

# Warren County Board of Supervisors

**BOARD MEETING  
FRIDAY, MARCH 18, 2016**



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 10:03 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Girard.

Roll called, the following members present:

Supervisors Conover, Leggett, Girard, McDevitt, Braymer, Brock, MacDonald, Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Beaty, Montesi, Thomas, Wood and Geraghty - 19; Supervisor Sokol absent - 1.

Commencing the Agenda review, Chairman Geraghty noted a motion was necessary to approve the minutes of the February 19, 2016 and February 29, 2016 meetings, subject to correction by the Clerk of the Board. The motion was made by Supervisor Simpson, seconded by Supervisor Frasier and carried unanimously.

Continuing with the Agenda review, Chairman Geraghty announced that Steve Acquario, *Executive Director of NYSAC (New York State Association of Counties)*, would be addressing the Board regarding the County's legislative options and answer any questions, as well.

Mr. Acquario thanked the Board for allowing him to attend today's meeting to explain the different forms of County Government within New York State and answer any questions. He apprised that the State Budget would be enacted within the next few weeks. He mentioned this had been a challenging time, as Counties were required to govern under a property tax cap along with the fragility of the sales tax economy. He said this has resulted in a number of different viewpoints surfacing State-wide in Counties, communities and school districts. He stated due to the low cost of fuel and energy, sales tax revenue had decreased significantly throughout the State which resulted in NYSAC being inundated with a number of requests to review how Counties were distributing their sales tax. He advised he had observed a number of proposed changes concerning the towns, cities, school districts and sales tax distribution. He pointed out the majority of the issues at the County level laid on the doorstep of the State Legislature in Albany, New York. He pointed out almost 100% of the property tax cap levy was disbursed to pay for programs mandated by the State. He apprised local governments were forced to use sales tax revenue and minor fees in order to continue to operate. He informed State mandated programs commenced in 1915 with Wicks Law which was still in place today, as well as a number of additional mandates concerning Medicaid, Community Colleges, Human Services, Indigent Defense, etc. He indicated all of these State mandates caused local governments to struggle to continue to operate and serve their local citizens. He apprised he was unsure of what the outcome would be with the State budget; however, he noted, NYSAC representatives had implored upon the State Legislature that their policies were consuming local governments entire property tax levy. He said the only other option was for local governments to lay off employees and make cut backs to improvements to their roads, bridges, 911 System, etc. He encouraged the Board members to continue to appeal to their State representatives about these concerns via telephone calls and resolutions to ensure they were conveyed to the State Legislature.

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Mr. Acquario then proceeded to make a powerpoint presentation on the subject matter, a copy of which had been distributed to the Board members prior to the meeting and was on file with the items distributed at the Board meeting. He noted he had no preconceived notion as to whether one form of County government worked better than the others, as he had worked for many years serving Counties in New York State in all aspects of County operations and Government structures. He remarked he was bothered a great deal by the fact that Counties were no longer able to operate nursing homes due to the State Legislature making it cost prohibitive to provide these services; he noted the number of County-owned nursing homes had dwindled from forty-four to about one dozen . He said the local governments had branch offices of the State to assist them such as the New York State Police and the Warren County Sheriff's Office. He mentioned local governments always had the character to serve the local residents, as well as a Home Rule power. He stated the tension between the State and the local governments arose because local governments had lost their ability to serve their residents due to the fact that the property tax levy was used to fund the programs mandated by the State rather than the local programs. He remarked there was no reason for Warren County to change their form of government unless they felt the change was necessary. He continued, he felt it was beneficial to discuss the subject matter and be open to the diverse opinions regarding whether the County should change its form of government or not. He stated there would be no need to have this discussion if the State had not consumed so much of Warren County's revenue for the mandated programs. He explained the Boards origins involved towns and not cities because cities were largely separate from counties. He continued, although cities had always been involved with the operation, towns and counties had always been together. He apprised towns were formed first following which the County Board was created to provide the regional services. He said the Supervisors from towns were charged with bringing the towns perspective to the County Board.

Supervisor Montesi inquired whether Mr. Acquario felt that Counties with an elected County Administrator had elected individuals who were qualified for the position or not and how they handled the veto power that the County Executive had. Mr. Acquario apprised that this would be a major change in the form of government for Warren County, as the current form of government called for the consensus of the Board and did not include any vetoing power. He said government concerned influence, as it was each Supervisors responsibility to influence the other members of the Board as to what was in the best interest of the County. He informed if the County opted to have a charter with an independent elected executive it would run through the political party perspective wherein the Republican party would nominate a candidate and the Democratic party would nominate its own candidate, as well as any other parties interested in having a candidate listed on the ballot for the election. He stated the residents of Warren County would then have a choice as to who they would like to see as the County Executive by voting. He informed the County Executive in Montgomery County who was elected was a former staff member within the New York State Senate. He stated there were County Executives who were elected within New York State and came from different backgrounds including County Board members, the private business sector, retired individuals and citizens at-large who felt they could make a difference. He stated he believed a 2/3 majority vote would be required in order to override the veto of the elected County Executive. He indicated if the County were to change to this form of government, the veto process and how it would work would be prescribed . He advised there were some instances where resolutions could be vetoed and other instances where local laws could be vetoed and then a process would take place subject to an override by the Board.

Supervisor Beaty asked whether the voting system in place for the Committee structure in Warren County (one vote per Supervisor) was the same as the other Counties within the State with the same type of configuration and Mr. Acquario responded that sixteen Counties within the State used the weighted voting process of which less than five used weighted vote during Committee meetings. He remarked although he was not an expert, he was unsure whether it would be a good idea to implement

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the weighted voting process for Committee meetings, as he was unsure how it would be proportioned. He added this may subject the voting to vulnerability. Supervisor Beaty questioned whether Mr. Acquario would concur that as it stood right now, the voting process was subject to vulnerability and Mr. Acquario replied that was the power of influence on the Board. He stated he did not foresee it as a vulnerability as the body itself here. He reiterated he was unsure how the weighted vote structure would work in Committee meetings. He pointed out since the Chairman assigned Committees, they could assign the Committee so that it would be dominated one way or another. Supervisor Beaty interjected that could occur now too; Mr. Acquario responded that it could occur on the body itself. He informed arguably the Board as a body itself could determine the weighted voting procedure the government was operating under was unfair. He indicated this would be a healthy discussion to undertake; however, he noted, it had been upheld within the Federal Court system to comply with Federal Constitutional law.

Supervisor Seeber questioned what the framework was in order to commence changing the legislative body and how to determine whether this was what the residents wanted. Mr. Acquario stated that public hearings could be held to allow the residents to voice their opinions on the matter, a workshop or a Board meeting could be dedicated for that specific purpose. He added the residents themselves could force the issue by circulating a petition to place the issue on a ballot; however he noted, to his knowledge this had never occurred. He explained the first step required of the Board would be to create a charter commission. Ms. Seeber asked what the typical timeframe to accomplish such was and Mr. Acquario responded that the timeframe varied but it generally took several years to change the structure of a County government. He added approval from the City of Glens Falls was also required in order to make the change. Supervisor Montesi pointed out it took Montgomery County several years to change their government structure. Mr. Acquario stated that Montgomery County had tried multiple times over an eight year time period to change their form of government before it was finally approved.

Supervisor MacDonald inquired why there needed to be a difference between cities and towns and Mr. Acquario replied that he believed it was due to the transferring of power which dated back to the early 1900's. He explained when there was a transfer of power, it needed to be approved by the jurisdictions in the City itself, as well as the outside of the City. He mentioned this was of historical origin and probably was not relevant today but concerned population centers to ensure the population itself was supportive of that change of government.

Supervisor Brock questioned if any safeguards were in place to prevent one community from dominating the Legislature; he added a formula was in place to prevent this from occurring with the weighted voting system. Mr. Acquario apprised he was not an expert on this subject matter, as the calculations were handled by a computer. He said if the County were to change over to a Legislative form of government, a modified weighted voting system could be used rather than the one person, one vote system which was the system in place in Schenectady County. He mentioned there were ways to apportion the vote; however, he noted, it was a rather drawn out, complicated process.

Supervisor Leggett thanked Mr. Acquario for the information he had provided today and for distributing it the Board members prior to the meeting, as it had afforded them with an ample time for review. He asked whether there was a form of government that was unconstitutional as it stood right now and Mr. Acquario replied that in New York State at the local level there were presently no challenges and no decisions that were holding a particular form of government unconstitutional. He informed where he would see unconstitutional challenges come about would concern minority representation on a Board which meant if the minority population grew to a certain extent. He informed this had been the case recently in Albany County wherein the courts required them to fix it by establishing one more minority district. Mr. Leggett inquired whether Albany County operated with a

Legislature form of government and Mr. Acquario replied affirmatively.

Travis Whitehead, *Town of Queensbury resident*, asked Mr. Acquario to verify that they were looking at two separate questions as far as changing from a Board of Supervisors to a Legislative form of government and looking at a County Administrator as an elected executive as another, as it appeared one did not necessarily go along with the other. He stated it was possible to have a Board of Supervisors with an appointed County Administrator or with an elected County Executive or a Legislative body with an appointed County Administrator or an elected County Executive. He pointed out there were examples of each form throughout the State. Mr. Acquario apprised that there were no Board of Supervisors with a County Executive within the State and he was unsure whether it was permissible to do so. He informed when the County opted out of the County law it would be creating a charter to operate its government. He said he would have to research whether it was feasible for the Board of Supervisors to create an elected County Executive position.

