

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, JULY 19, 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 10:02 a.m.

Mr. Ronald F. Conover presiding.

Salute to the flag was led by Supervisor Loeb.

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 ; absent- 0.

Commencing the Agenda review, Chairman Conover noted a motion was necessary to approve the minutes of the June 19th Board Meeting, subject to correction by the Clerk of the Board. The motion was made by Supervisor Geraghty, seconded by Supervisor Frasier and carried unanimously.

Continuing to the presentation of the employee of the month award, Ryan Moore, *County Administrator*, stated the Board members may recall that the June Employee of the Month award was postponed until today due to the honoree being unable to attend the evening meeting. He introduced Eric Mastrianni from the Health Services Department, whose position was responsible for serving the smallest of the County's vulnerable residents and their families. He stated Mr. Mastrianni had been a valued member of the Health Services Preschool Special Education team, which provided services to children with developmental challenges from birth to five years old. He said Mr. Mastrianni started his career at the County in 2008 as a part-time Early Intervention Services Coordinator, but was changed to full-time in 2011 and he was promoted in January of this year to Children and Special Needs Program Manager. Mr. Moore provided an overview of Mr. Mastrianni's job duties, as well as his achievements while working and in his personal life. A round of applause followed. Mr. Moore and Chairman Conover presented Mr. Mastrianni with a Certificate of Appreciation from the Board and a piece of pottery featuring a rendering of outline of Lake George.

Mr. Mastrianni thanked the Board members for the recognition and apprised he looked forward to continuing to work on improving the program.

Proceeding to the presentation of the July employee of the month award, Joanne Conley, *Director, Tourism Department*, advised that Ellen Himmelblau had been a valuable employee to the Tourism Department for fifteen years, during which time her responsibilities had changed as the job itself had evolved. She said when Ms. Himmelblau first started working in the department her duties consisted of data entry, answering the phones, and mailing out thousands of travel guides; however, she noted, Ms. Himmelblau had welcomed the changes of the digital age and worked to transform information systems and processes within the department while still keeping interactions personal and professional. She mentioned the hundreds of business owners and event organizers Ms. Himmelblau had established relationships with during her tenure at the County. She apprised that Ms. Himmelblau could recall information about a particular business from memory, recognized individuals when they walked in the door, went out of her way to explain to a business owner how the Tourism Department

could benefit and promote that particular business and had been known to drop off travel guides before and after business hours; she added that Ms. Himmelblau always represented the area with a smile at consumer shows and engaged everyone with a personal warmth that reflected the welcoming nature of the region. She informed Ms. Himmelblau was an individual who would hesitate to request assistance from her co-workers, but was the first to lend a hand or offer words of encouragement and was considered a true friend by each of her co-workers. She stated more importantly Ms. Himmelblau was kind, considerate, consciousness at the core, was always patient with callers who were seeking a last minute recommendation and was meticulous when completing any task that was assigned to her. She remarked that Ms. Himmelblau would be missed by the Tourism Department, her co-workers at the County and the friends she had made in the business community when she retired at the end of August. A round of applause followed. Mr. Moore and Chairman Conover presented Ms. Himmelblau with a Certificate of Appreciation from the Board and a piece of pottery featuring a rendering of outline of Lake George.

Ms. Himmelblau thanked the Board and Ms. Conley for the recognition, apprising it was truly an honor, but said she was looking forward to retirement. Another round of applause was given.

Proceeding with the Agenda review, Chairman Conover declared the Public Hearing on the proposed Tentative Budget for Adirondack Community College (*SUNY Adirondack*) for Fiscal Year 2019-20 open at 10:10 a.m. and he requested the Clerk of the Board read the Notice of Public Hearing aloud. Following the reading of the Notice of Public Hearing by Amanda Allen, *Clerk of the Board*, Chairman Conover offered privilege of the floor to any member of the public wishing to speak on the proposed Tentative Budget for SUNY Adirondack, but there was no one wishing to speak; he declared the Public Hearing closed at 10:11 a.m.

Continuing with the Agenda review, Chairman Conover declared the Public Hearing on the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2019 program year open at 10:11 a.m. and he asked Mrs. Allen, to read the Notice of the Public Hearing aloud, which she proceeded to do. Chairman Conover then called for public comment.

Patricia Tatich, *Associate Planner*, read aloud a brief summary of the purpose of the Public Hearing, the background on the project, the application development and its submission; a copy of the summary is on file with the items filed for the July 19, 2019 Board Meeting.

Stuart Baker, *Senior Planner, Town of Queensbury*, informed in January of this year the Town of Queensbury completed an Affordable Housing Strategy which was funded through the use of CDBG grant funding that included Strategy No. 4 which called for a collaborative and detailed housing market preference study, such as what was being proposed with the County CDBG application. He said he wholeheartedly supported the application and was looking forward to assisting and he quoted the following from the Town of Queensbury's Affordable Housing Strategy: studies such as the one being proposed were often key to getting the housing industry to move forward by supplying the type of market information developers need to design and obtain financing for such projects. He mentioned the study being proposed through the CDBG funds could provide the market information that could get developers moving to build housing for all income levels, but more specifically the low and moderate income households.

Chairman Conover once again called for any comments on the Public Hearing on the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2019 program; there being no response, he closed the Public Hearing at 10:17 a.m.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JULY 19, 2019

Moving along to the report by the Chairman of the Board, Chairman Conover apprised he was pleased with the discussion that took place at the June 25th meeting of the Budget Committee regarding the possibility of establishing multiple reserves in the future and he was looking forward to what the Budget Committee would recommend going forward. He advised he had attended the EMS Task Force Meeting on June 25th that Supervisor Leggett would be discussing during his Committee report. Chairman Conover informed he had attended the annual meeting for The Fund for Lake George on July 6th at the Sagamore Resort and he congratulated Supervisor Strough and the Town of Queensbury, who was honored for their work on protecting Lake George. He informed he had attended the ribbon cutting ceremony for CAC (*Centralized Arraignment Court*) which was a Project that was undertaken several years ago and he recognized former Supervisors Daniel Girard and Ronald Montesi, as well as Supervisor Leggett for their involvement with the Project. He apprised that the Deputy Commissioner of Agri Markets had visited the County on July 16th. He stated he had also attended the meeting of the Lake Champlain-Lake George Regional Planning Board on July 16th.

