

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, AUGUST 17, 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 Strough.

Roll called, the following members present:

Supervisors Leggett, Diamond, McDevitt, Braymer, Loeb, Driscoll, Frasier, Simpson, Hogan, Dickinson, Merlino, Strough, Wild, Beaty, Magowan, Sokol, Thomas, Hyde, Geraghty and Conover- 20 ;Supervisors absent- 0

Commencing the Agenda review, Chairman Conover noted a motion was necessary to approve the minutes of the July 20th 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.

Continuing with the Agenda review with the report by the Chairman of the Board, Chairman Conover advised upon the invitation of Supervisor Hogan he had the pleasure of attending a public meeting on the evening of July 24th at the Train Station in the Town of Johnsbury and immediately following he toured the museum located there which he highly recommend everyone visit. He said he had also taken a walking/bus tour during this meeting, noting that Supervisors Leggett, Simpson and Wild were present, as well as Kevin Hajos, *Superintendent of Public Works*, and Mary Elizabeth Kissane, *County Attorney*. He informed he had attended the Lake Champlain-Lake George Regional Planning Board meeting on July 25th, advising there was a proposed Resolution before them today to approve the revised bylaws of the Regional Planning Board which were adopted by at the July 25th meeting. He added it was necessary for all five member Counties to adopt resolutions approving these Bylaws. He acknowledged Supervisor Strough for representing the County on the Governance Committee, whose sole purpose was to establish the revised bylaws for the Regional Planning Board. Chairman Conover advised upon the invitation of Supervisor Simpson, who served as the President of the Adirondack Association of Towns and Villages, he had attended a meeting with Assemblyman Jones on July 31st in the City of Plattsburg to discuss a number of matters including his proposed legislation concerning EMS, as well as the likelihood of the State Legislature being called back into session. Chairman Conover reminded them the County's request for the Mortgage Tax to be extended was pending before the State Legislature; he added there would be implications to the 2019 County Budget if the extension was not approved. He said he would provide updates on the matter as they became available. He reported on the August 14th meeting of the SAVE (*Stop Aquatic Invasives from Entering*) Group that he had attended where the discussion revolved around the organizations future efforts. He also apprised of the Health Insurance Working Group meeting he had attended on August 16th.

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

Supervisor Strough thanked Supervisor Leggett for chairing the August 13th Legislative & Rule

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

Committee meeting in his absence. He informed the Committee had met on two occasions over the past month, approving proposed Resolutions 322-324, 346-347 and he provided a brief overview of each.

Supervisors Wild, Beaty and Magowan indicated they had nothing to report on.

Supervisor Sokol commenced with his report by acknowledging Supervisor Simpson for chairing the June 26th Finance Committee meeting in his absence, as well as reporting on the meeting at the July 20th Board Meeting. He informed the Finance Committee had met on August 2nd and again on August 13th, approving proposed Resolution Nos. 307-308, 337-342 and 348. He thanked the Lewis family for their annual \$5,000 contribution for the Up Yonda Environmental Education Center which was appreciated. Supervisor Sokol offered privilege of the floor to Mike Swan, *County Treasurer*, to provide the monthly update regarding the County's finances.

Mr. Swan advised he was pleased to report that both sales tax and occupancy tax collections were up and the Multi-Year Plan provided a better financial outlook for County in the future than the previous reports as a result of improvements to the economy. With regards to proposed Resolution No. 342, *Authorizing Glens Falls National Bank & Trust Company to Issue a Letter of Credit on Behalf of Warren County to Blue Shield of Northeastern New York as an Alternative to Pre-funding the Health Insurance Account*, Mr. Swan informed as a result of the County being self-insured, Blue Cross Blue Shield of Northeastern New York, who administered the County's health insurance claims for them, was requesting a letter of credit from Glens Falls National Bank in the amount of \$221,500 to provide them with the authority to reimburse themselves for the claims they paid on behalf of the County should a situation arise where the County had not reimbursed them for two months. He said this was a typical request, noting that the County continuously provided them with reimbursement. He apprised the purpose of proposed Resolution No. 347, *Introducing Proposed Local Law No. 5 of 2018 Entitled "A Local Law Amending the Warren County Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)" and Authorizing Public Hearing Thereon*, was to amend the definition of tourist accommodations to include short-term rentals. He mentioned he was aware that this was a hot topic for a number of towns due to enforcement and the issues that these short-term rentals created. He remarked he was in favor of taking the required steps to provide his Office with the authority to collect occupancy tax from these short-term rentals it would potentially increase additional occupancy collections by about \$90,000 per year.

Mr. Geraghty questioned whether the County was also going to pursue sales tax collections from these short-term rentals and Mr. Swan replied in the negative. Mr. Swan explained that he had no authority to collect sales tax, as the State was responsible for the enforcement and collection of sales tax. Mr. Geraghty asked whether Mr. Swan felt the County should notify the State once the Local Law was adopted and Mr. Swan replied in the affirmative.

Continuing with his Committee report, Supervisor Sokol advised that proposed Resolution No. 348, *Authorizing Advance of Funds from the General Fund Unappropriated Surplus to the Sheriff's Budget to Facilitate the Purchase of Vehicles with Said Advanced Funds to Be Reimbursed to the County upon Receipt of Grant Funds to the Sheriff's Office from the Dormitory Authority of the State of New York and Amending Warren County Budget for 2018*, was based on a request from the Sheriff's Office for the County to front the money until the grant funding was received. He stated that he and Supervisors Beaty and McDevitt had met with Mr. Hajos and Don Degraw, *Airport Manager*, on Tuesday to discuss the FBO negotiations, advising they hoped to be able to present their recommendation to Supervisor Diamond, who chaired the County Facilities Committee, relatively soon.

Supervisor Thomas reported on the August 2nd meeting of the Budget Committee during which the Five

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, AUGUST 17, 2018

Year Multi-Year Plan was presented. He thanked Ryan Moore, *County Administrator*, and JoAnn McKinstry, *Assistant to the County Administrator-PT*, for their efforts on the development of this plan.

Supervisor Hyde indicated she had nothing to report on.

Supervisor Geraghty stated that the Personnel & Higher Education Committee had approved proposed Resolution Nos. 333-336 and he provided a brief overview of each. He mentioned proposed Resolution No. 335, *Authorizing Out-of-State Travel for Supervisors Kevin Geraghty, Eugene Merlino and Matthew Simpson to Attend the White House Conference with New York County Leaders in Washington, DC*, would need to be amended to include authorization for Supervisor Merlino, as well. He added he would be requesting a roll call vote on proposed Resolution No. 335 when appropriate.

Chairman Conover called for a motion to amend proposed Resolution No. 335 to include authorization for Supervisor Merlino to travel out-of-State with Supervisor Geraghty and Simpson. The necessary motion was made by Supervisor Geraghty, seconded by Supervisor Frasier and carried unanimously.

