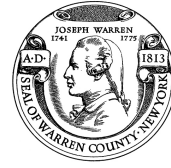


# Warren County Board of Supervisors

**BOARD MEETING  
FRIDAY, FEBRUARY 20, 2015**



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 Monroe.

Roll called, the following members present:

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

Motion was made by Supervisor Taylor, seconded by Supervisor Thomas and carried unanimously to approve the minutes of the January 16, 2015 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Geraghty declared the Public Hearing on Local Law No. 2 of 2015 entitled "*A Local Law Superseding County Law Section 215 and Authorizing Private Sale, Without Bidding, Public Advertisement or Auction, of Certain County Owned Real Property in the Town of Queensbury and Determining the Real Property is Not Required for Public Use*" open at 10:02 a.m. and he requested that Joan Sady, *Clerk of the Board*, read aloud the Notice of Public Hearing, which she proceeded to do.

Privilege of the Floor was extended to Martin Auffredou, *County Attorney*, to provide a synopsis of proposed Local Law No. 2 of 2015. Mr. Auffredou recalled that at their December meeting, the Board of Supervisors had adopted Resolution No. 638 of 2014 which approved the contracts for the sale of Westmount Health Facility; he added that this resolution had also provided for a SEQRA (*State Environmental Quality Review Act*) review and determination that the subject property was no longer necessary for public use. Mr. Auffredou stated that the sale contracts had been executed and one of the contingencies was the adoption of a local law superseding the provisions of County Law 215(6) which provides that a County may only sell, convey or dispose of property through auction or public bidding. He noted that in 2012, the County had decided to pursue an RFP (*Request for Proposals*) process for the sale of Westmount Health Facility, which was completed, and as a result the Board was left with the final act of considering proposed Local Law No. 2 of 2015 in order to supersede County Law 215(6) and allow the contracts and sale to proceed. Mr. Auffredou clarified that this action was deemed necessary due to the language included in the contract documents, but also in order to supersede County Law 215(6) because the County had made a conscious decision to perform an RFP process, instead of a public bidding or auction process. He explained the sole purpose of the public hearing was to consider whether or not the County should supersede County Law 215(6).

Chairman Geraghty offered privilege of the floor to any members of the public wishing to address the Board in respect to proposed Local Law No. 2 of 2015.

Travis Whitehead, *Town of Queensbury Resident*, began by pointing out that at the December 19, 2014 Board Meeting Resolution Nos. 595 and 596 had been approved, both of which related to the provision of contracts allowing for temporary nursing and CNA (*Certified Nurses Aide*) coverage at Westmount

**WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, FEBRUARY 20, 2015**

---

---

Health Facility. He added that these contracts had turned out to be beneficial as, similar to the situation experienced at Maplewood Manor, *the nursing home formerly owned by Saratoga County*, the transition was not going smoothly and they were relying upon nursing and CNA assistance from outside sources during this transition period. Mr. Whitehead said he would question why these provisions would be necessary when the RFP clearly stated that the retention of current Westmount employees was a very high priority, and this was one of his many concerns about the transfer of the Facility. He commented that he was not the only one with such concerns, and he apprised he was contacted by Dr. Daniel Larson, of *Hudson Headwaters Health Network*, who made it clear that his opinions were his own and were not representative of Hudson Headwaters; Mr. Whitehead added that he had also received communications from Dr. Suzanne Blood, another physician who had worked at Westmount and other area nursing homes. Mr. Whitehead proceeded to read aloud from email communications he had received from Dr. Blood and Dr. Larson, as follows:

**Email from Dr. Blood dated February 23, 2015:** *"I called John Strough and left 2 messages and he did not return my calls. It turns out I have a family meeting at my nursing home at 9:30 am tomorrow (not my idea and I can't change it) so I am not sure I can make it to the hearing at 10 am. I suggest that you say you spoke with me about quality indicators and I reviewed the data on anti-psychotic drug use and have concerns about the high rate of this. As I said, at The Stanton and at FHNH (Fort Hudson Nursing Home) and Tri County we make a big effort to get people off of these meds and many of the homes owned by Centers for Speciality Care have very high rates of use of these drugs and do more patient centered non-pharmacological care to help with behavioral problems in demented residents.*

*"You can also cite a 2009 Meta-Analysis in a British Medical Journal that suggests that not for profit nursing homes provide a better quality of care than for profit homes. If you go to PUBMED which is free, you can download the article: BMJ 2009;339:b2732. Good luck."*

**Email from Dr. Larson dated February 19, 2015:** *"As a physician who has practiced at all the local nursing homes, and as a resident of Queensbury, I wish to express my belief that the County is moving prematurely to sell Westmount to an unproven chain operator. As a taxpayer, I appreciate the financial burdens, but I truly believe Fort Hudson Health Systems should have not been dismissed. I do not work for Fort Hudson or receive any funds from them. I do frequently see patients there, usually on a weekly basis. I would encourage you to delay the sale and carefully consider the options for the long term good of this County and its citizens, rather than a one time sales amount."*

*Note: Subsequent to the meeting, Mr. Whitehead provided copies of these emails and they can be found on file with the Items Distributed at the Board Meeting.*

Mr. Whitehead concluded that he had more comments to make, but would yield the floor to others who wished to speak and return later in the meeting.

Jon Mandwelle, *Town of Queensbury Resident*, said he was not able to review the existing law and its interpretation, and he requested clarification as to whether proposed Local Law No. 2 was intended to apply specifically for the sale of Westmount Health Facility or if it was designed to supersede all subsequent transactions going forward where the County might seek to deem property no longer necessary for public use. Mr. Auffredou responded that proposed Local Law No. 2 of 2015 pertained specifically to the Westmount Health Facility and the 8± acres associated with the transaction and no other lands; he added that each time the County desired to supersede County Law 215(6) they must do so on a case by case basis. With respect to the County's determination that Westmount was no longer necessary for public use, Mr. Mandwelle called to the Board's attention that as he read the contract in

draft form, the County was requiring that the buyer maintain the Facility for use as a nursing home for five years and he was concerned that the County was mandating that the prospective buyer maintain the public use. Additionally, he said it had come to his attention, although he could not independently verify this, that in their other operations the proposed buyer had brought in workers from other areas and tended not to purchase their operating supplies locally. Mr. Mandwelle said that given the overwhelming support from certain people for the Airport expansion project and the Civic Center based on the economic impact which was expected to continue, he would ask what the Supervisors weigh in on what the lost impact to the area would be if outside workers and supplies were brought in for Westmount after the sale. Finally, Mr. Mandwelle noted a section of the sale contract which indicated “*the buyer shall not apply for any type of tax exempt status with respect to real property*” and he questioned who would enforce this requirement, as well as whether this item was really enforceable if the buying entity qualified under the mandatory exemption categories as provided by New York State Real Property Law, or another provision of New York State Law. Mr. Auffredou responded that he believed the Town of Queensbury Assessor would likely make the determination that the buyer was ineligible for tax exempt status based on verbiage included in the contract. Mr. Mandwelle thanked the Board for hearing his comments and said he was sure that the Board of Supervisors would proceed accordingly.

Skip Stranahan, *Town of Queensbury Resident*, commented that his wife had worked in the health care industry for 40 years and he asserted that the senior citizens would be the group that ultimately bore the burden for whatever financial gain the Board was able to attain through the sale of Westmount Health Facility, a gain that would likely be expended by the end of the year. He opined that the matter of the sale of Westmount Health Facility should be voted on by the citizens of Warren County through a public referendum and that the Board should not approve any action that skirted the law as it existed. Mr. Stranahan referred to a recent article in *The Post Star* indicating that the Board of Supervisors was “dragging its feet” in making a decision on the sale; he commented it was his feeling that the matter should be delayed until further information was obtained as to whether the property was needed by the citizens of Warren County. He expounded that he did not see how they could justify that the people of Warren County did not need the nursing home and it was obnoxious to even make such a statement. Mr. Stranahan said he felt everyone should vote against the proposed Local Law and that the decision should be made by the people of Warren County. He recalled when his own grandfather had been placed in Westmount Health Facility and he commented that the Facility was over 100 years old, having first served as a tuberculosis clinic; he also noted that it may be better to hold a bid for the Facility as it could very well be that the real property beneath the facility was worth more than \$2 million. In closing, Mr. Stranahan reiterated that the people who would suffer most from the sale would be the senior citizens, like himself and his wife, who had been paying taxes for the past 60 years.

George Winters, *Town of Queensbury Resident*, commented that it seemed the people of Warren County had been left in the dark on this matter as evening meetings, which most could attend, had not been held to provide information to residents. He noted he might eventually end up in Westmount and opined that it was much better run now than it would be run by another group; he added that they did not know what type of company Centers represented and he said it seemed that the Supervisors did not have a very good understanding of what the citizens of Warren County wanted. Mr. Winters advised he had attended other Board of Supervisors meetings and some of the items that were approved as business as usual were not explained to the citizens. He noted there were a number of residents present and he commented that they may have been better served by holding an evening meeting in a larger room where more constituents could have attended and spoken on the matter so that the Supervisors would have a better understanding of the feelings of the citizens they represented.

Oliver Nichols, *Town of Queensbury Resident*, noted that commercial properties were valued in relation

to numbers and the comment made was that the speaker had not seen a set of quality numbers. He said he had spent his entire career financing major commercial properties and if what the prior speaker had said was the case, this deal was absurd because the Board was not aware if a fair price for the property had been offered. Mr. Nichols stated that the idea of a public referendum was excellent, because in the multitude of proposals he had reviewed concerning deliberations of the Board, he had not seen the requisite expertise to justify the decisions; therefore, he said, the matter should be left to the public to decide.

Christopher Lynch, *Warren County Resident*, apprised that he and his family volunteered at the nursing home where his father-in-law was currently residing so he had some knowledge of nursing homes, both good and bad; he added that he also knew a bit about business, and one of the biggest things he knew was that business abhorred uncertainty. Mr. C. Lynch stated that the Westmount Health Facility was currently involved in an investigation by the New York State Attorney General's Office for criminal matters relating to the co-generation facility, and because of the uncertainty surrounding the investigation, the idea of putting the property out to bid for sale was absolutely preposterous. He continued that County Law 215(6) had been written for a good reason and the proposed motion would preclude any semblance of purview over the quality of the services that would be offered to the County's elderly. Mr. C. Lynch commented that it was improper for the Board to make a decision on who best could provide services and they should instead put the property up for sale through a well advertised open bid process; he added that it was wrong for the Board to make changes to what was basically Warren County's constitution. Finally, Mr. C. Lynch apprised that he had attended meetings, reviewed information, and talked to many people, but had yet to see one citizen of the County advocating for the sale of Westmount Health Facility, and so far he had only seen politicians doing so. Mr. C. Lynch commented that the County spent money on many things, such as indigents, welfare recipients and inmates and they had an obligation to take care of people who needed help and to do so decently and cogently. He concluded that his matter was not being handled in a timely, intelligent and well reasoned manner.

Don Krebs, *Town of Queensbury Resident*, questioned why the Board would consider selling a facility that takes care of local residents to an organization that refused to be represented at any of the meetings about this subject. Additionally, he stated that he failed to understand why the Board of Supervisors did not simply vote to cease payments to Siemens for the co-generation plant, based on the fact that it had never saved the money it was represented to save when it was sold to the County. Mr. Krebs opined that he did not believe Siemens would ever try to sue the County for not making the payments because they would not want the negative publicity such a lawsuit would generate.

Cathy Stanilka, *Town of Lake George Resident*, apprised that she was a retired teacher and former athletic director for the Lake George School system and that she and her husband had been residents and taxpayers of Warren County for the past 40 years. Mrs. Stanilka commented that the future lives and quality of care for the residents of Westmount should be one of the paramount considerations in the sale of the facility, not just the financial relief to the taxpayers. She continued that respect for the longevity and continued dedication of the Westmount employees with regard to salary and benefits, should also be of great importance. Mrs. Stanilka stated that a revolving door of per diem RN's, CNA's or unfamiliar faces was not conducive to the well being of one of the most treasured members of society, the elderly. She said she hoped the questions of staff to resident ratios and continued support of local County resources, which only enhanced the workforces and sale of goods for the local economy, would all be addressed prior to the sale to the satisfaction of the County's voting representatives on the Board of Supervisors. Mrs. Stanilka apprised her father, at 82 years old, was a 2-year resident of Westmount Health Facility in the middle stages of dementia; she added that his care had been excellent to this point, but constant changes in routine and familiar faces were not only a danger to his safety

WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, FEBRUARY 20, 2015

---

---

and care, but added undue stress to an already stressful existence. She asked each member of the Board to ask themselves to consider what they wanted and how they wanted to be treated when they reached this stage of life, termed as the golden years, and she thanked the Board for their continued attention to this matter.

Kathryn Hoffman, *Town of Queensbury Resident*, thanked the Board for the opportunity to discuss this issue. She apprised that she had worked in the healthcare field for decades, including experience in County facilities, and she noted that she had family members that had been placed in both non-profit and for-profit health care facilities. Ms. Hoffman stated her main concern was that whenever dealing with a for-profit organization, priorities immediately shifted from quality of care to making money. She commented that the health care system was extremely broken and providing daily compassionate, consistent, quality and competent care was an issue for some skilled nursing facilities. With reference to staffing patterns, Ms. Hoffman advised the Board should carefully consider the number of full-time equivalent, temporary and per diem positions because these were the people responsible for quality care within the institution and they needed to be treated as professionals, receiving both job security and benefits. Ms. Hoffman stated the Board also needed to keep in mind that although the proposed buyer may show pictures of fancy dining rooms in other facilities, many people will not be allowed to eat in that dining room; she added that they needed to know how many people were being tube fed, as well as whether aides were assigned to residents during meals. She said that they needed to consider quality of care issues and realize that for-profit organizations were not focusing on them. Ms. Hoffman stated that this was a very vulnerable, fragile population with increasing acuity of care needs; she added that these quality services could be provided, not at a profit, but it was possible to break even. She asked the Board to look past the gloss and the bottom line, to see the quality of care. Ms. Hoffman concluded that they did not want to “sell their soul”, and the institutions in Warren County, to for-profit organizations that were not concerned about the quality of care provided to a very vulnerable population.

