy of a letter supporting documents from the Town of Queensbury to Marc Gerstman, Acting Commissioner of the NYS Department of Environmental Conservation regarding notification of the Town of Queensbury Designation of Marl Fen Critical Environmental Area; and
6. Letter from NYS Office of Parks, Recreation & Historic Preservation, informing that the Caldwell Presbyterian Church, located on Montcalm St in Lake George, will be considered for nomination to the National and State Registers of Historic Places.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 523-573 were mailed; she noted proposed Resolution Nos. 523 and 554 were amended after mailing and a motion was needed to bring them to the floor. The necessary motion was made by Supervisor Dickinson, seconded by Supervisor Strough and carried unanimously. Mrs. Allen advised proposed Resolution Nos. 574-578 were prepared after mailing and a motion was needed to bring them to the floor. The necessary motion was made by Supervisor Dickinson, seconded by Supervisor Strough and carried unanimously.

Chairman Geraghty called for discussion and public comment on the proposed resolutions, as well as requests for roll call votes.

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Leeroy Prosser, *Warren County Resident*, asked where the remainder of the homeless population in Warren County would seek shelter since the proposed Code Blue Homeless Shelter would only have nineteen beds. He continued, another question was where the homeless would seek shelter when it was raining and the shelter was not open. Supervisor Beaty inquired where they resided currently and Mr. Prosser responded that they were scattered throughout Warren County. Chairman Geraghty pointed out that proposed Resolution No. 578, "*Authorizing Facility Use Agreement with The Open Door Mission to Use the Former County Detention Home for a Code Blue Shelter for the Homeless*" encompassed an agreement with The Open Door for use of the former County Detention Home for use as the Cold Blue Shelter. Mr. Prosser remarked the homeless people he was referring to were the ones that utilized the services provided by The Open Door. Supervisor Westcott pointed out the Cold Blue Shelter was only open when the weather forecast called for temperatures of 20 degrees or below. Mr. Prosser advised he was aware of that which was why he was inquiring where the homeless could seek shelter when the shelter was not open during rain storms, etc. Supervisor Westcott informed the proposed resolution before them did not address that, as it pertained to when the weather forecast called for temperatures of 20 degrees or below and/or a foot of snow. Mr. Prosser asked what would happen to individuals with no place to go or to store their belongings and Supervisor Westcott replied that Supervisor Seeber was seeking a broader discussion about that. Supervisor Beaty informed Supervisor Seeber had brought it to their attention that this needed to be addressed; however, he said, it was unfortunate they could not address it at the present moment. He noted it was an important issue that needed to be addressed as soon as possible. Chairman Geraghty apprised that the proposed Resolution encompassed a facilities use agreement with The Open Door for the former County-owned Detention Home which would be used during times of severe weather.

Supervisor Strough stated that proposed Resolution No. 539, "*Appointing Trustee of Adirondack Community College*" concerned re-appointing Alan Redeker to the Board of Trustees for another term. He said he felt this was a wise re-appointment, as Mr. Redeker had provided excellent leadership not only to Board of Trustees but also to the SUNY Adirondack Foundation, as well. Supervisor Strough announced he was very pleased to learn that it appeared Washington County would be supporting SUNY Adirondack's proposed NSTEM Project which would work in cooperation with the WORC (*Workforce Development Center*) Project. Supervisor Strough informed the former County Detention Home that would be used by The Open Door for the Code Blue Shelter had traditionally been used to provide social services. He said although everyone was aware it was a less than ideal location for the shelter he felt it was the correct course of action to move forward with the agreement so The Open Door had a location for this year while they continued to search for a better suited location for next year. He urged the full Board to support proposed Resolution No. 578.

Supervisor Westcott advised he would like to discuss the resolution he was sponsoring that was distributed today, entitled "*Resolution To Remove From the 2016 Budget the 2.5% Raise for the County Administrator In order to Vote On It Separately*". He said the proposed Resolution needed to be adjusted to include those supporting it which included Supervisor's Beaty, Brock, Seeber and Westcott. He advised as per the County Attorney's instructions the resolution needed to be changed to remove the section concerning voting on it separately. Mr. Auffredou informed the resolution may require some further modifications that he would recommend; however, he noted, for purposes of today's meeting the portion of the resolution that stated "take out of the 2016 Budget" should in fact state "take out of the 2016 Tentative Budget", as the law required any alternations be made before the vote on the final budget. Supervisor Westcott indicated they had purposely composed it in this manner to ensure they could vote on the pay raise separately so they did not deny the ability for other Supervisors who wanted to vote in favor of the raise to be able to do so. Mr. Westcott asked whether there was the capability to do so if they removed it and Mr. Auffredou replied he was unaware of a mechanism to do that. He reiterated his statement from earlier that his understanding of the County Law Provision regarding this

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was any changes to the Tentative Budget could be made following the Public Hearing but prior to voting on the Budget as finally presented.

