

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, JULY 17, 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 Kenny.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Brock, Kenny, Frasier, Simpson, Vanselow, Dickinson, Merlino, Seeber, Sokol, Beaty, Thomas, Wood and Geraghty - 18; Supervisors Monroe, Strough and Westcott Absent - 3.

Motion was made by Supervisor Sokol, seconded by Supervisor Girard and carried unanimously to approve the minutes of the June 19, 2015 Board Meeting, subject to correction by the Clerk of the Board.

Supervisor Monroe entered the meeting at 10:02 a.m.

Commencing the Agenda review, Chairman Geraghty declared the Public Hearing open on proposed Local Law No. 6 of 2015, entitled "A Local Law Amending the Warren County Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws 2003)" at 10:01 a.m. and he asked Amanda Allen, Clerk of the Board, to read aloud the Notice of Public Hearing, which she proceeded to do. Chairman Geraghty called for public comment on proposed Local Law No. 6 of 2015.

Supervisor Kenny advised the purpose of the proposed Local Law was to amend the Warren County Occupancy Tax to allow for the collection of occupancy tax from remarketers such as Travelocity and Expedia.com. He said since the law would not go into effect until September 1st of this year, the County had the rest of this month and all of August to provide notification regarding the applicable law to all the room remarketers, of which there were about 60 different companies. He noted Amy Bartlett, *First Assistant County Attorney*, was in attendance to answer any questions.

Chairman Geraghty questioned whether Saratoga County had a similar law in place and Mr. Kenny replied affirmatively. Supervisor McDevitt asked whether any of the room remarketers had expressed opposition or concern in regards to the proposed Local Law and Ms. Bartlett responded that she was not aware of any opposition and Supervisor Kenny concurred.

Chairman Geraghty indicated that the Public Hearing would remain open; he then declared the Public Hearing open on the proposed Tentative Budget for SUNY Adirondack (*formerly known as Adirondack Community College*) for fiscal year 2015-16 at 10:04 a.m. and he requested the Clerk of the Board to read the Notice of Public Hearing aloud. Following the reading of the Notice of Public Hearing by Mrs. Allen, Chairman Geraghty offered privilege of the floor to any member of the public wishing to speak on the proposed Tentative Budget for SUNY Adirondack. Their being no one wishing to speak on the matter, Chairman Geraghty announced that the Public Hearings would be left open through the reading of the communications.

Resuming the Agenda review, Chairman Geraghty extended privilege of the floor to Robert Schulz, *Town of Queensbury Resident*, who wished to address the Board with respect to what he perceived to be a lack of proper civic education in the public school system, as well as with regard to the State and public school's participation in the PARCC (*Partnership for Assessment of Readiness for College and Careers*) Consortium for the Common Core Standards assessment and the unconstitutionality of it. He proceeded to read aloud a letter from himself dated July 16th, which had previously been emailed to the members of the Board of Supervisors, and hard copies of which were distributed; *a copy of Mr. Schulz's letter is on file with the items distributed at the Board Meeting*. He stated that during a meeting held earlier in the week, he had reminded Chairman Geraghty of the Board's previous adoption of Resolution No. 226 of 2015, "*Resolution Supporting Legislation to Repeal the New York Secure Ammunition and Firearms Enforcement Act of 2013*", which was forwarded on to the State Legislature. He noted the following excerpts from the resolution: "*whereas the lawful ownership of firearms is a recreational benefit to our residents through hunting and target shooting, along with an economic and environmental benefit to our region with several locally owned and operated gun/sporting businesses*" and "*whereas the NY SAFE Act of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor, will have a detrimental effect on hunters, sportsmen, and legal gun owners, creating an unfavorable environment both for them and for the sale and manufacture of legal firearms*". Mr. Schulz then pointed out that lawful education was a civic benefit to the residents of New York State; he added that the absence of legally mandated civic education and the State's participation in an unconstitutional multi-state assessment consortium that was based upon the Common Core Standards severely and adversely impacted the civic lives of the residents of Warren County in terms of their ability to defend their liberties, rights and freedoms. He apprised he had pointed out to Chairman Geraghty that the County was a creature of the State, as all municipalities were created by the State; therefore, he opined, Warren County was essentially an extension of the State. He continued that another point he had made to Chairman Geraghty was that if people did not pay their school taxes, the County paid them to provide security and protection to the schools and therefore, he felt it was certainly within their purview to adopt these two non-binding resolutions and to forward them on to Albany for their consideration. Mr. Schulz thanked the Board members for their time and advised he would be happy to answer any questions they may have.

Chairman Geraghty asked Supervisor Monroe to comment on the matter as the Chairman of the Legislative & Rules Committee where this issue had been discussed at length in multiple meetings. Supervisor Monroe confirmed the Legislative & Rules Committee had held a considerable amount of discussion on the matters introduced by Mr. Schulz, even though they did not fall directly within the County's jurisdiction. He said he understood Mr. Schulz's arguments regarding the matters; however, he noted, he felt it was a judgement call whether the County should take a position on them. He apprised of the County Attorney's conclusion that the subject matter was not within the County's jurisdiction, as they could not directly take action to influence educational standards. He concurred with this opinion; however, he acknowledged, in the past the County had taken a position on other issues outside of their jurisdiction, such as in relation to the SAFE Act of 2013, as mentioned by Mr. Schulz. He stated he was aware of criticism from other Supervisors directed at the County becoming involved in issues outside their regulatory jurisdiction, but maintained his opinion that the Board would need to make a judgement call as to whether they acted upon the matters brought before them by Mr. Schulz. He mentioned that at a previous meeting, the Legislative & Rules Committee had initially been in favor of moving forward in support of the two resolutions proposed by Mr. Schulz; however, he added, they had refrained from doing so based upon a recommendation from Martin Auffredou, *County Attorney*, that the correct course of action would be to first seek input from the parties directly impacted by the proposed resolutions, such as the local school administrators, the State Board of Regents, etc. He advised letters seeking such input had been sent by Mr. Auffredou, but as of yet no

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responses had been received to these inquiries. He reiterated his opinion that it was up to the Board of Supervisors to make a judgement call as to whether they became involved in issues such as this or not.

