

# Warren County Board of Supervisors

**BOARD MEETING  
FRIDAY, FEBRUARY 15, 2013**



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

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Westcott.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Loeb, Kenny, Frasier, Bentley, Vanselow, Dickinson, Merlino, Montesi, Mason, Strainer, Westcott, Sokol, Thomas, and Geraghty - 19.  
Supervisor Wood, absent, - 1.

Motion was made by Mr. Strainer, seconded by Mr. Montesi and carried unanimously, to approve the minutes of the January 18, 2013 Board Meeting, subject to correction by the Clerk of the Board.

Commencing with the agenda review, Chairman Geraghty announced Mr. Thomas, Budget Officer and Supervisor of the neighboring Town of Stony Creek, would present a proclamation to himself and other representatives of the Town of Warrensburg in recognition of the Town's Bicentennial; Chairman Geraghty recognized several Town employees and asked them to come forward and participate in the presentation ceremony. Mr. Thomas said it was a privilege to honor the Town of Warrensburg on the occasion of their 200<sup>th</sup> anniversary which occurred on February 12, 2013; he then proceeded to read the Proclamation aloud, a copy of which was provided in the agenda packet. Additionally, Mr. Thomas presented Chairman Geraghty, and the Town of Warrensburg staff, with a framed lithograph print on behalf of Warren County in recognition of this significant event in Warren County's history. Chairman Geraghty thanked Mr. Thomas and Board of Supervisors for the presentation, as well as the Town staff for their hard work and dedication. A round of applause was given.

Moving on to the report by the Chairman of the Board, Chairman Geraghty advised that over the past month he had been busy attending Committee meetings. He said that on February 4<sup>th</sup> - 6<sup>th</sup> he had attended the New York State Association of Counties (NYSAC) 2013 Legislative Conference in Albany, NY, which he commented, had included many good workshops. Chairman Geraghty listed the sessions he had attended, as follows: Improving County Government-Efficiency-Consolidation; Lessons in Leadership; The Board's Role in Strategic thinking and Planning; State Budget Review; Leaders Meeting for County Board Chairman, County Administrators/Managers and County Executives; and the joint meeting of the Intercounty Association of Western New York and the Intercounty Legislative Committee of the Adirondacks. He noted that many other Board members had also attended the NYSAC Conference and he assumed they would comment on the sessions attended in their reports.

Chairman Geraghty called for reports by Committee Chairmen on the past months meetings or activities and the following reports were provided: Supervisor Sokol, Health Services; Supervisor Thomas, NYSAC Conference; Supervisor Conover, Finance; Supervisor Monroe, Legislative & Rules; Supervisor Girard, County Facilities; Supervisor McDevitt, Mental Health; Supervisor Taylor, Personnel and Economic Development; Supervisor Loeb, Social Services and NYSAC Conference; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Bentley, Public Works; Supervisor Dickinson, Invasive Species Sub-Committee; Supervisor Merlino, Tourism; Supervisor Strainer, Human Services; and Supervisor

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Wood, Public Safety.

Mr. Sokol apprised the Health Services Committee had met on a couple of occasions over the past month, the first meeting being on January 24<sup>th</sup> and the second on February 7<sup>th</sup>, during which proposed Resolution Nos. 93 and 94 had been approved. He noted that a portion of proposed Resolution No. 93, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2013*, would provide appropriate salary increases for two Public Health Nurse positions in accordance with experience levels, as per the CSEA contract, and would also set the salary for the Westmount Health Facility's Director of Nursing position. Mr. Sokol then pointed out proposed Resolution No. 94, *Rescinding Resolution No. 497 of 2012 and Authorizing the Board of Supervisors to Fill the Vacant Position of Director of Nursing at the Westmount Health Facility*, which would rescind the resolution providing prior authorization to fill the Director of Nursing position at an alternate salary range. He advised that the candidate, Ms. Kylie Baker, had 20 years of experience in the nursing field and would alleviate the need for more costly contracted Director of Nursing services; he added that although the contracted Director of Nursing had done a great job for the Facility, her services had been provided at a high cost. Mr. Sokol concluded that while the Director of Nursing position was not mandated, it received 53% State reimbursement.

With respect to the recent NYSAC Conference, Mr. Thomas said that he served on the Committee for Economic Development, Environmental and Rural Affairs and he apprised of three resolutions approved during their session. The first, he said, recognized the State-wide efforts to promote regional economic development and strengthen local economies. Mr. Thomas said the second resolution recognized the importance of agriculture and farming to the State's economy and calling on Federal officials to pass a farm bill that include important initiatives that support NY farms. He pointed out that while many were not aware of the fact, farming used to be the number one industry in the State of NY, but was now second, behind tourism; he added that farming continued to be a very important part of the State's economy. Mr. Thomas advised the third resolution opposed the Governor's proposal to limit Industrial Development Agencies' (IDA) ability to grant State sales tax exemptions as part of local economic development efforts. He explained that Governor Cuomo had proposed at least nine restrictions on the IDA's, which the Committee felt were too extensive. Additionally, he said the Committee had discussed the Excelsior Program which was similar to the Empire Program, with the smallest companies considered being those with at least 50 positions, which did not apply to many businesses in rural areas and did not provide a means to address smaller entities with fewer employees. Mr. Thomas apprised that he had also attended a NYSAC seminar regarding the work force in NY at which William Daley, Director of the Chautauqua County IDA, had talked about problems businesses were having finding people with hard skills to fill positions, as well as about the BOCES programs which were very beneficial, but not provided by many States. He expounded that it would behoove them to remove the negative stigma attached to the BOCES program and provide more support and promotion because the jobs it provided training for were needed. Mr. Thomas explained that businesses were having trouble finding trained machinists, electricians, plumbers, etc., to replace a considerable amount of the current workforce which had reached the retirement age. In closing, Mr. Thomas noted a recent article in *The Post Star* regarding the BOCES program which had been very positive towards both regular students and veterans.