Mr. Whitehead pointed out that in 1994 Nassau County was involved in a Federal lawsuit that resulted in a ruling that determined their form of government with a Board of Supervisors and the weighted voting system similar to what was in place today for Warren County did not constitute the one person one vote. He continued, while he fully concurred nothing in New York State law indicated the County could not continue to operate as it had been and if anyone were to challenge it on the Federal level, as was done with Nassau County in 1994, a similar ruling would probably be made. He mentioned if that were to occur the County would have to reconsider what form of government to move forward with which was why it was good to be considering this now before any issues were brought forward that would force a change. Mr. Acquario restated his opinion that it was a healthy discussion to have with the County Attorney. In regards to case law, Mr. Acquario informed something had to be wrong such as a discriminatory action, or out of balance weighting in order for the courts to intervene because the courts preferred not to intervene with affairs constituting a legislative branch decision. He mentioned the judiciary would take a case and analyze it to determine whether or not it was unconstitutional such as a violation on equal protection, one person, one vote, was it balanced, did the weighted voting system make sense, etc. He stated there was a significant amount of tension in government these days which would continue to get worse over the next few years as the revenues were uneven and the State did not take more responsibility. He concurred that everything was subject to judicial scrutiny including the Board and its operations. He remarked he felt it would be beneficial to thoroughly review operations; he added he would be more than willing to return and discuss the different forms of County government that exist more in depth.

Supervisor Seeber concurred with Mr. Acquario that this was a healthy discussion to have. She inquired whether any Board of Supervisors across the State had a city mayor sitting as a member on their Board and whether this was an option for the Legislative & Rules Committee to discuss. Mr. Acquario apprised he felt this was an appropriate discussion for the Legislative & Rules Committee to have, but noted presently there were no mayors serving as a member of a Board of Supervisors within the State. He stated the Franklin County Legislature was the only County government within the State that allowed voting power to a sitting mayor. He continued there was no law that prohibited it incorporating a sitting mayor into the Board/Legislature; however, he said, in order for a mayor to be eligible to become a member of the Board of Supervisors they would be required to run for election in a Supervisors District or Ward. He advised if a city's representatives were to decide they no longer wanted to seek office the mayor would be eligible to run for election in that particular ward. He mentioned he could return at a later date to discuss a situation that was occurring in Onondaga County which had a large population of over 500,000. He said it was a Charter County that was involved in a review of its operations with discussion concerning a Metro County which would merge the City with the County. He informed a significant process was required in order to accomplish that since both the City and the

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County population would have to approve the merger by a majority vote. He indicated a task force was developed to study the matter with grant funding awarded for this study from the State. Supervisor Montesi inquired what had prompted them to determine they wanted to research this option and Mr. Acquario responded a number of factors prompted this study including City labor costs, City insolvency, as well as the City's police and labor costs, etc. because merging the two together would assist with these expenses. He added Onondaga County had also gone through a sales tax distribution, as well which had been controversial amongst the towns.

In response to a question asked by Supervisor McDevitt, Mr. Acquario advised that he would have to conduct more research and discuss with the County Attorney whether any case law existed specifically concerning the type of Committee system Warren County had, but he said he did not believe there was any existing. He mentioned this was typically not something a court wanted to review, as it was truly a legislative affairs matter. He stated a court would look toward the unconstitutionality of a legislative outcome of the action and whether it was or it produced an unconstitutional decision; however, he noted, the courts were loathe to intervene into the internal operations of the New York State Legislature, Congress or a localities internal operations. He remarked that although this may be something they did not want to hear, he believed the current Committee structure in place for Warren County was appropriate. He suggested they carefully consider and thoroughly review the weighted voting system for the Committee structure; however, he noted, there were other counties who had implemented such in theirs.

Supervisor Girard pointed out upon occasion Supervisors assigned to a Committee were unable to attend the meeting due to other commitments which meant they were unable to vote on the matters that were brought before the Committee on that day. He stated he felt maybe they should consider implementing a Committee system that required the full Board to be members on every Committee. He said this meant as long as every Supervisor attended the meetings they would bring the weighted vote to the table and move forward because this was constitutional, fair and equitable; however, he questioned whether it would be practical to require that all the Supervisors attend every Committee meeting scheduled. He remarked he felt the current Committee structure in place was both appropriate and practical, noting it had functioned well for them for many years now. He mentioned every resolution request brought before the Committees was voted on in the weighted structure at Board meetings. He informed he was a representative of the City of Glens Falls; therefore, he said, if every Supervisor was a member of the Tourism and Occupancy Tax Coordination Committee he was unsure whether he would attend all of the meetings because it did not resonate for the citizens he represented since the City was not a large tourist attraction during the summer months. He continued, this was just one example of attendance and prioritizing because there were only so many Committees he could allocate the time to attend for the salary he was paid for his job as a Supervisor. He questioned whether Mr. Acquario had attended today's meeting upon a request to address the unfairness of the Committee structure which entailed one person, one vote method in which it comes before the weighted vote system and Mr. Acquario responded the negative. He indicated the purpose of him attending today's meeting was to discuss the different forms of County Government within the State. He informed he was the one who requested to attend the meeting in order to discuss the matter.

Supervisor Girard apprised that the point he wanted to make was there was nothing vastly wrong with the current structure of the Board, as he did not believe this was the case. Mr. Acquario advised that he did not see anything wrong with the current structure nor was he suggesting that the County change its structure. He stated that something had to force the change. He pointed out Montgomery County changed their form of government to address issues such as the fact that it was economically depressed there with no jobs, flooding, etc. He commented he did not foresee any issues with the current structure in place for Warren County; however, he noted, it was appropriate to discuss the matter. He

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added the Board of Supervisors form of government was in place in several other Counties across the State and connected the County with towns and Cities. He pointed out he was unsure whether the Albany County Legislature in place where he lived provided a connection to the City of Albany like Warren County did to the City of Glens Falls. He stated although the Committee structure throughout the State was different the majority of Counties used the one person, one vote structure.

Supervisor Wood stated the Town of Thurman's structure was much like that of Warren County in that the Committees were charged with researching issues and making recommendations but the final decision to adopt or not adopt was up to the Town Board just as was the County Board's responsibility. She pointed out as per County Law the Chairman was charged with appointing the Committee members. In regards to the adoption of the actual resolution and Local Laws, she questioned whether the Board could delegate this for the Committees to handle and Mr. Acquario replied in the negative. He stated he was unsure whether the Board was required to have Committees; however, he noted, it would be difficult to operate government without them. He remarked that a lot of time and effort was required of the Supervisors for the minimal amount of time pay they received. Supervisor Wood apprised that she was unaware of any structure where the Committee could adopt resolutions on their own and Mr. Acquario responded that was correct, as the Committee was not authorized to speak for the Board itself.

In regards to the County Legislature form of government, Supervisor Beaty inquired whether the State had guidelines that dictated how many Legislators were required based upon the County's population or did the County make this determination on its own and Mr. Acquario responded that this was a County decision.

Supervisor Dickinson pointed out he was the only Town within the County that had a Village incorporated in it. He said the Town and Village of Lake George had spent a number of years attempting to consolidate their efforts in which the debt within the Village remained there. He continued, when the Village was disincorporated it became a taxing district. He mentioned he believed the reason Onondaga County and the City merged together related to the fact that they had reapportioned their sales tax formula. Mr. Acquario interjected that the merger had not occurred yet but the option was being researched; however, he noted, the debt was the major issue.

Chairman Geraghty thanked Mr. Acquario for attending today's meeting. He apprised the matter would be referred to the Legislative & Rules Committee for further discussion. Mr. Acquario reiterated it was a healthy discussion to have, as it was beneficial to keep an open mind and listen to the different perspectives on the matter. He wished the Board well with their deliberations on the matter. A round of applause followed.

Privilege of the floor was extended to Mark Westcott, *Town of Queensbury resident*, who thanked Chairman Geraghty for affording him the opportunity to state his opinion on the matter. He remarked he had the utmost respect for Mr. Acquario and the job done by NYSAC; however, he noted, he took issue with the fact that the presentation did not address what he believed were the current shortcomings of the government system in place in Warren County. He informed upon hearing that Mr. Acquario would be attending the meeting today he released two papers that he had written which he requested Amanda Allen, *Clerk of the Board*, distribute to the members of the Board following the conclusion of the meeting, as well as any members of the public who wished to review them. He mentioned he was aware of an email Supervisor Seeber had transmitted to the Board requesting that the matter be addressed at the Legislative & Rules Committee meeting and he said he would welcome the opportunity to present his papers and discuss this matter with them. He requested that the Board review the papers thoroughly, as he believed the spirit that Mr. Acquario had expressed about

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reviewing the organization of the County was one he would echo, as well. He commented he believed there were multiple shortcomings with the current structure of the County's government, which he had listed in his paper as matters he felt required addressing. He indicated the issues could be addressed in multiple ways without changing to a County Charter. He continued, one of the issues related to the fact that the Mayor of the City of Glens Falls was not a sitting member on the Board even though he was the only elected Chief Executive within Warren County, which he thought of as an inequity. He commented he was in favor of holding a Public Hearing on the matter since this would provide individuals such as himself and Mr. Acquario an opportunity to speak on the matter. He stated he felt the discussions today regarding the legality and constitutionality were a matter of opinion, as there had been a number of cases in the Federal Judiciary system that had declared the weighted voting system on a Board of Supervisors to be unconstitutional. He remarked he believed until the issues that he had identified were addressed he would contend that the Board was unconstitutional. He said a Legislature would resolve all of the issues he outlined since it required evenly divided districts and used the one person, one vote system.

In regards to an elected County Executive, Mr. Westcott apprised he was neither advocating for or against it but provided the Board with some reasons why they should review this further due to the recent controversies that had taken place with the Board. He requested that the next step be the establishment of a Government Study Committee whose membership consisted of citizens of across the County who could provide an objective review which was exactly what Montgomery County had done. He concluded by stating that this was just a starting point for discussions which he hoped through logic and reason the Board could come to an agreement as to what the next steps should be. He commended the Board for listening and completing a thorough review of the matter.