Chairman Geraghty commented he believed the position clearly stated by Mr. Schulz today was slightly different than what was discussed at previous Legislative & Rules Committee Meetings. He opined that the matter warranted further discussion and he suggested referring the matter back to the Legislative & Rules Committee to consider it once again. He said he did not believe Mr. Schulz was requesting that they change what the State did, but rather to go on record in stating that the Board of Supervisors did not believe some of the steps taken in regards to Common Core Standards were in line with what was stated in the Constitution.

Mr. Schulz reported at a prior Legislative & Rules Committee Meeting, Mr. Auffredou had stated that he had forwarded the resolutions he proposed to the State Education Commissioner, the State Board of Regents, the Legislature and every school district in the County for their input. He continued, Mr. Auffredou had indicated he had given the recipients 45 days to respond. He mentioned after 90 days he had inquired whether Mr. Auffredou had garnered any responses to which Mr. Auffredou replied in the negative. With respect to Mr. Auffredou and his Office, Mr. Schulz said he felt Mr. Auffredou was capable of reviewing the facts stated in the two resolutions to determine whether the provisions of the Constitution and the State Education Law were cited accurately. He apprised he had appeared before the Fort Ann Town Board on Monday, July 13th to ensure they were aware that these were non-binding resolutions and to confirm that he had accurately stated and quoted the law they were bound to support. In response to request for such affirmation, he stated, the Town Board asked Jeff Meyer, *Legal Counsel for the Town of Fort Ann*, to comment on whether the resolutions he proposed were non-binding, as well as whether the provisions of the law were cited accurately, and Mr. Meyer had confirmed such was the case in both instances. He noted that this was the best response he had received to date, as there had been no response from anyone else.

Mr. Schulz stated the final point he would like to make was that the members of the Board of Supervisors subscribed to an Oath of Office wherein they swore to uphold the Constitution, *a copy of which he had included as Exhibit B in his handout*; however, he stated, they had before them specific examples of violations of the U.S. Constitution and Constitutional Statutes here in New York. He apprised he felt the Board members needed to look to their Oaths to determine what they meant, as he had provided examples. He said he would argue there was an abundance of other unconstitutional activities taking place that the Board members may not be aware of, but in this case they had been presented with specific facts of violations of the rule of law from the U.S. Constitution on down. He reported the Board members were “duty bound” to support the United States Constitution, as this was the Oath they had taken. He thanked the Board members once again for their time.

Chairman Geraghty once again called for any comments on either of the Public Hearings, and there being none, he declared them both closed at 10:19 a.m.

Continuing with the Agenda review, Chairman Geraghty called for recognition of graduates of the Warren County Safety Certification Program. Amy Clute, *Self-Insurance Administrator*, advised that she was the Safety Officer for the County and the Program was administered through the County’s Workers’ Compensation Plan. She noted this was the fourth graduation ceremony for the Program which had commenced a few years ago. She explained in order to complete the Safety Certification Program, participants must complete three core credits and three elective credits, for a total of six credits. She added today they would recognize several employees who completed the program during the last year. She said she was happy to report they had 11 graduates; however, she stated, due to their work

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schedules the majority of them could not attend today's meeting. She reported that there were Program graduates from the Towns of Chester, Bolton, Johnsbury, Warrensburg and Hague along with the City of Glens Falls and SUNY Adirondack. She noted one member of the Board of Supervisors was very close to graduating from the Program, as well. She recognized the Warren County DPW, as they had 27 employees from their department to date who had completed the Program. She mentioned the Towns that were participating in the Program recognized the value of it. She noted to her knowledge the Warren County DPW had not had a lost work time injuries so far this year for workers' compensation, as compared to the hundreds of lost workdays they had just a few years ago. She stated training would commence again in September and she encouraged anyone interested in participating to contact her.

Although she had been unable to attend today's meeting, Ms. Clute recognized Chief Michelle Arnold, *Glens Falls Police Department*, for graduating from the Safety Program, as she was the first Police Chief to do so. She advised she would give Supervisor Monroe the certificates for Mindy Conway and John West, who were employees from the Town of Chester to present to them in honor of their Safety Program completion. She stated that Jeffery Tennyson, *Warren County Superintendent of Public Works*, was in attendance to receive his certificate. She noted they would be presenting Kevin Hajos, *Warren County Deputy Superintendent of Public Works*, and Warren County Public Works employees Dennis Daly, Tod Beadnell, Greg Bolton, Mike Morehouse, Brian Gereau and Maja Scroggins with their certificates at the annual DPW Safety Training Day in August.

Ms. Clute and Mike Needham, *of Needham Risk Management*, then proceeded to present Mr. Tennyson with a Certificate of Completion for the Safety Program. A round of applause followed.

Mr. Tennyson advised with the assistance of Ms. Clute and Needham Risk Management there had been a cultural change within the Warren County DPW regarding safety over the last few years. He mentioned they had developed a good working relationship in every area, as they were consistently reviewing their safety programs and procedures to make improvements. He commended the efforts of his employees in making these improvements and he noted that crew members routinely rotated onto the DPW Safety Committee.

