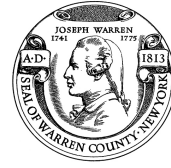


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, DECEMBER 19, 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 Wood.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Kenny, Brock, Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Sokol, Beaty, Westcott, Thomas, Wood and Geraghty - 20.

Motion was made by Supervisor Simpson, seconded by Supervisor Monroe and carried unanimously to approve the minutes of the November 21, 2014 Board meeting, subject to correction by the Clerk of the Board.

Commencing the Agenda review, Chairman Geraghty declared the Public Hearing for proposed Local Law No. 1 of 2015 entitled "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County" open at 10:05 a.m. and he requested that Joan Sady, Clerk of the Board, read the Notice of Public Hearing aloud, which she proceeded to do. Privilege of the floor was then extended to anyone wishing to speak on the proposed Local Law.

There being no immediate comments, Chairman Geraghty advised the Public Hearing would remain open while they proceeded with the Agenda review.

Privilege of the floor was extended to Jim Lieberum, *District Manager - Warren County Soil & Water Conservation District*, to provide a brief overview and status update on the Hazard Mitigation Grant. Mr. Lieberum advised last year, on behalf of Warren County, the Warren County Soil & Water Conservation District had submitted a grant application to the New York State Department of Homeland Security for a FEMA (*Federal Emergency Management Agency*) grant to revise the Warren County Pre-Disaster Multi-Jurisdictional Hazard Mitigation Plan. He added that this Plan dealt with natural resource disasters and was required to be updated every five years; he noted that the current Plan was adopted in 2011 and revisions would be required in 2016. Mr. Lieberum apprised the grant funding they had applied for was available through a FEMA declaration related to Hurricane Sandy and would offer a 75% match for all County dollars expended. He commented that the match would also apply for any in-kind services provided and he explained that applicable in-kind services consisted of personnel time contributed by his Office or by Amy Drexel, *Office of Emergency Services*; volunteer time contributed by members of the Planning and Steering Committees; community volunteers; as well as rental and meeting room costs.

Mr. Lieberum said Warren County would provide for the fiscal management of the grant agreement and he advised the grant contracts had already been reviewed by the County Attorney and were signed and submitted. He advised that on January 8th a presentation entitled "What is Hazard Mitigation" would be given at Crandall Library at 6:00 p.m.; he further advised that this presentation was open to the public and had been advertised in *The Post Star*, *The Chronicle*, *The Adirondack Journal*, and in several

other areas to invite the public to attend. Mr. Lieberum said the purpose of this meeting was to provide an opportunity for communities to identify problems in their area. He cited some of the issues FEMA focused on were flooding and ice jams, ice storms, winter storms, heavy snowfall events, severe storms and hail, infestation, wildfires and earthquakes. Mr. Lieberum noted that beaver-related issues would be included under the infestation heading. He said they hoped to ultimately expand the information in the Plan to allow towns to obtain funding for problems such as those related to undersized culverts, or where beaver-related activity caused flooding and damages. Mr. Lieberum stated that they would work with the towns and interested people from the towns to identify 7 to 15 areas of concern to be included in the Plan. He advised they would need to hire a consultant for some portion of the Plan revision; however, he said, they remained unsure how much consultant assistance service they would need because they were still in the information gathering stage. He commented that the more information they were able to gather, the less consultant time, and cost to the County, would be incurred.

Paul Dusek, *County Administrator*, advised he had asked Mr. Lieberum to make this presentation at a Board Meeting because it was the best opportunity to reach all members of the Board of Supervisors in one setting. He commented that because the Plan revisions had the potential to effect every town, he wanted to make sure everyone was aware of what was happening and the timeline for the changes. Mr. Dusek opined that the January 8th meeting was a very important one because it would outline the Plan further and he encouraged the Town Supervisors, or a representative, to attend as the meeting would present an opportunity for each town to identify their mitigation concerns and possibly to have them included in the revised Plan. He noted that while this was only a Plan and would not necessarily solve a particular problem, it was the first step towards obtaining additional funding to solve problems that may exist in the individual towns. Mr. Dusek recalled that while updates to the Hazard Mitigation Plan were mandatory, the updates were important because they impacted the ability of each town to obtain funding for their mitigation projects. Mr. Lieberum reiterated that the initial presentation would be held on January 8th, followed by the first meeting of the Planning Committee to be held on January 16th; he noted that the January 16th meeting would mark the beginning of the community involvement through jurisdictional teams. He concluded that they hoped to make this process as efficient as possible in order to reduce the cost to the County as much as possible.

Chairman Geraghty questioned whether the Plan revisions would include all new information or if they would revisit items already included; Mr. Lieberum responded that due to changes at the Federal level, they were required to revise the information previously collected. For example, he continued, they would need to report any updates or improvements to projects identified in the prior Plan. Mr. Lieberum said he did not envision this would be an extensive process for the towns, but rather updates to include some existing issues that were not previously listed.

Supervisor Beaty agreed the January 8th meeting would provide important information, but noted that it was scheduled for the same evening as a public hearing for the Warren County Airport's proposed runway extension project, which was another important meeting. He stated that it seemed both of these meetings were equally important and he questioned whether the Hazard Mitigation presentation could be rescheduled for a different evening. Mr. Lieberum responded that the January 8th meeting was intended to provide the public with general information regarding the Plan revisions and he noted that Supervisors and community leaders would find the January 16th meeting to be more beneficial. Mr. Beaty indicated his concerns related to those members of the public who might want to attend both meetings, but would be unable to do so because they were scheduled for the same evening. Mr. Lieberum replied that if they received sufficient feedback they could consider rescheduling the meeting; he said they hoped to have a good turnout and noted that the last meeting of this nature held had been attended by about 90 people.

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Privilege of the floor was extended to Pam Morin, *Warren County Resident*, to speak about the Upper Hudson River Waterfront Map she was developing. Ms. Morin displayed a copy of the preliminary map, noting that it was double-sided and listed information about each town located along the Upper Hudson River including notations about the town halls, schools, museums and libraries. She advised that the map was intended to be used as a teaching tool and, as such, the first copies would be provided to local schools and libraries; she added that the second round of copies would be distributed to the local towns and communities. Ms. Morin noted that the map had been developed using funding provided by Warren County, as well as the Towns of Corinth and Hadley in Saratoga County. She concluded that the map was now being sized for printing and she said she hoped design approvals would be received in order to commence printing by the end of 2014.

Supervisor Dickinson said he had a longstanding relationship with Ms. Morin and had kept informed of her project. He commented that he found the Map to be fascinating as it included a lot of information and was very appealing; he added that it would be beneficial to all of the towns represented on it and he stated his appreciation for Ms. Morin's efforts. Ms. Morin advised that she hoped to submit the Map to the New York State Department of Education so that it could be included in their information sharing system. She noted that Warren County was the only county the Hudson River ran through, as it served as a border for all of the other counties it touched. Supervisor Strough indicated that he was familiar with the Map, as well, and he agreed with Supervisor Dickinson's comments that this was an excellent project.

Chairman Geraghty offered another opportunity for members of the Board of Supervisors, or any member of the public in attendance, to make comments on proposed Local Law No. 1 of 2015; there being none, he closed the Public Hearing at 10:23 a.m.

Continuing the Agenda review, Chairman Geraghty read aloud his report on the past months meetings or activities, a copy of which is on file with the items distributed at the Board Meeting; he then called for reports by Committee Chairmen.

Supervisor Wood advised the Public Safety Committee had met on December 1st, primarily to address typical housekeeping matters such as renewing contracts for 2015. She pointed out proposed Resolution No. 641, *Awarding Bids and Authorizing Agreements with Warren Tire Service Center, Inc. and Warrensburg Car Care, LLC for Routine Maintenance of Warren County Sheriff and District Attorney's Office Vehicles (WC 64-14)*, which had been presented through an out-of-Committee request process because the matter had been inadvertently overlooked. Supervisor Wood confirmed that the contract had been subject to a bid process and she noted that the lowest responsible bidders chosen, *Warren Tire Service Center, Inc. and Warrensburg Car Care, LLC*, were the same companies they had contracted with in 2014. Finally, Supervisor Wood congratulated the Employee Activities Committee and members of the County staff who had volunteered their time and money to purchase, wrap and deliver gifts for the "Adopt-a-Family" program. She noted that the present wrapping had been completed earlier that week and she said the work had been done very efficiently and more quickly than the prior year; Supervisor Wood added that everyone who had participated did a great job.

Supervisor Conover announced that the Finance Committee had met on December 10th, approving proposed Resolution Nos. 565, 566, 616-626, 637 and 639, all of which were included in the resolution packet. He drew the Board's attention to proposed Resolution No. 637, *Authorizing the Warren County Administrator to Approve Transfers Within and Between Existing Departmental Budgets Account Codes of the Same Fund to Cover Deficits in Various Budget Codes in the Same Manner as Within Object Code Transfers with the Exception of Salary Codes (.1s)*, explaining that this resolution would empower the County Administrator to authorize transfers of funds, provided that they met certain conditions.

