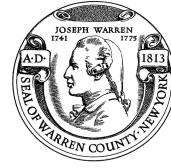


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY DECEMBER 16, 2016**



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

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Merlino

Roll called, the following members present:

Supervisors Conover, Leggett, Girard, McDevitt, Braymer, Brock, MacDonald, Frasier, Simpson, Dickinson, Merlino, Strough, Seeber, Beaty, Montesi, Sokol, Thomas and Geraghty -18; Supervisors Vanselow and Wood absent-2

Motion was made by Supervisor Braymer, seconded by Supervisor Simpson and carried unanimously to approve the minutes of the November 18, 2016 Board Meeting, subject to correction by the Clerk of the Board.

Commencing the Agenda review, Chairman Geraghty declared the Public Hearing on Warren County Local Law No. 1 of 2017, *A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County*, open at 10:02 a.m. and he requested that Amanda Allen, *Clerk of the Board*, read aloud the Notice of Public Hearing, 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 Local Law No. 1 of 2017 to do so.

Continuing with the Agenda review, Chairman Geraghty read aloud the listing of meetings he had attended since the November 18th Board Meeting; *a copy of the Chairman's Report is on file with the items distributed at the Board Meeting.*

Before continuing the Agenda review, Chairman Geraghty recognized Diane Labruzzo, of the Treasurer's Office, for thirty years of service to the County.

Chairman Geraghty read aloud a message to the Board from Dr. Freddie Senser-Lee, PhD., wishing them a happy holiday and commending them for their work, as well as recognizing Don Lehman and Thom Randall for their coverage of the meetings in the local newspapers; *a copy of the message is on file with the items distributed at the Board Meeting.*

Chairman Geraghty then called for reports from Supervisors on the past months meetings or activities.

Supervisor Merlino advised that the Tourism & Occupancy Tax Coordination Committee had met on three occasions this month, the first of which was on November 21st wherein they approved proposed Resolution Nos. 498 and 499; he added that proposed Resolution Nos. 550-551 were approved at the December 12th meeting. He reported on the December 15th meeting during which \$285,000 in occupancy tax funding was awarded to various events, \$100,000 of which would be allocated from the Occupancy Tax Reserve. Supervisor Merlino called the Board's attention to proposed Resolution Nos.

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494-496 which were standard resolutions pertaining to the Traffic Safety Board.

Supervisor Strough advised he had no Committee report; however, he noted, he would like to report on a play he attended at the Lake George High School entitled "Forward into the Light". He explained the play portrayed the local pro and anti Women's Suffrage Movement. He mentioned the Bi-Centennial Anniversary of when women were awarded the right to vote in New York State was occurring in 2017.

Supervisor Seeber reported on the November 22nd meeting of the Ad Hoc Airport Advisory Board Committee which she felt was very informative. She stated they would be meeting on a monthly basis before the Finance Committee meeting at 9:00 a.m. and she encouraged all to attend. She thanked Brian Reichenbach, *County Attorney*, for attending the meeting and providing the group with the guidance they required. She noted the purpose of the Committee was not to be political, as the extension was not one of the topics they would be discussing, but rather many other items that related to the Airport. She called the Board's attention to proposed Resolution No. 536, *Authorizing and Adopting a Department Head Evaluation Policy and Related Forms*, which was approved at the November 28th meeting of the Performance Evaluation Committee. She thanked Jackie Figueroa, *County Human Resources Director*, for her assistance in providing the Committee with several different options to discuss. She said the topics of discussion that took place at the meeting concerned what the goals and objectives of the Committee were. She mentioned the Committee would commence working with the County Department Heads on evaluation tools and she noted April 1st was established as the date for which the mid-year reviews would be completed and October 1st as the date for final review.

Supervisor Beaty called attention to proposed Resolution No. 554, *Authorizing Intermunicipal Agreement Between Warren County and the City of Glens Falls for Participation in the Consolidated Commodity Purchasing as Submitted in the Efficiency Plan as a Cost Saving Measure*, and he thanked Jack Diamond, *Mayor for the City of Glens Falls*, the Glens Falls Common Council and the Supervisors who represented the City of Glens Falls on the Board for their efforts to move forward with this agreement. He requested that Mrs. Allen make a Clerk's correction to proposed Resolution No. 554 to note that it was introduced by the Shared Services Committee rather than the Support Services Committee. He remarked that he believed significant savings would be realized on a County-wide basis from this agreement.

Supervisor Montesi stated that Charles Maine was retiring from the Board of Directors of the Warren County Soil & Water District after serving for thirty-five years. He reported on the public hearing pertaining to the Boreas Ponds Classification that took place in the Town of Chester and noted he supported the proposed Resolution which allowed the most access to the land by the public. In regards to the Court Space Expansion Project, Supervisor Montesi apprised that the work was moving along well and within budget. He stated that the anticipated completion date of the new entrance for the Courts was the second week of January.

Supervisor Sokol reported on the November 21st meeting of the Health, Human & Social Services Committee, wherein they approved proposed Resolution Nos. 500-512 which he provided an overview of.