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

Supervisor Loeb stated the Support Services Committee had met on June 24th, approving proposed Resolution Nos. 320 and 321. He informed further discussion would take place at the July 22nd meeting regarding Electronic Polling Books which would be used for the elections this year. He said Amy Clute, *Self-Insurance Administrator*, would be presenting the 2020 Self-Insurance Plan Participants Assessments, the cost of which had decreased significantly. Supervisor Loeb referred to an article featured in *The Post Star* regarding the bi-partisan relationship between Senators Pelosi and McConnell, who united to adopt the plan on government spending in February of this year and he remarked how important it was for this to occur in order for things to be accomplished in Washington D.C. He stated this segued into the recent trip he took with Supervisors Geraghty, Merlino and Simpson to Washington D.C. and he provided a brief overview of each of the thirteen presentations they had attended.

Supervisor Driscoll indicated he had nothing to report on.

Supervisor Frasier apprised the Health, Human & Social Services Committee had met on June 25th, where the Employment & Training Administration, Department of Social Services and Health Services provided updates on their activities. She stated prior to discussing the proposed Resolutions approved by the Committee, it was necessary to withdraw proposed Resolution No. 314.

The necessary motion was made by Supervisor Frasier and seconded by Supervisor Simpson to withdraw proposed Resolution No. 314, *Awarding Bid and Authorizing Agreement with Lowest Responsible Bidder to Provide Transportation for Preschool Children With Disabilities and Early Intervention Program in Warren County, NY (WC 48-19)*.

Mr. Moore informed the proposed Resolution pertained to transportation for children with special needs which was required to be in place for September and had only received one response to the RFP; however, he noted, the entity that submitted the response had misread the RFP and submitted a response with pricing that was 30% higher than it was supposed to be. He said a request to reject WC 48-19 would be presented at the July 29th Health, Human & Social Services Committee meeting and another RFP would be issued to ensure a contract was in place before September 1st.

Chairman Conover called the question and the motion to withdraw proposed Resolution No. 314, *Awarding Bid and Authorizing Agreement with Lowest Responsible Bidder to Provide Transportation for Preschool Children With Disabilities and Early Intervention Program in Warren County, NY (WC 48-19)*,

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JULY 19, 2019

was carried unanimously.

Returning to the report on the June 25th Health, Human & Social Services Committee meeting, Supervisor Frasier provided a brief overview of Resolution Nos. 313 and 315-317. She stated that she had attended the July 16th meeting of the Lake Champlain-Lake George Regional Planning Board.

Supervisor Simpson thanked Supervisor Loeb for reporting on their trip to Washington D.C., apprising the only thing he could add to it was the information he provided to Supervisor Braymer regarding harmful algae blooms which were impacting water bodies not only in Warren County, but all over the Country. He said he had requested that Supervisor Braymer include this matter on the agenda of a future meeting of the Environmental Concerns & Real Property Tax Services Committee. He remarked he was encouraged by the fact that the Federal Government had acknowledged the issue and was working on securing funding. Supervisor Simpson acknowledged his colleagues for allowing himself and Supervisors Geraghty, Merlino and Loeb to attend the meeting in Washington D.C., as he believed it was a meaningful trip that allowed them to come away with contact information for senior officials within the Federal Administration who were willing to listen to the Counties issues and assist with finding solutions.

Proceeding to the report on the July 25th Public Works Committee meeting, Supervisor Simpson provided a brief overview of proposed Resolution No. 319 which was approved at the meeting. He stated that a meeting would be scheduled with representatives of Lyme Timber and to discuss a potential agreement required in order to access the Swede Fire Tower. He said he had also discussed with the Moriah Shock Incarceration Correctional Facility the possibility of them building the trail if the project moved forward. Supervisor Simpson apprised the Railroad Negotiation Team had met yesterday to discuss the negotiations with United Railway and another meeting would be scheduled shortly to determine if an agreement could be made.

Prior to her Committee report, Supervisor Hogan remarked she felt compelled to point out that providing students with technology was important, but it was irrelevant without having good broadband coverage in place and she implored the Board to continue advocating for this purpose. Continuing to her Committee report, she stated that Cornell Cooperative Extensions Annual Golf Tournament and Silent Auction would be held on August 24th at Cronin's Gold Resort in the Town of Warrensburg and she encouraged all to attend. She said Cornell Cooperative Extension had been awarded a second grant in the amount of \$2,500 to hold additional Game of Logging safety classes. She announced the Master Gardeners would be holding an online sale on mums this Fall.

Supervisor Dickinson indicated he had nothing to report on.

Supervisor Merlino stated that the Tourism Committee had not met in July, but would be meeting in late August. He said the Tourism Department was currently working on the Fall Advertising Campaign. He thanked Supervisor Loeb for providing a report on their trip to Washington D.C., which he found to be very informative.

Supervisors Strough and Wild indicated they had nothing to report on.

Supervisor Beaty reported on the June 25th meeting of the County Facilities Committee where they approved proposed Resolution Nos. 301-305. He stated that he believed proposed Resolution No. 304 needed to be amended to change the lease arrangement with D & G Recycling, LLC from one bay to two because the Office of Emergency Services was no longer using the other bay to store their equipment.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JULY 19, 2019

Supervisor Beaty made a motion to amend proposed Resolution No. 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) in the Town of Queensbury*, to include in the lease arrangement the use of two bays for a six month term and increasing the rent from \$6,500 to \$7,000 a month. Supervisor Loeb seconded the motion. Chairman Conover called the question and the motion to amend proposed Resolution No. 304 as outlined above was carried unanimously.

