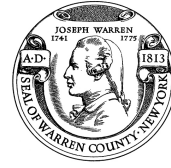


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, MARCH 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 Girard.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Brock, Kenny, Frasier, Vanselow, Dickinson, Merlino, Strough, Seeber, Beaty, Westcott, Thomas, Wood and Geraghty - 18; Supervisors Simpson and Sokol, absent - 2.

Motion was made by Supervisor Monroe, seconded by Supervisor Taylor and carried unanimously to approve the minutes of the February 20, 2015 Board Meeting, subject to correction by the Clerk of the Board.

Supervisor Monroe introduced Amy and Hillary Peckham who were in attendance to make a powerpoint presentation regarding their proposal to construct a medical marijuana facility in Town of Chester. Ms. A. Peckham proceeded to make the powerpoint presentation, a copy of which is on file with the Items Distributed at the Board Meeting.

Supervisor Dickinson commended Ms. A. Peckham on her presentation which he said was impressive and well delivered. Supervisor Monroe advised a similar presentation had been made before the Chester Town Board who had subsequently passed a resolution supporting the Peckham's proposal. Supervisor Monroe continued that the site of the proposed facility was ideally located; he explained that about 15 years ago the Town of Chester had hired a consultant to determine the best places for commercial construction and this site had been identified as one of them. Supervisor Monroe apprised that the prior owners of the property had intended to construct a horse track on the site and had built a barn and graded the property for that purpose. He continued it was his understanding that the existing horse barn would be used to start the Peckham's business as the structure had already received APA (*Adirondack Park Agency*) approval. Supervisor Monroe said the Town of Chester was very excited about this new venture; he noted that the product would be very tightly controlled and the business would be supported by Peckham Industries, a company the town had a longstanding relationship with.

In response to a question posed by Supervisor Brock, Ms. H. Peckham advised that only five licenses for marijuana manufacturing locations would be issued State-wide, and each licensee would have up to four dispensaries. Supervisor Brock questioned whether the Peckhams had the experience necessary to compete with others who may also seek to secure one of the five State-issued licenses and Ms. H. Peckham responded affirmatively, stated that they had put together a very professional team to start their business.

Supervisor Monroe pointed out that the Peckhams had hired a consultant to assist them and Ms. H. Peckham affirmed this was correct; she then introduced Joe Stevens, who had been working in the industry since 2008. Mr. Stevens apprised that his had been the first licensed medical marijuana

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production facility authorized in the State of New Jersey and he noted his facility had been operational for over a year before any others were started. He added that he had also received one of four permits issued to introduce a facility in the State of Connecticut. Mr. Stevens stated that the Peckhams had put together a great team to further their business efforts.

Supervisor Dickinson questioned whether a motion was necessary to introduce a resolution of support for the Peckham's business plan and Supervisor Monroe replied in the negative, pointing out that proposed Resolution No. 111, *Supporting the Application of Amy, Hillary and Keeley Peckham (Etain) to Obtain One of Five Licenses to be Issued by New York State to Build a Medical Marijuana Operation in the Town of Chester*, was already included in the resolution packet.

Supervisor Girard questioned how competitive the process was to obtain one of the five operating licenses to be granted by the State. Ms. A. Peckham replied the application costs in other states were fairly high, in some cases as much as \$200,000; however, she added, the State of NY had set their application cost very low, at only \$10,000, allowing anyone with that amount of money to submit an application, whether or not they were sufficiently qualified. Ms. A. Peckham advised NY State would assess a filing fee of \$200,000 for the successful applicants and she noted that while they expected over 100 competing applications to be submitted, they felt the team they had established would carry them through the application process. Supervisor Girard thanked the Peckhams for their presentation and wished them luck in this endeavor.

Supervisor McDevitt thanked the Peckhams for their presentation, as well, stating that in general terms, if someone had a serious medical problem that they could help in alleviating, he would hope that most would support the efforts. He continued that this was a process of education, where they would likely find some that would automatically protest this type of venture. In terms of law enforcement, Supervisor McDevitt questioned whether the Peckhams felt they would receive the necessary support from the Warren County Sheriff's Office to ensure their success and Ms. H. Peckham said they hoped to start working on this part of their operations once they had confirmed their site plans. She said they had contracted the assistance of a security specialist who was a former police officer and would handle the security and transportation issues. Ms. H. Peckham confirmed that the facility would have constant security in compliance with State regulations which would eliminate any burden to local law enforcement. Mr. Stevens concurred that there would not be any burden to local law enforcement, advising that there had never been any security incidents at his locations; he added that most people would not even know that a growing facility was located in their community unless it was publicized. Mr. Stevens said that in his facilities they worked with the local law enforcement groups to install cameras and they offered the option of watching the goings-on within to observe employees, as well as any potential outside interference. He commented that most law enforcement groups did not have the time or manpower to undertake such review, but the opportunity was offered.

Supervisor Taylor stated he was supportive of the Peckham's request. He noted a comment made during the powerpoint presentation that a cancer patient in a state of remission would not be allowed use of medical marijuana and Ms. A. Peckham stated this was correct, explaining that once in remission, a cancer patient would not be suffering the symptoms for which medical marijuana use was deemed appropriate. Supervisor Taylor stated he was opposed to recreational marijuana use and he questioned whether a cancer patient in remission who was no longer permitted use of medical marijuana would be likely to seek a market to purchase illegal marijuana. Ms. H. Peckham responded this was a problem that everyone was considering. She explained that medical marijuana was targeted and more potent than other forms and she noted that even in states with a legal recreational marijuana market, the medical marijuana market remained very steady. Ms. H. Peckham acknowledged that while black market marijuana sales would likely always exist, the need for medical marijuana was only met through

these types of programs. With reference to the State of Colorado, she apprised that the number of medical marijuana patients had risen from 123,000 to 127,000 regardless of legislation enacted to legalize recreational marijuana use. Ms. A. Peckham interjected it was important to note that in accordance with Federal classifications, doctors were taking a risk in prescribing medical marijuana to their patients; she added the risk was lessened as more States legalized medical marijuana use, but noted that any unethical activities to illegally prescribe to someone would put a doctor's license to practice medicine in jeopardy. Given these consequences, Ms. A. Peckham stated that most doctors would not likely prescribe, or continue to prescribe, medical marijuana to someone that did not need it. Mr. Stevens apprised that a review process would be required for each medical marijuana patient necessitating oversight by the State every three to four months to ensure that those patients not experiencing symptoms, or those entering into a remission state, would not continue to be prescribed the substance.

Supervisor Seeber said she had enjoyed the Peckham's presentation and appreciated their efforts as a woman-owned business. With respect to local law enforcement, she noted the presence of Undersheriff Shawn Lamouree and advised it might be helpful for the Peckhams to connect with Undersheriff Lamouree so that they would have firsthand knowledge of what a great law enforcement agency they would be involved with.

Supervisor Beaty stated he also appreciated the Peckham's presentation, opining that it was very well done, but said he had some questions from a business aspect. He recalled that the presentation had indicated there were currently approximately 1,900 medical marijuana patients in this region and 5,000 State-wide, and Ms. H. Peckham advised this was their estimate. Supervisor Beaty stated that 5,000 patients State-wide was not a large amount of customers to cater to; Ms. A. Peckham responded it was surprising how few patients were needed to make this a viable business effort. She continued they would likely hear statements from quite a few people that would misrepresent the market in New York State, indicating there were close to 60,000 eligible patients and that millions of dollars could be made in a very short amount of time. Ms. A. Peckham stated that these indications were untrue and she apprised she had spoken with many people, including one of the representatives of the Medical Marijuana Growers Union, who relayed that they expected most businesses would not receive a return on their investment for three to five years. She continued that Mr. Stevens had been very helpful in assisting them to develop a viable business plan and she apprised their desire to become involved in the medical marijuana industry related to an emotional commitment which made them willing to endure the delay of profit.

Supervisor Beaty reiterated that the regional medical marijuana patient pool was estimated to be about 1,900 and he questioned whether they could go outside of the region to attract more customers; Ms. H. Peckham responded in the negative, advising that the State of New York's current draft regulations did not allow for this. Supervisor Beaty commented that based on the total estimated pool of 5,000 eligible patients for the entire State, it did not appear the other four regions would have very many customers to market to. Ms. H. Peckham indicated that the State's draft regulations were very restrictive as to the diseases for which medical marijuana could be prescribed and they hoped the regulations would be expanded to include other conditions such as post traumatic stress disorder and even insomnia. Ms. A. Peckham pointed out that the State of New Jersey only had 3,200 medical marijuana patients but they were still able to make this business profitable. Supervisor Beaty questioned whether it was part of the Peckham's business plan to make projections of profitability based on the future expansion of conditions for which medical marijuana could be prescribed and Ms. A. Peckham replied it was their hope that the list of acceptable conditions would be expanded; however, she added, their business would still be profitable even if they were not. Supervisor Beaty then questioned what the living wage was classified as for the Town of Chester and Ms. H. Peckham advised

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they had determined their wages would be in the range of \$12-\$17 per hour depending on the level of the position. In response to another inquiry made by Supervisor Beaty, Ms. A. Peckham indicated that they expected to hire mainly residents of the Town of Chester. Supervisor Monroe pointed out that this operation was estimated to introduce 20-30 new jobs, which was a lot for the Town of Chester; he likened the impact as being equivalent to introducing hundreds of new jobs in the City of Glens Falls.

Supervisor Westcott commended the Peckhams on their presentation and stated he was very supportive of their business because of what it would offer people suffering from diseases, as well as the benefits the Town of Chester would receive. He then posed a question as to how the medical marijuana would be distributed. Ms. H. Peckham indicated that medical marijuana could only be dispensed by a pharmacist with a prescription from a doctor and she noted that each dispensary would have a pharmacist on staff. Ms. A. Peckham explained that a patient would obtain a prescription for medical marijuana and then register with the State of New York for an ID card which they would then take to a dispensary where the ID would be checked and the patient would meet with the dispensary pharmacist to determine which strain and how much product was appropriate for a 30-day supply. Supervisor Westcott wished the Peckhams luck in obtaining their license and in starting this new business venture.