Supervisor Leggett reported the Criminal Justice & Public Safety Committee had met on July 23rd and again on August 13th, approving proposed Resolution Nos. 310-313 and 343 and he provided a brief summary of each. He acknowledged Brian LaFlure, *Fire Coordinator/Director, Office of Emergency Services*, for his assistance in securing the extension of the contract for I Am Responding software through the end of the year at no cost to the County, as well as his efforts to get all of the EMS responders in the County on board with using the software to ensure it worked in the manner they had originally intended it to. He concluded by urging support of proposed Resolution No. 348.

Supervisor Geraghty informed the DASNY funding to purchase the patrol vehicles had been secured by Assemblyman Stec which he felt they should recognize him for. Chairman Conover advised some correspondence indicating such would be sent to Assemblyman Stec.

Supervisor Diamond advised proposed Resolution No. 309 was approved at the July 30th meeting of the County Facilities Committee which he requested support of.

Supervisor McDevitt requested support of proposed Resolution No. 344, the purpose of which was to accept and approve the revised bylaws of the Lake Champlain-Lake George Regional Planning Board. He advised he had attended the executive session regarding the potential sale or lease of the railroad property during which two proposals were presented. He voiced his concern that they had put out a formal request for a potential buyer, as he thought the sale of County infrastructure would be a significant mistake on their part. He said he did not believe either written proposal consisted of leasing the property, but rather was for the purchase the County's railroad property. He spoke of his opposition to the sale of this property which he equated to being similar to Schermerhorn Aviation purchasing the Airport which he would also be against. He commented he believed this was poor public policy and he hoped when they put together an RFP (*Request for Proposal*) the terms included would be for a lease and not the sale of the County's railroad infrastructure. He informed the sale of government owned infrastructure was occurring on a nationwide basis in States such as Texas and Indiana, the outcome of which had mixed results. He said when municipalities were cash poor they would either enter into long-term leases or sell public infrastructure. He reiterated his hope that the RFP for the County Railroad property would be for a lease and not the sale of the property.

Supervisor Braymer apprised she had no Committee report, but she would like to briefly comment on the remarks Supervisor McDevitt had just made regarding the County Railroad. She said she thought

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

it was ironic that she had only recently learned the State had filed their intent to move forward with an abandonment proceeding with through the STB (*Surface Transportation Board*). She said it would have been nice to be aware of this action prior to the meeting where they discussed the potential sale or lease of the railroad property, as some of the Supervisors had indicated at that meeting the only option for the County was to continue using the property for a railroad since the Sanford Branch Line north of the County was still an active railroad. She continued, if this property was abandoned then there were other options they needed to consider for this property such as a multi-use trail and she voiced her opposition to the sale of the property.

Supervisor Loeb advised he would defer to Supervisor Leggett for the Support Services Committee report and he thanked him and Supervisor Magowan for stepping in to chair the July 30th meeting in his absence.

Supervisor Driscoll indicated he had nothing to report on.

Supervisor Frasier advised the Health, Human & Social Services Committee had met on July 24th, approving proposed Resolution Nos. 318-321 and she provided a brief overview of each. She reminded everyone of the Summer Youth Ceremony and Picnic was scheduled for today at noon at Crandall Park and she encouraged all to attend.

Supervisor Simpson reported on the July 23rd meeting of the Cornell Cooperative Extension and he thanked the DPW staff for their work on pole barn. He apprised 150 golfers had signed up for Cornell Cooperative Extension's annual Golf Tournament and Silent Auction next Saturday at Cronin's Golf Course in the Town of Warrensburg. He stated that they were still searching for volunteers and items for the silent auction and he encouraged anyone who would like to participate to contact the office. He mentioned Cornell Cooperative Extension was working on a Farm to School grant which was designed to connect local producers with the school districts in the region. He said he believed this was a good idea due to the significant number of local crop producers in the region who could share their vast knowledge with the schools. He reported the Hunter Education Courses would be conducted on September 15th and 16th for gun and bow, advising anyone interested in signing up should contact the office; he mentioned the Warren County Youth Fair had been a success with over 300 participants. Supervisor Simpson stated the regular meeting of the Public Works Committee was held on July 24th during which proposed Resolution Nos. 327-329 were approved and he provided a brief summary of each. He advised during the meeting it was reported that the Warrensburg Bike Rally had been a success with an 18% increase in vehicles this year for a total count of 69,983 motorcycles, cars and trucks. He informed that Scott McLean, *Owner, Stony Creek Ranch Resort*, had indicated his interest in using the railroad for approximately thirty days for a Christmas themed train, but no information had been provided to the County about this proposal so he was unsure whether the event would come to fruition. Supervisor Simpson stated the Public Works Committee had held a special meeting on August 10th to discuss potential lease or sale opportunities for the County Railroad, following which it was determined the County Administrator would work with the Purchasing Agent to draft an RFP to lease the County Railroad, as well as one to sell the line. He informed the application for Notice of Intent for filing an abandonment would be recorded on August 29th following which there would be a forty-five day period for comments. Supervisor Simpson reported on the August 13th meeting of the Warren-Washington Counties Industrial Development Agency meeting during which the highlight was their approval of a project for the Greenwich Preservation Group, who would be developing the former Wally's Restaurant Building in the downtown area of the Town of Greenwich and they were executing delivery of the closing documents. He added there had been a recent increase in interest in the lots available in the organizations Industrial Park.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

Supervisor Hogan indicated she had no Committee report, but said she had attended the Cornell Cooperative Extension Youth Fair and she voiced her pride in the talented youth who lived in the County. She said during the Fair there was singing, dancing and artwork on display; she noted several of these youth would be representing the County at the State Fair. She apprised that she planned on attending the Summer Youth Ceremony and Picnic today, stating that the Town of Johnsbury had three of these youth working for them this year. She said she had observed how much these youth had matured over the summer and took responsibility for their positions. She remarked how beneficial the Summer Youth Program was and she urged them to continue their support of it. In conclusion, Supervisor Hogan urged the Public Works Committee to slow the process concerning the railroad down, as there was uncertainty as to how the abandonment efforts would turn out. She suggested they reconsider moving forward with drafting an RFP to lease the County Railroad, as well as one to sell the line, advising she believed this was premature on their part.

Supervisor Dickinson apprised the Environmental Concerns & Real Property Tax Services Committee had met on two occasions over the past month, the first of which was on July 30th wherein they approved proposed Resolution Nos. 314-316. He reported on the August 13th Last Chance Meeting, noting that due to the streamlining efforts of Lexie Delurey, *Director, Real Property Tax Services*, and Mr. Swan, only two people had attended as compared to prior years when the room had been full. He informed both of these individuals were granted extensions which removed their property from this year's foreclosure action. Supervisor Dickinson stated there were currently close to seventy parcels on the list to be foreclosed on, but this figure would be reduced to around forty parcels once all of the extensions that had been granted expired; he noted this was significantly less than any of the prior years auctions.

With regards to the Warrensburg Bike Rally, Supervisor Dickinson apprised that he believed the figure of 69,983 motorcycles, cars and trucks in attendance was misleading, as this pertained to an automobile count for the road, not all of which attended the Rally. He advised in comparison Americade, which was a significantly larger event, had an attendance of about 50,000 motorcyclists.