Proceeding with the Agenda review Chairman Geraghty called for a motion to enter into an executive session to discuss potential litigation with Siemens. The necessary motion was made by Supervisor Montesi, seconded by Supervisor Merlino and carried unanimously that executive session be declared pursuant to Section 105(d) of the Public Officers Law.

Executive session was held from 11:08 a.m. until 11:47 a.m.

Supervisor Sokol entered the meeting during executive session.

Upon reconvening Chairman Geraghty announced no action had been taken during the executive session.

Moving on to the report by the Chairman of the Board, Chairman Geraghty read aloud the listing of meetings he had attended since the February Board Meeting; *a copy of the Chairman's report is on file with the items distributed at the Board Meeting*. He stated he would be notifying the Town Supervisors who had issues with the State roads located in their municipality when the meeting at the DPW office in the Town of Warrensburg was scheduled so they could attend and voice their concerns. He mentioned he believed for security purposes individuals visiting offices beyond the Department of Motor Vehicles in the Municipal Center Building should be required to sign-in, noting this would be a topic of discussion during the upcoming Criminal Justice & Public Safety Committee meeting.

Chairman Geraghty asked Paul Dusek, *County Administrator*, to come forward; he then proceeded to present him with a certificate of appreciation and an engraved clock commemorating his twenty years of dedicated service to the County. A round of applause followed.

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

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Supervisor Girard announced CPL (*Clark, Patterson, Lee*) had completed the drawings for the court space addition and submitted them to the New York State Office of Court Administration for approval. He continued, once approval was received they would send out an RFP (*Request for Proposal*) seeking bids for the work. Supervisor Girard congratulated Dr. James A. Seeley on his reappointment as the Executive Director of the local Cornell Cooperative Extension. He stated they had received some correspondence from Supreme Court Justice Robert J. Muller concerning the potential dedication of the new Family Court wing to deceased Family Court Judge Timothy Breen which would be discussed at the March 23<sup>rd</sup> Criminal Justice & Public Safety Committee meeting. He extended a sincere thank you to Mr. Dusek for all of his hard work over the years. He noted he had enjoyed working with him immensely and wished him luck with his future endeavors.

Supervisor McDevitt apprised he had nothing to report.

Supervisor Braymer reported that her meeting with the staff of the Office of Emergency Services had been very informative. She thanked them for taking the time to meet with her.

Supervisor Brock stated he had nothing to report on.

Supervisor MacDonald informed he had hosted a Town Hall meeting with Glen Falls Common Council member James Clark on February 24<sup>th</sup> wherein the topics discussed included the possible consolidation of the Glens Falls Police Department with the Warren County Sheriff's Office and shared services. He acknowledged Supervisors Brock, Seeber and Braymer for attending the event which he felt was very productive and worthwhile. Supervisor MacDonald apprised another topic that was discussed concerned the fact that the Mayor for the City of Glens Falls was not a member of the Board of Supervisors even though he was the only Chief Executive within the County. He remarked he believed it would be worthwhile to explore the notion of allowing the future Mayor of the City to have a voice on the Board. He requested that meaningful dialogue commence regarding what was required in order to get this in place. He asked Supervisor Strough whether the matter could be included on the agenda for the next meeting of the Legislative & Rules Committee and Supervisor Strough replied in the affirmative. Supervisor MacDonald encouraged the Board to participate in either of the upcoming Bowl for Kids Sake events this weekend which benefitted the Big Brothers, Big Sisters Organization.

Chairman Geraghty remarked he would like to go on the record to state that the Mayor for the City of Glens Falls had always been welcome at the County. He pointed out he had been invited to attend meetings with the County on numerous occasions. He added that he and Supervisor Wood had made it a point to reach out the Mayor regarding any discussion that took place concerning the possible police consolidation. He noted it had been the Mayor's choice, and not the Board's, to refrain from attending County meetings.

Supervisor Frasier indicated she had nothing to report on.

Supervisor Simpson advised that the Public Works Committee had met on February 29<sup>th</sup>, wherein they approved proposed Resolution Nos. 127-131, which he provided a brief overview of. He informed he had met with Jeffery Tennyson, *Superintendent for Public Works*, and Jeff Inglee, *Fish Management Specialist*, last week to tour of the Warren County Fish Hatchery, which he was impressed with. He said the purpose of the meeting was to prepare for the Warren County Hatchery Fishing Clinic & Open House.

Supervisor Vanselow informed that the Support Services Committee had met on February 22<sup>nd</sup>, approving proposed Resolution Nos. 134-138 which pertained to typical business.



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Supervisor Dickinson apprised that proposed Resolution No. 154, *Amending Resolution No. 625 of 2007 Changing the Dates of Last Day to Redeem and Last Chance Meeting with Regard to Real Property Tax Services*, was approved through the out-of-Committee process and related to changing the date for the last day of redemption and the Last Chance Committee meeting. He stated the extra time was welcomed due to the amount of work that went into the long, drawn out process.

Supervisor Merlino stated the Tourism and Occupancy Tax Coordination Committee had met on February 22<sup>nd</sup>, approving proposed Resolution Nos. 122, 124 and 125, which he provided a brief overview of. He stated proposed Resolution Nos. 123, *Awarding Bid and Authorizing Agreement with BBG&G Advertising Inc. for Tourism Consultant Services to Evaluate and Analyze Tourism Strategies of Warren County (Wc 73-15); Authorizing Appropriation from the Occupancy Tax Reserve; and Amending Warren County Budget for 2016*, and 142, *Extending the Temporary Appointment of Joanne Conley as Tourism Coordinator*, concerned the Tourism Department and had been approved by the Finance, Personnel & Higher Education Committee at their February 29<sup>th</sup> meeting. Supervisor Merlino thanked Mr. Dusek for the work he had done for the County and the assistance he had provided him with over the years. He remarked he would miss him and felt compelled to acknowledge him for the good job he had done.

Supervisor Strough advised that the Legislative & Rules Committee would be meeting on March 28<sup>th</sup> at 9:00 a.m. with an agenda that included discussion on the government structure of the County. He stated the discussion should revolve around various venues that might best enable further discussion of County government structures because he believed the discussion would be time consuming and pretentious at times. He continued, he did not feel the discussion should consume the entire amount of time scheduled for the Legislative & Rules Committee meeting, as they had other business that needed to address, as well. He suggested they consider setting up an Ad-Hoc Committee to address the matter since it was such a substantial issue; however, he noted, the topic would be included on the agenda for the meeting on March 28<sup>th</sup>.

Supervisor Seeber reported that on February 26<sup>th</sup> she had the opportunity to meet with Dr. Kristine Duffy, *President of SUNY Adirondack College*, to discuss the graduation ceremony in May. She said the County had the opportunity to honor a Warren County resident with an award recognition. She mentioned this would be a topic for discussion at the next meeting of the Finance, Personnel & Higher Education Committee. She informed the goal was to implement some selective criteria, review applications and be able to present the award at the May 20<sup>th</sup> Board Meeting, as well as the graduation ceremony at the College during the commencement. Supervisor Seeber announced that since the Committee meeting structure changed, the College was hoping to be able to attend all of the monthly meetings. She apprised this meant the County would hear from the College on a regular basis rather than just a few times a year. Supervisor Seeber stated she had attended the ribbon cutting ceremony for the new Business Central Office at the College with a number of other Supervisors. She said the College would be providing more details about internship programs at the next Committee meeting; however, she noted, it would provide the Towns, as well as the County with a centralized internship opportunity. She said there would be both paid and non-paid credit bearing internships offered which the County and towns could benefit from. Supervisor Seeber provided an overview of proposed Resolution No. 150, *Waiving the Rules of the Board and Establishing Capital Project No. H368 Suny Adirondack NSTEM; Authorizing Transfer of Funds and Amending Warren County Budget for 2016*, noting the County Treasurer was present if anyone had questions concerning this resolution. Lastly, Supervisor Seeber called attention to the Proclamation concerning National Crime Victims Week. She stated an award ceremony had been established in 1999 which was jointly hosted by Warren and Washington Counties in recognition of this event. She mentioned more than 20 million crimes were occurring each year. She apprised every Supervisor should have received an invitation to the breakfast

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awards ceremony taking place on April 11<sup>th</sup>. She encouraged all to attend the ceremony where those in the community who not only had been victims of crime but also those who worked hard on behalf of those victims were recognized.

Supervisor Beaty apprised that the Shared Services Committee did not meet last month; however, he stated, he would like to take this opportunity to ask the new Supervisors on the Board to review the report that was completed in conjunction with a local law enforcement investigator, an FBI (*Federal Bureau of Investigation*) Agent and two State agencies concerning the actions of Siemens and the co-generation plant. He encouraged anyone who had not already read the report to do so, as he believed it was important that all of the Board members have a thorough understanding of how well the report was done and the knowledge and depth included in it.

Supervisor Montesi informed that he would like to comment on proposed Resolution No. 126, *Authorizing an Extension Agreement Between Warren County, Saratoga and North Creek Railway, LLC and the Town of Corinth*. Chairman Geraghty requested that Supervisor Montesi hold off on his comments until the reading of the resolutions.

Supervisor Sokol reported that the Health, Human and Social Services Committee had met on February 22<sup>nd</sup>, which he proceeded to provide an overview of what occurred there which included approval of proposed Resolution Nos. 114-12. Supervisor Sokol apprised that last Friday nights community night for St. Patrick's Day at Countryside Adult Home was rescheduled for this evening from 6:00 p.m. until 8:00 p.m. and would include games. He said he believed there would be other themes used for upcoming events there. In regards to Westmount Health Facility, Supervisor Sokol apprised that according to Lloyd Cote, *former Administrator of the Westmount Health Facility*, who now worked for Centers, things were running smoothly at the facility since the sale. He apprised any issues that had been present when the County owned the facility had been addressed by Centers. Supervisor Sokol thanked Mr. Dusek for his efforts as County Administrator and wished him well with his future endeavors.