Supervisor Beaty stated the 20/30 Task Force, whose purpose was to determine ways to stop the loss of population in the County, held their first organizational meeting, adding Dr. Amy Hogan-Moulton who had agreed to be a member of the group and would provide them with expertise in the health care industry that would be very useful to them. He apprised the group was addressing things from a positive standpoint with regards to what changes they could make, but they would not be naive and pass over what was coming their way. He mentioned there would be a round table discussion scheduled within the next few weeks at SUNY Adirondack, apprising a number of individuals had expressed an interest in being involved with the process. He said the roundtable discussion would include ten people from different areas of the County with diverse backgrounds who brought different expertise and opinions. He advised once a date had been set for this discussion he would pass along the information to the Board Members in hopes that they would attend. He informed the task force would be in the information and data gathering phase for some time, as this would assist them with forming a correct course of action to address the issue moving forward.

Supervisor Magowan advised he had been doing manual labor his entire life during which time he had observed that there was a lack of the younger generation working within these types of jobs. He said he was grateful for the education he had been provided with to improve his skill set over the years and ensuring that good broadband coverage was available to assist with these educational programs was imperative.

Supervisor Sokol stated the Finance Committee met in July 1st, approving proposed Resolution Nos. 299-300 and 322-324. Supervisor Sokol offered privilege of the floor to Mike Swan, *County Treasurer*, to provide the monthly update regarding the County's finances.

Mr. Swan stated he had distributed a sales tax analysis to the Board members last Friday and had hard copies available for anyone who would like one. He apprised he was pleased to report that sales tax collections were slightly higher than for the same time period last year. He said the payments from the Indian Casino were steadily decreasing from \$125,000 a quarter to about \$90,000. He informed the enforcement efforts to collect occupancy tax were going well with negotiations taking place with every property they were dealing with except one and he recognized the County Attorney's Office for their efforts to make this possible.

Supervisor Thomas apprised the Budget Committee had met on June 25th during which the discussion concerned establishing multiple reserves for the future which included SUNY Adirondack Capital Improvement Projects, the Civic Center, buildings on the Municipal Center campus, Countryside Adult Home and a suggestion from the Treasurer's Office to develop a reserve to deal with sick time pay outs upon retirement. He mentioned he would schedule a meeting for August 1st if he had a chance to meet with the County Treasurer before then and put together a proposal; however, he noted, if they were unable to do so, a meeting would be scheduled for the next Committee meeting cycle.

Supervisor Hyde indicated she had nothing to report on.

Supervisor Geraghty thanked his colleagues for allowing him and Supervisors Merlino, Loeb and

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, JULY 19, 2019

Simpson to travel to Washington D.C. He stated he had learned there that the Federal Government was seeking to work with other Countries to improve and handle the recycling for the United States, adding recycling was a major concern for everyone. He informed that he had attended an Adirondack Park Local Government Review Board meeting, as well as the InterCounty Legislative Committee of the Adirondacks meeting at Lavender Farm in Whitehall, New York. He added he had also attended the Railroad Negotiation Team meeting, as well as the EMS Task Force meeting. He provided an overview of proposed Resolution No. 325 which was approved through the out-of-Committee process.

Supervisor Leggett reported the Criminal Justice & Public Safety Committee had met on June 28th, approving proposed Resolution Nos. 306-311 and he provided a brief overview of each. He stated the EMS Task Force had met on June 25th during which they had discussed the legal structure of an EMS System capable of serving the entire County that was based on further review of how other Counties had handled theirs as reported by Mr. Moore, who visited Albany County with the County Attorney and Undersheriff Lamouree and had phone interviews with Columbia County. He mentioned special legislation from the State may be required in order to enact such a plan. He advised they had also discussed ways to keep stakeholders and the public involved in the process to ensure everyone was aware of the process and was supportive of it. He apprised they would also be working on partnering with local health networks, such as Hudson Headwaters going forward, as well discussion pertaining to applying for a shared services grant which Essex County had done and received. He stated the date of the next meeting had yet to be determined, but once it was finalized a notice would be sent out to all of the members. Supervisor Leggett advised he had attended the ribbon cutting ceremony for the CAP facility on July 17th, apprising while they were elated the project had finally come to fruition, it was also sad that former Supervisor Ronald Montesi, who had been heavily involved with the Project, but had recently passed away, was not there to celebrate with them. He stated he had attended the Warren-Washington Counties Industrial Development Agency Board meeting on July 15th and he wanted to remind everyone there was a Common Ground Alliance Meeting scheduled for July 24th in Lake Placid and he encouraged all to attend.

Supervisor Diamond indicated he had nothing to report on.

Supervisor McDevitt stated he had an opportunity to attend a well run program in the Town of Bolton on June 27th regarding clean water which involved an inspection program for those who would monitor septic systems within the Town of Bolton. He recognized the Towns of Bolton, Queensbury and Lake George for their ongoing efforts to ensure clean water in the region. Supervisor McDevitt spoke regarding the project being proposed by Stewarts Corporation at the former Time Warner office building on Ridge Street in the City of Glens Falls, apprising that he hoped the Stewarts Corporation would work with the City to ensure all of the safety concerns were addressed before it moved forward.