Supervisor Merlino stated the Tourism Committee did not meet this month, but there was an upcoming meeting on August 21st. He stated that they had a nice display at the Saratoga Race Track on Wednesday where around 600 people signed up to receive emails from the department. He added The Adirondack Fold School, Adirondack Pub and Brewery and the Hidden Hollow Maple Farm were in attendance with displays, as well. He said they would be airing the fall television advertisement beginning on August 27th. He informed the Smith Travel Report showed an increase of 4.1% for the month of June and they awaiting the figures for July. He mentioned according to the Tourism Economic Report for New York State travel spending had increased by 4.3%.

Supervisor Leggett reported on the July 30th meeting of the Support Services Committee where they approved proposed Resolution Nos. 330-332 and he provided a brief overview of each. Supervisor Leggett thanked Amy Clute, *Self-Insurance Administrator*, and her staff for providing chainsaw safety courses to County and Town employees resulting in a safer work environment. He acknowledged Ms. Kissane and her staff for pursuing the outstanding balances attributed to the former Westmount Health Facility.

Continuing to the report by the County Administrator, Mr. Moore recognized the following people for their years of service to the County which he said he was greatly appreciative of:

- * Barbara Mead for 35 years of service to the Department of Social Services;
- * Major James LaFarr for 25 years of service to the Sheriff's Office;
- * Patrol Sargent Robert Smith for 25 years of service to the Sheriff's Office;

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, AUGUST 17, 2018

- * Communications Officer Anthony Fidd for 25 years of service to the Sheriff's Office; and
- * Tammy Morehouse for 20 years of service to Countryside Adult Home.

Mr. Moore apprised he had held a Department Head meeting on July 25th during which he and Supervisor Thomas provided Budget instruction and guidance documents to everyone and he requested participation in several administrative procedures that he believed required added emphasis. He explained with each of these items there had been at least two Board Members who shared his concerns and had spoken to him privately, requesting action. He apprised the first item concerned his request that all department heads provide details on their potential agenda items at least one week in advance of their Committee meeting and for this information to be distributed to himself, the Committee Chair, the Clerk of the Board and the County Attorney with the intent of providing the administrative team, as well as the Board members, more notice of the items that need to be considered and more time to give these items critical thought in the interest of promoting improved decision making. He stated if last minute action was needed, the Department Heads had been instructed to obtain approval from himself and the Committee Chair in order for this item to be added to the agenda. Second, he informed that he had reminded Department Heads of the importance of the auditing function to ensure the County met the expectations of the taxpayers. He mentioned the County Auditor had been working diligently to improve standards which he expected all Departments to cooperate fully with. He advised he concluded the meeting by requesting that Department Heads be mindful of when their contracts expired, as well as their annual reoccurring items which required resolutions at specific times of the year and were predictable to ensure timely approvals by the Board.

Mr. Moore informed he had also helped facilitate the Lake Champlain-Lake George Regional Planning Board meeting on July 25th which was held in this Board Room and was well attended by the Warren County Board of Supervisors. He added the meeting had resulted in the adoption of the much improved bylaws for the organization. He reported that he continued to have daily contact with Dave O'Brien, *Chairman, Lake Champlain-Lake George Regional Planning Board*, to assist with facilitating matters concerning the Regional Planning Board. Mr. Moore advised he had attended an all day FEMA (*Federal Emergency Management Agency*) training on NIMS (*National Incident Management System*) and the ICS (*Incident Command System*). He commended Amy Hirsch, *Emergency Services Coordinator*, for doing an exceptional job facilitating the training and he thanked her for taking on this task. He said aside from these activities it had been a busy month for him, with his days being filled with meetings on issues that included Airport negotiations, the multi-year forecast, the I am Responding contract, animal cruelty prevention services, FOIL (*Freedom of Information Law*) procedures, Collective Bargaining negotiations, the Railroad, savings opportunities with the County's Health Insurance program and the Shared Services Initiative. He informed as required by statute, he would be holding three public hearings and a final meeting of the State Mandated Shared Services Panel to approve the County's Plan prior to September 15th. He reported that Tammie Delorenzo, *Assistant to the County Administrator*, had officially become a member of his staff on August 6th and was doing a phenomenal job already.

Mr. Moore apprised he would like to bring to light that a revision had been made to proposed Resolution No. 332, *Amending Resolution No. 295 of 2018, Which Authorized a Settlement Agreement for a Resident at the Former Westmount Health Facility, to Change the Amount of the Settlement*, to include an additional paragraph ensuring it was clear the County Treasurer was authorized to write off a credit that could not be substantiated.

Privilege of the floor was extended to Ms. Kissane to provide a report from the County Attorney. Ms. Kissane advised she had nothing to report on.

Resuming the Agenda review, Chairman Conover called for the reading of communications, which Mrs.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

Allen read aloud, as follows:

Reports from:

1. Capital District Regional OTB Financial Report dated May 31, 2018. (*bound report - not emailed to the Board*)
2. Warren County Department of Weights & Measures Monthly Report for July 2018. (*emailed to the Board 08.08.18*)
3. Warren County Probation Department Monthly Reports of Criminal and Family Workloads for May and June of 2018. (*emailed to the Board on 08.08.18*)

Minutes from:

1. Warren & Washington Counties Civic Development Corporation:
 - June 18, 2018 Meeting (*emailed to the Board on 07.24.18*)
 - July 18, 2018 Executive Committee Meeting (*emailed to the Board on 08.08.18*)
 - July 23, 2018 Meeting (*emailed to the Board 08.14.18*)
2. Warren & Washington Counties Industrial Development Agency:
 - June 18, 2018 Meeting (*emailed to the Board on 07.24.18*)
 - July 18, 2018 Public Hearing for Firetek Sprinklers (*emailed to the Board on 07.24.18*)
 - July 18, 2018 Executive/Park Committee Meeting (*emailed to the Board on 08.08.18*)
 - July 23, 2018 Meeting (*emailed to the Board on 08.14.18*)

Letters/emails from:

1. FitzGerald, Morris, Baker, Firth - Notice of Real Property Transfer to Non Tax-Exempt Entity regarding Town of Queensbury parcels transferred from Warren-Washington Counties Industrial Development Agency to BBL Tribune LLC.
(*emailed to the Board on 08.08.18*)
2. New York State Office of Parks, Recreation & Historic Preservation - Informing that the New York State Historic Preservation has agreed to add the Queensbury Hotel to the State Register of Historic Places and has forwarded a nomination to the Keeper of the National Register in Washington, DC to request adding the property to the National Register, as well.
(*emailed to the Board on 08.09.18*)
3. Warren County Attorney Mary Elizabeth Kissane - appointing Amy Lavine as First Assistant County Attorney who shall be the only attorney with authority to exercise the powers and duties of the office in the event of a vacancy or in Ms. Kissane's absence or inability to perform the duties of her office.
(*Emailed to the Board on 08.15.18*)

Other:

1. Capital District Regional Off-Track Betting Corp. June payment in the amount of \$4,513.
(*emailed to the Board 08.08.18*)
2. Washington County Board of Supervisors Resolution No. 176 of 2018, *To Adopt Adirondack Community College Budget*. (*emailed to the Board 08.08.18*)