Supervisor Thomas stated that the Budget Committee had met on February 29<sup>th</sup> wherein the topic of discussion concerned the County's \$625,000 shortfall with the budget and funding of the debt. He mentioned various suggestions had been made as to how this should be addressed. He apprised the discussion would be continuing at the next meeting which would be scheduled at the end of April. Supervisor Thomas informed that he had attended a meeting with the Warren County Soil & Water District on March 1<sup>st</sup> in Albany, New York wherein they met with some Legislators to lobby for Soil & Water Conservation Districts across the State. Supervisor Thomas remarked he would like to take this opportunity to thank Mr. Dusek for his years of service at the County. He said he had enjoyed working with him and felt he had done many positive things for the County.

Supervisor Wood apprised that the Criminal Justice & Public Safety Committee had met on February 29<sup>th</sup>, approving proposed Resolution Nos. 107-113 which pertained to typical business.

Supervisor Conover informed the Finance, Personnel & Higher Education Committee had met on February 29<sup>th</sup>, approving proposed Resolution Nos. 105, 106 and 139-151. He provided a brief overview of proposed Resolution Nos. 144, *Amending the Warren County Travel Policy and County Vehicle Use Regulations*, and 145, *Amending the Warren County, New York Plans and Policies Relating to Job-related Course Benefit for Employees*. Supervisor Conover indicated that he would like proposed Resolution No. 146 to be tabled and referred back to the Finance, Personnel & Higher Education Committee for further revision.

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Motion was made by Supervisor Conover, seconded by Supervisor Braymer and carried unanimously to table proposed Resolution No. 146 and refer the matter back to the Finance, Personnel & Higher Education Committee for review and discussion.

Supervisor Conover apprised proposed Resolution No. 150, *Waiving the Rules of the Board and Establishing Capital Project No. H368 SUNY Adirondack NSTEM; Authorizing Transfer of Funds and Amending Warren County Budget for 2016*, concerned the NSTEM project at SUNY Adirondack. He stated the County Treasurer was in attendance to answer any questions regarding this. Supervisor Conover informed proposed Resolution No. 151, *Authorizing Amendment Agreements Between Municipalities in Warren County and the County of Warren for Tourism Promotion and Tourist and Convention Development Services - Occupancy Tax*, should have accompanied Resolution No. 80 last month but had been missed. He apologized for the delay it caused in providing the towns with their share of the distribution of occupancy tax funds.

Supervisor Leggett advised he had nothing to report on.

Before continuing the Agenda review, Chairman Geraghty recognized Lynn Rodriguez for her 20 years of service to Public Health and Fay Volkmann Lagoy for her 20 years of service to the Department of Social Services.

Chairman Geraghty announced a third day of Committee meetings had been added to the monthly schedule primarily for the purpose of holding Finance, Personnel & Higher Education Committee meetings separately, as it had proven to be too long of a day when this meeting was included on days when other meetings were scheduled. He mentioned if it was found to conflict with other meetings the day could always be changed. He announced a meeting calendar had been distributed to the Board that displayed the meeting dates for the remainder of the year. He asked that the Board review the calendar and provide him with any feedback they had. He added later in the morning he would be requesting that they readdress the possibility of scheduling a Board Meeting in the evening. Chairman Geraghty stated the meeting conflict with the Soil & Water Conservation District monthly meeting would be addressed. Mrs. Allen interjected that it had already been addressed.

Continuing to the report by the County Administrator, Mr. Dusek apprised as his final report he wanted to advise the Board that immediately following his notice of retirement to the Board he distributed an email to the Department Heads notifying them of such and asking them to contact his office if they required any assistance from him before he left. Mr. Dusek informed in order to ensure a smooth transition going forward he was working on compiling a list of items that were upcoming that would require addressing. In conclusion, Mr. Dusek stated following his meeting the other day with the Human Resources Director it became evident that the Codification that was constructed last year concerning the County's laws, policies and local laws needed to be finalized to ensure it was easier to research things rather than trying to go by memory. He stressed the importance of the Codification Book for maintaining consistency in terms of ensuring the rules adopted were followed. He pointed out it was rather easy for things to get lost such as the Local Law from 1954 which was not in the proper place in the policy; therefore, he said, there was some more work to do to ensure the Book was put together properly. He mentioned some revisions to the Codification Book would be coming before the Committees which he recommended they approve to ensure the necessary changes were made before the Book became effective within the next few months. Mr. Dusek reiterated he was working with the Chairman and JoAnn McKinstry, *Assistant to the County Administrator*, to ensure a smooth transition after his retirement at the end of the month.

Privilege of the floor was extended to Brian Reichenbach, *County Attorney*, to provide the report by the

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County Attorney. He called attention to proposed Resolution No. 154 which he provided a brief overview of.

Chairman Geraghty announced Mrs. Allen was distributing a copy of a proposed Resolution entitled “*Authorizing the Chairman of the Board of Supervisors to execute a Memorandum of Agreement with the Warren County Sheriff’s Employee Alliance*” which was drafted by Mr. Reichenbach. Mr. Reichenbach advised it had come to his attention that there was an unintentional exclusion in a transfer agreement for members of the Warren County Sheriff’s Employee Alliance that did not properly calculate their service credit in order for them to be eligible for health insurance benefits in retirement. He stated upon discussing the matter with the Alliance, as well as the Sheriff he prepared an MOA (*Memorandum of Agreement*) referred to in this particular resolution that would address this exclusion and accurately reflect the intention of the parties at the time that the agreement was made. Chairman Geraghty added the Board had the chance to review the proposed resolution.

Supervisor Montesi inquired as to whether any applications had been received for the County Administrator position and Chairman Geraghty replied affirmatively. He said thus far they had received several applications of which two candidates appeared to be qualified. He informed the Human Resources Director was looking into what was causing resumes of unqualified applicants being received, as he believed it had something to do with certain websites that automatically applied for positions when applicants posted resumes to their website.

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

**Reports from:**

1. Report of Criminal and Family Workloads for January 2016 from the Warren County Probation Department.
2. Pro Act Warren County Discount Card Utilization Report for January 2015 - February 2016
3. 2015 Historian Report submitted by Stan Cianfarano, Warren County Historian, covering the final three months of 2015 beginning from Mr. Cianfarano’s official appointment date of October 5, 2015.

**Minutes from:**

1. January 12, 2016 meeting of the Warren-Washington Counties Industrial Development Agency’s Executive/Park/Nominating Committee;
2. January 12, 2016 meeting of the Warren-Washington Counties Civic Development Corporation;
3. January 19, 2016 meeting of the Warren-Washington Counties Industrial Development Agency.

**Financial Reports/Correspondence from:**

Capital District Regional Off-Track Betting Corp. January 2016 Surcharge check in the amount of \$4,261.00

Correspondence from NYS Office of Parks, Recreation and Historic Preservation, announcing that the NY State Historic Preservation Office has agreed with the recommendation of the State Review Board to list the Caldwell Presbyterian Church in Lake George, NY on the NY State Register of Historic Places, as well as to nominate the site to the National Register of Historic Places.

Correspondence from National Grid dated February 22, 2106 containing their semi-annual PCB

Inventory Report.

Chairman Geraghty apprised he had misspoke earlier in the meeting when he said the calendars had been distributed to the Board. He said Mrs. Allen would distribute them following the conclusion of the meeting. He stated that the Committee meetings scheduled on the same Monday as the Warren County Soil & Water Conservation District meetings would only take place in the mornings.

Chairman Geraghty called for the reading of resolutions. Mrs. Allen advised proposed Resolution Nos. 105-152 were mailed; she noted Resolution Nos. 123 and 150 were amended after mailing and a motion was needed to approve the revisions made. The necessary motion was made by Supervisor Simpson, seconded by Supervisor Dickinson and carried unanimously. She informed that proposed Resolution Nos. 153-154 were prepared after mailing, as well as the resolution prepared by Mr. Reichenbach and a motion was needed to bring them to the floor. The necessary motion was made by Supervisor Dickinson, seconded by Supervisor Montesi and carried unanimously. After the motion, Chairman Geraghty announced the additional resolution provided by Mr. Reichenbach would be proposed Resolution No. 155.

Chairman Geraghty then called for discussion/public comment on resolutions and requests for roll call votes.

Supervisor Montesi remarked he had initially planned to vote in opposition of proposed Resolution No. 126, *Authorizing an Extension Agreement Between Warren County, Saratoga and North Creek Railway, LLC and the Town of Corinth*, because of his concerns relating to the possibility of SNCR (*Saratoga and North Creek Railway LLC*) storing oil cars on the railway; however, he noted, since other Supervisors had reminded him about the amount of money the County had invested in the railway along with grant funding that was used, he felt they should consider moving forward with adopting the contract. He suggested the Board consider what would happen to the railway should SNCR choose not to extend the contract when it expired in five years. He encouraged the Board to consider commissioning a study to determine how much the tracks were worth if they were to be removed and what the cost would be to do so, as well as what the cost of paving would be so it could be used for a bike trail. He mentioned the goal would be to grow tourism within northern Warren County. He pointed out more than 100,000 people used the seven mile bike trail between the City of Glens Falls and Lake George. He advised although he would be voting in favor of approving the contract for another five years, he would like to see the Board force the issue and complete a study so that the County could be prepared when the contract expired in five years.

Supervisor Dickinson apprised that SNCR was trying to grow and expand the railway and its use in Warren County. He stated the County had benefitted from all of their efforts with the railway which were successful and he felt would not cease in five years. He remarked the reason there was an abundant amount of bicycle traffic on the bikeway from the Town of Queensbury to Lake George related to the fact that they were both popular destinations. He informed he did not feel it was appropriate to spend money in order to determine how to move forward when the contract expired in five years, as it sent the wrong message to SNCR. He opined that the County's relationship with SNCR would be long term with the contract being renewed for another five years when it expired. He pointed out SNCR had a tremendous amount of money invested in the railway including the recent addition of Pullman rail cars. He remarked they were sending the wrong message to SNCR, as the County was committed to moving forward with them in the future.