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Supervisor Conover clarified this resolution would not provide any authority to transfer funds from either the County's Contingent or Unappropriated Surplus Funds and would only apply to monies in existing budget codes. He apprised that when the Finance Committee had discussed this resolution, they had indicated a desire for the County Administrator to provide a monthly reporting of the transfers authorized to the Finance Committee for public disclosure purposes; however, he said, the resolution did seem to reflect this requirement. Mr. Dusek acknowledged this verbiage was inadvertently omitted from the resolution and he suggested that the proposed resolution be amended to include it.

Motion was made by Supervisor Conover, seconded by Supervisor Dickinson and carried unanimously to amend proposed Resolution No. 637 to include verbiage indicating that the County Administrator would be required to provide a reporting of the transfers approved to the Finance Committee on a monthly basis.

Supervisor Monroe reported on the December 2nd meeting of the Gaslight Village Ad Hoc Committee, advising they had received an update from Bill Lamy, *PMEC (Project Management Executive Committee) Member*, on construction at the Wood Park. He said a large amount of work had been completed on the Park parcels due to favorable weather conditions, including completion of pathways and pedestrian bridges on the south parcel, and on the north parcel the bulk of the stormwater work had been finished. Supervisor Monroe advised that the hillside along State Route 9 was being reshaped using excess fill and construction work had started on the restroom building; he added that a change order had been approved in association with the restroom construction to rent a tent to enclose and heat the area to allow the concrete work to cure properly. Supervisor Monroe reported that the Committee had also discussed the need for another contract with Elan Planning to provide additional design and construction work due to several changes made in the timing of the construction. He concluded that all of the costs associated with the additional contract would be covered by the existing grant funding.

Supervisor Girard advised the County Facilities Committee had met on December 2nd to address typical business, including approving out-of-State travel for the Airport Manager and several routine maintenance agreements, as well as a 90-day extension of the agreement with Clark Patterson Lee for periodic professional multi-discipline engineering services. He advised that these actions were represented by proposed Resolution Nos. 575-580, all of which were included in the resolution packet. Supervisor Girard reported that the County Facilities Committee had also discussed security issues in the Warren County Municipal Center Building and had entertained a proposal to enhance building security, a portion of which had suggested the installation of a magnetometer at the DMV entrance. He said the Committee had subsequently referred the matter to the Finance Committee to determine a funding source for the work and additional discussion on the matter was held. Finally, Supervisor Girard advised that he, Supervisor Wood, Jeffery Tennyson, *Superintendent of Public Works*, and Ross Dubarry, *Airport Manager*, had made their third annual trip to meet with FAA (*Federal Aviation Administration*) representatives to discuss Airport projects. He said the FAA representatives were very aware of how Warren County was proceeding with their Airport projects and the associated timelines; he concluded that this had been a very productive meeting.

Relative to the November 25th meeting of the Mental Health Committee, Supervisor McDevitt pointed out proposed Resolution Nos. 613-615 which were included in the resolution packet and pertained to agreements for mental health-related community services; he also pointed out proposed Resolution No. 626 which would authorize payments to SUNY Adirondack for 2015. He apprised that last week he had received a call from Bob Landry, *Executive Director of the Glens Falls Housing Authority*, about a housing issue relating to a component of mentally challenged citizens in Warren County which were completely Federally funded; he said Mr. Landry had encountered a sponsorship issue which they had subsequently

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resolved through the Office of Community Services. Additionally, Supervisor McDevitt noted he had attended a recent event in Cole's Woods honoring Tom Jacobs who was a Queensbury business owner and great proponent of Cole's Woods, its lighted trails and all of the other advantages it brought to the County. He said he, as well as Supervisor Strough and representatives from Chambers of Commerce in Warrensburg, North Warren and Washington County, had also attended a recent Chamber of Commerce meeting at the Morgan House in Glens Falls where a representative of Governor Cuomo's Office had spoken. Supervisor McDevitt apprised Governor Cuomo's representative had expounded upon how the region had become a geographic magnet for distilleries and breweries which provided a source of employment and funding for the area. He concluded that both the food and the ambiance at the Morgan House were very good.

Supervisor Taylor reported that the Support Services Committee had met on December 15th, approving proposed Resolution Nos. 610-612, all of which pertained to insurance renewals. He continued that the Personnel Committee had met on December 15th, as well, approving proposed Resolution Nos. 627-629 which would amend the Table of Organization; authorize the Personnel Officer to carry over an additional five days of vacation earned in 2014 into 2015; and authorize a 2% increase in the hourly pay rate for all part-time Security Officers in the Sheriff's Office as previously approved in the Salary and Compensation Plan for 2015. Supervisor Taylor advised the Economic Growth & Development Committee had met on November 26th approving proposed Resolution Nos. 633-635 which related to a new agreement to upgrade or design new graphic panels for information kiosks in association with the First Wilderness Heritage Program; authorization to submit a grant application to the NYSDEC (*New York State Department of Environmental Conservation*) Smart Growth Implementation program; and authorization for a Minority and Women-Owned Business Enterprises - Equal Employment Opportunity Policy with regard to the First Wilderness Heritage Corridor Plan implementation projects grant. With respect to economic development, Supervisor Taylor expounded that on Tuesday, the Warren-Washington Counties Industrial Development Agency (*IDA*) had closed on a \$6.5 million bond project for Hudson Headwaters Health Network. He said this was a great project that would bring more employment to the area. Supervisor Taylor continued that the Performance Evaluation Sub-Committee had met three times since the last Board Meeting in an effort to determine goals for the County Administrator; he added that they hoped to complete their review and submit their recommendations by February. Finally, Supervisor Taylor noted that the sub-committee established by Chairman Geraghty to discuss possible changes to the sales tax distribution formulas had not met yet because there was a lot of information that not all members of the group understood. He said the sub-committee members had been working with the County Administrator, Treasurer and an attorney from the New York State Department of Taxation and Finance to gain a better understanding of sales tax distribution regulations and he said he believed they would hold their first official meeting in January.

Supervisor Brock stated he had nothing to report, but wanted to advise the Board of his findings upon researching statistical information related to the Municipal Center Building security concerns. He said he had discovered that, statistically speaking, the chances of being involved in a school shooting were less likely than those of being in an airplane crash; he said he had found these statistics to be somewhat surprising because many schools were now so highly secured. Supervisor Brock indicated another factor that had occurred to him was the emotional impact of these unlikely, but horrible, events being reported nationally by the media. He concluded that he was unsure exactly how these statistics should be considered, but wanted everyone to be aware of his findings.

Supervisor Kenny advised the Occupancy Tax Coordination Committee had met on November 21st to discuss tentative funding for the Glens Falls Civic Center in the amount of \$250,000 per year for three years, as well as to review a contract that would be offered to the Glens Falls Civic Center Coalition, subject to review and revision by the County Attorney. He said the Committee had met again on

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December 9th at which time the Committee discussed proposed Resolution No. 581, *Authorizing Agreements with Certain Applicants for the Disbursement of 2014 Occupancy Tax Revenues*. Supervisor Kenny concluded that he would like to thank Supervisor Conover, once again, for his input and assistance in making changes to the formula used for occupancy tax distributions.

Supervisor Frasier stated that the Human Services Committee had met on December 1st and she thanked Supervisor Sokol for chairing the meeting in her absence. She advised that proposed Resolution Nos. 568, *Rejecting Bid Proposal (WC 067-14) for Transportation Services for the Elderly by Warren-Hamilton Counties ACEO, Inc.*, and 569, *Appointing Members of the Advisory Council for Warren-Hamilton Counties' Office for the Aging*, were both approved during this meeting, as well as two budget related requests presented by the Employment & Training Administration. Supervisor Frasier noted the Committee had also received an update from Chris Hunsinger, *Director of the Employment & Training Administrator*, relative to issues experienced with their office space located in the Northway Plaza and she said Mr. Hunsinger hoped to have more information to present at the next Committee meeting.

Supervisor Dickinson reported on the December 10th meeting of the Invasive Species Sub-Committee which included an update from David Decker, *Executive Director of the Lake George Watershed Coalition*, on the \$482,050 in grant funding from the New York State Department of State and its requirements, as per the request of Martin Auffredou, *County Attorney*. He said Mr. Decker had walked the Committee through the grant requirements which would include the Invasive Species Sub-Committee taking over the required actions of the Project Advisory Committee, which they felt was a good thing, and secondly, approval was provided to authorize the Chairman of the Board to sign all correspondence relating to the grant. Supervisor Dickinson advised the meeting had included a lot of discussion about invasive species and spending of grant dollars, which was very beneficial.