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 307-342 were mailed; she informed that proposed Resolution No. 332 was amended after mailing and a motion was needed to approve the revision. The necessary motion was made by Supervisor Geraghty, seconded by Supervisor Dickinson and carried unanimously. She stated Resolution Nos. 343-348 were developed after the mailing and a motion was required to bring them to the floor; the necessary motion was made by Supervisor Dickinson, seconded by Supervisor Magowan and carried unanimously.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

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

Timothy J. Moriarty Sr., *Town of Queensbury Resident*, apprised he was present today to discuss the proposed ban on plastic bags. He informed the issue first caught his attention about a year ago when it was advertised in the local newspaper, at which time he felt, and still did so, that this was an unnecessary intrusion by government into the everyday lives of the residents of the County which would result in unintended consequences. He advised in June of 2017 the Resolution which urged the State Legislature to pass a law enforcing a State-wide ban that was brought before this Board failed. He mentioned those who were advocating for this resolution indicated this was not for a ban on plastic bags in the County, but rather to advocate for the State to take some action. He continued, this June an almost identical resolution was brought before the Board, but this time it was adopted. He advised two months later that resolution had morphed into another resolution with the purpose of unilaterally banning plastic bags in the County. He remarked that he believed a ban on plastic bags was more acceptable for places like Burlington, Vermont; Portland, Oregon; and San Francisco, California; however, he noted, it was a bad idea for this County, as he did not believe it was reflective of the thinking of the vast majority of the residents here.

Chairman Conover interjected that the intent of the proposed Resolution before them today was to set the public hearing for the Local Law during which Mr. Moriarty was more than welcome to attend and voice his opposition. He said because Mr. Moriarty had taken time out of his day to attend the meeting this morning he wanted to extend him the courtesy to voice his opinion, but the public hearing was the appropriate place. He apprised he was more than welcome to voice his objections to holding the public hearing, but again the appropriate place for Mr. Moriarty to voice his objections to a law which banned plastic bags in the County was at the public hearing. Mr. Moriarty remarked his point was to bring his objections to the Board so the proposed resolution did not move forward, adding he had voiced his objections at the Committee meeting in July, as well. Chairman Conover inquired whether Mr. Moriarty had other thoughts he would like to share and Mr. Moriarty replied that he did not if Chairman Conover was restricting him to only discussion the proposed resolution before them regarding the public hearing. He added his comments were directed on a more broader scale about the proposed legislation itself. Chairman Conover advised since Mr. Moriarty had taken the time to attend the meeting this morning he would like to extend privilege of the floor to him for a few more minutes to conclude his thoughts.

Mr. Moriarty apprised he did not believe the proposed Local Law had been thought out too well, as there had been no detailed analysis of the cost of the proposed law, including administration and enforcement. He advised since this only related to setting the public hearing he would conclude with his statements at this time.

Supervisor Geraghty requested a roll call vote on proposed Resolution No. 335, *Authorizing Out-of-State Travel for Supervisors Kevin Geraghty, Eugene Merlino and Matthew Simpson to Attend the White House Conference with New York County Leaders in Washington, DC.*

Supervisor Magowan requested a roll call vote on proposed Resolution No. 309, *Authorizing a Public Hearing for Two Ground Lease Agreements with Schermerhorn Aviation, LLC for Construction of Hangar No. 7 and Hangar No. 8 at the Floyd Bennett Memorial Airport, Warren County, New York.*

Supervisor Thomas requested a roll call vote on proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" and*

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

Authorizing Public Hearing Thereon. He added while the proposed Resolution was setting a public hearing, it was also introducing proposed legislation. Chairman Conover informed the public hearing pertained to the proposed legislation.

Supervisor Hogan requested a roll call vote on proposed Resolution No. 327, *Authorizing a Lease Agreement with Revolution Rail Company for Use of the Railroad Ticket Sales Building for Parks, Recreation & Railroad.*

Supervisor Loeb requested a roll call vote on proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation" and Authorizing Public Hearing Thereon.*

With regards to proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18)*, Supervisor Diamond queried what the total amount of the contract was for, pointing out there was no reference to the way the resolution currently stood. He requested going forward that any Resolutions which pertained to bids included a copy of the bid tabulation sheets for them to review and compare. He mentioned he would like to support the proposed Resolution, but he was unsure what they were voting on. Mr. Hajos interjected that he did not have the information with him; however, he noted, the tabulation sheets were always presented to the Committee when bids were involved. Mr. Diamond asked Mr. Hajos if he knew what the total amount was and Mr. Hajos replied in the negative, advising more than likely there was an hourly rate and call out fee. Chairman Conover informed Mrs. Allen would attempt to locate the requested information for Supervisor Diamond prior to voting on the proposed Resolution.

With regard to proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation" and Authorizing Public Hearing Thereon*, Supervisor Loeb informed Ms. Kissane was working with the outside counsel for the lawsuit pertaining to the opioid epidemic to draft a resolution that would work not only for New York State, but also the County; however, he noted, input was required from the Board regarding the matter. He apprised the resolution as it stood did not identify any methods for recognizing the costs that were referred to nor did it reference any process for separately identifying the levels of responsibility the entities had for those costs. He remarked he believed they needed to put in black and white now what their intent was and not leave it open with the possibility of changes being made in the future. In regards to Section 5 which pertained to Public Nuisance, Supervisor Loeb stated that the proposed Resolution referred to opioids and how serious of an issue it was and who the transgressors were. He mentioned four years prior to last January he had open heart surgery during which time he was prescribed morphine and percocet. He continued, Section 5 of the proposed Local Law stated that the selling and prescribing of prescription opioid pain pills was a hazard to public health and safety. He questioned whether this statement meant they were putting the hospital where he had his surgery on notice that the next time they had a patient who had any type of surgery that they would be in violation of the Warren County Local Law if they prescribed these medications. He said it was possible for them to modify that statement with just a few words, apprising they could be made at the public hearing, as well as to address his concerns pertaining to the manufacturers and distributors abusing their privilege. He informed it was necessary for them to clarify what they were referring to ensure their constituents were fully aware of what outcome they were seeking from this law. In regards to the statement that the selling and distributing of opioid pills in the County had created a public health issue, Supervisor Loeb inquired whether large amounts referred to someone who distributed a large amount to a particular individual or if they were an active pharmacy and they were distributing large quantities. He pointed out Hudson Headwaters Health Network prescribed significantly more opioid

medicines than any other doctors offices in the region, apprising it was necessary for these things to be delineated or they were leaving it open to governmental abuse in the future.

Supervisor Merlino remarked he hoped that they would do more than the usual advertisements that were placed for Public Hearings for the one which pertained to the ban on plastic bags, as he believed this was a hot topic the public would like to comment on.

Supervisor Wild advised his comment related to the timing of the Public Hearing for the ban on plastic bags, as he believed holding it at 10:00 a.m. on a Friday could preclude many residents who had both positive and negative input to relay to the Board on this matter. He proposed that they schedule the Public Hearing in the evening to make it accessible to the majority of the public to attend. He said he had received many comments from both aspects on the matter, some of which were quantified and others which were emotional that they needed to take into account as they moved forward. Chairman Conover questioned whether Supervisor Wild was advancing an amendment to the proposed Resolution and Supervisor Wild replied in the affirmative. Supervisor Wild inquired whether 6:00 p.m. was appropriate, adding he was open to suggestions from other Board members.