Supervisor Braymer advised she had been researching the contract with SNCR to get a better idea of

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the conditions and the payments that were received from SNCR, as well as the County's disaster responsibilities and the reserve that was present to take care of that. She said everyone was familiar with some of the contract issues they had been dealing with over the past few months but she equated this more to the situation that the County had with The Open Door and their use of a County-owned building. She said although The Open Door was using the building for a respectable cause the Warren County Historical Society may be a better fit for the building. She apprised The Open Door had been informed the contract may not be renewed with them next year. In regards to this situation with SNCR she felt they had been a good operator but now was the time to review other options that may be a better fit for the County which would be more beneficial to the citizens such as reviewing the process of possibly establishing a multi-use trail there. She continued, now that the contract was up for renewal, she felt they should be thoroughly reviewing the terms of the contract, the actions of both the operator and the County itself to determine whether both parties were meeting the expectations of the contract before they renewed the contract for another five years. She remarked she felt it would be more appropriate to complete this review and have discussion concerning it at the Public Works Committee meeting rather than debating it at the Board Meeting. She suggested that they table proposed Resolution No. 126 and refer it back to the Public Works Committee for further review and specifically incorporate a provision eliminating use of the waste trail cars going through the County for storage in the Adirondacks. She pointed out SNCR had already agreed to this verbally; therefore, she said, her goal was to make that a more formal situation.

Motion was made by Supervisor Braymer, seconded by Supervisor McDevitt and carried by a majority vote of 530 in favor (*Supervisors Girard, McDevitt, Braymer, Brock, MacDonald, Strough, Beaty, Montesi and Leggett*) and 470 against (*Supervisors Frasier, Simpson, Vanselow, Dickinson, Merlino, Seeber, Sokol, Thomas, Wood, Conover and Geraghty*) to table proposed Resolution No. 126 and refer the matter back to the Public Works Committee for further discussion.

Supervisor Merlino questioned whether they could have discussion concerning proposed Resolution No. 126 and Chairman Geraghty replied in the negative. He explained discussion was not permitted since the resolution had been tabled.

Supervisor Seeber advised she would like to comment on proposed Resolution No. 123, *Awarding Bid and Authorizing Agreement with BBG&G Advertising Inc. for Tourism Consultant Services to Evaluate and Analyze Tourism Strategies of Warren County (WC 73-15); Authorizing Appropriation from the Occupancy Tax Reserve; and Amending Warren County Budget for 2016*, which she would be voting in opposition of. She stated she recognized the fact that tourism was a critical element of the County but the goal in the RFP had not been solely for a marketing and advertising plan. She said she had discussed this at the February 22<sup>nd</sup> meeting of the Tourism and Occupancy Tax Coordination Committee and voted in opposition of the contract there, as well. She mentioned she thought the County required someone with a strong skill set for collecting and evaluating data in the way the RFP had envisioned. She commented although she may be the minority on this vote on the Board, she did not feel she was a minority within the community that included the lodging association and hotels.

Supervisor Wood requested a roll call vote on proposed Resolution No. 144, *Amending the Warren County Travel Policy and County Vehicle Use Regulations*.

In response to Supervisor Seeber's remarks, Supervisor Dickinson apprised that the Tourism and Occupancy Tax Coordination Committee had already covered the data aspect by authorizing the development of a second RFP for data oriented services which would be used to assist BBG&G Advertising Inc.

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Supervisor Merlino inquired whether the total dollar amount listed in proposed Resolution No. 150, *Waiving the Rules of the Board and Establishing Capital Project No. H368 SUNY Adirondack NSTEM; Authorizing Transfer of Funds and Amending Warren County Budget for 2016*, had increased, as he believed the original estimate was for \$5 million. Supervisor Seeber requested that Mike Swan, *County Treasurer*, respond to Supervisor Merlino's inquiry. Mr. Swan advised that the resolution before them would establish the capital account so payments could be made. He mentioned the \$5,763,765 listed in this particular resolution had been provided by SUNY Adirondack as the County's share of the total cost of the NSTEM Project. Supervisor Merlino asked whether the original estimate for the total cost had been \$5 million and Mr. Swan responded that the original estimated cost had been \$7 million but was reduced to \$5 million with the total cost calculated at \$5,763,765. Supervisor Merlino pointed out funds were available within the 2016 County Budget to cover some of the cost and Mr. Swan replied that \$94,000 had been budgeted to make a payment on this but because he had done the bond that funding would roll over into next year's budget since they would not have to make payment this year on this Project. Supervisor Merlino questioned whether a funding source other than raising taxes had been identified and Mr. Swan replied he was unsure. Supervisor Thomas pointed out Supervisor Merlino had attended the Budget Committee meeting where this matter was discussed.

Supervisor Leggett remarked he had not attended the Budget Committee meeting and questioned whether a source of funding had been identified and Supervisor Thomas replied in the negative. He stated the Medicaid settlement money in the amount of \$339,000 which equated to \$68,000 a year could be used to cover a portion of the cost. He mentioned another option was to use \$250,000 in occupancy tax funds to pay for invasive species eradication and/or prevention rather than using money from the General Fund. He continued, the \$250,000 could then be allocated to the cost of the NSTEM project instead. He apprised other options included increasing the sales tax rate or funding it from the Fund Balance for a few years. Supervisor Leggett inquired whether funding was available to cover the full Project cost and Supervisor Thomas replied in the negative.

Supervisor Girard apprised he would be symbolically voting in opposition of proposed Resolution No. 150, as he believed it was inappropriate to move forward with the Project without having a revenue source identified to fund the expense. He mentioned he had consistently brought up the fact that now was the appropriate time for the Board to increase the sales tax rate. He pointed out how Mr. Acquario had mentioned earlier in the meeting how other Counties were struggling with the reduction in sales tax revenue which related to the decrease in fuel and home energy costs. He said he felt this matter required further review.

Fred Austin, *Warren County resident*, stated he would like to talk briefly about an economic development situation. He advised there was an abundant amount of stone in Tahawus, New York that Long Island, New York would like to have. He mentioned discussions had been ongoing over the years concerning transporting the stone via the railroad to barges that would ship it to its final destination in Long Island, New York and the issue that was preventing this from being put in place. He requested that the Supervisors consider Essex County's situation and the economic impact it would have on them and many other places beyond Warren County if they chose not to move forward with renewing the contract with SNCR.

Frank Dittrich, *representing the Warren County Lodging Association*, acknowledged Supervisors Merlino and Dickinson along with the rest of the Tourism and Occupancy Tax Coordination Committee members for taking the leadership to promote and advance the RFP concerning tourism to the point where it was today. He mentioned the discussion revolving around the importance of data was especially significant here as supported by the fact that Washington County was evaluating their

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tourism activities by starting with compiling data first which he believed this particular study concerned. He remarked the Warren County Lodging Association appreciated the opportunity to help contribute in that area, as they were happy to assist to the extent that was needed. He apprised they looked forward to working with everyone going forward.

Richard Lucia, *Supervisor for the Town of Corinth*, apprised although the resolution concerning the railroad had been tabled, he felt compelled to provide the Board with some facts. He stated the Town of Corinth had been a partner with Warren County on the railroad for a number of years with each party putting forth an immense amount of effort and funding into the project. He informed the small towns that surrounded the railway were attempting to garner publicity and make a name for themselves. He advised the Town of Corinth was in the process of working on designs for a new train station there which was being funded by a combination of tax dollars and grant monies meant for rail service. He indicated he would hate to see all of this progress come to a halt due to the County not extending the contract for another five years. He apprised while he understood recreation trails were of great interest to individuals in the North County he felt there may be other avenues that could be explored in order to address this. He remarked the Corinth Town Board was supportive of the contract with SNCR. He said they had worked well with the County and SNCR on the railroad and he hoped to see this relationship continue.

Ed Ellis, *President & CEO of Iowa Pacific Holdings and SNCR*, advised that SNCR had contracted with the County for the use of the railroad over the past five years during which they had paid about \$6 million in wages, purchased \$13 million in goods and services within the region and generated about \$150 million in economic development. He said he wanted to introduce himself, as he was aware that there were a few new members on the Board and answer any questions they may have.

Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 105-155 were approved as presented, with the exception of Resolution Nos. 126 and 146 which were tabled.

Chairman Geraghty called for any additional announcements to come before the Board.

Supervisor Wood reported that Maple Days would be taking place this weekend in the Town of Thurman which she encouraged all to attend.

Supervisor Dickinson wished Mr. Dusek well with his future endeavors and acknowledged him for all of his hard work and efforts over the last twenty years for the County. He stated that Mr. Dusek had provided him with a tremendous amount of assistance during his tenure on the Board which he was very appreciative of.

Supervisor Strough apprised he would also like to wish Mr. Dusek well in his retirement, as he was aware that the job had been very strenuous at times. He acknowledged Mr. Dusek for a job well done.

