

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, FEBRUARY 17, 2017**



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. Ronald F. Conover presiding.

Salute to the flag was led by Supervisor Seeber.

Commencing the Agenda review, Chairman Conover asked Cynthia Hyde, *Supervisor, Town of Thurman*, to stand and subscribe to her Oath of Office as administered by Pam Vogel, *County Clerk*.

At the conclusion of the Oath a round of applause was given.

Roll called, the following members present:

Supervisors Leggett, Girard, McDevitt, Braymer, MacDonald, Frasier, Simpson, Vanselow, Merlino, Strough, Seeber, Beaty, Sokol, Thomas, Hyde, Geraghty and Conover - 17; Supervisors Brock, Dickinson and Montesi absent - 3.

Proceeding with the Agenda review, Chairman Conover noted a motion was necessary to approve the minutes of the January 20, 2017 Board Meeting, subject to correction by the Clerk of the Board. The motion was made by Supervisor Simpson, seconded by Supervisor Frasier and carried unanimously.

Chairman Conover extended privilege of the floor to Peter Kehoe, *Executive Director of the New York State Sheriff's Association*, who addressed the Board regarding the Warren County Sheriff's Office. Mr. Kehoe remarked it was his great pleasure to be present today on behalf of all the Sheriff's of New York State to once again recognize and honor Sheriff York and his staff for the re-accreditation of the Civil Division. He informed that of the sixty-two Counties in New York State that twenty-four Sheriff's Offices had been able to achieve Civil accreditation, as it was not easy to accomplish. He continued, in addition to this accreditation the Sheriff's Office also maintained accreditation of the Jail, the Public Safety Answering Point and the Law Enforcement Division from the New York State Sheriff's Association, as well as the New York State Law Enforcement Accreditation Counsel. He mentioned these were all significant achievements which clearly demonstrated the commitment of Sheriff York and his staff in the pursuit of excellence within this profession. He stated he believed the County had an outstanding Sheriff and Sheriff's Office both of which were well respected within the community and throughout the State. He advised the citizens of Warren County and the Board who were responsible for providing financial support to the Office should be proud of the Sheriff and his staff. He said in particular today the achievements of the Civil Office employees who in his mind were the unsung heroes of the Sheriff's Office, as they were responsible for the enforcement of the orders and judgements of the Civil Courts. He said these judgements would be mere pieces of paper without these dedicated men and women to enforce them. He apprised that everyone was aware of the dangers and difficulties the Road Patrol Deputies faced every day; however, he stated, people may not be aware that the Civil Deputies had a job that is just as dangerous and stressful, especially when they dealt with litigants who took out their frustration of the Civil Courts System on the Deputy who was just doing his or her job serving or enforcing the orders of the Court. He commented without these dedicated men and women he believed the Civil Courts would be unable to function which was why his Organization sought to foster Sheriff's

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, FEBRUARY 17, 2017

Civil Divisions through their Accreditation Program. He informed in order to achieve the Civil Accreditation it required that the Civil Officers met a very stringent set of standards developed by experts in the field of Civil Process which included 121 individual components. He continued, in order to gain accreditation, the Sheriff's Office must submit itself to scrutiny by an outside independent Board of Assessors which reviewed the Agency's operation in detail to ascertain whether or not the Civil Division met these stringent standards. He stated he was pleased to report the Board of Assessors which reviewed the operations of the Warren County Sheriff's Civil Office indicated that the Office met or exceeded everyone of those standards. He apprised congratulations were in order for Sheriff York, Undersheriff Lamouree and Sergeant Girard who oversaw the operations of the Civil Office and the staff. He advised the Board and the citizens of Warren County deserved recognition, as well because the accreditation would not be possible without the moral and financial support they provided to the Sheriff's Office. He indicated the entire staff of the Civil Division was entitled to recognition today but he noted he wanted to recognize one individual in particular who devoted a great deal of extra time and effort to the many administrative and operational details necessary in order to demonstrate that the Civil Office was deserving of this honor which he was presenting today. He requested that Sergeant William Girard to come forward and he thanked him for all of the work he put forth on this project. A round of applause followed.

Mr. Kehoe thanked Chairman Conover for the opportunity to publicly acknowledge the good work the County's Sheriff's Office was doing for its citizens and the Civil Office in particular. He congratulated Sheriff York, Undersheriff Lamouree the Board and the citizens of Warren County. He presented Sheriff York with a plaque recognizing this achievement today. A round of applause followed.

Sheriff York informed that Sergeant Girard had recently been trained on accreditation, as he had taken over the duties of the previous Sergeant who oversaw the Civil Division when they retired. He pointed out that in March of this year Sergeant Girard will have been employed by the County for thirty years which he felt was commendable. A round of applause followed. Sheriff York thanked the staff of the Civil Office for their hard work. A round of applause followed.

Continuing with the Agenda review, Chairman Conover called for a motion to enter into executive session for the purpose of discussing two Collective Bargaining agreements.

Motion was made by Supervisor Sokol, seconded by Supervisor Thomas and carried unanimously to enter into an executive session pursuant to Section 105(e) of the Public Officer's Law.

Executive session was held from 10:09 a.m. until 10:38 a.m.