Chairman Conover questioned whether a resolution was required to schedule a special meeting for this purpose and Ms. Kissane replied in the affirmative. Chairman Conover called for a motion to schedule a special meeting in the evening; the necessary motion was made by Supervisor Wild and seconded by Supervisor Merlino.

Supervisor Dickinson suggested they hold two Public Hearings, one on the regularly scheduled Board Meeting day of September 21st at 10:00 a.m. and then another during the same week in the evening other than Friday because he believed the attendance on a Friday would be minuscule. Supervisor Hogan advised she was not opposed to a night meeting; however, she inquired whether the attendance at the meetings they held in the evening once a year were greater than the ones held in the daytime. Chairman Conover stated one night meeting was held a year to allow those who worked during the day to attend, but he felt the attendance was relative to the issues before them. Supervisor Braymer stated she would attend regardless of what time the meeting was scheduled; however, she noted, the attendance had been minimal during the meetings that were held in the evening. She remarked she was fully supportive of educating the public and felt it was necessary for them to ensure the public was aware of the current proposed local law so they did not confuse it with previous drafts. She questioned whether she was correct in stating the public could also provide their comments through email if they were unable to attend the meeting and Mrs. Allen could ready them as part of the communications and Chairman Conover responded in the affirmative. He added correspondence that was addressed to the Board was also distributed to them, as well.

Supervisor Driscoll suggested they provide an exhibit of what the options were pertaining to single use disposable bags and the thicker plastic bag alternative permitted in the absence of the disposable bags someplace in the Municipal Center Building to allow residents to get a better idea of what was being considered.

Supervisor Loeb remarked although the attendance during the last Board Meeting held in the evening was low he believed they were justified in scheduling a night meeting to allow the public multiple opportunities to attend and voice their opinions. He added it would also prevent their constituents from saying that the government was trying to avoid getting input from the public.

Chairman Conover asked Ms. Kissane whether he had the authority to schedule the meeting in the evening and Mrs. Kissane responded that the Chairman was authorized to schedule the meeting if it

was for that one particular issue. She said if they planned on changing the regularly scheduled Board Meeting to a meeting in the evening than the Rules of the Board would have to be waived. Chairman Conover advised the options before them were as follows: schedule a special meeting at which time he would establish such date and time following the review of each Town Supervisors Town Board Meeting schedule to try and select a date that would allow most if not all of them to attend; and amend the proposed Resolution to change the date and time of the September 21st Board Meeting. Mrs. Allen stated as it stood now the proposed Resolution indicated that a Public Hearing would be set for September 21st at 10:00 a.m.; therefore, she advised, if the desire was to keep the regular Board Meeting on September 21st at 10:00 a.m., but as an example hold another on Thursday September 20th at 6:00 p.m., as well than proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" and Authorizing Public Hearing Thereon*, would need to be amended to indicate there would be multiple Public Hearings and then the date and time of each to allow for them to be publicly noticed accordingly. Mrs. Allen apprised the Rules of the Board would only need to be waived if the change was to the date and time of the regular Board Meeting.

Supervisor Wild commented that they could end up with a disproportionate amount of business representation versus the public if they were to hold only one Public Hearing during the day. Supervisor Dickinson suggested that Chairman Conover select the date and time of the special meeting rather than picking a date now that would have to be changed later and Chairman Conover concurred. Chairman Conover indicated this would allow him to work with Mrs. Allen in an attempt to schedule the meeting on an evening that was convenient for everyone if possible, although he could make no guarantee.

Supervisor Wild amended his motion and Supervisor Merlino amended his second to amend proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" and Authorizing Public Hearing Thereon*, to add a special meeting at a date and time to be determined by the Chairman of the Board authorizing that a second Public Hearing be held in addition to the one scheduled to the regular Board Meeting during the evening.

Supervisor Simpson remarked he had an issue with the proposed legislation, as he was fully supportive of improving the environment, but he believed more work was required to determine the impacts. He stated as an example, if grocery stores switched to using the thicker plastic bags there would be no reduction in the amount of plastic in the environment or any improvements made to the environment. He advised while there were a number of positive aspects of the proposed Local Law, he did not believe it was ready to be presented to the public. He added the reason the State had not acted on the issue related to the fact that there were a number of things that still needed to worked out. He said he had supported the Resolution which urged the State to take action on the matter because the State had the required resources available to determine the impacts and how to accomplish the goal before them, unlike the County who did not have these resources available. He stated he was unable to support the proposed Resolution since there was no way to determine the end to the means.

Chairman Conover called the question and the motion to amend proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" and Authorizing Public Hearing Thereon*, as outlined above was carried by majority vote, with Supervisors Dickinson and Merlino voting in opposition.

Supervisor McDevitt remarked since Chairman Conover had allowed Supervisor Simpson to state his position regarding the proposed Local Law even though it would have been more appropriate for this

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

to have been handled during the Public Hearing he was going to take a moment to voice his support of the ban on plastic bags. He said he believed it was sensible and appropriate for Warren County to be the first to act on this and he encouraged all to vote in favor of moving proposed Resolution No. 324 forward.

Supervisor Dickinson apprised he felt Supervisor Simpson had jumped from something that was an issue to something that was not with regards to the thicker plastic bags. He explained the issue with the ones that would be banned in the proposed Local Law related to their mobility since they were so thin. He continued, the problem would dissipate once thicker bags were used.

Supervisor Braymer acknowledged Tri County New York for bringing this issue to their attention about a year and a half ago, advising the County had been working on this since then. She said it was important to note Tri County New York had been laboring on this issue since at least 2015 during which time they brought it to the attention of the Town of Queensbury and the City of Glens Falls, supporting the fact that this was not an idea that had just been thought about a few months ago. She mentioned Tri County New York had delivered a petition to the County with over 1,000 signatures of residents in the region who were in support of the ban. She pointed out the region would benefit from the ban by keeping the environment free of plastic bags floating around due to their light weight aspect. She mentioned over the past few days she had been reviewing data in an attempt to determine the economic impact this had to the County, apprising one thing they needed to be mindful of was that plastic bag pollution could impact their tourism industry in the future. She added according to a scuba diver she spoke with there was a significant amount of plastic bags littering the bottom of Lake George. She advised this may be a difficult issue from the political perspective; however, he noted, the State had produced a report which provided many different options and this was the one she felt the region would benefit the most from and would be embraced by the residents. She informed there had been many drafts of the proposed Local Law, but this one would encourage the use of reusable bags that could be made of cloth, paper or even the thicker version of plastic as long as it was reusable. She added this also had the potential to result in bringing new business to the region such as some type of manufacturer of reusable bags. She stated she would like to share the following feedback she had received regarding the impact in the region: an engineer for the City of Glens Falls had indicated plastic bags were being washed into the screens at the Wastewater Treatment Center Facility which interfered with the sewage flow requiring them to use manpower to fix this issue, as well as the cost to repair the damage to the equipment; the Town of Queensbury had a paid crew travel around the Town up to three times a week to pick up litter, some of which consisted of plastic bags; the Village of Lake George conducted litter patrols on a daily basis during which numerous plastic bags were picked up; the Warren County DPW picked up plastic bags when they were out collecting other items on the highways; and the volunteer crews who carried out regular clean ups on streams. Hovey Pond and Adopt-a-Highway Programs picked up plastic bags, as well. She apprised that Jim Lieberum, *District Manager, Warren County Soil & Water Conservation District*, had indicated to her they picked up a number of plastic bags when they were conducting a clean up, but they were in pieces as a result of the length of time they had been in the waterway. She said he had also advised that a number of bags were missed due to this deterioration. She remarked the County should not wait for the State to take action first by moving proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County"* forward now due to the aforementioned reasons. She announced a stream clean-up of Hovey Pond would be conducted on August 28th and she encouraged anyone interested in participating to contact Mr. Lieberum.

