

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, JUNE 20, 2014**



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 Strough.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Brock, Kenny, Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Sokol, Westcott, Thomas, Wood and Geraghty - 19. Supervisor Beaty, Absent - 1.

Commencing the agenda review, Chairman Geraghty extended privilege of the floor to Dan Durkee, Senior Health Educator, for the presentation of certificates to the winners of the 2014 Tar Wars Tobacco Free Education Program and Poster Contest for students in grades 4 and 5 of the participating schools of Warren County. Mr. Durkee made a powerpoint presentation which displayed the winning posters and outlined the program objectives; *a copy of the power point presentation is on file with the minutes.* Chairman Geraghty presented each winner with a certificate commending their efforts, following which a round of applause was given.

Chairman Geraghty called upon Kathy Barrie, former Warren County Personnel Officer, to present her with a certificate honoring her many years of service to Warren County. He noted that Mrs. Barrie had been a valued employee of the County and he extended his best wishes to her in retirement. A round of applause was given. Mrs. Barrie said it had been a pleasure serving the people of Warren County and she commented that this was one of the most beautiful places to work and live; she added that she had enjoyed working with the Board of Supervisors and was already enjoying her retirement.

Motion was made by Mr. Strough, seconded by Mr. Vanselow and carried unanimously to approve the minutes of the May 16th Board meeting, subject to correction by the Clerk of the Board.

Resuming the agenda review with the report by the Chairman of the Board, Chairman Geraghty advised he had nothing to report. He then called for reports by Committee Chairmen on the past months meetings or activities and the following were given: Supervisor Sokol, Health Services; Supervisor Westcott, Social Services; Supervisor Wood, Public Safety; Supervisor Conover, Finance; Supervisor Monroe, Legislative & Rules; Supervisor Girard, County Facilities and Extension Services; Supervisor McDevitt, Community College; Supervisor Taylor, Support Services and Personnel; Supervisor Kenny, Occupancy Tax Coordination and Criminal Justice; Supervisor Frasier, Human Services; Supervisor Dickinson, Invasive Species; and Supervisor Merlino, Tourism and Public Works.

Ms. Seeber advised that although she had nothing to report, she would like to thank Town of Queensbury Ward 4 Councilman William VanNess for his efforts in association with the Hudson Valley Volunteer Firemen's Association's Convention which was being hosted by the West Glens Falls Volunteer Fire Company that weekend. She noted that the Mardi Gras parade, scheduled to be held that evening, was something her family looked forward to attending each year and she said she hoped other

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members of the Board of Supervisors planned to attend as well. Ms. Seeber noted that this event was a worthy recipient of the County's occupancy tax funding.

Mr. Sokol noted that in his absence, Mr. Conover had chaired the May 23rd meeting of the Health Services Committee, which he said he appreciated. He advised that during this meeting the Committee had been presented with a Report on Revenues and Expenditures for the Public Health Division, reflecting final figures for 2013, which indicated the Division had been \$528,731.97 under budget. As for business presented on behalf of the Westmount Health Facility, Mr. Sokol advised they were seeking to create the new full-time position of LPN FT #13 (floating) and to delete the two part-time positions of LPN PT #13 and LPN PT #14, as represented by proposed Resolution No. 305, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2014*. He stated that this action would serve to reduce salary costs as the new floater position could be used wherever it was needed. Additionally, Mr. Sokol pointed out proposed Resolution No. 292, *Authorizing the Appropriation of Funds from the General Fund to Provide Local Match for Additional Intergovernmental Transfers to be Received by Westmount Health Facility; Amending 2014 Warren County Budget*, which would appropriate the \$480,464 necessary to provide the local match for the additional IGT (*intergovernmental transfer*) funds awarded. He noted that additional funding was being provided by the State based on 2010 and 2011 Medicaid payments; however, he stated, the County would have to provide matching funds. Mr. Sokol advised this additional funding trend would continue for the next three years and the Health Services Committee would be provided with financial information regarding the implications of accepting this additional funding at a future meeting.

With regards to the Social Services Committee, Mr. Westcott advised that Suzanne Wheeler, Commissioner of the Department of Social Services, had announced her intentions to retire. He commented that Ms. Wheeler had done an outstanding job in her operation of the Social Services Division and it had been a pleasure working with her; Mr. Westcott added that he wished Ms. Wheeler all the best in her impending retirement. Mr. Westcott then pointed out proposed Resolution No. 321, *Resolution Amending Resolution No. 56 of 2014 and Resolution No. 192 of 2011 and Reclassifying the Positions of 1st and 2nd Social Services Attorney*, noting that this resolution had not been brought before the Social Services Committee, but was necessary in order to proceed in filling existing vacancies.

Ms. Wood advised the Public Safety Committee had met on May 21st, approving several basic resolutions. She mentioned that Brian LaFlure, Fire Coordinator/Director of the Office of Emergency Services, and his staff had organized and held a Tier 3 training course for local supervisors and officials which she and Supervisors Thomas and Strough had attended, along with many others. Ms. Wood said this training had been very informative and beneficial and she thanked Mr. LaFlure and his staff for his efforts in organizing the course.

Mr. Conover apprised the Finance Committee had met on June 11th, approving proposed Resolution Nos. 276, 289-296 and 323, all of which were included in the resolution packet.

Mr. Monroe reported that during their meeting held on June 9th, the Legislative & Rules Committee had considered supporting proposed legislation aimed at abolishing the Hudson River-Black River Regulating District (*HRBRRD*). He advised the most attractive feature of the proposed bill was that no county within the district would be liable for payments to the HRBRRD; however, he stated, there were some questions as to whether prior payment obligations would simply be turned over to the new power authority that would be instituted by the State. Additionally, Mr. Monroe said there was uncertainty about how land use permits issued for properties surrounding Sacandaga Lake would be affected. Based on these unanswered questions, he advised the Committee had refrained from taking any action to support the proposed legislation. Mr. Monroe apprised the Legislative & Rules Committee had

