

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, MARCH 16, 2018**



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 Frasier.

Roll called, the following members present:

Supervisors Leggett, Diamond, McDevitt, Braymer, Driscoll, Frasier, Simpson, Hogan, Dickinson, Merlino, Strough, Beaty, Magowan, Sokol, Thomas, Hyde, Geraghty and Conover - 18; Supervisors Loeb and Wild absent - 2.

Commencing the Agenda review, Chairman Conover noted a motion was necessary to approve the minutes of the February 16th Board Meeting, subject to correction by the Clerk of the Board. The motion was made by Supervisor Braymer, seconded by Supervisor Driscoll and carried unanimously.

Commencing the Agenda review, Chairman Conover requested that Supervisors Merlino and Thomas come forward to present a Proclamation to students and faculty of the Hadley-Luzerne Junior/Senior High School in recognition of their designation by the Anti-Defamation League as a "No Place for Hate" school. Supervisors Merlino and Thomas presented the Proclamation to the school administration and the students for their achievement. A round of applause followed.

Beecher Baker, *Superintendent, Hadley-Luzerne Central School District*, thanked the students, informing they were the ones responsible for the school receiving the designation through their hard work. He acknowledged the School Advisors and Burgess Ovitt, *Principle, Hadley-Luzerne Junior/Senior High School*, for working with the students to assist them with obtaining this accomplishment. Another round of applause followed.

Continuing with the Agenda review, Chairman Conover requested that Jason Carusone, *District Attorney*, explain the purpose of the Proclamation designating April 8-14, 2018 as National Crime Victims' Rights Week. Mr. Carusone informed April 8-14, 2018 was National Crime Victims' Rights Week throughout the Capital Region. He said the purpose of the program was to recognize the victims of crimes and the rights they were entitled to, as well. He apprised Warren County had been participating in the program for a number of years, most recently in a joint cooperation with Washington County. He stated all Board members should have received an invitation to attend the upcoming Crime Victims Rights breakfast and award ceremony which would feature some special individuals being honored and he encouraged all to attend. He advised this years event would be held in Washington County and next years would be held in Warren County. He remarked this was one of his responsibilities he found to be uplifting. He encouraged anyone with questions to contact him.

Proceeding with the Agenda review, Chairman Conover declared the Public Hearing on proposed Local Law No. 2 of 2018, "*A Local Law Amending Local Law No. 5 of 2016 in Relation to the Imposition of an Additional Mortgage Recording Tax in Warren County to Amend SECTION 3 to Provide that the Local Law Shall Remain in Effect Until December 1, 2020*", open at 10:07 a.m. and he requested that Amanda Allen,

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Clerk of the Board, read aloud the Notice of Public Hearing, which she proceeded to do. Chairman Conover then called for any public comment.

Travis Whitehead, *Town of Queensbury Resident*, apprised he would like to take a few minutes to discuss this matter and to encourage the Board members to put more thought into it before they voted on it. He said he had expended time over the past few days researching the matter during which he determined it was necessary for him to question whether this should be a tax or a fee. He explained the difference between a tax and a fee was that the County was not permitted to take in more money than it took to administer that fee. He pointed out in this case since the County was collecting over \$500,000 on an annual basis in mortgage tax, it would be considered a much larger fee than could be justified; however, he noted, the County was requesting that this be classified as a tax. He explained only the State Legislature had the authority to classify this as a tax which was why there were a number of blanks in the proposed Local Law that would be filled in when it was approved by the State Legislature thereby becoming legal. He advised the issue here was also with the State Legislature and why would they move forward and allow the County to collect more money than it cost to administer this. He informed this was an issue State-wide that had become more significant following the State tax cap being put into place. He continued, taxes such as this one, which was not a property tax, were being put in place by local governments to get around the State tax cap. He stated if instead a fee was implemented, the County would be unable to justify collecting such a significant amount of money. He informed some Counties in the State who had been raising fees to the point where it exceeded their costs were being challenged in court. In regards to water, Mr. Whitehead stated nearly every municipality offered water services of which a portion was a fee based upon the gallons used and another portion was a property tax which was based upon the infrastructure. He said recently the Town of Queensbury moved forward with shifting the costs between the infrastructure and the operations budget at which time they proclaimed the taxpayers would not be paying any additional money for the service, as the purpose was to shift more money into one category and take it out of the other; however, he noted, this had a significant impact on the State tax cap because money was taken out of the category which fell under the State tax cap and immediately replaced it with additional income to make up for the 2% State tax cap. He continued, while they were not paying more money for water, they were paying more money for taxes in general since there was a way to get around this State tax cap. He remarked these were the types of things he noticed that annoyed him which was why he felt compelled to state in the case of the mortgage tax it was perfectly legal as long as permission was granted by the State Legislature, he felt this was something the Board members and State Legislature should be thinking about.

Chairman Conover once again called for any comments on the Public Hearing for proposed Local Law No. 2 of 2018, and there being no more, he declared it closed at 10:12 a.m.

Moving along to the report by the Chairman of the Board, Chairman Conover advised Warren County had hosted the Intercountry Legislative Committee of the Adirondacks meeting on February 22nd, during which they took a tour of the new Court facilities. He added everyone appeared to be pleased with the new facility and in particular, the Family Court staff, who had indicated they were excited about the new facility and its impact on their programs. Chairman Conover stated he had attended the meeting of the EMS Task Force on March 2nd during which they discussed the challenges they were dealing with going forward in regards to emergency response in the County. He acknowledged Supervisor Geraghty, as well as the other members of the Personnel & Higher Education Committee for their work conducting interviews over the past couple of months, as noted by the key appointments included in the Resolutions before them today. Chairman Conover stated it appeared that the tax cap on State Forest Preserve land was excluded from both the State Assembly and Senate versions of the State budget. He added this was good news because generally this indicated there would be no further consideration of

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this cap. He thanked Supervisor Simpson and the Adirondack Association of Towns and Villages for their lobbying efforts on this matter. He mentioned he recently received correspondence that Assemblyman McDonald and Senator Marchione had introduced concurrent resolutions which would create a planning study to review the Hudson River-Black River Regulating District during which time the State Legislator was proposing that the State would assume the cost which was currently shared by the Counties for the administration of that drainage district. He pointed out the savings to the County would be significant since Warren County's share of the expense was \$242,908 on an annual basis. He added at some point the County may want to consider adopting a resolution in support of this, as this was not only important to this County, but also the other Counties who contributed funds for this purpose.

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

Supervisor Frasier reported on the February 23rd meeting of the Health, Human & Social Services Committee wherein proposed Resolution Nos. 116-119 were approved and she provided a brief summary of each. She reminded the Board members that Patricia Auer, *Director, Public Health/Patient Services*, was retiring at the end of the month, advising of how she was appreciative of the hard work and dedication Ms. Auer had provided to the County to ensure her Department was managed appropriately. She apprised she would also like to thank Ms. Auer for taking the Health, Human & Social Services Committee members on a tour of the Department this morning to allow them to get a better understanding of the different components involved, as well as the number of employees who worked within the Department.