Supervisor Braymer apprised the Environmental Concerns & Real Property Tax Services Committee had met on June 28th and she thanked Supervisor Simpson for Chairing the meeting in her absence. She mentioned due to a lack of a quorum, no action was taken at the meeting. She stated she would attempt to add the information regarding harmful algae blooms to the Agenda for the July 22nd Committee meeting, noting that the efforts taking place on Lake George to address the harmful algae blooms were being used as an example for others and she applauded the County and towns for the ongoing efforts and leading the way forward for all these other water bodies. She stated a topic for discussion at the July 22nd meeting would be the terms and conditions for the foreclosure sale which they had been discussing and making changes to for some time now. She provided a brief overview of proposed Resolution No. 321 which was approved through the out-of-Committee process. She recognized Mr. Moore, Tammie DeLorenzo, *Assistant to the County Administrator*, Frank Morehouse, *Superintendent of Buildings*, Julie Butler, *Purchasing Agent*, and Chris Belden, *Assistant County Planner*, for working

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JULY 19, 2019

with her to update the County's Fleet Policy to add a "green Fleet policy" to that provision to ensure the County purchased the most fuel efficient, economically responsible vehicles going forward. Supervisor Braymer advised she had also attended the Railroad Negotiating Team meeting yesterday which she felt was civil, but additional information was required from United Railway before a decision could be made on how to move forward. She called their attention to the information distributed to the Board members prior to the meeting regarding the Warren County Safe & Quality Bicycling Organization which concerned their position on Rails to Trails for Warren County; a copy of the information is on file with the information distributed at the July 19th Board meeting. In conclusion she advised she was pleased to hear the trip to Washington D.C. went well, apprising she enjoyed working with her colleagues on the Board everyday to improve the County for current and future residents and tourists.

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:

- * William Benson for 40 years of service to Sheriff's Office;
- * Colleen Sullivan for 35 years of service to the Department of Social Services;
- * Henry Frasier for 30 years of service to the Department of Public Works; and
- * Amy Brown for 25 years of service to the Department of Social Services.

Mr. Moore read aloud a listing of the meetings he had attended since the June 19th Board Meeting; *a copy of Mr. Moore's report is on file with the items distributed at the Board Meeting.*

Privilege of the floor was extended to Mary Elizabeth Kissane, *County Attorney*, 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. Allen read aloud, as follows:

Reports from:

1. Warren County Probation Department Reports of Criminal and Family Workloads for May 2019.

Letters/emails from:

1. Town of Queensbury Resolution No. 258 of 2019, setting public hearing on a proposed local law to establish a temporary moratorium on installation of ground-mounted solar energy systems. Public hearing to be held on Monday August 5th at 7:00 p.m. at the Queensbury Activities Center, 742 Bay Road Queensbury, NY.

Other:

1. Capital District Regional Off-Track Betting Corporation May 2019 payment in the amount of \$4,362;
2. Capital District Regional Off-Track Betting Corporation 2018 Benefit Distribution Payments #1 and #2, each in the amount of \$6,348.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 299-324 were mailed; she apprised proposed Resolution No. 317 was amended after mailing and a motion was needed to approve the revision. The necessary motion was made by Supervisor Simpson, seconded by Supervisor Driscoll and carried unanimously. She noted proposed Resolution No. 325 was developed after mailing, and a motion was necessary to bring it to the floor. The necessary motion was made by Supervisor Magowan and seconded by Supervisor Geraghty and carried unanimously.

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

Travis Whitehead, *Town of Queensbury Resident*, apprised he would like to take this opportunity to discuss proposed Resolution No. 321, *Ratifying the Actions of the County Attorney in Commencing Litigation Against David Decker*, adding he was disappointed Ms. Kissane did not address this a few minutes ago when she was afforded the chance to. He commented he believed it was a waste of time and money for the County to pursue a lawsuit against David Decker because even if the County was successful with their lawsuit, which he doubted, he felt the County's chances of collecting \$50,000 from Mr. Decker were extremely low. He informed that he also felt there were several reasons why this lawsuit would be dismissed supporting the fact that it was a waste of time and money. He opined the County was attempting to go after the wrong individual, as the Town of Queensbury was responsible to pay the County the \$50,000 since they certified that the County would receive the funding. He explained the Town of Queensbury received the funding from the State and the Town Supervisor at that time certified through his signature that the County would be paid, but this never occurred. He said in 2015 the issues were brought to the attention of some individuals who did not share this information and he proceeded to read aloud an exert from the State audit as follows: In 2015 the Town of Queensbury neglected their fiduciary duties by allowing a subcontractor to manage and administer the contracts without sufficiently monitoring and reviewing the activities of that sub-contractor. Mr. Whitehead apprised the sub-contractor referred to in the audit was Mr. Decker, adding the Town of Queensbury wrote checks totaling over \$3 million directly to Mr. Decker, one of which was the \$50,000 due to the County. He advised on June 27, 2017 a letter was sent to Supervisor Strough from the Department of State that reminded him that the Town would take full responsibility for the acts and motion of its sub-contractors and pointed out where in the contract between the State and the Town where that was stated. He remarked first and foremost the County was suing the wrong party and second of all this was brought to the County's attention about six weeks ago with a note that it was necessary to move forward with action due to the time restraints associated with it. He pointed out as it turned out the County was time barred, apprising today was July 19, 2019 and on July 11, 2018 a series of emails culminated between the County and the Town of Queensbury where the Town fully disclosed that they had written a check to Mr. Decker who never provided the County with the money and he wished the County good lucky trying to collect it. He continued, at that time Mr. Swan had stated without the Board's approval that the County would pursue litigation against Mr. Decker or let the proceedings move forward because at this time Mr. Decker had been arrested. He informed the County was due an additional amount of money from the Town of Bolton, who requested an invoice and paid what was due and he questioned why no invoice had been sent to the Town of Queensbury. He said for quite a period of time it was perceived that the County had sent an invoice to the Town of Queensbury, but through extensive search of documents based on a FOIL (*Freedom of Information Law*) request by himself about a month ago resulted he determined that this had never occurred. He remarked he was unsure why the County would not invoice the Town first before going through all of this trouble. He stated he would be following this lawsuit closely to see how it develops because he did not anticipate anyone would listen to what he had just said; he added he would be the first to apologize to Ms. Kissane if the County was successful with the lawsuit and received the \$50,000, but if they were not they would continue to hear about this for as long as the case was active in the court system.

Supervisor Dickinson requested a roll call vote on proposed Resolution No. 321, *Ratifying the Actions of the County Attorney in Commencing Litigation Against David Decker*.

Supervisor Diamond requested a roll call vote on proposed Resolution No. 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) in the Town of Queensbury*.