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approved resolutions of support for two other pieces of proposed legislation relating to invasive species, as represented by proposed Resolution Nos. 301, *Supporting Assembly Bill 9619/Senate Bill 7273, An Act to Amend the Environmental Conservation Law in Relation to Aquatic Invasive Species Spread Prevention and Penalties*, and 302, *Supporting Assembly Bill 9927, An Act to amend the Navigation Law in Relation to Directing the NYSDEC to Establish and Provide for the Posting of Universal Signage at Public Boat Launches Warning of the Threat of Aquatic Invasive Species and Providing for the Elimination of Such Threat Posed by Watercraft*. He noted that the Adirondack Park Local Government Review Board was in favor of both of the bills presented and had asked that Senator Little support them, as well; therefore, he added, he would ask that, if approved, both of the aforementioned resolutions be forwarded to Senator Little immediately following the Board Meeting. Continuing his report, Mr. Monroe advised the Legislative & Rules Committee had been provided with a presentation about beaver dams and the problems caused by flooding when they broke. He noted that the County had experienced beaver dam related flooding events in the past which had resulted in considerable repair costs. Mr. Monroe advised the Committee had reached no conclusions as to how this issue could be addressed as it was very difficult to identify areas where beaver dams could potentially cause problems and then to determine how they should be addressed when located on private property.

Mr. Girard announced that the County Facilities Committee had met on May 27th, approving proposed Resolution Nos. 284, *Authorizing Conceptual Approval for Schermerhorn Aviation II, Inc. to Construct a Stand Alone Office Building on the Floyd Bennett Memorial Airport Property and Authorizing Negotiations Between Rich Air and Warren County for Terms of a Ground Lease for the Stand Alone Office Building*, 285, *Ratifying Actions of the Chairman of the Board in Executing a Grant Application and Authorizing Submission of Grant Application to New York State Department of Transportation, Aviation Bureau for Installation of a Natural Gas Distribution System*, and 286, *Ratifying Actions of the Chairman of the Board in Executing a Grant Application and Authorizing Submission of Grant Application to New York State Department of Transportation, Aviation Bureau for Upgrades to the Aviation Fuel Farm*. Mr. Girard advised the proposed Resolution Nos. 319, *Authorizing Agreement with Passero Associates, Inc. for Consulting Services Required for Federal Aviation Administration Approvals Related to the Proposed Stand Alone Restaurant and Stand Alone Office Building on Property at the Floyd Bennett Memorial Airport*, and 320, *Authorizing Agreement with Schermerhorn Real Estate Holdings, Inc. to Reimburse Warren County for Aviation Consulting Services Required for Federal Aviation Administration Approvals Related to the Proposed Stand Alone Restaurant and Stand Alone Office Building to be Constructed on Property at the Floyd Bennett Memorial Airport*, were authorized for presentation through a post-Committee request process. With regards to Extension Services, Mr. Girard advised they continued to research the solar energy options available for the Cornell Cooperative Extension Building and he noted that it was imperative that a decision be made and the new energy facilities installed before the upcoming winter. Finally, he announced Cornell Cooperative Extension would hold their annual golf fundraiser during the upcoming summer and he asked everyone to support the event.

Mr. McDevitt advised a joint meeting of the Community College and Finance Committees had been held on June 9th which he said had been very well attended. He pointed out proposed Resolution No. 289, *Approving Tentative Operating Budget for Fiscal Year 2014-2015 for Adirondack Community College and Providing for Public Hearing*, and he noted that the budget increase remained within the 2% tax cap guidelines. Mr. McDevitt then requested a roll call vote for proposed Resolution No. 287, *Authorizing Agreement with the South Warren Snowmobile Club, Inc. to use Approximately 7,128 Feet (1.35 Miles) of the Warren County Bikeway for a Snowmobile Trail*.

Mr. Taylor advised the Support Services Committee had met on May 30th, approving proposed Resolution Nos. 281, *Awarding Bid and Authorizing Agreement with Fort Orange Press, Inc. for Printing*

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of Election Materials (WC 042-14), 282, Amending Resolution No. 186 of 2014 and Authorizing Fourth Amendment to the Independent Contractor Agreement with Jacob Hume, and 283, Authorizing Administrator of Self-Insurance Department to Serve as Treasurer for the New York State Association of Self Insured Counties. He then noted that during their June 11th meeting, the Personnel Committee had approved proposed Resolution Nos. 305-309 and 321, all of which were included in the agenda packet.

Mr. Brock advised he had nothing to report, but requested roll call votes for proposed Resolution Nos. 284, *Authorizing Conceptual Approval for Schermerhorn Aviation II, Inc. to Construct a Stand Alone Office Building on the Floyd Bennett Memorial Airport Property and Authorizing Negotiations Between Rich Air and Warren County for Terms of a Ground Lease for the Stand Alone Office Building*, 319, *Authorizing Agreement with Passero Associates, Inc. for Consulting Services Required for Federal Aviation Administration Approvals Related to the Proposed Stand Alone Restaurant and Stand Alone Office Building on Property at the Floyd Bennett Memorial Airport*, and 320, *Authorizing Agreement with Schermerhorn Real Estate Holdings, Inc. to Reimburse Warren County for Aviation Consulting Services Required for Federal Aviation Administration Approvals Related to the Proposed Stand Alone Restaurant and Stand Alone Office Building to be Constructed on Property at the Floyd Bennett Memorial Airport*. He advised he was requesting roll call votes for these resolutions because his wife was employed by Richard Schermerhorn, of Schermerhorn Aviation II, Inc./Schermerhorn Real Estate Holdings.

Mr. Kenny reported that the Occupancy Tax Coordination Committee had held their last meeting on May 29th, during which County Treasurer Mike Swan had reported that the Occupancy Tax collections through May 27, 2014 reflected an increase of 4.76%. He noted that Paul Dusek, County Administrator, had outlined proposed revisions to the occupancy tax reporting requirements for municipalities; Mr. Kenny advised the Committee had requested certain revisions which Mr. Dusek would work to incorporate and report on at a future meeting. Finally, Mr. Kenny said he had submitted a proposal for an increase in the occupancy tax rate in order to assist with the expenses of the Glens Falls Civic Center, but it became apparent there was not support amongst the Committee for this initiative.