Supervisor Simpson stated he had attended the Cornell Cooperative Extension meeting on February 26th during which Catherine Martini, *Master Gardener Coordinator, Cornell Cooperative Extension*, conducted a presentation regarding all of the projects they were working on throughout the community, as well as an outline of the resources they provided. He called attention to proposed Resolution No. 121, *A Resolution to Increase State Support for Cornell Cooperative Extension County Associations in the State of New York*, involved the State funding for Cornell Cooperative Extensions. He explained the amount of State funding Cornell Cooperative Extensions received had remained stagnant over the last seventeen years at \$4 million. He stated the purpose of the proposed Resolution was to call upon the State to increase the funding amount to \$8 million and he requested support of this proposed Resolution. He noted the Organization provided a great service to the children and families within the County. Supervisor Simpson reported on the February 27th Public Works Committee meeting wherein proposed Resolution Nos. 122-128 were approved and he provided a brief summary of each.

Supervisor Hogan indicated she had nothing to report on.

Supervisor Dickinson apprised that he had no Committee report, but he would like to briefly discuss the issue with plastic bags. He apprised that he had continued with Supervisor Braymer's efforts on this matter by discussing it further with Senator Krueger's Office, who sponsored legislation concerning the matter which currently before the Senate. He added he had also obtained a copy of the Governors Report which was readily available. He mentioned he hoped to be able to post Senator Krueger's proposed legislation online to afford the Board members an opportunity to review it. He stated one of Senator Krueger's staff members took the time to explain to him all of the ramifications of the things included within it. He informed his goal was to bring the matter forward at the next meeting of the Intercounty Legislative Committee of the Adirondacks, as well as at the upcoming meeting of the Environmental Concerns & Real Property Tax Services Committee.

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Supervisor Merlino thanked Ms. Auer for the tour this morning, as he found it to be very informative. He added Ms. Auer did a great job for the County and would be missed, but the Department would keep moving forward. He reported on the February 26th meeting of the Tourism Committee wherein a lengthy and at times heated discussion took place regarding a request to fill the vacant position of Assistant Tourism Coordinator which was subsequently approved and referred to the Personnel & Higher Education Committee. He thanked Chairman Conover and Mrs. Allen for changing the date of the upcoming Tourism Committee meeting in an effort to ensure the Committee meeting start time was on-time since last month there was a 2.5 hour delay due to the meetings scheduled beforehand going over their allotted time. Supervisor Merlino mentioned *Money's Best in Travel Guide*, which was a subsidiary of *Time Magazine*, had recently named Lake George one of the top twenty places to visit in 2018. He added this achievement was posted on the Departments social media accounts, noting it had already garnered over a million likes. He informed he was pleased to announce the Tourism Departments summer television advertisement campaign had won an award from the American Advertising Federation for a top television commercial pertaining to tourism. Supervisor Merlino apprised that AirBnb had recently announced they garnered a million dollars worth of business in Warren County which would have equated to \$176,000 in sales tax revenue the County did not receive and \$112,000 in occupancy tax they were not authorized to collect. He advised he was well aware of how many felt the tourism industry was on the decline here; however, he noted, there were a number of parts of tourism in the County which were not accounted for such as this. He added another part of tourism which was not accounted and was one of the biggest growing attractions in the region was camping. Supervisor Merlino informed the Tourism Department was continuing to meet with the staff of the Lake George Regional Chamber of Commerce & CVB on a regular basis during which a number of good ideas were discussed.

Supervisors Strough thanked Ms. Auer for her years of service to the County, apprising that he believed she had done a remarkable job. He advised that the Legislative & Rules Committee had met on February 26th wherein they approved proposed Resolution Nos. 120-121 and he provided a brief summary of each. He offered privilege of the floor to Terri Ross, *Assessor, Town of Queensbury and former President of the New York State Association of Assessors*, to speak to this matter.

With regard to State-owned Forest Preserve land, Ms. Ross informed there were over 4 million acres of this type of land in New York State. She apprised in 1886 the State Legislature adopted a law pertaining to real property taxes which indicated that all Forest Preserve should be assessed by a local assessor and taxed as if it was private property. She said included within the Governors proposed State Budget was the changeover of that assessment from the local assessors office to freeze what they were currently paying in taxes and to only be able to increase this amount by the State tax cap. She pointed out although this changeover would have no impact on the City of Glens Falls since there was no Forest Preserve land located there and a minimal impact on the Town of Queensbuty, other local municipalities such as the Towns of Stony Creek, Thurman, Johnsburg, etc. stood to lose a significant amount of tax revenue from the Forest Preserve land located there if this changeover was adopted within the State budget. She pointed out the changeover would result in the burden of those taxes falling upon the private property owners. She said the New York State Association of Assessors had been very involved in lobbying efforts against this and were pleased to here as Chairman Conover indicated that this had been removed from both the State Assembly and Senate versions of the State Budget. She requested support of proposed Resolution No. 120, *Resolution in Opposition to Taxable State-owned Land Conversion to Payment in Lieu of Taxes (Pilot) Programs*, and advised that their association had compiled similar resolutions from towns, school districts and counties throughout the State.

Supervisor Braymer stated even though the City of Glens Falls, whom she represented, did not have any

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Forest Preserve land located within its boundaries she was fully supportive of the proposed Resolution. She asked Ms. Ross whether she knew off the top of her head how many acres of Forest Preserve property was located within Warren County and Ms. Ross replied in the negative. Ms. Ross informed all of the islands in Lake George were classified as this type of land and she believed the Towns of Stony Creek and Thurman had more State-owned land than they did private properties.

Supervisor Strough asked Dr. James Seeley, *Executive Director, Cornell Cooperative Extension*, to speak to proposed Resolution No. 121, *A Resolution to Increase State Support for Cornell Cooperative Extension County Associations in the State of New York*. Dr. Seeley provided a brief overview of County Law 224 which enabled government entities to provide support for Cornell Cooperative Extension. He stated an increase in the State funding would allow them to rely less upon the County for support. He added following his meeting with the local State Legislators, they had signed letters of support for this increase and, he noted, he hoped the Board members would do the same by adopting the proposed Resolution before them today.

In regards to proposed Resolution No. 126, *Awarding Bid and Authorizing Agreement with Lowest Responsible Bidder for Electronics Recycling Services Re-bid (WC 14-18) for the Department of Public Works*, Supervisor Strough thanked Julie Butler, *Purchasing Agent*, for taking the time to re-bid electronic recycling services, as it would result in the municipalities being in a better place than they were if they had remained in a contract with the previous bids lowest responsible bidder.

Supervisor Beaty advised that Mrs. Butler had done a phenomenal job putting together the re-bid for electronic recycling services as a result of the feedback she had received from the Town Supervisors. He pointed out this was a good example of a County employee responding appropriately to the constraints the Towns would be faced with within a thirty day timeframe. He stated a topic for discussion at the next Shared Services Committee meeting pertained to County-wide animal control services which was much more involved than one might think. He said he would be glad to summarize what he and Supervisor Braymer learned regarding the matter a few weeks ago. Supervisor Beaty remarked he was fully supportive of proposed Resolution No. 126, *Resolution in Opposition to Taxable State-owned Land Conversion to Payment in Lieu of Taxes (Pilot) Programs*, as this was just another example of how the State shifted the burden onto the County and its taxpayers. He stated he was pleased to learn the State Assembly and Senate “had the common sense” to remove this from the proposed State Budget. He thanked Supervisors Strough, Simpson and Ms. Ross for taking the time to better explain the matter so he had a thorough understanding. He commended Walter Young, *Executive Director, Lake Champlain-Lake George Regional Planning Board*, for attending the March 1st meeting of the Finance Committee to answer questions regarding the organization; however, he noted, he would be voting in opposition of proposed Resolution No. 133, *Authorizing Payment to Lake Champlain-Lake George Regional Planning Board*, because a number of his questions remained unanswered. He commented he thought all of the questions and/or issues regarding this organization would be cleared up at the next meeting of the Economic Growth & Development Committee, which Mr. Young would be attending.