Chairman Geraghty mentioned he had previously been employed by a manufacturing facility and asserted that every accident was preventable. He added that employees served as the biggest advocates for safety measures and he noted that the safety practices learned at work were traditionally used both on the job and at home, as well. He apprised he had begun advocating for the institution of some type of safety training for employees when he first took Office ten years ago because of the demonstrated need for it. He commented he was pleased with the improvements that had been made and commended Ms. Clute and Mr. Needham for their efforts. Another round of applause followed.

Moving on, Chairman Geraghty announced he would forego his report for this month as he had neglected to bring it to the meeting with him. *Note: Subsequent to the Meeting, Chairman Geraghty submitted his written report, a copy of which is on file with the Items Distributed at the Board Meeting.*

Chairman Geraghty then called for reports from Supervisors on the past month's meetings or activities.

Supervisor Kenny advised the Occupancy Tax Coordination Committee met on June 29th to receive an update from Elizabeth Mahoney, *Board Member for the Adirondack Civic Center Coalition (ACCC)*, with respect to the ACCC's efforts thus far, as well as those for the future. He reported the new Civic Center website developed by Mannix Marketing would be launched within the next few weeks and he noted occupancy tax monies had been used to fund this work. He announced that Jeff Mead was recently hired as the new Civic Center Facilities Manager; Supervisor Kenny apprised that when he was President

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of the Union for the Post Office, Mr. Meads's father had served as the Secretary/Treasurer. Finally, he encouraged the Board to support proposed Resolution No. 368 of 2015, *To Enact Local Law No. 6 of 2015*, concerning the collection of occupancy tax from room remarketers, which would go into effect September 1, 2015.

Supervisor Frasier began her report by thanking Supervisor Sokol for Chairing the June 26th Human Services Committee Meeting in her absence. She advised that during this meeting proposed Resolution No. 345, *Authorizing the Director of the Office for the Aging to Accept the Appropriation for Direct Care Workers Program Funding, and Authorizing the Chairman of the Board of Supervisors to Execute the Certification Attesting that the Funding Received will be Used Solely for the Purpose of Supporting Salary and Salary Related Fringe Benefit Increases for Direct Care Workers*, was approved for the Office for the Aging, as well as a budget amendment for the Employment & Training Administration (ETA) which was reflected in proposed Resolution No. 340, *Amending Warren County Budget for 2015 for Various Departments within Warren County*. She apprised that Chris Hunsinger, *Director of the ETA*, had indicated that Sharon Sano, *ETA Senior Counselor*, was busy preparing for the upcoming Youth Summer Employment Program, for which they had received 68 applications. She stated that the number of participants had decreased since last year and they were hoping every applicant attended the orientation.

Supervisor Simpson acknowledged that in his absence Supervisor Wood had filled in as Chairman for the last meeting of the Social Services Committee, held on June 26th, and he thanked her for doing so. He reported that during this meeting proposed Resolution Nos. 347, *Authorizing an Agreement with Mahoney Notify Plus, Inc. to Provide Semi-Annual Testing, Monitoring and Inspection of Fire Alarm and Security Alarm at Countryside Adult Home and to Inspect the "K" Rated Fire Extinguisher*, 348, *Authorizing Agreements between Warren County and the Towns of Warren County Including the City of Glens Falls for Reimbursement of a Portion of the Costs for Youth Development Programs*, and 349, *Authorizing the Chairman of the Board of Supervisors and the Warren County Treasurer to Submit Application for Youth Program Funds from New York State Office of Children & Family Services as outlined in the 2015 Resource Allocation Package*, were approved.

Supervisor Vanselow stated that he too had been absent for the last meeting of the Committee he Chaired and he thanked Supervisor McDevitt for running the July 1st Support Services Committee Meeting in his place. He advised this meeting had included the review of a very light agenda for the Information Technology Department, consisting of a travel request and a request to appropriate funds from the Computer Reserve, both of which were approved. He added there had also been a brief discussion regarding placement of the security cameras.

Supervisor Dickinson advised the Criminal Justice Committee had last met on May 26th, approving proposed Resolution No. 291, *Authorizing Extension Agreement with the New York State Office of Indigent Legal Services*, and 292, *Authorizing Agreement with Walter J. Lashway for Group Addictive Thinking Sessions for Warren County DWI Offenders*, as well as requests to fill the vacant First, Second, Third and Fourth Assistant Public Defender positions due to promotion. (*Note: Resolution Nos. 291 and 292 were adopted at the June 19th Board Meeting.*) Supervisor Dickinson commented he felt it was prudent to mention that he had attended a meeting of the Supreme Court Library Board of Trustees, where an update was provided on how the temporary measures planned for the Court Space Expansion Project would impact the Supreme Court Library. He reported the issue with finding space for the tremendous volume of books had been solved by relocating some of them in the temporary space set aside in the HSB (*Human Services Building*) for a temporary Law Library and placing the remainder in storage. He added it was determined the best placement for the research computer terminals would be in the Court wing in order to ensure they were readily available for any attorneys needing to use

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them. Concluding his report, Supervisor Dickinson noted a recent home invasion that had taken place in the Town of Lake George, the victim of which was an elderly resident and prominent member of the community who had previously served as Justice of the Peace for the Town of Lake George for many years. He acknowledged and commended the Warren County Sheriff's Office and the New York State Police for their prompt response and accomplishments in solving the case and arresting the perpetrators in less than 24 hours.

