

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, APRIL 15, 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 10:04 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor McDevitt.

Roll called, the following members present:

Supervisors Conover, Leggett, Girard, McDevitt, Braymer, Brock, MacDonald, Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Beaty, Montesi, Sokol, Thomas, Wood and Geraghty- 20; Absent-0

Motion was made by Supervisor Wood, seconded by Supervisor Vanselow and carried unanimously to approve the minutes of the March 18, 2016 Board Meeting, subject to correction by the Clerk of the Board.

Commencing the Agenda review with the report by the Chairman, Chairman Geraghty read aloud the listing of meetings he had attended since the March Board Meeting; *a copy of the Chairman's Report is on file with the items distributed at the Board Meeting.* He advised he had attended a meeting with the Purchasing Department wherein they discussed ghost cards. He explained ghost cards would provide the County with money back and would be used to purchase big ticket items such as paving materials. Chairman Geraghty apprised he had attended the Department Head meeting on March 30th to discuss his expectations following the departure of the former County Administrator. He remarked he felt the Department Heads and their staff had been doing a good job during this transitional period. Chairman Geraghty informed that he had attended the February 23rd meeting of the Traffic Safety Board wherein the discussion revolved around the reduction in arrests for DWI (*Driving while Intoxicated*) which he believed to be positive. Chairman Geraghty stated for the last two days he had been in Lake Placid, New York along with several other Supervisors attending the Adirondack Park and Local Government Review Board Conference. He said his focus during the conference had been broadband because of the mixed messages received from the State. He informed he had challenged the speaker representing the Governor's Office about what was being applied and what would really occur in regards to the State's broadband initiative. He indicated the initiative involved implementing broadband coverage State-wide by 2017. He said the merger between Time Warner Cable and Charter Communications was still under review by the Federal Communications Commission and would impact this initiative immensely. He stated that Time Warner Cable was required to provide broadband to 140,000 households that currently were not served. He advised when the initiative initially began he thought Warren County would not receive any of the funding provided within the first round. He continued, the representative from the State that spoke at the Adirondack Park and Local Government Review Board Conference indicated this was not the case. He encouraged any Town Supervisors who had areas without coverage within their municipality to compile the information so the County could provide it directly to the State because he had reviewed maps prepared by the State indicating there was coverage in areas where he knew there was none. He pointed out there were areas in the Towns of Thurman, Stony Creek and Warrensburg that did not have service, as well as a number of other areas in the County. He suggested they make an effort over the next month to gather the necessary information for the areas without coverage so that they could present a list to the State on their own rather than relying on the "bigger picture" to see to if they

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could get coverage in some of these areas. He apprised they would have to wait and see whether any action was taken by the State once they provided them with the necessary information.

Supervisor Conover commented that he thought the Planning & Community Development Office had put together a map of the County with the information being requested. Chairman Geraghty advised this had been done; however, he said, it was his understanding that it was all dependent upon how the State used the information. He noted it had been suggested that the Municipalities compile their own information so it could be forwarded directly to the State to use. He added he believed a significant amount of the information the Planning Department gathered could be used, as well, to support their efforts.

Before continuing the Agenda review, Chairman Geraghty recognized the following people for their years of service to the County which was greatly appreciated:

- * Brian Engall for 30 years of service to the Sheriff's Department
- * Susan Campbell for 30 years of service to the Sheriff's Department
- * George Dunkley for 30 years of service to the Department of Public Works
- * Wanda Holding for 25 years of service to the Countyside Adult Home
- * Diane Pfeil for 15 years of service to the Public Health

Chairman Geraghty announced as acting County Administrator he had nothing to report on concerning the County Administrator's report.

Privilege of the floor was extended to Brian Reichenbach, to provide the report by the County Attorney. Mr. Reichenbach apprised he had a few proposed resolutions to report on that would be coming from the floor, the first of which was entitled, *Introducing Local Law No. 3 of 2016 and Authorizing Public Hearing Thereon*, that Amanda Allen, *Clerk of the Board*, was distributing copies of. He stated the purpose of the amendment was to address any questions that may arise regarding transient merchant laws or zoning laws so that no one felt they had the ability to sell in a tent or other temporary facility without regard to existing zoning or transient merchant laws. He apprised that the next proposed resolution which was distributed by Mrs. Allen was entitled, *Authorizing Successor Public Employment Agreement Effective January 1, 2016 Through December 31, 2017*, and he explained it concerned the authorization and ratification of the proposed extension of the collective bargaining unit agreement with the Warren County Police Supervisors Benevolent Association. He mentioned because the agreement was pending, an executive session would be necessary if the Supervisors would like to discuss specific information regarding the terms. In regards to proposed Resolution No. 187, *Approving Settlement in the Matter of Nicole Russo V. County of Warren, Et. Al.; Authorizing Transfer of Funds*, Mr. Reichenbach stated the terms of the confidential settlement had been discussed during an executive session at the March 18th meeting of the Criminal Justice & Public Safety Committee. He advised the proposed resolution authorized a transfer of funds so the County's \$25,000 insurance deductible could be paid, as well as granting authorization for the Chairman to execute the settlement agreements. In conclusion, Mr. Reichenbach informed proposed Resolution No. 197, *Authorizing Continuation of Agreement with Legal Aid Society of Northeastern New York, Inc. for Family Court Conflict Cases*, provided for a one month extension of the contract with Legal Aid Society of Northeastern New York, Inc. which offered conflict defender services and in the Warren County Family Court. He said in the interim while they were negotiating a new contract with Legal Aid Society of Northeastern New York, Inc. he felt it was prudent to agree to their services an additional month under the same terms.