Mr. Whitehead addressed the Board, once again, advising of some “breaking news” that a lot of the numbers listed on the Medicare.gov website had changed, just as Supervisor Monroe had advised in an email he had recently sent. He then proceeded to read the following from an email he had sent to the members of the Board of Supervisors earlier that morning: *“As you know, each nursing home is inspected once a year and Westmount was inspected last November.”* Mr. Whitehead confirmed that he was able to assure that the inspection had occurred in November because he happened to be at the Facility visiting his mother, who was a resident. He continued: *“I have been waiting for the results to be posted, and that happened this morning. The new rating based on the November 10, 2014 inspection increased the overall score from below average, where it had been for many years, up to average. This is a feather in the cap of the new Administrator who has been challenged throughout the last year with the specter of a looming sale and the staff turnover that accompanies that; I think Lloyd deserves a tip of the hat, I truly do. Going forward, the value of this home in the eyes of a potential suitor goes up. This rating change based on the new inspection report happens to coincide with some changes in grading pointed out by Supervisor Monroe that will for the most part effect nursing homes in a negative fashion. For instance, Washington Center, taken over by Centers for Specialty Care about a year ago, just dropped from below average to much below average, which according to Medicare.gov puts it in a special focus group as there is no lower score. Essex Center, which Essex County sold last year, same thing, went from below average to much below average. There is way too much data to try to sort through this morning and my summary sheet, which many of you have, will need to be totally revamped, taking many hours, but I intend to do it. This marks another question for the company that took over our neighboring County homes; this news also puts in serious doubt whether Centers will be able to even get clearance from the Department of Health to transfer the Certificate of Need as all of their other homes will be reviewed. If they have a bunch of homes in the Special Focus Program, having them rated as low as*

*possible, could put the entire transfer of the Certificate of Need into limbo and the Board would be wise to consider the fact that they have the chance to push the pause button today and pick this up when things become more clear.*" Mr. Whitehead clarified that since he had written this email he had discovered that while going to a certain level made a home eligible for the Special Focus Program, there was only enough funding at the Federal level to allow 135 homes into that program at one time Nationwide. He added that there were only three homes in New York State in the Special Focus Program, one of which was run by Centers, and he noted that although a homes ratings may decrease, they may not be included in the Special Focus Program.

Mr. Whitehead stated that he had reviewed the rating numbers quickly and besides the Washington and Essex Centers, both of which had dropped to the lowest possible rating of 1, he would note that the ratings for the homes purchased by Centers for Speciality Care in Corning and Suffolk had also dropped. Mr. Whitehead pointed out that the Suffolk Center was listed on Centers for Speciality Care's website and there was a good question as to whether or not Centers owned the Suffolk Center. He said he had been talking to Chairman Geraghty earlier that morning and Chairman Geraghty had said he was not going to allow a five minute video produced by NBC News in New York City about the Suffolk Center to be shown; he added that if presented with the opportunity to view the video, they would be able to see the Specialty Care logo on the awnings of the Suffolk Center building. Mr. Whitehead stated that, once again, he would pause in his comments to allow others to speak, but advised that during the next time allotted to him, he would ask for a ruling as to whether he would be allowed to show the NBC News video. Chairman Geraghty advised a decision would be made by a vote of the Board of Supervisors as to whether the video would be shown.

Mr. Nichols addressed the Board once again, stating that he had not seen any numbers pertaining to the operation of the Westmount Health Facility, but based on conversation, it was his assumption that the Facility was operating at a continuing deficit which was exacerbated by the co-generation facility; he added that as he recalled, the original documentation for the co-generation facility was faulty. Mr. Nichols advised that a for-profit buyer would not purchase a facility operating at a deficit based on the assumption that they would continually operate at a deficit, but instead had projections showing that these would somehow be converted into a profitable operation. He commented that this was not rocket science and like any other business, there were revenues, expenses and net operating income to be considered. Mr. Nichols stated that the revenue line could not be magically transformed and therefore by imputation it could be assumed that the plan of the purchaser was to trim expenses as this was the only other variable; he added that chief among those expenses were salaries, compensation, etc. Mr. Nichols apprised that based on his quick numeric analysis, and depending upon the level of deficit faced, a huge transformation would be necessary to make the Facility profitable, which was likely to negatively effect the lives of Westmount's residents.

Mr. Winters addressed the Board again, noting that they had heard from very few members of the public and he felt this input was important. He stated that this was a considerable issue and he reiterated that the Board should hold a public meeting in the evening so that everyone would have a chance to state their opinions for the Board's consideration before making a decision. Mr. Winters opined that large issues of this nature should be more openly discussed to provide more information to the public so that they would feel more at ease with the situation.

Chairman Geraghty stated that he would like to open the floor to comments by members of the Board of Supervisors in relation to the Public Hearing. He noted that representatives of Centers for Specialty Care were present to answer questions and they would begin their presentation as soon as the Supervisors finished making their comments and the Public Hearing was concluded.

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

Supervisor Beaty requested that the Public Hearing remain open after the Centers for Specialty Care presentation so that the public could ask any questions they might have; Chairman responded that he intended to allow the Centers representatives to entertain questions from both the Supervisors and the public, as well.

Supervisor McDevitt questioned whether the vote on proposed Resolution No. 89, *To Enact Local Law No. 2 of 2015, Entitled "A Local Law Superseding County Law Section 215 and Authorizing Private Sale, Without Bidding, Public Advertisement or Auction, of Certain County Owned real Property in the Town of Queensbury and Determining the Real Property is Not Required for Public Use"*, would be a simple or two-thirds majority vote. Additionally, Supervisor McDevitt asked if the approval of proposed Resolution No. 89 of 2015 would trigger a mandatory public referendum. Mr. Auffredou answered that proposed Local Law No. 2 of 2015 was not subject to a mandatory public referendum; however, he added, it was clear this Law would be subject to a permissive referendum period under Municipal Home Rule Law No. 24. Mr. Auffredou explained a permissive referendum meant that the Law would take effect unless a permissive referendum was called for. He noted that many actions were subject to permissive referendum and this was one such instance; he clarified, once again, that Local Law No. 2 of 2015 was not subject to a mandatory referendum in any instance. With respect to Supervisor McDevitt's other question, Mr. Auffredou commented that there was some debate as to whether the vote for proposed Resolution No. 89 should be a simple or two-thirds majority, but noted he was taking the position that for the purposes of this issue, a two-thirds majority vote would be required. Supervisor Beaty requested confirmation that the vote taken for proposed Resolution No. 89 would require a two-thirds majority weighted vote for approval and Mr. Auffredou replied affirmatively.

Mr. Whitehead stated he was still waiting for the opportunity to show the NBC News video and he requested that a decision on this be made. Mr. Auffredou interjected that for the purpose of the Public Hearing, it was imperative that they consider materials relevant to the issues before the Board and he had some doubt as to whether this video would apply; he added that, speaking as the County Attorney, he was charged with making sure that only relevant and pertinent information was being considered in relation to the purpose of the Public Hearing and he had serious doubts as to whether the video Mr. Whitehead referred to applied in this light.

Chairman Geraghty asked for a show of hands to determine whether the Board members wished to view the NBC video. Supervisor Beaty noted they were about to vote on whether or not to view a video and he questioned how the matter would be handled if a Supervisor, namely Supervisor McDevitt, desired to show the video. Chairman Geraghty responded he was waiting for a determination to be made by the members of the Board as to whether the video should be shown; he added that at the close of the Public Hearing, if the Board was in favor, the video could be played. Supervisor Beaty stated he was appalled that the Board was being asked to sit as a jury to determine whether Supervisor McDevitt had the right to show a video or not and this seemed to be a form of censorship.

Mr. Whitehead stated that as a member of the public, he had information to present and he failed to understand why he was not being permitted the opportunity to do so. He commented that the video was produced by a reputable source and while the subject matter pertained to one of the nursing homes owned by Centers for Speciality Care, it also addressed some very serious issues on State regulations and the general problems that caused these particular issues. Mr. Whitehead concluded that if it was ruled that he could not show the video, in his opinion, the Public Hearing would be considered a farce.

Supervisor Taylor asked whether any members of the Board of Supervisors had not already viewed the video; Supervisor Beaty questioned whether this was relevant, re-stating that he did not feel it was

*WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, FEBRUARY 20, 2015*

---

---

appropriate to sit in judgement of another Supervisor's desire to share information and he said he found this to be somewhat offensive. Supervisor Taylor responded that he was sorry Supervisor Beaty took offense, but he felt it was important to know whether the Board members had already viewed the video. Chairman Geraghty re-stated that once the Public Hearing was closed, a poll of the Board would be taken to determine whether the video would be shown.

For Supervisor Beaty's benefit, Supervisor Conover provided counsel regarding the way in which the members of the Board of Supervisors conducted themselves as a group. He explained that on occasion, the Chairman of the Board may make a ruling that not everyone was in agreement with and in such cases, to change the ruling a motion would need to be made, seconded and approved by a majority vote to overrule the Chairman's decision. He commented that the Board was not a mob and had to operate by procedure; he reiterated that if Supervisor Beaty was opposed to the ruling made by Chairman Geraghty he could attempt to summon support to overrule his decision according to procedure. Supervisor Conover looked to either the County Administrator or County Attorney for correction on any of the counsel he had provided and Mr. Auffredou responded he had none. Supervisor Conover stated that the Board of Supervisors operated according to procedure and protocol, not by shouting from a microphone, in order to maintain decorum and a semblance of order within the meeting. He reiterated once again, that if the Chairman of the Board was looking to obtain the consensus of the Board on a matter and Supervisor Beaty was uneasy with the decision made by the Chairman of the Board for any reason, he could ask for a vote on that ruling.

Supervisor Westcott said he appreciated the counsel provided by Supervisor Conover and he agreed with it. He then requested that the County Attorney provide counsel as to why the video Mr. Whitehead wanted to show was not a relevant subject for the Board to review while representatives of Centers for Specialty Care were present and could speak to the content of the reports. Mr. Auffredou responded that firstly, the contracts for the sale of Westmount Health Facility had already been voted on and approved at a prior Board Meeting and if these concerns were present they should have been addressed at that time. He continued that the purpose of the Public Hearing was a very narrow legal issue to supersede the requirements of County Law 215(6) and the content of the NBC video was far astray from this purpose, entering into areas completely beyond the scope of the intention of the Public Hearing.

In response to a question posed by Supervisor McDevitt, Chairman Geraghty confirmed his ruling that, once the Public Hearing was closed and after the representatives of Centers for Speciality Care had made their presentation, if the majority of the Board was in favor, the video could be shown. Supervisor Westcott said he understood the point made by Mr. Auffredou regarding the legal scope of the Public Hearing; however, he stated, this was the first time that the public had the opportunity to be introduced to the prospective buyers of Westmount Health Facility and while they were here, they would be presented with the opportunity to address questions they may have with regards to the concerns raised relative to the content of the NBC video. Mr. Auffredou responded that a Public Hearing was not required to introduce the prospective buyer to the public, and he clarified that it was required in order to supersede County Law 215(6). He continued that the Westmount sale had been conducted through a very open process which included many meetings where contracts were debated and negotiated; he stated he was not in agreement with the statement that the public was being introduced to this buyer for the first time from a legal perspective as there was plenty of opportunity to do so in prior meetings. Mr. Auffredou counseled that as the County Attorney, it was his obligation to advise the Board on the seriousness of the purpose of the Public Hearing and not going astray into what he deemed to be irrelevant matters.

Mr. Whitehead stated that this was a Public Hearing and there was no way anyone could tell him what he could or could not say without abridging his First Amendment rights. He asked that a note be made



**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

in the meeting minutes that a member of the public asked to present some information, and was denied the opportunity.

A motion was made by Supervisor McDevitt and seconded by Supervisor Beaty to overrule the decision made by the Chairman of the Board and to show the NBC video referred to by Mr. Whitehead during the Public Hearing.

Supervisor McDevitt commented that he and Chairman Geraghty had spoken about this issue late on the prior day and Chairman Geraghty had become concerned with his use of the word censorship. He stated that the word censorship was defined as “an official or a board who examines material that is about to be released and suppresses any parts that are considered politically unacceptable”. Supervisor McDevitt stated it appeared that some did not like what was going to be shown in the NBC video, and because of that would prohibit it from being shown. He opined that he could not think of how censorship could be defined any more clearly in this world than by the situation he had described. Supervisor McDevitt stated that he took issue with the opinion presented by the County Attorney and he apprised the NBC video pertained to the Suffolk Center, which was owned by the same group that desired to buy the Westmount Health Facility, reflecting pictures of two Veterans suffering from many bed sores.

Mr. Auffredou interrupted Supervisor McDevitt’s comments, interjecting a question as to whether Supervisor McDevitt was attempting to provide a narrative of the video in place of showing the video. Supervisor McDevitt responded with his own inquiry as to whether they were attempting to impede public debate and Chairman Geraghty directed Supervisor McDevitt to continue.

Resuming his comments, Supervisor McDevitt explained that the video told the story of a gentleman who had died in the Suffolk Center and the story of another Veteran who four months later was unsupervised and basically according to a family member “died like a dog”, hanging himself with a leash around his neck. He said that the potential Westmount buyer had declared that they took great care and great pride in their work “*honoring the responsibility we have to our residents and their families, with skilled and compassionate attention, 24-hours a day, 7 days a week*”. Supervisor McDevitt then read the following quote from an unspecified source: “*Attorney General Eric Schneiderman seems to be getting tougher on nursing homes. In February his office filed criminal charges against a Bronx Nursing Aide who was caught on camera pushing a dementia patient. The same month his office accused owners and employees of a Medford nursing home of providing sub-standard care and cheating Medicaid. Defendants in both charges pleaded not guilty. When asked about possible criminal charges against the Suffolk Center, he declined to comment.*” Supervisor McDevitt reiterated that the Suffolk Center he referred to was owned by the same company seeking to purchase the Westmount Nursing Home.

Supervisor Seeber noted Supervisor McDevitt’s statement that the Suffolk Center was owned by the same group seeking to purchase the Westmount Health Facility, but advised the information she had before her indicated that this was not the case. As there were representatives of the potential buyer present, she questioned whether definitive clarification could be provided on this matter. Chairman Geraghty stated that this issue could be addressed when the Centers for Speciality Care made their presentation later in the meeting. Supervisor McDevitt responded that the information he had in his possession showed a map of the facilities owned by the potential buyer, one of which was reflected as the Suffolk Center. Supervisor Seeber reiterated that since Centers representatives were present, it would be helpful to have the ownership information before voting on the present motion. Chairman Geraghty questioned whether any of the Centers representatives were willing to comment on this issue and Mordy Eisenberg, *Centers for Speciality Care’s Vice President of Strategic Initiatives and Continuing of Care*, indicated that Kenneth Rozenberg, the potential buyer of Westmount Health Facility, did not

own the Suffolk Center and he said he would explain why the map reflected what it did during their presentation later in the meeting.

Chairman Geraghty called the question and the aforementioned motion to overrule the decision made by the Chairman of the Board and to show the NBC video referred to by Mr. Whitehead during the Public Hearing failed by a vote of 344 in favor, (*Supervisors Monroe, McDevitt, Brock, Vanselow, Beaty and Westcott*) and 656 against (*Supervisors Conover, Girard, Taylor, Kenny, Frasier, Simpson, Dickinson, Merlino, Strough, Seeber, Sokol, Thomas, Wood and Geraghty*).