Moving on to the report by the Chairman of the Board, Chairman Conover read aloud the listing of meetings he had attended since the January Board Meeting. He stated what intrigued him about the presentation at the January 26th meeting of the Intercounty Legislative Committee of the Adirondacks in Essex County regarding road salt and its impact in the Adirondacks was that both Warren County and its municipalities were highlighted in it for leading the way with the introduction of salt reduction programs. Chairman Conover apprised that he had two copies of the Governors proposed State Budget available for review and he encouraged anyone interested in reviewing them to contact him. He informed on February 2nd he attended a meeting which provided an update on the Court House Expansion Project, during which he learned the Project was currently on time and within budget but the contractors had run into underground transition pipe which required remediation. He said thus far it appeared the Project was moving forward as anticipated.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, FEBRUARY 17, 2017

Continuing to the report by the acting County Administrator Supervisor Geraghty read aloud a listing of the meetings he attended since the January 20, 2017 Board Meeting; a copy of which is on file with the items distributed at the Board Meeting.

Supervisor Geraghty then recognized the following people for their years of service to the County which he said was greatly appreciated:

- * Valerie Whisenant for 25 years of service to the Department of Social Services
- * Michael Gates for 25 years of service to Sheriff's Department
- * Judith Hall for 20 years of service to the Countryside Adult Home

Chairman Conover then called for the reports by Committee Chairmen on the past months meetings or activities.

Supervisor Seeber advised that she and Supervisor Simpson had both attended the NYSAC (*New York State Association of Counties*) Winter Conference where they both served as members of the Standing Committee for Criminal Justice which she believed Supervisor Simpson would be providing a brief report on. She apprised that the Airport Advisory Group had their second meeting on February 2nd wherein a number of items discussed were referred to the County Facilities Committee for consideration. She stated that although one of their members resigned, they had two new members join their Group and were seeking an additional member from the Pilot's Association, as well as an individual from the community. Supervisor Seeber reported on the February 2nd meeting of the Personnel & Higher Education Committee wherein proposed Resolution Nos. 76-81 were approved. She called attention to proposed Resolution No. 81, *Amending Resolution No. 536 of 2016 which Authorized a Department Head Evaluation Policy and Related Forms to Amend Appendix B*, which pertained to the County's Performance and Evaluation tools. She indicated all of the Supervisors who chaired Committees that were charged with overseeing departments should have confirmed with the Human Resources Department the goals for the Departments they oversaw were set and finalized so they were prepared for the mid-year reviews which were scheduled to commence in the beginning of April. Supervisor Seeber thanked Jackie Figueroa, *County Human Resources Director*, and Supervisor Geraghty for the work they had done for this process. Lastly, Supervisor Seeber thanked the County Attorney and County Treasurer's Offices for working with her closely over the past month on reviewing occupancy tax and the forms the County developed for this purpose along with many questions concerning the Airport Advisory Group and Invasive Species. She said both offices had gone above and beyond their scope of duties to provide her with the information she requested in a timely manner.

Supervisor Beaty informed that the Shared Services Committee had not met this past month but he was pleased with the performance of Julie Butler, *Purchasing Agent*, and the fact that more Towns had signed on to participate in the Shared Services agreement. He stated as per the update he received from Mrs. Butler, the City of Glens Falls had saved almost three times the \$7,100 they were to save in order to meet the requirement pertaining to efficiencies. He informed he felt the savings the City would ultimately realize for participating would be significant, as well as for the other participants. Supervisor Beaty advised he had met with Supervisor Braymer and Mrs. Butler to discuss changing the bid structure for the purchase of new vehicles to include hybrids. He said the goal was to purchase vehicles that were more environmentally conscious as long as it was determined to be fiscally responsible. He applauded Mrs. Butler for taking the time to revise the bid specifications to include hybrids.

Supervisor Sokol apprised that he planned to meet with the remaining Supervisors he had not had a chance to meet with yet during the month. He informed that the Finance Committee had met on February 2nd and they tabled a request from Jack Diamond, *City of Glens Falls Mayor*, to reimburse the City in the amount of \$36,061.21 for costs associated with the lateral transfer of a City Officer to the

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, FEBRUARY 17, 2017

Sheriff's Department. He stated that the Committee approved proposed Resolution Nos. 41-42, and 82-84 which he provided a brief overview of. He offered privilege of the floor to Mike Swan, *County Treasurer*, to provide the monthly update regarding the County finances.

Mr. Swan advised that he was pleased to report the County collected about \$500,000 more than what was budgeted for sales tax for 2016 and the figures for January of this year were up 6.8% over what was collected during the same time in the previous year. He provided a brief overview of the update he gave to the Finance Committee pertaining to the bonds for the Court Expansion and NSTEM (*Nursing, Science, Technology, Engineering and Mathematics*) Projects. He noted no payments would be due on the \$14.2 million bond until 2018 thereby providing additional time to determine how these payments would be made. Mr. Swan stated he was compiling a presentation for the Finance Committee regarding the Tobacco Settlement and the bonds associated with it in order to address some of the questions and/or concerns that had arose regarding it. He apprised the Warren Tobacco Assets Security Corporation was a private corporation that was established when the Tobacco Settlement was first established had recently hired a fiscal advisor to research some of the bonds associated with the settlement to determine what could be done with these in the future.