Supervisor Magowan stated he had nothing to report on.

Supervisor Sokol reported on the March 1st meeting of the Finance Committee wherein proposed Resolution Nos. 101-102 and 132-144 were approved. He stated Resolution No. 93, *Authorizing Payment to Lake Champlain-Lake George Regional Planning Board*, was tabled at the February 16th Board Meeting following which Mr. Young attended the March 1st Finance Committee meeting for the purpose of providing an overview of their organization and to answer the questions posed by the Committee members. He informed the Committee voted unanimously to approve the request resulting in proposed

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Resolution No. 133, *Authorizing Payment to Lake Champlain-Lake George Regional Planning Board*, coming before them today. He said he had been unaware until this morning that there were some Board members who had questions which remained unanswered. He said he would like to see this move forward today, as Mr. Young would be present at the next meeting of the Economic Growth & Development Committee to discuss any issues that were brought forward. He apprised although he concurred that it was an issue that the meeting minutes requested from Mr. Young had not been received, he felt strongly moving forward those would be obtained which was why he was requesting support of proposed Resolution No. 133. Supervisor Sokol announced as depicted in proposed Resolution No. 138, *Approving a Settlement Agreement in the Matter of Jack Gillette V. the County of Warren*, he was pleased to report after many years of litigation the County was finally able to settle the matter with Mr. Gillette. In conclusion, Supervisor Sokol remarked he would also like to echo Mrs. Frasier's remarks regarding the stellar job Ms. Auer had done for the County, as he believed she was one of the premier Department Heads within the County. He pointed out that she always complied with their requests to make cutbacks within her Budget where she could including staff. He added she would be missed dearly.

Supervisor Thomas stated he was pleased to report the sales tax continued to be up 1.3% through the end of February as compared to the same timeframe last year. In regards to proposed Resolution No. 137, *Authorizing the Appropriation of Funds from the County Road Surplus to County Road Project D.5112.8283 280, CR 3 Warrensburg Road; Amending 2018 Warren County Budget*, clarified funds in the amount of \$54,873.45 were being transferred from the County Road Surplus and not the General Fund Unappropriated Surplus, as he had recommended at the March 1st Finance Committee and February 27th Public Works Committee meetings. He informed on March 5th and 6th he had attended meetings with the County's State representatives on behalf of the Soil & Water Conservation Districts State-wide to thank them for their support in the EPF (*Environmental Protection Fund*) Districts, as well as recommending two bills which would go before the State and Assembly on behalf of the Soil & Water Districts. He said the first bill was a technical one that pertained to Part C funding and the other was to permit the Soil & Water Districts to apply for Local Waterfront Revitalization grants on behalf of the municipalities. Supervisor Thomas advised last Friday he had attended a meeting with the County Human Resources Department and representatives from Jaeger & Flynn Associates regarding the impact realized from moving to being fully self-insured for health and prescription benefits. He said he found the meeting to be very informative, as there were some things they could do to try and keep health care costs under control.

Chairman Conover advised he felt allowing the Soil & Water Conservation District's across the State to apply for Waterfront Revitalization Grants on behalf of municipalities or Counties was a step in the right direction and he offered to assist Supervisor Thomas in any way with advocating for this change. Supervisor Thomas remarked allowing Soil & Water Conservation Districts to submit applications on behalf of the municipalities and Counties would create a much more efficient process.

Supervisor Hyde indicated she had nothing to report on.

Supervisor Leggett stated the Criminal Justice & Public Safety Committee had met on February 27th, approving proposed Resolution Nos. 105-115. He informed he would like to withdraw proposed Resolution No. 105, *Authorizing Agreement with Legal Aid Society of Northeastern New York, Inc. to Provide Paralegal/Case Management Support Services for Indigent Persons for the Assigned Counsel Office*, so that it could be brought back to the Committee to correct the amount of the contract.

Motion was made by Mr. Leggett, seconded by Mr. Simpson and carried unanimously to withdraw proposed Resolution No. 105 was carried unanimously.

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Supervisor Leggett continued his Committee report by providing a summary of proposed Resolution Nos. 106-115 and he requested support of each.

Supervisor Diamond reported on the February 27th meeting of the County Facilities Committee wherein they approved proposed Resolution Nos. 103-104 and he provided brief overview of each. He apprised that Supervisors Beaty, McDevitt and Sokol had accepted his request to be a part of the negotiating team for the FBO (*Fixed Based Operator*) contract at the Airport. He said he hoped they would be able to make a determination on the matter before the conclusion of the existing contract. He added the reason he selected them related to their significant experience on the Board, as well as the fact that he did not want to have to ask a Town Supervisor to take on any additional responsibilities since they were busy managing their towns.

Supervisor McDevitt apprised he would like to piggyback on Supervisor Merlino's comments relative to tourism and the amount of money generated from it by referring to an article featured in today's *Post Star* pertaining to how work had commenced on the new Visitors Center located on the Adirondack Northway between exits 17 and 18. He said when the work was finished they would have a 9,000 square foot, Adirondack style facility that contained all of the components necessary to give tourists entering this region a positive outlook about this area.

Continuing to the report by the Acting County Administrator, Supervisor Geraghty advised that proposed Resolutions 129-131 and 145-148 were approved by the Personnel & Higher Education Committee. In regards to the County Administrator report, he stated he too would like to recognize Ms. Auer and wish her well in retirement.

Supervisor Geraghty recognized Tammy Breen for 20 years of service to the Department of Social Services.

Supervisor Geraghty stated he had attended the Intercounty Legislative Committee of the Adirondacks meeting on February 22nd, during which they took a tour of the new Court facility. He apprised he had attended the meeting of the EMS Task Force on March 2nd, advising he felt it went considerably well for a first meeting. He said he hoped they would move things along so a plan could be in place by mid summer of this year. He thanked the members of the Personnel & Higher Education Committee, as well as the other Supervisors who took the time to attend the meetings where they interviewed potential candidates for Department Head positions

Privilege of the floor was extended to Mary Elizabeth Kissane, *County Attorney*, to provide a report from the County Attorney. Ms. Kissane advised since the settlement with Jack Gillette was brought before the Finance Committee there had been further discussions she felt were pertinent to bring to the Board's attention; therefore, she stated, prior to voting on proposed Resolution No. 138, *Approving a Settlement Agreement in the Matter of Jack Gillette V. the County of Warren*, executive session was required to allow them to discuss those conversations.

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

Executive session was held from 10:54 a.m. until 11:04 a.m.