Supervisor Dickinson apprised he had recently visited the satellite Tourism Office located in the Adirondack Outlet Mall and had been fortunate to have done so at a time when Maggie Cafaro, *of the Tourism Department*, was working. He commented that he had visited the satellite Office on other occasions and had browsed through the offerings, leaving very unimpressed; however, he stated, on his recent visit Ms. Cafaro had provided a personal, and very thorough, tour of the location which he had found to be very rewarding. Based on this most recent experience, Supervisor Dickinson apologized to Supervisor Merlino, *Chairman of the Tourism Committee*, for comments he had made in the past against the continuation of the satellite location and he noted that, unless something drastic were to occur, he looked forward to supporting it in the future as a worthwhile investment.

With respect to occupancy tax funding, Supervisor Dickinson advised that the Town and Village of Lake George had formed their own Occupancy Tax Committee which would handle the distribution of any additional occupancy tax dollars provided to the Town and/or Village by the County. He said they looked forward to adding three additional advisory members to their Committee, two of which would be owners of businesses located in the Town/Village that were directly related to occupancy tax collections, while the third would be a representative from a non-occupancy tax related business. Supervisor Dickinson stated that both he and Mayor Blais, *Village of Lake George*, were very excited about this new Committee and had already begun reviewing some of the applications for occupancy tax funding provided to them. He continued one issue remaining to be resolved at the County-level related to what charges should be levied for use of the Festival Area at the Wood Park and how they intended to fund the associated promotion and maintenance costs. Supervisor Dickinson noted that currently, Mayor Blais was contributing a lot of time and effort into attracting festivals and events to the Wood Park, but they needed to determine how this work would be handled in the future, as well as whether they should, or should not, be charging a fee for use of the Festival Area.

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Supervisor Merlino advised the Public Works Committee met on November 26th, approving proposed Resolution Nos. 573, *Authorizing Renewal of Agreements with Towns of Hague, Horicon, Lake Luzerne and Thurman for Snowmobile Trail Maintenance and Equipment for 2015*, and 574, *Authorizing Intermunicipal Agreement with Town of Bolton Relative to Funding of the Up Yonda Farm Environmental Education Center for 2015 for the Division of Parks, Recreation & Railroad*. He noted that at the December 4th Tourism Committee meeting proposed Resolution Nos. 582-589 had been approved, all of which were included in the resolution packet and pertained to typical annual agreement and authorization renewals. With respect to proposed Resolution No. 584, *Awarding Proposal and Authorizing Agreement with Lake George Regional Chamber of Commerce and Convention & Visitors Bureau to Increase Year-Round Convention/Conference/Special Event Business Services in Warren County (WC 62-14) for the Tourism Department*, Supervisor Merlino opined this was the most important of the Tourism resolutions presented because it would provide for an increase in promotion services. He added that he was sure the Lake George Regional Chamber of Commerce and Convention & Visitors Bureau would use the additional funding wisely to expand their promotion efforts for Warren County and that they would work with Mayor Blais to promote the Wood Park Festival Space, as well.

Supervisor Seeber echoed Supervisor Wood's positive comments and commendations about the Employee Activities Committee's Adopt-a-Family program and she thanked Mrs. Sady for her coordination efforts. She noted that she and Supervisors Frasier and Wood had participated in the wrapping session held earlier that week and she said she was disappointed to have not witnessed the gift wrapping skills of her fellow gentleman Board Members, but she acknowledged and commended the efforts of those volunteers who had participated. Supervisor Seeber continued that she appreciated the opportunity to attend a recent Department Head meeting, as well as the efforts put forth to provide meeting agendas and information in advance so that Supervisors were provided the opportunity to review and understand the requests before making decisions on them. With regards to Supervisor Brock's previous comments about statistics, Supervisor Seeber said that by performing a very quick Google search, she had found that from 1993 to 2008 there had been 568 plane crashes with 53,487 being involved, and of those 90% survived; she added that in 2013 there had been 138 plane crashes worldwide and she opined that if you were to ask any of those passengers involved, none of them would indicate that their risk was nonexistent. Supervisor Seeber stated that while they could not prevent random acts of violence, they could reduce risk and take steps to make the Municipal Center Building a safe and secure place. She said she looked forward to the report from Amy Clute, *Self-Insurance Administrator*, as to the feelings of safety and security amongst the employees working in the Municipal Center Building. Supervisor Seeber concluded that while she was aware she was in the minority with her opinion that more security in the Building was better than less, she did not want to ever be in a position where she was regretful of actions not taken that could have prevented an incident from occurring and she commented that she did not feel the risk was non-existent.

Supervisor Brock responded that he was more or less in agreement with Supervisor Seeber and he noted that the information he had provided was purely statistical. With regards to Supervisor Seeber's comments about volunteerism for wrapping of Adopt-a-Family gifts, Supervisor Dickinson commented that he enjoyed present wrapping and would challenge all of the volunteers to a wrapping contest next year.

Supervisor Sokol began his report by acknowledging the attendance of New York State Assemblyman Dan Stec. He advised the Health Services Committee had held their last meeting on November 25th, during which they had approved several year-end budget transfers, as well as requests to appoint members to certain councils for the Public Health Division; Supervisor Sokol added that the Committee had also approved some year-end transfer and contract requests for the Westmount Health Facility. Supervisor Sokol apprised that proposed Resolution No. 621, *Authorizing Agreement with North East*

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Fire Protection Systems, Inc. to Install Three Dry Sidewall Sprinklers at Westmount Health Facility, had been submitted as a result of the November 10th NYSDOH (New York State Department of Health) annual inspection which had identified the need for additional sprinklers. He said that operations at Westmount continued smoothly, despite the circumstances surrounding the Facility; he apprised of statements made by Travis Whitehead, *Town of Queensbury Resident*, with regards to the good care his mother had received at Westmount as compared to other facilities she had been in, which were nice to hear. Supervisor Sokol stated that the bulk of the Westmount portion of the Health Services Committee meeting had pertained to discussion regarding the pending sale of Westmount Health Facility, during which a lot of questions were asked and comments were made by both Supervisors and members of the public. He added that Lawrence Paltrowitz, *the County's Legal Counsel for the Westmount transaction*, and Michael McCarthy, *of McCarthy and Conlon, LLP*, had been present and were able to answer the majority of the questions posed and the many of the comments made were taken into consideration by the Health Services Committee before proposed Resolution No. 638, *Resolution Approving and Authorizing Contracts for the Sale of the Westmount Health Facility Including Certain Lands Associated with the Westmount Health Facility, and in Anticipation of the Conveyance Declaring as may be Necessary the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility No Longer Necessary for Public Use, and Authorizing the Transfer of the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility Subject to the Adoption of a Local Law Superceding County Law Section 215 and Satisfaction of the Conditions of Sale Defined in the Contract Documents, Conducting Review Under the State Environmental Quality Review Act ("SEQRA") and Issuing Determination of Non-Significance*. Supervisor Sokol thanked his fellow Supervisors, the public, the County Administrator, the County Attorney, Mrs. Sady and her staff and Messrs. Paltrowitz and McCarthy for their assistance through this considerable project which had been ongoing for the past three years. He said he hoped everyone was somewhat satisfied with the sale arrangement and he noted that while there may be remaining questions and issues to address, he hoped they could proceed with the Westmount sale and attend to them along the way.

Supervisor Beaty thanked Supervisor Westcott for the information he had received relative to the financial support Saratoga County provided to their Airport which indicated an annual contribution of less than \$100,000, as per a report received from Thomas Speziali, *Deputy Commissioner of the Saratoga County Department of Public Works*. He opined that this information provided plenty of opportunity to reduce the budget for the Warren County Airport and transfer funds to highway maintenance projects, as he had previously suggested on numerous occasions. Supervisor Beaty also pointed out that the Saratoga County Airport had a shorter runway, but more flight traffic than the Warren County Airport. In conclusion, Supervisor Beaty likened the operations of the Saratoga and Warren County Airports to golf courses, indicating that the Saratoga County Airport was operated on a minimal level that offered just what you needed, while the Warren County Airport was operated like a more extravagant level.

Supervisor Westcott advised the Social Services Committee had met on December 2nd, approving proposed Resolution No. 567, *Authorizing Chairman of the Board of Supervisors and the Warren County Treasurer to Submit Application for Youth Program Funds from New York State Office of Children & Family Services as Outlined in the 2014 Resource Allocation Package*. He noted that he and Maureen Schmidt, *Commissioner of the Department of Social Services*, had toured the Department of Social Services to meet the staff that worked there. Supervisor Westcott indicated that this had been a very enjoyable experience from which he had gained a great appreciation for the professionals that worked in the Department. He said he and Ms. Schmidt intended to plan another tour of the Department of Social Services in the first quarter of 2015 so that other members of the Board of Supervisors could see what type of operations took place there. Supervisor Westcott concluded his report by advising that for all upcoming Social Services Committee meetings, Ms. Schmidt would make the meeting agenda

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documents available one week in advance of the meeting so that everyone had time to properly review them and prepare for meetings.