Supervisor Simpson questioned whether there was anyway to pinpoint the reason for the increase in sales tax in January of this year, as he felt it could be attributed to snow. Mr. Swan stated that he felt it was due it being a colder winter than last year. He mentioned he lived near West Mountain Ski Center where business appeared to have increased significantly as compared to last year when the weather was milder. He said another item that could be contributing to the increase was internet sales, as a number of the large retailers located in the region were collecting sales tax on these sales which was then allocated to the County.

Supervisor Girard inquired whether the State provided a breakdown in segments of what actual areas the sales tax was collected and derived from so the County could better understand what was driving its economy and Mr. Swan replied in the negative. He stated that the New York State Department of Taxation and Finance had provided him with a report a few years ago that broke down how much sales tax was provided by each business in Warren County; he noted, due to the format it was in it had been very time consuming for him to figure out how many businesses within each municipality were paying sales tax. Supervisor Girard apprised his point was that the State did not segment their data so that the County could determine whether the sales tax collected was driven through retail sales, beer, wine, liquor sales, fuel, etc. Mr. Swan said that they may do this but he was not privy to the information. Supervisor Girard pointed out that due to the technology available it should be an easy report to generate.

Supervisor Thomas advised he had no report but he would like to draw their attention to proposed resolution No. 85, *Appointing Members of the Board of Directors of the Warren County Soil and Water Conservation District*, the purpose of which was to fill the two vacancies on the Board.

Supervisor Hyde stated that she had no report.

Supervisor Leggett advised he had no report but he noted he had attended the Quarterly meeting of the Fish & Wildlife Management Board, during which he was designated to be their Legislative representative to the State and Supervisor Simpson was designated as the alternate representative. He added that he, as well, attended the NYSAC Winter Conference in Albany, New York.

Supervisor Girard stated the County Facilities Committee had met on January 23rd wherein they approved proposed Resolution Nos. 58-62 which he provided a brief summary of. He stated that he had

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, FEBRUARY 17, 2017

attended a meeting concerning the Court Expansion Project which Judge Mueller also attended where they discussed the progress of the Project. He remarked that it was important for the County to communicate with the Courts about the Project to ensure everyone was on the same page. He mentioned due to the favorable weather conditions the Project remained on schedule; he noted the work on the temporary front entrance to the Courts was near completion. Supervisor Girard requested that Dr. James A. Seeley, *Executive Director, Cornell Cooperative Extension*, provide an update on the his meeting with the City of Glens Falls concerning the possible implementation of an indoor year-round Farmers Market as part of the Downtown Revitalization Effort.

Dr. Seeley apprised he had recently met with representatives of the Downtown Revitalization Effort during which he conveyed what resources Cornell Cooperative Extension could offer for the year-round Farmers Market. He said a Committee was established for that purpose and was currently working on what to include within the plans for the Revitalization Effort. Dr. Seeley informed that the VITA (*Volunteer Income Tax Assistance*) Program was currently underway and the services were available today at the Municipal Center Building in Conference Room 5-110. He mentioned many Warren County employees were taking advantage of this free service and he encouraged all to stop by today and check it out.

Supervisor McDevitt informed that he had attended a meeting at Crandall Library pertaining to the Downtown Revitalization Grant that the City of Glens Falls had been awarded. He apprised Supervisor Girard was a member of the Committee charged with determining what the funds would be used for. He said the discussion at the meeting concerned the possibility of a year-round Farmers Market, SUNY (*State University of New York*) Adirondack moving their Culinary Program downtown and a new employer moving from the Town of Argyle to Pruyns Island Drive in Glens Falls. He said the employers primary reason for moving was because they needed the ability to handle their bi-products, as septic was not appropriate for this purpose. Supervisor McDevitt advised he was pleased that the Governor's Initiative included bike trails, as he strongly felt this would improve the quality of life here. He stated that the components employers considered when moving to a location was quality of life, education, infrastructure and concern about the environment. He informed according to Wayne LaMothe, *County Planner*, the most plausible enhancement to bike trails in Warren County was a bike trail following Route 9 from Lake George to Chestertown. He said this type of development provided assistance to the northern portion of the County. He advised during his discussion regarding the matter with Supervisor Geraghty, Supervisor Geraghty conveyed to him valid concerns with safety on some of the roads in the northern part of the County. He said Supervisor Geraghty voiced to him that he felt the State was not doing their part to ensure the safety of the citizens in the communities with the unsafe roads which he concurred with. He remarked he felt they could convey to the Governors Office that the County needed assistance to make improvements to the bike trails and roads within the County. Supervisor McDevitt apprised that a few weeks after the January 20th Board Meeting during which the Warren County SPCA was a topic of discussion, representatives of the SPCA gained national attention when they responded to a call at the Great Escape Lodge to free a cat from the engine compartment of guests vehicle who had traveled there from the New York City area. He stated this incident not only provided attention to the area on social media and the news but also made light of the fact that the Warren County SPCA's ability to respond to calls in an efficient and compassionate manner.