Supervisor Brock questioned what emotional attachment the Peckhams had in relation to medical marijuana and Ms. A. Peckham responded that her grandmother had been diagnosed with ALS (*Amyotrophic Lateral Sclerosis - also known as Lou Gehrig's Disease*) which had rendered her unable to swallow or eat and the medication she was taking for the disease had caused nausea. She advised that when it was first considered that medical marijuana be used to combat the ALS symptoms, her grandmother had been very resistant to the idea, not wanting to do anything illegal, which was a common reaction. Ms. A. Peckham stated that they had been unable to assist her grandmother, but the more research they did the more beneficial evidence they found as to how medical marijuana helped patients and their families; she added that although medical marijuana was not a cure, it helped patients to relax and cope with their disease, which in turn, helped the patients' families. She indicated that there were more people in her family they felt could benefit from medical marijuana and they wanted to help them, and others, through this venture. Ms. A. Peckham concluded that both she and her sister, Keeley Peckham, had established backgrounds in health services, with her sister being a horticultural therapist and herself being a pre-med student with an interest in music therapy, before she had determined this business would be a very good fit for them.

Chairman Geraghty called for any questions from the public, but there were none. He advised there was a resolution of support for the Peckham's business venture, *Resolution No. 111*, included in the resolution packet which would be voted on later in the meeting.

Resuming the Agenda review, Chairman Geraghty provided a reporting of the meetings and events he had attended since the last Board Meeting; *a copy of the Chairman's Report is on file with the items distributed at the Board Meeting.* With respect to the Executive 2015-16 State Budget proposal concerning the Upstate Revitalization Account, Chairman Geraghty said there seemed to be a difference in opinions as to how the \$1.5 billion in the Account should be distributed throughout the region. He added that he believed the State Assembly and the Senate were working on different ways to distribute the monies and he had reached out to Senator Little who indicated they were developing an alternative. Chairman Geraghty said he believed the Intercounty Legislative Committee of the Adirondacks would receive more information on this matter at their upcoming meeting scheduled for March 26th.

Moving on, Chairman Geraghty called for reports from Supervisors on the past months meetings or activities.

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Supervisor Girard advised that at their March 3rd meeting the County Facilities Committee had approved proposed Resolution Nos. 103, *Awarding Proposal and Authorizing Agreement with Gross Electric, Inc. for Periodic Electrical Repair, Installation and Upgrade Services for Warren County (WC 7-15)*, 104, *Authorizing the Superintendent of the Department of Public Works to Establish Annually Recurring Premium Parking Procedures and Rates for the Adirondack Hot Air Balloon Festival at the Floyd Bennett Memorial Airport*, 105, *Awarding Proposal and Authorizing Agreement with T.P. Monahan, Inc. for Floyd Bennett Memorial Airport Roof Installation at Two Locations*, and 106, *Authorizing Agreement with Adirondack Hot Air Balloon Festival, Inc. and Authorizing Use of Floyd Bennett Memorial Airport - Warren County, New York for 2015 Adirondack Hot Air Balloon Festival*. With respect to the court space expansion work, Supervisor Girard apprised revisions to the expansion plans had been made by Clark Patterson Lee, *project engineers*, and were submitted to the architects for the New York State Office of Court Administration (NYSOCA) for approval. At Supervisor Girard's request, Paul Dusek, *County Administrator*, explained they were working with the project engineers on the letter required by the NYSOCA outlining certain information including a narrative explaining why the County was expanding the courts, how the project would be managed, an estimate of cost, time frame, etc. Mr. Dusek indicated that this information had to be provided in a specific format identified by the State and they were working with representatives at the NYSOCA who had offered to review the information to ensure it was provided in the correct format to avoid any delays when it was presented for review and approval by the appropriate authorities; he added they hoped this review would still occur within the month of March. Supervisor Girard asked if the NYSOCA architect had approved the revisions to the expansion plans and Mr. Dusek replied he did not know. Concluding his report, Supervisor Girard apprised that Cornell Cooperative Extension (CCE) was offering several sessions of free tax preparation services through their VITA (*Volunteer Income Tax Assistance*) program for qualifying County residents, one of which was being held that morning in the Municipal Center Building; he said that later in the meeting he hoped Dr. James Seeley, *CCE Executive Director*, would be provided the opportunity to make an announcement as to the times and locations of the other tax preparation sessions offered.

Supervisor McDevitt provided an update on the status of the seating of the Warren County Board of Ethics. He advised the process was moving along smoothly but noted there had been somewhat of a delay because it took a certain amount of time to identify candidates, meet with them and allow those candidates to determine if they were able to serve on the Board; he added that in this case, two of the candidates identified had determined they could not serve. Supervisor McDevitt indicated that two candidates for the private sector positions had been selected and had agreed to serve on the Board of Ethics. He identified the candidates as being Dr. Jim Morrissey and Dr. Bill Tedesco, both of whom he said had stellar reputations and had served the community for many years. Supervisor McDevitt noted that Dr. Tedesco had served on the Glens Falls Hospital Board of Ethics for a number of years. He advised they were seeking a third candidate to serve as an alternate member to the Warren County Board of Ethics and while they had identified a candidate, the person had been traveling and was unable to meet with them to discuss the matter. Supervisor McDevitt stated they hoped to have a definitive answer from the candidate by the early part of the following week and he advised Martin Auffredou, *County Attorney*, planned to make a full report on the matter at the April Personnel Committee meeting.

Mr. Auffredou thanked Supervisor McDevitt for his efforts in assisting to identify the members of the Board of Ethics. He explained that the Board must be comprised of three members, two from the private sector and one from the public sector. He said that two candidates had been identified for the public sector position and would serve as the Board Member and designated alternate; Mr. Auffredou identified the candidates as being Gail Seaman, *Thurman Town Board Member*, who would serve as the primary appointee to the Ethics Board, and Edna Wells, *Chester Town Board Member*, who would serve as the alternate. He apprised that he had met with both Ms. Seaman and Ms. Wells, both of whom he

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opined were great people that would do an excellent job. Mr. Auffredou concluded by confirming his intentions to make a presentation on this matter at the April Personnel Committee meeting, following which he anticipated the issue would be referred to the Board of Supervisors to make a final determination.

Supervisor Taylor reported that the Economic Growth & Development Committee had met on March 4th, approving proposed Resolution Nos. 111, *Supporting the Application of Amy, Hillary and Keeley Peckham (Etain) to Obtain One of Five Licenses to be Issued by New York State to Build a Medical Marijuana Operation in the Town of Chester*, and 168, *Introducing Proposed Local Law No. 4 of 2015 and Authorizing Public Hearing Thereon; A Local Law Entitled: "A Local Law Amending Local Law No. 3 of 2011 - Deleting and Replacing SECTION 4 Imposition of Fees for GIS and E-911 Addressing Services Provided by the Warren County Planning Department"*. With regard to proposed Resolution No. 168, Supervisor Taylor commented the Planning & Community Development Department had determined it would be difficult to require changes in addressing for E-911 purposes and then demand that residents pay for the changes; he added that the Planning & Community Development Department had also indicated that the cost of the work required to make the changes would exceed the fee currently charged. Supervisor Taylor apprised during this meeting Ed Bartholomew, *President of the Warren County Economic Development Corporation*, gave a presentation essentially announcing the joint Warren-Washington County Loan Fund which would have a portfolio of about \$500,000, plus additional funds that would be contributed by the Warren County LDC (*Local Development Corporation*). Continuing, Supervisor Taylor reported on the March 11th meeting of the Personnel Committee, advising proposed Resolution Nos. 145, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2015*, 146, *Authorizing the Clerk of the Board of Supervisors to Fill the Vacant Position of Legislative Office Specialist #4 due to Creation*, and 147, *Retaining Temporary Position of GIS Technician*, were approved. Finally, Supervisor Taylor pointed out proposed Resolution No. 100, *Appointing Member of the Counties of Warren and Washington Industrial Development Agency and Civic Development Corporation*, which would appoint Supervisor Simpson to the Warren and Washington Industrial Development Agency and Civic Development Corporation; he noted they would be happy to welcome Supervisor Simpson.

Supervisor Kenny apprised that the Occupancy Tax Coordination Committee had met twice, once on February 20th and again on March 5th. He reported that during the February 20th meeting the primary discussion had been related to relaxing the contract with the Adirondack Civic Center Coalition, Inc. and he advised Mr. Auffredou had provided an explanation of the significant changes to the draft agreement which were subsequently approved by the Committee. Mr. Kenny said that during their March 5th meeting, the Occupancy Tax Coordination Committee had received a report from Mayor Blais, *Village of Lake George*, and had learned that three additional events had been scheduled for the Wood Park Festival Space in 2015. He concluded that the Committee had also discussed a cost sharing arrangement for the expense related to a study on the construction of a stage on the Festival Space, leading them to approve the request and refer same to the Finance Committee for an appropriation from the Occupancy Tax Reserve (*proposed Resolution No. 158, Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget for the Performance Stage Conceptual Planning Study at the Charles R. Wood Park; Amending 2015 Warren County Budget*).

Supervisor Frasier advised the Human Services Committee had met on February 27th, approving several resolutions for the Office for the Aging related to case management and health promotion services, as represented by proposed Resolution Nos. 123-130, all of which were included in the resolution packet.

Supervisor Vanselow reported that the Support Services Committee had met on March 4th, entertaining requests from the Board of Elections, Clerk of the Board and County Attorney, as well as the

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Information Technology and Purchasing Departments. He added that the Committee had subsequently approved proposed Resolution Nos. 131, *Awarding Proposal and Authorizing Agreement with Mailings Made Easy, Inc. for Various Mailing Services in Connection with the Warren County Foreclosure Action (WC 5-15)*, 132, *Authorizing an Agreement with Reverus Corporation for Network Consulting and Programming Services*, 133, *Authorizing the Warren County Purchasing Agent to Register Warren County as a Member of the National Joint Powers Alliance*, and 134, *Adopting the 2015 Purchasing Policy for Warren County*, all of which were included in the resolution packet.

Supervisor Dickinson announced the Criminal Justice Committee met on March 4th, but noted he had been absent from the meeting. He advised the Committee had reviewed and approved requests from Kate Hogan, *District Attorney*, relative to the filling of a vacant Second District Attorney position, as well as to re-adjust salaries based on promotions within her Department. Additionally, Supervisor Dickinson apprised John Wappett, *Public Defender*, had requested a budget amendment to allow the expenditure of 2014 funding provided by the State of New York which was typically spread out over more than one year. He said the Criminal Justice Committee had also received an update from Robert Iusi, *Probation Director*, relative to raising the age of criminality which had included his providing a draft resolution indicating that the County would be supportive of the change if the State were to provide 100% funding for any additional costs incurred as a result of the change; he added that this draft resolution was referred to the Legislative & Rules Committee for consideration. In regards to the March 2nd meeting of the Invasive Species Sub-Committee, Supervisor Dickinson indicated the topics of discussion had included how the \$150,000 allocated to publicly accessible water bodies in Warren County other than Lake George would be distributed, as well as the possibility of extending the pilot program for boat washing in Lake George throughout the Adirondacks. He noted that Supervisor Monroe had been heavily involved in the movement to introduce an Adirondack-wide invasive species prevention program and he invited him to provide more information on those efforts.