With regard to proposed Resolution No. 318, *Authorizing Elan Planning/Landscape*

Architecture/Engineering D.P.C. to Submit a Consolidated Funding Grant Application for Conceptual Design of an Observation Tower in the Charles R. Wood Park, Supervisor Merlino apprised that Robert Blais, Mayor, Village of Lake George, was unable to attend the meeting, but had provided him with the information he had distributed to the Board members prior to the meeting regarding a fire tower that could be purchased for significantly less than the anticipated cost of \$300,000; a copy of the information regarding the fire tower is on file with the items distributed at the July 19th Board meeting. He stated Mayor Blais needed the County to adopt the Resolution today because the grant applications were due on Monday and he added they would only be applying for \$120,000 which reduced the County and Village shares for the Project. He stated by purchasing an existing fire tower they would be saving money for engineering, etc. which caused the cost to increase to around \$300,000.

Supervisor Geraghty stated he would like to address Mr. Whitehead's comments regarding proposed Resolution No. 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) In the Town of Queensbury*. He informed the majority of the resolutions were brought forth by their oversight Committee and not by certain individuals. He advised to take issue with the County Attorney was disingenuous, as the Supervisors who were members of the Support Services Committee were the ones who wanted the resolution brought before the full Board.

Supervisor Strough advised he would like to correct some misinformation provided by Mr. Whitehead, but first he had to provide a brief history. He stated in or around 2001 the Lake George Conference which has since been renamed the Lake George Coalition, was an organization established by the Department of State with the agenda set by the them and the sub-contractors appointed by them. He continued, the Town of Queensbury, the Village of Lake George and the Town of Bolton were courageous enough to sponsor some major grants with the understanding that the Department of State along with Mr. Decker would administer those grants for the benefit of Lake George. He continued, when Dan Stec, *former Supervisor for the Town of Queensbury*, signed the bills in 2008, he had received approval from the Department of State and the State Comptrollers Office to do so, adding this was what he was asked to and required to do and he pointed out the Town of Queensbury had paid all of the bills they were required to pay. He remarked Mr. Whitehead's remark that no one was aware was false, as there were public meetings held on the matter during which there were public discussions and the Queensbury Town Board was fully involved with the process. He remarked that this was nasty politics, pointing out the Town had done all that was required of them. He reiterated the Town of Queensbury was one of the three communities who were courageous enough to administer these funds which Lake George benefitted greatly from. He stated some individuals for political reasons were attempting to make an issue that did not have any background or format. He apprised he took exception to Mr. Whitehead's accusations, as the County could move forward with the lawsuit against Mr. Decker and the trial would determine who was guilty. He said the document Mr. Whitehead was quoting was nine years prior to 2008, adding a lot could occur in nice years and at the time the Department of State made those statements they were protecting their position and forgetting what had previously occurred.

With regard to the notion that the County was currently time barred, Mr. Moore indicated this was not the case and he referred to the wording in the proposed Resolution which ratified the action of the County Attorney with regard to the filing of this lawsuit. He said he would have preferred for the Board members to have approved the filing before it was carried out; however, he noted, the action was tabled at the June 19th Board meeting. Therefore, he said, in a situation such as that he would take the steps required in order to protect the County. He apprised if the Board members disagreed with that decision they could vote against the proposed resolution and it would be pulled. He remarked to him it related to a fundamental fact that the County had one option to obtain the \$50,000 in Civil Court, as the

County had no cause of action in court against the Town of Queensbury. He mentioned they had looked at every angle of this and there was a cause of action against Mr. Decker and it was his responsibility to protect and they had taken the steps necessary to protect the County. In regards to the comments that it was the County Attorney or County Treasurer's call to move forward with the lawsuit, Mr. Moore apprised it was not their decision, but rather his and if they disagreed with this they could vote in opposition of the proposed resolution and if things went wrong it was on him.

Supervisor Beaty apprised he did not believe this was that complicated, as the County was short \$50,000 and the memo from the Department of State dated June 27, 2017 to the Town of Queensbury stated the Town of Queensbury as the grantee in receipt of New York State funding remains responsible for the integrity of the expenditure of public grant funds including those expended by its sub-contractor throughout the entirety of the Epi contract timeframe. He advised he was no expert, but if the Department of State held the Town responsible for paying for its sub-contractors which they clearly just indicated than his question would be is Queensbury not responsible than. He said his desire was for everyone to be fair, pointing out he was a Supervisor from the Town of Queensbury and if anyone should be quiet on this matter it should be him; however, he noted, he could not let an unfairness occur. He continued, if the Department of State was stating the Town was required to pay the \$50,000 than that must be the case. He advised this had nothing to do with politics, but rather taking the appropriate action and he despised when others brought up politics, as this was not the case here.

Supervisor Wild remarked he respectfully disagreed with Supervisor Beaty, pointing out he, as well represented the Town of Queensbury, but was present to carry out the County's business. He said he looked at this from a different perspective and he noted he did not consider "the buck to be stopping at Mr. Moore's desk". He apprised he concurred with Supervisor Geraghty that the Support Services Committee, who he was a member of, was responsible for making the decision to move proposed Resolution No. 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) In the Town of Queensbury*, forward. He said it was necessary for them to follow the money trail which ultimately ended with Mr. Decker, as the Town of Queensbury had fulfilled its obligation to provide the money to Mr. Decker who had never paid the County. He informed he had also listened to the County Attorney who indicated there was no action against the Town of Queensbury. He said since he was not a lawyer he trusted the advice of the County Attorney which was to pursue a lawsuit against Mr. Decker and he supported that at Committee meaning the responsibility fell upon his desk, as well. He concluded by stating the Board members had to make difficult decisions all the time, but that was not the case in this instance.

Supervisor Braymer stated she concurred that it was the decision of the Board members and not the County staff, apprising they were making the decision today with the information they had available to them for a couple of months now. She said while she understood the point that the Town of Queensbury was responsible for distributing the money, former Town Supervisor Stec had written the check out to Mr. Decker. She continued, in her mind she did see a cause of action against the Town of Queensbury, who had already paid the \$50,000. She remarked she was fully supportive of the lawsuit which had already been filed to allow the County to preserve its claim and do what they could in the civil action if they were unable to obtain restitution through the criminal action.