A motion was made by Supervisor Westcott and seconded by Supervisor Beaty to bring the resolution to the floor. Chairman Geraghty called for a roll call vote on the motion to bring the proposed Resolution to the floor "*Resolution To Remove From the 2016 Budget the 2.5% Raise for the County Administrator In order to Vote On It Separately*", following which the motion was carried by majority vote of 789 in favor (*Supervisors Merlino, Strough, Seeber, Sokol, Beaty, Thomas, Wood, Conover, Monroe, McDevitt, Brock, Kenny, Frasier, Simpson, Vanselow and Geraghty*) and 160 against (*Supervisors Dickinson, Thomas, Girard and Taylor*) (*Absent: Supervisor Monroe-51*). After the motion, Mrs. Allen announced this would be proposed Resolution No. 579.

Supervisor Beaty requested a roll call vote on proposed Resolution No. 579.

Mr. Whitehead apprised he would like to bring to the full Board's attention proposed Resolution No. 555 entitled "*Authorizing Extension of Option Agreement with The Economic Development Corporation, Warren County*". He said he would like to take a few minutes of their time to explain why they should vote in opposition of this resolution. He stated while it was reported to extend something with no changes this actually was not the case. He explained an option had a definite expiration date. He continued, this particular option was written in 2001; he noted due to the nature of that it required a Public Hearing which was held on August 17, 2001 during which time it was discussed that the option would expire in ten years. He mentioned subsequent to the ten year expiration the option was renewed again without a Public Hearing. He said this extension had now expired so another extension was being requested. He remarked he believed it was a big deal since the United States was a nation of laws which in this case was not being followed; however, he noted, Mr. Auffredou did not concur with him on this. He stated his thought was it would be simple to correct this. He reminded the Board they had acquired some land several years ago in the Industrial Park by the Airport which the County had agreed to sell to the EDC (*Economic Development Corporation*), under the condition that they develop it for the economic good of the County. He mentioned although this was permissible since it was not a bid it required that a Public Hearing be called; he noted as previously mentioned a Public Hearing regarding this transaction took place in 2001. He commented he felt there should be another Public Hearing similar to the one that took place this morning concerning the Sewer district to allow for public comment. He said if a Public Hearing took place pertaining to this matter he would comment because of the two additional parcels of land that were transferred about a year ago with an assessed value of \$250,000 but were sold for \$10,000. He continued, a third parcel was transferred from the County to what was referred to as HRLDC (*Hudson River Local Development Corporation*) which in turn sold to Hacker Boat Company for \$75,000 under the name of Silver Bay LLC. He pointed out according to the Town of Queensbury Tax Assessor the three parcels were worth a total of slightly more than \$550,000 but were sold to Hacker Boat Company for \$75,000 with the notion that they would be bringing jobs to the area and this would be good use of the land which he concurred with; however, he stated, Hacker Boat Company determined they were not going to move forward with developing the land but had not offered to return the land to the County. He apprised it was his understanding that Ed Bartholomew, *President, Economic Development Corporation*, was not having much success in his negotiations with the Hacker Boat Company to try and reacquire the land from them. He pointed out the County had invested a significant amount of funding to upgrade the sewer, etc for these particular parcels. He mentioned he had heard they were considering using the parcel as a solar farm which would be a waste of an investment on the County's part because it would not create jobs. He stated he felt the EDC should have been more careful when they wrote the language that dictated what the appropriate use for the land was, as well as allow the public to voice their thoughts at a public hearing since one had not occurred in fourteen years. He encouraged the Supervisors to vote in opposition of proposed

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Resolution No. 555 of 2015 to allow for it to be brought back with a Public Hearing, as this was the proper way to handle this matter.