Supervisor Thomas informed that he had no Committee report; however, he noted, he had requested that Mrs. Allen schedule a Budget Committee meeting on December 20th at 10:00 a.m. for the purpose of reviewing the Multi-Year Plan. He added he would like to introduce a resolution from the floor at the appropriate time.

Chairman Geraghty once again called for any comments on the Public Hearing on Local Law No. 1 of

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2017, and there being none, he declared it closed at 10:16 a.m.

Supervisor Conover apprised that the Finance, Personnel & Higher Education Committee had held two meetings this month, the first of which was on December 1st, wherein they approved proposed Resolution Nos. 492-493 and 530-534. Supervisor Conover apprised the second meeting had been held that morning and included an executive session to discuss collective bargaining negotiations. He encouraged all to review proposed Resolution 544, *Fixing the Tax Rates*, as he found it to be very informative.

Supervisor Leggett apprised he had nothing to report on.

Supervisor Girard reported on the November 28th meeting of the County Facilities Committee wherein they approved proposed Resolution Nos. 522-524 which he provided a brief summary of. He apprised that he had attended the monthly meeting of Cornell Cooperative Extension during which they conveyed their gratitude to the Board for reinstating the funding that was cut from their budget in 2008 to allow them to return to a five day a week operation rather than four.

Supervisor McDevitt advised that the Economic Growth & Development Committee had met on November 28th where the topic of discussion pertained to a bill proposed by Senator Gillibrand which would ensure broadband internet service was offered in rural areas throughout the United States that currently had little or no coverage. He informed earlier this week President Elect Trump met with a number of Silicon Valley employers during which the President of IBM made a commitment to add 25,000 employees to their company. He apprised that IBM was the second largest employer located in Dutchess County, New York. He said the County had a connection with IBM on Lake George in terms of research and development. He stated he would work with Edward Bartholomew, *President, Warren County Economic Development Corporation*, on reaching out to IBM in an attempt to bring some of the additional jobs planned for IBM to this area.

Supervisor Dickinson informed that the Jefferson Project was what Supervisor McDevitt was referring to that IBM was a full partner on and was taking place on Lake George. Supervisor McDevitt advised his thought was to have Mr. Bartholomew contact the individual who was managing the Jefferson Project here for them to assist with contacting IBM about the possibility of bringing more jobs to this area.

Supervisor Braymer stated she had no Committee report, but noted she, along with many other Supervisors, had toured the facility located in the City of Glens Falls that the Warren County SPCA was renting. She thanked Ross Dubarry, *Airport Manager*, for taking her on a tour of the Airport. She apprised that she had attended the ribbon cutting ceremony for Mini Masterpieces, a new store that specialized in children's crafts located in the Shirt Factory Building in the City of Glens Falls.

Supervisor Brock stated that he had nothing to report on.

Supervisor MacDonald advised that he attended a meeting with Jeff Mead, General Manager, *Glens Falls Civic Center*, to discuss the challenges, successes and the plans moving forward which included adding on convention space to the site. He stated that he met with Pat Auer, *Director, Public Health*, to get a better understanding of the Department and their responsibilities following which he took a tour of their office. Supervisor MacDonald informed he met with Rich Cirino, *Founder, Glens Falls Collaborative*, to discuss some of their challenges and their plans moving forward; he apprised this led to a meeting with representatives from the Glens Falls and Queensbury School Districts to discuss on-going efforts pertaining to their volunteer internship program for local youths. He added he also attended the tour of the facility the Warren County SPCA was leasing at GFK9 which was a new business that they City

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was pleased to welcome. Supervisor MacDonald voiced how pleased he was that the City had elected to participate with the County on consolidated purchasing. He added that the City had provided Julie Butler, *Purchasing Agent*, with the necessary information pertaining to water treatment chemicals which he felt would lead to significant savings County-wide.

Supervisor Frasier stated that she had nothing to report on.

Supervisor Simpson reported on the November 21st meeting of the Public Works Committee wherein they approved proposed Resolution Nos. 525-529 which he provided a brief overview of. He noted that the DPW was working with municipalities that were located within the Lake George Watershed to establish a Baseline Usage Study pertaining to the Reduce the Use Salt Initiative. He mentioned the DPW had four trucks that would be included as part of this initiative that would have monitoring equipment installed on them.