Supervisor Merlino asked whether he was correct to assume that there was time to comment on resolutions between the motion to table and the second being made and Chairman Geraghty replied that no comments were permitted after a motion to table was seconded. Mr. Reichenbach advised the rules provided that if there was a motion to table it essentially interrupted the previous motion on the question. He apprised this meant the motion to table placed the issue on the table for a certain day or indefinitely and it was up to the Board to restore it to the discussion phase. Supervisor Merlino inquired whether this meant there could be no discussion before the vote and Mr. Reichenbach replied affirmatively. He explained discussion was permitted once the resolution was removed from the table. Supervisor Merlino asked whether he could bring the resolution back up now and Mr. Reichenbach



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responded in order to do that a majority vote of the Board was required to remove it from the table. Supervisor Merlino remarked he would like to bring the matter back up for discussion, as he believed there were some Supervisors who had questions they would have liked to ask before it was voted on. He mentioned some of the new Supervisors may not be aware of the amount of work some of the Supervisors such as himself had put into the railroad in hopes of keeping it operational, as well as that of the Town of Corinth. He added they may also not be aware that the County had received about \$500,000 in payments from SNCR over the last five years. He informed the railroad was not costing the taxpayers any money, as it had been able to sustain itself. He pointed out how the railroad had continued to grow and offer new programs every year. He apprised one of the items they were working on had to do with bicycle event in Saranac Lake, New York last summer that had attracted over 20,000 people. He commented his point was there was a lot going on that individuals were unaware of which was why he was disappointed that they had voted to table the contract without first having a discussion.

A motion was made by Supervisor Simpson, seconded by Supervisor Thomas and carried by majority vote with 606 in favor (*Supervisors Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Sokol, Thomas, Wood, Conover, Leggett and Wood*) and 394 against (*Supervisors Girard, McDevitt, Braymer, Brock, MacDonald, Beaty and Montesi*) to remove from the table proposed Resolution No. 126 so further discussion could take place.

Supervisor Simpson informed he had a few points he would like to make, the first of which concerned the fact that the contract was for five years with an automatic five year renewal at the end of the term. He pointed out SNCR had provided the County with over \$519,000 in revenue directly from them and employed approximately 40 people He said even though they did not know the economic benefits the railroad provided the County with; they moved rather quickly into discussing the economic benefits of other options. He said there was an operating entity currently on the railroad. In response to the discussion to change the terms of the contract, Supervisor Simpson advised the County had made a long-term commitment to SNCR under the current terms. He informed there was documentation that noted there had been over 206,000 riders on the railroad over the past five years. He questioned what kind of partner they were to SNCR if they were not committed to the ten-year term they had originally promised SNCR. He indicated that SNCR had not defaulted on the term of the contract, as they had met all the obligations required of them.

Supervisor Leggett announced he was fully supportive of the railroad, as he felt it provided many benefits to the County. He remarked he had voted in favor of tabling the proposed resolution because he had some concerns regarding the procedure that brought it before the Committee to vote on. He explained he could see no evidence in the Committee meeting minutes that supported the fact that the performances included in the contract were reviewed by the Committee and a solid decision was made amongst other things. He mentioned in light of the other contract issues that had recently been brought to light, he thought it would be best to table the resolution and send it back to the Public Works Committee for further discussion; however, he noted, he would voice his support for continuation of the contract with SNCR for use of the railroad.

Supervisor Girard informed although he concurred with Supervisor Leggett he thought the railcar storage issue needed to be discussed. Chairman Geraghty asked whether Supervisor Girard would like Mr. Ellis to address that matter and Supervisor Girard responded that he felt like that subject matter should be dealt with within the contract.

In regards to rail car storage, Mr. Ellis apprised SNCR did not receive any to store because of the cost to transport the cars from the Western United States here was significantly more than building storage

where they were currently housed. He mentioned that they had met their storage capacity in the State of Colorado and were almost full in the State of Mississippi. He said since the industrial economy was declining other types of cars could still be stored in Tahawus, New York such as lumber, coal or box cars but all of the oil cars had been stored. As far as placing the fact that they would not store oil cars in Tahawus, Mr. Ellis apprised there was nothing included in the contract that permitted them to store oil cars on any track belonging to Warren County. He remarked his hope was that the County would move forward with renewing the contract. He pointed out tabling the resolution would seriously impact their operations because they could not move forward until they knew there was a contract in place, as the current contract expired in June 30<sup>th</sup>. He said he would be happy to answer any other questions.

Supervisor McDevitt thanked Mr. Ellis for attending today's meeting, as he was very appreciative of this. He stated he would like to support moving forward with the contract but the issue that specifically concerned him was the potential storage of cars with residue in them. He advised he would like to see this precisely addressed within the contract, as this was required when dealing with serious issues such as this one. Mr. Ellis informed he could not place anything in a contract that would encumber the part of the line that they owned because it would be a violation of their conveyance with their lenders. He said he could certainly state in the Warren County contract that they had no intention of doing it but he could not place an encumbrance on the other property. He pointed out what Supervisor McDevitt was asking of them was to not store cars on property they owned which he could not agree to.

Supervisor Braymer remarked she had made no notion concerning SNCR not being a good partner of the County's but she did think it was important that they discuss the matter further in Committee. She pointed out how they just had a significant discussion earlier in the meeting concerning their government structure and how the majority of their discussions occur at Committee meetings so that they could work through the details before matters came before the Board. She apprised what Supervisor Leggett referred to during his comments was accurate, as there had been no discussion at the Public Works Committee meeting concerning what the terms of the contract were and what SNCR had been doing specifically to meet all of their obligations. She mentioned she was appreciative of the fact that all of this information had been provided to the Supervisors following the Committee meeting; however, she noted, it should have been given to them before the Committee meeting so they could discuss it there. She indicated the Board was not obligated to "rubber stamp" this, as it was up to the Board whether they wanted to move forward with the contract for another five years. She said she was not stating they should not move forward with the contract for another five years, she was simply suggesting they review the contract thoroughly. She pointed out although the County had verbally agreed with SNCR that they did not have to operate the ski train anymore, as far as she was aware of no amendments had been made to the contract stating such but there had been an amendment to change the Day Out with Thomas event to a different type of themed train. She added the payments from SNCR were not always received within the time frame they were supposed to which could be considered a breach of the contract. She commented she was not trying to make SNCR look bad, she just wanted the Supervisors to be aware of the issues that existed with the contract. She continued, she had been unable to determine whether the reserve had been fully funded and there had also been some communication issues between SNCR and some of the towns located along the railroad. She informed she felt a multi-use trail would be beneficial but there was no reason to state they could not investigate that in parallel with what was occurring with the railroad and possibly implement a parallel multi-use trail. She mentioned her point they had not taken the time to investigate the possibility of a multi-use trail which she felt should be considered more thoroughly at the Committee meeting along with the commitment that SNCR had made regarding not storing oil cars in Warren County but she also wanted an additional commitment that SNCR would not be transporting these cars through Warren County. She said she understood there were other Common Carrier issues but this was the first time she was made aware of the issues with the lenders, all of which could be discussed at the Committee meeting.

Mr. Ellis apprised that Supervisor Braymer may not be aware of the fact that the first contract renewal meeting with the County took place last summer and not something that was just brought up at the February 29<sup>th</sup> meeting of the Public Works Committee. He said at the first meeting a negotiating committee was appointed to meet with him following which they met a few times and conversed back and forth via emails in which they discussed what types of changes either party would like to see made to the contract. He continued, at the end of that discussion they concluded that it was in the best interest of both parties to move forward with the renewal that was built into the contract that simply renewed it. He reiterated this had not been something that was simply brought up for the first time at the February 29<sup>th</sup> meeting the Public Works Committee, as it had been under discussion for some time now. In terms of the Common Carrier obligation that Supervisor Braymer spoke of, Mr. Ellis informed for those that were not aware, it was an obligation that dated back to the English Common Law in which those who were in the transportation business were obligated to transport goods that were tendered to them. He said this meant they were not obligated to store rail cars but they were obligated to transport them. He advised this meant it was not possible for him to place in the contract with the County that he would not aggregate his Common Carrier obligation. Supervisor Braymer interjected that she was not asking them to aggregate their Common Carrier obligations under the law.

Supervisor Brock informed he was very concerned about the possibility of storing oil cars, as he felt they had an obligation not only to the County but also to the region. He said he was not versed in the law so he was unaware of the legal aspects of it but he would like to stop any possibility of oil tank cars or any other types of cars from being stored in Tahawus. Mr. Ellis interjected that as he stated earlier due to the cost of transporting them no oil cars would be stored in Tahawus; however, he noted, it was not an option for him to put that in writing but he was giving his word that this would not occur. Supervisor Brock inquired whether Mr. Ellis would store cars in Tahawus if the need did arise and Mr. Ellis restated that he gave his word that oil cars were not coming here. Supervisor Brock remarked that had not been his question and Mr. Ellis replied that the answer to the question was no they would not be stored there. He pointed out they now had it on record that he had given his word that no cars would be stored in Tahawus.

Supervisor MacDonald remarked he was pleased that the County had partnered with someone they were able to nurture a good working relationship with for mutual economic development, as this was imperative. He said his reservations concerned the need to address the issues in the contract before they moved forward with it, as this would mean they were continuing to overlook things that could cause issues for them in the future. As he had stated with the contract with the Warren County SPCA, if there were issues with a contract, they should review the language and address it before they moved forward with it. He said he was being very consistent with this point of view, as he felt the Board needed to thoroughly review the language of the contracts they entered into and follow that language. He remarked if both parties were agreeable to certain things that were not being followed in a contract then it could be easily addressed by an amendment.

Mr. Ellis apprised he was in favor of moving forward in this manner. He reminded the Board the contract concerned three parties, as the Town of Corinth was also involved. He mentioned at one of the previous Committee meetings he had brought up the fact that they did not intend to operate the Snow Train this winter. He said no one had asked them to address this change in an amendment nor had anyone accused them of breaching the contract for not operating the Snow Train; therefore, he advised, he was now in a position wherein if the County wrote him a letter requesting that he operate the Snow Train in 2016 he would be required to operate 30 of these trains during the month of December when Gore Mountain was officially opened for the season. He remarked their goal was to ensure they were compliant with the contract which for them included having a reasonable return in investment. He pointed out they invested about \$300,000 in funding on an annual basis taking care of the County's

asset. He said it was their obligation to clean up the culverts that became clogged with trees during the rainy season in the spring to prevent them from washing away into the river; he noted previous to them taking over the operation of the railroad it had been the County's responsibility to pay for this clean up which would be the case should they change it into a trail system. He informed they had taken the necessary steps to ensure they were doing everything they could to meet the maintenance and operation obligations they had to the County which no one had every questioned and if it had been, SNCR had responded. He stated good communication was required in order to address their response time which may not always be as quickly as it should be because they were honorable people that did everything they could in order to operate a safe, reliable, comfortable railroad that individuals enjoyed riding.