Supervisor McDevitt inquired whether there was a counterpart to Mr. Whitehead's position, as he did not have a clear sense of the issue. Supervisor Taylor asked what the termination date of the existing Option was and Mr. Auffredou responded that he believed it was November 15th; however, he noted the Finance Committee had acted on this prior to that. He added the EDC exercised their intention in advance of that meeting by preparing and signing an option extension prior to the Committee Meeting when this was discussed. He advised he would not have let the resolution get to this point if he had any concerns about procedures. He informed he had reviewed this very carefully and was well aware of the history of this transaction; he noted he had previously opined and continued to opine that all proper procedures were followed. He mentioned the Committee acted in a way that clearly indicated their consent to furthering the extension which was why the resolution was before them today but there was nothing that stated the full Board had to agree to this. He advised he did not agree that a Public Hearing was required but it was up to the full Board as to whether or not they wanted to move forward with the extension. He said if they chose not to move forward with the extension than they would have to determine what they wanted to do with this land. He mentioned his review was to ensure if they decided to move forward with this extension as presented that the proper procedures have been followed which he could state assuredly that they had been. He reiterated the decision to continue with this or not was the sole responsibility of the full Board as was the case with most decisions. He remarked he hoped that he had provided a sufficient enough counter point to notify them of where he stood on the matter.

Supervisor Seeber requested a roll call vote on proposed Resolution No. 526 entitled "*Authorizing Deputy Commissioner/Chief Legal Counsel for DSS to Act in Absence of the Commissioner of Social Services*", as she had hours of conversations as had Supervisor Simpson over the last month with Amy Bartlett, *First Assistant County Attorney*, Patricia Nenninger, *Personnel Director* and Maureen Schmidt, *Commissioner of the Department of Social Services*, regarding the change of this title; however, she noted, after all those hours of discussion she was not in a position to fully understand what was occurring with this resolution. She said she thought their intent had always been to have to Deputy Commissioner be able to act in the absence of Ms. Schmidt but the County complicated matters by creating a joint title. She stated her lack of understanding was why she was requesting a roll call vote on this particular resolution. In regards to proposed Resolution No. 532 entitled "*Authorizing Agreement with Edmund McCann, MSW for Social Worker Consultant Services at Westmount Health Facility*", Supervisor Seeber inquired whether it was necessary to have a full year contract or could they approve it for a few months and bring back should there be need for further extension since according to Chairman Geraghty there was a closing date for sale of the facility. She added she appreciated the fact that Supervisor Sokol had requested holding off on proposed Resolution No. 533 of 2015 at this time. Mr. Auffredou advised he was unaware of a closing date for the facility; however, he noted, as previously indicated by the County Administrator they were hopeful the sale would close by the end of the year. He explained what he had been doing for all contracts for Westmount Health Facility for some time now was including a clause that stated "upon certain notification or in the event of a sale of the Westmount Health Facility the County is out". He stated part of the reason they wanted to be a little flexible here related to the fact that they were unaware of whether Centers would want to continue with this relationship with Mr. McCann. He informed they had asked Centers for clarification on exactly what contracts if any they wanted to continue with. He noted this was an enormous task for the County Attorney's Office because if they had to go forward with providing notification of cancellation of the myriad of contracts of vendor contracts for Westmount Health Facility, they would have to move forward with that rather quickly. He apprised that provision would be included in the contract with Mr. McCann, as he had been including with all. He noted the language included in the resolution may be

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slightly different than the language he would include in the contract. He added subject to his discussions with Centers he would like to keep some flexibility here to allow him to decide as the County Attorney to do the contract on a month to month basis which he had the authority to do if the resolution stated "in a form approved by the County Attorney" to address the concerns. He reiterated he was unsure as to whether or not Centers wanted to continue with this; therefore, he stated, he would like the flexibility to include it as presented. Moving forward within the next few weeks, he said, they would be able to determine whether or not they needed a contract with Mr. McCann beyond the end of the year.

Supervisor Seeber inquired whether she was correct to assume when a resolution stated in a form approved by the County Attorney that although the Board approved it, Mr. Auffredou could change the terms to be on a month to month basis and Mr. Auffredou replied affirmatively. Supervisor Seeber apprised given that explanation she was comfortable moving forward with it.