Several comments were made during the vote to show the NBC video, as follows:

- ★ Supervisor Monroe explained that he had been involved in controversial issues most of his life as a public official and at times when there was relevant information which was not allowed to be heard it became an issue regardless of the underlying issue. He said that he did not believe this video would change his position on the sale of Westmount to Centers, but if he were the purchaser here he would like the opportunity to refute whatever was in the video and therefore he was voting in favor of the motion.
- ★ Supervisor Taylor commented that they had just gone through a period where a major National news anchor was removed from the air for six months because he falsified news reports; Supervisor Taylor pointed out that just because something was reported on the news, that did not make it accurate.
- ★ Supervisor Brock agreed with Supervisor Monroe's comments, adding that everyone present was an adult and there was no need to edit before people saw things. He commented that not showing the video would only make the issue more contentious and so he voted in favor of the motion.
- ★ Supervisor Vanselow said he hoped that the content of Centers for Speciality Care's presentation would be entirely relevant to the purpose of the Public Hearing and would be held to the same standards. Chairman Geraghty answered that Centers' presentation would not be made during the Public Hearing session.
- ★ Supervisor Strough indicated that he had been inclined to vote in favor of the motion, but after receiving confirmation from Mr. Eisenberg that the potential buyers of Westmount Health Facility were not the owners of the Suffolk Center, the relevance of the video disappeared; therefore, he voted against the motion.
- ★ Supervisor Seeber voted against the motion, indicating that she had already watched the video, as likely most of the Board had done, and she said she hoped the public had been able to watch it previously, as well. She said that she believed it was relevant whether or not Centers for Speciality Care owned the Suffolk Center; she added that she was incredibly sensitive to victimization and it was absolutely horrendous what had happened to patients in nursing homes and those that they should be working very hard to protect as the most vulnerable portions of the community. Supervisor Seeber stated that she wanted the members of the Board of Supervisors to continue to work through the Legislative & Rules Committee to continue to fight to protect both the community's elderly population and the children, as well. That said, she commented she was unable to determine the video as relevant based on the fact that there were representatives of the potential buyer present, confirming that they did not own the Suffolk Center.
- ★ Supervisor Beaty said the fact of the matter was that they had not established who owned the Suffolk Center, and this made the video relevant in his mind. He apprised that he had seen the video previously and could attest that the Centers for Speciality Care logo was shown on the awnings of the Suffolk Center. Additionally, Supervisor Beaty noted documentation referred to by Supervisor McDevitt which reflected a map listing the Suffolk Center as being owned by Centers for Speciality Care. He said it was rather ambiguous to think that Centers

may or may not own this facility; therefore, he stated, it was important that the Board see more information. Supervisor Beaty pointed out that new information had just come to light in the last three to four weeks which, if not reviewed and considered, may call into question whether the Board of Supervisors had performed their due diligence prior to completing the sale. He concluded that bringing more transparency to the process was a good thing, and he voted in favor of showing the video.

- ★ Supervisor Westcott commented that he was voting in favor of showing the video because he was not agreeable to withholding any information from the people and if a Supervisor wanted to bring something to the Board, he or she should have the opportunity to do so. Secondly, Supervisor Westcott said he had been present at the meeting where the RFP responses, including the one presented by Centers for Speciality Care, were distributed and in their presentation it was stated that the Suffolk Center was part of their organization, as indicated by the map referenced by Supervisor McDevitt. Supervisor Westcott stated that the Suffolk Center was shown on the Centers for Specialty Care website as being owned by that organization and he noted they had only learned that Mr. Rozenberg did not own the Suffolk Center, but no representation had been made regarding ownership by Centers for Speciality Care.
- ★ Supervisor Thoms voted against the motion to show the NBC video, apprising that he had previously viewed it. He also commented that the granddaughter who was featured in the video speaking about the bedsores her grandfather suffered from should be ashamed of herself for allowing her grandfather's condition to reach such a point.

Maureen Lynch, *Town of Queensbury Resident*, pointed out that the Board had spent close to 30 minutes discussing whether or not to show a 5 minute video and it might have been more efficient to have just allowed it to be shown; however, she added, certainly there were reasons not to have done so, depending on who you were. Ms. Lynch pointed out that this discussion had brought to light an indication that the prospective buyers of Westmount Health Facility did not own the Suffolk Center, and while she was sure this information must be correct, they should keep in mind the fact that this did not mean that the buyer did not own the Suffolk Center at the time of the investigation. She said they should also keep in mind this may be a situation where one corporation owned another, necessitating some research to determine who has control of the Suffolk Center. Ms. Lynch apprised it was her understanding that the purpose of the Public Hearing was to determine whether or not to vote into existence proposed Local Law No. 2 of 2015, which would not otherwise be in accordance with the County Law that required a bidding process for the sale of County-owned property. She commented the bottom line was that the County was responsible for a nursing home facility and for processing Medicaid payments in order to assist the elderly and indigent with care. Ms. Lynch pointed out that every Board Meeting began with the reciting of the Pledge of Allegiance, which by the last line bound the Board of Supervisors to providing "Justice for All" and she noted that the elderly were the most vulnerable portion of the population. She stated that for many elderly residents, there was no one else to speak for them and to protect their rights, and very often they were forgotten. Ms. Lynch said there was often a lot of help for unwed mothers, babies and children because they were much more appealing, but there was not as much help for the elderly. She commented that she would like the needs of the elderly to be considered first in this matter, and to do that they would need to retain the process of putting the Westmount sale out for public bid. From the information she had reviewed, Ms. Lynch assumed that the point in selling the Facility was because it was operating at a loss and she pointed out that a portion of this problem was related to the co-generation facility which was currently under investigation. She continued that it might be prudent to delay the Westmount sale for a few more months until the co-generation investigation was concluded as she did not feel it was a good idea to proceed with so many unknown variables were in place. Ms. Lynch concluded that she worked in Albany and had to use her vacation time to attend the meeting; she added that she agreed with the idea

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

that if the Board of Supervisors truly valued the thoughts and opinions of the public, night meetings would be more conducive.

When Chairman Geraghty made motion to close the Public Hearing session, Mr. Whitehead noted this was the first Public Hearing that had been offered on this matter and they were attempting to close it prematurely. With regards to the NBC video, he said the important point to be made was with regard to ownership of the Suffolk Center. Mr. Whitehead stated that the same arguments were being made by Centers to the New York State Department of Health (*NYSDOH*) against the offenses shown in the NBC video; he cited that although the Suffolk Center was shown on the Centers for Speciality Care's website, they had changed some legal documentation in 2011 to indicate that Mr. Rozenberg was not the owner and that was the reason why the County could not count on the NYSDOH to determine that the prospective buyer was competent and of sufficient character to take over Westmount Health Facility. Mr. Whitehead reiterated the most important question was who actually owned the Suffolk Center and that was the question the Board should be asking, as well.

Mr. Nichols stated a somewhat narrow legal point that should be noted was the important piece of information about a property such as this in relation to the quality of its operation did not pertain to who held title, but rather, who was responsible for management and he indicated that very often these were two different parties. He apprised there were things known as management contracts, commonly used in the hotelier business and very often with care facilities. Mr. Nichols said that he was not aware if this was the case in this instance, but felt it was very important to know this difference.

Mr. C. Lynch agreed with Supervisor Taylor's comment that just because something was reported on television it did not make it factual; he added that speaking as someone who had worked in journalism for 40 years, he was embarrassed by this scandal and he agreed that a lot of journalism these days "stinks" because it is profit driven. Mr. C. Lynch stated that "the same things that had screwed up the media would screw up care for senior citizens". He pointed out that if the NBC "puff piece" showing how bad the care at the Suffolk Center was did not apply to the very narrowly construed Public Hearing, he would ask that it be ruled absolutely out of order for this meeting in any way, shape or form, and he commented that it would be prejudicial to show the video, based on the same logic presented by Mr. Auffredou.

George Thurston, *Town of Queensbury Resident*, stated that he had been interested in local government but had not received any information from the Board of Supervisors on this issue until it had come to him through Supervisor Westcott's emailed newsletter. He said he would like to see the other members of the Board of Supervisors start distributing information similarly which would help provide the public with knowledge about the goings on with the Board; he added that possibly, this sharing of information would prevent some of the problems occurring.

Terry McCabe, *Town of Queensbury Resident*, questioned how many signatures would be necessary to force a public referendum and Mr. Auffredou stated that he was not prepared to provide this information. Ms. McCabe said it appeared the only way for the public to have a say on this matter would be through a public referendum as it seemed the Board had already made their decision to sell Westmount, regardless of the information provided or the public comments made. She indicated that she had been very aggravated by Supervisor Thomas' comments that the granddaughter featured in the NBC video should be ashamed for allowing the lack of care provided to her grandfather; she added that she felt this comment was totally ridiculous.

Chairman Geraghty declared the Public Hearing closed at 11:08 a.m. He noted the next item on the Agenda was the Report by the Chairman of the Board and he said he would forego his report in order

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

to allow the presentation by representatives of Centers for Speciality Care, as requested by Supervisor Seeber.

Paul Dusek, *County Administrator*, introduced the following representatives of Centers for Speciality Care: Amir Abramchik, *Chief Operating Officer*; Mr. Eisenberg; and Katy O'Connor, *Vice President for Clinical Reimbursement and Therapy Services*. Mr. Dusek advised that the Centers representatives would make a brief presentation, following which any questions would be answered. Chairman Geraghty advised he intended to allow questions from the Supervisors, following which any questions from the public would be entertained.

Mr. Eisenberg began by relaying Mr. Rozenberg's apologies for not being able to attend the meeting due to a prior commitment. He stated that he hoped through this presentation he and his colleagues would be able to answer questions and provide more information regarding Centers Health Care; however, he added, they would need to conclude the presentation promptly at noon in order to return to New York City.

In response to a prior comment, Mr. Eisenberg pointed out that in the State of New York, there was no such thing as a corporation owning a nursing home and that they needed to be owned by individuals. Secondly, Mr. Eisenberg apprised there was no such thing as a management contract, like in the hotelier industry, and he advised that nursing homes were owned and operated by individuals. He also pointed out that Centers for Specialty Care Group, now called, Centers Health Care, was an association of facilities and allied companies; he added that some of the facilities were owned by Mr. Rozenberg, while others were not, but all paid for services such as back office support, billing services, clinical consultation, marketing materials, etc. Mr. Eisenberg stated that companies not owned by Mr. Rozenberg functioned autonomously and could either implement or ignore the consulting recommendations made. With regards to the name change, he explained that Centers for Speciality Care Group was re-branded in 2014 to become Centers Health Care as a marketing effort to streamline their brand.

A powerpoint presentation commenced, *a copy of which is on file with the items distributed at the Board Meeting*, at the close of which Chairman Geraghty opened the floor to questions from members of the Board of Supervisors.

Supervisor Conover requested a response to the comment that was made regarding the downgrading of rates for the nursing homes in two neighboring counties since Centers had acquired them. Mr. Eisenberg replied that he had not seen these downgrades and was unable to comment on them; however, he noted, the ratings were constantly evolving. Mr. Eisenberg recalled a comment made earlier in the meeting about the Washington Center being a Special Focus Facility and he stated that this was untrue. He advised the Washington Center had been a Special Focus Facility when it was still owned and operated by Washington County, but that designation had been removed before the facility was purchased by Centers. Mr. Eisenberg advised that the Washington Center had maintained the same rating since its purchase.

Supervisor Monroe noted that in the past Medicaid reimbursements had been provided for nursing homes, but the State was now moving to a managed care program and he requested an explanation as to how this program would work. Mr. Eisenberg responded that basically, the State had decided instead of being in the insurance business, they would part this out to a group of insurance providers, similar to an HMO that would manage the Medicaid patients for them. He continued this was an entirely new landscape and there were a number of insurance providers in the State of New York, one of which was Centers. Mr. Eisenberg said these insurance companies had the ability to negotiate rates with nursing

homes, just like any other HMO would; he added that there was a three-year hold on changing rates so they would need to keep in line with current Medicaid rates, but after the three-year period they would be open to negotiate rates as providers saw fit commercially. Supervisor Monroe asked if part of Centers' business model was to increase rates from the Medicaid rate to managed care rates and Mr. Abramchik replied affirmatively. Mr. Abramchik apprised that a lone facility would be offered rates by an HMO and they could choose to either accept them or not; he continued that as a large organization, Centers had an advantage in that HMO groups would approach them seeking contracts in certain areas and offering Centers the opportunity to negotiate the rates they desired. As an example of this, Mr. Abramchik stated that Centers had been able to negotiate a favorable rate for the Fulton Center, based on the desire by the HMO company to secure a contract in that area. He noted that the average Medicaid population in a Centers facility was about 75-80% and he advised that when submitting application for a Certificate of Need with NYSDOH they were required to sign a commitment letter that they would maintain these levels, which they had done when submitting the CON application for Westmount; therefore, he stated, Centers did not anticipate any change in the level of Medicaid population at the Facility.

Supervisor Girard recalled that during the powerpoint presentation reference had been made to Centers' preference for seeking out distressed properties to purchase and that there was some dialogue with NYSDOH which included their making recommendations on facilities they desired Centers' to counsel or purchase. He said that this eluded to consistent communication with NYSDOH and he asked for more clarity on what type of engagement was taking place. Mr. Abramchik advised that before the Indian River transaction had taken place, Mr. Rozenberg had met with NYSDOH representatives to talk about the facility and what Centers' commitment would be, based on the fact that it was classified as a Special Focus Facility. Mr. Abramchik indicated that they did not have regularly scheduled meetings with NYSDOH representatives, but said they typically met with them eight to ten times each year to discuss current operations and future acquisitions. He apprised that Centers offered internal facility retreats where they gathered staff from all of their facilities to discuss hot topics of the day; he added that the last retreat had been attended by about 600 people many of which were CNA's, LPN's and other facility leaders. Mr. Abramchik announced that Jackie Pappalardi, *NYSDOH Director of the Division of Residential Services*, was very familiar with Centers' facilities and had presented at their last retreat, indicating that she was honored to have been asked to do so. He noted that NYSDOH had not made any objection to Ms. Pappalardi's attendance or presentation at their retreat and they had taken this as a tremendous vote of confidence in their organization from the State.

Supervisor McDevitt questioned whether Mr. Abramchik had any knowledge relating to guardianship petitions where, basically, they would ask a court to award a stranger full legal power in an effort to collect monies due to a nursing home and he noted that there seemed to be a prevalence of this occurring in the State of New York. Mr. Abramchik responded this matter had been referenced in a recent *New York Times* article and he acknowledged that Centers did recommend guardianship petitions at times, typically in clinical situations where there was no family involvement and decisions needed to be made regarding a persons health. He added that there were instances when they were recommended for economic reasons, as well, but he noted that they typically did not have more than one or two of these cases occurring within a facility at any given time. Mr. Abramchik stated that a facility was able to submit a guardianship petition, but a judge had to make the ultimate decision as to whether such a request would be granted. Supervisor McDevitt said he believed that most of this information was sealed and did not allow for public access, and Mr. Abramchik advised he did not know if this was the case.

Supervisor Taylor said that many people questioned why the Centers logo was placed on the Suffolk Center if they did not own the facility and he requested clarification on that point. Mr. Eisenberg

explained that one of the services Centers provided to their associated facilities was a marketing effort which included developing a website, internal marketing materials, and allowing the facilities that paid Centers for consulting services to use these marketing materials. He further explained that Centers was not a corporation that owned nursing homes, but rather was an association of homes, most, but not all, of which were owned by Mr. Rozenberg, and all of the facilities that paid for consulting services were provided the opportunity to partake of Centers marketing efforts.