Supervisor Monroe advised he and other Supervisors had been involved with the Save Lake George group and had drafted a memorandum of understanding (*MOU*) to show support around the region for invasive species efforts. He said the group approached Governor Cuomo's Office on this matter and had subsequently achieved a \$350,000 funding plan where the local governments and environmental groups would fund half of the amount and the State would provide the rest to further efforts to stop the spread of invasive species in Lake George. Supervisor Monroe stated that a similar process had been started in support of an Adirondack-wide plan, apprising that he and Eric Siy, *Executive Director of the Fund for Lake George*, had worked together to develop the *MOU* for the Adirondack-wide plan; Supervisor Monroe added that this was not meant to be a binding agreement, but rather to indicate everyone agreed aquatic invasive species presented a serious problem which impacted both the economy and the environment. Supervisor Monroe advised the *MOU* had been presented at a meeting with NYSDEC (*New York State Department of Environmental Conservation*) officials and the State Environmental Secretary and the NYSDEC had expressed a clear desire to be involved in the *MOU*, following which certain revisions were made before the document was submitted to the Governor's Office. He noted the *MOU* was submitted prior to the Governor's State of the State Address and although the initiative was not included in the Address, a subsequent press release had indicated an allocation of \$1 million would be provided in furtherance of the Adirondack-wide plan. Supervisor Monroe said the *MOU* had been distributed broadly in connection with the press release and a remarkable group of organizations had signed on, including several towns, villages, state and environmental agencies, as well as the APA, and the NYSDEC. He advised a number of interested people had attended a meeting last week in Ray Brook, NY to discuss the details of the Adirondack-wide plan, which would include buying new boat washing stations and hiring more boat launch stewards for placement throughout the Adirondacks to try and prevent the introduction of new aquatic invasive species and stop the spread of those already in place. Supervisor Monroe said he was encouraged by

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this progress and he noted a number of communities had applied to the New York State Department of State (NYS DOS) and had been awarded funding for the purchase of boat washing stations; he noted the Town of Chester had received funding for placement of a boat washing station at Schroon Lake and four others had been funded for placement in Fulton County and one in St. Lawrence County. Supervisor Monroe concluded that there seemed to be a lot of support for this plan.

Supervisor Dickinson commented that Supervisor Monroe had done an excellent job in furthering this effort; he added that the results were very encouraging and it seemed they were proceeding in the right direction. Supervisor Dickinson noted that the Fund for Lake George had been involved in these proceedings and had generously offered to donate \$50,000, and their moral support, to the effort based on their opinion that it would be easier to protect Lake George if the surrounding lakes were being protected, as well.

Supervisor Merlino reported the Public Works Committee had met on March 2nd, approving proposed Resolution Nos. 135, *Home Rule Request by Warren County for the Enactment of Senate Bill No. S.3501 and Assembly Bill No. A.5297 Entitled "An Act to Amend the Public Authorities Law and the Transportation Law, in Relation to Establishing the Corinth and Warren Railroad Authority and Establishing the Powers and Duties of the Town of Corinth, the County of Warren and Other Municipalities Located Along the Railroad Line"*, 136, *Authorizing a Grant of Easement to the Town of Johnsbury for the Installation and Maintenance of a Septic System for the New Bathroom Facility Located in the Waddell Building Adjacent to the North Creek Railroad Station*, and 137, *Awarding Proposal and Authorizing Agreement with Callanan Industries, Inc. for Cold Milling Services (WC 9-15)*. He also pointed out proposed Resolution No. 169, *Authorizing Acquisition of Property and Payment of Just Compensation to Individual Property Owners for Lane Necessary for the Blair Road over Mill Brook Bridge Replacement Project (PIN 1759.13) in the Town of Horicon; Authorizing Chairman to Execute any and all Necessary Documents*, which was approved through an out-of-Committee request process. Supervisor Merlino questioned whether special action would be needed to waive the Rules of the Board to address this resolution; Joan Sady, *Clerk of the Board*, responded in the negative, advising because the resolution was presented in writing they would not need to waive the Rules of the Board and she added the resolution would be brought to the floor during the reading of resolutions. At Supervisor Merlino's request, Jeffery Tennyson, *Superintendent of Public Works*, explained this was a Federal-aid grant project for which the acquisition of four permanent easements at each corner of the bridge were necessary. He said that in accordance with Federal guidelines, they had undergone an appraisal process for the easements and this was a part of the critical path for offers to be made for the easements. Mr. Tennyson noted that they anticipated the offers would be accepted because the property owners had been agreeable throughout the process. He apprised that once the required easements were acquired, they would proceed to bid the construction work with an anticipated start date early in the upcoming summer.

Continuing his report, Supervisor Merlino stated the Tourism Committee had met on March 5th, approving proposed Resolution No. 97, *Authorizing Agreement with Benchmark Internet Group d/b/a Benchmark Email for a 9-Month Subscription for Email Blast Software for Warren County Tourism*. He advised that at this meeting the Committee had also received presentations from Josiah Brown, *President and Chief Executive Officer of New York Welcomes You, Inc.*, and Tom Connors, *Ad Workshop*, and they had approved the issuance of an RFP (*request for proposals*) for a digital social media manager.

With regard to the February 23rd meeting of the Traffic Safety Board, Supervisor Monroe pointed out proposed Resolution No. 99, *Appointing Members of the Traffic Safety Board*, which would appoint four members to the Traffic Safety Board. Finally, he commented on the current snowmobiling season which he said was coming to an end, with there likely being only one more weekend for snowmobiling before

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the trails were closed. Supervisor Merlino said he had received an interesting report from the County Treasurer indicating that sales tax revenues had increased by 6.2% in January and by 3.2% in February which he believed was contributed to by snowmobiling activities; he added that local business owners had reported some very busy weekends with a lot of business from snowmobilers.

Supervisor Strough mentioned he would be attending the NYSPHSAA (*New York State Public High School Athletic Association*) Boys Basketball Championships at the Glens Falls Civic Center that evening to cheer on the Lake George High School team; he added that on Saturday he planned to attend the Maple Days events in Thurman, beginning with breakfast at Valley Hills Farm, followed by visits to the four largest maple syrup producers in Warren County. Finally, Supervisor Strough stated his support for the proposal presented by the Peckhams to introduce a medical marijuana facility in the Town of Chester.

Supervisor Seeber spoke about the recent Investor's Breakfast event held at SUNY Adirondack where she had the opportunity to learn more about the college and she thanked the other Supervisors who had attended, as well. She said later that day she planned to meet with Dr. Kristine Duffy, *President, SUNY Adirondack*, to talk more about business relating to the Community College Committee with hopes that the Committee would meet, along with their Washington County counterparts, a little more often than they had in the past. Continuing, Supervisor Seeber apprised she had recently returned from a trip to Antigua where the sales tax charged ranged from 20% to 27% and she noted that she had seen a sign in Antigua proclaiming "Welcome to Paradise"; Supervisor Seeber commented that possibly Supervisor Dickinson should consider placing a sign in Lake George welcoming visitors to the "Paradise of the Adirondacks", as although the sun was not as hot in Lake George as it was in Antigua, the sales tax was certainly far lower and she stated she had been glad to return to such a great place as Warren County. Finally, Supervisor Seeber commented on the progress made to introduce equipment in the Board Room to record meetings and post them to YouTube, similar to the way in which the Committee Meetings were broadcast, and she thanked everyone for their support of this effort.

Supervisor Beaty thanked CCE for their efforts in association with the VITA program. He said he had spoken with one of the volunteers offering tax preparation services through the program who indicated that every year he prepared 300 tax returns for Warren County citizens at no charge; Supervisor Beaty added that sometimes the number of volunteers and the efforts they provided to make Warren County special were overlooked. Chairman Geraghty agreed this was a good program and he asked Dr. Seeley to share the scheduling information. Dr. Seeley advised today was the second tax preparation session scheduled to be held at the Municipal Center and he noted the following upcoming sessions: Friday, March 23rd at the Southern Adirondack Independent Living Center; Wednesday, March 25th at the CCE Office; Friday, March 27th at the Queensbury Activity Center; Saturday, March 28th at St. Cecelia's; and Wednesday, April 1st and 8th at CCE Office. He noted that the VITA program offered free services to those residents who were income qualified and he thanked the Board of Supervisors for their support, noting that in 2014 the program had brought back over \$1 million in tax refunds.

Supervisor Wood noted the Public Safety Committee had met on March 2nd, approving proposed Resolution Nos. 119, *Appointing Members of the Warren County Fire Advisory Board for the Office of Emergency Services*, 120, *Approving the Revised Comprehensive Emergency Management Plan for Warren County for Office of Emergency Services*, 121, *Amending Source of Funding in Resolution No. 509 of 2014; Authorizing Agreement with LexisNexis/Matthew Bender (Formerly Known as Lexis Publishing) to Provide a Mandated Law Library System for Inmates at the Warren County Correctional Facility*, and 122, *Authorizing Contract with SimplexGrinnel LP for Internal Obstruction Inspection of the Fire Sprinkler System at the Public Safety Building*, all of which were included in the resolution packet. She drew the Board's attention to proposed Resolution No. 121 which would amend a prior resolution to

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indicate there was no cost to the County for the mandated law library system for inmates at the Warren County Correctional Facility and she commended the Sheriff's Office for finding this savings.