Mr. Conover announced that the Finance Committee had met on February 7<sup>th</sup>, approving proposed Resolution Nos. 79 - 84; he specifically pointed out proposed Resolution No. 81, *Authorizing the County Treasurer to Transfer Funds from the Environmental Testing Reserve Fund to the County Attorney's Budget to Start the Legal Process to Take Temporary Incidents of Title to Three Delinquent Properties and Amending 2013 Warren County Budget*.

The Legislative & Rules Committee had met on January 25<sup>th</sup> to consider a number of issues, Mr. Monroe

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apprised. He said discussion had been held on the State mandated District Attorney salaries that were slated for increase and he said the Committee had determined this was an unfunded mandate for which the State should provide compensation to the counties. Discussion had also been held relative to the casino issue, Mr. Monroe noted, during which recollections were made regarding the Committee's prior decision that a local option on the issue should be provided to allow each County to determine whether or not they were in favor. He said that since that meeting, Mrs. Wood had found an article indicating that the State's compact with the Mohawk Tribe that governed Warren County might prohibit the County from participating in the eligibility process for casino placement. Martin Auffredou, County Attorney, commented that he was looking into the matter and had found that the original compact had been amended several times; he added that while they were in possession of a copy of the original compact agreement, they were still searching for all of the following amendments to determine how the original document was affected. Mr. Auffredou advised that although some sources had indicated that the compact would make Warren County ineligible for casino placement, he preferred to refrain from making any confirmations until he had reviewed all of the information available on the compact amendments and he said he would notify Mr. Monroe of his determinations after doing so.

Continuing, Mr. Monroe advised of discussions held by the Legislative & Rules Committee concerning the possibility of changing the required closing time for bars and taverns from 4:00 a.m. to 2:00 a.m. He said there was some question as to whether the regulation would apply to all of the bars and taverns in Warren County or if it could be limited to the City of Glens Falls. Mr. Auffredou noted that as per his research of the operative provisions of the law, as well as his discussions with the counsel for the State Liquor Authority, the revised closing time would have to be applied on a County-wide basis and could not be limited solely to the City of Glens Falls. He said that if the Board was in favor, they could make application by resolution to the State Liquor Authority to seek a change in the closing hours, following which the State Liquor Authority would hold public hearings to determine whether the revisions were appropriate before making a final decision. Mr. Monroe noted this issue would be discussed further by the Legislative & Rules Committee.

Mr. Monroe advised of additional topics discussed by the Legislative & Rules Committee which included the proposed amendments to the Election Law to allow for early voting, which the Commissioners of the Board of Elections were opposed to due to the significant costs associated; he advised that proposed Resolution No. 110, *Expressing Dissatisfaction and Concern of Proposed Amendments to the Election Law and Authorizing the Chairman of the Board of Supervisors to Forward a Letter to the State Legislators Expressing Such Dissatisfaction and Concern, Contingent Upon Review and Approval of the Commissioners of the Board of Elections and the County Attorney*, had resulted from these discussions.

Mr. Monroe reminded the committee that a previous resolution regarding a request to repeal a portion of the Universal Service Fund Surcharge had been tabled at a prior Board Meeting pending conference with Congressman Gibson's Office; he said the response received from Congressman Gibson's Office seemed to be in favor of the program providing free cellular phone service to income eligible individuals and pointed out that the services were funded through a surcharge paid by other cellular phone users. He advised that following further discussion on the matter, the Legislative & Rules Committee had approved proposed Resolution No. 104, *Resolution Urging the United States Congress to Repeal a Portion of the Universal Service Fund Surcharge that Provides Free Cellular Telephone Service to "Income Eligible" Individuals*. Finally, Mr. Monroe advised the Committee had discussed the NY SAFE (Secure Ammunition and Fire Arms Enforcement) Act of 2013 adopted by the New York State Legislature and their displeasure with the process used to enact it; he opined that the enactment process should have been debated at length and an appropriate amount of time allowed for reflection, none of which had occurred. He pointed out that these discussions had led the Committee to approve proposed Resolution No. 110, *Expressing Dissatisfaction with the Process Employed by the New York State*

*Legislature when Adopting the NY SAFE Act.*

Concluding his report, Mr. Monroe requested support for a resolution proposed by the Adirondack Park Local Government Review Board (APLGRB) regarding silvicultural treatments for sustainable forestry in the Adirondack Park; copies of the APLGRB's proposed Resolution No. 1 of 2013 were distributed to the Board members and a copy is also on file in the Office of the Clerk of the Board. He advised the APLGRB's proposed resolution would be voted on at their March meeting and he asked that the Board of Supervisors consider adopting a resolution of support. He noted that revisions should be made to the APLGRB resolution to change the word "manipulated" in the sixth Whereas paragraph to "managed", as well as to remove "PEFC and DEC" from the seventh Whereas paragraph. Mr. Monroe explained the resolution pertained to scientific methods for sustaining forestry, called silvicultural treatments, which were best suited for forestry management. He further explained that the APA maintained jurisdiction over clear cutting practicing and the associated permit process was lengthy and expensive; he continued that the proposed changes to the permitting process would not change any of the current standards, but would allow it to be streamlined in a manner that would shorten the permit process from approximately 14 months to 30 days.