Mr. Kenny advised that in Mr. Dickinson's absence, he had chaired the May 21st Criminal Justice Committee meeting where the Committee had approved several budget related requests, as well as proposed Resolution Nos. 298, *Ratifying the Actions and Authorizing the County Treasurer to Pay Retention Salary Increase and Appeals Stipend to Public Defender Staff and Pay Retention Salary Increase to the Assigned Counsel Administrator*, 299, *Authorizing the Submission of the Updated Ignition Interlock Plan to New York State Division of Criminal Justice Services*, and 300, *Ratifying the Actions of the District Attorney and the Chairman of the Board for Submission of an Application to the New York State Division of Criminal Justice Services for State Aid to Prosecution Grant*. Mr. Kenny advised that during this meeting Robert Iusi, Probation Director, had reported on the mounting costs of safety equipment needed for probationary home visits, but said he planned to stage the expenses to use funding available within his existing budget and had applied for grant funding, as well. Additionally, he said Mr. Iusi had reported the cost of outfitting the three probation vehicles with radio equipment to be \$4,200 per car and he had indicated that he intended to have radios installed in two of the vehicles right away and delay the installation for the third vehicle until the funding was available. He continued that Joy LaFountain, Assigned Counsel Administrator, had presented a request to amend the procedure for voucher submissions to her Office, based on the late submissions made by Attorney Martin Cohen of the FitzGerald, Morris, Baker, Firth PC law firm. Mr. Kenny advised that following advisement from Martin Auffredou, County Attorney, the Committee had decided to refrain from taking any action on Ms. LaFountain's request and to invite Attorney Cohen to the next Committee meeting to speak on this issue. Concluding his report, Mr. Kenny requested the opportunity to speak on the Occupancy Tax issue at a time deemed appropriate by Chairman Geraghty.

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Mrs. Frasier advised the Human Services Committee had last met on May 23rd, approving proposed Resolution Nos. 310-315, all of which were included in the Resolution packet, as well as some requests for transfers of funds and to host meetings. She reminded her fellow Board Members that the Summer Youth Picnic sponsored by the Employment & Training Administration would be held on August 14th; she noted this was a very nice event and it was refreshing to see how many young people participated and the good job they did working in different areas of the County.

Mr. Dickinson began by thanking Mr. Kenny for filling in for him at the last Criminal Justice Committee Meeting. He advised the Invasive Species Sub-Committee had met on June 11th, at which time a report was provided by Emily DeBolt, of the Lake George Association (LGA), regarding the Adirondack Park Invasive Plant Program (APIPP). He said the presentation had been very interesting, discussing the advanced spread of invasive species; he added that this information could serve as a handy tool as they proceeded with invasive species eradication efforts. Mr. Dickinson reported that they had also received an update from Walt Lender, Executive Director of the LGA, regarding the Asian Clam eradication efforts which indicated that the preliminary results of the over-matting in a certain area of Lake George had been very successful. He said Mr. Lender had indicated that they had searched for Asian Clams in the periphery areas before removing the mats, but had found none. Mr. Dickinson explained that these results indicated that if they were able to accurately determine the limits of small infestations and over-mat them, a successful eradication could be achieved. He pointed out that the resolution packet included a Proclamation naming the week of July 6-12 to be New York State Invasive Species Awareness Week, noting that it was nice to see this Proclamation as he was finding that education and public awareness were strong keys to assist with the invasive species eradication program. Finally, Mr. Dickinson advised he had recently learned the website for the popular sporting goods store Cabela's (www.cabelas.com) provided information regarding invasive species which he had found to be both accurate and informative; he added that he had been very happy to see this because the sporting public played a significant part in the invasive species program.

Mr. Merlino advised the Tourism Committee had met on May 29th, approving proposed Resolution Nos. 303, *Authorizing Agreement with Offset House, Inc. for the Printing of the 2014 Warren County Fall Brochure for the Tourism Department*, and 304, *Amending Resolution No. 71 of 2014; Authorizing an Agreement with Adirondack Hot Air Balloon Festival, Inc. to Include an Allocation of up to \$15,000 from the Tourism Budget to Assist with Costs Associated with Promoting the Event*. He said that during this meeting the Tourism Committee had received copies of many print ads placed this year and they had discussed how media buying opportunities helped to promote the area; he added that they had also reviewed the results of the 2013-14 electronic winter survey, which were favorable. In regards to the May 21st meeting of the Public Works Committee, Mr. Merlino reported that proposed Resolution No. 287, *Authorizing Agreement with the South Warren Snowmobile Club, Inc. to use Approximately 7,128 Feet (1.35 Miles) of the Warren County Bikeway for a Snowmobile Trail*, had been approved and he said he thought this would generate some discussion because it related to use of snowmobiles on the Warren County Bikeway. Concluding his report, Mr. Merlino advised that although the DPW crews had gotten off to a slow start with highway repairs due to the long winter, they were quickly catching up.

Resuming the Agenda review, Chairman Geraghty called for the report by the County Administrator. Mr. Dusek advised that during the June 11th Finance Committee meeting discussion had been held relative to solar power options and he had been asked to research the program being advocated by NYSAC (*New York State Association of Counties*). He noted that there was a separate review ongoing for the Cornell Cooperative Extension Building through the County Facilities Committee in order to lessen electrical costs incurred there. Mr. Dusek reported that there were many solar power options available to consider, one of which was the NYSAC offering of a NYSEDA (*New York State Energy Resource and Development Authority*) program through which a company called SolarCity had been

selected by MEGA (*Municipal Energy & Gas Alliance*) to be the lowest responsible bidder. He distributed documentation outlining the NYSEDA program which he proceeded to review; *a copy of this documentation is on file with the Items Distributed at the Board Meeting*. During his review, Mr. Dusek indicated that Solar City would provide for the installation of the solar equipment and the County could potentially save \$75,000 for a 1 megawatt project. However, he continued, if the Board was interested in pursuing this option they would need to approve a resolution at the current meeting to authorize submission of a non-binding letter of authorization signed by the Chairman of the Board to National Grid no later than June 26, 2014 outlining the proposed solar farm location, system size and all take off meters, as well as a non-binding letter of intent to NYSEDA indicating the County's desire to move forward on a project with the vendor of its choice. Mr. Dusek indicated that the County was not required use SolarCity as the vendor for the solar project, but noted it was assumed they were the lowest responsible bidder for the work as indicated by the designation made by MEGA. He pointed out that there was currently about \$60 million in NYSEDA grant funding available for solar program projects, and it appeared additional rounds of grant funding would be available in future years, although the grant terms might not be as favorable. Mr. Dusek concluded that the submission of the aforementioned non-binding letters did not obligate the County to enter into a solar power arrangement. He explained that if a grant award was made, the County would have 60 days to enter into contract with the solar provider of their choice, or they could decline the grant award and stop the process; however, he noted, refraining from accepting the grant award without good reason may negatively affect future grant opportunities.