Supervisor Conover reported on the March 11th meeting of the Finance Committee, advising that proposed Resolution Nos. 95, 96 and 153-166 had been approved and were included in the resolution packet. With respect to the March 11th Shared Services Committee meeting, he pointed out proposed Resolution No. 152, *Authorizing Renewal of Agreement with Warren County Society for the Prevention of Cruelty to Animals, Inc.*, recalling that at their February meeting the Board had decided to table a resolution relating to the agreement with the Warren County Society for the Prevention of Cruelty to Animals, Inc. (SPCA) and refer the matter to the Shared Services Committee for review. Supervisor Conover advised the Shared Services Committee had received a terrific presentation by Jim Fitzgerald, *President of the Warren County SPCA, Inc./Animal Control Officer for the Town of Queensbury*, which had been very eye-opening as to the services being provided to Warren County and its municipalities. He cited specific situations where Mr. Fitzgerald, with the support of the Town of Queensbury, had extended his services to assist in the training and outfitting of other animal control officers, such as the Town of Bolton's, and he opined that this situation could lend itself to a unique opportunity for a shared services scenario with the potential to reduce costs and offer better services. Supervisor Conover thanked Supervisor Seeber for initially pointing out that the County may not be providing sufficient funding to the SPCA and requesting that the matter be reviewed.

Returning to action taken by the Finance Committee, Supervisor Conover pointed out proposed Resolution No. 153, *Authorizing Interfund Advance to Westmount Health Facility to Cover Cashflow*, which would extend funding in the amount of \$1.4 million to Westmount Health Facility in anticipation of 2015 IGT (*Intergovernmental Transfer*) funding; he estimated that the County had previously advanced \$1 million to Westmount and this additional advance would bring the cumulative total loaned to \$2.4 million. Supervisor Conover also noted proposed Resolution No. 166, *Authorizing Advance of Funds from the General Fund Unappropriated Surplus in Anticipation of the Warren County Planning & Community Development Department's Receipt of Reimbursement under the Grant Agreement from the Empire State Development Corporation*, which would advance funds to the Towns of Thurman and Bolton in anticipation of grant funds to be provided by the State of New York at some point in the future.

Supervisor Conover provided more information on the March 11th Shared Services Committee meeting, advising the meeting had proven to be both interesting and exciting. He apprised many ideas for saving money and improving efficiencies in government had been discussed including the possibility of the County doing more to help the towns with purchasing as this process was a very time consuming and expensive process for towns that did not have the same expertise the County had. Supervisor Conover stated that they needed to have a coordinated, cooperative plan in place to provide to the State of New York by June 1st; he added that while they would file the plan developed by the June 1st deadline, they planned to expand the plan based on the information received from surveys distributed to the towns, Village of Lake George and City of Glens Falls seeking suggestions for how functions might be consolidated and improved.

Supervisor Monroe advised the Legislative & Rules Committee had held a rather lengthy meeting on March 9th where several issues had been reviewed, including information from NYSAC (*New York State Association of Counties*) relating to a new law signed by Governor Cuomo in November that authorized the sale and use of small fireworks that had been defined as safe "sparkling devices". He noted that those counties interested in allowing such sales and use within their boundaries had to follow a specified procedure to opt-in which included the adoption of a local law. Supervisor Monroe apprised vendors would only be allowed to sell these safe "sparkling devices" around the July 4th and New Years

holidays each year. He continued that after much discussion, the Legislative & Rules Committee had decided to table the issue pending further review by the County Attorney; however, he said, after discussing the matter with Saratoga County officials, the County Attorney had subsequently determined a resolution to introduce the necessary local law and set the public hearing should be forwarded to the Board in light of the relatively short time period in which vendors could obtain and sell these products and because Warren County could use the model of the law considered by Saratoga County to work from.

Mr. Auffredou confirmed that vendors would only be allowed to sell the “sparkling devices” from June 1st to July 5th and December 26th to January 2nd of each year and he noted that a special license had to be procured from the New York State Office of Fire Prevention & Control to do so. He commented that in researching this issue, he had determined it might be a good idea to forward the process as he was unsure how long it would take to obtain the special license and he did not want Warren County to be part of any delay which would inhibit a vendor from selling these devices if the local law was adopted. Mr. Auffredou mentioned that Brian LaFlure, *Fire Coordinator/Director of the Office of Emergency Services*, had stated he had some concerns about this potential local law and would present them at the public hearing. Supervisor Monroe stated he would suggest approval of the proposed local law, as outlined in proposed Resolution No. 167, *Introducing Proposed Local Law No. 3 of 2015 and Authorizing Public Hearing Thereon*, to set the necessary public hearing.

Continuing his report, Supervisor Monroe apprised of a presentation made by Robert Schultz, *Warren County Resident*, concerning his request for support of initiatives to call on the State Legislature to discontinue the implementation of the Common Core State Standards and participation in the PARCCC (*Partnership for Assessment of Readiness for College and Careers Consortium*) in favor of an independent state-based approach to the improvement of the education system in New York, and to amend New York State’s Social Studies Learning Standard No. 5 concerning civics, citizenship and government. He advised a great deal of discussion had been held on this matter, following which the Committee had voted in favor of passing resolutions in support of Mr. Schultz’s positions on both matters; however, he added, the County Attorney had subsequently determined that both resolutions should be held pending further review to obtain opinions from the State Education Department and from school districts. Mr. Auffredou confirmed his position that Mr. Schultz’s resolutions would make some affirmative findings and declarations he was concerned about, essentially indicating that these laws were in violation of other laws or of the Constitution, which led him to determine further research should be performed before any such resolutions were adopted by the Board of Supervisors.

Supervisor Monroe advised the Legislative & Rules Committee had also discussed the General Construction Law which provided the definition of what could be considered as an “Official Newspaper”. He said this issue was initially raised by the editor of *The Chronicle* because the definition provided by the General Construction Law required a newspaper to have a paid circulation, which *The Chronicle* did not have. Supervisor Monroe noted there was a Senate Bill being considered that would seek to modify the definition of an “Official Newspaper” to remove the language requiring a paid circulation; he added that the Legislative & Rules Committee was supportive of this modification and they had approved a resolution to this effect, as represented by proposed Resolution No. 141, *Resolution in Support of State Assembly Bill No. 3558 Regarding Redefinition of Section 60 of the General Construction Law*.

With regard to proposed Resolution No. 142, *Opposing Executive 2015-16 State Budget Proposal Concerning the Upstate Revitalization Account*, Supervisor Monroe apprised Governor Cuomo’s Executive 2015-16 State Budget proposal included the creation of a \$1.5 billion Upstate Revitalization Account which would be distributed based on a competition that there would only be three winners

of. He said the Committee felt it was fairer for these funds to be distributed based upon population, rather than competition, leading them to approve proposed Resolution No. 142 which proposed such changes. Supervisor Monroe advised the Legislative & Rules Committee had also held discussion on possible legislation to introduce mandated reporting and staffing levels for nursing homes as the regulations were not currently in effect; however, he said, they had decided to table this discussion pending the receipt of additional information. He continued that the Legislative & Rules Committee had approved proposed Resolution No. 143, *Opposing Part W of Governor Cuomo's Proposed 2015 Budget*, and he explained that Part W of Governor Cuomo's proposed 2015 Budget would seek to remove some authorities from the local Industrial Development Agencies (IDA) and transfer them to the State. Supervisor Taylor clarified that Part W would add 45 days to the process the IDA undertook to approve requests for sales and mortgage tax exemptions and would remove some authorities from the local IDA groups. He added that the local IDA groups knew the local business communities much better than the State did and the authorities should remain with them.

Resuming his report, Supervisor Monroe also pointed out proposed Resolution No. 144, *Supporting the State's Proposal to Raise the Age of Criminal Responsibility from 16 Years to 18 Years Contingent on 100% Funding Being Provided by New York State*, which stated the County would be in support of an increase in the age of criminal responsibility contingent upon the State providing 100% reimbursement for all associated increases in cost.

Supervisor Sokol entered the meeting at 11:22 a.m.

Supervisor Monroe apprised John Salvador, *Town of Queensbury Resident*, had addressed the Legislative & Rules Committee relative to his request for support of the affirmation of boundary locations between the Towns of Queensbury, Lake George and Bolton fixed by the State Legislatures 1858/59 Act, provided that more creditable evidence was not forthcoming. He said Mr. Salvador had discussed this information with the Real Property Tax Services Director, who agreed with his assessments and the County's tax maps and the GIS system mapping had been amended accordingly. Supervisor Monroe indicated Mr. Salvador would like to see this issue resolved with the Towns of Queensbury, Lake George and Bolton and he had advised of his belief that based on the correct boundary lines between the three towns there was an issue relating to jurisdiction of docks, moorings, and boathouses. He noted that the Legislative & Rules Committee had decided to table discussion on this matter pending review by the County Attorney and discussion with Assemblyman Dan Stec; Supervisor Monroe apprised that since the meeting he had spoken with Assemblyman Stec who indicated he was not inclined to become involved in legislation at the State level for this issue. Mr. Auffredou recommended that for the time being this item be retained as a pending item for discussion at the next Legislative & Rules Committee meeting and he suggested that the County Treasurer and Real Property Tax Services Director be invited to partake in the discussions, as well.

Supervisor Monroe informed the Legislative & Rules Committee had also discussed Assembly Bill A.9650, an act to amend the environmental conservation law in relation to abolishing the Hudson River-Black River Regulating District (HRBRRD) and delegating the powers of the District to the power authority of the State of New York, at the request of Assemblyman Stec. He said he had indicated to the Committee that he would review the matter further with Assemblyman Stec and relay any new information at a future Committee meeting for further discussion. He apprised he had relayed to Assemblyman Stec Warren County's concern that although they were currently paying \$250,000 per year to the HRBRRD, if the powers were delegated to the power authority of the State of New York, they would no longer have local representation, and Assemblyman Stec had agreed with this position.

Continuing, Supervisor Monroe reported on the March 3rd meeting of the Real Property Tax Services

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Committee, advising they had discussed parcels in the Towns of Hague and Warrensburg which had been included in the County's tax foreclosure auction for several years but had not been sold. He stated that because both parcels were of very little value, the suggestion had been made to contact adjoining property owners to determine if the properties could be conveyed at no cost in order to return the parcels to the County tax rolls. Supervisor Monroe apprised that the Committee had been amenable to this suggestion, subsequently approving proposed Resolution Nos. 108, *Deleting Taxes on Town of Hague Tax Map Parcel No. 24.4-1-22*, and 109, *Authorizing Issuance of a Quitclaim Deed to Katharina Schaffranietz for Town of Hague Tax Map Parcel No. 25.1-1-22 and Waiving Warren County's Recording Fees with the Cost of the New York State Filing Fees Being Paid by the Real Property Tax Services Department*. Additionally, he noted that the Real Property Tax Services Committee had approved proposed Resolution No. 110, *Authorizing the Director of Real Property Tax Services to Chargeback to Warren County Municipalities Fifty Percent (50%) of Annual Licensing Fees Charged by New York State*. He added that the Committee had also approved a request for authorization to proceed with Phase II preliminary assessments for environmental testing by Clark Patterson Lee on properties located in the Towns of Hague, Johnsbury and Queensbury and referred same to the Finance Committee to authorize the appropriation of funding for said work from the environmental testing fund reserve; Supervisor Monroe pointed out that the Finance Committee had subsequently approved proposed Resolution No. 157, *Approving Phase II Preliminary Assessments by Clark Patterson Lee on Properties Located in the Town of Hague, Tax Map Parcel No. 25.1-1-8, Town of Johnsbury, Tax Map Parcel No. 133.8-1-27, and Town of Queensbury, Tax Map Parcel No. 302.8-1-2; Appropriating Funds from the Environmental Testing Fund Reserve to the Real Property Tax Services Department; Amending the 2015 Warren County Budget*.