Supervisor Thomas announced that the Soil & Water Conservation District had held their annual meeting in December, during which the Board of Directors announced their conservationist of the year award would be given to Mark Dutra, *Town of Queensbury Highway Department*.

Privilege of the floor was extended to Assemblyman Stec who wished everyone a Merry Christmas and Happy Holidays. He commented on important developments over the past few weeks regarding Lake George, noting that no matter whether one viewed the matter from a business or an environmental prospective, the same end results were being sought to preserve the health of Lake George because it was so important to the region. Assemblyman Stec stated that the Warren County Board of Supervisors had been a leader in addressing Lake-related issues over the years and had provided funding, along with the four towns and one village that bordered the Lake, to begin an invasive species eradication project for Lake George. He said that funding for invasive aquatic species issues would continue to be a challenge for Lake George, as well as waterbodies across the rest of the State, and he noted that a considerable portion of the angst faced in the State Assembly/Senate was the fact that the invasive species issue was much larger than just Lake George; however, he added, that does not mean that the County should not have put forth the efforts they had made. Assemblyman Stec opined that the County's commitment to Lake George was tested a few weeks ago with a recent Lake George Park Commission (LGPC) decision and he noted that several members of the Warren County Board of Supervisors had very professionally, and fairly, stepped forward and expressed their opinions on the matter. He congratulated the Board of Supervisors for expressing their opinions in a professional manner which did not in any way damage the County in the eyes of the LGPC; he added that in cases like this it was very easy to become caught up in the moment and speak out loudly and brashly, but in this case the Warren County representatives had focused on the end goal and acted appropriately and he commended them for their actions and he said it would be equally satisfying for the Board to note that these efforts had been acknowledged by so many people. Assemblyman Stec concluded that the County's actions had made a difference in the situation and it was the right thing to have done.

With regards to Supervisor Beaty's prior comments relative to the Saratoga County Airport budget, Chairman Geraghty advised he had perused the Saratoga County Budget which included Airport expenditures and he was unsure why any advisement would be provided indicating that the operating expense was around \$100,000 when they were budgeting \$779,000. He said they would need to investigate this further to determine what the actual cost was, but acknowledged that the revenues received could be offsetting the costs to such a degree that the cost to Saratoga County was in the range of \$100,000 annually.

Resuming the Agenda review, Chairman Geraghty called for the report by the County Administrator and Mr. Dusek advised he had nothing to report. Chairman Geraghty then called for the report by the County Attorney; Mr. Auffredou advised he had nothing to report, but would speak about proposed Resolution No. 638, *Resolution Approving and Authorizing Contracts for the Sale of the Westmount Health Facility Including Certain Lands Associated with the Westmount Health Facility, and in Anticipation of the Conveyance Declaring as may be Necessary the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility No Longer Necessary for Public Use, and Authorizing the Transfer of the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility Subject to the Adoption of a Local Law Superceding County Law Section 215 and Satisfaction of the Conditions of Sale Defined in the Contract Documents, Conducting Review Under the State Environmental Quality Review Act ("SEQRA") and Issuing Determination of Non-Significance*, following the presentation by Mr. Paltrowitz.

Chairman Geraghty called for the reading of communications, which Mrs. Sady read aloud, as follows:

Monthly Report:

1. Probation

Privilege of the floor was extended to Mr. Paltrowitz, *-serving as Special Legal Counsel to Warren County for the sale of the Westmount Health Facility*, to discuss proposed Resolution No. 638, *Resolution Approving and Authorizing Contracts for the Sale of the Westmount Health Facility Including Certain Lands Associated with the Westmount Health Facility, and in Anticipation of the Conveyance Declaring as may be Necessary the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility No Longer Necessary for Public Use, and Authorizing the Transfer of the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility Subject to the Adoption of a Local Law Superceding County Law Section 215 and Satisfaction of the Conditions of Sale Defined in the Contract Documents, Conducting Review Under the State Environmental Quality Review Act ("SEQRA") and Issuing Determination of Non-Significance*, specifically relating to contracts for the sale of Westmount Health Facility. Mr. Paltrowitz advised they had been working very hard to develop the contracts necessary to progress the sale of Westmount Health Facility and its associated property and he confirmed he had met with the Health Services Committee on two separate occasions to review in detail all of the elements of the transactions which were well within the boundaries of what the Board of Supervisors had indicated when they had authorized moving forward with the negotiation of the contracts. He noted that the contracts had been forwarded to each member of the Board of Supervisors some time ago and through meetings with the Health Services Committee two issues had arisen; he added that although they did not believe these issues were essential to the transaction, they had discussed them with the purchaser to alleviate concerns. The first concern, Mr. Paltrowitz stated, related to concerns that although they had verbally discussed potential claims against Siemens Industries and the investigation that was publicly acknowledged by the Attorney General and District Attorney's Offices, verbiage regarding this matter should be incorporated into the contract. He advised that the revised documents recently distributed indicated that Schedule 2.3 had been amended to include this representation. The second issue, Mr. Paltrowitz advised, pertained to the Performance Assurance Agreement with Siemens and discussion amongst the Health Services Committee as to whether or not the termination of the Agreement could be applied retroactively, as well as prospectively; he added that although there were differing opinions on the issue, he felt they would be better served to return to the purchaser and include verbiage allowing the County to continue the Performance Assurance Agreement if they chose to do so. Consequently, he continued, any concern as to whether termination could have a retroactive effect, which they did not believe it would, was alleviated because the County would be covered in any event. Mr. Paltrowitz stated that proposed Resolution No. 638 authorized the County to proceed with the contract, accomplishing the directions previously provided by the Board of Supervisors, while also successfully addressing the two concerns raised by the Health Services Committee.

Supervisor Strough requested clarification as to whether the proposed contracts would in any way inhibit the County's ability to pursue criminal and civil claims against Siemens Buildings Technologies in relation to the co-generation facility. Mr. Paltrowitz responded that while they had no control over any criminal activities, the County would reserve certain rights through the contract which provided various provisions to deal with claims made against Siemens. He confirmed that this contract would in no way inhibit or limit the County's ability to make claims against Siemens.

Supervisor Westcott questioned whether the contract included any guarantee of future Medicaid payments by the County and Mr. Paltrowitz responded in the negative, advising that there was no guarantee of future Medicaid payments to the purchaser. Mr. Paltrowitz expounded that the only

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exposure to the County would occur if the County engaged in some negligent act, or failed to act, while owning and operating the co-generation facility they would be responsible for the ramifications. Similarly, he continued, if there was something unique to the co-generation facility that would be unique and specific to the facility, not just with regard to Medicaid reimbursement, Warren County would have some exposure; otherwise, he stated, there would be no exposure or guarantee of payment by Warren County.

Chairman Geraghty commented that the Westmount sale transaction had been a very lengthy process and he thanked Messrs. Dusek, Auffredou and Paltrowitz for the diligence in working on this matter and for lending a level of comfort to progressing with the sale. He stated that there had been a lot of debate with regards to the idea of selling Westmount Health Facility which would likely continue throughout the process.

Proceeding to the reading of resolutions, Mrs. Sady advised proposed Resolution Nos. 566-639 had been mailed and she noted that proposed Resolution Nos. 615 and 627 were amended after mailing. Mrs. Sady indicated that a motion was necessary to approve the amendments to proposed Resolution Nos. 615 and 627. The motion was made by Supervisor Simpson, seconded by Supervisor Strough and carried unanimously.

Mrs. Sady announced a motion was needed to bring proposed Resolution Nos. 565, 640 and 641 to the floor. The motion was made by Supervisor Strough, seconded by Supervisor Sokol and carried unanimously.

Chairman Geraghty called for any discussion on resolutions or requests for roll call votes.

With respect to the prospective sale of Westmount Health Facility, Supervisor McDevitt highlighted a recent article in *The New York Times* which talked about Kenneth Rozenberg, who was the Chief Executive Officer of a large consortium of rehabilitation and home health companies called Centers Health Care; he read the following excerpts from the article:

“Unable to see clearly and afflicted with Dementia, Frank Mercado, 77, depended completely upon the care provided by a small nursing home in the Bronx where he had lived for four years. But last Monday, as Mr. Mercado cried for help, a veteran employee beat him to the ground where he was impaled on a sharp metal protrusion from an overturned table, according to prosecutors.”

“The nursing home, University Nursing Home on Grand Avenue, is small with only 46 beds, but is part of a large consortium of rehabilitation and home health companies called Centers Health Care.”

“Kenneth Rosenberg, the consortium’s chief executive is an owner or director of 17 nursing homes, including University.”

“Over the last four years the State has found 19 life safety code deficiencies at University, compared with the State-wide average of 11 over the same period. A State Health Department inspection in 2011 cited the nursing home for filthy rooms, for broken equipment - including over the bed tables - and failing to properly report or investigate resident injuries for possible abuse.”