Supervisor Merlino stated that the Public Works Committee had met on June 29th, approving proposed Resolution Nos. 352, *Authorizing Renewal of Agreements with the City of Glens Falls and South Warren Snowmobile Club, Inc. Providing for the Licensing of Use of Trails Owned by the City of Glens Falls and Trail Development and Maintenance*, 353, *Authorizing Renewal of Snowmobile Trail License with Lyme Adirondack Timberlands I, LLC for Snowmobile Trail System Located in the Town of Hague*, 354, *Authorizing Execution of Snowmobile Trail License Agreements with Lyme Adirondack Timberlands II, LLC for Snowmobile Trail System Located in the Town of Lake Luzerne*, and 355, *Authorizing a Licensing Agreement with Patrick Eldridge to Set Up The Dog & Pup Hot Dog Cart on County Owned Right-of-Way Near Exit 24 Off I-87 (Northway)*. Supervisor Merlino advised that the Tourism Committee had not met during the month of July; however, he noted, he had conducted several meetings with the staff. He requested that everyone attend the Tourism Committee Meeting scheduled for July 30th, as he and the staff had made some decisions regarding how to move forward with promoting Tourism in Warren County. He remarked that Trampoline Design, LLC was doing an exceptional job advertising for the County; he explained that they planned on representing each Town and had registered the County on social media platforms. He apprised a full report on their activities would be provided by Trampoline Design, LLC at the July 30th Tourism Committee Meeting. He noted the County had already accrued 1,300 new followers on Facebook and 100 new followers on Twitter due to their marketing efforts. He encouraged everyone to visit the Tourism Office, as they had removed the curtains and changed the make up of the office so that it was more open and inviting to visitors.

Supervisor Merlino apprised of an issue the Town of Lake Luzerne had with trees and brush that had been felled along a quarter-mile stretch of New York State Route 9 during a winter storm which was causing an eyesore. He advised after several attempts to get in touch with the NYSDOT (*New York State Department of Transportation*) about this issue over a six week period which garnered no response, the Town of Lake Luzerne had decided to hire a private contractor to take care of the clean up. He continued that he had recently hosted a meeting at his Town Office between himself, Chairman Geraghty, Mr. Tennyson and NYSDOT representatives to discuss the condition of State highways, the mowing of the roadsides and the conditions of guardrails. He said during this meeting they had been informed the NYSDOT had only one fence mending crew that covered a five County area to repair the guardrails that were knocked down by trucks and accidents; therefore, he stated, he was unsure when they would be making the necessary repairs in Warren County. He added they had also learned the NYSDOT policy for mowing along State highways required the grass be at least four feet high before any mowing would take place, which meant that generally, they would mow the grass once in the spring and once in the fall. He pointed out at the time the meeting was held, which was well into the month of July, the NYSDOT had still not done any mowing work this year; he acknowledged that some mowing had been done earlier that week, but it was far from sufficient. He advised he had presented the NYSDOT representatives with a bill for the clean up costs incurred by the Town of Lake Luzerne for the work done along State Route 9 in Lake Luzerne; however, he informed, he was unsure whether reimbursement would be provided.

Concluding his report, Supervisor Merlino questioned whether Warren County had ever considered allowing residents to make payments on their property taxes twice a year, rather than once per year. He apprised he had discussed this with several seniors from his Town and who indicted that since they

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lived on a fixed income it was a hardship for them to have to come up with the total amount due all at once. He said one of the seniors he spoke to indicated she typically set money aside every month to pay her taxes, but sometimes unforeseen expenses arose that required her to dip into the funds saved to pay for emergency repairs since she had no other source of funding to use. He pointed out it was difficult enough for seniors living on fixed incomes to come up with the total amount due at one time, let alone to make up any funding they used to pay for emergency expenses. He commented he was unsure whether it was feasible to allow installment payments for property taxes to be made, but suggested this option may be worthy of consideration.

Supervisor Seeber thanked everyone for their consideration of proposed Resolution No. 366, *Adopting and Approving Adirondack Community College Budget*. Next, Supervisor Seeber noted she thoroughly enjoyed participating in the Warren County Safety Certification Program and said she hoped to obtain her Certificate of Completion and green hard hat by the end of the year. She encouraged other Supervisors to enroll in the classes, which had provided her an opportunity to learn how diligently the County's department heads and employees were working. Supervisor Seeber reported at the last meeting of the Intercounty Legislative Committee of the Adirondacks she had been impressed to learn about a program related to the USA Luge Headquarters and Training Center in Lake Placid, New York which had been developed to identify talented youths between the ages of 8 and 13. She continued, one incentive of the program was that representatives would travel to any interested town and set up a luge site offering children within the identified age range to try the sport in a safe area within the community. She apprised this assisted them to identify youths that responded well to the luge, who they would then invite to their facility in Lake Placid for more training. She noted their intent was to find the next generation of luge Olympic gold medalists from New York State. She indicated following this meeting she had the opportunity to reach out to one local organization and another from a neighboring County in an attempt to implement this free program. She commented she was pleased to have the opportunity to possibly bring this program to the region, as it provided the opportunity to meet a former Olympic gold medalist or coach from that arena. She encouraged anyone interested in bringing this free scouting program to their community to contact her for more information. Finally, Ms. Seeber mentioned since she would be unable to attend the August 21st Board Meeting she felt it was prudent for her to mention she was pleased that Supervisor Dickinson had included her in the Governor's Whitewater Challenge. Jokingly, she warned everyone should be aware that whatever Supervisor Dickinson reported about her and the Challenge was simply not true, as she was sure he would have a comically embellished story to tell involving her experience. She commented she was positive the event would be both fun and rewarding.