Finally, Supervisor Monroe apprised that the Park Operations & Management Committee had met on March 9th, discussing a request from Mr. Tennyson for authorization to contract with the lowest responsible bidder for the installation of perimeter fencing for the Festival Space at the Charles R. Wood Park. He said the Committee learned that Mayor Blais had scheduled 17 events for the Festival Space during the upcoming summer season, all of which required fencing of some sort. Mr. Tennyson interjected that bids for the fencing installation had been received within the desired budget and a recommendation had been forwarded to the Village of Lake George as part-owner of the park and they were awaiting a response from the Village before a final recommendation would be delivered to the Purchasing Department in order to secure the necessary contract. Supervisor Monroe advised the goal was to have the fencing installed before the summer events started; he also pointed out proposed Resolution No. 139, *Awarding Bid and Authorizing Agreement with Lowest Responsible Bidder for Lake George Environmental Park at the Charles R. Wood Park Contract No. 9 (WC 19-15) - Festival Space Perimeter Fence and Masonry Column Entrance Feature*, which was approved by the Park Operations & Management Committee. Concluding his report, Supervisor Monroe apprised that the construction of the Charles R. Wood Park Restroom Building had been delayed due to the winter weather, but they expected the final construction to be completed by mid-May.

Supervisor Dickinson questioned whether a public hearing was necessary to approve a local law to authorize the sale of sparking devices in Warren County and Supervisor Monroe replied affirmatively. Mr. Auffredou confirmed that the adoption of a local law was necessary to opt into State legislation allowing for such sales, and he noted that the adoption of any local law required the holding of a public hearing. He added that proposed Resolution No. 167, *Introducing Proposed Local Law No. 3 of 2015 and Authorizing Public Hearing Thereon; "A Local Law Allowing for Common, Safe Items to be Excluded from the Dangerous Fireworks Definition as Permitted by New York State Penal Law Section 4105.00(5)(B)"*, would introduce the necessary local law and schedule the required public hearing for the April 17th Board Meeting.

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Supervisor Sokol began his report by apologizing for his tardiness. He advised the Health Services Committee had met on February 27th, approving proposed Resolution Nos. 112-118, all of which pertained to typical business. Additionally, he noted that on March 12th he had participated in an exercise to determine the Public Health Division's ability to carry out mass antibiotic dispensing activities during a real world event. He apprised they had needed 500 people to go through the process within two hours and he believed during the drill they had successfully addressed 487 participants in this time frame, which was a very good result. With respect to the March 16th Health Services Committee meeting, Supervisor Sokol recalled that representatives from Centers Health Care had been in attendance to make a presentation and answer questions from both the Supervisors in attendance, which encompassed most of the Board, and members of the public. He said that although he felt this meeting had gone very well, he was unsure where they stood on the matter, as well as whether the presentation had changed the minds of any Supervisors who had previously been opposed to Centers assuming operation of Westmount Health Facility or those members of the public seeking a permissive referendum. Supervisor Sokol stated that he was nervous about the financial stability of the County as it related to Westmount Health Facility and he questioned what the next step would be.

Supervisor Kenny commented that the presentation made by the Kenneth Rozenberg, *Chief Executive Officer, Centers Health Care*, and his staff was excellent and had answered all relevant questions. He opined it would be appropriate to ask for a show of hands amongst the Board of Supervisors to reflect who was in support of selling Westmount Health Facility to Centers Health Care. Chairman Geraghty called for a show of hands, as suggested by Supervisor Kenny, which indicated that the majority were in support of the Facility's sale to Centers, with Supervisors McDevitt, Vanselow, Beaty and Westcott in opposition. Given this show of support, Chairman Geraghty stated it would be appropriate to send a message to Centers indicating that they should resume their pursuit of a Certificate of Need (CON) from the New York State Department of Health (NYSDOH) to operate the Facility. Supervisor Sokol noted that previous comments from Centers had reflected the NYSDOH CON application cost alone was \$20,000 and therefore Centers did not want to begin the process until they were sure that the sale was going to be completed. Supervisor Monroe added that Mr. Rozenberg had indicated he was not in favor of expending the money to submit the CON application if there was a valid threat of a permissive referendum being required to complete the sale; he clarified that even though there was a show of sufficient support amongst the Board Members, Mr. Rozenberg had expressed he would prefer to delay submitting the CON application until there was some indication as to whether there would be sufficient public support for a permissive referendum.

Supervisor Merlino commented the only concern he had relative to the sale was with the procurement of the CON as delaying the application would only make the entire process more lengthy and might prevent the sale from being finalized. He said he felt the March 16th Health Services meeting was well attended and every question was answered. Supervisor Merlino stated he was still completely supportive of the Facility sale and he noted that given the information provided, it seemed the more highly trained staff would provide an upgrade in the quality of care currently available at Westmount. He added that Centers planned to offer training courses that would increase staff education and allow for some more critical patients that Westmount was not qualified to care for to be cared for at the Facility, which was a boon for Warren County.

Supervisor Seeber noted that they would need to await the results of a petition to determine whether a sufficient number of signatures had been obtained to force a permissive referendum process. Assuming that a sufficient number of signatures were obtained, she questioned whether a special election would need to be held or if they would wait until the general election in November. Supervisor Seeber recalled the Commissioner of the Board of Elections had indicated it would cost about \$40,000 to hold a special election; however, she noted, if they were to wait for the general election an additional

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monthly operation cost would be incurred for Westmount as the 2015 County Budget only included funding for the Facility through May. Mr. Dusek confirmed this was correct and he noted that additional costs of approximately \$165,000 per month would be incurred for Westmount operations beyond the month of May if the Facility was not sold. In answer to Supervisor Seeber's question, Mr. Auffredou advised it would be a decision of the Board of Supervisors as to whether a special election should be held or if the matter would be addressed in the general election. He confirmed it was his understanding, as well, that if a special election were held, it would incur an additional cost of \$40,000 to the County.

Supervisor Beaty questioned what the additional cost to the County would be if the matter was voted on in the general election and Mr. Auffredou responded the point Supervisor Seeber and others were trying to make was that if the matter was delayed until November the County would incur the additional costs for the continued operation of Westmount Health Facility; he added that he was unsure what additional costs would be incurred if this issue was included on the ballot for the November elections. Supervisor Beaty stated it was his assumption there would be not additional cost to the County to include this matter on the ballots for the November election and he asked Mr. Auffredou to find out about this; Mr. Auffredou responded that he would look into this.

Supervisor Seeber stated that while she agreed the cost to include the matter on the November ballots would likely be minimal, her primary concerns related to the extra costs the County would have to assume in order to sustain operations at Westmount for the months of May through November. Additionally, she noted that voter turnout was at times poor for regular elections and she was concerned about how they would educate voters if a special election was held. Supervisor Seeber reiterated that it appeared the County would incur a cost of \$165,000 per month for the months of May through November to operate the Facility; she added that she had been struggling with this information in terms of making a decision and she was sure Centers Health Care faced this dilemma, as well. Supervisor Beaty responded that if the citizens of Warren County desired to seek out and obtain 2,000 signatures to force a permissive referendum, it was not his place, nor any other Supervisor's, to impede the Democratic process and prevent them from doing so; he added that given some of the opinions he had heard, it was his impression that the goal of some was to stop the public from having the right to take these legally permissible steps. Supervisor Seeber countered that no one had made such a statement, nor did anyone want to stop the Democratic process, they just wanted clarification on financial implications.

Supervisor Dickinson commented the point he would like to make was that when a person voted, they needed to have pertinent and accurate information in order to make their decisions. He stated that while a November election might be of little cost, they needed to get to the election which was several months away and in the mean time the County would be carrying a hefty burden. Supervisor Dickinson said that before signing the petition for a permissive referendum, the public needed to keep in mind that an extensive process had been undertaken over the past two years to accept proposals and vet offers for the Westmount sale before selecting Centers; he added that the process had not been rushed or shortened to hasten a sale. Supervisor Dickinson stated the County had already made a commitment to sell Westmount, executing certain contracts, and he hoped those presented with the petition would consider these facts before signing because it would be those signing that would eventually be charged with funding the additional costs associated with maintaining Westmount beyond the month of May at a cost of about \$165,000 per month.

Supervisor Sokol thanked Supervisor Dickinson for his comments, indicating that he had covered much of what he had wanted to say. Supervisor Sokol added that if the decision were left to him, he would lean towards holding a special election because he did not feel the County could sustain the additional

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financial burdens that would be levied if the vote was delayed until the general election. He then questioned what the implications of the vote would be as far as the County was concerned and he noted that if Local Law No. 2 of 2015 (“*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*”) was voted down during the permissive referendum, the Facility could end up being sold at public auction for a much lower price. Mr. Auffredou explained that if a sufficient number of signatures were not secured, or if the petition was flawed, the County would move forward to conclude the Westmount sale to Centers and Centers would begin their process to secure the necessary CON. He commented that Centers was well known by the NYSDOH and well versed in the CON process, as well; he added it had been represented that Centers had never been denied a CON. Mr. Auffredou acknowledged that although the CON process took some time, they were hoping it would not take as much time as some of the CON’s for other facilities had taken. He continued that if a sufficient number of signatures were obtained and it was determined that the petition was not flawed, the law stated a special election could be scheduled for not less than 60 days from the date the petition was submitted. Mr. Auffredou advised the matter could be deferred until the November election, but there would be the additional costs for the operation of Westmount Health Facility to consider. Alternatively, he commented that they could say there was a contingency of the contract that arguably had not been met and the contract would come to a close, allowing the County to consider a couple of options available to them, one of which was under County Law 215(6) and allowed for the sale of County-owned property after sufficient public advertisement to the highest bidder; however, he added, there was no indication of what value would be attained for the Facility. Mr. Auffredou stated they could possibly entertain a second RFP process, but he said that given the present outcome, he could not fathom why the County would desire repeat this process or what proposals they would receive.