Supervisor Braymer advised she had attended two days of the NYSAC Winter Conference in Albany, New York during which she participated in a session concerning the County being able to improve their environmental friendliness through the purchase of green vehicles. She said there were grants available to assist with the purchase of gas and electric hybrid vehicles. She thanked Supervisor Beaty for taking the time to discuss the matter with her and Mrs. Butler for the effort she put forth changing the bid specifications for vehicles to include hybrids. She commented that she looked forward to reviewing the

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, FEBRUARY 17, 2017

proposals when they were received to determine whether these vehicles were affordable. Supervisor Braymer informed she had been working with Supervisor Brock, Lexie Delurey, *Director, Real Property Tax Services*, Mr. Swan and Brian Reichenbach, *County Attorney*, on changes to the policies pertaining to the Last Chance Meeting which would be presented at the February 27th Environmental Concerns & Real Property Tax Services Committee meeting. She stated in the absence of Supervisor Montesi she was going to take the liberty to request support of proposed Resolution Nos. 63-74 which were approved at the January 23rd meeting of the Criminal Justice & Public Safety Committee meeting, and in particular proposed Resolution Nos. 63-65, which related to grant applications for Indigent Legal Services. She stated that due to some concerns expressed, she was withdrawing proposed Floor Resolution No. 2 which related to the Governors proposal for the Empire State Trail and instead would be presenting it at the February 27th joint meeting of Economic Growth & Development & Tourism Committees.

Supervisor MacDonald reported that in addition to the Committee meetings he attended last month he was also able to participate in his first Airport Advisory Group meeting which was a pleasure. He stated that he had been able to attend one day of the NYSAC Winter Conference in Albany, New York during which he participated in a few workshops pertaining to Airbnb and Occupancy Tax, as well as Shared Health Services. He mentioned he along with a number of other Supervisors had the privilege of meeting Governor Cuomo. Supervisor MacDonald apprised he had attended a Glens Falls Common Council Meeting on January 24th, a Water and Sewer Commission meeting, he volunteered with the Civic Center Foundation and he attended the kick off event for Big Brothers Big Sisters "Bowl for Kids Sake" which was a fundraiser where the funds collected would be used to assist with funding the Programs offered by their Organization. He added that he participated in the most recent workshop for the Downtown Revitalization Initiative. Supervisor MacDonald advised he had met with Sheriff York, Mayor Diamond and the Chief of the Glens Falls Police Department to discuss the matter of lateral transfers which he felt was a worthy discussion since it would assist the City with saving money. He commented with the focus throughout the State being on Shared Services, he would like to explore what type of shared purchasing relationship the County could have between the Sheriff and the Glens Falls Police Department. He said he was unsure whether this would prove to be viable but he felt it was a worthy discussion, as it could be a benefit to both the County and City. He stated moving forward having a strong working relationship between the two would be beneficial for everyone. Supervisor MacDonald congratulated the Glens Falls Indians Boys and Girls Basketball teams on their Foothills Championships.

Supervisor Frasier stated that she also attended the Intercounty Legislative Committee of the Adirondacks in Elizabethtown, New York and the NYSAC Winter Conference where she was a member of the Standing Committee on Public Health and Mental Health. She stated during that meeting seven resolutions were reviewed and in particular one that dealt with rabies prevention across the State providing the necessary funding required to achieve this goal. She said a few of the other resolutions dealt with the fact that the Counties could not continue to support these unfunded mandates. Supervisor Frasier reported on the January 23rd meeting of the Health, Human & Social Services Committee where proposed Resolution Nos. 48-57 were approved and she proceeded to provide a brief overview of each.

Supervisor Simpson advised that he and Supervisor Seeber were members of the NYSAC Standing Committee of Public Safety & Criminal Justice during which they adopted five resolutions which he provided a brief overview of. He stated that he had attended the presentation regarding Airbnb which he found to be informative, as well as the meeting with Governor Cuomo. He reported on the January 24th meeting of the Public Works Committee, wherein proposed Resolution Nos. 44-45, were approved.

Supervisor Vanselow stated that the Support Services Committee met on two occasions this month, for the first time on January 24th and again on February 2nd wherein they referred matters to the Personnel

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, FEBRUARY 17, 2017

& Higher Education Committee for consideration.

Supervisor Merlino reported on the January 24th meeting of the Tourism Committee during which they discussed the plan for advertising and promotion for this year and introduced the members of the Advisory Board which may be adding an additional member. He provided a brief overview of proposed Resolution Nos. 46-47 which were approved at the meeting. Supervisor Merlino apprised that the Advisory Group had met once already and they were scheduling a conference meeting next week. He said he received a letter from Robert Blais, *Village of Lake George Mayor*, voicing his support of the Warren County Travel Guide for 2017. Supervisor Merlino advised he was available to answer any questions pertaining to proposed Resolution Nos. 82-83 which concerned Occupancy Tax.

Supervisor Strough informed that the Legislative & Rules Committee had met on January 24th wherein they approved proposed Resolution No. 43 which he requested support on.

Supervisor Geraghty apprised that proposed Resolution No. 63 had been amended to increase the grant amount to \$160,218.

Privilege of the floor was extended to Mr. Reichenbach to provide a report from the County Attorney. Mr. Reichenbach suggested that proposed Resolution No. 70, *Extending Agreement with Global Tel*link Corporation for Inmate Block Telephones Within the Warren County Correctional Facility for the Sheriff's Office*, be amended to remove the percentage amount to comply with the orders of the FCC (*Federal Communications Commission*). He informed that the proposed Resolution No. 80, *Authorizing Public Employment Agreement Effective January 1, 2017, Through December 31, 2019*, and proposed Floor Resolution No. 1, *Authorizing a Successor Collective Bargaining Agreement with Warren County, the Warren County Sheriff and the Warren County Correctional Supervisors Association (CSA)*, were subject to roll call votes. Mr. Reichenbach advised he misspoke at the January 20th Board Meeting when Supervisor Braymer inquired whether the Medicaid payments had been received for Westmount, as he stated that they had when in actuality they had not. He informed following the meeting he determined the Medicaid forms had not been received as of yet for this purpose.