Supervisor Frasier questioned the need for an attorney if each of the Board member took it upon themselves to interpret the contract. She commented she felt it was the County Attorney's job to review the contract and notify the Board whether he felt the contract was appropriate and whether any adjustments were required. Supervisor Frasier advised the Town of Hague received no benefit from the railroad; however, she noted, the Town of Johnsbury benefitted immensely from it which was justification enough for her to move forward with the contract. She indicated she was unsure why they were debating the matter when it was obvious that there were towns that benefitted from the railroad at no cost to the County. She pointed out Mr. Ellis had been asked multiple times whether he planned on storing rail cars, each time replying in the negative. She announced she was frustrated with the fact that some felt the contract required additional review which would delay the approval when it was apparent that a number of the small towns within the County benefitted from the railroad.

Supervisor Simpson advised he believed the former County Attorney had presented an opinion last year that the County had been provided with a sufficient amount of notice from SNCR that they would like to continue with the current contract which was permitted. He pointed out amending the contract could potentially be construed as negotiating which was a breach of contract. He mentioned he had relied upon the opinion of the previous County Attorney that they did not have the option to negotiate, as the contract called for it to continue under the same terms for another five years.

Mr. Reichenbach informed he had conveyed to several Supervisors his opinion that SNCR had met all of their obligations within the contract, and were not in breach, which would trigger SNCR's right to renew. He continued, since an email had been received in June of 2015 from them indicating their desire to continue with the current contract which was timely and met the standard for a request to renew, he opined that upon the railroad exercising that request they had a right to renew the contract for five years under the exact same terms and conditions.

Supervisor Vanselow thanked Mr. Ellis for attending today's meeting and Supervisor Frasier for her support, as he believed one of the purpose of the Board was to be supportive of each others towns. He mentioned there was not a significant invasive species issue in the Town of Johnsbury but that did not prevent him from supporting the efforts for prevention and/or eradication in other towns. He continued, his Town did not receive much of a benefit from the Glens Falls Civic Center and yet he was supportive of the efforts to keep it operating. He stated that the Board worked together to be supportive of each others municipalities. He remarked that SNCR was not only important to his community because of the forty jobs they provided but also the impact the railroad had on the businesses that surrounded it, as he would hate to see the impact on them if SNCR were to cease operating. He pointed out every weekend a few hundred passengers got off the train in the Town of Johnsbury and patronized the stores there which provided job security and ensured residents would remain in the Town. He said recently a new attraction had been implemented wherein the passengers of the summer train took a bus from the Johnsbury Train Station to Gore Mountain to allow them to enjoy some of the amenities

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offered there. He mentioned he was negotiating to move those summer operations to North Creek which would keep people in Town thereby providing a great benefit, as it was anticipated that the train passengers would contribute significantly to the tourism industry there. He commented the specifics of the railroad were important not only to North Creek but also other towns located along the railroad, as well. He pointed out it was difficult for both the small towns and the City of Glens Falls to thrive which was why the Board members were all supportive of each other. He apprised he was appreciative of the support for his Town just as he suspected the other municipalities were appreciative of the support they received when their towns were involved, as they were all in this together. He thanked them for their support.

Supervisor Dickinson advised he was an ardent supporter of SNCR, as he believed they had been great partners to the County during his tenure on the Board. He pointed out SNCR had never argued about any request the County had made of them and were very accommodating even if they did not comply with every request made. He mentioned as he sat there today he pondered how good a partner SNCR thought the County was. He stated one of his biggest complaints concerning politicians related to when they made commitments but did not live up to them. He apprised some of the Board may remember his passionate conversations regarding the Warren County Bike Trail. He explained when the Bike Trail was created it hinged upon a strip of property owned by Dave Eastwood. He said thirty years ago Mr. Eastwood agreed to let the County use his parcel for the bikeway as long as motorized vehicles were not permitted on it. He pointed out snowmobiles were now permitted on the bikeway which were motorized vehicles. He likened this scenario to what was occurring with the contract with SNCR today, as the County had originally committed to an automatic renewal within the contract and yet now the Board was arguing about it today. He questioned what type of message this was sending to SNCR who had invested a significant amount of their own money into the railroad each year. He opined the County had made a commitment and they should stop discussing the matter and move forward with approving the contract.

Supervisor Merlino apprised that the County had granted SNCR permission not to operate the Ski Train because of the lack of riders on them; therefore, he said, why should the County force SNCR to operate it with only a handful of riders which would take away money from their product. He said it was a good thing they had not operated the Ski Train this year because of the lack of snow; however, he stated, they could revisit whether or not to commence operating it again next year which supported the fact that it was not plausible to go through every inch of a contract. He commented if SNCR had informed the County that they no longer wished to continue with the contract, then he would fully support removing the tracks and creating a Rail Trail; however, he noted, with the money both SNCR and the Town of Corinth had invested into the tracks he felt it would be inappropriate for them to move forward with implementing a Rail Trail at this time. He remarked while he understood the reasoning behind the request to hold off on the contract for another month to allow for more review and discussion, he believed they should move forward on this now so as not to delay SNCR from commencing work on their plans for the railroad this year. He announced he was fully supportive of the contract with SNCR, as the residents of his Town thoroughly enjoyed having the railroad there. He pointed out over the past few years he voted in favor of funding in the amount of \$1 million for the Glens Falls Civic Center, which supported the fact that the Board members needed to work together to support each others municipalities. He mentioned it was imperative that the Board members think in terms of what would be beneficial to the County as a whole in some circumstances and not just their respective municipalities.

In respect to the Snow Train, Mr. Ellis stated that Warren County had put out an RFP which SNCR was financially supporting to look into direct service between Albany and North Creek, New York. He mentioned the bulk of the feedback they received from patrons of the Snow Train and those who did

not was the lack of connectivity between Albany and North Creek; therefore, he said, he felt it was a wise move on the County's part to look into whether it would be possible to extend service to Albany, as this would benefit not only the Ski Train but the residents who lived in the western portion of the County. He added he would like to be able to operate the Ski Train but he did not want to be the only passenger on it.

Supervisor Strough advised he enjoyed riding trains and visiting places that had scenic rides on train available. He mentioned he was aware that the train did attract tourists and their money to Warren County. He remarked he would support SNCR as long as they indicated their willingness to remain in Warren County. He pointed out that he was unsure how long SNCR could continue to operate as long as they were losing about \$1 million on an annual basis. He stated he believed the railroad was an asset to the County that attracted tourists to the region and provided revenue here, as well which was why he was supportive of it. He asked Mr. Reichenbach whether Mr. Ellis's oral commitment to not store oil tank cars in the Adirondacks was legally binding and Mr. Reichenbach responded that Mr. Ellis had given the County his word on the record and their legal counsel had communicated the same to him, as well but Mr. Ellis had a Common Carrier obligation. He explained this meant that if someone from another railroad asked to use the tracks to transport oil tank cars to Tahawus, Mr. Ellis was obligated to do so; however, he noted, since Iowa Pacific owned the property in Tahawus, unless Mr. Ellis granted them permission to do so there was no reason for him to allow those cars on the property owned by SNCR. Mr. Strough reiterated that Mr. Ellis had verbally promised not to store oil cars on Iowa Pacific's property in Tahawus; he asked whether this oral agreement was legally binding and Mr. Reichenbach replied that what Iowa Pacific chose to do with their property in Tahawus was their decision. Mr. Reichenbach questioned whether the railroad in Tahawus connected to any other railroads and Mr. Ellis replied that its only connection was to the railroad in North Creek. Mr. Reichenbach advised unless Mr. Ellis decided to allow the oil tank cars to be store din Tahawus there was no reason for them to go across the County-owned portion of the railroad. Mr. Strough pointed out Mr. Ellis had stated orally that he would not permit that.

Supervisor Sokol stated that according to the Business Law course he had taken in college, oral contracts were legally binding for one year; he inquired whether this was still the case and Mr. Reichenbach responded that in general written contracts could not be modified by an oral presentation. He continued, a specific contract required a writing to amend its terms which he did not believe this would rise to that level. Supervisor Strough questioned whether another instrument would work such as an MOU (*Memorandum of Understanding*) rather than a contract and Mr. Reichenbach replied that an MOU could not modify a contract, noting if it was signed by both parties in writing it would be considered an amendment to the contract. Supervisor Strough apprised that these were discussions he felt they could have had at the Committee meeting which was why he voted in favor of tabling the matter to return it to the Public Works Committee for further discussion. He remarked he would take Mr. Ellis's word that he would not store oil tank cars on the railroad; however, he noted, there would be outrage on the Board should Mr. Ellis go back on his word. Mr. Ellis stated if he were to ever do that he would go back before the Board so they could notify him publicly that he did not follow through on his promise.

Supervisor Strough informed going forward the County should consider their options with the property, as he was aware that Kurt Austin, *Warren County resident*, had completed an abundant amount of work on the "Rail Trail" proposal which demonstrated the benefits of Rails Trails elsewhere. He continued, if at some point SNCR determined they no longer wished to operate the train the Board should have a clear understanding of the other options available by completing a study to review the benefits and/or hurdles involved in the development of a Rail Trail. He apprised even though he was a bicycle rider who enjoyed bike trails, he was going to vote in favor of moving forward with the

contract with SNCR because having a “bird in hand” was important to him, as well.