Mr. Dickinson mentioned that the Town and Village of Lake George had attempted to incorporate a solar power energy source in the past and after signing all the necessary contracts had immediately received a letter from a competitive vendor raising the issue that this contract had not been properly bid. He then asked if it was appropriate for the County to enter into an agreement such as this without having released an RFP (*request for proposals*). Mr. Dusek responded this situation could potentially arise, but noted that if a legal issue was identified the County would not be obligated to proceed; he added that presumably, SolarCity had been chosen by MEGA as a result of their own RFP process because they offered the best rates available and the County would be using these same RFP results. Mr. Dusek advised the County was not required to enter into contract until a bid award was made in the fall and he said he believed they would be able to identify and address any problems such as this before that time.

Mr. Strough stated that while he agreed it was proper to consider the use of solar energy to be more economical and environmentally friendly, there were a number of different vendors, solar options, and types of power purchase agreements, as well as the availability of hydro-electric opportunities, to consider before making a decision such as this. For instance, he cited that placing solar panels on rooftops took up less valuable space than installing them on land. Additionally, Mr. Strough pointed out that some power purchase agreements, such as the one proposed with SolarCity, were based on market values, while others included fixed rates. He suggested that it might be better for the County to contract with an outside agency, such as Energy Next, to evaluate all of the options available and determine which was best for the County.

Mr. Dusek commented that he was in no way recommending that the County proceed to contract with SolarCity before considering all of the options available; he added that he was simply presenting the information regarding the NYSAC offering at the request of the Finance Committee. He said he was aware of the plethora of options available to the County and asserted that they would be researched before a decision was finalized.

Ms. Seeber stated that in light of the situation the County was currently involved in regarding the

Siemens co-generation facility at the Westmount Health Facility, she was hesitant to proceed in this direction with only one vendor to choose from. She commented that Mr. Strough had raised a good point about the number of alternative options available to the County and she questioned when the next funding opportunity would arise if they did not apply for this one. Mr. Dusek responded the next round of funding would likely become available in 2015, but he reiterated that the grant terms might change and not be as beneficial as they were in the current grant.

Mr. Dickinson advised that he had spent a considerable amount of time meeting with different solar power companies when considering the Town/Village solar power program and he agreed there were many options available. He noted that the Town/Village had shied away from rooftop solar panel placements due to the potential for roof damage. Mr. Dickinson said that initially there had been so many issues involved with solar power placement around individual buildings that they had been unable to agree on a system until the solar farm option had become available to perfectly suit their needs. He said that in his opinion, the solar farm option was the best possible scenario for the County and he was in favor of submitting the non-binding agreements and proceeding as the County had nothing to lose at this point.

Mr. Monroe said he had some concerns with the market value variation of the potential savings to the County. He noted that the Town of Chester had a solar power arrangement with guaranteed savings and he felt the County should seek this option, instead.

Mr. Taylor pointed out that various municipalities in Warren County were considering solar power options and he noted if this might be an opportunity to consolidate efforts and achieve one large solar farm for all of the municipalities, and in doing so meet the State's call for a consolidation of services.

Regarding the placement of solar panels on rooftops, Mr. Strough stated that the solar cells actually prolonged the life of the roof, but in cases where issues arose, the vendor would remove the cell in order for roof work to take place and re-install it afterward with no liability to the owner of the building. Mr. Strough reiterated he strongly suggested that an independent analysis be performed before a decision on this matter was made.

Mr. Conover said they might want to consider authorizing the non-binding letters for submission to meet grant deadlines, then ask the Planning & Community Development Department to fully explore and report on the solar options available so that they would be taking an educated approach. As far as the possible negative effects of turning down the NYSEDA grant funding, he said these were complicated projects and he did not believe Warren County would be the first to refrain from accepting a grant award; therefore, he added, he was not overly concerned that the County would be penalized when applying for future grant opportunities.

Mr. Vanselow advised the Town of Johnsbury had received a number of presentations regarding solar options which had included various savings opportunities. He noted that this project included the potential for a 20-year contract term and he questioned what would happen at the end of that term. Mr. Dusek replied that he was unsure and noted that he had done his best to gather as much information as possible in a very short amount of time; he added that, from his prospective, the best way to handle this situation would be to have an engineer consider all options and then make a decision based on their findings. Mr. Dusek commented that although they would likely receive less funding by applying in 2015, it might be best to delay a decision to proceed at this point as there were many unanswered questions and options available to consider. He concluded that the availability of grant funding indicated that the State of New York was very interested in solar/hydro power opportunities and was offering funding to incorporate them.

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When asked to comment on the current status of the solar power research being performed, Jeffery Tennyson, Superintendent of Public Works, advised that solar, hydro, wind and geo-thermal power options for the Cornell Cooperative Extension Building were being explored. He commented that this was a huge undertaking due to the number of options available and said he was not prepared to report on the study at this time. Mr. Tennyson noted that multiple municipalities had successfully installed solar power units and he felt this might be the most viable option for the Cornell Cooperative Building, as well, but a definitive conclusion had yet to be reached.

Chairman Geraghty commented that there were so many power options available that it would be easy for this process to become mired down. He noted that the County wanted to assist Cornell Cooperative Extension in lowering their outrageous utility bills before the upcoming winter, and if they continued to proceed in this manner it would never happen. Mr. Girard suggested that the solar energy research be narrowed to just the Cornell Cooperative Extension and Countryside Adult Home buildings for the time being in order to meet their needs before the upcoming winter, following which they could expand their research to consider the County's needs as a whole.

Motion was made by Mr. Dickinson and seconded by Mr. Strough to authorize the aforementioned non-binding letters; however, the motion failed due to a lack of majority vote.