Supervisor Brock noted that the ratio of staff to residents was important in terms of maintaining quality care and he questioned what the typical ratio was for the homes owned by Mr. Rozenberg. Mr. Abramchik responded there was no cookie cutter method to determining staffing patterns; he explained that every facility had a staffing budget which was developed according to what was appropriate for the facility based on the type of residents on each floor. For example, Mr. Abramchik continued, floors with more dementia patients or other short-term patients requiring more hands-on care would have higher staffing levels than other floors that did not have the same patient mix. He stated that every unit was assessed to determine the level of staffing needed. Supervisor Brock then asked how staffing shortages were handled in cases such as call-ins. Mr. Abramchik responded that a staffing schedule was maintained which provided some overlap so that CNA's would not leave until their replacement arrived. He continued that there were mandation rules in place, but he indicated that they very rarely had to mandate that a staff member stay outside of their scheduled shift. Mr. Abramchik noted that in cases of snowstorms, or other events, everyone worked together to make sure shifts were covered; he added that typically, these types of issues occurred on Sundays, but he reiterated that the staff within the facility worked closely to ensure the right amount of staff was available to provide the appropriate level of care for their residents. Supervisor Brock said he had heard reports that on New Years Eve, only one CNA had come to work at the Washington Center to cover 40 residents, where normally there would have been 2 CNA's and 1 LPN on staff and he questioned how this could have happened. Mr. Abramchik responded that he was unable to comment on this particular situation because he did not know the specifics, but said he assumed Supervisor Brock was referring to a night shift schedule. He indicated that the Washington Center had more than one unit and, unfortunately, there were times when staff called off and replacements were not immediately available; he added that Centers typically reviewed issues such as these to determine where they should pad the staffing schedules to ensure the availability of sufficient staffing in order to minimize these impacts. As an example of other efforts made to ensure appropriate staffing levels, Mr. Abramchik noted that in the case of a recent holiday party given by Centers, an incentive was offered for certain staff to work instead of attending.

Supervisor Kenny recalled a statement made during the powerpoint presentation indicating that Centers had received a rating of 4.0 out of 5.0 and he questioned whether this was a cumulative total of all of the Centers homes. Mr. Eisenberg responded the average he shared was a 4.0 rating on the quality metric of their five star rating and he noted that 23 of their homes now had either a 4 or 5 star rating on the quality metric.

Supervisor Beaty questioned whether this rating was based on self-reporting or if it was given by the State. Mr. Eisenberg responded the data for the CMS five star rating came from the minimum data set which was an assessment required of every resident numerous times per year. He said this was reported as assessed by the nurses in the nursing home and was surveyed on every NYSDOH visit for accuracy. Mr. Eisenberg continued that through their own initiatives, Centers had implemented its own self-reporting system for their nursing home leaders to report on the same quality indicators and their clinical teams correlated to make sure that the self-reported data was true. He apprised that the self-reported data collected by Centers for their own reports, and for which they paid out bonuses on, correlated and tracked very closely to the CMS five star reporting; therefore, he said, they were confident that the ratings shown on the five star rating for quality were as close to accurate as possible.

*WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, FEBRUARY 20, 2015*

---

---

Based on Mr. Eisenberg's statements, Supervisor Beaty deduced that the quality ratings provided were based upon self-reported information and that Centers paid out bonuses to those employees who reported that the facility was doing a good job.

Supervisor Simpson questioned how long Mr. Rozenberg had been in business. Mr. Eisenberg responded that Mr. Rozenberg had purchased his first nursing home in 1996 and he confirmed that Mr. Rozenberg still owned that facility.

Supervisor Vanselow noted the contract in place indicated that every current Westmount employee would be provided the opportunity to interview to retain their position and he questioned whether any indication could be provided as to the percentage of employee retention that typically occurred when taking over a publicly run facility. Mr. Abramchik advised that at the Washington, Essex, Ontario and Steuben Centers, every employee employed by the County was retained by Centers after the sale was completed; he added that the only employees not retained were those that worked in the finance offices because Centers already had facilities in place to handle those responsibilities. Mr. Abramchik advised there was a certain turnover rate because the benefits offered by Centers could not compare to those offered by the respective counties, and typically, employees would seek to return to county employment in order to retain their benefits and retirement packages, which contributed to a high turnover rate. He continued that Centers understood the desire to retain benefits and tried to compensate for the projected turnover by holding job fairs to hire more employees when taking over a nursing home. Mr. Abramchik stated that he could not provide an average percentage for turnover, but could confirm that the turnover was higher when taking over a publicly owned nursing home than when taking over a privately owned home. Supervisor Vanselow asked for a rough estimate of what the difference between the current and projected compensation packages would be and Mr. Abramchik stated he could not provide an estimate specific to Westmount, but said he could advise that Centers would offer competitive rates to what other facilities in the area offered; he clarified that Centers pay scale would not be any higher or lower than what the industry average was for this area.

Supervisor Dickinson stated he had no questions to ask, but was interested in having a Centers representative address Ms. Stanilka's concerns by assuring her that her father, a Westmount resident, would receive care equal to or greater than what he was receiving presently for the remainder of his natural life at Westmount. Speaking directly to Ms. Stanilka, Mr. Abramchik stated he absolutely assured that Centers would work very hard to ensure that the quality of care at Westmount remained the same, if not better. He added that this was the only way to remain successful, especially in a small community where word of mouth was important and he indicated this was what Centers worked very hard to achieve.

Supervisor Strough noted that his fellow Supervisors had asked some very good questions and he thanked Supervisor Seeber for requesting this presentation and showing the Board "the other side of the coin".

Supervisor Seeber thanked the Centers representatives for attending the meeting, and she said she appreciated how open Chairman Geraghty had been to allowing the presentation, as well; however, she added she wished they had not waited so long to make the presentation, especially on the day when a vote on the matter was being held, but noted that the presentation had been incredibly helpful to her. Supervisor Seeber opined that the way the County's local government operated was flawed and she opined that Warren County could do a better job of letting the public, and the County's employees, know what was happening. Supervisor Seeber stated that both the Centers presentation and having representatives present to address questions and concerns from the community was helpful. She acknowledged the short time period and said she wished the Board had held this meeting months



before the vote was taken, but stated her appreciation for Centers having accepted their invitation on short notice. With regards to prior public comment that the Board already had a pre-formed decision that would not be changed by public comment, Supervisor Seeber apprised that she had walked into the meeting with an open mind and she said that she hoped those members of the public in attendance had listened to the information conveyed by Centers. She added that she also hoped everyone was able to see both “sides of the coin” as Supervisor Strough had stated.

Supervisor Seeber questioned whether the powerpoint presentation could be emailed to the Board of Supervisors. She noted that not everyone was able to attend a 10:00 a.m. meeting and she would like to post this information on her social media page to try and share information and get feedback from the community. Supervisor Seeber stated that the ability to provide this factual information would be incredibly important; she added that an effort to post the powerpoint presentation to the County’s website would be helpful, as well.

Supervisor Seeber recalled comments made by Centers about how the world of healthcare was changing into a more managed care setting and she stated that local government needed to change, as well, to be more transparent. She stated that this situation made everyone nervous and raised concerns about what would happen to loved ones and the type of care they would receive if Westmount changed hands. Supervisor Seeber said she was pleased to have seen Mr. Abramchik address Mrs. Stanilka and assure her that the level of care her father received at Westmount Health Facility was not going to decline. She acknowledged that after Westmount was sold, Centers would have no obligation to report back to the Board of Supervisors and provide updates on operations at the facility, but she questioned whether they would do so, and whether they would keep the public apprised, as well. Ms. O’Connor responded that Centers would become part of the community, just like the staff they employed and the residents they cared for. She added that although she did not live in the area, she had spent many years summering in this region and knew the area and the community; Ms. O’Connor stated that Centers had to become part of the community; otherwise, they would not succeed. She apprised that Centers was unique in that they promoted their management staff from within. She advised Centers was founded by Mr. Rozenberg, who had previously served as a nursing home administrator before he purchased his first nursing home; she added that she had spent six years working as a therapist in a nursing home and both Messrs. Abramchik and Eisenberg had started out as nursing home administrators before being promoted to their current positions. Ms. O’Connor stated that Centers owned 22 facilities and consulted with 9 and she guaranteed that there was at least one clinical person in every single facility. She indicated that 95% of their regional clinical consultants had been with Centers and started at a lower level. Ms. O’Connor apprised that she did not have an office and instead worked from a facility every day, establishing relationships with residents and staff. She said that she was a therapist by trade and if one of the facilities she worked with did not have a physical therapist on staff, she would provide therapy services; she commented that was the way things worked at Centers, with consultants working on a hands-on basis in each facility, as necessary. With respect to Supervisor Seeber’s question as to whether Centers would report back to the Board, Ms. O’Connor stated that they would keep the Board apprised and were happy to do so. Supervisor Seeber responded she was glad to hear there was a willingness for Centers to share information with the Board, regardless of the fact that they were not required to do so.

Supervisor Sokol echoed Supervisor Seeber’s comments, indicating that he was glad Centers representatives had attended and he hoped their presentation alleviated some of the concerns held by certain members of the Board of Supervisors. He recalled a comment made earlier in the meeting relative to the Certificate of Need and concerns that issues with other Centers locations might cause problems in obtaining it and he questioned if any such issues were expected. Mr. Abramchik explained the process for obtaining a Certificate of Need was that the necessary applications were submitted to

the NYSDOH for review, the timeliness of which occurred at the NYSDOH's discretion. He noted that the NYSDOH was very sensitive to county transitions and calls from county officials regarding the review certainly helped keep the process moving along. Mr. Abramchik apprised that during their review the NYSDOH would present questions which Centers would answer, following which a public hearing would be held and a vote taken; he added that if the vote was favorable, a second closed meeting was held, at the conclusion of which another vote was taken and if that vote was favorable, the Certificate of Need was approved and the final paperwork process would commence to secure the Certificate. Mr. Abramchik advised the initial public hearings were scheduled every other month and he noted that none of Mr. Rozenberg's Certificate of Need applications had ever been rejected. He concluded the Certificate of Need process would proceed based on the NYSDOH's time schedule and he noted that Centers was scheduled for an upcoming public hearing in March in relation to a Certificate of Need for another facility, during which they planned to mention the impending Westmount purchase in hopes of pushing the process along. Mr. Abramchik said the NYSDOH was already aware of Centers' intention to purchase Westmount and they did not anticipate any objections.

Supervisor Beaty pointed out there were only five minutes left before the Centers representatives had to leave at noon, while there were probably two to three hours worth of questions to be asked. He commented that he was unsure whether attending a meeting just prior to an important vote and leaving at a set time which did not allow for all questions to be answered clearly reflected a desire to be a "part of the community". Supervisor Beaty stated he appreciated that the Centers representatives had attended the meeting, but said he was unsure how helpful this would be, given the fact that they had come in at the last moment for only a limited amount of time. He apprised that Westmount was paid for and built by County residents, and he had not been comfortable with the limited amount of information provided in the last six months, most of which was received in only the last month. Supervisor Beaty stated that Centers had been invited to attend an independent evening meeting he, Supervisor Westcott and other supervisors had held on this issue, and while he acknowledged the notice of the meeting had been short, he was disappointed that they had not attended because this would have presented a perfect forum to answer questions. He said that given the limited time-frame provided, he was unsure where to begin with his questions; Supervisor Wood asked that Supervisor Beaty keep in mind there were other Supervisors with questions to ask and if Supervisor Beaty had questions she would appreciate it if he got to them.

Proceeding, Supervisor Beaty recalled it had previously been verified that the quality measure reporting was provided on a self-reporting basis and he questioned whether the staffing reports were self-reported, as well and Mr. Eisenberg replied affirmatively. Supervisor Beaty then asked if the health inspection reports were also self-reported and Mr. Eisenberg advised those were State-reported. With regards to Centers' quality ratings, Supervisor Beaty pointed out that those in the staffing and quality measure area, which were self-reported, were significantly higher than the health inspection reports, raising certain concerns, and he asked for clarification on this issue. Mr. Eisenberg responded that survey reportings remained on a facility's five star rating for three years, so if Centers transitioned a facility with a low rating, they would carry the low rating for at least three years, regardless of any transitions that occurred; he added that it could take two to three years to fully transition a facility. Mr. Eisenberg said that Centers' average deficiency count was 3.5 and the numbers did improve over time. As an example he cited the Richmondville Center, pointing out that 14 days after assuming control of the facility it received multiple IJ (*immediate jeopardy*) tags which negatively effected the rating. Mr. Eisenberg stated that the Richmondville Center was a significant facility with several different units that had the potential for issues to be cited; however, he stated, during their last NYSDOH review, the facility was identified as having zero deficiencies. Mr. Eisenberg commented that regardless of this good review, the five star rating would not be reflective of the improvement for at least three years. Supervisor Beaty asked when Centers had purchased the University Center, and Mr.

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

Abramchik advised it had been purchased in 2001; Supervisor Beaty then questioned the current rating for the University Center and Mr. Abramchik answered he did not have this information immediately available. Supervisor Beaty stated that as per the information he had, University Center was at the 4% level for quality of care as of 2014, which he found to be alarming, and he noted that he could continue to read aloud similar statistics for other Centers facilities. He stated he would like to reserve the right to ask a number of other questions; however, he noted, the Centers representatives would not be present to answer them because they had indicated that they needed to leave the meeting at a certain time.

Mr. Abramchik commented he had originally requested that the date of the meeting be changed because Mr. Rozenberg had very much wanted to attend, but Mr. Dusek had advised they were unable to do so because this was a pre-scheduled meeting. He continued that upon finding this, he had explained to Mr. Dusek that, due to religious obligations, they had to leave the meeting at noon because they had a long drive back to New York City. Mr. Abramchik stated that they would love to have stayed at the meeting as long as possible to answer every question raised, but they were unable to. Mr. Abramchik apologized for their need to depart the meeting at a set time and he reiterated that they had preferred to reschedule this meeting for a different time. Mr. Dusek acknowledged Mr. Abramchik's indications were correct, but requested whether the Centers representatives might be able to extend their leave time until 12:15 p.m. to allow for a few more questions and Mr. Abramchik agreed, but advised they would not be able to stay any longer than that.

Supervisor Westcott began by thanking the Centers representatives for attending. He then asked if Mr. Rozenberg would be the new owner of Westmount Health Facility and Mr. Abramchik replied affirmatively. Supervisor Westcott recalled that information provided during the powerpoint presentation indicated Centers had purchased and improved several facilities and he questioned whether a listing of these facilities could be provided along with data substantiating the improvements and Mr. Abramchik replied they would gather and provide this documentation. Regarding use of the Centers logo on the front awning of the Suffolk Center, Supervisor Westcott noted that he also worked as a consultant and his clients did not always listen to him, but said he had yet to get his company's logo posted on their front doors and he commented this was quite an accomplishment. That said, Supervisor Westcott offered some branding advice, stating that Centers should be very careful where they allowed their logo to be used; he added that by allowing the Centers logo to be placed on the Suffolk Center, it seemed as if they were giving their stamp of approval for this facility and it could potentially damage their brand. Supervisor Westcott questioned how long it generally took to complete the NYSDOH Certificate of Need process; Mr. Abramchik responded that the NYSDOH had shortened the process over the last couple of years and although he did not have one with him presently, after the meeting he could provide a timeline reflecting past processes. Mr. Abramchik stated that they anticipated the entire process would take less than a year, but they would be at the mercy of the NYSDOH as to how long the actual process took. Finally, Supervisor Westcott noted that if proposed Resolution No. 89 was approved, the enactment of Local Law No. 2 of 2015 would be subject to a 45-day permissive referendum period and he questioned what effect this would have on the Certificate of Need process undertaken by Centers; Mr. Auffredou advised he would be happy to provide an opinion on this question, after the Centers representatives had left the meeting because he did not want to take up time that could be used for them to entertain more questions from Supervisors and the public.