Supervisor Dickinson stated the Environmental Concerns & Real Property Tax Services Committee had met on December 1st, approving proposed Resolution Nos. 520-521. He apprised he was unable to attend the December 15th meeting of the Tourism & Occupancy Tax Coordination meeting; however, he noted, he was troubled by the fact the funding to the Americade had been cut by \$5,000. He pointed out that this was the premier event for the County, with over 100,000 attending and traveling throughout the County on their motorcycles during which time they stayed at local hotels, patronized local restaurants and shopped at local stores resulting in \$40 million in revenue for the region which he noted was a significant return on the \$50,000 the County traditionally invested in occupancy tax funds for the event. He remarked by cutting the funding the County was in essence notifying the Dutcher family, who organized the event, that the County was not appreciative of the event. He apprised that the Dutcher family spent fifty one-weeks a year advertising and promoting the event all across the Country and into Canada. He mentioned one of the main tasks for the Dutcher's was negotiating with the motorcycle vendors that participated in the event. He explained these vendors were one of the main reasons the event had been so successful. He reiterated his disappointment that the funding for the event had been cut by \$5,000. He stated this cut-back supported his thought that more occupancy tax funding should be allocated to the Towns of Lake George, Bolton and Queensbury, as they generated 92% of the total collected for the County. He said he felt these Towns had been generous to the other municipalities with these funds since they only made up about 8% of the collection and yet their share of the funding was increased last year. He mentioned that the Towns of Lake George and Bolton counted heavily on these funds to provide money to events in their municipalities to ensure they were able to continue to collect enough occupancy tax funds to sustain the amount of funding required.

Supervisor Conover inquired whether Supervisor Dickinson was planning to make a motion to amend the amount of occupancy tax funds awarded to restore the \$5,000 that was cut from the Americade event and Supervisor Dickinson responded that he would make the motion at the appropriate time.

Supervisor Merlino encouraged the Board members to visit the Glens Falls Civic Center, as he had the pleasure of taking a tour of the facility a few weeks ago and observing all of the updates and/or renovations that had been made which he was impressed with.

Supervisor McDevitt thanked Supervisor Merlino for his kind words regarding the Glens Falls Civic Center, as he believed they were appreciative of the occupancy tax funds provided to them. He asked whether they could restore the funding that had been cut from the Americade event and Supervisor Conover replied that they would address the matter at the appropriate time.

Supervisor Seeber stated she felt Supervisor Dickinson brought up a valid point that the County did not

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follow its own policies. She reminded them the Board had a rule which stated funding would be awarded for a few years to a new event and then it would be decreased until it was no longer funded after five years; however, she noted, the County had been providing funds to the Americade event for ten years. She continued, another requirement concerned provided the Committee with data and statistics pertaining to the events. She remarked that she felt Supervisor Dickinson brought up a good point that the policy concerning occupancy tax funding awards needed to be revamped. She said the policy needed to be reviewed to determine what they felt was important and required extra attention, as well as to ensure they did not violate their own rules. She apprised that she shared in Supervisor Dickinson's frustration with the process. She informed that Supervisor Leggett did a phenomenal job scoring each application based on the recommendation from the Workshop meeting with the Tourism & Occupancy Tax Coordination Committee members and representatives of the Tourism Department. She pointed out the recommendations from the representatives of the Tourism Department, the Committee members and the scoring sheet were all different which meant there was no consistency. She said she felt they could all agree that they needed to review the rules and policies concerning occupancy tax funds and take the time to fix them to ensure there was consistency in their requirements of all applicants. She mentioned although common sense dictated that Americade was a huge event for the region, she felt they should hold all applicants to the same standards which required them to provide statistics concerning their event and the amount of heads in beds it generated as some of the applicants had. She added it was important to note that the County should also not be breaking its own rules which was why she felt the process should be fixed.

Supervisor Dickinson stated that Supervisor Seeber made a good point in that they needed to address the issues with occupancy tax funds. He said he had met with the Lake George Regional Chamber of Commerce & CVB, as well as the Warren County Lodging Association numerous times during which one of the topics of discussion concerned the law that governed occupancy tax and the regulations set forth by it. He voiced his thought that these rules and regulations should be codified, as there were a number of resolutions that had modified the law but there was no organization to it. He advised it was necessary to review all of these modifications and revamp the rules and determine how they would like to move forward. He mentioned this would allow them to do the things they needed to do without violating the laws or regulations concerning occupancy tax. He apprised the point of the score cards was to assist with determining who needed the funds, and he said he believed the Americade event was a given.

Supervisor MacDonald remarked that the amount awarded to the Americade event was not meant to cast a negative on what they brought to the region, as there was no doubt that everyone present today could acknowledge that the Americade was the premiere event for the region. He continued, those present during the Workshop tried to be mindful of the maturity of some events, as well as the profound direction of attempting to build out those shoulder seasons. He said he felt compelled to ensure that everyone was aware that this was why some of the decisions were made regarding these allotments.

Privilege of the floor was extended to Mr. Reichenbach, *County Attorney*, to provide the report by the County Attorney. Mr. Reichenbach apprised that he wanted to clear up some confusion concerning the small packet of resolutions that was distributed to the Board members. He explained Chairman Geraghty had requested that he pull the resolutions and the spending guidelines that they currently had in their office on occupancy tax. He said the information was provided to assist with determining any changes they would like to pursue in the future.

Chairman Geraghty apprised he had requested that Mr. Reichenbach provide this information to the Board members since most of the current Board was not present when the law was adopted in 2004.

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He requested that the Board members review this information and highlight what the County did not enforce and what they would like to see changed, as this would be taken up in 2017.