Supervisor Sokol stated they had been good about answering questions posed to the Board and they had held meetings where representatives from Centers Health Care had been present to answer questions, as well; he opined the Board had taken every necessary step to move the sale forward over the past two and a half years. He then asked a general question as to how close the public movement was to gaining the necessary 2,000 signatures to force a public referendum on the issue of approving Local Law No. 2 of 2015.

Travis Whitehead, *Town of Queensbury Resident*, estimated that currently, about half of the signatures needed to force the public referendum had been obtained. He stated that they were currently in this situation because of the decisions made by the Board of Supervisors and this was the only time such a process could be undertaken. Mr. Whitehead commented that the Board could have introduced Local Law No. 2 of 2015 earlier in the process, or they could have gone the route Essex County had in commencing a bid process which had ended with Centers Health Care being the highest bidder. He stated that the public had no bearing on how this matter had worked out and he noted this was the first opportunity the public had to do something about this issue; he added the fact that this movement was taking place so far along in the County’s sale process indicated that this possibility had not been considered previously. Mr. Whitehead stated at one point he had heard comments made that this process would be an “easy lift”, but it was turning out not to be the case.

Mr. Whitehead expounded upon allegations made about misinformation, stating this was an interesting topic because the meeting with Centers was supposed to address this issue, but not one instance of the supposed misinformation introduced by himself had been brought up. He commented the reason the matter had not been addressed was most likely because he did not believe there was any misinformation from himself; however, he added, he had just heard a bunch of misinformation at this meeting. For instance, Mr. Whitehead cited statements that continued operations at Westmount beyond

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the month of May would cost the County an additional \$165,000 per month. He noted that these costs had been incurred by the County for many years and if they looked at these figures, they would see that the costs were actually decreasing because expenses were decreasing while reimbursements were increasing. Mr. Whitehead stated it was not as if the Facility had operated at no cost to the County in the past and all of the sudden new costs were being introduced. He opined that the Board of Supervisors was misrepresenting these facts to the public and he did not appreciate such interference during the very narrow period of time allowed to collect the necessary signatures to force a public referendum.

Mr. Dusek stated it was very important to address a couple of points, the first of which was that when this process began in 2012 the strategy employed was well thought out and had included a thoroughly documented process, giving the Board every reason to believe the selected process was the best way to proceed to the eventual sale of Westmount Health Facility. Mr. Dusek said the negotiations with Centers had gone very well and he believed Mr. Rozenberg's attendance at the Health Services Committee meeting held earlier that week to receive and answer questions had put to rest many instances of misinformation being spread about Centers. He commented that Mr. Rozenberg had been very concerned about the things being said about his reputation and his company and he felt Mr. Rozenberg had done a very good job of showing what type of company Centers was, the excellent services they provided and how some people may choose to highlight one or two small items and try to make larger issues out of them in an effort to characterize a company or person by a single matter that was adequately addressed. He added that the show of support for the sale of Westmount to Centers, as evidenced by the show of hands earlier that morning, was reflective of Mr. Rozenberg's efforts to clear the matter.

Mr. Dusek stated what was of concern to him, and what was important to be addressed, were Mr. Whitehead's questions relative to what misinformation he was portraying, as per emails sent to himself and Supervisor Sokol. Mr. Dusek indicated that these issues had not been addressed at Monday's Health Services Committee meeting because that meeting was intended to address concerns relative to Centers Health Care and to allow Mr. Rozenberg to answer those concerns. He said that since Mr. Whitehead wanted the matter to be addressed, he was willing to do so at the current meeting. Mr. Dusek cited that certain "facts" about Westmount Health Facility were being circulated which he said he had not personally viewed except through an email sent by Supervisor Westcott on March 10th; he added that the email included a link to "Facts provided by Travis Whitehead, Queensbury Resident", which when downloaded produced a document entitled "*Westmount Petition FAQ*"; *a copy of the Westmount Petition FAQ document is on file with the meeting minutes*. Mr. Dusek pointed out that this document was being shared through Supervisor Westcott's emails, and possibly by other sources, and he stated that he was concerned with some of the "facts" listed. He proceeded to read the following from the FAQ document:

"Couldn't we be saving over \$450K a year on Westmount if we would just stop paying Siemens based on the findings of the independent engineer that confirmed what local engineers had been saying since 2007?"

"The answer is Yes. Every outside lawyer I have discussed this with feels that this would be the best way to raise the issue with Siemens that the contract between us is fraudulent."

Mr. Dusek said he would defer to Mr. Auffredou as to his opinion on the matter. Mr. Auffredou indicated he was very familiar with the Siemens contract and the cogeneration situation and he opined it would be totally imprudent and ill advised to proceed in the manner described by Mr. Whitehead. Mr. Auffredou pointed out the presence of Attorney J. Lawrence Paltrowitz who was more qualified to speak on the matter as the County's selected special counsel for this matter. Mr. Paltrowitz confirmed

his law firm was engaged as special counsel in connection with potential litigation against Siemens. He noted his firm had undertaken an extensive amount of work through the County Attorney's Office, as well as to perform an independent analysis, and it was his firm's position that it would be imprudent at this point to stop making payments on the Siemens contract. Mr. Paltrowitz confirmed that his firm had discussed their proposed strategy with Mr. Auffredou and he pointed out that because this was a potential litigation matter it was inappropriate to be discussed publicly; however, he added, the strategy could be discussed in a more private setting. He reiterated that terminating the agreement with Siemens would not be in the County's best interest at this time.

Supervisor McDevitt stated that a discussion should be held relative to what was occurring with the Siemens contract and he said he would accept Mr. Paltrowitz's offer to discuss the matter privately because he felt it was very important that the Board understand what was going on. He commented that the Board was grasping at straws today because of what appeared to be a very serious concern relating to the County's nursing home. Supervisor McDevitt stated he would make the contention that during the entire process, the Board had failed to intelligently and aggressively address the Siemens issue and as a result, the Siemens issue became a major component in the negotiations and terms of the nursing home sale. He commented that they were "putting the cart before the horse" here and they needed to take the position that when Westmount was sold, Siemens had to be involved in the equation. Supervisor McDevitt opined the failure of the Board to address the Siemens issue before encouraging, supporting and progressing the sale of Westmount, had put them in the situation they were now facing. He concluded that he would encourage Mr. Paltrowitz to provide the Board with more information as to the strategy his firm had developed in relation to this matter because the Board did not know much about it.

Mr. Paltrowitz indicated his firm was also engaged to serve as special counsel for the negotiation of the Westmount sale and he recalled they had previously reported the contract took into account the co-generation facility and its associated lease. He added his firm had included provisions in the contract which would completely protect the County from the standpoint of successful claims against Siemens, as well as to reserve all rights for the County to proceed independent from the Centers contract. Mr. Paltrowitz indicated that by doing this, the County would be protected regardless of what occurred, because the exposure regarding the co-generation facility was extremely limited, only pertaining to actual acts the County had engaged in up to this point. He commented that he did not believe this was a situation where the County had put the "cart before the horse", but rather that they were proceeding down two different avenues simultaneously, in both of which the County was protected.

Supervisor Conover noted Mike Swan, *County Treasurer*, had recently sent out an email expressing concerns about Westmount which he asked Mr. Swan to expound upon. Mr. Swan stated there seemed to be some confusion about how the finances between Westmount and the County worked. He explained it took about \$9 million per year to run Westmount and he advised that Westmount only received revenues of \$8.5 million, the County would have to provide the remaining \$500,000 to cover the loss; however, Mr. Swan continued, if \$9.5 million in revenues were received, the additional \$500,000 was retained by Westmount as a surplus that rolled over into the next year. With respect to IGT monies, Mr. Swan advised Westmount kept whatever amount of funding was received to cover their expenses, while the County had to pay 50% of the IGT amount received using monies from the tax levy. He cited that in the case of the \$1.9 million in IGT funds recently received, Westmount retained the entire \$1.9 million and the County had to fund half of the amount from the tax levy to cover the 50% match.

Supervisor Conover noted that the 2015 County Budget only provided funding for Westmount operations for a certain number of months and if the operations had to be extended through the end

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of the year, the County would essentially have to embrace a \$9 million operation because Westmount received its revenues in various manners and at different times. He advised at some point an accounting procedure was done to compare revenues against expenses and determine a net operating figure; he added that the Facility had historically operated at a deficit which was typically written off with any IGT monies held as a receivable to be received at some point in the future. Supervisor Conover indicated that if the operations continued beyond a certain date, it seemed the challenge would not simply be cash flow, but also the fact that the County would essentially be bankrolling operations totaling about \$4.5 million to \$5 million through the end of the year while awaiting receipt of revenues. Mr. Swan advised this was a correct assessment of the situation. Supervisor Conover stated this was another piece of financial information that should be considered and he said he felt everyone should share in these facts and consider them appropriately. Additionally, he noted that if the County retained ownership of Westmount through 2016, they would be tasked with providing the same financial assistance for the entire year.

Mr. Swan noted Westmount's revenues were received on a sporadic basis which required them to consistently borrow funds from the County to maintain operations; he added this meant when IGT funds were received they typically had to be given to the County in repayment of previously borrowed funds, so they were not available to assist with the Facility's cash flow needs. Additionally, Mr. Swan advised that when money had to be loaned to Westmount, it restricted the amount of funding available to the County to support their own cash flow needs.

Returning to the Westmount Petition FAQ document, Mr. Dusek read aloud the following aloud:

"Westmount has always been run at a loss and that loss is baked into our tax rate."

Mr. Dusek asked Mr. Swan if this was a correct statement and Mr. Swan replied in the negative, explaining that Westmount operations were only budgeted through the end of May 2015 and the County could not change the 2015 Budget or the tax rate adopted. Mr. Swan clarified there was no funding included in the 2015 County Budget to sustain Westmount operations for the months of June through December, 2015. Mr. Dusek noted that projected losses of \$165,000 per month were being indicated for Westmount operations beyond the month of May and he asked Mr. Swan to confirm, once again, that the current budget, and tax rate, would not cover these losses; Mr. Swan stated this was correct.