Upon reconvening Chairman Conover asked Ms. Kissane whether she had any other matters to bring before the Board and she replied in the affirmative. She apprised of a proposed floor resolution that needed to be brought to the floor if the Board so chooses pertaining to approving a settlement

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agreement with a former employee of Warren County.

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

Reports from:

1. Report of Criminal and Family Workloads for January 2018 from the Warren County Probation Department.
2. Warren County Department of Weights & Measures Monthly Report for February 2018.
3. Warren County Commissioner of Jurors Annual Report for 2017

Minutes from:

1. Counties of Warren and Washington Civic Development Corporation:
 - February 27, 2017 Annual Meeting (*not a typo, these are for 2017 - annual meeting minutes are only approved at the next year's annual meeting*)
 - January 16, 2018 meeting
 - February 15, 2018 Executive Committee meeting
2. Counties of Warren and Washington Industrial Development Agency:
 - February 27, 2017 Annual Meeting (*not a typo, these are for 2017 - annual meeting minutes are only approved at the next year's annual meeting*)
 - January 16, 2018 meeting
 - February 15, 2018 Executive/Park Committee meeting

Letters/emails from:

1. Copy of letter written by Francis O'Keefe to *The Post Star* regarding the Cedar's Meal Site.
2. Letter from the Counties of Warren and Washington Industrial Development Agency announcing the resignation of Mr. John Weber from the Industrial Development Agency and Civic Development Corporation.

Other:

1. Capital District Regional Off-Track Betting Corp. January payment in the amount of \$3,088.
2. Town of Stony Creek Resolution No. 042 of 2018 designating Supervisor Thomas as the Town's representative on the Warren County Youth Bureau
3. Essex County Board of Supervisors Resolution Nos.:
 - 21 - Resolution in Support of the Implementation of Governor Cuomo's Broadband Initiative;
 - 36- Resolution Opposing Governor Cuomo's Proposal Contained in the 2018 Budget Review Bill to Change the Law Regarding Taxation of State Forest Preserve Lands from the Current Locally Assessed System to a Payment in Lieu of Taxes ("PILOT") System Administered and Controlled Solely by the State of New York;
 - 37 - Resolution Opposing Governor Cuomo's Proposal Contained in the 2018 Budget Review Bill to Amend Laws Regarding the Current 480 & 480-A Forest Exemption and to add a new 480-B Taxation of Forest Land Under a Forest Practice Program or Forest Certification Program known as the Empire Forests for the Future Initiative.
4. US Federal Energy Regulatory Commission Docket No. P-2385, Order Approving Historic Properties Management Plan, Issued March 6, 2018.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 101-144 were mailed; she informed that proposed Resolution Nos. 127, 129, 137 and 139 were amended after mailing and a motion was needed to approve these revisions. The necessary motion was made by Supervisor Dickinson and seconded by Supervisor Sokol and the motion to approve the amendments was carried

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unanimously. Mrs. Allen informed that proposed Resolution Nos. 145-149 were developed after the mailing and a motion was necessary to bring the proposed Resolutions to the floor, as well as the proposed floor resolution Ms. Kissane mentioned. The necessary motion was made by Supervisor Dickinson, seconded by Supervisor Thomas and carried unanimously to bring the resolutions to the floor. Mrs. Allen announced the proposed floor resolution would now be Resolution No. 150.

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

In regards to proposed Resolution No. 138, *Approving a Settlement Agreement in the Matter of Jack Gillette V. the County of Warren*, Mr. Whitehead questioned how much the settlement agreement was and Ms. Kissane responded due to the confidentiality clause involved with the settlement she was not authorized to comment on the amount. Mr. Whitehead voiced that he believed he had a right to know how much the settlement was; he noted he had filed a FOIL (*Freedom of Information Law*) request pertaining to this. He said since public funds would be used to pay this settlement it would eventually be known; therefore, he asked why the cost would not be brought out in the open now before a decision on whether to agree to the settlement was made. He inquired why the Board would not use this as a learning experience with regards to how to handle mistakes when they occur pointing out in this case the mistake was dragged out for years and would probably not be covered by the County's insurance since it took too long to settle and the insurance probably had a cap placed on it if they did not settle within the timeframe they felt was appropriate for the matter to come to a conclusion. Mr. Whitehead questioned how the County could justify using taxpayer funds to sue an individual taxpayer since the County had "deeper pockets" than any individual taxpayer, as he felt this was unjust. He advised his FOIL request stood and would more than likely get it answered, but again it would be delayed to the point of when he received the information it would not assist with drawing a conclusion here. He mentioned he had already filed two lawsuits in the past that pertained to delayed information one of which he was appealing. He reiterated that the public had a right to know since it was their money. Mr. Whitehead advised the same argument could be used for proposed Resolution No. 150, *Approving a Settlement Agreement with a Former Employee of Warren County*, as he would like to know who the settlement was with and for how much. He informed this matter was "dumped" onto the schedule this morning and the public was not aware of what employee the settlement would be with, how much that might be, etc. With regard to proposed Resolution No. 133, *Authorizing Payment to Lake Champlain-Lake George Regional Planning Board*, Mr. Whitehead informed the issue with this organization would not be settled today regardless of whether they voted in favor of the payment of \$7,000 to them; however, he noted, he would be interested in seeing who did vote for that because the Board would be giving up their fiduciary responsibilities to determine whether or not this organization had been following the rules they were required to adhere to. He pointed out it was the Boards responsibility as they had been tasked with determining whether they were monitoring their performance and, he noted, this obviously had not been done. He said the only thing that was learned over the past few months, during which time questions were asked, is that there were a significant amount of questions that remained unanswered. He remarked he could not state whether any major issues would be discovered, but the Board could also not state that there were none present either. He continued, the allocation of \$7,000 in funding could not be of significance since everyone was well aware that they administered millions in grant funds which was why he could not understand why they would rush to make a decision on this before some of the unanswered questions were taken care of. He stated if they felt this would end following the vote on resolutions than they did know him very well. In regards to proposed Resolution No. 149, *Amending Resolution No. 10 of 2017, Appointing Members to the Lake Champlain - Lake George Regional Planning Board, to Retroactively Appoint a Replacement Member to the Lake Champlain - Lake George Regional Planning Board*, Mr. Whitehead apprised this pertained to appointing someone to a position which had already expired. He questioned what the purpose was since it was

obvious someone made a mistake. He said it would be more appropriate for the individual who made the mistake to admit it and move on. He pointed out actions such as this which were ex post facto were not permitted by the Constitution. In conclusion, he apprised the personnel decisions which were referenced in proposed Resolution Nos. 146-148 were made in Committee, as no one could state that their vote today would change whether Ryan Moore was appointed as the next County Administrator. He pointed out this had been reported in the local newspaper and his current boss had been notified. He remarked what he found troubling was that the Town of Queensbury had five representatives on the Board, each of whom carried 8.5% each of the weighted vote and yet only one of 11 members of the Personnel & Higher Education Committee was a representative from the Town of Queensbury thereby proving that the Town of Queensbury was under-represented. He continued, the fact that the Chairman of the Personnel & Higher Education Committee represented less than 2% of the weighted vote as compared to the Town of Queensbury who had five individuals who carried 8.5% each supported his point that there was an issue in the way these decisions were being made.