Supervisor Dickinson informed through the Warren County Lodging Association, the County was trying to reassemble the Tourism Advisory Board that was suggested in the Occupancy Tax Law with the members consisting of several of the key Supervisors, as well as individuals from the business community to assist with revamping the policies concerning occupancy tax funds. He suggested going forward they try and coordinate this with the Board to establish a schedule to ensure the issues were addressed.

Chairman Geraghty requested that they take into consideration the smaller communities that did not have many lodging facilities to contribute to occupancy tax, as he was appreciative of the amount allocated to the Town of Warrensburg to put on events. He pointed out although there was not an abundance of lodging available in the Town of Warrensburg, a significant amount of rooms were filled on a County-wide basis during the Worlds Largest Garage Sale Event which took place in Warrensburg. He stated that they needed to be mindful that certain events provided a County-wide benefit and not just to the community where they were held. He reiterated his request that they not discount the communities that did not have many rooms available for lodging.

Supervisor Dickinson interjected that their discussions did not concern taking away the funding to the smaller communities but rather meeting with all of the Chambers of Commerce located within the County. He remarked that the three major contributors to occupancy tax were appreciative of their neighboring communities and he noted that they had no intention of stopping the additional allocation that had been awarded to them over the past few years.

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

Report of Criminal and Family Workloads for October 2016 from the Warren County Probation Department.

Capital District Regional Off-Track Betting Corp. Financial Reports dated August 31, 2016 and September 30, 2016

Capital District Regional Off-Track Betting Corp. October 2016 surcharge in the amount of \$4,162.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 492-548 were mailed; she noted proposed Resolution Nos. 492, 532, 535, 540, 541 and 544 were amended after mailing and a motion was needed to approve these revisions. The necessary motion was made by Supervisor Simpson, seconded by Supervisor Montesi and carried unanimously. She informed that proposed Resolution Nos. 549-555 were prepared after mailing and a motion was necessary to bring them to the floor. The necessary motion was made by Supervisor Sokol, seconded by Supervisor Frasier and carried unanimously.

Supervisor Thomas advised he would like to introduce a proposed Resolution from the floor concerning the positions to be deleted and hourly rates that were set for certain other position within the 2017 County Budget; copies of the proposed resolution were provided to the Board members. He said this would allow Department Heads to move forward with hiring for some of these positions. A motion was made by Supervisor Thomas, seconded by Supervisor Montesi and carried unanimously to introduce

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the proposed resolution entitled, *Clarifying Table of Organization and Warren County Salary and Compensation Plan for 2017*. Mrs. Allen announced this would be proposed Resolution No. 556.

Supervisor Dickinson commented while he was appreciative of the support to restore the funding to the requested amount for the Americade event, following his conversations with Mr. Dutcher this morning, he determined that the Town of Lake George would be covering the shortfall. He mentioned a few of the issues the Dutcher family dealt with concerned the fact that their attendees were beginning to age out and the Laconia Motorcycle Rally in New Hampshire had recently changed the date of their event to a timeframe that encroached upon the Americade; therefore, he stated, if it rained toward the end of the Americade individuals left to go to the Laconia Motorcycle Rally. He mentioned in order to address this last year the organizers brought in a big name entertainment group on Saturday night in the hopes that patrons would remain in Lake George for the duration. He stated in an attempt to attract millenials the Americade event commenced offering a dirt bike ride around some of the trails on the Prospect Mountain range which proved to be very successful. He stated the goal was to increase this portion of the event significantly for 2017. He apprised both the Town and Village of Lake George provided additional funding to the Americade for the big name entertainment group and dirt bike rides. He informed since the Town of Lake George would be providing the difference between the amount of funding the Americade had requested and the amount they were awarded he did not feel it was necessary for the County amend its award to them; however, he requested that a resolution of appreciation and support for the Dutcher family and the Americade Event be adopted.

A motion was made by Supervisor Merlino, seconded by Supervisor MacDonald and carried unanimously to waive the Rules of the Board requiring that a resolution be presented in writing. (*This would be Resolution No. 557*).

A motion was made by Supervisor Dickinson, seconded by Supervisor Merlino and carried unanimously to draft a resolution of appreciation and support for the Dutcher family and the Americade Event. (*This would be Resolution No. 558*).

Supervisor Merlino informed that the dirt bike event Supervisor Dickinson referred to took place in the Town of Lake Luzerne, as well and proved to be very successful which was why they were awarded \$5,000 in occupancy tax funding from the Town of Luzerne to continue the event next year.

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

Supervisor Seeber requested a roll call vote on proposed Resolution No. 549, *Authorizing Attendance at 2017 In-State and Out-of-State and Canadian Motorcoach Trade Shows/Sales Blitz/Marketplaces by Tourism Department Personnel*. She stated she would like to discuss whether there was any support for a compromise on the proposed Resolution, as the Strategic Tourism Consulting Report prepared by BBG&G Advertising expressed that only 2% of the tourism within the County originated from Group Tours. She remarked that she was concerned that the County was expending \$11,000 on bus tours and shows for the entire year for the Tourism Department when the opportunity to approve the travel for an entire year was not afforded to any other County Department. She advised she felt Supervisor Dickinson had expressed the lack of consistency within the County's policies and thought it was reasonable that they treat this request like they would for any other Department. She informed she did not feel an exception should be considered just because the travel and training cost of \$11,000 which covered the entire year would be funded with occupancy tax funds. She surmised it may be more appropriate to approve the first event listed for January 14th and thoroughly review the remaining events for the remainder of the year.