Mr. Dusek then read the following from the Westmount Petition FAQ document:

"Will our taxes go up if we do not sell to "Centers"? (ie. We keep and operate the nursing home until we find a better operator than "Centers")"

"The answer here is also NO, even through you heard numbers like a "2.5 to 3.8% tax hike" thrown about at the BOS meeting."

When asked to comment on this statement, Mr. Swan stated he stood by his projections that with the way things were right now, the County could have a 2%-3%, or even higher, tax increase for 2016. Mr. Dusek pointed out that the Westmount Petition FAQ document indicated *"...the expected tax rate should DECREASE by 2% to 3%"* and Mr. Swan responded there was no way that the tax rate could decrease because, as he had just explained, any surplus generated at Westmount stayed with Westmount while the County was responsible for funding the 50% match for any IGT funds received. Mr. Swan indicated that although in the past the County had absorbed some of these deficits using monies from the Unappropriated Surplus Fund, they no longer had sufficient monies available to do so; therefore, he added, these costs had to be funded through the tax levy.

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Mr. Dusek apprised the Westmount Petition FAQ document indicated that “...*Westmount Comptroller Betsy Henkel says the expenditures have been CUT by \$300K per year going forward...*” and he noted this statement of “fact” was especially important because Supervisor Beaty had relied upon this information during the meeting on Monday. He noted that Betsy Henkel, *Westmount Comptroller*, was in attendance and he had asked her to comment on this “fact”. Ms. Henkel advised this was not accurate and she indicated this was a one-time savings associated with a combination of savings in contract agency service costs, which she anticipated they would need again in the future as the Westmount sale neared, as well as in personnel salaries through programs initiated which were aimed at retaining personnel by paying salaries at a five-year base, rather than a one-year base. She added that while there had been some position eliminations, they had replaced them with higher paying staff. Ms. Henkel indicated she did not foresee these as being recurring savings, nor did she recall making any statement that they would be. Mr. Dusek pointed out that this was a statement included in Mr. Whitehead’s FAQ document and he asked Ms. Henkel if she was absolutely sure she had not said this; Ms. Henkel replied she and Mr. Whitehead had spoken over the phone and she had explained how the savings had been obtained, but she had not indicated they would be recurring.

Mr. Dusek stated he believed he had adequately demonstrated how some of the information included in the Westmount Petition FAQ document was inaccurate and he noted that the meeting held on Monday had addressed, and cleared up, some of the misinformation circulating about Centers, as well. Mr. Whitehead indicated that he believed nothing of the kind and he stated that this all boiled down to the fact that in October of 2014, the Board had decided to fund Westmount only through the month of May 2015, at which point they had not introduced the resolution passed in February which was now being challenged and could not become effective for at least 45 days after adoption (*Local Law No. 2 of 2015*). He commented that the Board had not even adopted Local Law No. 2 of 2015 until February 20, 2015, but had budgeted for Westmount operations with the anticipation that the process would be completed by the end of May, which was absolutely impossible.

Mr. Dusek requested the Chairman make a point of order, advising Mr. Whitehead’s comments were supposed to be related to the misinformation he had provided in the Westmount Petition FAQ document, as previously cited, and not to address other matters. Mr. Whitehead indicated his comments were in response and Chairman Geraghty said he would allow Mr. Whitehead to continue.

Mr. Whitehead stated the matter of whether or not Westmount would incur a deficit to the County was directly related to the budgeting practices used. He commented that Westmount had always operated at a cost to the County, and while they might challenge that in some years a profit was reflected when double IGT payments were received, in others years there were no IGT payments received; Mr. Whitehead maintained that the Facility had always lost money in the long run because it was providing a service to residents of Warren County.

Chairman Geraghty asked Mr. Whitehead to restrict his comments to responses to the misinformation cited and Mr. Whitehead stated it appeared there were two lawyers on staff attempting to limit what he would be allowed to say. He opined the point was that the County had only budgeted through May 31st which was totally unrealistic given that other Counties, such as Essex, Washington, Fulton and Ontario Counties, had taken more than a year to complete their sale procedures.

Mr. Swan asked Mr. Whitehead to explain how he could project a decrease in taxes related to the retention of Westmount Health Facility and he challenged Mr. Whitehead to produce this information in a spreadsheet form. Mr. Swan indicated that the spreadsheet would need to show a decrease in expenses by at least \$1 million to reflect the 2%-3% decrease Mr. Whitehead had indicated in his FAQ document. He stated that if Mr. Whitehead was able to produce a valid document of this nature to

demonstrate and convince him that such a savings was possible, he would be one of the first to ask the Board to refrain from selling the Facility. Mr. Whitehead responded that when he had written the FAQ document he had been indicating that the Siemens contract was causing a loss of \$450,000 per year and it could either be stopped, or it would expire on its own in two years. Mr. Swan questioned where the remaining savings would come from to achieve the total \$1 million savings. With regards to the \$300,000 he had estimated in ongoing savings, Mr. Whitehead indicated he had received this figure initially from two Supervisors following discussions with Ms. Henkel and he had then called Ms. Henkel to confirm the figure personally. He said he was unsure where the misunderstanding had occurred but it had been his initial understanding that \$300,000 in ongoing savings had been achieved through reductions in contracts and agency staff. Additionally, Mr. Whitehead cited an increase in the recent IGT payments from \$1.4 million to \$2.4 million and he noted there were a lot of things working in favor of the economics at Westmount. Mr. Swan pointed out that the IGT monies received remained with Westmount and there was no way the IGT funds could be used to assist or reduce the County Budget or the tax rate. Mr. Whitehead acknowledged he was aware of this fact, but noted that these funds were used to fund expenses, such as employee retirements. He also pointed out proposed Resolution No. 153, *Authorizing Interfund Advance to Westmount Health Facility to Cover Cash Flow*, which would transfer \$1.4 million to Westmount for cashflow needs through the May/June timeline.

Chairman Geraghty questioned whether Mr. Whitehead had any further comments to make with respect to the inaccuracies pointed out in his FAQ document and Mr. Whitehead maintained that he stood by the information he had provided and there was nothing he would retract.

Supervisor Westcott acknowledged he had circulated Mr. Whitehead's information on two occasions, and he had also distributed the County's information and clippings from the local press, including an editorial from *The Post Star*, which criticized himself and Supervisor Beaty quite vehemently. He added that he would next send a link to the video of the meeting with Centers Health Care for the benefit of those unable to attend, and he said that with the County Attorney's permission, he would also send an email clarifying the status of the public referendum; Mr. Auffredou advised he had no objection to this, and he said if there were any questions or need for further explanations he would be glad to provide them. Supervisor Westcott indicated he would include Mr. Auffredou's contact information in the email and would forward it to Mr. Auffredou before circulating it to ensure he was comfortable with what was being presented. Supervisor Westcott stated he had taken it upon himself, as others had as well, to do the best job he could to inform the electorate of what was taking place in a fair and balanced way, and he felt he had done that in this situation. With regard to Mr. Whitehead's presentation, Supervisor Westcott commented that everyone had sat quietly and politely through Mr. Dusek's rebuttal of the information distributed by Mr. Whitehead and he asked that they all do the same for Mr. Whitehead's presentations in the future. He concluded that they should all hear the information being offered for consideration and then let the public make their own conclusions.

Resuming the Agenda review, privilege of the floor was extended to Mr. Dusek for the County Administrator's Report. Mr. Dusek apprised the Shared Services Committee would meet again on April 3rd where they would receive a presentation concerning a consolidation of purchasing efforts for Warren County to include all towns and potentially the fire districts and other entities. He said this consolidated plan was being considered as part of the effort to comply with the State's mandated efficiency plan which required such measures to be identified by June 1st. Mr. Dusek advised this did not mean that the towns had to participate, nor did it preclude them from submitting their own efficiency plans and then still participating in the consolidated program; he added that they were still working to determine what components would be included in the consolidated purchasing initiative. He indicated there were a lot of options available and the towns would not be bound to any facet. Mr. Dusek apprised a purchasing agent from another county would be making the presentation in

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coordination with Julie Butler, *Warren County Purchasing Agent*, in order to describe the positive benefits that county had experienced and the monetary savings achieved. He said he would encourage all Board members to attend and he noted his Office would continue to review other opportunities for shared services practices to be implemented. Mr. Dusek advised he had sent emails to Supervisors asking questions about various practices to determine where shared services might be helpful and he would continue to send these short emails in the future to keep gathering this type of information.

Continuing, Mr. Dusek spoke about the camera equipment that had been quickly installed to record and broadcast the Health Services Committee meeting held in the Board Room earlier that week. He noted that Mike Colvin, *Information Technology Director*, had been able to use leftover security cameras to monitor the Board Room in four different sections, resulting in a quad-screen appearance for viewing. Mr. Dusek advised that although the camera equipment had been tested prior to the Health Services Committee meeting, two of the cameras had failed to record, and that was why the resulting video only reflected two of the four screens. He further advised that the recording equipment had been tested again that morning, and the video of the current meeting should show four screens. That said, Mr. Dusek indicated they also desired to test the recording using one camera to capture as much of the room as possible in order to determine whether it was more valuable to have four small views, or one larger view, as well as to determine the difference in processing time as the current four screen method was somewhat time consuming for staff to manage. Additionally, Mr. Dusek advised they could consider using a staff member to man a video camera to record the Board meeting; however, he noted, this would incur an additional cost. He concluded that test recordings would be run and the various options available would be presented to the Support Services Committee at their next meeting in order to make a decision on the matter.

Supervisor Brock apprised there were voice activated cameras that could be used to record meetings and Mr. Dusek advised he would mention this possibility to Mr. Colvin for further research.

Continuing to the report by the County Attorney, Mr. Auffredou advised he had nothing to report.

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

Minutes from:

1. Warren/Washington Counties Industrial Development Agency and its Executive/Park and Nominating Committees;

Monthly Report from:

1. Probation;

National Grid, semi-annual PCB report and listing of major gas emergency contacts;

Capital District Regional Off-Track Betting Corp., January 2015 surcharge in the amount of \$4,581;

Attorney H. Wayne Judge, copy of City of Glens Falls IDA Real Property Tax Exemption Application and PILOT agreement for 70 Warren, LLC and 13 Chester Street, LLC; and

NYS Office of Parks, Recreation & Historic Preservation, advising of list of Queensbury Quaker Burying Grounds on National Register of Historic Places.

Supervisor Westcott exited the meeting at 12:22 p.m.