Supervisor Braymer requested roll call votes on proposed Resolution Nos. 130, *Amending Resolution No. 509 of 2017, Amending Table of Organization and Warren County Salary and Compensation Plan for 2017, to Change the Expiration Date of the Special Counsel to the Board Position*, 133, *Authorizing Payment to Lake Champlain-Lake George Regional Planning Board*, 145, *Authorizing Special Counsel to the Board Position to Work an Additional Eight (8) Hours During the Week of March 5 - 9, 2018 to Assist with Tax Foreclosure Action and Ratifying the Actions of the County Administrator in Authorizing Same*, 146, *Appointing Ryan Moore as County Administrator*, 147, *Appointing Christian Hanchett as Commissioner of the Warren County Department of Social Services*, and 148, *Appointing Ginelle Jones as Director of Public Health/patient Services*.

Supervisor Simpson requested a roll call vote on proposed Resolution No. 149, *Amending Resolution No. 10 of 2017, Appointing Members to the Lake Champlain - Lake George Regional Planning Board, to Retroactively Appoint a Replacement Member to the Lake Champlain - Lake George Regional Planning Board*.

In regards to proposed Resolution No. 138, *Approving a Settlement Agreement in the Matter of Jack Gillette V. the County of Warren*, Supervisor Dickinson commented he had waited a long time to tell the Board "I told you so". He said he had adamantly argued on behalf of Mr. Gillette not because he was a constituent and a friend, but rather because he was in the right. He apprised this settlement was a long-time coming, as it was of his opinion that the County "wronged" Mr. Gillette and he was fully supportive of the proposed Resolution so that this matter could finally be brought to a conclusion. Supervisor Braymer inquired whether insurance would be covering any portion of the settlement and Ms. Kissane replied in the negative.

Supervisor McDevitt advised for the public record that he concurred with Supervisor Dickinson this matter had gone on too long and it was appropriate to bring it to a conclusion through a settlement. He said he felt the reason this matter took so long to settle related to individuals being too stubborn and becoming angry thereby losing the common sense necessary to being forward a settlement.

In regards to proposed Resolution No. 133, *Authorizing Payment to Lake Champlain-Lake George Regional Planning Board*, Supervisor Dickinson voiced his support of the organization which had been around for fifty-five years. He stated the organization was active in the region bringing in millions of dollars in grant funding and programs. He apprised this organization was involved in a number of coordinated efforts with groups such as the LGA (*Lake George Association*) The Fund for Lake George, Warren County Soil and Water Conservation District, the Town of Lake George, etc. He informed the staff there were stellar, noting he dealt with them regularly on a year-round basis. He commented he thought this was just a stall tactic, as representatives of the organization provided a presentation to the Finance Committee during which they readily agreed to attend the monthly Economic Growth &

Development Committee meetings to provide a report on their activities. He continued, he felt like it was time to move forward with the proposed Resolution.

Supervisor Dickinson advised he was pleased to report the plans for the new Welcome Center that was being erected between Exits 17 and 18 on the Adirondack Northway included a boat inspection station. He stated during his tenure on the Board they had gone from having no boat inspection stations to having the only boat inspection program located east of the Mississippi River. He stated the one that would be located at the Welcoming Center would be an asset to the region due to its proximity to one of the major entrances to the Adirondack Park.

Supervisor Beaty stated he ran by the premise that he would not vote when he was unsure of what it was he would be voting on or his questions had not been answered. He said the representatives of the Lake Champlain-Lake George Regional Planning Board were gracious enough to attend the Finance Committee meeting a few weeks ago during which a request was put forward for them to distribute the meeting minutes of their organization to the full Board, and yet as easy of a task as it was, no minutes were provided. He stated since the information was not provided a citizen submitted a FOIL request for these documents. He remarked he found it to be troubling that it appeared they were unwilling to cooperate. He apprised while this organization may be doing a number of good things, there were a significant number of questions that were not answered by them at that meeting. He pointed out they were insulted when he asked them how many Board meetings were held in 2016 and responded by asking that the request be placed in writing. He continued, the majority of the Board was recently made aware that they were charged with oversight of the organization and that their employees were considered to be employed by the County. He stated he had asked the County Treasurer several times whether this was true only to be told he was unsure, noting it took a tedious process to determine that they were in fact County employees. He commented he took issue when simple questions were not answered or could not be answered. He said he and Supervisor Braymer extended an invitation for representatives of the organization to attend the Economic Growth & Development Committee meeting; however, he noted, they had not provided confirmation that they would in fact be in attendance. He added he would like to see the loan portfolio for them which had a 35% default ratio. He mentioned he was no banker, but he thought a 35% default ratio was an indicator that loans were being awarded which were suspect. He advised his only request was that they be open and transparent, noting transparency seemed to be a real issue at the County. He informed good things could occur when transparency occurred; however, he noted, the lack of it caused bad things to happen. He advised he hoped representatives of their organization would attend the upcoming Committee meeting; however, he noted, he could not vote in favor of something when questions remained regarding the organization and their activities. He pointed out there was a Board member who thought he was a member of the Planning Board, but was not and another Board member who was a member, but had never attended a meeting during the past two years. He reiterated he would be voting in opposition of the proposed Resolution, noting he hoped others would join him in doing so. He concluded by stating if all of the questions were answered he would be more than willing to vote in favor at the April 20th Board Meeting, but since a number of his questions remained unanswered he would not be “hanging his vote out” on something they did not know about.

Supervisor Magowan remarked he fully concurred with Supervisor Beaty and he suggested they hold off on making a determination until all of the questions were answered to allow him to become more aware of the organization so he could feel comfortable voting on the matter. He added although \$7,000 appeared to be a minuscule amount of money today, he felt looking into the future every penny would count.

Motion was made by Mr. Magowan and seconded by Mr. Beaty to table proposed Resolution No. 133, but the motion failed, with a vote of 381 in favor (*Supervisors Hogan, Beaty, Magowan, Hyde, McDevitt, Braymer and Driscoll*), and 504 against (*Supervisors Frasier, Simpson, Dickinson, Merlino, Strough, Sokol*).

Thomas, Leggett, Diamond, Geraghty and Conover) and 115 Absent (Supervisors Wild and Loeb).

Following the vote on tabling proposed Resolution No. 133, Supervisor Beaty questioned whether Board members who were appointed to the Regional Planning Board were permitted by law to vote on tabling the proposed Resolution, as Supervisors Dickinson and Strough were actually members. Ms. Kissane said she would have to review the Code of Ethics in order to make a determination on the question posed. Supervisor Beaty recommended tabling the proposed Resolution pending a determination being made since they were unsure of the answer. Chairman Conover responded the motion to table would have failed regardless of whether they were permitted to vote because they did not obtain the 501 votes required for the motion to pass. Supervisor Beaty questioned whether Supervisors Dickinson and Strough were permitted to vote on proposed Resolution No. 133, as he felt it was imperative for them to know the answer to this. He added he did not understand how they could move forward with voting on a resolution if they were unsure of whether those appointed had the authority to vote on it. Chairman Conover stated while he understood Supervisor Beaty's concern, should an issue arise with this the Board would have to go back and revisit the matter. He added if an issue arose that caused them not to have the majority vote required to adopt the proposed Resolution, then no funding would be allocated to the organization.