Supervisor Sokol reported that the Health Services Committee had not met since the last Board Meeting; however, he pointed out proposed Resolution No. 356, *Authorizing Agreement with Emily Russom to Provide Occupational Therapy Services for the Health Services Department*, which had been approved through an out-of-Committee request process.

Supervisor Thomas stated he had nothing to report, but would like to call attention to proposed Resolution No. 367, *Authorizing the Transfer of Funds from Contingent Fund to the Warren County Soil & Water Conservation District to Fund a Portion of the Cost to Purchase a New Truck; Amending 2015 Warren County Budget*. He explained that the Warren County Soil & Water Conservation District would be contributing \$10,000 of their own funding towards the cost of the truck to enable replacement of an older model truck and he requested the Board's support of this resolution.

Supervisor Wood advised the Public Safety Committee had last met on June 29th, approving proposed Resolution Nos. 341-344. She said she had the privilege of filling in as Chairman of the County Facilities Committee for Supervisor Girard, wherein proposed Resolution No. 346, *Authorizing Extension and/or*

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Further Agreements with Constellation Energy Services of New York, Inc. as Preferred Electrical Supplier Through the Municipal Electric & Gas Alliance (MEGA) and Ratifying the Actions of the Chairman of the Board of Supervisors in Executing the Extension Agreements, was approved. She explained this meant the County was locking in an electrical rate for 33 months; therefore, she stated, some savings would be realized. In closing, Supervisor Wood expressed that she and her family had truly appreciated the gestures of sympathy from both the Board of Supervisors and staff in relation to their recent loss.

Supervisor Conover reported that the Finance Committee had met on June 8th, approving proposed Resolution Nos. 339, 340 and 361-367, all of which were included in the resolution packet. With respect to proposed Resolution No. 367, *Authorizing the Transfer of Funds from Contingent Fund to the Warren County Soil & Water Conservation District to Fund a Portion of the Cost to Purchase a New Truck; Amending 2015 Warren County Budget*, he noted that although the Finance Committee had initially approved a transfer from the County's Vehicle Reserve, subsequent to the meeting it was determined such allocation was not appropriate and should instead be made from the Contingent Fund; therefore he stated, proposed Resolution No. 367 had been written to reflect same. Supervisor Conover indicated that proposed Resolution Nos. 361, *Increasing Capital Project No. H350.9550 280 Court Space Expansion; Authorizing Transfer of Funds and Amending Warren County Budget for 2015*, and 362, *Authorizing Clark Patterson Lee to Commence Task 4A, Development of Temporary Family Courtroom Plans and Specifications*, related to the costs association with the temporary measures necessary to house the new Family Court Judge, and the respective support staff, in January of 2016. Finally, Supervisor Conover apprised the Finance Committee had also approved a request from the Warren County Soil & Water Conservation District for \$109,000 to support the purchase a vacuum excavator, with all funds to be reimbursed through the NYSDEC Water Quality Improvement Grant received by the District; however, he noted, the matter was under review by the County Attorney and would most likely be addressed at the August 21st Board Meeting.

Supervisor Monroe apprised that the Real Property Tax Services Committee had held their last meeting on June 30th, during which they handled some routine business, including the approval of a list of chargebacks and refunds from the County Treasurer's Office. He said they had also discussed Town of Warrensburg Tax Map Parcel No. 211.13-3-35, which had been used as a garage and as an oil company in the past, and the possibility of soil contamination that had stalled the foreclosure process for this property. He advised the Committee authorized the County Attorney to file an application with the Supreme Court for Temporary Incidents of Ownership, as well as an appropriation of \$2,000 from the Environmental Testing Reserve Fund to Budget Code A.1355 470 (*Real Property Tax Service Agency, Contract*) to fund the Phase I environmental testing work on the parcel, as referenced in proposed Resolution No. 350.

Supervisor Monroe apprised that the Adirondack-Wide Invasive Species Prevention Program was currently underway, with ten of the twelve new decontamination facilities operating. He stated it was anticipated that the remaining two sites would be operational by the end of the month. He noted the fourteen new steward locations were operating, as well. He commented the need for the program was evidenced by the fact that the wash station in the Town of Chester on Loon Lake continued to find boats and trailers arriving that had been contaminated by milfoil, which was what they were trying to eradicate from the Lake. He added they also came upon many boats with standing water which could contain small bodied organisms such as asian clams, zebra mussels, etc. He noted all forms of aquatic invasive species had the potential to dramatically decline the water quality. He pointed out the first two boats that went through the new boat wash station on Schroon Lake, which was jointly funded by the Towns of Chester, Horicon and Schroon, were contaminated. He advised that studies conducted by other States had demonstrated the enormous impact invasive species had on lake front property values, and would also have a significant impact on Warren County. He continued, if the lake front property

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values were to decrease substantially due to the presence of invasive species in Warren County waterbodies, the County would have to reduce the assessments on the property which would result in a tax increase across the board for all residents. He mentioned he believed it was necessary to revisit discussions regrading implementing a County-wide program for aquatic invasive species prevention. He reminded the Board that these discussions had stalled last year in light of the significant costs of the proposals received in response to the RFP (*Request for Proposal*) for such a program. He suggested reviewing whether the State-wide program would assist with protecting the waterways within the County or whether additional efforts on the County's part was necessary.