Supervisor McDevitt requested an update regarding the negotiations with Siemens for the public record. Chairman Conover requested that Supervisor McDevitt hold off on this question until later in the meeting.

A motion was made by Supervisor Girard, seconded by Supervisor Braymer and carried unanimously to amend proposed Resolution No. 70 as outlined above.

Resuming the Agenda review, Chairman Conover called for the reading of communications, which Amanda Allen, *Clerk of the Board*, read aloud, as follows:

Reports from:

1. Report of Criminal and Family Workloads for December 2016 from the Warren County Probation Department.
2. Warren County's 2016 Annual Corporate Compliance Report as submitted by JoAnn McKinstry, Warren County Corporate Compliance Officer

Capital District Regional Off-Track Betting Corp. December 2016 surcharge in the amount of \$3,706.

NYSAC 2017 Legislative Conference Resolutions

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, FEBRUARY 17, 2017

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 41-85 were mailed; she informed that proposed Resolution Nos. 49 and 61 were amended after mailing and a motion was necessary to approve the amendments to these resolutions. The necessary motion was made by Supervisor Simpson, seconded by Supervisor MacDonald and carried unanimously. Mrs. Allen advised that proposed Resolution No. 86 was prepared after mailing and a motion was necessary to bring it to the floor. The necessary motion was made by Supervisor Vanselow, seconded by Supervisor Merlino and carried unanimously. Mrs. Allen advised a motion was required to bring the proposed floor Resolution No. 1, concerning Successor Collective Bargaining Agreement with Warren County, the Warren County Sheriff and the Warren County Correctional Supervisors Association (CSA), to the floor. The necessary motion was made by Supervisor Braymer, seconded by Supervisor MacDonald and carried unanimously. Mrs. Allen announced that this would be proposed Resolution No. 87.

Chairman Conover called for discussion on the proposed resolutions, as well as requests for roll call votes.

Travis Whitehead, *Town of Queensbury resident*, apprised he was unaware of what was included in proposed Resolution No. 87, *Authorizing a Successor Collective Bargaining Agreement with Warren County, the Warren County Sheriff and the Warren County Correctional Supervisors Association (CSA)*, as he had not been provided a copy of it. He pointed out as a point of order when the public session was reconvened he did not hear whether action had been taken or not during the executive session and he felt it was proper to do so. He requested moving forward that copies of floor resolutions such as proposed Resolution No. 87 be made available to the public as soon as possible

Supervisor Seeber requested roll call votes on proposed Resolution Nos. 58, *Authorizing Submission of a Grant Application to the Federal Aviation Administration/New York State Department of Transportation for the Runway 1-19 Extension/phase II FAA RA Final Design Project at the Warren County (Floyd Bennett Memorial) Airport*, and 62, *Authorizing the Chairman of the Board of Supervisors to Execute the SEQRA Parts 2 and 3 for the Runway 1-19 Extension at the Warren County (Floyd Bennett Memorial) Airport*. With regard to proposed Resolution No. 62, she stated she had a concern that she would like to highlight which pertained to an email she received on February 15th from Ross Dubarry, *Airport Manager*, regarding the discussion about public scoping. She continued, in December several of the Board members had expressed a desire to save money by working with Mark Westcott, *Town of Queensbury resident*, and Mr. Whitehead on the public scoping rather than hiring additional contractors. She stated her concern was that the email stated upon approval of proposed Resolution No. 62, it would be published by February 25th. She remarked that she felt it was unreasonable to ask Messrs. Westcott and Whitehead to assist with that process with such little notice. She apprised she was concerned that there was a direction from the County Facilities Committee that Messrs. Westcott and Whitehead be involved in that process and determine how to move forward with the public scoping in a fiscally responsible way. She advised she was wondering if Jeffery Tennyson, *Superintendent of Public Works*, or anyone else could address the fact that the last communication involving that request from the Committee was back in December. She informed she would be voting in opposition of the proposed Resolution and she reiterated her concern that they were moving forward with this when the Department had not followed the direction of the Committee. She said she was hoping for some additional information to which Chairman Conover responded that they would try and gather that information for her.

Supervisor Braymer informed she had a significant amount of internal debate regarding proposed Resolution No. 62, *Authorizing the Chairman of the Board of Supervisors to Execute the SEQRA Parts 2 and 3 for the Runway 1-19 Extension at the Warren County (Floyd Bennett Memorial) Airport*, because her desire was for the runway extension to go through a complete environmental review; however, she