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Supervisor Merlino interjected he felt compelled to point out that reservations for the travel requests included on proposed Resolution No. 549 had to be made many months in advance to ensure there was space allotted for them at these shows. He apprised it was difficult to track the return on investment from attending these shows due to the lack of data. He suggested as a possible compromise they approve half of them and then revisit the remainder of the request in a few months. He added he did not feel \$11,000 was an unreasonable amount of money to expend to attend these events; however, he noted, he would concede to the Board on how they would like to move forward.

Supervisor Braymer advised while she was not able to stay for the entire review of the report prepared by BBG&G Advertising she was aware that the report indicated a lack of tourism derived from motorcoach tours. She questioned why they would attend a show in Tennessee when the tourists they were attracting were not from there. She suggested they approve the attendance for the shows taking place in Albany, New York and Cleveland, Ohio which were scheduled for January and February and hold off on the remainder until next year.

Supervisor MacDonald echoed his support of compromising and approving only the first few events. He said during his first year on the Board he could not recall the Board ever addressing a request which covered travel for an entire year. He said in terms of consistency he felt approving half of the events now and the other half at a later date was more appropriate than approving them all at once.

Supervisor Dickinson questioned why they continued to participate in the bus tours when they received such a minute return on investment from them. He suggested they approve the first few events and then revisit whether they wanted to continue to pursue them at a later date.

Supervisor Brock apprised that according to the former Mayor for the City of Glens Falls, Roy Akins, you had to build up a relationship over time in order to attract the tour operators to your area. He said he believed if they discussed the matter with individuals involved in this industry they would attest to the potential there.

Supervisor Leggett remarked he did not feel they as a Board had enough information available to them today to make an informed determination on the request. He mentioned this could be part of an overall strategy within the Tourism Department, as it was presented by them to the Tourism & Occupancy tax Coordination Committee who in turn approved it. He suggested they trust the Tourism Department to allocate these resources appropriately. He surmised that the Tourism Department saw an opportunity for the County to develop resiliency in where the revenue from tourists was generated from. He stated that the County should be looking strategically and spreading the resources to develop other areas of tourism to prevent a shortfall in case something catastrophic occurred to one single event. He voiced his support of proposed Resolution No. 549 in its current state.

A motion was made by Supervisor Braymer and seconded by Supervisor Seeber to amend Resolution No. 549 to include only the first two shows listed; however the motion failed due to a lack of the simple majority vote required with a vote of 357 in favor (Supervisors Seeber, Beaty, Conover, Braymer, MacDonald and Dickinson) and 588 against (Supervisors Merlino, Strough, Montesi, Sokol, Thomas, Leggett, Girard, McDevitt, Brock, Frasier, Simpson and Geraghty) and 55 absent (Supervisors Wood and Vanselow).

A motion was made by Supervisor Dickinson, seconded by Supervisor Seeber to table Resolution No. 549 and refer it back to the Tourism & Occupancy Tax Coordination Committee for further review and failed due to the lack of the simple majority vote required with a vote of 357 in favor (Supervisors Seeber, Beaty, Conover, Braymer, MacDonald and Dickinson) and 588 against (Supervisors Merlino,

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Strough, Montesi, Sokol, Thomas, Leggett, Girard, McDevitt, Brock, Frasier, Simpson and Geraghty)
Absent- 55 (Supervisors Wood and Vanselow).

In regards to proposed Resolution No. 499, *Authorizing Amendment Agreements Between Municipalities in Warren County and the County of Warren for Tourism Promotion and Tourist and Convention Development Services - Occupancy Tax*, Supervisor Braymer expressed her support in particular to the funding allocated to the Glens Falls Civic Center, as the funds were used appropriately and she encouraged all to attend a hockey game there.

Supervisor Simpson pointed out the original draft of proposed Resolution No. 532, *Increasing Capital Project No. H353 County Bridge Abatement & Painting Project; Authorizing Advance of Funds; and Amending Warren County Budget for 2016*, included a Note under 3B which stated that the current NYSDOT (*New York State Department of Transportation*) State -Local Agreement did not allocate State Marchiselli funds for this project, as Marchiselli funding was contingent upon on the execution of the supplemental NYSDOT State-Local Agreement providing such funds; however, he noted, this statement had been removed from the proposed Resolution before them today. He explained without the supplemental agreement the Marchiselli funding was not guaranteed. Mrs. Allen advised that upon the request of the Treasurer's Office the note regarding the supplemental agreement and State Marchiselli funds was removed from the proposed Resolution. Supervisor Simpson inquired what would happen if the State did not award Marchiselli funding for the Project and Mike Swan, *County Treasurer*, responded that the original wording was not appropriate, as the funds would be available. Supervisor Simpson asked whether the Marchiselli funds were guaranteed and Mr. Swan responded in the negative; however, he noted, it was budgeted. Supervisor Simpson stated that he would support the proposed Resolution if the Budget Officer and Mr. Swan were comfortable with the uncertainty regarding the receipt of the Marchiselli funds. Supervisor Thomas apprised while he was not comfortable with the uncertainty, it was necessary for the County to rely upon the State Legislators to ensure the money was allocated for the Project.