Mrs. Wood entered the meeting at 10:26 a.m.

Commencing with his report, Mr. Girard asked Dr. Seeley, Executive Director of Cornell Cooperative Extension (CCE), to speak on the VITA (*Volunteer Income Tax Assistance*) program. Dr. Seeley advised that due in part to the financial assistance provided by Warren County, the CCE VITA program was underway, providing tax preparation assistance to income qualified individuals. He said there were many people taking advantage of the program and he noted that there were sessions ongoing that day at the Municipal Center. Dr. Seeley asked any Supervisor interested in scheduling VITA sessions in their towns to contact CCE to schedule them.

Mr. Girard apprised that at the last County Facilities Committee meeting they had discussed the main entrance to the Municipal Center and renovation options which included landscaping changes and possible relocation of the main entrance. He said they had talked about involving both County employees and representatives of Needham Risk Management in the evaluation process and he said they hoped to report on the matter at the next County Facilities Committee meeting. With respect to the Airport, Mr. Girard stated that himself, Mrs. Wood, Ross Dubarry, Airport Manager, and Jeffrey Tennyson, Superintendent of Public Works, had attended a meeting with FAA (Federal Aviation Administration) representatives regarding the status of Airport operations and the progression of the FAA Master Plan for facility improvements. He said the meeting had been very fruitful with the FAA stating their support for the actions being taken. Mr. Girard reported that they had informed the FAA of the ongoing land and aviation easement acquisition process, including negotiations with property owners stemming from a difference of opinion over property values, which he understood were close to being resolved. He noted that the FAA representatives had questioned whether the funding mechanisms to advance the runway extension project were in place and he said they had advised that the necessary commitments were in place and they were moving forward with the project.

Also at the last County Facilities Committee meeting, Mr. Girard said Mr. Westcott had distributed a document listing seven proposals for review, the most perplexing of which called for Warren County to "offer in writing to the FAA a willingness to put its airport expansion plan on hold freeing up needed funding for other higher priority areas like LaGuardia Airport which was severely damaged by Hurricane Sandy". He noted that he had discussed the viability of this proposal with Ross Dubarry, Airport Manager, who advised that was not an option as the funding received from the FAA was for rural airport projects which could not be transferred to larger facilities such as LaGuardia Airport

because they were not part of the same grant program. Additionally, Mr. Girard pointed out that providing such notice to the FAA would present a completely different standpoint than the verbal reports they had recently given to the FAA, indicating that they were prepared to proceed with the runway extension project. He commented that although he was aware that discussion of this subject was more appropriate at the Committee level, he would request an informal show of hands from the members of the Board of Supervisors as to which might be in favor of this initiative to determine whether discussion on the matter should continue. Mr. Girard noted that the Airport portion of the Public Works Committee had been split off during the prior year and assigned to the County Facilities Committee, which was comprised of two fairly new supervisors, as well as others who did not have extensive historic knowledge of Airport business.

Chairman Geraghty asserted that as per prior discussions amongst the Board members, it seemed clear that the majority were in favor of proceeding with the runway extension project, as per the Airport Master Plan. He asked if there were any Board members in favor of introducing a resolution supporting the proposal made by Mr. Westcott and none responded. Mr. Girard noted that due to the age of the Master Plan, which had originated in 2002, they had asked if they should revisit and update the Plan and the FAA had responded in the negative, advising that the County should continue with the project under the provisions of the Master Plan because the County was on target to accomplish the goals set in the Plan in a timely manner and they had encouraged the County to proceed. Mr. Girard added that the FAA representatives had advised that once the work outlined in the Master Plan was completed, they suggested the County wait two years to determine the future of the facility, at which point the Master Plan should be revised to include any new objectives. Mrs. Wood asserted that they had asked many of the questions previously asked by Board members, and said the FAA representatives had responded in a positive and supportive manner, encouraging the County to proceed.

Mr. Westcott clarified that he had distributed his proposal to the County Facilities Committee members with a request that they review the document independently for discussion at a future meeting, and he advised that review had not occurred. He stated that he had not requested a resolution, nor had he intended for the issue to be discussed at the Board level at this juncture.

Mr. Mason said he had discussed the FAA meeting at length with Mrs. Wood and he relayed his appreciation for the time taken by the group that had attended the meeting, which was held in Long Island, NY, to make the long trip to and from the meeting in the same day.

Mr. Monroe stated that he maintained his support for the Airport and the Master Plan and he opined that any discussion with respect to Mr. Westcott's proposal should be held at the Committee level, rather than at a Board meeting. Mr. Dickinson commented that, with all due respect, it appeared the majority of the Board was in favor of continuing with the Airport Master Plan; therefore, he said, the issue should not be raised for discussion at every Board meeting. Mr. Taylor echoed Mr. Girard's prior comments that FAA funds awarded to the Warren County Airport could not be re-directed to LaGuardia Airport because they were not facilities of the same caliber and were not incorporated in the same funding stream, making Mr. Westcott's proposal moot. Mr. Taylor continued that according to the 2013 Port Authority Budget, LaGuardia Airport was slated to receive \$343 million in the coming year, making the FAA grant monies Mr. Westcott proposed to redirect insignificant in comparison. He concluded that he was supportive of efforts to continue with the implementation of the Airport Master Plan.