Supervisor Diamond indicated he concurred with Supervisors Braymer and Wild because he believed the responsibility was with Mr. Decker and he would like to state for the record that he would not support any lawsuits where the County challenged the Town of Queensbury to make that whole. He asked Supervisor Beaty what type of action he was suggesting that the County take and Supervisor Beaty replied that an invoice should be sent to the Town of Queensbury. Supervisor Beaty pointed out when the County sent the Town of Bolton and invoice they had paid the debt. He said by sending an

invoice Supervisor Strough and the Queensbury Town Board could determine whether to pay it.

Supervisor Magowan advised because he was also a Supervisor for the Town of Queensbury he had expended a significant amount of time pondering this; however, he noted, they would have to wait and see how it played out in court. He stated although Supervisor Beaty had made a strong point, he tended to concur that the Town of Queensbury did nothing wrong since they had paid the individual they received and invoice from for this money. He added he concurred with Supervisor Braymer that the responsibility fell upon the Committee members for bringing the matter forward.

In regard to proposed Resolution No. 323, *Authorizing the Appropriation of Funds from Deferred Revenue - Gaslight Village Parking Fees to the Charles R. Wood Park Property Budget; Authorizing Reimbursement to the Village of Lake George for Various Expenses at the Charles R. Wood Park; and Amending 2019 Warren County Budget*, Supervisor Braymer informed she would be voting in opposition because she did not feel they should be rushing through a grant application when the Planning & Community Development staff were available to put together the application for the next CFA funding round which would use the County money, as there would be no cost associated with the application nor would there be any travel and printing expenses associated with it.

Supervisor Leggett remarked he was pleased they were taking a proactive approach today with regard to the Fleet Policy which included a green initiative.

Supervisor Wild informed he had requested a copy of the lease agreement that was being proposed in Resolution No. 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) in the Town of Queensbury*, the other day and the response given was that it was not drafted as of yet. He said he would be unable to support the proposed resolution without understanding what the terms would be in this agreement that he deemed as important, such as the issues he had brought to their attention regarding how the facility was being cared for and treated. He said he would like to ensure the lease included strong language in terms of how the County was going to protect its asset and the environment around it. He added he felt it was imprudent of them to make the decision to move forward with this lease until the Board members had some clearer recognition of this. He stated as an example a few months ago an employee of that facility was blowing plastic out of a second story window on to the ground and he reminded them it was the County's responsibility as its property to maintain it. He said he did not believe the County's perspective when they leased their facility to them was to allow this contractor to pollute the environment around the area it was located in. He remarked he would be voting in opposition of the proposed resolution and he hoped other Supervisors would consider what he just stated going forward.

Supervisor Magowan stated he understood where Supervisor Wild was coming from, but he felt the County Attorney would ensure that these requests were addressed in the terms of the lease and he asked whether he was correct to assume so. Chairman Conover apprised he felt the concern related to whether other State and Federal laws could be violated that involved public safety, OSHA (*Occupational Safety and Health Administration*), EPA (*Environmental Protection Agency*), etc. and Supervisor Magowan was inquiring whether the lease could be drafted in a form that ensured it was in compliance with those. Ms. Kissane stated she would address all of these concerns in the lease, apprising she did not draft the lease prior to the meeting in case the Board voted it down again. She mentioned she and the Superintendent of Public Works were meeting immediately following the meeting to work on drafting the lease to ensure all of those protections were included in the lease. She added she would bring it to Committee next week prior to it being distributed to the contractor.

Supervisor Beaty apprised proposed Resolution No. 304, *Authorizing Six (6) Month Lease Agreement with*

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JULY 19, 2019

D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) in the Town of Queensbury, was providing them with the authority to move ahead with the lease which would not be intact until it was signed by both parties meaning the Supervisors could vote in opposition of the lease once it was in draft form. He said this was not an executable lease, but rather the authority to move forward with drafting the lease and the details, as Ms. Kissane had indicated would be worked out and brought before the Committee. He remarked that he viewed this as the normal process which he felt was very sound.

Supervisor Strough acknowledged Supervisor Wild for his outspoken vigilance on this matter to protect human health and the environment.

Supervisor Diamond advised he would also like to see a hard copy of the tentative lease agreement with D & G Recycling, LLC before he could vote in favor of any such terms; however, he noted, it had been brought to their attention at the Committee meeting that there were some concerns with this contractor relating to health and hazardous conditions in that building, such the OSHA violations. He reminded them their NYMIR (*New York Municipal Insurance Reciprocal*) representative had noted the fire hazards that continued to be unaddressed when he inspected the property in November during which it was determined that the facility was not a safe place to store the Office of Emergency Services equipment resulting in them being removed from the building. He said he was concerned that if it was not safe to store equipment than how could it be safe for the tenants employees to be in there as was indicated in the OSHA report. He suggested moving forward with a lease that included a plan to address the housekeeping issues; however, he noted, due to all of these issues never being addressed by the tenant he would be voting in opposition of proposed Resolution No. 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) in the Town of Queensbury*,

Supervisor Braymer informed she was supportive of the lease, but she was requesting that they hold off on voting on proposed Resolution No. 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) in the Town of Queensbury*, until a hard copy of the lease was reviewed at the Committee meeting next week.

Mr. Moore stated Charles Wallace, *Director, Administrator, Fire Prevention & Building Code Enforcement*, had indicated to him this morning that the OSHA violations had been cleared and there was currently nothing pending with them. He said following an inspection of the facility by County staff yesterday they had indicated the dust issue was not of concern and they were researching whether the fire alarm was a requirement when the building was initially erected, but regardless of whether this was the case it should have been in there already and it was the County's responsibility as the owner of the facility to remedy that. He added that Mr. Wallace and Frank Morehouse, *Superintendent of Buildings*, were working on a solution.