Supervisor McDevitt also referenced the following comments referenced in the article, as made by Richard Mollot, *Executive Director of the Long Term Care Community Coalition which works to support*

nursing home residents:

“This owner has a reputation of coming into facilities and reducing staff”, he (Mr. Mollot) added, citing press reports since 2010 on some of Mr. Rosenberg’s acquisitions... To Mr. Mollot, the most alarming state statistic is that 45% of the home’s residents were placed on psychotropic drugs there for the first time, more than double the national average. “This is a marker of poor care”, he (Mr. Mollot) said”.

Note: all quotes referenced were listed in The New York Times article entitled “Death in Bronx Shows Vulnerability of State’s Nursing Home Residents” dated December 15, 2015.

Supervisor McDevitt apprised that an email had been circulating which talked about a citation made against the Northern Manor Adult Day Health Care Program in Brooklyn, NY for Medicaid fraud which had led Attorney General Eric Schneiderman to levy a \$6.5 million fine and a requirement that the facility be shut down. He stated he intended to question Attorney General Schneiderman as to who had paid this \$6.5 million fine and he said this was information that the County should know and he noted that this situation had caused some concern on his part as to the proposed purchase agreement the County was considering becoming involved in. Supervisor McDevitt inquired as to whether Mr. Auffredou might have any comments to make relative to this situation and Mr. Auffredou replied that he did not.

Mr. Dusek apprised he had recently discussed this matter with Amir Abramchik, *Chief Financial Officer of Centers for Speciality Care Group*, who had been very involved in the prospective sale of Westmount Health Facility, on two separate occasions, first yesterday when he had learned of the Northern Manor issue Supervisor McDevitt referenced, and then again earlier that morning when he was approached by Supervisor Beaty. Mr. Dusek noted that his second call to Mr. Abramchik had been made when Supervisor Beaty was in his office and able to participate in the conversation. He said what was important about the \$6.5 million fine in this case, was that neither Specialty Care, nor Mr. Rozenberg, had any ownership interest in the Northern Manor Adult Day Health Care facility; he added that Mr. Abramchik had indicated Specialty Care had provided consultant services but he adamantly reiterated that they were only consultants, and not board members or owners of Northern Manor. Mr. Dusek said Mr. Abramchik had stressed the fact that although Specialty Care had served as a consultant for some time, the affiliation had not interfered with their ability to operate and/or acquire other nursing homes. He added that Specialty Care had acquired a number of nursing homes around the state, including those from Essex, Washington and Fulton Counties. Mr. Dusek stated that they would continue to look into this matter, but at this point he could assure the Board that based on all of the information available currently, this should not be a concern in proceeding with the Westmount sale transaction.

Mr. Dusek continued that he had not been aware of the incidents that had occurred at University Nursing Home, and in their conversations Mr. Abramchik had revealed the situation to him voluntarily, outlining the matter completely. He said that Mr. Abramchik was very upset and concerned about the situation, but pointed out that these were the actions of one employee, and not Mr. Rozenberg or the nursing home as a whole. Mr. Dusek pointed out that the article Supervisor McDevitt had referenced indicated that this employee had been terminated and arrested and would be prosecuted for his actions. He commented that any organization could have a problem with a particular employee and the question at the end of the day was whether the organization as a whole had proper protocols and rules in place and was doing a good job of running its facilities. Mr. Dusek apprised that when first considering the sale of Westmount to Specialty Care, he and Lloyd Coté, *Administrator of the Westmount Health Facility*, had randomly chosen two Specialty Care facilities to visit in New York City and could attest that both were well maintained and the staff was pleasant and seemed to be going out of their

way to accommodate the residents they cared for. He continued that he, Mr. Coté, and some members of the Board of Supervisors had visited the Fulton County nursing home which was recently acquired by Speciality Care. Mr. Dusek advised that although at the time of their visit the Fulton County nursing home was in transition to Speciality Care, he had learned that Speciality Care had made some assurances to Fulton County through their purchase agreement which he was advised Specialty Care was meeting.

Mr. Dusek stated that based on all of the information they had obtained, their review of a broad range of nursing homes owned by Specialty Care and Specialty Care's relationship with the New York State Department of Health, it seemed that Specialty Care was an organization that the County should be secure in dealing with. He commented that any organization could have particular issues and he noted that Warren County had experienced its own with Westmount Health Facility in past years with those issues being reported publicly in local newspapers. Mr. Dusek concluded that he had not learned of any information which caused him any concern with regards to proceeding with the sale of Westmount Health Facility to Specialty Care.

Supervisor McDevitt said that on Wednesday morning he had sent an email to Mr. Mollot about this matter and had received a very prompt and polite response from him which indicated that there were no minimum staffing standards for nursing homes. He commented that in his personal career he had spent some time representing a company trying to find child care sites in the State of New York and he was aware that such facilities were highly regulated as to the ratio of employees to children in the facility; Supervisor McDevitt stated it was an interesting dynamic that standards were in place for child care, but when it came to the most vulnerable portion of the population, the elderly, there were no staffing standards mandated for nursing home care.

With regards to proposed Resolution No. 617, *Authorizing Security Renovations at the Warren County Municipal Center and Establishing Capital Project No. H355.9550 280 Municipal Center Security Renovations and Amending Warren County Budget for 2014*, Supervisor Kenny stated at the last Finance Committee meeting he had indicated that he would need to review any incident reports related to security issues before he could vote on the resolution proposed. He advised that the report supplied to him by Amy Clute, *Self-Insurance Administrator*, indicated 35 incidents had occurred over the last 11 years and he commented that in his opinion, none of the incidents listed would have been prevented by a guard, a locked door or a magnetometer; therefore, he concluded, he would be voting against the resolution because he felt the measures were unnecessary.

Supervisor Strough said he'd also received an email yesterday regarding the issues Supervisor McDevitt had highlighted, the tone of which was somewhat alarming. He said he had spent some time reviewing articles on the matter and had spoken with Supervisor Westcott about the matter later that evening. However, Supervisor Strough stated, after reading all of the articles the alarming nature of the email and its insinuations had dissipated and was replaced by the knowledge that Warren County was not alone in its efforts to privatize their nursing home as a means to place a tourniquet on the gushing flow of tax dollars. He referred to a recent article in *The Post Star* relating to an employee issue at Glens Falls Hospital which indicated to him that even the finest institutions had errant employees. Supervisor Strough concluded that he had given the concerns outlined in the email due consideration, but found the implications to be unsupported.

Supervisor Seeber stated she was glad that discussion regarding victimization in nursing homes was being introduced and she felt it was important to consider regulations imposed in other states, such as in Florida where reporting for elderly individuals was mandated. She continued that when considering the most vulnerable portions of the population, such as children, the disabled and the

elderly, she felt further discussion was necessary, possibly by the Legislative & Rules Committee, to make recommendations for change to propose mandated reporting measures. Chairman Geraghty confirmed that this issue would be referred to the Legislative & Rules Committee for further review and consideration and he noted that they would rely upon Mr. Coté's expertise in this arena; he added that he had assumed there were certain mandated staffing requirements in place and had been surprised to find that there were not.

Supervisor Westcott said he had received the same email as Supervisor Strough and had spent some time researching the matter further. He said he had not been aware of these situations and felt that the death that had occurred at University Nursing Home was a tragedy, but what concerned him most was the allegations made by Mr. Mollot about the high rate of psychotropic drugs used due to staffing reductions. Supervisor Westcott stated that this allegation had raised a red flag for him in relation to how Speciality Care may be running their facilities and he would like to explore the matter further before approving the sale of Westmount Healthy Facility to them. He commented that this was a pretty significant allegation and strong accusation to make, basically stating that the care of these patients was primarily based on medication, rather than staffing, which he found to be very alarming. Supervisor Westcott said one of the articles he had read pertained to a lawsuit taking place in Suffolk County and he noted his affiliation with Kate Browning, a democratic Suffolk County Legislator who he had worked with on the Mayday for Mandate Relief program through NYSAC (*New York State Association of Counties*); he added that Suffolk County was very large, with an annual budget of \$2.75 billion. Supervisor Westcott said that in speaking with Ms. Browning about this matter, she had encouraged him to contact John Kennedy, *Suffolk County Comptroller*. He noted that he had found it very surprising that he, as a representative of a small county, was able to get a return call from these larger county officials within five minutes of calling. Supervisor Westcott advised that in their conversations, both Ms. Browning and Mr. Kennedy had urged him to impress upon his colleagues to refrain from selling Westmount to Speciality Care; he added that he had no reason to expect to receive this advice, but was just passing this information on to the Board. Supervisor Westcott apprised that Suffolk County had a very negative experience with Specialty Care which had led to the closing of their nursing home and a lawsuit.