Supervisor Hogan advised whether they were for or against the ban on plastic bags, the Board had discussed this issue for a few years and she felt now was the appropriate time for them to allow the public to voice their opinions on the matter.

Supervisor Geraghty stated he believed it was necessary for them to determine how many calls they received pertaining to the litter on the side of the road, since this, to him, was the real issue. He said he concurred that it was appropriate for them to hear the thoughts of the public on the matter; however, he noted, they needed to consider coming down harder on those who littered, as the amount of litter on the sides of the road which included plastic bags seemed to be steadily increasing and it took a lot of manpower and effort to clean them. He commented he did not plan on rendering a decision on the plastic bag ban until he heard the opinions of the public.

Chairman Conover advised Mr. Moriarty that he would be afforded another opportunity to voice his opinion during the privilege of the floor portion of the meeting. Mr. Moriarty pointed out that Chairman Conover had indicated to him the comments were limited the public hearing on plastic bags and yet he had allowed the Supervisors to voice their opinions regarding the proposed legislation. Chairman Conover interjected that he would afford Mr. Moriarty the opportunity to voice his opinion during the privilege of the floor portion of the meeting.

Supervisor Magowan voiced how he would like to discuss the County Railroad. Chairman Conover requested that Supervisor Magowan hold off on his comments until the conclusion of the ones pertaining to plastic bags.

Supervisor Leggett thanked Supervisor Wild for making a motion to add an additional public hearing regarding the proposed Local Law concerning a ban on plastic bags, as he believed it was an important piece of legislation that could result in unintended consequences. He mentioned during the Legislative & Rules Committee meeting he had voted in favor of moving this forward to allow the public to comment on the matter, as he believed it was a worthwhile subject matter to hold two public hearings on.

Supervisor Thomas informed he felt this was more of a human issue, as the plastic bags did not end up where they were by themselves nor did the litter. He opined a better approach would be to become proactive in stopping littering by increasing fines and stepping up enforcement efforts. He commented if you followed the logic of banning plastic bags, why not ban tin cans, plastic bottles, etc. and he questioned where the ban would stop.

Supervisor Wild encouraged the press to make their best efforts to ensure the public was made aware of the opportunity to comment on this matter. He remarked the most significant reason he was in support of this effort pertained to the fact that it had been a point of discussion for so long now that he was frustrated with "kicking the can down the road". He stated it was time to make a decision and try to move something forward which he hoped they would be successful in doing so.

Chairman Conover advised prior to voting he felt obliged to allow Mr. Moriarty to comment on the proposed legislation since the majority of the comments made thus far had pertained to it. Mr. Moriarty stated the current format of the proposed Local Law called for the banning of plastic bags by all retail establishments; however, he noted the previous drafts had only pertained to grocery stores and other stores that sold food items. He informed the enforcement efforts were to be handled by the Director of Weights & Measures; however, he noted, he did not believe this Department had sufficient staffing to cover all of the retail stores in the County. He continued, he felt additional staff would need to be hired for this Department in order to be able to properly handle the enforcement duties. With regards to tourism, Mr. Moriarty stated he believed the tourists in the region would not be aware of the this ban and therefore not pack reusable bags for their trip. He said reusable bags had potential health hazards if they were not used properly by sanitizing them after each use. He advised even if anyone felt there was some merit to the proposed legislation they could concur that it would be more

appropriate for it to be handled by the State and not through local governments.

Travis Whitehead, *Town of Queensbury Resident*, stated although he was opposed to government overreach in almost every case this was not one of them, as he believed some unintended consequences had occurred over the last thirty years. He referred to the paper drives the Boy Scouts of America used to have or how grocery stores used to only offer paper bags which would decompose rather quickly if they ended up on the side of the road or in the woods. He stated not only did organizations such as the Boy Scouts of America benefit from paper drives, but there was also an economic benefit to the paper companies that manufactured them. He remarked he felt in this case going back to the mind set used during the sixties when disposable bags were not available was not a bad idea, as he believed they would be better off doing so.

Supervisor Strough requested that Ms. Kissane address the concerns raised by Supervisor Loeb pertaining to proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation" and Authorizing Public Hearing Thereon*. Ms. Kissane advised that she shared the concerns stated by Supervisor Loeb; therefore, she said, she felt it would be worthwhile to continue review and revision of the proposed Local Law. She informed that she had indicated to Supervisor Loeb the revisions he had suggested could be addressed at the public hearing. She explained if they were brought forward at the Public Hearing they could be addressed through further revisions to the proposed Local Law. Supervisor Strough reminded the Board this was the third time the proposed Local Law had been brought before them.

Supervisor Braymer inquired whether the version of the proposed Local Law before them today had been drafted by the Special Counsel for the County on the opioid crisis and Ms. Kissane replied in the affirmative. Ms. Braymer asked whether Ms. Kissane felt the proposed Local Law should be modified further and Ms. Kissane replied in the affirmative. Ms. Kissane surmised that the Special Counsel had drafted the proposed Local Law with the idea of securing the most damages from those named in the lawsuit and not from the viewpoint of a municipality keeping the law in effect going forward.

Supervisor Strough suggested that they table proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation" and Authorizing Public Hearing Thereon*, until a proposed Local Law they were comfortable moving forward with was brought before them.

A motion was made by Supervisor Strough, seconded by Supervisor Dickinson and carried by majority vote, with Supervisor Wild voting in opposition, to table proposed Resolution No. 323 to allow for further review by the County Attorney to address Supervisor Loeb's concerns.

In regards to proposed Resolution No. 346, *Amending the Warren County Freedom of Information Law (FOIL) Policy*, Supervisor Braymer stated she felt this would make the County's replies to the public more responsive and hopefully better coordinated. She noted although the policy required individuals to go online to fill out the form on the County's website to make a FOIL request those who did not know how to use the form or did not have internet access had the option to call the County Administrator's Office to submit their FOIL request.