Having received more facts from the FAA regarding funding guidelines, Mr. Westcott said he would be happy to rescind his proposal. He agreed with Mr. Monroe's comment that the discussion should have been held at the Committee level, as he had intended when he distributed his proposal. Mr. Girard thanked the Board members for the comments, advising that they helped him, as Chairman of the

County Facilities Committee, to determine the inclinations of the Board of Supervisors.

Mr. McDevitt apprised that he had recently attended a meeting with Rob York, Director of the Office of Community Services, with respect to the NY SAFE Act as it related to mental health issues and the changes it would make in the process employed by the local Directors of Community Services organizations. Basically, he explained, if a mental health professional defined a person as dangerous, that information was passed on to the Office of Community Services, as well as to the Division of Criminal Justice Services. In their discussions, Mr. McDevitt said Mr. York had expressed a need for more time to consider the local impacts of the SAFE Act, advising that although the impact in Warren County would be minimal and was not likely to incur a need for additional staffing, larger areas like Buffalo and New York City might fall into a completely different category incurring additional reporting mandates. He said Mr. York had requested additional time to assess the impact to the local communities to ensure the resulting effects would be minimal, as anticipated.

Mr. McDevitt stated the difficulty in acting so quickly to enact laws was typically a subsequent need to make revisions. He pointed out one area in need of change pertained to the ability for a diagnosing mental health professional to refrain from reporting the finding of a person being a danger to society if the mental health professional felt they or another potential victim was in danger, provided that the decision not to report was made in good faith. Mr. McDevitt stated that this provision seemed to be fundamentally inconsistent with the general order of society, especially in comparison to Kendra's Law, which attempted to strike a balance between public safety and personal rights, and did a good job of doing so. With respect to the legislative process used to enact the SAFE Act, Mr. McDevitt commented that many were critical of the actions taken, which had not included conducting public hearings to address gun violence in a way that produced meaningful results, as was expected.

The Personnel Committee met on February 7<sup>th</sup>, Mr. Taylor announced, approving proposed Resolution Nos. 93 - 97, which he outlined briefly. With respect to the Economic Growth & Development Committee, he advised the IDA had released a letter of intent to sell a parcel in the Airport Industrial Park of Warren and Washington Counties to a machining company, M&S Precision, that intended to construct an 8,000 sq. ft. building. Mr. Taylor advised Vicki Pratt-Gerbino, President of the EDC (Economic Development Corporation) of Warren County, was leaving her position on February 22<sup>nd</sup>. He said the search was underway for a new person to fill the position and he said he was unsure whether the candidate would be a Warren County resident, although he had opined that the person hired should be from within the region.

Mr. Loeb noted the Social Services Committee had not met during the past month, so he had nothing to report other than that the Department continued to do a great job. He echoed Chairman Geraghty's comments about the recent NYSAC meetings, adding that he had enjoyed attending them and listening to the various opinions expressed. One thoroughly discussed item, he said, was the manner in which the NY SAFE Act applied in relation to mental health cases and the ability for a mental health care provider to refer cases to the local Office of Community Services Directors in order to avoid liability issues. Mr. Loeb stated that the association of mental health and gun laws was one issue that needed to be addressed and there was a considerable amount of discussion on the topic at the NYSAC conference.

The Occupancy Tax Coordination Committee met on January 31<sup>st</sup> and February 11<sup>th</sup>, Mr. Kenny apprised. Beginning with the January 31<sup>st</sup> meeting, he said Mike Swan, Warren County Treasurer, had reported that occupancy tax collections had increased by 7.3% over the past year; he added that the Last of the Mohicans Outdoor Drama had made a request to reduce the number of shows performed from 16 to 6 and the Committee had subsequently reassessed the occupancy tax award and decided to

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continue the award of \$16,500 for the year. Mr. Kenny advised the possibility of reintroducing the TPCAC (Tourism Promotion Citizens Advisory Council) was debated, but it was subsequently determined to be unnecessary as the Occupancy Tax Coordination Committee meetings were open to the public and anyone wishing to join the meetings was welcome to participate. He said the Committee had discussed the ability to collect occupancy tax from online travel agencies and re-marketers, leading them to approve proposed Resolution No. 92, *Authorizing the County Attorney's Office to Draft an Amendment to the Warren County Occupancy Tax Law to Incorporate New York State Law Changes Addressing Occupancy Tax Paid by Re-Marketer Organizations*; he added that the amendments drafted by the County Attorney's Office would be reviewed and approved by the Committee before they were forwarded on to the Board. Finally, Mr. Kenny advised that at their February 11<sup>th</sup> meeting the Occupancy Tax Coordination Committee had entertained a funding application submitted by Wanaroma, Inc. for their Green Mansions Winter Festival (Adirondack Sno Cross Challenge), subsequently making an award of \$3,970 for the event (*proposed Resolution No. 91 of 2013*).

Mrs. Frasier stated that she had nothing to report, but noted that she had attended the NYSAC conference, as well. She said the conference had been excellent and she was very glad she had the chance to attend.

Mr. Bentley advised the Public Works Committee had met on January 29<sup>th</sup>, approving proposed Resolution Nos. 64 - 68, and again on February 13<sup>th</sup> where they approved proposed Resolution Nos. 111 - 118; he provided a brief outline of the resolutions approved.