With regards to the \$6.5 million fine levied against Northern Manor Adult Day Health Care for Medicaid fraud, Supervisor Westcott stated there seemed to be some kind of direct connection to Speciality Care as Northern Manor was listed on the Specialty Care website as a facility that they operated; he added that the same attorney that had set up the LLC (*Limited Liability Corporation*) for Northern Manor was the same attorney that had set up the LLC for the sale of Westmount Health Facility. Supervisor Westcott stated that he had received all of this information in the last 48 hours and it raised a major red flag for him. He commented that today, he would not hesitate to place his loved ones at Westmount Health Facility under the care of Mr. Coté and his staff; however, he added, based on this information he would be highly reluctant to do so under the care of the proposed buyer until further research was concluded and these issues were resolved. Supervisor Westcott said it had come to his attention that there was a new potential buyer for Westmount, a group called VestraCare, who had submitted a letter of interest to Mr. Coté which was forwarded on to Mr. Auffredou. He concluded that all of this new information was very hard to digest in such a short period of time and he asked that they be allowed more time to look into the issues seriously before taking a vote to finalize the sale.

Supervisor Beaty stated that he also had some concerns about the proposed Westmount sale as Specialty Care had a track record of significantly cutting staff and lowering pay for remaining staff. He understood that this was a business and had to be run as such, but cutting staff, lowering pay and over-medicating was not a formula he was comfortable with for Westmount. Supervisor Beaty stated there were still the Medicaid fraud issues to consider and he said he was not completely convinced that

Specialty Care had not owned the facility. He continued that the Medicaid fraud issues aside, he was primarily concerned with the level of care that would be provided by Speciality Care; he pointed out that Westmount residents received excellent care now and he was concerned that selling Westmount might lead to a major shift in the way that the Facility was run. Supervisor Beaty stated that in the future they could reach a point where the Board would indicate that they wished they had known all of these factors before the sale had taken place, but he cited that they did have this information and were aware of examples of over-medicating issues and staffing reductions which represented considerable concerns. Supervisor Beaty said he did not feel anything adverse would occur if a vote on proposed Resolution No. 638, *Resolution Approving and Authorizing Contracts for the Sale of the Westmount Health Facility Including Certain Lands Associated with the Westmount Health Facility, and in Anticipation of the Conveyance Declaring as may be Necessary the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility No Longer Necessary for Public Use, and Authorizing the Transfer of the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility Subject to the Adoption of a Local Law Superceding County Law Section 215 and Satisfaction of the Conditions of Sale Defined in the Contract Documents, Conducting Review Under the State Environmental Quality Review Act ("SEQRA") and Issuing Determination of Non-Significance*, was delayed for one month to allow time for a proper due diligence review of the issues revealed; therefore, he said, he would recommend that the resolution be tabled.

Motion was made by Supervisor Beaty and seconded by Supervisor McDevitt to table proposed Resolution No. 638 for one month; however, the motion failed by a vote of 344 in favor (*Supervisors Monroe, McDevitt, Brock, Vanselow, Beaty and Westcott*) and 656 opposed (*Supervisors Conover, Girard, Taylor, Kenny, Frasier, Simpson, Dickinson, Merlino, Strough, Seeber, Sokol, Thomas, Wood and Geraghty*).

Supervisor Brock said he had spoken with Supervisor Beaty yesterday and performed some research on his own relative to the Speciality Care issues. He said he had been leaning towards voting in favor of proposed Resolution No. 638, but recalled that in his internet search one of the facilities referenced by Supervisor McDevitt was listed as being owned by Speciality Care on their website. Supervisor Brock stated that there was too much conflicting information being received and he would prefer to have these matters cleared up before voting. Mr. Dusek responded that as far as Northern Manor Adult Day Health Care was concerned, he felt the matter had been cleared up based on the statement received from Mr. Abramchik, which was witnessed by Supervisor Beaty, that Speciality Care had no ownership interest in that facility. He continued that there was an explanation as to why the facility was reflected on the Specialty Care website and that was because Speciality Care was providing consultant services. Mr. Dusek stated that if it turned out that Mr. Abramchik's statements were not factual, the County's position could certainly change in the future.

Supervisor McDevitt questioned if it was known who paid the \$6.5 million fine imposed upon Northern Manor to the Attorney General's Office and Mr. Dusek responded that Mr. Abramchik had indicated the payment had been made via recoupments from the non-profit organization that is Northern Manor and that Mr. Rozenberg had not paid the fine.

Supervisor Seeber asked whether the letter received from VestraCare had submitted an actual offer for purchase of Westmount Health Facility. Mr. Auffredou advised that the letter he had received via Mr. Coté had seemed to him to be an introductory letter that had not contained a specific offer. He said that he had spoken with the author of that letter yesterday and had explained the current status of the sale and where the County was procedurally; Mr. Auffredou added that he had also advised of the RFP (*Request for Proposals*) process that was undertaken to advertise the prospective sale of the Facility which had commenced in October of 2012.

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Supervisor Conover said he assumed there was a State regulatory agency that issued permits for the operation of nursing homes which would have jurisdiction relative to transferring permits and be empowered to withhold or stop the transfer of permits and he assumed this same agency would conduct inspections of both public and private nursing homes and would also be empowered to withdraw certifications, if required. He added that it was important for everyone to understand that while the County may be trying to sell their nursing home, the State of New York would play a certain role in the transaction. Mr. Auffredou confirmed that there was such a State authority in place and the contract documents specified that Specialty Care must obtain a Certificate of Need in order for a closing of the sale to take place. He added it was his understanding that the oversight authority was provided the New York State Department of Health.

Supervisor Sokol questioned whether you could believe everything that was printed in a newspaper. He pointed out that Mr. Dusek had received confirmation from a key representative of Specialty Care that they had nothing to do with the two events cited to have occurred at other nursing homes and this confirmation had been witnessed by Supervisor Beaty.

Supervisor Beaty stated that while he could confirm the statements revealed by Mr. Dusek as being made in a telephone conversation earlier that morning were accurate, he would question whether when asked about ownership of Westmount Health Facility that Specialty Care would claim ownership or would they indicate that one of the two LLC's formed retained ownership. He noted that when companies used LLC's there was some tie there; he said he understood the point of establishing an LLC was to isolate from potential problems but he still found the scenario concerning. Supervisor Beaty questioned whether the contracts for the sale of Westmount Facility specifically listed Mr. Rozenberg's name in any part, or if they only listed the names of the LLC's that had been created. Mr. Auffredou stated that the short answer was that the contracts were in the name of the LLC's, but said he would defer to Mr. Paltrowitz. Mr. Paltrowitz said the original discussions prior to his involvement were that different LLC's would be set up for an entity to own the property and to operate the Facility, similar to the manner in which every other purchase made by Specialty Care. He added that no individual person was listed in the contracts, but there would be members of the LLC's which were set up to protect a company from liability as much as possible; Mr. Paltrowitz noted there were some liabilities that a company could not protect itself from.

There being no further comments from members of the Board of Supervisors, Chairman Geraghty called for public comment on the resolutions to be considered.

Mr. Whitehead stated he had two LLC documents from the New York State Department of State, one was for Warren Operations Associates, LLC and the other for North Manor Operations Associates, LLC; he added that the name specified on both documents was "Care of Isador Friedenberq Esq., 2 Cara Drive Suffern, NY". He said that based on these documents, you could not tell who Attorney Friedenberq was representing, but there was clearly some doubt that needed to be addressed. Mr. Whitehead directed the Board's attentions to the fact that the contract for the Westmount sale was 63 pages in length and he noted that the contract with Siemens Buildings Technologies for the co-generation facility was actually longer, but they were suffering tremendously because of it. He noted that the Board did not need to take his word for this fact because the County had commissioned a report by Enernoc to confirm there were some problems with the Siemens contract.

Mr. Whitehead recalled that earlier in the meeting Supervisor Westcott had questioned whether the contract documents incorporated any language guaranteeing Medicaid payments and a response had been put forth that no such verbiage was included. He contested that language included on page 23 of the contract documents would cause considerable damage and he hoped the Board would take the

time to consider it before approving the contract; he read this language aloud, as follows:

“(c) Notwithstanding the foregoing, the Seller and the Buyer acknowledge (1) that the Seller is and continues to remain contractually obligated for the payment to Buyer of the amount of the Lease payments less the Medicaid reimbursement therefore received by the Buyer through December 31, 2021”

Mr. Whitehead summarized that this language essentially indicated if the buyer did not receive funds from Medicaid to cover the lease payments, the County would cover them. He commented that they could try to obfuscate this language in the contract but he did not believe that the buyer would ever be completely liable for the lease payments based on this inclusion. Mr. Whitehead stated that this contract was designed to obscure the truth from the Board, but more importantly from Medicaid because they were asking the buyer to tell Medicaid that they had been making the lease payments and to request reimbursements. He said he believed that Medicaid would see through this ploy and would disallow it.