Continuing the Agenda review, Chairman Geraghty called for the report by the County Attorney; Mr. Auffredou advised he had nothing to report, but noted that he would require an executive session at the close of the meeting.

Chairman Geraghty called for the reading of communications and Joan Sady, Clerk of the Board, read the following aloud:

Minutes from:

Warren/Washington Counties I.D.A and its Executive/Park Committees;

Monthly Reports from:

1. Weights & Measures;
2. Probation

Annual Reports from:

1. Warren County Jury Board;
2. Capital District Regional Off-Track Betting Corporation;
3. Warren-Washington Counties Industrial Development Agency;

Capital District Regional Off-Track Betting Corporation, April 30, 2014 Financial Report, as well as April 2014 surcharge in the amount of \$5,100;

N.Y.S. Office of Parks, Recreation and Historic Preservation, notification of listing of Woodward Hall in Lake Luzerne on the National Register of Historic Places;

Kathleen Naftaly, Director of Crandall Library, thanking the Board of Supervisors for funding in the 2014 Budget;

Ross Dubarry, Airport Manager, regarding a public hearing for Off-Airport Land/Avigation Easement Acquisition, a copy of which was provided to all supervisors.

Chairman Geraghty extended privilege of the floor to Supervisor Kenny to speak on the occupancy tax.

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Mr. Kenny noted that during the May 29th Occupancy Tax Coordination Committee meeting, he had apprised of a meeting held in the City of Glens Falls which he had attended along with Dan Hall, *Greater Glens Falls Local Development Corporation Board of Directors*, Chairman Geraghty, Supervisor Girard and Mayor Diamond, *City of Glens Falls*. He explained the basic function of the meeting had been for Mayor Diamond to advise that the City needed help funding operations at the Glens Falls Civic Center. Mr. Kenny stated that he had heard the Civic Center referred to as a regional facility by the Board of Supervisors many times over the past 17 years, but when it came to providing funding for this regional facility, no one had the funds to help. He commented that the Civic Center was a \$30 million facility, the king of regional assets in Warren County, and the City had nowhere else to turn for funding assistance other than to the County. Mr. Kenny stated that the City of Glens Falls served as Warren County's "downtown" and the Civic Center was the building block upon which the economy of the City was built. He commented that without the Civic Center, the downtown area would return to what it was 20 years ago, a wasteland of empty store fronts. He announced that it was time for the County to step up to the plate on this issue and provide funding assistance.

Mr. Kenny advised the Civic Center faced a shortfall that was rapidly approaching \$1 million annually; he cited that for the average show, the Civic Center needed to have approximately 3,100 people in attendance to break even and he noted they fell short of this goal on many occasions. He apprised that he had presented the Occupancy Tax Coordination Committee with a plan to raise the occupancy tax rate in what he felt was a responsible manner to address the Civic Center issue with no additional burden to the taxpayers of Warren County. This plan was discussed by the Occupancy Tax Coordination Committee, he said, and it soon became apparent there was no support for the idea; he added that he had listened closely to the discussion held, accepted the lack of support and moved on in examining a way to accomplish ways to help the Civic Center without burdening taxpayers. Mr. Kenny said he had met with the Chairman of the Finance Committee, Supervisor Conover, during the prior week to discuss a new, simpler plan which would reduce the amount of funds distributed annually from \$350,000 to \$175,000 and supplement that amount with an additional \$125,000 from the occupancy tax reserve. He advised Supervisor Conover was supportive of this plan, but suggested that it be taken a step further to use funds already banked to support the Civic Center, as well as other regional assets in the County. Mr. Kenny urged his fellow Board Members to consider this plan and he suggested that it be implemented incrementally, first funding the Glens Falls Civic Center and then considering the other regional assets of Warren County. He reminded the Board Members that this would provide funding without incurring any cost to the citizens of Warren County by using assets already available. In closing, Mr. Kenny commented that the additional \$300,000 per year contributed to the Civic Center would not cover the \$1 million annual shortfall, but would help with financing operations.

Mr. Dickinson pointed out that about 45% of the occupancy tax revenue received was generated in the Town of Lake George. He said he had met with Mayor Diamond, along with Supervisor Taylor, and reviewed the funding assistance request which he found to be both simple and sincere; he added that he had expressed to Mayor Diamond that there was growing concern with respect to the financial status of the Civic Center and that they were trying to resolve the issue as quickly and efficiently as possible. Mr. Dickinson opined that the idea of an increase in the occupancy tax rate was a very sensitive issue and before they could address the request for an increase, they needed to first review where the funds already being collected were spent and determine whether there was any waste. He commented there were a multitude of questions to be answered and the Board of Supervisors needed to be very careful about how they addressed this situation. Mr. Dickinson suggested the best way to proceed would be to establish a detailed list of those things that Warren County would like to support with their occupancy tax revenues, which could include events like Americade which brought \$45 million to the County in a week, as well as facilities like the Civic Center and East Field, to determine how the list

should be prioritized for funding. He then commented on current funding guidelines which prevented towns lacking occupancy from using their occupancy tax distributions for things such as road repairs and signage that could increase tourism, and said all of these issues needed to be reviewed before making any funding commitments. Mr. Westcott stated that he agreed with Mr. Dickinson's comments.

Chairman Geraghty said he had asked Supervisor Conover to develop a reporting on his proposal and the financial implications for review at a future meeting; he added that it would take Supervisor Conover some time to do this, but he hoped the information would be available by late August. Chairman Geraghty commented that while he agreed the Civic Center needed help, he was unprepared to make any decision on the matter today.

Mr. Conover thanked Mayor Diamond for holding meetings and being candid about the financial problems faced by the Glens Falls Civic Center. He said he believed he understood the Board's concerns and advised he had been trying to reach out to as many supervisors as possible to gain an understanding of their feelings as to the broader questions regarding use of the County's occupancy tax-related assets. Mr. Conover opined that the Board needed to proceed with this review process without judging the conclusion and establish the best possible approach to address this situation. He asked that anyone with thoughts on important regional assets communicate them to Mr. Dusek and he noted they would need to take a very broad-based approach to reach a satisfactory conclusion as there would likely be many ideas to consider. Mr. Conover said he appreciated the opportunity to meet and discuss this issue with Mr. Kenny and he concluded that the imperative nature of the situation had been expressed and needed to be dealt with in a similar fashion.