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, FEBRUARY 17, 2017

noted, she was opposed to the runway extension which was why she would be voting in opposition today. She said she did not feel the County should be moving forward with the runway extension and she noted she concurred with Supervisor Seeber's comments pertaining to scoping. She advised she was comfortable with the document going public as long as they had more time to review it. She added another reason she was voting in opposition related to the fact that proposed Resolution No. 58, *Authorizing Submission of a Grant Application to the Federal Aviation Administration/New York State Department of Transportation for the Runway 1-19 Extension/phase II FAA RA Final Design Project at the Warren County (Floyd Bennett Memorial) Airport*, and 62, *Authorizing the Chairman of the Board of Supervisors to Execute the SEQRA Parts 2 and 3 for the Runway 1-19 Extension at the Warren County (Floyd Bennett Memorial) Airport*, referred to the final design when the environmental review had yet to be completed, as this was used to assist with developing the best design possible. She mentioned she was unsure why they were moving forward with proposed Resolution Nos. 58 and 62. She requested a roll call vote on proposed Resolution No. 59, *Authorizing Submission of a Grant Application to the Federal Aviation Administration/New York State Department of Transportation for Airfield Guidance Sign Replacement/Crack Seal/Markings Project at the Warren County (Floyd Bennett Memorial) Airport*.

Supervisor Leggett inquired whether they would be voting on the scoping process within proposed Resolution No. 62, *Authorizing the Chairman of the Board of Supervisors to Execute the SEQRA Parts 2 and 3 for the Runway 1-19 Extension at the Warren County (Floyd Bennett Memorial) Airport*, as he believed the scoping portion was included within the process and Chairman Conover replied that this was his understanding, as well. He stated their thoughts would be provided on the scoping going forward that would be included in the environmental analysis.

Supervisor Seeber advised her concern was based on Mr. Dubarry's email, approving proposed Resolution No. 62 today it would move to Committee with a publication date of February 25th. She reiterated if they were to move forward with public scoping, it was a direct result of approval of proposed Resolution No. 62 then they needed to have a serious discussion about when it was published and the rate at which it was moving forward without following the protocol that was decided in Committee which was to involve the community and determining their thoughts. She indicated by pushing this forward in such a short period of time they were excluding the community from proper notification or being able to have the input from Messrs. Westcott and Whitehead that the Committee desired.

Supervisor Beaty recommended that proposed Resolution No. 62, *Authorizing the Chairman of the Board of Supervisors to Execute the SEQRA Parts 2 and 3 for the Runway 1-19 Extension at the Warren County (Floyd Bennett Memorial) Airport*, be tabled until they had the thorough vetting that the Committee requested.

A motion was made by Supervisor Beaty and seconded by Supervisor Seeber to table proposed Resolution No. 62, but failed due to the lack of majority vote required with 392 in favor (*Supervisors Seeber, Beaty, Sokol, Braymer, MacDonald and Vanselow*) 423 against (*Supervisors Thomas, Geraghty, Leggett, Girard, McDevitt, Frasier, Simpson, Merlino, Strough and Conover*) 168 absent (*Supervisors Montesi, Brock and Dickinson*) and 19 abstaining (*Supervisor Hyde*).

Supervisor Leggett advised that proposed Resolution No. 62 stated that "the Chairman of the Board of Supervisors be and is hereby authorized to execute Parts II and III of SEQRA Full Environmental Assessment form as outlined above". He said the scoping process which he was in favor of was brought into this discussion but he did not think it was a variable of when and how it was done in carrying out this resolution. He questioned whether his assumption was correct and Chairman Conover responded in the affirmative.

Supervisor Braymer requested additional information pertaining to proposed Resolution No. 83, *Authorizing the Reappropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget to Provide Funding for a Water Feature at the Charles R. Wood Park; Amending 2017 Warren County Budget*. Supervisor Merlino informed that proposed Resolution No. 83 pertained to a water feature that was approved by the Occupancy Tax Committee in 2015 for the Charles R. Wood Park with the work being completed in 2016. He stated due to some unforeseen circumstances they were unable to erect the water feature in 2016; therefore, he said the money set aside for this purpose was returned to the Occupancy Tax Fund. He said in order to move forward with erecting the water feature this year, the money would need to be reappropriated for this purpose. Supervisor Braymer asked why they were unable to complete the work in 2016 and Supervisor Merlino replied that it had to do with the timeline of the Project.

In regards to proposed Resolution No. 86, *Resolution in Support of the Request by the Village of Lake George for Funding Assistance for Construction of a New Wastewater Treatment Plant*, Supervisor Braymer advised she was unclear who they were asking for funding to support the Project. She said the cost of the Project was significant and would be difficult for the Village to carry the burden; she noted that the City of Glens Falls was in a similar position. She remarked the proposed Resolution did not specify who was providing funding assistance for the Project. She pointed out the County was not in a position to provide such a significant amount of funding assistance to the Village. Chairman Conover apprised that he had attended a delegation with Mayor Blais in Albany, New York presenting for the Joint Committee on the environment and infrastructure. He informed the Village of Lake George was requesting financial support from the State for this Project. He mentioned there was an element within the proposed State Budget under clean water that would provide an additional \$2 billion over a five year period which would be helpful in this regard, as well as many other Projects throughout the State. He advised another idea concerning infrastructure originated from Senator Tedisco which would allocate infrastructure funding through a formula to CHIPS (*Consolidated Highway Improvement Program*). He mentioned there was a significant amount of discussion in Albany these days pertaining to whether they should be allocating funding to assist with infrastructure, and if so, how. He stated that the proposed Resolution underscored the need for the Plant, as it was well documented that the Plant needed to be replaced as it was creating environmental issues for the Lake and there was a moratorium for additional hook-ups in the Village. He pointed out this was one of the more significant Projects that was pending within the County.