A motion was made by Supervisor Braymer, seconded by Supervisor Diamond to table proposed Resolution No. 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) in the Town of Queensbury*; however, the motion failed due a lack of majority vote required, with 320 votes in favor (*Supervisors Hogan, Strough, Wild, Hyde, Diamond and Braymer*), and 680 opposed (*Supervisors Loeb, Driscoll, Frasier, Simpson, Dickinson, Merlino, Beaty, Magowan, Sokol, Thomas, Geraghty, Leggett, McDevitt and Conover*).

Supervisor Leggett apprised he might not have tabled the lease agreement with D & G Recycling, LLC at the June 19th Board meeting had some of the details involving the Office of Emergency Services equipment been worked out prior to the meeting. He stated it was customary for all resolutions to

indicate on the last line “in a form approved by the County Attorney” thereby providing the County Attorney with the final say or authority on legal documents. He advised with the input from the Board today he believed the County Attorney and County Administrator would ensure these items were addressed and could be brought to Committee for further review. He said he felt bad for delaying this action for a month, apprising he was fully supportive of moving forward with proposed Resolution No. 304, 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) in the Town of Queensbury.*

Supervisor Wild stated he was making a request to the County Attorney with regard to what he believed was a lack of diligence in terms of managing the County’s contracts. He said there was one portion of the lease agreement which referred to a scale which weighed the trucks that per the original agreement the owner of D& G Recycling, LLC was required to maintain; however, he noted, it was in a state of total disrepair. He mentioned he would like to ensure this clause remained in the contract and he questioned how the scale got into its current condition since the tenant had agreed to maintain it as per the terms in the contract.

Ms. Kissane apprised that she and the Superintendent of Public Works had considered this, as well because when the original lease was signed that scale did not work and was turned over to D & G Recycling, LLC in that condition. She said she and the Superintendent of Public Works had discussed having him inspect the property and putting together a check list of the condition its in to ensure they were aware going forward what required repairs and what was handed over broken.

Supervisor Wild questioned why anyone would sign a contract that required them to maintain a scale that was not in working condition to begin with. He said they had to assume the scale was in working condition if the tenant signed the contract with this condition included. Chairman Conover advised they could assume that, but the individual was not present to respond to the question raised by Supervisor Wild.

Supervisor Thomas informed in prior years Perkins Recycling had moved out of that building because the County refused to repair the scale.

Supervisor Beaty advised he had complete confidence in the work Mr. Moore, Ms. Kissane and the Superintendent of Public Works were doing on this matter. He said it appeared to him they were fully involved in the process and he was confident that the Board would come to the appropriate conclusion on the lease and how it was worded.

Supervisor Braymer remarked now that she was aware that Supervisor Wild had been afforded the opportunity to review the prior lease and his concerns with it would be addressed she was comfortable moving forward with proposed Resolution No. 304, 304, *Authorizing Six (6) Month Lease Agreement with D & G Recycling, LLC for a Portion of County Owned Property (F/K/A Ciba Geigy Property) in the Town of Queensbury,* today.

Supervisor Braymer requested a roll call vote on proposed Resolution No. 318, *Authorizing Elan Planning/Landscape Architecture/Engineering D.P.C. to Submit a Consolidated Funding Grant Application for Conceptual Design of an Observation Tower in the Charles R. Wood Park.*

There being no further discussion, Chairman Conover called for a vote on resolutions, following which Resolution Nos. 299-325 were approved, as presented with the exception of proposed Resolution No. 304 which was amended from the floor and proposed Resolution No. 314 which was withdrawn.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, JULY 19, 2019

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

Mr. Whitehead apprised that the Board of Supervisors held their monthly Board meetings every third Friday because under the law each Supervisor carried a particular weighted vote and any actions that were taken at or in between Committee meetings did not have Board's approval; however, he noted, they had just been made aware that a lawsuit was filed against Mr. Decker without obtaining their approval. He continued, then Resolution No. 321, *Ratifying the Actions of the County Attorney in Commencing Litigation Against David Decker*, was brought before the Board today, apprising it caught him by surprise as should the Board be since action was taken without receiving prior approval and he expressed how troubled he was by this. He mentioned the reason there was no cause of action against the Town of Queensbury related to the fact that the County had never sent them a bill. He said a bill should be sent to them following which they could determine what developed from there. He informed he believed this was yet another cause of action for dismissal of this lawsuit that would be brought forward by Mr. Decker's legal counsel since it was filed without obtaining the Board's approval. With regard to the comments made by Supervisor Strough, Mr. Whitehead informed he would address them in writing with the documentation to prove the points, as he was not a fan of verbal sparring when the facts were available as proof. He said the Board members should look forward to receiving that communication from him later this week.

In response to Mr. Whitehead's remarks, Mr. Moore informed the County Attorney had the proper approval in place, as she had been delegated by the Board the authority to enter into litigation, such as this; however, he noted, this particular lawsuit was brought before the Board for additional back-up on it. He said legally Ms. Kissane had the authority to file the lawsuit on her own, as there was no requirement for her to bring matters such as this one to the Board for approval.

Supervisor Loeb advised the Support Services Committee, which consisted of nine of the twenty Board members, had been well informed regarding this issue. He said the Committee was provided with a background regarding the issue and what was planned concerning the schedule of filing the lawsuit meaning this did not come as a surprise to members of the Support Services Committee and those who had attended the Committee meeting.

Chairman Conover called for announcements.