Mr. Strough commented that the number one obligation to the taxpayers of Warren County was to reduce taxes and if increasing revenues did this, that was the right direction to proceed in. He said he agreed with Supervisor Dickinson in the sense that they should review current occupancy tax expenditures to make sure they were appropriate, but he also agreed with Mr. Kenny in that the Glens Falls Civic Center was an important regional asset that needed to be supported in a regional manner.

Mr. Dickinson commented that occupancy tax revenues were collected primarily by motel and hotel owners who interfaced with visitors to Warren County. He cautioned that if the direction taken by the Board in this instance negatively effected occupancy levels, they could expect to receive adverse reactions from those who were charged with collecting the occupancy tax. Mr. Kenny responded that keeping the Glens Falls Civic Center open was maintaining occupancy levels and he pointed out that during the Boys Basketball Tournament held at the Civic Center, hotels in Lake George had been filled to maximum occupancy.

Mayor Diamond said he was present to show his support for Mr. Kenny's proposal, stating that using occupancy tax revenues to support the Civic Center made sense and provided the opportunity to invest and bring more tourism to Warren County. He mentioned that Mr. Kenny's original proposal to increase the occupancy tax rate by 1% would provide a stipend to the towns of Warren County, as well as provide funding to the Civic Center, and he noted that the proposal had included the City of Glens Falls relinquishing the rights to use 3,200 acres of land for recreational purposes to Warren County. Mayor Diamond stated that the availability of use of this property could potentially provide a means to extend the tourism season beyond the current 90-120 day period.

Privilege of the floor was extended to Omar Usmani, resident of Warren County, who began by thanking the Board for all their hard work. He apprised that he was a businessman who had been drawn to Warren County by Lake George, and for that reason had supported every Lake George-related project,

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such as the invasive species project, the new Visitors Center, etc., and any type of project that had the potential to bring more people to the area, and he noted that as a businessman, he had invested over \$4 million regionally. He expressed his concern for the Civic Center, citing the considerable investments being made in the Times Union Center in Albany, NY, and he noted that the decision to fund the Glens Falls Civic Center would not be in the hands of the Board of Supervisors for long before the decision was made to sell the facility to a private entity, making it no longer available as a public venue for Warren County residents. He said he saw this as a pivotal decision in which the Board of Supervisors had a chance to invest in this regional asset which was very close to shutting down, which would be devastating to the businesses of Glens Falls and Warren County.

Resuming the Agenda review, Chairman Geraghty called for the reading of resolutions. Mrs. Sady announced that proposed Resolution Nos. 276-318 were mailed and proposed Resolution Nos. 276 and 305 were amended after mailing. She advised a motion was necessary to approve proposed Resolution Nos. 276 and 305, as amended; the necessary motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously.

Mrs. Sady stated that a motion was necessary to bring proposed Resolution Nos. 275 and 319-323 to the floor; the requested motion was made by Mr. Sokol, seconded by Mr. Simpson and carried unanimously.

Chairman Geraghty called for discussion on resolutions and roll call requests.

In regards to proposed Resolution No. 295, *Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget to Pay Warren County's Share of the Audit Report Fee in Connection with Transportation Enhancement Project Grant for the Charles R. Wood Park Project; Amending 2014 Warren County Budget*, Mr. Thomas questioned why the funds to pay the County's share of the audit cost were coming from the occupancy tax reserve instead of from parking revenues. Mr. Dusek replied that the expense had to be paid from occupancy tax revenues based on a prior cost sharing agreement between the County and the Village of Lake George.

With respect to proposed Resolution No. 323, *Amending Warren County Budget for 2014 for Various Departments within Warren County*, Mr. Kenny said he believed this resolution should have been addressed by the Budget Committee, rather than the Finance Committee, because funds were being added to the County Budget. He advised that he would be voting against this resolution and he asked the County Administrator to comment on why the resolution was approved by the Finance Committee, rather than the Budget Committee. Mr. Dusek responded that requests such as this one were generally entertained by the Finance Committee, but noted that a motion could be made to refer the resolution to the Budget Committee for review.

Mr. Dickinson said he agreed this matter should have been referred to the Budget Committee and he said he had tried to do this at the last Public Works Committee meeting, but there was insufficient support to approve the motion.

Motion was made by Mr. Kenny and seconded by Mr. Dickinson to refer proposed Resolution No. 323 to the Budget Committee.

Mr. Monroe commented that in his long standing experience as a member of the Board of Supervisors, this type of request was always approved by the Finance Committee, so there should be no question as to the procedure followed. As for the merits of the resolution, Mr. Monroe stated that the roads were

in very bad shape and he noted that good roads were necessary to bring tourism to the region. Ms. Wood interjected that a motion to refer this issue to the Budget Committee had been introduced at the last Public Works Committee meeting, but the Committee had not voted in favor of it. She said there had been significant discussion on this matter and she said she was concerned that they were starting to set a precedent here and she was not aware of any particular issue with accepting the CHIPS (*Consolidated Highway Improvement Program*) funding. Mr. Kenny stated that accepting the funds into the budget should mean that the matter would be reviewed by the Budget Committee; Ms. Wood responded it was correct that they were accepting the funds into the budget, but the controversial question seemed to be how those funds would be used. Mr. Dickinson advised the issue raised related to the fact that an additional \$1 million had been contributed to the DPW Budget to provide for additional road repairs, subsequent to which an additional \$141,999.04 in unsolicited State CHIPS funding was received, funding which some felt should be returned to the County budget for other expenses rather than additional road repairs.

Chairman Geraghty called the question and the motion to refer proposed Resolution No. 323 to the Budget Committee failed due to a lack of majority vote.