Supervisor Girard thanked Supervisor Wood for filling in for him as Chairman at the June 30th meeting the County Facilities Committee; he advised that due to a family commitment, he had been unable to attend the meeting. In regards to the solar project for the Cornell Cooperative Extension/Countryside Adult Home Buildings, Supervisor Girard said subsequent to the Committee Meeting it was determined that the fixed rates achieved through the contract with Constellation Energy Services of New York, Inc. were less than what had been proposed by the solar companies they received responses from. He stated they had requested an interpretation as to whether these rates would be applicable to the meters at the Cornell Cooperative Extension/Countryside Adult Home Buildings, and if this was determined to be the case, then they would either include them in the contract or use this as a bargaining token in their negotiations with the solar companies.

With regard to the Court Space Expansion Project, Supervisor Girard reported that Clark Patterson Lee was doing their due diligence to gather all the data necessary to move forward with the design phase of the Project. He stated since the hazard assessment on the Supreme Court came back with a report of no hazards they were able to proceed into the next step. He indicated upon his request Clark Patterson Lee would be presenting a report to the County Facilities Committee once they completed the collection and compilation of data for the Project. He reminded the Board that all the steps taken by Clark Patterson Lee required approval from the NYSOCA (*New York State Office of Court Administration*) before the County could move forward with them. He acknowledged the efforts of Paul Dusek, *County Administrator*, and Supreme Court Judge David Krogmann, in taking the steps necessary to ensure the Project moved forward without any unnecessary delays due to lack of the required approval from the NYSOCA. He commented he was pleased with how quickly the Project was moving forward.

Supervisor McDevitt apprised that he had attended a meeting yesterday of the Warren/Washington County's Community Services Board, at which the Budgets for 2016 were presented. He mentioned the budget was relatively flat as compared to last years. He commented he believed this organization had served as a safety net for individuals from the community who struggled with emotional and/or drug or alcohol related issues.

Supervisor Taylor reported on the July 8th Meeting of the Personnel Committee, apprising that during this meeting proposed Resolution Nos. 257-360 were approved. He mentioned proposed Resolution No. 360, *Approving the Sick Leave Donation Policy for Non-Bargaining Employees of Warren County*, was welcomed by the Non-Bargaining employees of the County, as it allowed them the ability to donate some of their accrued sick time to fellow employees who have exhausted all of their sick leave benefits.

Supervisor Merlino indicated that during his report he had neglected to thank Michael Consuelo, *Executive Director, Lake George Regional Chamber of Commerce & CVB*, for coordinating with the Tourism Department on the travel shows attended by each organization to ensure their efforts were not duplicated. He advised the Tourism Department would be meeting with the Lake George Regional Chamber of Commerce & CVB and the Lake George Business Association prior to the next Tourism Committee meeting to obtain some input from them regarding tourism.

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Chairman Geraghty advised that he had attended the Common Ground Alliance Meeting in Long Lake, NY with Supervisors Simpson and Monroe on July 15th. He explained the Alliance was an Adirondack Park-wide initiative that started several years ago and brought together a number of the environmental groups and communities. He said the session they had attended pertained to what made a community viable within the Adirondack Park. He advised at this meeting he had pointed out that it was necessary to have a tax base in order to support the trails, arts, etc. He remarked he was taken aback by how they touted the invasive species program in New York State when Supervisor Monroe and the Board had taken on the initiative long before a State-wide program was ever considered. He commented he was pleased with the information he received at the meeting and looked forward to attending future meetings with the group. Supervisor Monroe interjected a benefit of attending this meeting was that they had a captive audience with several officials from the State present, including the Lieutenant Governor and the Environmental Secretary. He noted he also had the opportunity to discuss the issues with the Middletown Bridge at the meeting.

Chairman Geraghty recognized Margaret Savage, *of the Department of Social Services*, and Lexie Delurey, *Director of Real Property Tax Services*, for providing the County with 20 years of service and Mike Swan, *County Treasurer*, for 25 years of Service to the County. A round of applause followed.

Supervisor Brock announced that msn.com had listed Lake George as the #1 lake in all of New York State. He commented he felt this reflected well on the efforts of the County, as the article would have been viewed by individuals all across the Country. He also pointed out that the Towns of Lake George, Bolton and Queensbury made up the bulk of the tax base in Warren County due to their lakefront properties.

Privilege of the floor was extended to Mr. Dusek to provide the report by the County Administrator. Mr. Dusek apprised he was pleased to report that due to market conditions the electricity rate they were originally quoted by Constellation Energy Services of New York, Inc. at the time of the County Facilities Committee Meeting had decreased even further, as reflected in proposed Resolution No. 346. He noted this would translate into a substantial savings when comparing this years budget to what would be budgeted for electricity in 2016.

Chairman Geraghty then called for the report by the County Attorney and Amy Bartlett, *First Assistant County Attorney*, advised she had nothing to report.

Resuming the Agenda review, Chairman Geraghty called for the reading of communications , which Mrs. Allen read aloud, as follows:

Minutes from:

1. May 12, 2015 meeting of the Warren/Washington Counties Industrial Development Agency and its Executive/Park and Nominating Committees;
2. May 12, 2015 meeting of the Warren/Washington Counties Civic Development Corporation;
3. May 18, 2015 meeting of the Warren/Washington Counties Industrial Development Agency;
4. May 18, 2015 meeting of the Warren/Washington Counties Civic Development Corporation; and
5. June 25, 2015 meeting of the Intercounty Legislative Committee of the Adirondacks.