The Invasive Species Sub-Committee met on January 28<sup>th</sup>, Mr. Dickinson announced and he said it seemed that while each Committee member was interested in finding a way to eradicate the invasive species issue they had different ideas as to how that goal could be achieved. He commented that each member worked independently throughout the month to try and find alternate funding sources to achieve their collective goal, and the monthly Committee meetings provided a venue to meet and convey the efforts made. Mr. Dickinson stated that this approach seemed to be working successfully. He commented that besides the Committee members, attendance at their last meeting had included representatives from the Warren County Conservation Council, Lake George Park Commission, Fund for Lake George, the Lake George Association and the Eastern NY Marine Trades Association; he added that during the meeting, two You Tube videos had been shown regarding Quagga Mussels and Hydrilla, both of which were very serious invasive species that had the potential to be introduced to Lake George if sufficient preventive measures were not enforced. Mr. Dickinson advised that Mr. Monroe had very generously offered to share his meeting time with the State's Deputy Commissioner of the Environment to spend a half hour discussing the invasive species issue; he noted that the appointments were very rigorously scheduled and only allowed discussion within the time frame allotted. Mr. Dickinson said several Committee members had attended the meeting, which had been very interesting and productive, including open conversation and exchanges of information and contacts. He said they were looking forward to receiving commitments and results from the meeting in the near future.

Mr. Merlino began his report by thanking Chairman Geraghty for re-appointing him as Chairman of the Tourism Committee, as well as for re-appointing the other Committee members. He apprised the Tourism Committee had met on January 31<sup>st</sup> and during their meeting they had been provided with an outline of programming for the year. Mr. Merlino said a number of supervisors had attended the meeting and received a comprehensive update on the workings of the Tourism Department. He pointed out three resolutions approved during the last Tourism Committee meeting as being proposed Resolution Nos. 61 - 63, which he outlined briefly.

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Mr. Montesi said that because he was not a Committee Chairman he did not have anything to report, but said he wished to recognize Mr. Tennyson for his efforts in relation to the solid waste transportation and recycling contracts; he noted that Julie Pacyna, Purchasing Agent, had been instrumental in this process, as well, and he said they had both done a commendable job. Mr. Montesi advised that Mr. Auffredou would assist the towns with the contract process by providing the appropriate wording for the required resolutions indicating their solid waste disposal and transportation preferences, thereby making a complicated situation much more tenable.

Mr. Strainer advised the Human Services Committee had met on January 28<sup>th</sup>, approving proposed Resolution Nos. 98 -102. With respect to proposed Resolution No. 102, *Supporting the Veterans Justice Outreach Program to Benefit the Veterans through their Readjustment to Civilian Life Connecting Justice, Law Enforcement and Program Mentors to the Available Resources within the VA System and Local County Systems to better Serve our Veterans*, he advised of issues faced by a number of veterans who were returning home from combat and having issues adjusting to civilian life which led them to commit crimes and take actions they would not normally consider. Mr. Strainer said he hoped the Court system would consider this concept and take part in the initiative and instead of trying individuals like persistent felons, they would do so with the understanding that these individuals might not have been in this situation had they not experienced active combat scenarios.

With respect to proposed Resolution No. 109, *Expressing Dissatisfaction and Concern of Proposed Amendments to the Election Law and Authorizing the Chairman of the Board of Supervisors to Forward a Letter to the State Legislators Expressing Such Dissatisfaction and Concern, Contingent Upon Review and Approval of the Commissioners of the Board of Elections and the County Attorney*, Mr. Mason advised the resolution did not describe the situation as well as the explanation provided the Elections Commissioners who indicated that they were not necessarily against the idea of early voting, but rather the impracticality of the system being proposed. He continued that both Elections Commissioners agreed that a system could be implemented in a much less costly manner by expanding the current absentee voting procedure to a no-fault absentee voting system; Mr. Mason said he would be in support of proposed Resolution No. 109, based on the Elections Commissioner's assertions.

Mr. Mason outlined his experiences at the recent NYSAC Conference, stating that he believed this years session was even better than last years. He noted discussions on the invasive species issue which indicated that everyone was in agreement with the need for eradication and prevention efforts. In closing, Mr. Mason apprised one of the sessions he had been most interested in had pertained to the New York State Budget where a representative of Governor Cuomo's Office had been present to answer questions, some of which had pertained to the Governor's proposal to level contributions to pension plans; he said that if taken at face value, he believed the proposal was an attempt to help the counties and he requested that the Legislative & Rules Committee review it further.

Mrs. Wood advised the Public Safety Committee had met on January 24<sup>th</sup> where they had addressed basic housekeeping issues. She apprised the most noteworthy of the resolutions approved were proposed Resolution Nos. 71, *Adopting the Training Center Policy and Procedures Manual for the Warren-Washington Counties Regional Emergency Services Training and Educational Center*, and 74, *Amending Fee Schedule for the Fire Prevention & Building Code Enforcement Department within Warren County*.

Continuing with the agenda review, Chairman Geraghty called for the report by the County Administrator. Paul Dusek, County Administrator, advised that four proposals had been received in response to the RFP (*request for proposal*) concerning the privatization and sale of the Westmount Health Facility. He said he had performed a preliminary review of the proposals received and felt there



were some viable options for the County to consider. Mr. Dusek apprised that he had tasked his staff with developing preliminary figures regarding anticipated costs associated with sale or transfer of the Facility for comparison to the purchase prices being offered; he noted that this information would be available during the following week and would be presented to the Health Services Committee for review at their next meeting. Mr. Dusek advised that once the Health Services Committee had completed their review, the next step would be to begin the preliminary interview process, following which more detailed negotiations would begin. Because they would seek to accomplish these steps rather quickly, Mr. Dusek said a special meeting might be called to begin the process in earnest. He concluded that he was very optimistic about the proposals received.