Supervisor Beaty requested a roll call vote on proposed Resolution No. 524, *Amending the Agreement with C&S Engineers, Inc. to Include Sub-Consultant Services for Glide Scope Antenna Modeling for the Runway 1 Extension Project at the Floyd Bennett Memorial Airport, Warren County, New York*.

Supervisor Thomas requested a roll call vote on proposed Resolution No. 523, *Amending the Warren County Smoking and Tobacco Use Policy*, as he believed if the intent was to ban smoking then they should not be amending the policy to allow smoking for an additional year but rather to ban it altogether.

In regards to proposed Resolution No. 532, Supervisor Brock questioned whether removing the statement regarding State Marchiselli funding had any impact on the County receiving the money and Mr. Swan replied in his opinion it did impact the County's ability to collect the funds.

Bill Mahar, *Non-Union Warren County Employee*, advised he was present today on his own time to discuss proposed Resolution No. 536, *Authorizing and Adopting a Department Head Evaluation Policy and Related Forms*. He stated that he spoke for no one but himself today, as the non-Union employees of the County had no one to speak on their behalf. He mentioned unlike when dealing with the Union, there was no requirement for the Board to involve, consult or seek any input from any non-Union employees. He said the current best practices in employee relations may encourage involvement to help set common goals but the law did not require this nor did the Board practice this. He informed even though the discussions for a new contract with the Union have been current with the development of the review process, the Board has chosen not to seek reviews for all employees but rather had chosen

to dictate terms to the slightly more than 10% of the workforce, most of whom had no voice or power. He stated he believed they were all aware of the fact that the goals set and final determinations of each individual review would be public information, as it was not confidential. He indicated if they moved forward with approving the proposed Resolution they would be seeing those results "FOIL-ed" and published and he questioned whether this had been thought through. He apprised the plan was to commence reviews on the Department Heads who were charged with managing the County workforce. He said the ratings of the Department Heads would be done publicly which made the results available to subordinates, most of whom were not subject to review themselves. He questioned whether this would assist or severely undermine a struggling manager. He continued, would undermining a manager in this manner be in the best interest of the public. He pointed out this would never occur in the private sector, as it would be viewed as an unthinkable proposition. He informed the resulting desire not to undermine would create a tendency to detach the review from performance. He stated that the Board could be cutting the legs out from under their managers with this. He said if they did detach the performance it would still be obvious in the aggregate statistics. He remarked the process would quickly be changed from a Bravo to a Boo in *The Post Star* and the process would rightfully be termed a farce. On the other hand, he advised, if most managers and non-Union employees did perform well, would the press and public ever really believe it. He implied this may create pressure to sacrifice employees for the good of the public perception and once again work to the aggregate statistics of a nice bell curve. He stated another problem with the public nature of the review process was the negative impact it would have on well meaning people who were not a good fit due to medical or emotional issues that impacted their work or they had a personality conflict with their Supervisor. He advised once a review was created either good or bad, it could be FOIL-ed by any perspective employer. He inquired whether it was the Board's intent to impair individuals employment prospects for years to come with this. He informed the bottom line was that the public nature of these reviews would surely distort the process and turn the reviews into something a little less than valuable. He voiced his concern as to how this would politicize County employment, as public sector employment differed greatly from private sector employment. He indicated the State determined long ago it was in the best interest of everyone if politics was minimized from the public workforce and we move from the spoil system to Civil Service. He mentioned Civil Service was not perfect; however, he noted, it was more appropriate than any other alternative yet devised. He commented that these reviews moved the County in the wrong direction, as they were ripe for abuse. He said this was not some remote possibility that might happen, as some would say it already has occurred and he referred to an article featured in the December 3rd issue of *The Post Star* which quoted Chairman Geraghty as stating that he believed some Board members had already used the process as a witch hunt. He informed this was a process that some credible people believed was born of politics. He mentioned it did not appear there were any protections included within the proposed Resolution to ensure the process was equitably and equally applied with all political motivations being removed. He apprised there were more appropriate approaches to take to try and improve employment practices within the County. He suggested that they limit the use of provisional hiring and stick to the spirit of the Constitution which stated that appointments and promotions within the Civil Service of the State, all of the Civil Divisions thereof including Cities and Villages shall be made according to merit and fitness to be ascertained by examination which shall be competitive. He indicated there was a loophole that read as far as practical which he felt was inappropriate. He said this loophole should not be used, as there were provisional hires that worked for a number of years for the County before they were afforded the opportunity to take a test. He suggested a disclosure law similar to what was in place in the Town of Queensbury be adopted which required all new hires to complete a disclosure statement listing any relations they had with elected officials. He said the Town of Queensbury reads the disclosure statement for the record when they hired new employees. He mentioned adopting a similar practice at the County would improve transparency here. He apprised if there was a desire to move forward with performance reviews, it should practiced on both Union and non-Union employees of the County, as well employees

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of the Towns. He requested that they not single out one small segment of the public workforce because they were an easy target. He pointed out the State was able to get the Teachers Union to agree to reviews which was no easy task and why he felt it could be done. He implored for the Board to table the resolution, as it deserved more thought that what was given at the Performance Evaluation Committee Meeting which was only twenty-three minutes long. In closing he wished everyone a happy holiday.