Supervisor Wild apprised the reason he had voted against the motion to table proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation"*, related to the fact that he was unaware if any consequences were associated with the tabling action. He suggested they consider updating the Rules of the Board to allow discussion if there were consequences associated with tabling a matter. Chairman Conover advised he felt the Rules

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

of the Board clearly outlined a motion to table took precedence and therefore no discussion was permitted. He added a rule could always be changed; however, he noted, he thought issues would arise if this one was changed. He referred Supervisor Wild to the County Attorney or Clerk of the Board's Office if he required further clarification.

Supervisor Leggett stated the appropriate time for the public and others to voice their thoughts on proposed Local Laws was during the Public hearings. He added these Public hearings were not just held to "rubber stamp" proposed legislation, but also to refer the proposed legislation back for further amendments. Chairman Conover apprised he attempted to provide as much latitude as possible during the discussion period of the Public hearing for that specific reason. He said some may even feel he allowed too much discussion, but it had always been his policy to allow those to voice their opinions to the extent possible. Supervisor Leggett informed a Public hearing was basically comprised of testimony which could result in them returning to the Committee to make changes to any proposed Local Law.

Chairman Conover requested that Ms. Kissane explain the process that followed a public hearing if a determination had been made to modify the Local Law. Ms. Kissane explained in the case of minor changes the Local Law could be revised following the public hearing and then forwarded to the full Board to vote on. She said in the case where substantial changes were involved the Local Law would need to be changed following which another public hearing would be held and then voted on by the Board.

Mr. Hajos stated he would like the opportunity to address Supervisor Diamond's question regarding proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18)*. He advised that there was no bid tabulation sheet in this case because it was a term agreement and sludge removal was carried out on an as needed basis which did not necessarily occur every year. He said since this was done on an as needed basis this was handled through obtaining verbal quotes.

Supervisor Braymer asked Mr. Hajos about the status of the equipment removal on the County Railroad property. Mr. Hajos advised a significant amount of material had been removed last week via trucks and possibly three other rail cars, but there was still an abundance of equipment that remained. Supervisor Dickinson inquired about the remaining equipment and Mr. Hajos responded there were twelve cars, as well as a substantial amount of equipment lingering there. Supervisor Braymer questioned whether SNCR (*Saratoga & North Creek Railway*) had a plan in place for removal and Mr. Hajos replied he thought a letter had been submitted to them requesting a plan. He said he had talked to the individual SNCR contracted with to manage the removal which was moving along at a slow but steady pace; however, he noted, he did not have anything in writing which indicated a specific date for when everything would be removed. Supervisor Hogan interjected that she had been under the impression that September 1st was when all of their equipment would be gone. Mr. Hajos apprised he had nothing in writing along those lines. Chairman Conover informed the County Attorney had been instructed to commence with legal action if they felt the removal process was not occurring at the desired pace. He suggested anyone with concerns regarding this should discuss them with Mr. Moore and Ms. Kissane. Supervisor Hogan indicated she had been under the impression that the Committee had requested a written work plan with deadlines. Ms. Kissane advised the County had asked for a written timeline; however, she noted the County's outside counsel for matters concerning the railroad had been on vacation. She stated she anticipated they would have an answer to the question when they returned from their vacation next week. Chairman Conover apprised the Board should be notified if there was no activity going on in terms of the removal process. Supervisor Hogan remarked she felt

*WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018*

compelled to notify them there were piles of equipment located all around the North Creek Station. She said it was visibly noticeable to those who visited the museum located there, as well as those driving to the weekly Farmers Market on Thursday's. She remarked this had a substantial impact on her community.

With regards to the September 1st date, Mr. Hajos informed the individual who SNCR was contracting with to handle the removal process had indicated to him that he believed the removal process would be completed by September 1st, adding he did not have anything in writing that indicated same. Supervisor Hogan stated she could tolerate the eyesore if it was only for two more weeks, but she would be more comfortable if it was in writing. Mr. Hajos advised he was awaiting notification from the County Attorney that something had been received in writing. Chairman Conover requested that Mr. Hajos keep the Board updated as the process moved along.

Supervisor Magowan informed he had attended the Public Works Committee meeting last week where the railroad was the sole topic for discussion. He remarked that he felt the railroad was an asset to the County and he requested that the Board members ponder what they would like the outcome for the railroad to be, as it appeared there were a number of differing opinions regarding such. He apprised even if the northern portion of the railroad was abandoned the County would still have a railroad. He opined the purpose of government was not to manage businesses and overseeing the railroad was a business. He advised the purpose of discussing the proposals regarding the railroad and the RFP process related to economic growth. He informed the Town of Corinth's interest in the railroad related to the former International Paper site and their desire to attract a new business to locate there. He stated individuals had indicated an interest in developing additional economic growth for the railroad, advising he believed some of the northern communities located along the railroad could benefit from this. He mentioned the difference between leasing the railroad and selling would be that those who entered a lease were less inclined to invest in the property than if they were to purchase it. He said should they move forward with selling the railroad they should consider including language in the contract that indicated the property would automatically returned to the County if the owners were unsuccessful with their operation. He said this would ensure the railroad was owned by someone whose desire was to build upon it and assist the northern communities located along the railroad.

Supervisor McDevitt advised that while he concurred with the statements made by Supervisor Magowan, he had serious concerns with selling public infrastructure. He pointed out the County would be giving up control over what could be done with the railroad tracks such as whether polluted rail cars could be stored on the tracks. He commented his point was selling versus leasing was a substantial step for this County; advising he believed there was the potential for economic growth, but he was vehemently opposed to the sale of the railroad.

Chairman Conover stated he believed there was a significant process in front of them pertaining to the railroad during which time there would be a number of opportunities for the Supervisors to voice their opinions. He added he did not feel they needed to air all of their thoughts at this meeting.

Supervisor Braymer stated even if the Board was not supportive of her suggestion that they convert the railroad property into a multi-use trail and it was used for the purpose of economic development it would still be considered a transportation corridor similar to a road. She pointed out they would never consider selling a County Road that was used to reach businesses so why would they consider selling the railroad to a third party resulting in the loss of control over a County asset that was used for transportation.

Supervisor Wild advised they were running the risk of having these discussions now, which, in his mind

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

was very premature. He reminded them this was a complicated process regarding the decision they needed to make, noting as a member of the Public Works Committee he was confident they would thoroughly review all of the options before them along with the benefits and consequences associated with them to make a decision that was in the best interest of the County. He said he felt by continuing the discussion they were misleading the public to think that they were close to rendering a decision which, in his mind, they were nowhere near.

With regards to the total amount of the contract referenced in proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18)*, Supervisor Diamond informed he had calculated the total amount to be around \$34,665 and he asked that this be substantiated. Supervisor Geraghty pointed out since the work was completed on an as needed basis there was no total included in the proposed Resolution.

Mr. Hajos apprised they did not remove sludge from every tank in the County every year, as this work was only done when trucks were not running well and they tested the tanks which generally determined there was water and sludge in them following which they would have this particular tank cleaned. He advised since they used this contract once last year and the three years prior to that they had not used it at all the contract was established on an as needed basis to ensure there was one in place in case a need for those services arose.