Supervisor Thomas also thanked the Centers representatives for attending and he noted that the purchase agreement for Westmount included the financing of a study by Centers relative to possible expansion of the facility to include assisted living care, or something of the like; he then questioned whether Centers was truly interested in potentially expanding the Facility or if it was just a cursory agreement to achieve approval of the sale. Mr. Abramchik responded that Centers owned multiple

facilities in Washington and Essex Counties and they felt the purchase of Westmount Health Facility was crucial to the growth of their organization. With respect to expanding services at Westmount, he noted that many groups might make promises about building adult homes, assisted living and adult day care programs; however, he stated, the problem with reimbursement in New York State was that there was no mechanism to pay for the construction of these facilities which made it unaffordable to invest that type of capital into an assisted living facility. Mr. Abramchik stated that hopefully, the State would be awarding funds for additional assisted living facilities and, if it turned out to be financially feasible for Westmount, they would pursue such expansion; however, he stated, Centers would not commit to any expansion now because the reimbursement was not conducive. Supervisor Thomas questioned whether the expansion would be considered if the study performed reflected that an expanded facility would function well at Westmount and Mr. Abramchik replied affirmatively, noting that Centers was a for-profit company and such expansions had to make sense financially.

Supervisor Wood began by welcoming the Centers representatives back, advising that although these were new faces, this was not the first time Centers representatives had visited Warren County. She said one thing she recalled from a meeting with Centers held two years ago when the initial presentations were made was that the Board had been very concerned with regard to the treatment of residents. Supervisor Wood stated at that meeting the Centers representatives had shown a kit they distributed to new residents arriving from hospitals, typically in only a hospital gown and without any of their belongings. She advised the kit they had been shown included a change of clothing and some toiletries. Mr. Abramchik confirmed that when a resident arrived from a hospital they typically came with nothing but a hospital gown and some paperwork. He advised that in order to make this transition easier, they provided each new resident, or re-admitted resident, with sweat pants and a sweatshirt, as well as a welcoming basket that included several items such as hairbrushes, toothbrushes, toothpaste and other similar items the resident might need to use prior to any family members being able to bring these things to them; he noted that this helped to make the residents feel dignified by enabling them to address their own personal care needs.

Chairman Geraghty yielded privilege of the floor to any members of the public who may want to direct questions to the Centers representatives.

In response to a question posed as to why Centers felt they could do a better job of managing Westmount, as well as why they had received so much bad publicity, Mr. Abramchik advised Centers could make the assessment that they could maintain successful operations at Westmount based on their past performance. He further advised Centers had done an exceptional job at all of their facilities and they worked very hard to obtain quality results; he added that Centers had been successful in every other facility they had obtained and he did not foresee any bigger challenges for Westmount than they had faced in other facilities they had transitioned. With regard to bad publicity, Mr. Abramchik stated that healthcare in general lent itself to bad publicity.

Another question was posed relative to whether Centers had been the high bidder for the purchase of Westmount Health Facility and Mr. Abramchik replied it was his understanding that Centers had not been the highest bidder. Supervisor Westcott clarified there had been three bids received, the highest of which was subsequently rescinded. Supervisor Wood interjected it should be noted that the Westmount sale was not subject to a bidding process, but rather to an RFP process, and Chairman Geraghty agreed this was correct.

A public comment was made that Centers would be paying an enormous price to purchase Westmount and in order to recoup this purchase price they would need to reduce payroll in order to make a profit. Mr. Eisenberg responded there seemed to be a misconception that the only way to make a profit was

to reduce expenses, but there was a significant opportunity on the other side of the business to profit by dealing with hospitals encountering difficulties placing patients. He explained that Centers heard from a number of local hospitals which complained frequently of the difficulties they encountered when trying to place residents in county nursing homes. For instance, Mr. Eisenberg noted that some of the homes Centers had transitioned in the past only accepted admissions on certain days at certain times, while Centers accepted admissions seven days a week and actively searched for residents that were sicker than had probably been accepted in the past. He explained that Centers was able to care for patients requiring advanced care because they trained their staff appropriately to increase the level of clinical care available.

In relation to indications that Centers was able to obtain and transition nursing homes to improve them, a question was posed as to what measures Centers was able to incorporate that the previous owners had not to make the home successful. Ms. O'Connor responded part of this was an increase in the level of clinical care, as referenced by Mr. Eisenberg, and she noted that improving accuracy in documenting the care that was given was another facet. She stated that the current case mix for Westmount was .08, reflecting an acuity level indicating that every single resident was able to get out of bed, get dressed, go to the dining room and sit down to eat. Ms. O'Connor advised that she did not believe this to be the case for all residents at Westmount, which indicated to her that there was a lack of education in regulation and compliance. She further advised that in many county nursing homes there were not enough physical therapists to appropriately care for patients and that they were only caring for the decline in function instead of improving the level of function.

Another member of the public commented that there seemed to be a lack of data on which to evaluate Centers and he requested how this could be done. Mr. Eisenberg responded the best way to evaluate Centers was by visiting one of their homes and he said they would welcome any such visits; he also noted that data regarding Centers' homes was publicly available. A question was then posed as to how this evaluation could be made without a minimum staff to patient ratio figure. Ms. O'Connor replied that they were unable to provide this information because the ratio changed daily based on the patient mix cared for and the level of care necessary. Mr. Eisenberg added that Centers' performance was measured by their payers.

A member of the public noted that his 92-year old mother was a private-pay resident at Westmount Health Facility and they were very happy with the care she received there. He questioned if there was any assurance that when Centers assumed operation of the Facility they would not immediately raise the rates charged. Mr. Abramchik apprised that Centers never raised rates the day that they assumed a facility; he explained that they would evaluate the facility to make sure that it was running as it should be and would then determine their rates to be comparative with other local facilities, being neither higher or lower. Another member of the public noted that for-profit facilities might be more interested in providing services for patients undergoing rehabilitation as there was more profit to be made for these patients in comparison to those that were aging and in the process of dying but could not care for themselves; it was also noted that these patients deserved to receive good care, as well, regardless of the fact that their care would not be as profitable. Mr. Abramchik stated that Centers was a community provider and they had never discharged a resident after transition in favor of attaining a better paying patient. He further stated that Centers was required to sign documentation indicating that a certain level of Medicaid population would be retained and that the vast majority would come from Warren County; he added that the Centers' corporate-wide average for Medicaid patients was about 75%-80%.

Mr. Nichols stated it had been acknowledged by the presenters that the revenue line was constrained to a large extent by statutory Medicaid ration restrictions. He said it was known that Centers would

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

have to show a profitable bottom line, and to support the purchase price, the profit would need to be several hundred thousand dollars. Mr. Nichols opined that the only remaining element to achieve this profit would be on the expense side and he noted that in their previous comments, Centers had acknowledged where the most drama existed when stating that a high percentage of employees left and found other positions, hopefully for them with the county to retain their compensation packages, but this was not necessarily so in all instances. Mr. Nichols recalled that previously, when questioned with regard to compensation and what the assumptions in the purchase were on a line item basis, Centers representatives had said they did not know; however, Mr. Nichols continued, he believed this to be untrue, because this was how valuations were determined. With regards to ownership of Westmount, Mr. Nichols opined that Mr. Rozenberg was probably not going to own the Facility as a sole proprietorship, and he stated that it made a huge difference if a limited partnership was used or if the purchase was financed.

Chairman Geraghty noted the time, advising that the Centers representatives had to depart for their return trip to New York City; he thanked Ms. O'Connor and Messrs. Abramchik and Eisenberg for attending the meeting and a round of applause was given. Chairman Geraghty declared a brief recess would be taken before the meeting continued.

The Board recessed from 12:15p.m. until 12:30 p.m.

Resuming the Agenda review, Chairman Geraghty reiterated that due to the length of the meeting, he would forego his report; *a written copy of the Chairman's report is on file with the items distributed at the Board Meeting.* He noted the next Agenda item pertained to reports from Committee Chairmen on the past months meetings or activities and he asked the Supervisors to keep their reports brief.

With respect to Shared Services, Supervisor Girard noted that over the years they had tried many different things to reduce electricity costs for the Cornell Cooperative Extension Building in association with the electric heat in place there. He noted that they were currently undergoing a review of solar energy options, but those efforts were not moving along as quickly as anticipated to achieve a savings. Supervisor Girard reported that in the past they had incorporated improvements suggested by National Grid through an energy efficiency review to reduce utility costs, which had helped, and more recently the Buildings & Grounds staff had inspected the insulation in the ceiling of the building and made changes aimed at retaining heat in order to reduce demand on the electrical heating system. Supervisor Girard apprised that regardless of these efforts, Cornell had received a \$6,000 electric bill this month, and he did not think that the charge would be any lower for the next month. He pointed out proposed Resolution No. 39, *Authorizing Agreement Continuing Contractual Relationship with Cornell Cooperative Extension Association of Warren County for Lease of Extension Service Building Located in Warrensburg, New York*, which pertained to an agreement between Warren County and Cornell Cooperative Extension for the lease of the building from Warren County at a rate of \$30,000 per year. Supervisor Girard opined that it was not reasonable to charge this amount for the lease based on the fact that the building was inefficient; he stated that although they had been working diligently to determine a solution to reduce the energy costs incurred for electrical use, they had been unable to reach and implement one so far. Supervisor Girard suggested that proposed Resolution No. 39 be amended to indicate a charge of only \$15,000 for this year; he made a motion to this effect which was seconded by Supervisor Frasier.

Supervisor Girard apprised that Jeffery Tennyson, *Superintendent of Public Works*, and Frank Morehouse, *Superintendent of Buildings*, had developed a quote of \$3,500 for the installation of propane wall heaters in the Cornell Building to supplement the heating system and reduce the electricity costs; he added that they hoped to have a solar energy solution in place for the next winter season. Supervisor Girard concluded that the \$15,000 reduction in the lease rate would help Cornell to afford

the very high utility bills they had incurred.

Supervisor Thomas, speaking as Budget Officer, questioned how the reduction in lease rate would be covered and Supervisor Girard responded that he assumed the reduction would be funded from either the Contingent Fund or the Fund Balance. Supervisor Conover interjected it was important for the source of funding to cover the difference in the lease rate to be identified in the motion made and he said he suspected the Contingent Fund would be the appropriate source. Mr. Dusek apprised that because this was a lease payment arrangement for which funds were received as a revenue, Cornell would make a lower payment and the County would need to identify which account was lower than anticipated and then offset that difference using monies from the Contingent Fund, as necessary.

Supervisors Girard and Frasier amended their motion to include that transfers from the Contingent Fund would be made, as necessary, to supplement the reduction in lease revenue. *Note: Subsequent to the meeting the Treasurer's Office noted that a transfer of funds was not necessary; however, the revenue budgeted for 2015 would be reduced by \$15,000.*

There being no further discussion, Chairman Geraghty called the question and the motion to amend proposed Resolution No. 39 was carried by a unanimous vote.

Continuing his report, Supervisor Girard apprised that the court expansion work was coming together, with all involved parties in discussion about how the project should proceed. One pertinent point to note, he stated, was that the Board of Supervisors had done what they needed to do to get the project where it needed to be, with plans now under review by the appropriate parties at the State level. However, he added, in speaking with the Treasurer with respect to bonding rates, he had learned that if the projected interest rates were to increase by only .5%, the projected \$6 million court expansion project would incur an additional cost of nearly \$3 million in interest charges over a 20 year period. Given this information, Supervisor Girard stated it was imperative that the project be moved forward in a timely manner before interest rates increased.

Stating a general observation, Supervisor McDevitt referred to a recent newspaper article that talked about the new procedures that seemed to be making it more difficult for individuals to obtain a general equivalency diploma. He opined that it seemed the State was confused on this issue and was putting hurdles before people who were just trying to achieve a basic degree to find a job.

Supervisor Kenny reported that the Occupancy Tax Coordination Committee had met last on February 3<sup>rd</sup>, discussing payment options for fencing around the Festival Space at the Wood Park and he noted the Treasurer's Office was currently working to determine whether bonding would be necessary to fund the work. Additionally, Supervisor Kenny advised the Committee had talked at great length about the draft Tourism & Convention Development Agreement with the Adirondack Civic Center Coalition, Inc., leading them to approve proposed Resolution No. 74, *Authorizing Warren County Tourist and Convention Development Agreement with the Adirondack Civic Center Coalition, Inc. for Occupancy Tax Special Event Funding*. Finally, Supervisor Kenny advised that the Committee had also voted in favor of proposed Resolution No. 74, *Authorizing Tourist and Convention Development Agreement with Destinations of New York State, Inc. to Provide Familiarization (FAM) Tours Throughout Warren County*, which would provide \$5,000 from the occupancy tax Special Event Discretionary Fund to support FAM tours in Warren County.

Supervisor Frasier reported on the last meeting of the Human Services Committee, indicating that they had approved proposed Resolution No. 40, *Amending Resolution No. 766 of 2010 and Lease Agreement with the Town of Lake Luzerne for the Lake Luzerne Senior Mealsite*, which would increase the amount

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

of the lease agreement with the Town of Lake Luzerne for the Luzerne mealsite by \$5,000. She added that the Committee had also approved proposed Resolution No. 41, *Authorizing Agreements with Various Managed Long Term Care Companies to Provide Home Delivered Meals for their Clients in Warren County*.

Supervisor Simpson apprised that the Social Services Committee had last met on January 23<sup>rd</sup>, approving proposed Resolution Nos 67, *Ratifying the Action of the Chairman of the Board in Signing the 2015 Annual Plan Update for New York State Office of Children and Family Services*, and 68, *Authorizing an Agreement with Dr. Shannon Gould to Provide Psychological Services for Countryside Adult Home Residents*. He also pointed out proposed Resolution Nos. 85 and 86 which were initially approved by the Personnel Committee subsequent to referral from the Social Services Committee, authorizing the Director of Countryside Adult Home and Commissioner of the Department of Social Services to fill vacant positions due to creation. Among the positions created, Supervisor Simpson noted, was the Deputy Commissioner/Chief Legal Counsel position which would be filled by Cynthia Schrock Seeley; he noted that Ms. Schrock Seeley was present and he introduced her to the Board of Supervisors.

Supervisor Vanselow reported that the Support Services Committee had met on January 28<sup>th</sup>, primarily addressing typical housekeeping matters, including a request for an appropriation of funds from the Information Technology Department (*proposed Resolution No. 78*) and a request from the Clerk of the Board to approve a resolution pertaining to retirement reporting information (*proposed Resolution No. 73*). Supervisor Vanselow apprised that the Support Services Committee had also held a lengthy discussion pertaining to the designation of the County's Official Newspapers which had included a presentation by Mark Frost of *The Chronicle*. He stated that subsequent to the Committee meeting, he, and Mr. Auffredou had met with representatives from Denpubs (*News Enterprise*) and they would be prepared to provide clarification on this matter at the next Support Services Committee meeting.

Supervisor Dickinson reported on the February 26<sup>th</sup> meeting of the Criminal Justice Committee, noting that several requests had been approved for the District Attorney and Probation Departments relating to grant funding. Additionally, he noted that John Wappett, *Public Defender*, had addressed the Committee to announce his impending retirement and to request that he be granted an allowance to regain accrued sick time he had lost during a break in employment with the County through no fault of his own; Supervisor Dickinson advised the Criminal Justice Committee had not approved the request, but had referred it on to the Personnel Committee for their review.