Supervisor Seeber thanked Mr. Mahar for his comments, as she felt he brought up some valid points; however, she noted, the goal was to eventually move forward with performance reviews on all County employees and not to single out a certain group. She pointed out performance work plans provided employers with a valuable tool for not only municipalities but also the private sector. She stated that she appreciated the time and effort Mr. Mahar had exerted researching the matter and she looked forward to discussing the matter with him further. She noted a lot of time and effort had been exerted working on the performance reviews over the last three years.

Travis Whitehead, *Town of Queensbury resident*, advised that he would like to discuss proposed Resolution No. 555, *Authorizing Agreements with Certain Applicants for the Disbursement of 2017 Occupancy Tax Revenues*, as he only became aware of it when it was posted to the County website yesterday. He stated he would question whether it was accurate, as the way he interpreted it was that it was passed by the Tourism & Occupancy Tax Coordination Committee and yet he was unsure whether it was a Committee or Workshop meeting. Supervisor Merlino interjected that it started off as a Committee meeting wherein the applicants made their request, then they adjourned to a Workshop session, and finally returned to a Committee meeting to award the funding. Mr. Whitehead questioned whether the meeting was available on video and Supervisor Merlino responded that everything but the workshop portion of the meeting was recorded.

Mr. Whitehead advised although proposed Resolution Nos. 542, *Authorizing Warren County Treasurer to Credit the 2017 Crandall Library District Tax Levy for the Town of Queensbury*, and 554, *Authorizing Intermunicipal Agreement Between Warren County and the City of Glens Falls for Participation in the Consolidated Commodity Purchasing as Submitted in the Efficiency Plan as a Cost Saving Measure*, were trivial, he did not believe either of them were voted on or discussed during Committee meetings. He informed he believed it would assist the Board if they were aware of which proposed Resolutions before them had the scrutiny of the Committees and which ones did not because every month he found resolutions which were not discussed at Committee. He said although most of these resolutions concerned simple matters that needed to be addressed it would be more appropriate to state whether the proposed Resolution had gone through the Committee process or not. In regards to occupancy tax funds, Mr. Whitehead advised that he supported the development of a uniform procedure which was applicable to all applicants as was proposed by Supervisors Seeber and Dickinson earlier in the meeting. He informed he recently had the opportunity to review of the report compiled by the Glens Falls Civic Center which he felt was very thorough and provided the Committee with the information they were seeking. He surmised if he had attended the Occupancy Tax Workshop meeting he would have suggested that going forward the Committee require a report similar to the one provided by the Glens Falls Civic Center in order to be eligible for funding.

Chairman Geraghty interjected that the requirements included the number of rooms reserved as a result of the event, estimated economic impact, etc. He mentioned a number of the applicants had provided them with stellar data. Supervisor Merlino apprised that there were a total of thirty-two applicants, fifteen of which were brand new events so there was no hard data available. He said the other fifteen applicants were ones that had been around for several years such as Americade, Adirondack Balloon Festival, etc. He stated some of the returning applicants provided the County with

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a significant amount of data to support them such as the Adirondack Sports Complex. Supervisor Merlino apprised that if Mr. Whitehead would like, following the meeting he would provide him with the packet which contained all of the applications that were submitted for occupancy tax funds for his review.

Supervisor McDevitt apprised he would like to ask Mr. Reichenbach if indeed what Mr. Mahar was stating was accurate as it related to a public dissemination of evaluations and Chairman Geraghty replied that prior to Mr. Reichenbach exiting the meeting he had asked him whether this was the case and he indicated to him that a portion of it would be public. Supervisor McDevitt requested a roll call vote on proposed Resolution No. 536, *Authorizing and Adopting a Department Head Evaluation Policy and Related Forms*.

Supervisor Strough apprised in reference to proposed Resolution No. 535, he could see the value in the discussion aspect between the Department Head and some of the issues identified in the performance evaluation; however, he noted, he would also like it to be professional across the Board. He suggested the possibility of building in a safeguard to ensure the matter did not become political, as he was fully aware of the fact that this could occur. He inquired whether there was any reason they should not table the proposed Resolution to see if they could address the valid concerns brought forward by Mr. Mahar and Mr. McDevitt concurred and added if what Mr. Mahar stated was accurate he would be unable to support the resolution as it stood.