Privilege of the floor was extended to Mike Swan, County Treasurer, who apprised that he had recently attended a bond rating review conference with Standard & Poors Rating Service to review the bond ratings for the County. He said he was pleased to announce that the bond rating had increased from "A+ Positive" to "AA- Stable", which was a positive move and a pat on the back for the County. Mr. Swan read aloud one portion of the Standard & Poors report as follows "*...Standard & Poors Rating Service has raised its underlining rating one notch to AA- from A+ based on the County's improved financial position following the implementation of structural budgetary reforms and our view that the County is on a trajectory to maintain a stable financial position. The rating further reflects our opinion of the County's strong financial position with good financial management practices in place and a low overall debt burden.*" Mr. Swan stated that this report supported his opinion that Warren County was on the right track, due to the hard work of both the Board of Supervisors and the County employees; he advised that hard copies of the report were available to anyone wishing to read it and he had a digital version that could be emailed, as well.

Chairman Geraghty stated the Board was honored to welcome Assemblyman Dan Stec to the meeting and he asked if Assemblyman Stec had anything to report. Assemblyman Stec said the improved bond rating was good news and he also credited both the Board members and County staff for the increase, providing the County with a solid financial footing during a very challenging time. He noted there were a few resolutions proposed which would eventually be referred to his attention and he said he would be happy to work on those issues at the State level on the County's behalf. With respect to the process undertaken to enact the NY SAFE Act, he agreed that the process was definitely flawed and he noted that the State should strive to emulate the open and visible process used by Warren County in enacting their legislation. In closing, Assemblyman expressed his appreciation for the opportunity to represent the citizens of Warren County in the NY State Assembly.

Continuing, Chairman Geraghty called for the reading of communications, which Joan Sady, Clerk of the Board, read aloud as follows:

**Minutes from:**

1. Warren/Washington Counties Industrial Development Agency, Executive/Park/Governance Committee.

**Annual Report from:**

1. Warren County SPCA.

Adirondack Park Local Government Review Board, Resolution No. 1 of 2013, In Support of Proposed General Permit for Silvicultural Treatments in the Adirondack Park and Resolution No. 2 of 2013, Reaffirming Resolution No. 5 of 2011 in Support of Rehabilitation of the Adirondack Railroad;

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Gary & Dawn Koncikowski, correspondence provided to members of the Board of Supervisors in support of construction of a casino gambling facility in Lake George;

Attorneys Judge & Duffy, Copy of Application for Real Property Tax Exemption and PILOT Agreement for the City of Glens Falls I.D.A. and 221 Glen Street Realty Co., LLC.

Chairman Geraghty announced that he had received two resolutions from the City of Glens Falls, one regarding the bar closing time, which would be referred to the Legislative & Rules Committee, and another regarding a consolidation of police services, which would be referred to the Public Safety Committee.

Chairman Geraghty called for the reading of resolutions and Mrs. Sady advised that proposed Resolution Nos. 59 - 110 were mailed; she said that proposed Resolution Nos. 94 and 109 were corrected after mailing and a motion was necessary to approve the two resolutions as amended.

Motion was made by Mr. Bentley and seconded by Mr. Dickinson to approved Resolution Nos. 94 and 109, as amended.

Mrs. Sady announced that proposed Resolution Nos. 94 and 95 related to the filling of vacant positions and she said that unless a roll call vote was requested, both would be approved in the collective vote.

Mr. Kenny requested a roll call vote for proposed Resolution No. 110, *Expressing Dissatisfaction with the Process Employed by the New York State Legislature when Adopting the NY SAFE Act*, and he requested the opportunity to speak on the resolution before the vote was taken. Mr. Loeb requested a roll call vote for proposed Resolution No. 104, *Resolution Urging the United States Congress to Repeal a Portion of the Universal Service Fund Surcharge that Provides Free Cellular Telephone Services to "Income Eligible" Individuals*, and Mr. Westcott requested a roll call vote for proposed Resolution No. 88, *Resolution Approving Fees Charged by the Fixed Base Operator at Floyd Bennett Memorial Airport*.

Motion was made by Mr. Kenny, seconded by Mr. Thomas and carried unanimously to waive the Rules of the Board requiring that a resolution be provided in writing. Mrs. Sady advised this would be Resolution No. 119.

Motion was made by Mr. Conover, seconded by Mr. Monroe and carried unanimously to introduce a resolution in support of the proposed general permit for silvicultural treatments for sustainable forestry in the Adirondack Park, to include the amendments previously cited by Mr. Monroe. Mrs. Sady noted this would be Resolution No. 120.

Mrs. Sady advised a motion was necessary to bring proposed Resolution Nos. 58 and 111 - 120 to the floor.

Motion was made by Mr. Sokol, seconded by Mrs. Wood and carried unanimously to bring proposed Resolution Nos. 58 and 111 - 120 to the floor.

Chairman Geraghty called for discussion on resolutions. With respect to proposed Resolution No. 104, *Resolution Urging the United States Congress to Repeal a Portion of the Universal Service Fund Surcharge that Provides Free Cellular Telephone Services to "Income Eligible" Individuals*, Mr. Loeb noted that the technology offered by a cellular telephone provided a tremendous freedom of communication to citizens that was not available in the past. He said the provision of free cellular telephone services to income eligible individuals was a step towards guaranteeing this freedom of communication for all and

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he informed that the service was funded by a surcharge paid by those who purchased cellular phone services. Mr. Loeb advised of Congressman Gibson's support for the legislation, and indicated that he was also supportive of the initiative. In closing, Mr. Loeb asked his fellow Board members to vote against proposed Resolution No. 104.