Supervisor Merlino advised that during their last meeting the Public Works Committee had approved proposed Resolution Nos. 57, *Setting Rental Rate for use of the County Owned West Brook Parking Lot at \$1,500 per day and Authorizing the Superintendent of the Department of Public Works to Approve Usage Agreements for all Potential Events*, and 58, *Authorizing the Superintendent of the Department of Public Works to Establish the Tour Bus Operator Parking Pass Rate for the Adirondack Balloon Festival in Future Years at the Floyd Bennett Memorial Airport*. He reported that the Traffic Safety Board had not met since the last Board Meeting as their scheduled meeting had been cancelled due to inclement weather; he added that the Tourism Committee had not met either, but would meet again on March 5<sup>th</sup>. Supervisor Merlino apprised that the Tourism website had recently been updated to become more modern and offer more capabilities. He said that the Tourism newsletter would be released on February 26<sup>th</sup> and should be distributed to all members of the Board of Supervisors; he indicated that anyone who did not receive the newsletter should contact him and he would be sure it was forwarded. Supervisor Merlino said that at the next Tourism Committee meeting they would review the Occupancy Tax Report relating to revenue statistics for 2014. Finally, Supervisor Merlino explained there was a need to amend Resolution No. 584 of 2014, *which authorized payment to the Lake George Regional*



**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

*Chamber of Commerce and Convention & Visitors Bureau*, to indicate that payments would be made on a monthly basis instead of on a reimbursement basis. He further explained that under the current reimbursement practice, the Lake George Regional Chamber of Commerce and Convention & Visitors Bureau was expending funds to cover expenses and awaiting reimbursement which was creating cash flow issues. Supervisor Merlino indicated that he had spoken with Mr. Auffredou, Chairman Geraghty and Supervisor Kenny about this matter and all were in agreement that the change should be made. Chairman Geraghty noted that a motion to waive the Rules of the Board requiring that a resolution be presented in writing was needed before the subsequent motion to amend Resolution No. 584 of 2014 could be made.

Motion was made by Supervisor Merlino, seconded by Supervisor Conover and carried unanimously to waive the Rules of the Board requiring that a resolution be presented in writing. Mrs. Sady advised this would be Resolution No. 93.

Motion was made by Supervisor Merlino and seconded by Supervisor Dickinson and carried by a majority vote, with Supervisor Seeber voting in opposition, to amend Resolution No. 584 of 2014 to indicate that payments to the Lake George Regional Chamber of Commerce and Convention & Visitors Bureau would be made on a monthly basis of twelve equal payments, rather than by reimbursement. Mrs. Sady advised this would be Resolution No. 94.

Supervisor Seeber advised this information was only presented this morning and she had some unanswered questions to be addressed before she would feel comfortable voting in favor of the amendment. Continuing with her report, she noted the upcoming Investors Breakfast event to be held at SUNY Adirondack on March 5<sup>th</sup>; she advised that all members of the Board of Supervisors should have received an email announcing the event and she hoped everyone would attend. Supervisor Seeber noted that during a recent Support Services Committee meeting the idea of installing video recording equipment in the Board Room so that Board Meetings could be recorded and posted to YouTube, similar to the manner in which Committee Meetings were posted, had been discussed. She commented that this ability would allow those who were unable to attend Board Meetings to watch them at their convenience and keep apprised of the decisions being made, only increasing transparency. Supervisor Seeber stated that she hoped this idea would continue to be discussed and brought to fruition. In relation to proposed Resolution No. 77, *Authorizing Renewal of Agreement with Warren County Society for the Prevention of Cruelty to Animals, Inc.*, Supervisor Seeber stated that she hoped to see this resolution tabled, or at least a discussion held about it, and she said she assumed Supervisor Conover would address this matter in his report. She concluded that when they reached the portion of the Agenda relating to discussion on resolutions she would like to be heard with respect to a resolution she would like to propose.

Supervisor Sokol announced that the Health Services Committee had last met on January 23<sup>rd</sup> and although no Westmount Health Facility business had been addressed, it was very nice to hear comments from Mr. Whitehead commending Lloyd Coté, *Administrator of the Westmount Health Facility*, for the work he was doing at Westmount; he added that although they were all aware of Mr. Coté's exemplary efforts, they were not brought up often and were nice to hear. With regards to the Public Health Division, Supervisor Sokol apprised that NYSDOH representatives had identified a plan of correction for the department on their last inspection and had recently returned for a second visit, approving all of the plan implementations that had been undertaken. For those who did not deal with NYSDOH, he noted that the inspections could be pretty brutal at times depending upon the inspector present; however, he said, the NYSDOH inspectors had indicated their visits to Warren County were always enjoyable. Supervisor Sokol stated that based on a report provided by Tawn Driscoll, *Fiscal Manager for the Public Health Division*, there had been a decrease again this year in year-to-date salaries of about

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

\$10,000 and although this might sound minimal, the Public Health Division continued to do more with less each year, which was nice to see. He continued that Mental Health now fell under the purview of the Health Services Committee and he advised Rob York, *Director of the Office of Community Services*, had provided a powerpoint presentation outlining the staffing of the Office of Community Services and the basic duties assumed, which were to provide preventative, rehabilitative and treatment services for the mentally ill, the developmentally disabled and those suffering from the disease of alcohol and substance abuse. Supervisor Sokol stated that the powerpoint presentation was very well done and he welcomed Mr. York to the Health Services Committee.

Supervisor Beaty advised he would like to provide an update on the independent evening meeting that had been held relative to the sale of the Westmount Health Facility, but would refrain from doing so until they reached the part of the Agenda where discussion on resolutions was called for. He stated that he had met with Mr. Coté, Betsy Henkel, *Comptroller for Westmount Health Facility*, and Supervisor Westcott earlier in the week to discuss Westmount matters and he wished to publicly commend Mr. Coté and Ms. Henkel for their efforts which had led to a reduction in expenses by \$300,000 in 2014. Supervisor Beaty stated it was his perception that these would be continued savings and he acknowledged there was a need for some upgrades to be made through the purchase of some new beds and other such items.

Supervisor Thomas drew the Board's attention to proposed Resolution No. 59, *Authorizing Disbursement of Funds from Capital District Regional Off-Track Betting Corporation to Warren County Soil & Water Conservation District*, which he explained pertained to a \$1,000 grant provided to support the Warren County Soil & Water Conservation District's Envirothon Program. He explained the Envirothon Program was usually held in April of each year and was aimed at educating Warren County students in the area of conservation.

Supervisor Wood reported that during the last meeting of the Public Safety Committee proposed Resolution Nos. 42-47 were approved, all of which were included in the resolution packet and mainly pertained to typical County business. She noted that the Fire Prevention & Building Codes Department had the chance to obtain some of their mandated training in Lake Placid, NY which allowed them to do so at cost which was lower than anticipated and within their existing budget.

Supervisor Conover advised the Finance Committee had met on February 11<sup>th</sup>, approving proposed Resolution Nos. 34, 35 and 76-82, all of which were fairly straightforward. With respect to comments previously made by Supervisor Seeber, Supervisor Conover requested to table proposed Resolution No. 77 which related to funding for the Warren County Society for the Prevention of Cruelty to Animals, Inc. He explained that some new information had come to light and discussions were held with the Town of Queensbury Animal Control Officer and other interested parties which should be considered. Supervisor Conover indicated that he would like proposed Resolution No. 77 to be tabled and referred to the Shared Services Committee for further discussion.

Motion was made by Supervisor Conover, seconded by Supervisor Seeber and carried unanimously to table proposed Resolution No. 77 and refer the matter to the Shared Services Committee for review and discussion.

Concluding his report, Supervisor Conover pointed out proposed Resolution No. 82 which would authorize the issuance of up to \$250,000 in serial bonds for the purchase and installation of fencing at the Wood Park Festival Space. He advised they had not yet determined whether the bonding would be required, but this resolution would allow the Treasurer to pursue some short-term borrowing, if necessary. Supervisor Conover explained that if the bonds were issued, the bond payments would be

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

made from an allocation set aside for County expenses which Wood Park expenses were eligible to draw from.

Continuing the Agenda review, Chairman Geraghty called for the report by the County Administrator; however, Mr. Dusek advised he had nothing to report.

Privilege of the floor was then extended to Mr. Auffredou to provide the report by the County Attorney. Mr. Auffredou pointed out that not only would proposed Resolution No. 82 authorizing bonding, as outlined by Supervisor Conover, it also conducted a SEQRA (*State Environmental Quality Review Act*) review and made a determination of no significance for the installation of the fencing, etc. Additionally, Mr. Auffredou responded to Supervisor Westcott's previous question relating to the Certificate of Need for Centers' acquisition of Westmount Health Facility and how it would be effected by a permissive referendum if one were to be called for, noting that the Certificate of Need and the permissive referendum were two separate and distinct items. He explained that Centers was required to apply for and acquire a Certificate of Need irrespective of Local Law No. 2 or anything that happened with it. Supervisor Westcott questioned whether Centers would be able to initiate the Certificate of Need process after, and if, the Board approved the enactment of Local Law No. 2 and Mr. Auffredou responded that he believed Centers may have already initiated the process; Mr. Auffredou added that he did not believe there was anything wrong with Centers having already initiated the process, but said he would defer to Special Counsel, *Attorney Lawrence Paltrowitz*, on this matter. Mr. Paltrowitz indicated that the legal counsel for Centers had indicated that they were in the process of submitting the Certificate of Need and if it had not been submitted already, it would be in the near future. Supervisor Westcott commented the significance of the issue was the impact to the County Budget which was established based on projections that Westmount would be sold in 2015; however, he added, Centers had indicated that it could take them up to a year to obtain the Certificate of Need for their operation of Westmount.

Continuing, Chairman Geraghty called for the Reading of Communications, which Mrs. Sady read aloud, as follows:

**Monthly Report from:**

1. Probation

**Annual Report from:**

1. Planning & Community Development - 2014 Planning Board Referrals

Capital District Regional Off-Track Betting Corp., December 2014 surcharge in the amount of \$4441.;

World Awareness Children's Museum, thanking the Board for the Occupancy Tax Award of \$1,500;

New York State Office for the Aging, Annual Evaluation for the Warren/Hamilton County Office for the Aging;

Chairman Geraghty then called for the Reading of Resolutions; Mrs. Sady announced that proposed Resolution Nos. 34-89 were mailed and a motion was needed to bring proposed Resolution Nos. 90-92 to the floor. The necessary motion was made by Supervisor Simpson, seconded by Supervisor Dickinson and carried unanimously.

Chairman Geraghty called for discussion and public comment on resolutions, noting that they would begin with comments by Supervisors, following which any public comment would be heard.

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

Supervisor Seeber referenced proposed Resolution No. 86, *Authorizing the Commissioner of Social Services to Fill the Vacant Positions of Deputy Commissioner/Chief Legal Counsel and Assistant Social Services Attorney (Part Time) Due to Creation*, highlighting that they would be taking a full-time Deputy position and making it part-time, then increasing the salary for a supervising attorney through this action. She commented that although she was sure Ms. Schrock Seeley was very capable, and according to the Chairman of the Social Services Committee this was the right direction to move in, she wanted to be on the record as having noted that in the future, when this position became something very different, they should take a hard look at the salary and reduce it back down to a level determined appropriate by the Human Resources/Civil Service Department; that said, Supervisor Seeber noted that she was supportive of the resolution.

Secondly, Supervisor Seeber stated that she was troubled by the lack of accurate information she had been provided in terms of making a decision on the vote for proposed Resolution No. 89, *To Enact Local Law No. 2 of 2015*, as it related to the sale of Westmount Health Facility. She said the information provided to the Board of Supervisors when making a decision on the 2015 Budget had included a chart providing an estimated 2014 Budget for Westmount Health Facility which indicated an operating deficit of more than \$600,000; she added that she did not understand how the Westmount budget could have gone from this projected deficit to a surplus of what she estimated to be around \$700,000. Supervisor Seeber thanked everyone who had spent a considerable amount of time with her yesterday trying to help her to understand all of these budget figures and she opined the Board should be provided with up-to-date budget figures when making important decisions, such as selling Westmount or when voting on the 2015 Budget, and they should have been made aware of the IGT (*Inter-governmental Transfer Funds*) deposits that were made. She said she was aware that these transfers were reported in the respective committee meeting minutes, but it would be more appropriate for the Board to have been provided with year-to-date totals. Supervisor Seeber opined that the Board was not doing a good enough job in terms of their transparency and she stated she had not been made aware that changing the date of the meeting was an option to provide a more lengthy question and answer session with the Centers representatives. She commented that the Board was elected by the people and she preferred to make decisions based on the information provided to her; she added that while she understood a majority vote would have been needed to change the date of the Board Meeting, as officials elected by the people, the Supervisors should have been given the option to change the date of the meeting to allow more interaction with the Centers representatives. Supervisor Seeber stated she was uncomfortable with the fact that she and others, particularly Mr. Whitehead, had to dig as far as they had to determine that the financial information they were provided with relative to operations at Westmount was not correct. She acknowledged that the financial picture for Westmount was still not ideal and she said the Supervisors were faced with an incredibly difficult decision when considering its sale. Supervisor Seeber then questioned whether there was a way the Supervisors could receive year-to-date actual figures when considering a budget, or any other important decision, and whether a resolution was necessary to introduce a new procedure for the Board to obtain them.

Chairman Geraghty advised he believed these figures could be provided. He noted that back in 2010 they had started receiving monthly statements from the Treasurer's Office and he opined that they might be able to expand that reporting to provide up-to-date actual figures on a quarterly basis. Mike Swan, *County Treasurer*, interjected that his Office already provided this information on a monthly basis through the Cash Flow Analysis Reports. Supervisor Seeber responded that they had really had to dig to find the IGT revenues that had come in because they were not clearly reported in any analysis. Mr. Dusek stated there seemed to be misunderstandings on a number of levels regarding this issue. Firstly, he noted that the document Supervisor Seeber referred to relating to the 2015 Budget was the Multi-Year Plan Projection, which the County had not had until he had become Administrator; Mr. Dusek added that the purpose of the Multi-Year Plan was to take a snapshot in the middle of the year

*WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, FEBRUARY 20, 2015*

---

---

as to where they anticipated the County Budget would be over multiple years as far as revenues and expenses, and ultimately, what the level of the surplus funds available to the County would be. He commented that this had been a very effective tool in terms of helping him to provide the proper guidance when establishing a budget as to how much latitude was available when considering using surplus funds to offset the budget. Mr. Dusek continued that he had designed the Multi-Year Plan as a tool to provide projections and it was only to be used for that purpose. He said he felt they had tried to do a good job of explaining what this Multi-Year Plan covered and how it worked and he reiterated it was meant to be used as a tool and not to answer the questions posed by Supervisor Seeber to indicate things such as the IGT funds received. Mr. Dusek noted this valuable tool was also used to understand what tax increases would be, based upon the amount raised by taxes in the prior year, as well as to determine whether they would stay beneath the 2% tax cap. On the other hand, he continued, as pointed out by Mr. Swan, the monthly reports provided by the Treasurer's Office were designed to provide up-to-date information as far as the state of the budget during the year; he noted that these reports preceded his tenure as County Administrator and had begun at the request of the Board of Supervisors. He said he understood that this report was very involved and required some work to look through, and he noted that they were certainly willing to look into whether there was a way to provide additional information and refine processes to address concerns such as Supervisor Seeber's. Mr. Dusek said if there were concerns regarding this IGT information no one had to dig for the information, they could simply call his Office and he would be able to provide this information immediately; he commented that he had not been contacted with regards to these concerns and when he had learned of them, he had worked with his staff to generate a new report to show where the Budget really was based on the closeout figures for 2014 which they had only recently received and were still subject to change. Mr. Dusek indicated that while this report had been a lot of work, and he would not suggest that they do it monthly, it could be provided for certain departments or items upon request. He also pointed out that in the Multi-Year Plan they had typically excluded revenues and expenses for Westmount when calculating surplus balances, as explained by the footnotes included, and he noted that it was not intended to address questions about Westmount. Mr. Dusek asked the Board to keep in mind the purpose of the Multi-Year Plan, as well as when it was generated, when referring to it.