Supervisor Braymer requested that proposed Resolution No. 86 be amended to include language in the very last line that clarified it was requesting funding assistance from the State.

A motion was made by Supervisor Braymer, seconded by Supervisor MacDonald and carried unanimously to amend proposed Resolution No. 86 as outlined above.

Supervisor Thomas requested moving forward that resolutions pertaining to travel request include the amount not to exceed, as well as whether the travel costs were paid through grant funds or the County Budget to ensure they were aware how much the travel cost and where the money was allocated from to pay for the travel.

Supervisor Braymer asked for clarification that proposed Resolution No. 87, *Authorizing a Successor Collective Bargaining Agreement with Warren County, the Warren County Sheriff and the Warren County Correctional Supervisors Association (CSA)*, pertained to the Collective Bargaining Agreement with the Sheriff and the CSA, and Chairman Conover replied in the affirmative.

Chairman Conover called for public comments on the proposed Resolutions; there being none he called

for a vote on resolutions, following which Resolution Nos. 41-87 were approved as presented, with the exception of proposed Resolution No. 62, *Authorizing the Chairman of the Board of Supervisors to Execute the SEQRA Parts 2 and 3 for the Runway 1-19 Extension at the Warren County (Floyd Bennett Memorial) Airport*, which failed due to the lack of majority vote required with 423 voting in favor (*Supervisors Thomas, Geraghty, Leggett, Girard, Mcdevitt, Frasier, Simpson, Merlino, Strough and Conover*), 390 against (*Seeber, Beaty, Sokol, Braymer, MacDonald and Vanselow*), 168 absent (*Supervisors Montesi, Brock and Dickinson*) and 19 abstaining (*Supervisor Hyde*).

Continuing with the Agenda review, Chairman Conover called for a motion to enter into executive session for the purpose of discussing potential litigation.

Motion was made by Supervisor Sokol, seconded by Supervisor Braymer and carried unanimously to enter into an executive session pursuant to Section 105(d) of the Public Officer's Law.

Executive session was held from 11:48 a.m. until 12:11 p.m.

Upon reconvening Chairman Conover announced no action was taken during the executive session.

Mrs. Allen advised that Resolution No. 58, *Authorizing Submission of a Grant Application to the Federal Aviation Administration/New York State Department of Transportation for the Runway 1-19 Extension/Phase II FAA RA Final Design Project at the Warren County (Floyd Bennett Memorial) Airport*, which she had initially announced failed, actually passed. She explained the error was due to the fact that the computerized roll call vote failed to account for Chairman Conover's vote of 35; therefore, she stated, it passed by a vote of 508 in favor (*Supervisors Sokol, Thomas, Geraghty, Leggett, Girard, McDevitt, Frasier, Simpson, Merlino, Strough and Conover*), 305 against (*Supervisors Seeber, Beaty, Braymer, MacDonald and Vanselow*), 168 absent (*Supervisors Montesi, Brock and Dickinson*), and 19 abstaining (*Supervisor Hyde*). She apprised the initial number that she read aloud only totaled 965 votes which was short the Chairman's 35 votes. She informed she reviewed all of the other votes and the only other one that was questionable was Resolution No. 62, *Authorizing the Chairman of the Board of Supervisors to Execute the SEQRA Parts 2 and 3 for the Runway 1-19 Extension at the Warren County (Floyd Bennett Memorial) Airport*. She stated following the review she determined that this resolution had failed as there were only 423 votes in favor.

Supervisor McDevitt requested clarification to whether Resolution No. 59, *Authorizing Submission of a Grant Application to the Federal Aviation Administration/New York State Department of Transportation for Airfield Guidance Sign Replacement/Crack Seal/Markings Project at the Warren County (Floyd Bennett Memorial) Airport*, did in fact pass and Mrs. Allen confirmed it had.

Chairman Conover called for public comments for anyone wishing to address the Board on any matter.

Michael Wild, *Town of Queensbury resident*, advised he was present today to offer some insight on the issue regarding Siemens. He informed he spent the last six years working for GE (*General Electric*) who was a major competitor of Siemens as a Customer Manager responsible for managing warranty and contract negotiations. He stated if there was a Siemens representative the County was working with, his role would have been a peer at a different company which was why he wanted to share some insight. He mentioned part of the role he had and the advice the leadership provided him with related to the settlement of claims. He apprised he had heard the Board was considering legal action; however, he advised, his recommendation would be against that because large Corporations such as GE and Siemens employed their own legal staff which meant any kind of legal action taken would be met with delays, resistance and more cost. He informed during his tenure at GE he managed customers with large sums of assets that never went to trial, as it was deemed too expensive and not effective in doing so. He advised the number one factor GE was concerned with which he felt would be the same for

Siemens was the press, as they did not want anything that may damage their reputation in the press. He said with his limited knowledge with what had occurred with the County's Siemens contracts may indicate that there are some things that may have damaged and gone against the public trust. He said he had spent some time with Mr. Whitehead who provided him with some background information pertaining to the contracts and it appeared the Board may have made some mistakes with regard to the terms and conditions of the contracts; however, he noted, what he found to be so troublesome was the indication that other public entities may have had issues with Siemens such as Saratoga County, other nursing homes. He continued, if that was the case it may indicate that there was a pattern of misleading the County and other entities in terms of the savings. He recommended that the County investigate whether or not there are other entities in New York State that have had similar issues with Siemens. He said if it was determined there were the County should go to the *Wall Street Journal*, *The New York Times* and see if you could get some traction because if it did he believed it would more than likely bring Siemens to the table to negotiate with more urgency in terms of settlement. He offered his time and experience to anyone who wished to speak with him.