Supervisor Leggett apprised many of the Board members were appointed to other Board's such as Cornell Cooperative Extension, Warren County Soil & Water Conservation District, Youth, etc. that also handled money the Board appropriated. He said he thought it would be unusual that the Board of Supervisors was unable to vote on these various issues. Chairman Conover advised that Supervisor Leggett was making a good point that should there be an issue in this regard it would apply to more than just the Lake Champlain- Lake George Regional Planning Board; however, he noted, he would have Ms. Kissane look into it and should an issue arise the matter would be revisited.

Supervisor Braymer stated she was pleased when representatives of the Lake Champlain- Lake George Regional Planning Board attended the Finance Committee meeting to conduct a presentation on the organization during which they did not provide a firm indication they would be attending the upcoming meeting of the Economic Growth & Development Committee. She pointed out as far as she was aware they had not responded to the inquiries regarding whether they planned on attending from Supervisor McDevitt or Mrs. Allen. She said her concern was that they had been asked to attend and provide documents, but they had not been forthcoming in their willingness to respond to these requests. She added the request was made two weeks ago and yet no information had been received even though there was staff available to compile this information, which, she noted, should be readily available and distributed to the Board since they were charged with managing million of dollars in grant funds. She concluded these were the reasons why she would be voting in opposition of the proposed Resolution today.

Supervisor Simpson advised he felt it was necessary to clarify what occurred with regard to his 2017 appointment to the Lake Champlain- Lake George Regional Planning Board due to all of the back and forth conversations regarding it. He informed the Chairman of the Board requested that he replace Evelyn Wood, *former Town of Thurman Supervisor*, following her resignation from the Board of Supervisors. He said he signed his oath card and attended the meetings; however, he noted, the Resolution was never amended to reflect his appointment. He remarked he participated in the meetings and worked on behalf of the County taxpayers, apprising anyone opposed to his appointment could vote in opposition of proposed Resolution No. 149, *Amending Resolution No. 10 of 2017, Appointing Members to the Lake Champlain - Lake George Regional Planning Board, to Retroactively Appoint a Replacement Member to the Lake Champlain - Lake George Regional Planning Board.*

Supervisor Strough clarified that he had strong sense of duty of acting on what was right and wrong which was why he felt compelled to point out the statement made pertaining to him never attending

a Planning Board meeting which was taken out of context and was an incorrect statement. He explained the Lake Champlain - Lake George Regional Planning Board was never notified that he was a member of their Board nor did he receive confirmation from them that he was. He remarked how was he supposed to attend Board meetings that he was never invited to attend. Chairman Conover informed going forward steps had been taken to remedy this issue to ensure it was very clear who was appointed to what.

With regard to the statement made earlier by Supervisor Leggett pertaining to all the outside entities Supervisors were appointed to, Supervisor Geraghty apprised he and Supervisor Simpson were members of the Adirondack Park Local Government Review Board and attended as many meetings as their scheduled permitted. He questioned whether this meant when a resolution was brought before the Board concerning this organization they should be abstaining from the vote, as this would have a significant impact on appointments to all of the outside entities that were made. He stated he had always received copies of the minutes and audit reports for the Lake Champlain - Lake George Regional Planning Board during his tenure as Chairman of the Warren County Board of Supervisors when he was appointed to the Planning Board, even though he did not attend their meetings which was why this was not an issue for him. He added he was the one who had requested that the Resolution be amended to appoint Supervisor Simpson to rectify the mistake.

Supervisor Braymer advised she believed the Criminal Justice & Public Safety Committee had also approved payment to the previous provider of legal services for the Office for the Aging in conjunction with proposed Resolution No. 116, *Authorizing an Agreement with Legal Aid Society of Northeastern New York, Inc. to Provide Legal Services to Elderly Residents of Warren and Hamilton Counties for the Office for the Aging*; however, she noted, she did not see a resolution regarding such going before them today. Chairman Conover stated a discussion had taken place regarding continuity with the existing service provider which was relative to cases they were presently handling. Ms. Kissane interjected that a resolution was not required since authority to pay the previous provider was already in place.

Supervisor Magowan indicated he would like to comment on proposed Resolution No. 129, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2018*, regarding his concerns about its impact on future budgets. He informed he felt they were getting ahead of themselves by approving the creation of a temporary attorney intern position for the County Attorney's Office at an annual salary of \$48,000, which, he noted, was significant for an intern when they were unsure of whether it was even needed. Ms. Kissane clarified this was not an extra position, as the individual who would be hired for the 2nd Assistant County Attorney position would start off in the Attorney Intern position and then transition into the 2nd Assistant position. Mr. Magowan questioned whether there had previously been two Assistant Attorney positions within the County Attorney's Office and Ms. Kissane replied in the affirmative. She explained that the First Assistant County Attorney position was vacated when she was appointed as the County Attorney immediately following which the 2nd Assistant County Attorney submitted their resignation thereby resulting in two vacancies within her Office. Mr. Magowan remarked there appeared to be a pattern the County tended to follow; however, he noted, he was trying to prevent them from moving forward with something that may not be needed. He suggested they consider trying to find an intern who only worked during the summer for a reduced cost to try and save some money. He added his goal was to reduce the impact on the County Budget in future years. Chairman Conover advised on occasion Supervisors would supplant their judgement with the judgement of the Department Head; however, he noted, the position existed within the current Department Budget as approved by the County Budget Officer.

Supervisor Diamond remarked he concurred with Supervisor Magowan regarding the points he raised on that particular position. He said while he understood it was included within the existing Department Budget there appeared to be plenty of legal experts available for the County such as the First Assistant County Attorney position, a part-time Special Counsel to the Board of Supervisors position, as well as

a contractor who provided legal services concerning labor matters to the County. He mentioned his concern originated with the salary of the proposed position and what legal services this individual could provide since they had not passed the New York State Bar Examination. He added his previous experience working with interns involved providing them with experience working for a municipality to build their resume and not a question of whether they should be paid. He suggested they seek out an intern who was willing to work for less in order to obtain the work experience. He concluded by stating he would be voting in opposition of the proposed Resolution due to the inclusion of the Attorney Intern position.

Supervisor Braymer apprised they would be amending the Table of Organization and Salary Schedule to create the position of Attorney Intern, as no such position currently existed within the County. She pointed out Ms. Kissane, with the assistance of Brian Reichenbach, *Special Counsel to the Board of Supervisors*, had been managing the Department without any additional attorneys other than the contractor who provided legal services concerning labor matters and the two Attorney positions within the Department of Social Services, who until recently had fallen under the supervision of the County Attorney and were part of that Department. She added according to the County Attorney for Montgomery County, which, she noted, was a similar size to Warren County, their Department consisted of the County Attorney and one other experienced individual who served as the First Assistance County Attorney. She said she wanted to echo Supervisor Diamonds comments pertaining to the significant salary proposed for the Attorney Intern position and she questioned why they would pay an amount which was almost equal to what some of the Assistant District Attorneys and Assistant Public Defenders were being paid whose experience far exceeded that of an intern. She added rather than expend the funds on an intern they could allocate them to Office for the Aging, as there were individuals present who were concerned with the Cedars Meal Site. She commented it was the Board's responsibility to be judicious about expending these funds now when the individual who would be appointed to the position could not start until August. She pointed out the First Assistant County Attorney had recently commenced working for the County and Mr. Reichenbach was also working for the County in a legal capacity which was why she was questioning the creation of the position. She suggested they amend proposed Resolution No. 129, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2018*, to remove the Attorney Intern position, or at least to decrease the salary to \$0.