Chairman Geraghty stated that when dealing with an issue such as the enactment of a resolution leading to the sale of Westmount Health Facility, the Board should be made aware of an infusion of revenue like the IGT funding in a timely manner. He said it was appropriate to provide this information, especially in cases like this one, where new revenue numbers may change totals and he stated that he agreed it was important to provide this information prior to making decisions. Chairman Geraghty reiterated that in the future, they should endeavor to ensure this information was shared in a timely fashion. He acknowledged that the report provided by the Treasurer's Office was lengthy and cumbersome, making it difficult to zero in on one particular area, but the information was provided.

Supervisor Seeber said she appreciated Chairman Geraghty's comments, and she noted there was a big difference between a \$600,000 deficit and a \$700,000 surplus, which would have been very important to have learned about before today. She also noted that she had contacted Mr. Dusek directly about this matter yesterday and she would appreciate an easier way to review these reports. Supervisor Seeber acknowledged that the report provided by Mr. Dusek and his staff required a lot of work, but said she felt it was worth doing and providing to the Board so that they had this information when making decisions such as this one. Chairman Geraghty agreed it was important to have this information and he commented that they just needed to find a more streamlined way to provide it.

Supervisor Westcott confirmed that early this week he and Supervisor Beaty had visited Mr. Coté and Ms. Henkel in an effort to ask how things were going at Westmount, in general, as well as to get their input on the finances of the Facility. He noted that Mr. Coté and Ms. Henkel had been very professional

*WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, FEBRUARY 20, 2015*

---

---

in addressing their concerns and providing information, as usual, making for an excellent meeting. Supervisor Westcott indicated that he had prepared a recap of this meeting which he had forwarded to Mr. Dusek and a few of the Supervisors he had spoken with on the matter yesterday; he added that he had not forwarded the recap to everyone because he had first wanted to verify all of the numbers included. He advised this meeting had been scheduled primarily in response to comments he had heard indicating that the County was “losing \$200,000 per month at Westmount” so that he might obtain an update before this meeting as to what the actual financial implications were. Supervisor Westcott stated that following this meeting, he had reviewed the Multi-Year Plan, along with input that Westmount had a projected \$600,000-\$800,000 surplus for 2014 based on the IGT payments received. He apprised that based on the straight line analysis he and Supervisor Beaty had performed, it would seem that Westmount was losing an average of about \$655,000 annually for years 2010-2014; Supervisor Westcott stated that while this was still a considerable amount of money, it was far from “\$200,000 per month”. Additionally, Supervisor Westcott stated everyone should keep in mind that payments of \$500,000 annually were being made to Siemens for the co-generation facility and he pointed out that if the \$500,000 in Siemens payments were subtracted from the average annual loss of \$655,000, it seemed that Westmount was really only losing \$155,000 per year, which was not that bad, and again, was far from “\$200,000 per month”. Supervisor Westcott stated that given all of this information, he still supported the sale of Westmount Health Facility based on projections that operating deficits would continue to increase; however, he added, he would like to see an updated forecast prepared in accordance with this new information before any further action to progress the sale of Westmount Health Facility was taken.

With regards to the independent evening meeting hosted by himself and some other Supervisors to hear public comment relating to the sale of the Westmount Health Facility, Supervisor Westcott stated that he would deem the meeting to have been a success, as it was attended by 50 people. He explained that after a request made at a prior Health Services Committee meeting, which he had not attended, for the public hearing held at today’s meeting to be held at night instead was voted down, he and some other Supervisors had decided to hold an evening meeting independently to entertain public comment. Supervisor Westcott stated that all members of the Board of Supervisors had been invited to the meeting, as well as representatives from Centers, and five Supervisors had attended. He explained that at this meeting Mr. Whitehead had made the presentation he had wanted to make this morning, but was denied the opportunity to do. Referring to a comment Supervisor Strough had made earlier that morning, Supervisor Westcott said that the Board had been provided the opportunity to see “one side of the coin” through the Centers presentation and he stated he would have appreciated if the Board would have taken the opportunity to hear Mr. Whitehead’s presentation to see the other side of the coin; he said that if they had heard Mr. Whitehead’s presentation they would have learned quite a bit, some of which they might have found disconcerting. Supervisor Westcott stated that he wanted to be recorded in the public record as having indicated his disappointment that Mr. Whitehead had not been afforded the opportunity to make his presentation for the benefit of the fifteen Supervisors that had not attended the evening meeting and he was also disappointed that Supervisor McDevitt had not been allowed to show the video he had requested be shown. He further stated that if any member of the Board was interested in sharing information they felt was relevant to the discussion, he would not be opposed or take preventive measures to stop them from doing so. Supervisor Westcott concluded that he hoped if new questions or information came to light after the Board made a decision that they would not ignore them, and instead pause and take the proper time to vet these questions and concerns. He noted new financial information had been introduced in just the last few days and he would ask that either proposed Resolution No. 89 be tabled until this information was better understood by everyone, or that his fellow Supervisors vote against the resolution.

Supervisor Thomas commented that while the amounts of the IGT funds seemed to be a lot of money,

it was important to keep in mind that the totals were split on a 50/50 basis between the County and the State, representing an actual cost to the County to accept them. Supervisor Thomas said he had no doubt that Mr. Coté and his staff had been successful in reducing expenses by \$300,000, but he would point out that when they received an influx of \$4.2 million in IGT funds, which he noted was actually made up of \$2.1 million in County funds and \$2.1 million in State funds, it was easy to generate a surplus but that did not necessarily translate for future years. Referring to the second page of a handout provided by Mr. Dusek entitled "Westmount Projections 2-20-2015", *a copy of which is on file with the items distributed at the Board Meeting*, Supervisor Thomas noted that in 2014 a surplus of \$695,409 was estimated, while in 2015 a deficit of \$946,549 was projected regardless of the receipt of \$1.9 million in IGT funds. He also noted that Westmount still owed the County \$400,000 for funds loaned to the Facility to cover IGT funds that were not received as scheduled. Supervisor Thomas acknowledged that these projections were to be used as a tool and not a guaranteed outcome, but said this information should be considered. He recalled that several years ago, when Hal Payne was still serving as Administrator of Westmount Health Facility, discussions had been held relative to IGT funds indicating shortages and the need to borrow funds if the IGT monies were not received; Supervisor Thomas added there was no guarantee that the State would continue to provide IGT funds. He referred to comments made by Michael McCarthy, *of McCarthy & Conlon, LLP who provided auditing services for Westmount*, opining that in the future, IGT distributions would be tied to performance and there was no way of knowing how this would play out based on the Affordable Care Act.

Returning to the matter of the projected deficit for 2015, (*\$946,549*), Supervisor Thomas questioned whether this accounted for repayment of the \$400,000 owed to the County for prior loans and Mr. Dusek replied that it did not and he noted that if they were to square up this debt in 2015, the deficit would be increased by \$400,000 to a total of \$1,346,549. Disregarding the \$400,000 owed to the County, Mr. Dusek stated it was important to note that in accordance with the 2015 projections, the estimated cost to the taxpayer for Westmount operations in 2015 would be \$946,549, plus 50% of the \$1.9 million in IGT funds (*\$950,000*), for a total of \$1,896,549. He said he had received information from Rob Lynch, *Deputy County Treasurer*, regarding how this projection would affect the County Budget if it was absorbed completely as a tax increase, which indicated this increase would exceed the 2% tax cap, exclusive of any other budgetary increase. Mr. Dusek stated the amounts that Westmount cost the County were large and it was his job to make sure this information was conveyed to the Board and he confirmed that this information had been shared three years ago when they had first started discussing the potential Westmount sale, and again last year when discussing the 2015 Budget. With respect to the \$2.3 million in IGT funds expected for 2012 and the \$1.9 million for 2013, Mr. Dusek advised these figures were included in the projections; he explained that they had initially assumed IGT funds in the range of \$1.4 million for the years 2012, 2013 and 2014 and the increases for years 2012 and 2013 were accounted for in the total listed for 2014.

Mr. Dusek stated it was very important for everyone to know that they could trust the numbers provided in the projection he had distributed and he noted that JoAnn McKinstry, *Assistant to the County Administrator*, had worked with Ms. Henkel to draft the projections which were then reviewed by Mr. R. Lynch and Mr. McCarthy. He advised one of the comments Mr. McCarthy had returned was that he would be more comfortable including a projection of \$1.4 million for the estimated IGT revenues for years 2015-2018, rather than the \$1.9 million included. Mr. Dusek confirmed Mr. McCarthy's statements that things were changing at the Federal level and he believed the IGT funding would move away from being distributed on an entitlement basis and would be distributed based on performance, instead, and there were the effects of the Affordable Health Care Act to consider, as well. Mr. Dusek also passed along Mr. McCarthy's comments that while the State and Federal governments were committed to continuing to provide assistance, there were too many unknown factors to consider relative to how the funds would be distributed and he indicated he had a greater comfort level with

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, FEBRUARY 20, 2015**

---

---

reducing the estimated IGT revenue figures to \$1.4 million for 2015-2018. Mr. Dusek pointed out that the first page of the handout he had distributed included the \$1.4 million estimated IGT revenue amount for years 2015-2018, leading to even higher deficit amounts for Westmount. He continued that Mr. McCarthy had indicated there were also the effects of GASB 45, relating to legacy costs for health insurance benefits, to consider because the County was constantly incurring a future liability for all employees; Mr. Dusek indicated that this item was included as a footnote on the projection in an effort to provide the highest level of transparency and information. He stated that this was a very complicated matter as it involved a complex accounting procedure and new funds introduced throughout the year; however, he assured that he was very confident in the information provided because it had been reviewed and approved by all of the County's key personnel, as well as Mr. McCarthy. Mr. Dusek asked Mr. R. Lynch whether the information and representations he had made were correct and Mr. R. Lynch replied affirmatively. Mr. R. Lynch also commented that the tax increase would be approximately 3.8% for \$1.4 million IGT projection scenario and 2.5% for the \$1.9 million IGT projections; Mr. R. Lynch also confirmed that this increase was exclusive of any other budget increase and that if the 2% tax cap was exceeded, there would be no rebate to the taxpayers of Warren County.

Supervisor Brock thanked Supervisor Seeber for making a request for Centers representatives to attend and answer questions. He stated that although the representatives seemed to be very sincere and knowledgeable, he believed that they needed to gather facts and then verify them for accuracy; he added that this would not be the first time a group had made a presentation that seemed very convincing but in the end turned out not to be quite what was represented. Supervisor Brock said he had been surprised to learn that nursing home staff were able to leave their post if relief staff did not come in to work and he questioned whether this was the case currently at Westmount; Mr. Coté responded that there were times when they had to mandate staff to continue working if the staff for the next shift did not come in to work. Mr. Coté said he believed the comment made by the Centers representatives was that this rarely happened in their facilities. Supervisor Brock reiterated that in his past experiences he had learned that some people, although they seemed very trustworthy, were not so and that was why it was very important to verify facts. He concluded that he was not opposed to the sale of Westmount to Centers based on their presentation, but rather because he was not able to verify the information provided and that made him uncomfortable in voting for the sale.

Supervisor Wood stated that she appreciated the monthly Cash Flow Reports provided by the Treasurer's Office and she noted that they included some great information, including copies of the AUD (*Annual Update Documents*) Report. She noted that looking back at AUD reports, one could review the enterprise fund for Westmount to see how well the budget had worked. With respect to the documents provided by Mr. Dusek, Supervisor Wood noted that deficits shown in 2012 and 2013 were roughly half what was shown on the AUD Report and she questioned whether this was related to assets. Mr. Dusek responded part of the difference related to the co-generation plant which showed up in different places depending upon whether they were considering the actual or budgeted figures. Supervisor Wood then questioned which figure reflected the actual deficit and Mr. Dusek responded that he was unsure. Mr. R. Lynch stated that the reports should show the same deficit figures and he would need to compare both reports to determine why a difference was being shown; he said he would research the matter and get back to Supervisor Wood on this. Mr. Dusek pointed out that the information provided in the AUD report was developed based on the financial factors in place at the time the report was printed and he noted it was likely that the AUD Report was produced before IGT funds were received, causing the difference in the deficit amounts.

Supervisor Seeber questioned where the surplus indicated for 2014 would go and Mr. Dusek responded that in his mind, he looked at this as money in a savings account. He advised it was critical to acknowledge that any operating organization needed to have a form of cash flow in place, and in



speaking with Mr. R. Lynch earlier that morning, they had determined that a cashflow amount of about \$800,000 was needed for Westmount. Mr. Dusek indicated that even though a surplus of \$695,000 had been identified, it could not be expended because it was needed to fund operations while awaiting reimbursements. He noted that they also needed to keep in mind that the \$400,000 owed to the County had not been repaid and would eventually need to be addressed, as well as the fact that any IGT funds received would require matching funds.

Supervisor Beaty commented that if they stopped making payments to Siemens today, they would save \$500,000 per year and he said he was mystified as to why the County continued to make these payments. He stated he was glad that the Centers representatives had attended the meeting, but he was concerned that they had only been allowed 45 minutes to ask questions, which was not nearly enough. Supervisor Beaty opined that if Centers really wanted to become a part of the community, as they had indicated, they should have made a better effort to prove this by attending the evening meeting, their owner would have attended today's meeting and they would have allowed more time for the question and answer session. He stated there were many members of the public present that wanted to ask questions, and he had a number of unanswered questions of his own and there was now no one to answer them. Supervisor Beaty recalled responses to certain questions where Centers had indicated they "did not have the data" to answer them and he contested that he could show plenty of data from sources such as the Health Care Insight, NYSDOH and Medicaid websites, which did not support some of the information provided in their presentation. He commented that during their powerpoint presentation, Centers had referred to a slide indicating how well their facilities were doing in the quality measures category; however, he added, when he had questioned them on these standings Centers had confirmed these were self-reported ratings which they paid bonuses to their employees for making. Supervisor Beaty concluded that they needed to put things into prospective and be able to interpret data; he added that he had made many presentations in his life and he was sure that given 45 minutes, he could convince the Board to believe non-factual things, as well.