In conclusion, Supervisor Seeber advised she would like to address proposed Resolution No. 578 concerning the Code Blue Shelter. She remarked she felt the full Board recognized there was a homeless issue in Warren County that needed to be addressed. She said she was supportive of the notion of a shelter and of Code Blue; however, she noted, her concerns related to the time frame of which this had come up in the last few weeks during which time she had spoken at length with Chairman Geraghty. Following the November 18th meeting of the County Facilities Committee, Supervisor Seeber apprised she had the opportunity to discuss the matter with many members of the community, as well as members of Queensbury Town Board. She mentioned the members of the Queensbury Town Board and in particular Doug Irish, voiced their frustration pertaining to their lack of involvement in this process. She stated going forward if they were discussing a long term solution they needed to involve both the City of Glens Falls Common Council, as well as the Queensbury Town Board. She mentioned when she inquired what the communities thoughts on this were within hours she received responses with suggestions, individuals interested in becoming trained volunteers, as well as suggestions for alternative housing. She remarked what she wanted to stress was that she had spoken to a representative from The Wait House who indicated to her they had not been notified of the meeting. She pointed out The Wait House was a Homeless Youth Shelter in the region that had zero infractions with New York State. She added they did serve some adults, as well. She stated the representative expressed an interest in revisiting the discussion the had with the County a few years ago pertaining to a wrap around comprehensive program that included families and adults in a shelter. She stated they had questioned whether the County was only concerned with the homeless when it was freezing out; therefore, she advised, she felt a comprehensive approach was required. She applauded Chairman Girard for being open to a round table discussion within the County Facilities Committee that included the leaders in this area of expertise together in order to discuss more openly a possible solution that meets the need for individual using the shelter, as well as the sponsoring agencies. She stated she would like to see more of a relationship between the Department of Social Services and The Open Door to discuss and come up with solutions to address the issues with Social Services. She pointed out of the State only provided a 29% reimbursement rate to the County when they transported individuals to the Saratoga County Homeless Shelter or placed them in hotels. She stated the representative from The Wait House indicated to her that funding could be better utilized if it was allocated to an operating budget which ensured the funding remained in Warren County and those being assisted were provided with assistance here in the County. She stated she would like a commitment from Kim Cook, *Director of The Open Door Mission*, that if a better solution were to arise between now and the end of the contract that Ms. Cook would follow up on it. She pointed out two other locations in the City of Glens Falls had been discussed within the last forty-eight hours as possible locations that would be better suited and more accessible to the individuals that needed it. She noted the goal was for individuals to be aware of the homeless shelter to avoid anyone being left out in the elements in the middle of the

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night. She reiterated she would like a commitment from The Open Door that if a better solution became available between now and the end of the contract it would be pursued to better encompass the entire homeless population in Warren County. She sad she was unsure whether this would require an amendment to the proposed Resolution.

Mark Schachner, *Legal Counsel for The Open Door*, the name of their organization was The Open Door which meant they were open to all possibilities. He advised they were the first to acknowledge that this proposal was a “stop gap”; however, he noted, they were in a desperate situation. He said he wholeheartedly agreed with Supervisor Seeber that a broader discussion encompassing the plight of the homeless in Warren County was necessary and should include all interested parties. He mentioned they were actively searching for a more suitable location and were open to the suggestions that Supervisor Seeber or anyone else could make; however, he noted, they were requesting adoption of the resolution as proposed for a stop gap emergency measure. He pointed out since it was November 20th it would not be far fetched to imply that a Code Blue situation could arise within the next few weeks; therefore, he stated, they needed to move forward with the location as soon as possible.

Supervisor Seeber remarked this was the commitment she was looking for, as she wanted to ensure if a better solution were to come to fruition they would actively pursue it. Mr. Schachner remarked he did not believe the proposed agreement required The Open Door to do anything but rather provided them with the authorization to use the facility. He added if a better alternative was presented to them they would not be held in default of that agreement if they decided not to use that facility and Mr. Auffredou concurred. He noted they were obligated to clean and maintain the facility while it was in use by them.

Supervisor Seeber thanked them for the explanation. She said she believed the public was open to provide assistance when it was requested of them. She stated as testament to this she had observed on social media within the last few days a number of offers to assist with the homeless shelter which she wanted to applaud them for since this was a great community effort.

Supervisor Westcott asked whether proposed Resolution No. 579 would be voted on following the vote on the 2016 Tentative Budget and Chairman Geraghty replied affirmatively.

Supervisor Beaty requested a roll call vote on proposed Resolution No. 555

Chairman Geraghty called for a vote on resolutions, following which Resolution Nos.523-578 were approved as presented with the exception of Resolution No. 533, which was tabled. Resolution No. 579 was brought to the floor but failed by a vote of 397 in favor (*Supervisors Seeber, Beaty, Westcott, Wood, McDevitt, Brock and Vanselow*) and 552 opposed (*Supervisors Dickinson, Merlino, Strough, Sokol, Thomas, Conover, Girard, Taylor, Kenny, Frasier, Simpson and Geraghty*) (*Absent: Supervisor Monroe-51*).

Chairman Geraghty offered privilege of the floor to any members of the public wishing to address the Board of Supervisors, or any Supervisors desiring to make announcements.

Mr. Whitehead inquired whether the Public or full Board would be made aware of what the contracts between the County and Siemens for the Co-Generation Plan would include following the sale of the Westmount Health Facility prior to their execution and Mr. Auffredou replied affirmatively.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Simpson and seconded by Supervisor Conover, Chairman Geraghty adjourned the Board Meeting at 12:44 p.m.