With regard to proposed Resolution No. 287, *Authorizing Agreement with the South Warren Snowmobile Club, Inc. to use Approximately 7,128 Feet (1.35 Miles) of the Warren County Bikeway for a Snowmobile Trail*, Mr. Strough recalled that in prior years, the use of snowmobile grooming equipment had caused damage to the Bikeway, which was used for nine months of the year by bicyclists and pedestrians. He noted that repairs had been made to the damaged portion of the Bikeway which caused that section of pavement to become very slippery in wet weather. Mr. Strough pointed out that proposed Resolution No. 287 would authorize use of a portion of the Bikeway as a snowmobile trail through March 31, 2017, and although it included a provision whereby the Superintendent of Public Works could restrict snowmobile use on the Bikeway when weather conditions were not conducive, no assurances had been made that further damages would not occur. Mr. Strough concluded that although he was not necessarily opposed to snowmobile use on the designated portion of the Bikeway, he would not vote in favor of any resolution of this nature until he was convinced that the Bikeway would not sustain any further damage from such use.

Mr. Merlino responded that he felt they were getting carried away with this issue and he questioned whether Mr. Strough had visited the Bikeway recently. He said that the Bikeway was used as a tourism entity and for convenience purposes. He acknowledged that the Bikeway surface had been scratched, but it did not prevent or detract from its use. Mr. Merlino stated that through his personal business he had sent thousands of visitors to the Bikeway during the last 20 years and he had never received one complaint about the state of the Bikeway, in fact, he added, all came back with great comments. He noted that the County spent \$100,000 each year to keep the Bikeway in shape and he said he would like the roads in the Town of Lake Luzerne, or the County roads, for that matter, to be in as good a condition as the Bikeway was. Mr. Merlino recalled there had been a lot of discussion about tourism that morning and he noted that the 7,000 ft. of Bikeway used by the snowmobilers brought a lot of people to the County each year who spent money on registrations, hotel rooms, eating at local restaurants and shopping at local stores. He commented that while he was not stating that bicyclists did not also bring tourism related revenue to Warren County, the amounts were not comparable to the revenues received from visiting snowmobilers. Mr. Merlino stated that the Bikeway was not a personal bike path for a bike club, and while he supported the Warren County Safe & Quality Bicycling Organization (*WCSQBO*), he felt the complaints were unwarranted. Referring to the minutes of the last *WCSQBO* meeting, he read that "*a rollerblader was slipping on it (the Bikeway) because it was slippery when it was wet*". Mr. Merlino commented that this person should not have been on the Bikeway after

a rainstorm because this presented a liability to the County as a wet surface was unsafe no matter where the activity took place. He advised that he and Mr. Tennyson had toured the Bikeway recently and while he admitted there were some surface scratches, there was no damage that prevented use. Mr. Merlino pointed out that while the Bikeway was a great feature for Warren County, it was intended for recreation and convenience, not for Olympic use. He said that any damages caused by snowmobile use could and would be repaired and he noted that stopping such use would cause a great financial loss to Warren County. Mr. Merlino commented that the snowmobile club had used a certain portion of the Bikeway for the last 20 years without one complaint, until the WCSQBO had come into existence. He concluded that he did not feel the minimal, and questionable, complaints received warranted discontinuing use of snowmobiles on a small section of the Warren County Bikeway.

Mr. Dickinson commented that the Bikeway was named as such because it was intended for bike use. He noted that he had been in office when the Bikeway was established and he apprised that the stipulation to get all of the private landowners to establish the Bikeway was that no motorized vehicles would be used on it. He said that he supported the snowmobile clubs, but did not believe that snowmobile use on the Bikeway was appropriate.

Mr. McDevitt said he also intended to vote against proposed Resolution No. 287 because he was not in favor of snowmobile use on the Warren County Bikeway and he said he was approached periodically by residents who shared these concerns. Referring to the minutes of the November 9, 2011 Board Meeting, Mr. McDevitt said that Vicky Eastwood, resident of Lake George, had talked about the promise made to her family by a former Board of Supervisors that this would be forever a non-motorized bike path. Additionally, he read aloud comments made at this meeting by Joan Jenkin, member of the WCSQBO, as follows:

“She opined that summer tourism was the most important tourism time of the year. Ms. Jenkin noted that there were many more bicyclists coming to the area and hosting tours and races in the County. The Bikeway condition, she continued, was very important for attracting more tourism to the County. She further noted her concern with the cost for maintenance and repair to the Bikeway. She urged the Supervisors to research alternative routes for snowmobile use rather than adopting this Local Law.”

Mr. McDevitt noted the presence of Fred Austin, who had been the Warren County Superintendent of Public Works when the Bikeway was established, and advised that Mr. Austin had also provided comments at the November 9, 2011 Board Meeting, providing the development history of both the Bikeway and the snowmobile trail system and expressing his opinion that the County was not honoring the original local law which stated that no motorized vehicles would be permitted to travel on the Bikeway. He pointed out that the most important consideration in this matter was trust, and the fact that a prior Board of Supervisors had promised homeowners surrounding the Bikeway that this would be a non-motorized bike path; secondly, Mr. McDevitt advised ongoing maintenance problems would continue to be incurred by snowmobile use. He noted that there were State and Federal dollars tied to the Bikeway and he asked if at some point a request would be made to recoup those funds based on a change in use of the Bikeway. Mr. McDevitt said there were also safety issues regarding nearness to the highways. The question in his mind, he concluded, was how far they could go before they had gone too far.

Mr. Brock asked for an explanation of damages to the Bikeway and Mr. Strough advised two years ago damage incurred had required resurfacing and re-coating work, which had caused the resulting surface to be less than ideal for use during wet weather. Mr. Dickinson interjected that most snowmobiles had

some kind of traction fabricated from either metal or a metal-like material and he said that this damage could be seen on highways in areas popular for snowmobile use, such as near the Lake George Stewart's store. He commented that the majority of the damage caused had been incurred when a groomer had been used without sufficient snow cover in place.

Ms. Seeber stated she was supportive of the snowmobile activity in Warren County and the tourism aspect it brought. She said it sounded like there was a local law which prevented use of motorized vehicles on the Bikeway, but exceptions had subsequently been made to allow snowmobiles on a portion of the Bikeway and she questioned the current legal standing of this arrangement. Mr. Auffredou responded that a local law had been adopted to amend a prior local law to allow snowmobile use on a section of the Bikeway during the winter months when sufficient snow cover was in place. He said he believed what was being referred to was discussion about what the County felt the Bikeway could or could not be used for; he added that he was not specifically aware of a local law that prohibited use of motorized vehicles on the Bikeway, but said he would be glad to perform research to make a definitive determination on this matter.