Additionally, Mr. Whitehead pointed out language on page 23 that directed the buyer to fill out their annual Medicaid Cost Report (RHCF-4) in a certain manner, telling them to do certain things whether or not they are the truth, which he found to be very disconcerting. He read additional sections of the contract aloud, as follows:

“(4) For rates negotiated with managed Medicaid companies, assume that rates are adequate to capture all of their operating costs, including the depreciation and interest associated with the Cogeneration Facility irrespective if they actually do not.”

“(v) after Closing the Buyer calculates and is presumed to have received Medicaid reimbursement assuming at least 80% Medicaid occupancy even if the actual Medicaid occupancy is less than 80%.”

Mr. Whitehead stated he was unsure how these provisions could be included in the contract and he noted that many bad things had been included in the Siemens contract, as well. He noted there were a lot of bad contracts that managed to be approved and cost the County a lot of money in the future and he predicted that this would be another one of them.

Peter Brothers, *Town of Queensbury Resident*, stated that *The New York Times* article Supervisor McDevitt had eluded to earlier included some very alarming information and he applauded Supervisors McDevitt, Beaty and Westcott for their efforts in trying to at least delay the sale until this information could be sorted out. He said there seemed to be some pressure to sell the Facility in light of many different dynamics, but noted that in light of the ongoing FBI investigation it would do no harm to delay the sale; he added that if the prospective buyer tried to pressure the County into immediately progressing the sale, it should serve as a warning to the County. Mr. Brothers pointed out the statistics listed in the article which reflected questionable care practices and he noted that no one would predict where they would end up in their elderly years or whether they would require nursing home care. He continued that they should be concerned and proceed cautiously in this manner to allow for thorough review and research to take place instead of avoiding some of the due diligence in order to hasten a sale for political purposes.

John Salvador, *Town of Queensbury Resident*, apprised that his wife had been a resident at The Stanton Rehabilitation and Nursing Home for a little more than three years. He said he could not attest to the fact that there had been any examples in his wife's case of over-medication. Mr. Salvador explained that

his wife's medication was monitored by her primary care physician, independent of the nursing home; he added that his wife's primary care physician visited the nursing home on a weekly basis in this regard. Mr. Salvador commented that staffing was a definite problem and he noted that the pay scale primarily for the Aides working at the lower level was in the range of \$9 to \$10 per hour. He expounded that as younger people came into the workplace they found that when working directly for the nursing home they were able to have certain benefits; however, he added, they also discovered that when working for one of the agencies nursing homes contracted with to ensure proper staffing levels, they would be paid a higher salary. Mr. Salvador explained that this created a revolving door scenario where the nursing home staff would leave the facility to work for an agency in the same facility at a higher rate of pay. He further explained that the agencies were able to provide higher salaries because they did not offer employee benefits. Mr. Salvador stated that, fundamentally, he was very satisfied with the care his wife received on all fronts, but said he understood the problems at this facility and the issues that occurred. He noted that many elderly residents required a lot of care and he apprised he had once run a calculation to determine how much time each Aide could spend with each resident, finding that it was approximately 6 minutes per hour. Mr. Salvador continued that he could imagine all of the assistance these residents required from the time they awoke to the time they went to bed each night and he pointed out that many residents were incontinent or obese, in some cases requiring multiple staff and mechanical equipment to move them. He concluded that while there were many problems faced in the operation of a nursing home, but overall, he was satisfied with the care his wife was receiving.

Ronald Ball, *Town of Queensbury Resident*, mentioned that his mother-in-law had been a resident at The Stanton Rehabilitation and Nursing Home, sharing a room with another elderly and very frail woman. He apprised that on one visit, his mother-in-law's roommate had continually called for help, and when the Aide had entered the room requested assistance in getting her car ready. Mr. Ball stated that after this experience it was apparent to him that many of the residents were very elderly and not always comprehensive of their situation and he said he felt the staff at The Stanton had provided outstanding care. He noted that his mother-in-law had received excellent care at Westmount Health Facility, as well, and he advised that if the need arose for him to be placed in a nursing home, Westmount would be his choice. Mr. Ball cited a comment previously made by Congresswoman Nancy Pelosi that "you have to approve it to see what's in it" and he said he felt that was what the Board was doing, approving the Westmount sale contracts in order to take more time to study and consider; he added that he felt the Board should take a step back and review the contract further with the idea that Specialty Care was willing to buy the facility there must be other companies that would be willing to purchase the Facility for the same price. In conclusion, Mr. Ball thanked the Board for entertaining his comments and he wished everyone a Merry Christmas.

Supervisor Seeber stated that the community was judged on how they treated their most vulnerable population, and in Warren County they moved mountains to make sure they gave respect and dignity to minors, the disabled and the elderly. She said she had full faith that the County Administrator, the County Attorney and the Chairman of the Board would continue to investigate these concerns and any new questions that arose and she questioned whether this was the case. Additionally, Supervisor Seeber noted that there would be financial implications if they did not proceed to approve the Westmount sale contracts, specifically relating to the County Budget. Chairman Geraghty responded that they would absolutely continue to review and address the questions and concerns raised and he commented that they would refer the lack of staffing regulations to the Legislative & Rules Committee for review and recommendation. He commented that visits to Speciality Care nursing homes had been made by Mr. Dusek, accompanied by Mr. Coté who he considered to be an expert on nursing homes, in an effort to determine the caliber of care and staffing Speciality Care incorporated. Chairman Geraghty stated that no one wanted to diminish the care that would be provided at Westmount and that was one

of the main points stressed in the sale negotiations, along with concerns relating to the future of the staff working in the Facility. Finally, he confirmed once more that these matters would continue to be reviewed and investigated.

Supervisor Beaty questioned whether the contract documents included any staffing guarantees or whether existing staff members would be retained going forward. Mr. Paltrowitz stated that there were provisions in the contract that the existing employees would be given the opportunity to remain employed with Specialty Care. He added that he had been involved with the labor negotiations in connection with the Washington County nursing home where all employees were given the opportunity to retain their positions. Mr. Paltrowitz noted that Specialty Care had agreed to recognize the existing Washington County Union in their new facility and they entered into a new collective bargaining agreement so that all of the terms and conditions of employment would be carried over and provided for. Supervisor Beaty then questioned whether the contract included provisions for staffing levels and Mr. Paltrowitz replied in the negative, advising the issue of staffing would be between the union and the employer; he clarified that the contract did not provide for any minimum staffing levels, only the opportunity for current employees to remain employed, if they chose to do so.

Chairman Geraghty asked if there were any requests for roll call votes and Supervisor Westcott requested that a roll call vote be taken for proposed Resolution No. 638, *Resolution Approving and Authorizing Contracts for the Sale of the Westmount Health Facility Including Certain Lands Associated with the Westmount Health Facility, and in Anticipation of the Conveyance Declaring as may be Necessary the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility No Longer Necessary for Public Use, and Authorizing the Transfer of the Westmount Health Facility and Certain Lands Associated with the Westmount Health Facility Subject to the Adoption of a Local Law Superceding County Law Section 215 and Satisfaction of the Conditions of Sale Defined in the Contract Documents, Conducting Review Under the State Environmental Quality Review Act ("SEQRA") and Issuing Determination of Non-Significance.*

There being no further discussion on resolutions or requests for roll call votes, Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 565-641 were approved, as presented. Two Certificates of Appointment were submitted (*Appointing Members to the Warren County Youth Board; and Reappointing Members to the Warren County Youth Board*).

During the vote for Resolution No. 638 the following comments were made:

Supervisor Monroe stated that he had come in that morning intending to vote in favor of the resolutions, but he was very concerned about the information he had learned. He said that while he understood the need to sell Westmount to improve the County's finances, he felt that some serious allegations had been made which warranted further investigation; therefore, he stated, he was voting against the resolution.

Supervisor Taylor questioned whether there was a means to escape the contract with Specialty Care if it turned out that any of the allegations made were valid. Mr. Auffredou replied that if the allegations pertaining to the Specialty Care's involvement in Medicaid fraud were true they would constitute a fundamental misrepresentation which would allow the County to escape the contract. He commented that he would defer to Mr. Paltrowitz on this matter, but opined that the allegation had been satisfactorily addressed earlier in the meeting.

Supervisor Brock said he agreed with Supervisor Monroe in that the allegations needed to be cleared up before he could vote in favor of the resolution; therefore, he voted in opposition.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, DECEMBER 19, 2014

(Resolution No. 638 was approved by a vote of 656 in favor (Supervisors Conover, Girard, Taylor, Kenny, Frasier, Simpson, Dickinson, Merlino, Strough, Seeber, Sokol, Thomas, Wood and Geraghty) and 344 opposed (Supervisors Monroe, McDevitt, Brock, Vanselow, Beaty and Westcott).

Continuing the Agenda review, Chairman Geraghty called for announcements. He noted that as per recently approved Resolution No. 631, *Early Closing of County Offices on December 24, 2014 and December 31, 2014*, County Offices would be closing at 3:00 p.m. on both December 24th and December 31st. Additionally, he pointed out that the Organization Meeting would be held January 5th at 11:00 a.m., as per Resolution No. 632, *Fixing Date of Organization Meeting*. Chairman Geraghty also reminded all of the Town Supervisors to pick up their Tax Rolls and Tax Warrants from Mrs. Sady's Office.