Monthly Report from:

1. Probation

Financial Reports/Correspondence from:

1. Pro Act Warren County Discount Card Utilization Report for the months of January 2014- June 2015.

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Capital District Regional Off-Track Betting Corp., May 2015 surcharge in the amount of \$7,460; and

Letter from the New York State Department of Public Service concerning Case 14-C-0370 in the matter of a study on the state of telecommunications in New York State and announcing the information sessions and Public Statement Hearings for same which was emailed to all members of the Board of Supervisors earlier in the week.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 339-368 were mailed; she advised there were no additional resolutions or corrections to be brought to the floor.

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

Supervisor Seeber requested a roll call vote on proposed Resolution No. 346, *Authorizing Extension and/or Further Agreements with Constellation Energy Services of New York, Inc. as Preferred Electrical Supplier Through the Municipal Electric & Gas Alliance (MEGA) and Ratifying the Actions of the Chairman of the Board of Supervisors in Executing the Extension Agreements*. She stated she felt it was pertinent for her to explain why she would be voting in opposition of this resolution even though she had heard some very positive remarks about the contract in today's meeting. She mentioned she understood why no prior notification or information was provided to the County Facilities Committee at their June 30th Meeting before they voted on the matter; however, she noted, there were nine members of the Board who were not charged with managing the daily operation of a Town and she felt it was important for the entire Board to have a thorough understanding of what was being voted on. She credited Mr. Dusek with providing her the information regarding the contract immediately following the Committee Meeting but said she had also reviewed a 20 page document with different questions and complaints regarding Constellation Energy Services of New York, Inc. She commented she understood her voting in opposition to the resolution would have no impact on the contract, as she was aware that it had already been executed by the Chairman and the proposed resolution called for ratification of these actions. She reiterated she would be voting in opposition to the resolution today, as she did not feel a period of 2.5 weeks was a sufficient amount of time for her to have a thorough understanding of the contract and be provided with the answers to her questions. She stated her issue was more with the process in which the resolution had handled, as she was not comfortable with it.

Chairman Geraghty called for any public comment on resolutions, and there being none, the voting on resolutions commenced, following which Resolution Nos. 339-368 were approved, as presented.

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

Travis Whitehead, *Town of Queensbury Resident*, advised he would like to briefly discuss Resolution No. 346. He stated he had no issue with the contract; however, he said, he felt it was necessary for him to emphasize it was apparent that the rates quoted for solar power were very similar to the rates the County was currently paying. He mentioned it had been obvious to him from the time the County began discussing the possibility of utilizing solar power over a year ago that the process had been very veiled. He pointed out the County had expended a tremendous amount of funding on the process, the most notable of which was the for costs associated with the work Clark Patterson Lee had completed. He added he was aware that several Committee members had devoted their time to the process, as well. He commented he believed if the County had reviewed the issue more broadly and openly a year ago it would have been determined that the amount of savings generated would not have been sufficient

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to make pursuing the initiative worthwhile. He pointed out Washington County had decided not to move forward with a solar project. He noted that Daniel Shaw, *Member of the Washington County Board of Supervisors*, was quoted as stating "I once shot a pig in the head twice and he wouldn't die" and he questioned what it would take to quash this idea. He remarked this was the kind of common sense that was required to address some of these issues before funding was expended in an attempt to make projections on where electric rates were headed. He stated there were certain factions of the Federal Government whose sole responsibility was to attempt to predict these rates and even they would not provide a prediction for further than two years into the future. He said their best prediction was that it would be about the same as the rate of inflation. He pointed out energy rates had not changed much since they bottomed out in 2012 and he commented he was pleased that the rates provided to the County were low. He apprised from the few emails that had been forwarded to him from the solar companies it appeared they were trying to project that over the next 20 years electrical rates would increase 3% a year, which meant if the County switched to solar power they would realize a substantial amount of savings; however, he noted they were not taking into account the inflation rate. He commented the entire process had been handled poorly and was costing the County a substantial amount of money. He suggested the Board think this through before putting too much more time, effort and money into the process as County funds were used to pay Clark Patterson Lee for their work in relation to this issue.

Supervisor Dickinson requested that the discussion on the legalization of safe sparking devices in Warren County at the next Legislative & Rules Committee Meeting, as he had received a number of complaints from his constituents regarding this matter. Supervisor Monroe interjected that as Chairman of the Legislative & Rules Committee he had already requested that this be included on the Agenda for the next Committee Meeting. He stated that when the Local Law legalizing the sale of safe sparking devices in Warren County was passed he believed they all understood that it would be a pilot program. He continued, now that they had experience from the July 4th Holiday, he felt it was necessary to revisit the discussion to determine whether the Law should be made more restrictive or possibly repealed altogether. Supervisor Dickinson requested that Robert Blais, *Mayor for the Village of Lake George*, be provided notification regarding the date of the meeting, as he had openly expressed his desire for the Law to be repealed.

Frank Dietrich, *Representing the Warren County Lodging Association*, thanked Supervisors Dickinson and Merlino for spending some time with the Lodging Association. He mentioned the Lodging Association was looking forward to working together with the County on tourism and the actions considered going forward. He explained the Lodging Association consisted of a group of hoteliers that represented about 80% of the occupancy tax funding collected in the County; he added that their membership was continuing to grow. He commented he appreciated that Mr. Dusek, as well as some of the other Supervisors, had taken time to meet with the members of the Lodging Association; he added that he welcomed meeting with any Supervisors who wished to learn what it was like to operate a business in Warren County from a hoteliers perspective, as well as to discuss from an occupancy tax/tourism perspective what could be done moving forward to improve tourism to the benefit of the County and its residents. He asked whether an Occupancy Tax Committee Meeting would be scheduled in July and Supervisor Kenny replied in the negative. He thanked the Board for their time and advised the Lodging Association would welcome a meeting with them anytime they wished.