Supervisor Seeber commented she concurred with Supervisor Vanselow’s perspective that the Board was in a position to see each others perspectives and be considerate of all the municipalities. She pointed out they had been in this situation before where they had taken the oral promise from someone on certain matters and whether they would follow through with them such as the fireworks, the sale of Westmount Health Facility, etc. which had proven in general to work out. She mentioned history appeared to be repeating itself, as she believed the issues with contracts were fundamentally the Board’s fault since they were the final decision makers. She informed if there were concerns with contracts it was their job as Supervisors to notify their administration that they wanted it reviewed, monitored and provided with regular updates, as this was the Board’s job since they were elected by the residents of Warren County. She said she was not present today to make SNCR pay for the Board’s error. She pointed out since the County was not in the business of managing nursing homes or the railroad she was confused as to why they operated their own Airport, as she felt they should be able to garner some revenue from that, as well. In regards to the Rail Trail, Supervisor Seeber indicated that the Board owed it to the community and the Board to review it before now even though they had been hearing about it for over a year now and yet again nothing has bene done about it. She remarked she thought it was irresponsible at this point to vote in opposition of the contract with SNCR when the County had no plans in place to implement a Rail Trail which was exactly what they needed to do. She mentioned Supervisor Simpson had guaranteed to her that he would thoroughly review this and she was going to take him on his word. She stated when she reviewed this and thought about where the responsibility fell she realized it fell upon the Board which was why they needed to start fixing the way they considered matters.

Supervisor Seeber apprised she had read somewhere in the contract that if the Board did anything to delay the extension of the contract which hindered SNCR’s operation the County could be in violation of the contract and responsible for any monetary losses SNCR may have due to this delay. She questioned whether it was correct to assume the County could owe SNCR some money if they delayed the contract extension any further and Mr. Reichenbach responded that he was not familiar with that specific provision but he could speak to the fact that as an iron clad principle of contract law if one party were to breach a contract in anyway and it caused the other party a loss or damage than they would be liable for them.

Supervisor Beaty informed that while he was supportive of the railroad and felt that Mr. Ellis was an honorable man, he did not believe Mr. Ellis’s oral promise would suffice to be upheld within the court system should it ever come to that. He pointed out that SNCR had indicated that they were losing \$1 million a year on the railroad; therefore, he said, he would have to question where they would come up with additional revenue in order to break even if not from storing the oil tank cars. Mr. Ellis apprised he could not recall stating the railroad was losing \$1 million a year; however, he noted, he felt they were investing that much into the railroad on an annual basis with all the investments they had made into the tracks, structures and equipment which was significant. He stated their plan to generate additional revenue included the addition of the luxury dinner trains, expanding other services such as the Railrider Bikes as well as continuing to work on transporting the stone in Tahawus. He pointed out if they were to transport ten thousand cars of stone a year it would provide them with \$4 million in revenue. He apprised that not long after the previous contract SNCR had with the County was approved Essex County had approached them about the railroad located there which they ended up purchasing. He stated with the support of Warren County and the State representatives they commenced the process to open up the railroad to a Common Carrier Line. He said it took five years from when they originally signed the contract with Warren County to transport freight along the line. He mentioned they were now in position to negotiate with Canadian Pacific and expend upon this but there were

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many parties involved which complicated the process. He informed he looked not only on this project but all the projects they were involved with as ten year projects. He stated this was why they wanted a five year renewal at the end of the first five years, as they were aware that business development took time and consistent application of effort which was how they had been able to be so successful. He pointed out the railroad they purchased in Arizona took seven years to turn around and make it the success it was today, as well as two railroads in Texas that were losing over \$1 million a year when they originally purchased them and were also very successful today. He remarked the Warren County railroad could be a success for them, as well as for the County, Town of Corinth and Essex County but it would not happen in 2016. He continued, SNCR would continue to make progress in that direction but that was why ten years was the appropriate term for something like this since it actually took that long in the real world.

Supervisor Beaty asked what would occur if SNCR were to assign their contract to someone else and Mr. Ellis replied that he had not read that portion of the contract but he did not believe that could be done nor had SNCR ever considered this. Mr. Ellis apprised there were no other companies within the railroad business that did what they did. He stated they had cornered the market on the full length dome cars and cars that met the federal requirements. He continued, any other companies who tried to do business with Warren County on the railroad would run into difficulties providing the service. He pointed out most tourist train operators carried around \$5 million in insurance coverage whereas Canadian Pacific carried \$100 million on the Saratoga Springs railroad which meant anyone who carried insurance under that amount would not be able to go into Saratoga Springs; however, he noted, they carried over \$200 million in insurance coverage. Mr. Ellis advised he thought they would only be able to assign the contract to someone else with the County's permission which would give the County control if they decided to do something like that.

Supervisor Montesi informed he was taking Mr. Ellis's word that he would not store oil tank cars and would vote in favor of the contract. He questioned whether the railroad located between North Creek and Tahawus was a single line and Mr. Ellis responded that it was a single line with side tracks. Mr. Montesi pointed out even with the side tracks it would be difficult to store a lot of cars there. Mr. Ellis stated that there were some side rails available that could potentially store freight cars on any storage and not that of oil cars but of other types of cars such as lumber ones would be done on a short term basis during an economic downturn. He apprised storage could be used as a bridge like it was in Mississippi where they were storing cars to pay off a significant bond.

Supervisor Sokol remarked that over the past hour Mr. Ellis had bent over backwards for the Board by graciously answering all of their questions and responding to their concerns. He stated it has been his experience with contracts that they benefitted the tenants He advised he felt the County was in a "win-win" situation with SNCR which was why he was fully supportive of the contract.

Supervisor Thomas advised that he concurred with Supervisor Dickinson that it was about commitment and he concurred with Supervisor Vanselow that the Board members should all be supportive of one another. He reminded the Board the County had struggled with the railroad for many years during which time they received grant funding from the Federal and State Governments for it, they struggled with a poor operator and got chastised in the media before Iowa Pacific Holdings responded to their RFP which he noted he was grateful that they did and had thanked them for doing so. He mentioned he believed SNCR had lived up to their expectations and done what was expected of them. He inquired whether the Board was considering their commitment to the taxpayers, as there had been a significant amount of Federal and State grant funding invested within the railroad along with the money the County had invested on its own. He added the Planning Department had secured a number a number of grants for the Towns which was associated with the railroad. He said he was perplexed by the fact



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that they were considering walking away from the railroad so they could build a Rail Trail there when the County had made such a significant investment into the railroad. He remarked he was fully supportive of moving forward with the contract.

Supervisor Wood inquired whether this was a renewal or an extension of the contract that SNCR was entitled to and Mr. Reichenbach responded that it was a renewal but the original resolution authorized an agreement which referenced an automatic renewal and the contract terms stated that the operator had a right to a renewal if they had not breached and provided notification prior to June 30, 2015. He said there had been an email indicating their intention to continue on with the contract in June of 2015 and the County had never given them any notice of any kind of breach. Supervisor Wood asked why the Board was even voting on the matter if SNCR was within their rights to renew the contract and Mr. Reichenbach replied his opinion was that a formal resolution for the renewal of the contract was required. He added the County could end up in court should they choose not to move forward with the contract; however, he noted, he felt it was always best to receive authorization from the Board for a renewal of a contract.

Chairman Geraghty informed that there had been some communication issues with the railroad that he discussed with Mr. Ellis today to come up with set plan which addressed them. He mentioned they had a commitment from Mr. Ellis for the railroad. He said he would be voting in favor of moving forward with the contract.

Chairman Geraghty called for a roll call vote on proposed Resolution No. 126, *Authorizing an Extension Agreement Between Warren County, Saratoga and North Creek Railway, LLC and the Town of Corinth*, following which the resolution was carried by majority vote of 826 in favor (*Supervisors Girard, MacDonald, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Beaty, Montesi, Sokol, Thomas, Conover, Leggett and Geraghty*) and 106 against (*Supervisors Braymer, Brock and Wood*) (*Absent-Supervisors McDevitt and Frasier-68*).

In regards to scheduling a Board Meeting in the evening, Chairman Geraghty announced he was looking to schedule the April 15<sup>th</sup> Board Meeting at 7:00 p.m. Motion was made by Mr. Leggett, seconded by Mr. MacDonald to bring the matter to the floor for discussion.

Supervisor Sokol pointed out a number of Supervisors had exited the meeting following the vote on the railroad contract. He questioned whether they were still going to vote on the matter today and Chairman Geraghty responded in the affirmative. Chairman Geraghty apprised if they did not vote on the matter today, the evening meeting would need to be scheduled for May.

Supervisor Dickinson questioned whether the meeting would be scheduled on a Friday evening, as he had previously voted against the night meeting because it was going to be scheduled on a Friday night. He suggested the meeting be scheduled for a Thursday evening instead.

Supervisor Wood remarked she would be unable to attend the Board Meeting if it was scheduled for a Friday evening because she had a prior commitment that would prevent her from attending. She said she was not opposed to scheduling meetings in the evening, as her Town Board meetings were in the evening but due to her prior commitment she was unavailable after 3:00 p.m. on April 15<sup>th</sup>. She added she doubted very much that residents would be interested in attending an evening Board Meeting on a Friday.

Supervisor Strough requested more of a notice for the night meeting, as he had already planned his schedule out for then.

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Chairman Geraghty asked for some direction from the Board, as he was trying to be accommodating and schedule a night meeting. Supervisor Seeber suggested they schedule the meeting for Thursday, May 19<sup>th</sup> or Thursday June 16<sup>th</sup>, as this would provide Board Members with plenty of notice so they could schedule their time accordingly.

Chairman Geraghty asked Mrs. Allen to poll the Board to find out what the best date for the night meeting would be.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Girard and seconded by Supervisor Montesi, Chairman Geraghty adjourned the meeting at 1:43 p.m.