Mr. Dickinson stated that the County had made a commitment in 1978, which was substantiated by resolution, that use of motorized vehicles would not be permitted on the Bikeway. He said that this commitment had led several residents to relinquish use of their adjoining property in order to establish the Bikeway based solely on this commitment. Mr. Dickinson commented that when the Board had approved a contradictory local law allowing snowmobile use on the Bikeway, they had overlooked a serious commitment made to neighboring residents. Additionally, he said he did not believe that the Town of Lake George had provided authorization for the designated snowmobile trail to cross the town highway to reach the Bikeway.

Mr. Austin recalled that had it not been for the commitment to prohibit use of motorized vehicles, the Bikeway would not have been established because many residents had not been in favor of it otherwise. He said this opinion had become clear to the Board at that time and once they had guaranteed surrounding residents that this would be a non-motorized bike path, every resident had agreed to the establishment of the Bikeway and had permitted use of their property. Mr. Austin noted that when he raised this issue he was frequently told that "times had changed" since the Bikeway was established. He concluded that on behalf of himself, the staff that had worked for him and the Board of Supervisors in office when the Bikeway was established, he wanted to publicly apologize to all of those residents who had been lied to about how the Bikeway would be used.

Mr. McDevitt said he may have misunderstood Mr. Auffredou's response relative to the local law prohibiting use of motorized vehicles on the Bikeway, but pointed out that a local law of this nature had been adopted, which he cited as Local Law No. 8 of 1978. He noted that Section 6 of this Local Law indicated that "*all motorbikes, minibikes, mopeds, motor vehicles, horses and animals are hereby prohibited from the use of any bicycle path or bikeway as defined herein except motor vehicles or motorbikes used by the police or any other authorized personnel in the town in which the Bikeway is situated*". Mr. McDevitt stated that this language clearly indicated that use of motorized vehicles except by authorized personnel was strictly prohibited. Mr. Auffredou replied that this language had been reviewed and debated prior to the adoption of the amending local law and he said he was unsure whether the use of snowmobiles on the Bikeway had, or hadn't, been anticipated at the time Local Law No. 8 of 1978 was adopted, but said he anticipated the primary objective of the local law had been to prevent cars from driving on the Bikeway.

Mr. Monroe said it was his understanding that the Bikeway was constructed on a former railroad right-

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of-way and that no easements had been granted by adjoining property owners which restricted the Bikeway to non-motorized use. Mr. Auffredou said he had not seen documentation of any such easements, but that did not specifically mean there weren't any.

Mr. Westcott questioned whether it was true that the County had promised residents that the Bikeway would not be used by motorized vehicles and Mr. Dickinson responded that they had. Mr. Westcott indicated that he had been in favor of the resolution, but given this information, he would now vote against it as he believed the Board should honor the promises that had been made.

There being no further discussion, Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 275-323 were approved as presented; a Proclamation regarding New York State Invasive Species Awareness Week and a Certificate of Appointment naming members of the Saratoga-Warren-Washington Counties Workforce Investment Board were submitted.

During the vote for proposed Resolution No. 287, *Authorizing Agreement with the South Warren Snowmobile Club, Inc. to use Approximately 7,128 Feet (1.35 Miles) of the Warren County Bikeway for a Snowmobile Trail*, Chairman Geraghty advised that he had voted in favor of the resolution with reservations and the thought that they should continue to look for an alternative route for the snowmobile trail. Mr. Dickinson advised a construction project was being planned to reconstruct a section of State Route 9 in the Town of Lake George and he noted that the Town was preparing a grant application for funding to install a six foot sidewalk intended for snowmobile use. He said it was his hope that the grant application would be approved and the sidewalks installed so that in a few years they would be able to offer this route as an alternative to the current route and discontinue snowmobile use on the Bikeway altogether. Mrs. Sady announced Resolution No. 287 had passed by a vote of 518 for (*Supervisors Conover, Girard, Taylor, Kenny, Frasier, Simpson, Merlino, Seeber, Sokol, Thomas, Wood and Geraghty*) and 397 opposed (*Supervisors Monroe, McDevitt, Brock, Vanselow, Dickinson, Strough and Westcott - Supervisor Beaty absent*).

Mr. McDevitt questioned whether Resolution No. 287 required a 2/3 majority to pass, rather than a simple majority, because County funds were required to repair and maintain the Bikeway; Mrs. Sady replied in the negative, noting that only a simple majority was required because Resolution No. 287 authorized a no-cost agreement for use of a section of the Bikeway.

Resuming the Agenda review, Chairman Geraghty called for announcements.

Mrs. Frasier advised that the HITS Triathlon was being held that weekend in the Town of Hague.

Chairman Geraghty stated that, as previously mentioned by Ms. Seeber, the Hudson Valley Volunteer Firemen's Association's Convention was being held that weekend and he noted that Chris Kilmartin, Mrs. Sady's son, had done most of the work to organize the event. He apprised that traffic counts had been taken on Schroon River Road in Warrensburg near the Warren County Fairgrounds property during the week of the Warrensburg Bike Rally event which had reflected an increase in traffic of nearly 2,000 vehicles per day. Chairman Geraghty noted that based on these counts, it would appear that attendance levels for the Bike Rally had been good.

Mr. Thomas advised the Warren County Soil & Water Conservation District, NYSDEC (*New York State Department of Environmental Conservation*) and the Warren County Office of Emergency Services were teaming up to offer an Introduction to Emergency Stream Intervention course on July 17th from 12:00 p.m. to 2:00 p.m. in the Conference Room at the Public Safety Building (*Warren County Sheriff's Office*).

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He said that given prior experiences, particularly those encountered in 2011, this training could prove very helpful as it addressed post-flood stream intervention training.

Chairman Geraghty offered privilege of the floor to those members of the public in attendance, but none wished to speak. Chairman Geraghty then recalled Mr. Auffredou's prior notation that an executive session would be required; in consideration of the length of the current meeting, Mr. Auffredou advised that the subject matter was not of critical importance and could be delayed until the next Board Meeting.

Motion was made by Mr. Simpson, seconded by Mr. Dickinson and carried unanimously to adjourn the meeting at 12:33 p.m.