Supervisor Seeber inquired whether it would be possible to have a collection of the letters that were received regarding the legalization of safe sparking devices in Warren County entered into the record for the Legislative & Rules Committee Meeting, as she was aware many of the Supervisors had received feedback from the public regarding the matter. She reported she had received complaints from Veteran's in the community that suffered from PTSD (*Post Traumatic Stress Disorder*), as well as pet

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owners whose animals were under duress due to the noise associated with these devices. She mentioned she believed the Committee Meeting provided a good forum for them to review some of the letters from people in the region as well as tourists. Mrs. Allen advised she would ensure they were collected for presentation at the Meeting.

Fred Austin, *of the Fort William Henry Resort*, advised the Fort William Henry had placed a number of signs around their facility stating that no fireworks were allowed. He noted they had confronted an individual who was lighting off a sparking device within the vicinity of a young child at their facility and this individual had responded that because it was a sparking device it was permissible for him to use them at their facility, as it was not considered to be "fireworks". He commented that this warranted proof there was an issue with the law.

Supervisor Conover advised he felt it was necessary to address Supervisor Merlino's comments earlier in the meeting regarding the Town of Lake Luzerne hiring a contractor to complete the clean up of felled trees and brush along State Route 9 in Lake Luzerne which the NYSDOT should have been responsible for. He mentioned there were a number of Supervisors's who were displeased with the maintenance program in place for State Roads within the County and the surrounding areas. He suggested the Chairman of the Board send a letter to the NYSDOT advising that the County expected the State to reimburse the Town of Lake Luzerne for the costs they incurred to hire a contractor to handle the clean up. He pointed out that the County was in the midst of the summer tourism season and many of the State roads in several towns were still in a state of disrepair with large potholes that required attention. He indicated this as unacceptable and required addressing. He reiterated he felt they should send a letter to the State supporting Supervisor Merlino's request for reimbursement, as he felt many of the towns could find themselves dealing with the same type of issue in the near future.

Supervisor McDevitt requested for the record that Mr. Dusek provide a status report on the sale of Westmount Health Facility to the Board. Mr. Dusek apprised they were still on track with the sale. He noted the process in which Centers Health Care was engaged with the State was very lengthy. He stated he had hoped the matter of the Westmount sale would be included on the July 23rd Agenda for the NYSDOH (*New York State Department of Health*) Health Planning Council/Committees of the Public Health meeting; however, he said, as of right now this was not the case. He informed that the representatives for Centers Health Care had indicated to him that they had furnished to the NYSDOH all of the material that had been requested of them to date. He apprised he remained cautiously optimistic that the sale would be added to the Agenda for the July 23rd meeting, as he was aware of how important it was for the sale to close for the County. He noted if for some reason the sale were not included on the Agenda, the next meeting would take place in another two months.

Supervisor Dickinson advised he supported Supervisor Conover's suggestion that the County send a letter to the NYSDOT supporting the Town of Lake Luzerne's request for reimbursement of the cleanup costs they had incurred, as he felt it was necessary for this matter to be addressed.

Supervisor Simpson reported that his predecessor, Ralph Bentley, had undergone major surgery last week. He assured that the surgery had gone very well and Mr. Bentley was recovering nicely. He said he would be meeting with him next week. Supervisor Simpson also announced that Horicon Days would be taking place on August 1st and would feature crafts, foods, games for children and live music with a fireworks display at the end of the day. He encouraged all to attend. Supervisor Simpson apprised in order to raise funds to assist with the costs associated with restoring the historic Union Church in the Town of Adirondack, an event referred to as "Adirondack ShinDig" was scheduled for August 8th and would feature music, dancing, food and fun.

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Supervisor Wood informed that the annual Warren County Youth Fair, sponsored by Cornell Cooperative Extension was scheduled for August 8th at the Warren County Fairgrounds in Warrensburg, New York. She encouraged all to attend.

Supervisor Beaty queried whether the Board would ever vote on the Year 8 Performance Assurance Report from Siemens Industry Inc. He noted this issue was supposed to be entertained annually; however, he stated, it had been two years since the last time any action was taken on a Siemens Performance Assurance Report. Mr. Dusek advised this would be a question for the County Attorney to answer, as it related to a legal question. Ms. Bartlett advised that she was not aware of any updates at the moment but would relay the question to Mr. Auffredou.

Supervisor Thomas reported that the Stony Creek Chamber of Commerce was sponsoring the Stony Creek Mountain Days Festival on August 7-10, 2015. He noted one of the events scheduled to take place during the Festival on August 9th was the New York State Lumberjack Competition, which had a total of 53 competitors.

Chairman Geraghty informed that the Warrensburg Smoke Eaters Jamboree was scheduled for July 24-25, 2015 in Warrensburg, New York. He noted this was the 53rd consecutive year of the event and he encouraged everyone to attend.

Supervisor McDevitt advised that Supervisor Girard was hosting a fundraiser at his business, the Lawrence Street Tavern, on Sunday, July 19th from 12:00-9:00 P.M. Supervisor Girard stated that he was facilitating the Milayne's Diamond Jamboree for Jack Diamond, *Mayor for the City of Glens Falls*, and Milayne Jackson. He said that five area charities would be benefitting from the event and was hopeful it would be a success.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Dickinson and seconded by Supervisor Merlino, Chairman Geraghty adjourned the Board Meeting at 11:22 a.m.