Mr. Kenny commented on proposed Resolution No. 110, *Expressing Dissatisfaction with the Process Employed by the New York State Legislature when Adopting the NY SAFE Act*, advising that he had hunted for the past fifty seasons, owned six long guns, possessed a "concealed carry" pistol permit and owned two hand pistols, but had never required an assault rifle to hunt. He continued that, with all due respect to Assemblyman Stec, he disagreed with the manner in which the law was accomplished, but did not disagree with the results. Mr. Kenny stated that the Legislature voted in favor of the NY SAFE Act, and simply could have voted against it to stop it. He commented that if the Newtown, CT tragedy had occurred in Warrensburg or Glens Falls High Schools, there would likely have been little resistance to the law. Mr. Kenny continued that something needed to be done and although the law needed revision, which he understood was underway, he applauded the Governor and the Legislature for passing this NY SAFE Act, which he saw as a beginning, and not an ending, gesture.

Mr. McDevitt apprised that during the NYSAC Conference, a resolution was approved criticizing the NY SAFE Act and calling on Legislators to hold public hearings to address gun violence in a way that produced meaningful results, but did not request repeal of the Act.

Mr. Loeb stated that the NY SAFE Act was supported and argued from a number of different angles with a lot of emotion. His concern, he said, was the business of the Legislature in Albany was best handled in that arena by the appropriate Legislative representatives. Mr. Loeb reminded the Board members that at a prior meeting Assemblyman Stec had expressed his concern and unhappiness with the process used to enact the SAFE Act legislation, but noted that the entire burden could not be placed on the Governor because this was not a mandate to the Legislature; he added that the Legislature could have debated the NY SAFE Act at length for as long as they wanted, but instead had chosen to enact the law in the expedited manner which was now being criticized. Mr. Loeb stated that he did not feel Assemblyman Stec required the Board's assistance in assuming his duties in the State Assembly, especially not in his first few months in the position when a resolution of this nature might reflect poorly upon him. He opined that Assemblyman Stec was doing a good job and he fully expected that he would continue to do so; therefore, he concluded, he would recommend that each of the Board members vote in opposition to proposed Resolution No. 110.

Mr. Dickinson indicated that he also possessed a "concealed carry" pistol permit and owned a hand gun. He said he was somewhat confused about the message being sent through the proposed resolution. Mr. Dickinson agreed that there was no question that the process employed to enact the NY SAFE Act was unusual, but it had introduced a topic needing discussion. He advised that he was unsure how he should vote on the proposed resolution and would prefer that the item be tabled.

Mr. Thomas stated that opposition to the NY SAFE Act had nothing to do with hunting restrictions, but rather prevention of the ability to protect ones family and property against an increasingly tyrannical government and violation of the Second Amendment to the United States Constitution which each member of the Board of Supervisors had taken an Oath to uphold. He said that in taking these actions, the State was overstepping its bounds, once again. Mr. Bentley asserted that he also maintained a "concealed carry" pistol permit and concurred with Mr. Thomas' statement that the NY SAFE Act violated the Second Amendment, which provided the right to bear arms. He stated that he saw this as just the beginning of the regulatory actions to come, not the end, and he commented that Adolf Hitler had initiated his campaign in the same manner.

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Mr. Vanselow said that he supported proposed Resolution No. 110, but noted that it had the ability to turn any type of rifle into an assault style weapon as in most cases, it only required a cosmetic change to do so. He recommended that the resolution be amended to change all occurrences of "assault-style weapon" to "so-called assault-style weapon".

Motion was made by Mr. Vanselow, seconded by Mr. Dickinson and carried unanimously to amend proposed Resolution No. 110, as outlined above.

With respect to the manner in which the NY SAFE Act was passed, Mr. Monroe commented that the right to bear arms originated in the Declaration of Independence and the Bill of Rights, for which people had died to give us. He stated that the expedient manner employed to approve the NY SAFE Act, which had not provided any opportunity for debate, reflection or public comment, was not the correct way to take away a right that so many had perished to provide.

There being no further discussion, Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 58 - 120 were approved, as presented, including the aforementioned amendment to Resolution No. 110; the Proclamation commemorating the Town of Warrensburg's bicentennial anniversary was submitted.

Concluding the agenda review, Chairman Geraghty called for announcements. Mr. Dickinson announced that, at the request of many Town citizens, the Town of Lake George had begun a Citizens Appreciation Award program and he noted the first award had been made to Dennis Galloway for appreciation of lifetime dedication to the well being of the Town of Lake George. With respect to Ms. Pratt-Gerbino's departure from the EDC, Mr. Dickinson advised of his prior meeting experience with Ms. Pratt-Gerbino who was extremely talented, knowledgeable and professional; he said that although he was not surprised to learn she was leaving the EDC President position, he was disappointed because she had done such a good job.

Mr. Thomas announced that the Warren County Soil & Water Conservation District would be holding their annual tree, shrub and seedling sale which provided funding to the District. He said the order deadline was March 8<sup>th</sup> and noted that apple trees would be sold this year.