Supervisor Diamond apprised he did not disagree with Mr. Hajos; however, he said, he felt they should amend the resolution to place a limit on the amount that could be expended for this purpose on an annual basis. Mr. Hajos informed the contract was specific to County tanks, and he noted there were seven sites each having a few different tanks located there. Supervisor Geraghty questioned whether Mr. Hajos was aware of how much had been expended in prior years for this purpose and Mr. Hajos responded that only one tank was cleaned last year. Supervisor Geraghty asked about how many tanks were cleaned on an annual basis and Mr. Hajos estimated that one tank per year was cleaned. Supervisor Braymer suggested they amend the resolution to place a cap on it of \$33,000 per year to ensure this would be brought before them again if the expenditures exceeded the set limit. Mr. Hajos stated he had handled this contract through obtaining verbal quotes over the phone and not through the bidding process. Chairman Conover asked Mr. Hajos if he had an issue placing a cap on the total amount of the contract and Mr. Hajos replied that based upon the County's Purchasing Policy he was not permitted to expend more than \$20,000 on these services; he added he did not believe he would ever expend \$20,000 in a year on these services. Supervisor Diamond pointed out according to the proposed Resolution there was a sealed bid issued by the County's Purchasing Agent. Mr. Hajos stated he submitted a resolution request which he would review, but he could attest to the fact that verbal quotes were used in this case and not a sealed bid.

Mr. Hajos explained based upon the County's Purchasing Policy if he did not exceed the \$20,000 on an annual basis he was within his authority to execute a service provider agreement or if it exceeded \$4,000 the Purchasing Policy called for verbal quotes. Supervisor Geraghty advised Mr. Hajos was limited by the Purchasing Policy to not exceed more than \$20,000 on an annual basis. Chairman Conover stated he thought the concern related to the open ended nature of the contract. Supervisor Geraghty suggested they amend the proposed Resolution to include an annual limit of \$20,000 to ensure it was in line with the Purchasing Policy. He said anything over \$20,000 would require Mr. Hajos to return to Committee with an additional request.

Motion was made by Supervisor Braymer and seconded by Supervisor Geraghty to amend proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental*

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 17, 2018

Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18), to include an amount not to exceed for the contract of \$20,000 on an annual basis.

Supervisor Thomas asked whether the amount not to exceed was on an annual basis and Mr. Hajos replied in the affirmative. Supervisor Thomas pointed out the proposed Resolution indicated the contract could be extended for additional years. Supervisor Magowan inquired what the average price for cleaning out the tanks was and Mr. Hajos replied that he estimated the cost to be between \$1,000 and \$1,400 depending upon the tank. Supervisor Magowan questioned how many tanks were cleaned on an annual basis and Mr. Hajos responded they cleaned one to two tanks per year. Supervisor Magowan pointed out this meant they were placing a \$20,000 cap on an expense that equated to around \$3,000 per year.

Chairman Conover called the question and the motion to amend proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18)*, as outlined above was carried by majority vote, with Supervisor Dickinson voting in opposition.

There being no further discussion, Chairman Conover called for a vote on resolutions, following which Resolution Nos. 307-348 were approved as presented, with the exception of proposed Resolution No. 323 which was tabled and Resolution Nos. 324, 329 and 335 which were approved in the form amended from the floor.

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

George Weinschenk, *Warren County Resident*, advised that during the 1980's the State had formed a Land Use Committee for Lake George of which he was a member. He said during the time period when the King of England owned all of the property in the region, the King at that time had given the entire property bordering the west side of Lake George to a farmer he was friendly with. He said this farmer had installed an access road on every mile of his property along Lake George to allow the public to have swimming, fishing and ice harvesting rights on the Lake. He advised over the years those who lived on property located on the access roads had taken over these roads and attempted to restrict access to them, but in fact everyone had the right to use these access roads, one of which went directly through the Hearthstone Point Campground. He said the State opened this road up for ice fishing, etc. in the winter because by law they required to do so. He pointed out this law had never been changed meaning Diamond Point Beach could not restrict access to residents of Lake George only. He stated another law that remained in tact from this era indicated trees over thirty inches in diameter belonged to the Queen of England.

Mr. Weinschenk remarked the condition of County roads was rapidly dwindling, and, he noted, he had expended over \$2,000 on wheel alignments for his vehicle. He pointed out over the past week someone had totaled their car when they hit a pot hole on a road located within the County. He mentioned the roads would not be repaired because according to a story featured on the news a few years ago the money for the roads was allocated to build a new bridge in New York City so the Head of the NYSDOT (*New York State Department of Transportation*) would not have to be stuck in traffic on the way home from work every night. He said the construction for this bridge was not scheduled to be completed for another three years meaning the repairs to roads here would not commence for another few years. He pointed out the exit signs located at Exits 16S and 17N of the Adirondack Northway had been knocked

down six months ago and yet the State had no money to repair them. He stated the steel from the former bridge mentioned above was being used to erect barriers for fish to create a habitat for them and yet the needs of the citizens were not being taken into consideration. He advised his point was the roads would not survive the four years it would take for money to be made available to fix them. He stated it had taken him making a total of twenty-one phone calls before the four pot holes he was contacting the State about to be repaired on the Adirondack Northway. He suggested they name the pot holes after the State politicians in an attempt to garner attention to them so they would be taken care of. He questioned where all the revenue for license fees etc. were going since none of the pot holes were being repaired. He said on the southbound side of the Adirondack Northway by the Great Escape there was a pot hole which had returned due to being improperly filled last year. He commented it was time for some action to be taken and not just sit back and wait for the State to make repairs since it was not just a State issue anymore and the County residents were the ones responsible for letting it go this far. He continued, it was time for everyone to contact Senator Little and Assemblyman Stec, etc. to demand to know when the roads located in the County would be repaired. He said the steel from the former bridge that was being erected in New York City could be used here for guard rails and County bridges rather than being used for fish habitats since most of those in the County were in deplorable conditions. He mentioned the mind set regarding County bridges was that if they reached a certain point of disrepair than the Federal Government would repair them, but this never occurred meaning the responsibility fell upon the County. He stated now was the time for everyone to take action and make complaints about the poor quality of the roads located here. He added when a pot hole reached a point where a car was totaled it was to the point where it was dangerous and someone could get killed, noting it was time to take action.

Fred Austin, *Warren County Resident*, commended Supervisor Thomas for warning them to be mindful that they did not know what would come out of the ban on plastic bags, as the State of California was now considering a ban on plastic straws.

Chairman Conover called for announcements.

Supervisor Dickinson apprised he would like to respond to the comments made by Mr. Weinschenk regarding public access to the beaches. He informed the Town of Lake George did in fact own Diamond Point Beach whose actual name was Jacob's Beach. He stated this beach was not part of the common beach areas that were located along Lake George that Mr. Weinschenk referred to, as it was gifted to the Town of Lake George in 1913 by Ms. Jacob's for the Town residents use.

Supervisor Geraghty questioned when the dedication at SUNY Adirondack was and Mrs. Allen replied she believed it was on the same day as the September Board meeting, but she would verify the date and notify the Board members via email following the conclusion of the meeting.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Dickinson and seconded by Supervisor Strough, Chairman Conover adjourned the Board Meeting at 12:05 p.m.