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Continuing to the reading of resolutions, Mrs. Sady announced proposed Resolution Nos. 95-168 were mailed and she noted proposed Resolution Nos. 95, 132 and 168 were amended after mailing. She advised a motion was needed to approve proposed Resolution Nos. 95, 132 and 168, as amended. The necessary motion was made by Supervisor Merlino, seconded by Supervisor Vanselow and carried unanimously.

Mrs. Sady stated a motion was needed to bring proposed Resolution No. 169 to the floor. The motion was made by Supervisor Dickinson, seconded by Supervisor Merlino and carried unanimously.

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

Supervisor Monroe pointed out proposed Resolution No. 102, *Authorizing Warren County to Participate in the Memorandum of Understanding Among Public and Private Organizations Regarding Aquatic Invasive Species Prevention in the Adirondack Region*, indicating he had failed to mention it during his report.

Supervisor Girard requested a roll call vote be taken for proposed Resolution No. 140, *Authorizing Reimbursement to the Village of Lake George for Turf Management Expenses at the Festival Space at the Charles R. Wood Park*. He explained that the resolution pertained to payment for services provided by Turf Management Co., which was a company owned by his brother, and he wished to abstain from the vote.

Supervisor Seeber stated that while she was sure it would not be a popular topic, she was very uncomfortable with the decorum in terms of the question and answer portion of the meeting. She apprised she taught college classes and was aware of other Board Members who were teachers and had taught their students, as well as their own children, to be respectful and raise their hands when desiring to speak. Supervisor Seeber said while she meant no disrespect to Mr. Whitehead, she had noted that when Mr. Swan was standing at the podium addressing the Board he had been forced away from the podium which made her very uncomfortable. She noted that at a recent Legislative & Rules Committee meeting they had discussed setting time limits for public speaking at meetings, as well as the number of times an individual would be allowed to speak, and she hoped this Committee would also consider discussing decorum and waiting for speakers to sit down before they were pushed away from the podium. Supervisor Seeber indicated she liked Mr. Whitehead, but felt this was unacceptable behavior and she reiterated her desire for the Legislative & Rules Committee to consider this issue in an attempt to set rules and provide guidance in these situations. Supervisor Monroe acknowledged the Legislative & Rules Committee had discussed setting rules of conduct for public speakers at both Board and Committee meetings and they were working with the County Attorney's Office to further these rules. He commented that having such directives in place made sense and would provide clear guidance for anyone wishing to speak.

Mr. Whitehead addressed the Board, advising his comments were with respect to proposed Resolution No. 153, *Authorizing Interfund Transfer to Westmount Healthy Facility to Cover Cash Flow*. He commented that back in October when the Board decided the Westmount operations would only be financed through May 31st, a comment had been made by Mr. Dusek at the October 11th Budget Committee meeting that "*if we fund past May 31st this will cause a steep increase in the levy*". Mr. Whitehead contended that they were right up against the levy and they had to take money from something to meet the "magic 1.56% number"; unfortunately, he stated, they had decided to underfund Westmount and he opined there was no way the Facility sale would ever close before May 31, 2015. Mr. Whitehead noted two resolutions had been required to further the sale, the second of which was only

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approved on February 20th, and he further noted that in every other county, the final closing had taken at least one year. He continued that the Board had made the decision to underfund Westmount operations for 2015 at a meeting held in October, knowing it would take at least a year for the sale to close, based on the statements made by Mr. Dusek that if they did otherwise it would affect the levy.

Mr. Whitehead recalled that at the March 11th Finance Committee meeting, Mr. Swan had made a statement that he had \$500,000 cash on hand, but he had just received a \$600,000 bill from the New York State Retirement system and Westmount required another \$500,000 to support cash flow needs through the May/June 2015 time frame. He deduced that given these figures, about \$1.1 million was needed to support the Facility; however, he added, Mr. Swan was requesting to lend \$1.4 million to Westmount with the idea that although they may not need all the funds, it was better to be on the safe side. Mr. Whitehead questioned whether the \$600,000 bill was anticipated and he asked why the Board would allow the budget to be zeroed out in anticipation of a May 31st closing, when that closing could never have happened so quickly and knowing that they would be receiving a \$600,000 bill from the State. He also noted that regardless of whether the Facility was sold, the County would continue to have to pay retirement costs and he opined that when the Facility was sold, these costs would likely increase because there were some who would probably elect to take early retirement. Mr. Whitehead stated that these costs would eventually go down once the privatization took place. He apprised he was in favor of privatization and he said that while many might think he preferred for the County to retain ownership of Westmount, this was not the case because he felt the County did a miserable job of managing things like this. That said, Mr. Whitehead stated he was not in favor of Centers Health Care taking ownership of the Facility. He concluded he was unsure why a \$1.4 million loan was necessary as all of these problems should have been apparent to the County; he added, it seemed this process was nothing more than a manipulation of the tax cap, therefore, he was opposed to proposed Resolution No. 153.

Supervisor Thomas, speaking as Budget Officer, advised the County could have increased their levy by up to 3.63% and still been beneath the 2% tax cap for 2015. Supervisor Thomas said he was unsure what Mr. Whitehead meant to imply with his comments relative to the 1.56% increase.

In response to Mr. Whitehead's comments that the Westmount sale would never have concluded by the projected May 31st closing date, Mr. Dusek stated that this plan had been carefully and thoroughly reviewed for Westmount, and until last month, they had been advised that although aggressive, the May 31st closing date was still possible. He said they had felt that if anyone could pull off such a quick closing, Centers could do it because they were so well known. Mr. Dusek stated this was just another case of Mr. Whitehead making statements that were not backed up by any evidence. Mr. Whitehead noted it had taken 20 months for the Essex County closing to be completed.

Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 95-169 were approved, as presented.

Next, Chairman Geraghty called for announcements and he noted that the New York State Boys Basketball Tournament would commence that day at the Glens Falls Civic Center. He advised three teams from the capital region would be playing, one of which was Lake George High School. Chairman Geraghty stated it was very important to support the Tournament because it was so vital to the City of Glens Falls and the County. Additionally, he advised that on Saturday, March 28th at 10:00 a.m. a Community Preparedness Meeting would be held at Heritage Hall (*in the Glens Falls Civic Center*); he noted that this meeting was scheduled by Governor Cuomo's Office and he hoped everyone would be able to attend.

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There being no more announcements, Chairman Geraghty offered privilege of the floor to any members of the public wishing to address the Board.

John Salvador, *Town of Queensbury Resident*, requested clarification as to the membership of the Warren County Board of Ethics. Mr. Auffredou explained there were two public officials willing to serve in either the primary or alternate positions for the governmental Board of Ethics seat and there were two citizens willing to fill the two non-governmental Board of Ethics seats; he added that they were also seeking a third citizen to serve as an alternate non-governmental member. Mr. Salvador questioned why they would not proceed to seat the Board using the members identified for the three-person Board of Ethics and then seek an alternate member. Mr. Auffredou advised this was their plan; however, he explained, they were governed by an established process which required these matters to be presented at a Committee meeting for review and possibly the subsequent approval of a resolution that would be considered by the Board of Supervisors for enactment. He further explained their intention was to address this matter at the April Personnel Committee meeting with the subsequent resolution to be acted upon at the April 17th Board Meeting.

Mr. Salvador thanked Supervisor Monroe for his report on the last Legislative & Rules Committee meeting concerning the subject of town boundaries. He said that in addition to the two pieces of evidence already provided with respect to the correct town boundaries being in accordance with the 1858 Statutes, *those being maps provided by the Warren County Real Property Tax Services Department and the Warren County Planning & Community Development Office*, he had identified a third piece of evidence in the form of a map from the United States Department of Commerce Bureau of the Census, which he would offer to anyone wishing to see it. Mr. Salvador apprised this map was in complete accordance with the 1858 Statute. He said that as the Board dwelled on the statement of affirmation with respect to certain Warren County town boundaries, not to be forgotten was the fact that as the Washington County Towns of Fort Ann and Dresden bordered Warren County's Town of Bolton, then too was the border common to the Counties of Warren and Washington also in error. Mr. Salvador indicated that a municipal boundary said to be along the shore, or even to the shore, of any lake must be considered a nebulous definition at best; he added that since 1858, as the development of littoral lakeside began to encroach on the State's lake (*Lake George*), it had become necessary to survey and map the bounds of the public's ownership of the lands and waters of Lake George. Mr. Salvador said the NYSDEC's predecessor Conservation Department undertook the subject mapping in the period between 1958 and 1964. He apprised the outcome of the Conservation Department mappings was the fixing of the Lake's mean low water mark, now cast pursuant to Paragraph 4 of Chapter 160 of the Legislative Session's Laws of 1964 at 1.81' on the Roger's Rock gauge. Mr. Salvador continued that this elevation, equivalent to 317.74' above mean sea level, was the demarcation between public and private land. He said that a few years later the NYSDEC promulgated Part 608 of the State's Official Compilation of Codes, Rules and Regulations defining the mean high water level of Lake George and this was followed by the adoption of Subdivision 3 of Section 806 of the State's Executive Law, better known as the APA Act, which defined the absolute meaning of the mean high water mark of Lake George. Mr. Salvador stated that today, all local government planning and zoning matters referenced the mean high water mark of 320.2' above mean sea level. He said that if, in fact, the Board of Supervisors eventually reaffirmed the town boundaries to be along the east shore, meaning that the waters of Lake George remained foreign to the Towns of Queensbury, Fort Ann and Dresden, then the simplest approach to establishing a meaningful boundary would be to call the mean high water line of 320.2' above mean sea level the east side town boundary, as well as the County boundary. Mr. Salvador apprised that this had already been statutorily established by regulation, meaning that the County did not have to invent the location, and it would be very easy to determine where the 320.2' mark was next month when the water level of Lake George would rise to the mean water level and could be marked as such.

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Supervisor Dickinson thanked Mr. Salvador for his comments, noting that he often had a good point to make if one had the patience to listen. He added that Mr. Salvador was absolutely correct in his assertions that the town boundaries were incorrectly listed and thanks to his efforts, they were being corrected. Supervisor Strough countered that after a fairly thorough vetting, the Town of Queensbury had assumed the position that the boundary lines were not the shore lines, but rather the lines as marked in most official maps.

There being nothing further to discuss, on motion made by Supervisor Dickinson and seconded by Supervisor Wood, Chairman Geraghty adjourned the Board Meeting at 12:45 p.m.