Supervisor Beaty reiterated that on January 8th at 6:30 p.m. a public meeting would be held at the Queensbury Town Hall to discuss the proposed Airport Runway Extension Project. He stated that he hoped to see more Supervisors in attendance at this meeting and noted that some residents were very vocal about this project.

Chairman Geraghty extended privilege of the floor to any members of the public wishing to address the Board.

Frank Dittrich, *Town of Lake George Resident/member of the Warren County Lodging Association*, said the Warren County Lodging Association had been meeting and attaining a growing membership. He thanked Supervisor Dickinson for both his and Mayor Blais' efforts to combine the Town and Village of Lake George's occupancy tax resources; he noted that the Warren County Lodging Association felt this was an outstanding initiative aimed at improving and strengthening tourism in Warren County. Supervisor Dickinson thanked Mr. Dittrich for his comments.

David Kenny, *Town of Lake George Resident and Business Owner*, thanked Supervisor Dickinson for visiting the satellite Tourism Office located in the Adirondack Outlet Mall, but said he would now ask for Supervisor Dickinson's support in improving the way the Office was operated. He opined that it was a disgrace how the Office was run and he commented that the museums, restaurants, ski centers, snowmobiling and other points of interest in Warren County would be much better represented by using interactive television screens. Mr. D. Kenny stated that every community should want to have their own screen to advertise offerings in their area and he said that if funding was an issue, he would be willing to contribute towards the purchases. Additionally, Mr. D. Kenny pointed out that the traffic sign posted on Route 9 at the intersection with Route 149 should be bigger and should possibly provide more information, such as the distance to Lake George and the Adirondack Northway. He acknowledged that this signage problem was a State issue, as it was posted on a State road, but opined that the Board of Supervisors should pressure the State to improve the sign and provide better information because the current sign was misleading the public; he added that enhanced signage would also provide a better opportunity to attract visitors traveling along Route 149 to Lake George and Glens Falls.

Christina Curley, *Special Events Coordinator, Lake George Regional Chamber of Commerce & Convention & Visitors Bureau*, who thanked the Board for their full support of the event services coordinator services and increased funding approved by Resolution No. 584, *Awarding Proposal and Authorizing Agreement with Lake George Regional Chamber of Commerce and Convention & Visitors Bureau to Increase Year-Round Convention/Conference/Special Event Business Services in Warren County (WC 62-14) for the Tourism Department*. She stated that she was very happy to continue working hard to bring new events and meetings to Warren County.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

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Mr. Salvador recalled that in last weeks issue of *The Adirondack Journal* it was noted that Warren County had adopted its new Ethics Code at their November 21st Board Meeting. He stated that with the adoption of the Code, it now remained to appoint three members to fill the vacant seats of the Warren County Ethics Board. Mr. Salvador continued that, as required by State statute, a majority of the County's three-member Board were not to be officers or employees of the County; however, he added, at least one member must be an elected or appointed officer or employee of the County, or a municipality within the County. He stated that by this definition, there must be at least one thousand County residents eligible to serve in a key role of an elected or appointed county official or employee of the County Ethics Board. Mr. Salvador clarified his point was that it should not be too difficult to staff these positions and he requested some kind of assurance that they would proceed post haste with seating the Ethics Board; he added that it would be a good idea for this to be done at the upcoming Organization Meeting in order to establish the membership for 2015. Chairman Geraghty responded that he had spoken with Mr. Auffredou about this matter and they were working to determine the members; he also confirmed that the Ethics Board would be seated in 2015.

Continuing, Mr. Salvador stated that for more than ten years he had tried to keep the Board and the County's involved Departments apprised of his findings that certain of the County's town boundaries were in error, as well as to advise the extent to which these errors required correction. He said that over the last ten years he had been able to convince certain members of Warren County's mapping departments of the true statutory boundaries of towns which border Lake George, particularly the Town of Bolton and its interface with the Town of Queensbury and Lake George. Mr. Salvador stated that regardless of where the Town boundary may be in the near shore area of Lake George, and which Town the navigable water may drift to, as a result of Judge Krogmann's 2013 decision in the Hart Family Case which was upheld by the Appellate Division, it appeared that the local towns no longer had jurisdiction with respect to planning and zoning over structures in the navigable waters of Lake George. He said it was his understanding that the Towns of Queensbury, Lake George and Bolton were no longer regulating boat docks and boat houses on Lake George; however, he continued, the Appeals Courts had stated repeatedly that the State's exclusive authority on Lake George extended to every form of regulation in the public interest. A form of regulation which had yet to be recognized by local government, Mr. Salvador pointed out, was that of assessments and property taxes currently applied to structures on the navigable waters of Lake George. He apprised one would find that the Assessors Offices in these towns had inventoried boat docks and boat houses and because of that inventory, those structures had some kind of value. Mr. Salvador opined that what the high Court had said in stating that every form of regulation in the public interest would preclude the assessor from assigning a value to these structures. He stated it was a known fact that fees were paid to the LGPC, a State agency, for the privilege of occupying the navigable waters of the State; he added that one payment was enough and he did not feel residents should have to pay taxes to both the towns and the State government.

Mr. Ball addressed the Board once again, first to speak on the proposed Court Expansion Project. He noted the \$16 million cost of the proposed expansion project and questioned whether anyone had considered the idea of relocating the DMV Offices to the Aviation Mall, similar to the way in which Saratoga County had placed one of their Offices in the Wilton Mall. Mr. Ball commented that this would provide a considerable amount of space for court expansion while saving a lot of money; additionally, he pointed out that the malls provided security which would represent an additional savings to the County. Secondly, Mr. Ball commented on the condition of West Mountain Road, apprising that about a month or so ago he had approached the Town of Queensbury to request that they assume maintenance of West Mountain Road from Warren County. He said the Town of Queensbury had reviewed the request and determined it would cost the Town close to \$1 million to perform the necessary maintenance and repairs needed; he commented that West Mountain Road was in terrible shape and he questioned whether the County planned to contributed this amount of money to fix the

road in 2015. Mr. Ball also pointed out that the intersection of West Mountain Road with Bonner Drive and Mountainview Lane was not a correct four-way intersection and many times the traffic signs were not obeyed. He advised that he, along with Queensbury Town Councilmen Doug Irish and William VanNess, had visited this intersection to monitor the traffic and within two minutes had watched a plow truck run the stop sign. Mr. Ball added that Mr. VanNess had counted 38 cars traveling through the area, 30 of which had not even come to a complete stop at the sign, some of them traveling through the intersection at 15-20 mph without stopping. Mr. Ball commented that he had grandchildren who lived near this intersection and found the lack of traffic control to be ridiculous. Additionally, Mr. Ball noted that the dip in West Mountain Road where Clendon Brook crossed beneath it was in terrible condition and he said it was likely they would eventually find that the erosion under the road was so bad by spring time that the road might possibly need to be closed. He advised this section of West Mountain Road had posed a continuous problem that was traditionally only addressed with temporary repairs, but never fully and correctly fixed. Mr. Ball commented that one of the largest issues on West Mountain Road pertained to the Rush Pond Trail and Supervisor Strough's desire to finish the hiking trail by installing manufactured stone. He noted that the trail was 1.5 miles long and 10 feet wide and would require hundreds of trucks and equipment to install the stone, necessitating that they travel off and on a section of the highway which was just over the ridge of a hill, which he opined to be a very dangerous spot. Mr. Ball stated that he wanted the County to stop this work because all of the other trails in the Town of Queensbury were natural, wooded trails that did not offer this type of stone surface and he did not feel it was necessary for the Rush Pond Trail either; he added that he was unsure why Supervisor Strough was pushing the initiative as many people who were hiking on the trails preferred a natural trail. Chairman Geraghty responded that he had learned of Mr. Ball's concerns relative to the condition of West Mountain Road from a recent newspaper article and he had subsequently spoken with the DPW Superintendent about them. Chairman Geraghty added that the concerns with regard to the intersection of West Mountain Road, Bonner Drive and Mountainview Lane would be addressed through the proper channels, either by the Adirondack-Glens Falls Transportation Council or the Traffic Safety Board; however, he noted, Mr. Ball's concerns respective to the Rush Pond Trail were a Town of Queensbury issue. Mr. Ball clarified that his concerns pertained to the need for Town trucks to back into the Rush Pond Trail area from the County highway which was very dangerous given the area, especially for a project that was unnecessary.

Supervisor Sokol wished everyone a safe and happy holiday season; Chairman Geraghty echoed these comments and thanked everyone for attending the meeting.

There being no further business to come before the Board, on motion made by Supervisor Girard and seconded by Supervisor Conover, Chairman Geraghty adjourned the meeting at 12:25 p.m.