Privilege of the floor was extended to Dr. Fredd Senser-Lee, PhD, who began by stating that he was very proud of Assemblyman Stec's election and he called for a round of applause in his honor. He distributed copies of newspaper articles pertaining to the project he had established, Botanical Blossomings on the Bikeway - USA. Dr. Senser-Lee noted that his project had grown exponentially and advised of an upcoming feature story on his project in the Earth Day edition of the *Rails to Trails* publication for April. He then expounded on the purpose of the Blossomings on the Bikeway-USA project, which sought to include flowering plants and shrubs along bikeways, beginning in Warren County and eventually expanding to New York City; he added that his vision for the project was for it to eventually expand across all of the bikeways in the State of New York before spreading across the Country. Dr. Senser-Lee advised that he was working with the Tourism Department to incorporate his project as a tourism feature, welcoming visitors to the area to bring their own plants or shrubs to install along the bikeway.

Chairman Geraghty questioned whether the conservation group at the Warren-Washington Counties BOCES program had been contacted to see if they might be able to provide some assistance with the project and Mr. Senser-Lee replied that he had not contacted BOCES, but noted that CCE was supportive of his initiative.

Privilege of the floor was extended to Joanne Gavin, representative of the Lake George Citizens Group, who addressed the Board relative to the prospect of casino gambling in Lake George. She noted that the Lake George Citizens Group had previously held a meeting with the special guest speaker being a studier of studies on casino gambling, following which they had started polling citizens to see where they stood on the aspect of casino gambling in Lake George; she added that from these studies, the Lake George Citizens Group had determined the majority were not in favor of the idea. With respect to the presentation made at the prior month's Board meeting by Robert Blais, Mayor of the Village of Lake George, regarding the need for a study to determine the regional effects of casino gambling, Ms. Gavin advised that there was no need for a new study as there were thousands available for review. She further advised that the Lake George Citizens Group had developed a document featuring links to studies and articles pertaining to casino gambling, which she would email to each member of the Board of Supervisors following the meeting. Ms. Gavin said the articles were written from a number of different viewpoints and she encouraged the Supervisors to review them, and other available information, closely before forming an opinion on the matter. She encouraged the Board of Supervisors to refrain from wasting money on unnecessary studies and to direct their efforts instead to determining ways to promote residential growth which would be beneficial to the northern portions of the County, as well. Additionally, Ms. Gavin encouraged the Board of Supervisors to continue with the environmental park which would prove to be a true economic driver, along with Lake George itself, and concentrate on the things that meant the most in the Adirondacks, rather than bringing in new things that might end up costing more in the long run.

Mr. Westcott addressed the Board with respect to the mandate relief initiative. He said he was thrilled Assemblyman Stec was in attendance and noted he recently received an update Assemblyman Stec distributed indicating that he was working on a blueprint for reform to eliminated unfunded State mandates, which was encouraging and he thanked Assemblyman Stec for these efforts. Mr. Westcott stated that 2012 had been a very optimistic time for the fight against unfunded mandates, beginning with the Governor's establishment of the Mandate Relief Council which was intended to hold public hearings across the State, eventually reviewing all of the information garnered at a meeting in June of 2012, following which they would make recommendations for reform to the Governor. During this time, he said he had proposed the Mayday for Mandate Relief idea, which Assemblyman Stec had been very supportive of, and they had worked together to get 52 counties on board, with the intention of holding a Mayday for Mandate Relief meeting in June, immediately preceding the Governor's Mandate Relief Council meeting. The problem, he continued, was that the Mandate Relief Council had never met. In the meantime, he said, the Warren County Mandate Relief Sub-Committee had been developed, with their first order of business being to poll all of the County Department Heads to determine mandates which were either wasteful or unfair. Mr. Westcott advised they had identified 16-18 mandates of this nature, narrowing the list down to one mandate that would be sent to the Governor's Mandate Relief Council with a request for abolishment; he said that although they had perceived the selected mandate to be a sure bet for approval, a response had been returned unceremoniously rejecting the request, with no further feedback regarding the decision. He said this rejection had been very discouraging and at the close of 2012 he had suggested that the Committee be disbanded. Mr. Westcott advised that he continued to work with Assemblyman Stec on the mandate relief issue and they were planning another Mayday for Mandate Relief meeting and he said he would be meeting with NYSAC representatives to discuss this during the following week. He apprised that he had recently teamed up with Kate Browning, a Legislator from Suffolk County, who was working to alleviate mandate issues causing a projected \$100 million budget deficit, primarily attributed to the Safety Net program. Mr. Westcott advised that he would continue to work on the mandate issue and would keep the Board apprised of his efforts. In closing, he said he would appreciate support for this initiative.

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Mr. Vanselow announced that during the upcoming holiday week many North Creek businesses and restaurants would offer expanded hours and menus and he invited everyone to visit. Chairman Geraghty reminded everyone of the Adirondack Sno Cross Challenge being held at the Green Mansions Golf Course in the Town of Chester during the upcoming weekend.

Chairman Geraghty announced that an executive session was necessary and Mr. Auffredou clarified the purpose of the executive session would be to discuss current litigation regarding the Hudson River-Black River Regulating District and he advised that he did expect action to be taken following the executive session.

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

Executive session was held from 11:52 a.m. to 12:10 p.m., during which a draft resolution was distributed "Authorizing Settlement Between Warren County and the Hudson River-Black River Regulating District".

Upon reconvening, motion was made by Mr. Dickinson, seconded by Mr. Montesi and carried unanimously to approve the aforementioned resolution. Mrs. Sady announced this would be Resolution No. 121.

There being no further business to discuss, on motion made by Mr. Strainer and seconded by Mr. Westcott, Chairman Geraghty adjourned the meeting at 12:11 p.m.