Chairman Geraghty stated that his concerns with the performance reviews had been addressed. He pointed out that the Human Resources Department had a significant impact on how the performance reviews were handled and he was comfortable moving forward with the process, as the employee had the right to appeal their evaluation if they disagreed with it. Supervisor McDevitt interjected that his concern had to do specifically with Mr. Mahar's observation that these evaluations could indeed be made public and end up in published in *The Post Star*.

Supervisor Brock questioned whether the performance evaluations were following the same procedure completed by the Federal Government and Supervisor Seeber replied in the affirmative. She explained that performance evaluations were completed by most Local, State and Federal levels. She remarked the point was not to reinvent the wheel but rather to meet the same levels of quality and consistencies that other communities and agencies had in both the private and municipal sectors. She advised she felt compelled to point out there were safeguards in place, as the County Administrator, Chairman of the Board, the Chairperson of the Personnel Committee and then on a rotating basis different members of the Personnel Committee that had expertise in particular Departments, as well as the County Human Resources Director who was highly qualified and had extensive knowledge on the matter would all be an intricate part of these evaluations. She added this was not something they had just come up with without putting any thought into it, as they had been discussing it for several years now during which time they reviewed several models at the local, State and Federal levels. She remarked any issue could become a political one but the goal was that they remembered that they worked for their constituents to make Warren County a better place and have those consistencies in the law whether they referring to occupancy tax, performance work plans, etc. Chairman Geraghty restated that if an employee disagreed with their review they had the right to rebut it through the proper channels.

A motion was made by Supervisor McDevitt and seconded by Supervisor Strough to table the proposed Resolution No. 536, *Authorizing and Adopting a Department Head Evaluation Policy and Related Forms*, until the next Board Meeting.

Supervisor Seeber advised she felt compelled to point out if they tabled the resolution the performance

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work plans would not be effective in January of 2017 as planned which would further delay the process.

Chairman Geraghty called the question and the motion failed due to a lack of majority vote required with 330 in favor (Supervisors Strough, Sokol, Thomas, Girard, McDevitt and Dickinson) and 615 against (Supervisors Merlino, Seeber, Beaty, Montesi, Conover, Leggett, Braymer, Brock, MacDonald, Frasier, Simpson and Geraghty) and 55 absent (Supervisors Wood and Vanselow).

Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 492-558 were approved as presented.

Chairman Geraghty called for announcements.

Supervisor Dickinson wished everyone a happy holiday.

Supervisor Girard remarked he felt compelled to bring up a complaint from the Mayor for the City of Glens Falls at the Board Meeting rather than to the Criminal Justice & Public Safety Committee, which he was a member of, concerning an issue between the City Police Department and the Warren County Sheriff's Office. He explained it appeared that some legitimate frustrations were brought forward during a meeting with the City Chief of Police, the Sheriff and the Mayor; however, he noted, he was unaware of the particulars that occurred during the meeting. Supervisor Seeber interjected that she felt the subject matter should be discussed in an executive session since Supervisor Girard was referring to the performance of a particular individual. Supervisor Girard stated that his intent was to request that the County Attorney speak to the Mayor, the Police Chief and the Sheriff regarding this matter and report back to the Criminal Justice & Public Safety Committee so that they could go into executive session there to discuss the matter further. He apprised he felt there was some growing animosity from the City's point of view pertaining to the fact that they hired and paid a significant amount of money to train individuals following which they left the City's employment to work for the Sheriff's Office. He said he did not believe the County hired from a Civil Service list and then paid to train their new employees since they have had the luxury of hiring from other police agencies. He said he believed this may be contributing to the issue between the Sheriff's Office and the Glens Falls Police Department which was why he felt the matter should be addressed publicly and if any performance issues were present they could be handled in an executive session. He reiterated he would like the County Attorney to gather information from both sides so they could be provided with a fair rendition of what occurred between the City and the Sheriff's Office and whether anyone was out of line or this was something that just occurs in business.

Supervisor Leggett voiced his appreciation for the tablets that were given to the Supervisors to use, as he had found it to be very useful during the Tourism & Occupancy Tax Coordination Committee meeting when he used it to highlight certain aspects of the large report compiled by BBG&G Advertising.

Supervisor Seeber advised while she was appreciative of all the feedback provided regarding the performance reviews she was disappointed that she did not hear these concerns prior to the Board Meeting. She requested that the County Attorney distribute a memo to the Supervisors concerning the privacy aspect of the performance reviews to address the questions regarding this that were brought forward today.

Chairman Geraghty announced that this was his last meeting serving as Chairman of the Board and he thanked the Board, as well as the staff of the Clerk of the Board, County Administrator and the County

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Attorney's Offices for the assistance they provided to him. He wished everyone a Merry Christmas and a Happy New Year.

Supervisor Girard apprised that former Glens Falls Fire Chief Ronald Cote had recently passed away and he sent condolences to the family. He stated Mr. Cote had been a stellar public servant who did a lot for the City, as well as the County and he noted he would be missed.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Frasier and seconded by Supervisor Dickinson, Chairman Geraghty adjourned the Board Meeting at 11:40 a.m.