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

Supervisor McDevitt apprised that in response to a complaint regarding a land sale in the Queensbury

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Business Park the New York State Authorities Budget Office had completed a review of the transaction which involved the Warren County Economic Development Corporation. He stated their review concluded that there were no substantial objections to the real estate transaction. He mentioned he believed that they felt even though the sale price for the property was below its fair market value, it was permissible since the sale was consistent with the mission of creating jobs. He remarked he thought they felt accountability and transparency were very important and in the future public meetings would have to be adhered to more aggressively to ensure public trust. Next, Supervisor McDevitt spoke about the email the Board members had received recently from Amy Clute, *Self-Insurance Administrator*, concerning her thoughts regarding economic viability in Warren County as it related to volunteer firefighters within the County. He explained according to legislation which he believed had been passed within the New York State Senate and was awaiting a sponsor in the New York State Assembly would place Counties in the position of ensuring in the event that a volunteer firefighter contracted cancer of any kind, the County would be required to provide indemnity medical and potentially death benefits unless they could prove that such cancer condition was unrelated with competent advice. He continued, according to Ms. Clute's email providing such a presumption and placing the cost of rebutting such on County taxpayers would pose an undue financial burden and hardship. He remarked he felt this was setting up the County for a future expense that could be very significant. He stated he hoped the County would consider opposing this effort within the New York State Legislature.

Supervisor Braymer stated that she was pleased to see that proposed Resolution No. 196, *A Resolution Calling on the State of New York to Fully Reimburse Counties for District Attorney Salary Increases Set by the State*, had been included within the resolution packet for this month.

Chairman Geraghty apprised that according to Assemblyman Mark Butler, who represented the Adirondack region, this had been the worst budget season ever for the State. He said that Mr. Butler had assured him the salary increase would be paid for by the State; however, he noted, he did not interpret it that way. He noted every County within the State was concerned about the proposed increase and whether it would be their responsibility to pay for it.

Supervisor Brock suggested that the State approach Jason Pierre Paul, the New York Giants player who was injured due to a mishap involving fireworks about the possibility of being a spokesperson for fireworks safety so that youth could better understand the repercussions of fireworks when they were not handled in the proper, safe manner. He pointed out due to Mr. Pierre Paul's carelessness he may have to end his career early.

Supervisors MacDonald and Frasier advised they had nothing to report on.

Supervisor Simpson reported on the March 28th meeting of the Public Works Committee, providing an overview of proposed Resolution Nos. 172-176.

Supervisor Vanselow advised the Support Services Committee had met on March 23rd, approving proposed Resolution Nos. 179-183, which he outlined briefly.

Supervisor Dickinson reported on the March 31st meeting of the Environmental Concerns & Real Property Tax Services Committee, providing a review of proposed Resolution Nos. 167-168.

Supervisor Merlino apprised the Traffic Safety Board met on March 28th, approving proposed Resolution No. 171 which he outlined. He remarked that he would be advocating for additional funding for the Traffic Safety Board during the budgeting process because he felt it was unfair for the budget to be cut for a job well done, as supported by the decline in the number of DWI arrests within the County.

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Supervisor Merlino stated that although the Tourism & Occupancy Tax Coordination Committee had not met last month but noted the Tourism Department was currently working hard on the television commercials. He advised that the Department had sent BBG&G Advertising Inc. an abundant amount of information to analyze which was why it would take a few months before any benefits were realized from the contract. Supervisor Merlino commented that he was pleased with the improvements that had been made to the Adirondack Northway Rest Area between exits 17 and 18 by the Lake George Regional Chamber of Commerce & Convention & Visitors Bureau. He reminded the Board that the State had awarded \$1 million to refurbish the building which would provide a nice gateway into the County. Supervisor Merlino informed that the Park Operations & Management Committee had met on March 23rd approving proposed Resolution No. 169, which he provided a brief overview of.