Supervisor Merlino voiced his disapproval pertaining to the fact that it was now July and no further discussion had taken place regarding possible changes to the way sales tax revenue was distributed amongst the towns. He said he had been raised to believe that when someone promised you something they carried through with it and if you could not do it at least they had made an attempt to do something and he was disappointed that some of his fellow Supervisors were not really looking into the sales tax distribution. He mentioned the formula was probably fair and equitable years ago when the Board members at that time decided how to distribute sales tax revenue, but this was more than thirty years ago and that same system was still being used which basically only benefitted four towns while the other eight were losing money. He encouraged anyone interested in seeing how much money these eight towns were losing to contact him, as he had the report with him and he noted the loss was in the millions over the years. He remarked that he considered the current system to be stealing from the small towns whose Supervisors should be advocating for more of a share of the sales tax revenue; he added each year those towns lost more and more sales tax revenue with only four towns in the County benefitting from an increase due to the system that was adopted around thirty years ago no longer being fair and equitable because at that time they did not realize using the value of homeowners property that some of these properties would increase so significantly over the years. He pointed out

each year property values continued to increase meaning ten years down the line the towns who had the properties with the greatest increases would continue to receive a greater share of the sales tax revenue resulting in less being allocated to the remaining towns. He mentioned how they had discussed many topics such as roads, paper bags, schools, colleges, etc. and yet the discussion on this matter, which had an impact on all of the towns and the County taxpayers, had not continued and probably would not occur again since it was already July meaning it was too late for action to be taken that would implement changes in 2020. He pointed out some towns received several million dollars from the current sales tax distribution method used, the most of which was \$10 million; however, he noted, many of the smaller towns had seen a decrease in the amount they received. He encouraged all of the Supervisors to take this into consideration following the meeting today, as he did not believe they were pushing for a change that would benefit their towns and its residents because a few towns were being what he would refer to as “greedy” and wanted to receive as much of the revenue they could on the backs of the rest of the County’s citizens. He called for the current allocation to be changed or placing a cap on how much of a percentage it could increase, such as 10% resulting in more of a share for the remaining towns whose property values were not increasing due to having no lake front property like the Towns of Warrensburg, Stony Creek, Thurman, etc. He apprised he could not understand why the five Supervisors who represented the City of Glens Falls were not pushing for something to be done because the City paid more in property taxes than any other municipality in the County. He said what he found most troubling was that the business owners should be involved from the City, pointing out the City had a hotel located there that paid twice as much in property tax than ones located further north because they lived in a municipality with a different tax structure. He stated a car dealership could be used as another example and he added it was not just him pushing for a change to benefit Lake Luzerne, as he believed it was time for them to have a serious discussion regarding making a change that would benefit the taxpayers in the County.

Chairman Conover remarked if he was not the Chairman of the Board he would have discussed the matter at length from his point of view as the representative from the Town of Bolton.

Supervisor Loeb stated he believed they needed to support all corners of the County and if appropriate he would make a motion to form an Ad Hoc Committee whose purpose was to investigate this issue further and provide recommendations to the Board.

Supervisor Sokol exited the meeting at 11:52 a.m.

Chairman Conover advised the matter was presently before the Legislative & Rules Committee which was a Standing Committee and when the matter was discussed the majority of the Committee had indicated they were not interested in changing the sales tax distribution formula at that time. He said an enormous amount of time had been devoted to this matter, as Mr. Moore had prepared a thirty page report and he encouraged anyone who had not reviewed the report to do so. He continued, the report provided information regarding the origin of the sales tax, why it existed, the tables, the implications, etc. He reiterated that everyone should review the report and if they had any issues they should bring it before the Legislative & Rules Committee which represented a cross section of the full Board.

Supervisor Braymer asked when the next meeting of the Legislative & Rules Committee was scheduled and Chairman Conover replied no meeting was scheduled at this point and Supervisor Strough, as the Chairman of that Committee, was the one who decided whether a meeting would be scheduled at this point in time to discuss this issue. He added they had held a Special Board Meeting that a number of residents had attended to discuss this matter earlier this year. He stated he did not want to get too into the topic, but when the matter was discussed he would speak not as Chairman of the Board, but rather the Supervisor for the Town of Bolton, on this issue. He informed the County did not share the expense

of government on a population basis and so the State Law was designed in a certain way. He said of the ten counties where the cities pre-empted, eight of them used the same method for sales tax distribution while the other two left most of the revenue with the county. He reiterated everyone should thoroughly review the thirty page report to allow them to have a better understanding of the figures in there and why that information was the way it was. He suggested Supervisor Strough have Mr. Moore revisit his report at a future meeting of the Legislative & Rules Committee; Supervisor Strough responded he would be willing to do that.

Supervisor Magowan stated that it was necessary for some changes to be made, but the Board members could not do anything unless the City of Glens Falls was willing to make some changes with the way they collected their sales tax which remained with them. He informed he had researched how much the towns who received the largest share of the sales tax revenue actually received and what they paid back toward the County levy leading him to believe it was a balancing act that required them to be responsible for more County expenses since they received a greater share of the sales tax revenue. He advised although he hated to state this on the record, he believed the simplest solution would be to increase the sales tax rate and possibly distribute that revenue using a different method. He apprised the only way he could support an increase in the sales tax rate was if Washington County was interested in increasing their sales tax rate, as well. He stated he had done extensive research on the matter and had read the reports put together by Mr. Moore and Supervisor Merlino and he encouraged Supervisor Strough to schedule a Legislative & Rules Committee meeting to discuss the matter further.

Supervisor Strough apprised he would work with Mrs. Allen to establish this as the primary topic at the next Legislative & Rules Committee meeting.

Supervisor Simpson advised he had been referring to Food Truck Friday's in the Town of Horicon over the past few months and he was pleased to announce the event thus far had been a complete success and had grown. He invited everyone to attend, as they were scheduled for Friday nights from 5:00 p.m. until 8:00 p.m. until Labor Day with a great variety of food trucks, vendors and live music. He stated last week around 800 people attended, the week before that there were about 1,800 in attendance and the first week has over 1,200 in attendance.

Supervisor Leggett announced the next meeting of the Common Ground Alliance was scheduled for Wednesday, July 24th with registration available online at adirondack.org. He stated this was a great forum to discuss matters that impacted the region and he encouraged all to attend.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Beaty and seconded by Supervisor Dickinson, Chairman Conover adjourned the Board Meeting at 11:58 a.m.