Supervisor Magowan pointed out since the position was only for six months the actual salary on an annual basis equated to \$96,000 which was significantly more than what was paid to the First Assistant County Attorney. He said this was a large amount of money to pay an individual who was not licensed to practice law yet. Supervisor Beaty interjected that the annual amount for the position was \$48,000 and Supervisor Magowan acknowledged he had misinterpreted the salary. Supervisor Beaty informed he would also be requesting that proposed Resolution No. 129, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2018*, be amended to delete the Attorney Intern position from it, as he was not comfortable growing government. He informed this would be adding an additional position to the County's Table of Organization since there had never been such a position within the County. He added due to the number of specialized attorneys handling County business, he believed the position was not needed. He advised there was ongoing discussion regarding cutbacks to the Office for the Aging Department which served senior citizens. He stated seniors were the largest growing piece of the County and yet they were considering added an additional \$48,000 to the County Budget to fund and intern position, which, he noted, was not authorized to practice law.

Motion was made by Mr. Beaty and seconded by Ms. Braymer to amend proposed Resolution No. 129, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2018*, to delete the position of Attorney Intern from the resolution.

Supervisor Sokol apprised since the position was not effective until August of this year he suggested

the matter be brought back before the Personnel & Higher Education Committee to continue the discussion regarding the position.

Chairman Conover apprised if the motion to amend proposed Resolution No. 129 was carried, the position and the funding for such would be deleted going forward, but if the motion failed the proposed Resolution would remain as it currently stood and other options could be considered.

Supervisor Braymer pointed out even if they took Supervisor Sokol's suggestion and brought the matter back to the Personnel & Higher Education Committee, the proposed Resolution would still need to be amended to delete the position. Chairman Conover advised the proposed Resolution would not be to delete the position, but rather to bring it back before the Personnel & Higher Education Committee for further discussion.

Supervisor Beaty withdrew his motion and Supervisor Braymer withdrew her second to amend proposed Resolution No. 129 to delete the position of Attorney Intern from it.

Motion was made by Supervisor Beaty, seconded by Supervisor Braymer and carried unanimously to amend proposed Resolution No. 129, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2018*, to remove the Attorney Intern position and refer the creation of that position back before the Personnel & Higher Education Committee for further discussion.

With regard to proposed Resolution No. 129, *Authorizing a Licensing Agreement with Most Responsive Proposer for Luxury Camping (A/K/A Glamping) at the Warren County Fairgrounds Property (WC 013-18)*, Supervisor Braymer inquired whether there was a responsible proposer or whether the RFP was still open. Kevin Hajos, *Deputy Superintendent of Public Works*, informed one response was received for luxury camping at the Warren County Fairgrounds. He explained it was not included on the agenda of the last Public Works Committee meeting because they had not received any proposals before that meeting. He said they were in the process of reviewing the proposal to determine whether it was a responsible one. He added this matter would be discussed at the Public Works Committee meeting scheduled for Tuesday March 20th. Supervisor Braymer questioned what action was required today and Mr. Hajos replied if approval was granted today they would have the authority to award the contract to the most responsible proposal. He stated only one proposal was received, which, he believed they would be negotiating. Supervisor Geraghty added the resolution was written as it was due to the time constraints associated with it. He said in cases such as this they relied upon the Department Head to select the most responsible proposal. Mr. Hajos stated time constraint related to the APA permit required for whomever was selected to use the Warren County Fairgrounds for this type of use.

Supervisor Driscoll questioned whether there was a difference between the most responsible responder and the lowest responsible bidder and Chairman Conover responded there were different provisions within the bidding law relating to the lowest responsible bidder, as well as piggybacking and best value. He stated this meant there were different methods for bidding things. Supervisor Driscoll asked for clarification that they would be required to accept the bid if only one response was given and Supervisor Geraghty replied in the negative. He stated the County had the option to reject the response if it was deemed not to be responsive to the RFP. Chairman Conover added in this case they were seeking the highest response and not the lowest. Mr. Hajos advised this was not a bid, but rather a proposal.

With regard to proposed Resolution No. 146, *Appointing Ryan Moore as County Administrator*, Supervisor Beaty informed going forward he would like to ensure they handled appointments in the correct order. He explained Board approval should be granted prior to offering an individual the position, as this would prevent individuals from giving notice to their employer and public embarrassment of the Board should their appointment be voted down.

Supervisor Braymer stated she had concerns regarding the pressure placed on some of the Supervisors to approve the appointment of Mr. Moore as the new County Administrator. She said she believed Mr. Moore had strong credentials, noting she was basing her vote on his background and out-of-area experience; she added she hoped he would use this to be objective in the way he viewed the County and would raise the level of professionalism here. She thanked Acting County Administrator Geraghty for his efforts during the time he filled in; however, she noted, she was looking forward to having a full-time person in place to support the Department Heads and the work of the County staff. She added one of the key focuses for Mr. Moore would be to ensure nothing was slipping through the cracks and that Department Heads had all of the resources required to carry out their responsibilities.

Chairman Conover called for a vote on resolutions, following which Resolution Nos. 101-150, were approved as presented, with the exception of Resolution Nos. 105 which was withdrawn and Resolution No. 129 which was amended to remove the Attorney Intern position in favor of bringing the matter back to Committee for further discussion

During the roll call votes, Supervisor Beaty requested clarification that proposed Resolution No.147, *Appointing Christian Hanchett as Commissioner of the Warren County Department of Social Services*, stated that this appointment was pending background checks and confirmation by the New York State Office of Temporary and Disability Assistance; Mrs. Allen clarified that this language was included within the proposed Resolution.

Supervisor Braymer inquired whether a confidentiality agreement pertained to Resolution No. 150, *Approving a Settlement Agreement with a Former Employee of Warren County*, and Ms. Kissane replied in the affirmative.

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

With regard to confidentiality agreements pertaining to lawsuits, Supervisor McDevitt requested an opinion regarding the public rights to be aware of what was included in the terms and conditions of that settlement. Ms. Kissane advised the confidentiality agreement stated that the Board members, as public officials, could not comment on it; however, she noted, the agreement was subject to FOIL which meant when a FOIL request was received the documents would be turned over. In regards to the vote on Resolution No. 150, *Approving a Settlement Agreement with a Former Employee of Warren County*, Ms. Kissane informed there were no such documents existing due to the fact that the Chairman had not signed them. She confirmed that once the documents were signed following this meeting, they would be subject to FOIL.

Supervisor Geraghty asked Ms. Kissane to explain the law pertaining to public officials if they were to breach the confidentiality agreements and Ms. Kissane responded although she did not have a copy of the General Municipal Law she could provide a brief explanation. She explained subject to General Municipal Law it would be considered a misdemeanor if a Board member disclosed something that they learned in their official capacity as a Board member such as during an executive session or some other knowledge brought to them in their official capacity.