Mr. Whitehead advised he would like to voice his concerns relating to Resolution No. 87, *Authorizing a Successor Collective Bargaining Agreement with Warren County, the Warren County Sheriff and the Warren County Correctional Supervisors Association (CSA)*, and the fact that he was not aware of what sort of action was being taken since he was only just handed a copy of it after the time that he was permitted to comment on it. He said quite often resolutions were brought from the floor and the reason he was bringing this up had to do with the fact that he believed the Town of Thurman was unfairly castigated for what they did by bringing things to the floor. He continued, they should at least extend the courtesy of reading the entire resolution and not just the title so the individuals present were aware of what was being voted on. He mentioned in the future he hoped the County would make copies of floor resolutions available, as the only documents provided were the Agenda and Resolution Index for the meeting. He said it was proper for the Board to bring issues from the floor but it would be nice if the public had the ability to understand what was occurring in their government.

Mr. Whitehead stated the other issue he would like to bring to light related to the Board's votes in general, as they accounted for entering into contracts, appropriating funds, taking away citizens property who were behind on taxes, etc. He continued, then again there were so many resolutions that were adopted by the Board that were ignored. He said the Board did not comprehend there were resolutions they voted on that were not executed. As an example, he stated he had recently become involved with a resolution pertaining to occupancy tax. He reminded the Board the hoteliers had expressed their concerns to them relating to the way occupancy tax was expended. He said he concurred with the hoteliers that the specific purposes occupancy tax funds could be used for had been liberalized over the years. He pointed out the Board had lists which outlined what was required in order to be eligible for the funds. He referred to a document from 2007 concerning these reports that the Municipalities had to file to be reimbursed which stated the report should include the following: a description of the activities; the number of persons served; an outline of plans continuing the activity or Project; and any other information that the County may deem necessary for further resolutions adopted by the Board. He stated upon his review of the reports that had been submitted over the years he determined that most of the Municipalities closely followed this but in several different formats, as there was no standardized form. He reminded them that in 2014 the Board adopted Resolution No. 341, *Approving the Revised Local Tourism and Convention Development Agreement Municipal Accounting Form*, standardizing the form and requiring that it be used. He said most of the Municipalities were using the form required in their recent submission for reimbursement. He informed what he was taking issue with was where the form required listing the number of people served. He said during a recent Queensbury Town Board Meeting they awarded the Queensbury Parks and Recreation Commission with a significant amount of money and last year they were awarded \$29,999.43. He said during the Town Board Meeting he asked what were the number of people served or "heads in beds" for this purpose and he was told that the Town of Queensbury had different regulations for occupancy tax, as did all

Municipalities. He pointed out that this was not the case, as the County and the Municipalities all had the same regulations and different dollar amounts were allocated to each. He said the Town of Lake Luzerne submitted the correct form which included all of the information requested and they were allocated \$40,000. Another example, he stated was the Town of Warrensburg which was allocated \$30,000 and the standardized form was filled out correctly. He stated the Town of Queensbury's submissions over the last two years did not contain any information and yet they were allocated a significant amount of money. He pointed out they had rolled over \$80,000 of the funds awarded to them since they did not expend them. He stated when Resolution No. 341 of 2014, which was introduced by the Occupancy Tax Committee, was adopted by the Board, one would hope in the years following that the County would withhold payments until the standardized form was used and contained all of the data requested. He said not only was he concerned about this but that there were contracts pertaining to the Airport that were not being followed. He pointed out the Airport Advisory Group was expending a tremendous amount of time looking into a different contract for the Airport and he questioned whether they should continue to do so since the Board was not enforcing the current one. He suggested they continue to monitor things even after they were adopted to ensure they are completed.

Chairman Conover called for announcements.

Supervisor Beaty advised he believed everyone knew of Dave Strader, an announcer for the Dallas Stars, who has been dealing with the challenges of cancer and was one of the most distinguished residents of the County. He remarked he was pleased to announce that Mr. Strader would be broadcasting the Dallas Stars NHL Hockey game tomorrow night at 7:30 p.m. and he encouraged all to watch the game, as this would be the first broadcast since undergoing cancer treatments.

Supervisor Seeber announced that the Board had been challenged by the Washington County Board of Supervisors to participate in the Trivia for SUNY Adirondack on March 3rd and she encouraged anyone interested in participating to contact her, as they needed six members in order to participate.

Supervisor Simpson apprised that the Brant Lake Winter Carnival was taking place and would include a game of human foosball, as well as many other activities. He encouraged all to attend.

Supervisor Leggett stated that the Krazy Downhill Derby Event was scheduled for tomorrow at the Dynamite Hill Ski area and he encouraged all to attend.

Supervisor Geraghty informed High School Basketball games would commence every night at the Glens Falls Civic Center on February 27th and he encouraged all to attend to support the Civic Center.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Frasier and seconded by Supervisor Leggett, Chairman Conover adjourned the Board Meeting at 12:27 p.m.