Supervisor Taylor stated that during his tenure with the Board of Supervisors they had encountered a time when the County had been forced to borrow \$6 million for the better part of a year just to meet their cash flow needs. He continued that the Multi-Year Plan had helped the County to get out of this financial situation and had also pointed out the fiscal problems at Westmount; he added that even with up to date figures, the Multi-Year Plan still projected ongoing problems and deficits. Supervisor Taylor said he would urge everyone to vote in favor of enacting proposed Local Law No. 2 of 2015, but noted that even if it were to be adopted, the issue would not end there as indications had been made that if Local Law No. 2 of 2015 was enacted, the Board could expect to receive a petition for public referendum. Supervisor Taylor apprised that as per an estimate provided by the Board of Elections, this referendum would incur a cost of \$40,000 and if the referendum were successful in preventing the sale of Westmount Health Facility, there would be a tax increase for Warren County residents which would exceed the 2% tax cap and disqualify residents from receiving the tax rebate. He stated that in the spirit of full disclosure, this information should be included on the petition for public referendum so that petitioners are aware of the possible repercussions; Supervisor Taylor added that he hoped the media representatives present would report this in their respective newspapers to ensure that the public was aware of this situation.

Supervisor Beaty commented that any tax increase related to operations at Westmount would be primarily attributed to the fact that the Board had been premature in reducing funding for Westmount in the 2015 Budget based on the anticipated sale and he stated that this action was somewhat insulting. He recalled comments made by Centers that, on average, it could take a year for Centers to obtain the necessary Certificate of Need to assume operations at Westmount, but could take two to three years. Supervisor Beaty stated that for the Board to have only included funding to sustain Westmount for six

*WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, FEBRUARY 20, 2015*

---

---

months in the 2015 Budget was rather disingenuous. He stated he was unsure how the \$40,000 estimate for the public referendum had been determined as this was the first he had heard this information and Supervisor Taylor reiterated that the estimate had been provided by the Warren County Board of Elections. Supervisor Beaty concluded that the County would have to pay for Westmount until alternate operations were assumed at the Facility, which would be for at least one year, and he stated that a possible tax increase could occur because the Board had thought ahead to appropriately budget for these operations.

Chairman Geraghty offered privilege of the floor to any members of the public wishing to address the Board relative to resolutions.

Mr. Whitehead stated that this matter was not nearly as confusing as some people would like to make it out to be by throwing out many different numbers, similar to the way in which the co-generation facility was addressed. He noted that for many years various engineers and other people had cited problems with the co-generation facility which were pretty simple to understand, but they had eventually hired a consultant to verify the issues. Mr. Whitehead commented that the same things were being done here and he referred to indications made by Ms. Henkel that expenses at Westmount had been reduced by \$300,000 and these savings could be banked going forward; secondly, he pointed out indications from the State that they would be providing more IGT funds than anticipated, rather than less, as had been initially anticipated. Mr. Whitehead explained that a total of \$293 million in IGT funds were distributed to county-owned nursing homes in 2012, based on approvals from the State and Federal governments. He noted that this amount had initially been approved by the State as \$500 million, but was later reduced by the Federal government to \$293 million. Mr. Whitehead said the State was willing to accept all of the Federal funding it could get for IGT distributions to county nursing homes; however, he added, the number of county-owned nursing homes was being reduced due to privatization sales. He deduced that based on the reduction in county-owned nursing homes, the amount of distributions to remaining county-owned homes should be increasing. Mr. Whitehead noted a prior reduction in IGT funding and he questioned whether this was related to IJ citations and Ms. Henkel replied in the negative, advising the funds were distributed strictly based on State and Federal approvals and that the amount had been reduced at the discretion of the Federal government. Mr. Whitehead reiterated that regardless of whether the total amount of IGT funding available was reduced, it would be distributed amongst a smaller group of eligible recipients and so if the County retained ownership, they were likely to receive increased funding each year; he added that the estimates provided by Mr. Dusek projected distributions of \$1.9 million for Warren County in years 2015-2018, but he opined the actual amounts provided would be higher.

With regard to comments relayed from Mr. McCarthy as to his discomfort with this estimate, Mr. Whitehead stated that Mr. McCarthy's firm had provided information Mr. Dusek had relied on to base his estimates on the amount of Medicaid funding that would be received in association with the co-generation facility and those estimates had not proved true. He commented Mr. McCarthy was now advising that all of the estimated IGT funds may not be received as anticipated; Mr. Whitehead pointed out that the County had received disbursements of \$2.3 million and \$1.9 million, which was more than the \$1.4 million that had been received in the past. He continued that as far as taxes were concerned, the County had been paying for Westmount operations and accepting IGT funds, suffering a deficit, and levying taxes accordingly. Mr. Whitehead stated that with reduced expenditures and an increase in IGT funding, the losses should be reducing and, commensurately, the taxes charged should be, as well. He concluded that this was actually a very simple matter and throwing around a lot of numbers only served to cause confusion, which he suspected was the intent.

Mr. C. Lynch stated he was very sorry that the Centers representatives had to leave the meeting

prematurely and he opined that he had never seen a lamer “dog and pony show” in his life. He noted that by querying themselves, approving themselves and awarding bonuses to staff for doing so, Centers was able to rate all of their services at the highest level. Additionally, he commented it was unlikely that Centers did not already have a financial plan in place for how staffing would be handled when they assumed operation of Westmount, as they had purported. Mr. C. Lynch said he had reviewed a lot of information about Centers on the internet and he was sure many members of the Board had done so as well in performing their due diligence on this matter. He apprised the information he had reviewed indicated that in order to make a profit Centers typically reduced staffing by 30%-40%; reduced benefits for remaining staffing, completely destroying pensions and ending up with pretty much the “dregs of the nursing and medical staff”; transported wealthy patients from New York City, raising rates to a level that a Warren County resident would not be able to afford; and hiring transient help from outside the community. Mr. C. Lynch questioned how the Board could conceive of voting on this matter based on the inadequate information provided. He stated that the best way of judging a person’s intelligence was their ability to take a complex matter and make it easy enough for everyone to understand and he did not feel that had been done today. Mr. C. Lynch concluded that this matter related to the quality of life for many people and he did not believe the Board could make a decision in good conscience based on limited, and questionable, information provided; he added that the Board should pause and consider this matter fully before acting on it.

John Salvador, *Town of Queensbury Resident*, stated it seemed everyone agreed that Westmount should be privatized, but the question was how they should go about it. He said he did not believe Centers would make the whole nursing home operation viable simple by firing a few people and reducing some hourly rates. Mr. Salvador stated the answer to Centers’ success was on the revenue side and he noted that Centers had mentioned the State would require them to maintain a Medicaid occupancy rate of at least 75% and he questioned what the Medicaid rate at Westmount was currently; Mr. Coté responded that they were close to this level now. Mr. Salvador commented that the answer to success was private pay residents and he noted that some Medicaid residents had to pay a portion of their care costs and the idea was to get as many Medicaid patients as they were able to that paid a significant amount to cause a shift in the level of private pay revenues received. He apprised his primary concern was that the level and type of care Westmount residents received would be the same, or better, than it was now; he added there was no question that the rates charged would be increased, regardless of whether Centers wished to maintain comparable rates to other area facilities, because the rates for all facilities were increasing. Mr. Salvador concluded that he did not see how this whole system could do anything but collapse at some point in the future.

Mr. Whitehead distributed a packet of information relating to Centers facilities and displaying their locations, which he said he would refer to in his next comments; *a copy of the packet is on file with the items distributed at the Board Meeting*. He stated that he wished Centers representatives were still present because he had wanted to confirm a statement made that while the Suffolk Center was listed on the Centers website, Mr. Rozenberg never had any ownership interest in the facility. Mr. Whitehead indicated that the Centers representatives were either lying to the Board when making this statement, or to the NYSDOH in their application because in multiple NYSDOH applications they had listed an interest in “Suffolk Center for Rehabilitation” for the term of 5/2007 to present, as reflected on the NYSDOH submission for the Richmond Center on page 3 of his handout. Mr. Whitehead reiterated he was unsure who Mr. Rozenberg was lying to, but he assumed it was probably the Board of Supervisors because it meant less. He then questioned Mr. Auffredou whether there would be any penalty to be paid if prior statements indicating Mr. Rozenberg never had any ownership interest in the Suffolk Center were found to be untrue; Mr. Auffredou responded this was not an appropriate question for him to answer, but he noted the Centers representatives had indicated Mr. Rozenberg had a consulting interest in the Suffolk Center.

Mr. Whitehead stated the point he was trying to make was that Centers was shifting things around in consideration of where they could get away with lying about certain factors. He continued that many people believed the NYSDOH would be the savior in this matter; however, he stated, Centers was playing the same game with the NYSDOH. Mr. Whitehead recalled comments that Centers purchased facilities that were in trouble, but would not provide details, and then would claim that they did not own the facility any longer so that they would not be reviewed or held accountable for the three deaths that had occurred in the Suffolk Center. He pointed out that every individual facility was owned by another LLC and noted that the NYSDOH application for the Washington Center, *included on page 4 of his handout*, indicated interest in the Suffolk Center for Rehabilitation for the years 5/2007 - 7/2011; he advised the three deaths at the Suffolk Center had occurred in 2012 and 2013. Mr. Whitehead directed the Board to page 5 of his handout, "*Who did we sell Westmount to??*" which indicated that a specific name was not listed for ownership of Westmount, only "Warren Operations Associates LLC"; however, he stated, it did show that the documentation was filed by an attorney by the name of Isidor D. Friedenber, Esq. He continued that the following pages, *pages 6 and 7*, reflected documentation submitted for the Northern Manor and Indian River Centers, both of which were filed by the same attorney, Isidor D. Friedenber, Esq. Mr. Whitehead pointed out the Northern Manor Center was the one that had received a \$6.5 million fine and which Centers representatives had adamantly denied they had any ownership in when questioned during a telephone conversation that Mr. Dusek and Supervisor Beaty were involved in; he acknowledged that Centers probably did not have any ownership interest in this facility, because as far as he could ascertain, this was a not-for-profit facility. Mr. Whitehead noted that regardless of ownership, Centers provided all of the staff that ran the facility and were essentially managing it, but he admitted that he did not know whether Centers had any culpability in the claim that the facility was overcharging Medicare for services provided. He continued that the Indian River Center was a very troubled home and was not listed on the Centers website. Mr. Whitehead commented that this was the first time Centers had acknowledged ownership of this home, likely because the ownership was clearly stated on the Medicare.gov website, and it seemed that Centers only acknowledged ownership when it was convenient for them to do so. With respect to documentation relating to the Suffolk Center, *included on page 8 of the handout*, Mr. Whitehead noted that although ownership information was not indicated, this and all of the aforementioned documents had been filed in Rockland County which was where Isidor Friedenber was located, but not where the home office of Centers for Speciality Care was located. Mr. Whitehead stated the question of ownership of the Suffolk Center was a good one and he said he wished the Centers representatives were still here to answer it.

Mr. Whitehead recalled assertions made by the Centers representatives that they obtained facilities in trouble and did marvelous things to rehabilitate them. With respect to this comment, he directed the Board Members to page 9 of his handout which reflected rating information for the Suffolk Center; Mr. Whitehead pointed out that in 2007 when the Suffolk Center was sold, it was rated in the top 75% of all homes, but that rating had fallen into single digit percentiles at the time of the deaths that had occurred at the Suffolk Center and had not risen much since. He continued that the information on the next page pertaining to University Center was even more important, because it indicated a severe decline in quality of care prior to a death that had occurred in December of 2014. Mr. Whitehead then read aloud a statement made by Richard Mollot, *Executive Director of the Long Term Care Community Coalition which works to support nursing home residents*, as quoted from a *New York Times* newspaper article, as follows: "*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. Mr. Mollot said 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 and this is a marker of poor care*". Mr. Whitehead stated that the Board could proceed however they chose, but they should get ready to deal with the same type of treatment the Supervisors in Saratoga County were receiving now, having a very

hard time with the transition at their former nursing home.

Ms. Lynch reiterated her concern about the pace with which this process was moving and given the factors on the line. She stated that she understood this was being driven by expense and the majority of the cost out of hand was related to the co-generation facility; she said she assumed this was being pursued on another level and she hoped the County was doing its due diligence in this area. Ms. Lynch stated that in the meantime, this vote did not need to be made today and she did not see any down side to tabling the matter for a month or two, pointing out that there may actually be negative factors associated with proceeding today. She commented they should pause and allow new information to be processed and questions to be answered before proceeding. Ms. Lynch concluded that she did not want to see the elderly of her community being thrown under the bus and she re-stated that she did not feel waiting a month to decide on the matter would make a big difference.

Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 34-92 were approved as presented, with the exception of Resolution Nos. 39, which was approved in the amended form previously described, and 77, which was tabled; a Certificate of Appointment appointing members to the Warren County Youth Board was submitted. *Note: Resolution Nos. 93 and 94 were approved earlier in the meeting.*

During the vote on resolutions, a motion was made by Supervisor Westcott and seconded by Supervisor Beaty to table Resolution No. 89, *To Enact Local Law No. 2 of 2015*; however, the motion failed by a vote of 293 in favor (*Supervisors McDevitt, Brock, Vanselow, Beaty and Westcott*) and 707 against (*Supervisors Conover, Monroe, Girard, Taylor, Kenny, Frasier, Simpson, Dickinson, Merlino, Strough, Seeber, Sokol, Thomas, Wood and Geraghty*).

Responding to comments made that the Board was rushing a decision on the Westmount sale matter, Supervisor Conover questioned when the RFP process for the sale had begun and Mr. Dusek replied the RFP had been released in October of 2012. Supervisor Conover noted that authorization to proceed with the development of the RFP had been provided some months prior to October of 2012. He further noted that once the RFP responses were received, they had been reviewed and interviews of the candidates had been performed and the vetting of the specific proposals had taken place before a recommendation was made to award the sale proposal to Centers for Speciality Care and subsequent authorizations to enter into contracts with Centers were approved. Supervisor Conover advised when dealing with the sale of public property a bid process was necessary, unless alternate actions were taken, such as in this case where an RFP process was used instead of a bid process; he stated that these alternate actions had required the enactment of Local Law No. 2 of 2015, and this was what the Board had acted upon today. Supervisor Conover stated that this process had not been rushed, and had actually be in progress for quite some time.

Supervisor Beaty asked when the new data from the NYSDOH, Health Insight, and Medicare websites was presented and Supervisor Conover responded that people had the right to present information throughout the process, but most of what Supervisor Beaty had mentioned had only been received recently.

Concluding the Agenda review, Chairman Geraghty called for announcements.

Supervisor Wood announced Maple Days events would be held in the Town of Thurman during the month of March and she invited everyone to attend the Jack Wax event, to be held on March 14<sup>th</sup>, to benefit the American Cancer Society.

**WARREN COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING**

**FRIDAY, FEBRUARY 20, 2015**

---

---

Supervisor Strough thanked Pam Morin, *developer of the Upper Hudson River First Wilderness Corridor Map*, for her hard work in developing the map. He noted that this was a limited printing so if there were any errors or additions to be made, they should be brought to Ms. Morin's attention.

Supervisor Simpson announced that the Brant Lake Winter Carnival would be held tomorrow, *February 21<sup>st</sup>*, beginning at 11:00 a.m.

In response to Supervisor Conover's comments, Mr. Whitehead pointed out that this was the first public hearing held to discuss the Westmount sale, which was a shame on the Board.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Frasier and seconded by Supervisor Dickinson, Chairman Geraghty adjourned the meeting at 2:16 p.m.