Mr. Whitehead apprised that Supervisor Dickinson's statement regarding the longevity of the Lake Champlain-Lake George Regional Planning Board was correct, as they had been around for a number of years during which they had brought in a significant amount of money to this region and provided benefits to the Town of Lake George, as well as other towns. He continued, the same could also be said about the Lake George Watershed Coalition; he added that while they were not aware of any issues with the Lake Champlain-Lake George Regional Planning Board, everyone was now aware that there were issues with the Lake George Watershed Coalition, which was why he was trying to verify there were no

issues with the Lake Champlain-Lake George Regional Planning Board. He informed the most significant difference between these two organizations was that the Board did not have direct responsibilities over the Lake George Watershed Coalition, but they were charged with oversight of the Lake Champlain-Lake George Regional Planning Board. He advised although the County's contribution to the Lake Champlain-Lake George Regional Planning Board was only \$7,000, the Supervisors were missing the "big point" which he hoped would become clear to them in the future. Mr. Whitehead stated this also brought up the question concerning voting and whether Supervisors Frasier, Dickinson and Strough who were appointed as members of the Lake Champlain-Lake George Regional Planning Board were permitted to vote on the Planning Board Resolution. He noted they had all voted in the affirmative for the payment to the organization. With regard to whether this was an issue, he apprised his understanding was that this would be an ethics issue that should be brought before the Warren County Board of Ethics. He said he believed the part that it spoke to was that Board members were not permitted to vote on anything that directly impacted them financially. He further stated he felt that the Town Supervisors who were awarded funding from the Lake Champlain- Lake George Regional Planning Board would be considered as having a direct interest. He added Board members had abstained from voting for less, such as how Supervisor Strough routinely abstained from voting on anything impacting SUNY Adirondack since he was a member of the SUNY Adirondack Board of Trustees. He remarked he thought the question as to whether these Supervisors were permitted to vote on matters concerning the Lake Champlain-Lake George Regional Planning Board was a good one that he hoped would be answered. He added he would be requesting that the ethics inquiry be addressed; however, he noted, he was unsure of whether it would be taken up. He explained in previous years he had asked that ethics questions be answered following which Mr. Reichenbach provided the following opinion as a result of a request from June Maxam, *Warren County Resident*: "Only another Board member could question the ethics of another Board member."; however, he noted, this was only an opinion. He stated he was requesting that the Board of Ethics address the matter concerning the Lake Champlain-Lake George Regional Planning Board and if he was not authorized to make this request he would like to be told that and perhaps another Supervisor may bring this matter forward. He reiterated this was a good question that he did not know the answer to since he was not a lawyer. Mr. Whitehead stated there were significant benefits that originated directly from this organization which flowed to the towns, and the Adirondack Glens Falls Transportation Council since they were their main sponsor and an organization to which members of the Board were appointed, as well. He pointed out there was a \$5.5 million grant the Lake Champlain-Lake George Regional Planning Board administered on behalf of the Adirondack Glens Falls Transportation Council. He mentioned there was this cycle where everyone looked out for one another and yet as it turned out no one was looking out at all and this was a big question he would like to get answered, noting he was looking forward to hearing more in the future.

Ronald Montesi, *Town of Queensbury Resident*, advised as a point of order this matter should be looked into regardless of whether it was taken up by the Warren County Board of Ethics. He stated that he, as a former Supervisor, had served on the Warren County Soil & Water Conservation District Board of Directors which Supervisors Thomas and Leggett were currently serving on; he noted the County allocated \$350,000 on an annual basis to the Warren County Soil & Water Conservation District. He commented it was necessary to determine whether sitting Supervisors were permitted to vote on financial matters concerning outside Committees and Boards they were appointed to. Chairman Conover advised the matter would be looked into; however, he noted, he felt it would be determined that those who were appointed to outside entities were appointed to represent the County on that entities Board. He added it was not the same as if they had joined the organization privately.

Virginia Winters, *Cedars Senior Living Community Resident*, stated that she was aware the Meals Program at their facility was minuscule compared to some of the matters to go before the Board; however, she noted, the residents of Cedars were not going to give up on advocating for the kitchen to remain open at their facility. She mentioned one of the Supervisors had been coming to their dining room and upsetting the Meal Site employees by putting them on a time clock and she questioned

whether this Supervisor had the authority to be doing this. Chairman Conover asked if she knew the name of the Supervisor and Ms. Winters responded that it was Supervisor Loeb. Chairman Conover informed he would address the matter in an appropriate fashion with Supervisor Loeb. Ms. Winters added that Supervisor Loeb was spending time in the kitchen without adhering to the law requiring anyone in kitchens where food is being prepared to wear hair nets. She said she felt this should also be addressed with Supervisor Loeb.

Chairman Conover called for announcements.

Supervisor Dickinson announced "Shamrock the Block" was scheduled for this weekend in Lake George and he encouraged all to attend.

Supervisor McDevitt apprised that the Lake George High School Boys Basketball Team was scheduled to play in a State Playoff game this afternoon at 3:00 p.m. and he wished them luck. He added the Cambridge High School Girls Basketball Team had played in a State Playoff game this morning.

Supervisor Driscoll informed he had attended the Lake George Winter Carnival with his family and had a wonderful time. He stated this past weekend he attended the opening weekend of Thurman Maple Days and the annual dinner sponsored by the Adirondack Regional Chamber of Commerce in Bolton Landing where he had the privilege of sitting at a table with the Executive Director of the Lake George Regional Chamber of Commerce & CVB, as well as a number of area business people. He said this enabled him to discuss what was important at the County with community and business leaders. He apprised he had also attended The Open Door's annual dinner this past weekend and this past Wednesday he had attended the annual Job Discovery Job Fair at SUNY Adirondack during which he spoke to a representative of Angio Dynamics. He continued, according to an article featured in Wednesday's newspaper unemployment was increasing with manufacturing positions, but the representative of Angio Dynamics disputed this, as they had many openings they were trying to fill within this quarter. He remarked the Employment & Training Administration was doing a good job helping people find work in this region. He concluded by stating he looked forward to more individuals being employed here in Warren County.

Supervisor Geraghty reported on the New York State Federation Basketball Tournament which was scheduled for next weekend at the Cool Insurance Arena; he noted it was imperative for everyone to show their support of this event. He advised that a bid would be submitted to the New York State Public High School Athletic Association in hopes of bringing back the Basketball Championship games to the Cool Insurance Arena. He encouraged everyone to attend at least one session of the games going on next weekend in an effort to support the City of Glens Falls.

Supervisor Simpson informed there was another piece of legislation which was important to the Adirondack Park that they should all be aware of and understand. He stated the Empire Forest for the Future proposal consisted of revising the 480A exemption which was provided to landowners who owned a certain number of acreage. He continued, the proposal consisted of creating 480B which would lower the exemption to 70% and the State had agreed to pick up anything over a 1% tax shift. He stated a 1% tax shift in the Adirondacks was unacceptable in the era with a 2% State Tax cap. He advised he was fully supportive of the Forest Products Industry, as it was a great opportunity to protect open space, proper forestry management practices and protected the current carbon filters. He concluded by stating that it needed to be know they could not deal with a 1% tax shift.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Dickinson and seconded by Supervisor Frasier, Chairman Conover adjourned the Board Meeting at 12:19 p.m.