Supervisor Strough stated that the Legislative & Rules Committee had met on March 28th, approving proposed Resolution Nos. 170, which he reviewed briefly.

Supervisor Seeber advised that she had attended the Crime Victims Rights breakfast on April 11th wherein Warren County honored five individuals including the Court Officers which she felt was a nice recognition of all of their hard work. Next, as it related to SUNY Adirondack, Supervisor Seeber stated that criteria had been set for the annual recognition award. She noted the Finance, Personnel & Higher Education Committee would briefly review the nominees and select the recipient of the award. She informed the criteria included overcoming obstacles while pursuing their education, as well as strong academic achievements, a Warren County resident and exhibiting motivation, tenacity and enthusiasm. She noted the recipient would be recognized at a Board meeting and the Colleges graduation ceremony. Supervisor Seeber thanked Jackie Figueroa, *County Human Resources Director*, for taking the time to work with her on the draft that would be proposed at a future date for performance evaluations. In conclusion, Supervisor Seeber informed she continued to work with both the Town of Queensbury, the County Attorney and the Chairman of the Finance, Personnel & Higher Education Committee as it related to what County Law had established the Supervisor At-Large positions for the Town of Queensbury on the Board in 1966 which had been amended several times since then. She mentioned they had all originally assumed the At-Large positions were established by the Town but had since discovered their jurisdiction fell under the County. She explained this meant the Town had the ability to fill a vacancy but it did not have the authority to change the structure of their positions or even have a discussion concerning this. She advised she would be meeting with other At-Large Supervisors as well as the Town Council to discuss the possibility of requesting that the County either turn the jurisdiction to make changes over to the Town or continue in the current fashion they were within and come before the Board to request any changes to the positions. She mentioned it was interesting to discover that the At-Large positions fell under the County's jurisdiction which was unlike the City Charter or all of the Town Supervisor positions.

Supervisor Beaty informed that although the Shared Services Committee had not met this past month he had emailed the full Board asking whether they had any insight as to how the Towns or the County could save money on items through purchasing of larger quantities of which he received a few responses. He apprised a Shared Services Committee meeting would be scheduled within the next few months wherein they would discuss some potential savings for both the County and the Towns in regards to certain items that were being purchased. He requested that anyone with cost saving suggestions to contact him. Supervisor Beaty remarked he was fully supportive of proposed Resolution No. 198 as it related to the salary increase for District Attorneys across the State since he felt it was disrespectful for the State to place another unfunded mandate upon Counties.

Supervisor Montesi stated he had nothing to report.

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Supervisor Sokol reported on the March 23rd meeting of the Health, Human & Social Service Committee, wherein they approved proposed Resolution Nos. 163-166 which he proceeded to provide a brief overview of. Supervisor Sokol informed that proposed Resolution No. 188, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2016*, specifically concerned the Departments within the Health, Human & Social Services Committee. He commended the Department of Social Services for continuously coming up with ways to better their Department, as well as the needs of the community. He mentioned an amendment to proposed Resolution No. 188 was required in order to change the salary of the temporary Supervising Public Health Nurse since the incumbent did not have the experience the previous person had in that position had. Chairman Geraghty advised that this could be addressed during the discussion on resolutions. Supervisor Sokol apprised he had discussed with the Chairman and the Director for Countryside Adult Home the possibility of creating a part-time position to manage the admissions interviews for potential residents when the Director was unavailable. He advised the request would be brought before the Committee to discuss further, as this may assist them with increasing the census there. In conclusion, Mr. Sokol advised he was working on getting Special Counsel to attend the next Committee meeting to answer some questions Travis Whitehead, *Town of Queensbury resident*, had concerning the monthly payments made to Siemens.

Mr. Reichenbach advised he was comfortable at the moment that the County's rights were protected in regards to the ongoing payments being made to Siemens and that the County was receiving reimbursement from Centers for the appropriate payments. He added the question concerning the maintenance services had been addressed between the Special Counsel for the County and the Attorney for Centers, and he said he believed the County was protected in this regard, as well. He apprised the County continued to make the payments for the Performance Guarantee based upon the sense of the Board during the February 19th Board Meeting. He mentioned he believed the County was acting appropriately to protect its interests and their stance if there was litigation.

Chairman Geraghty announced there would be a service taking place in front of the Human Services Building today at 1:30 p.m. for recognition of child abuse awareness and he encouraged all to attend.

Supervisor Thomas stated he had nothing to report.

Supervisor Wood advised the Criminal Justice & Public Safety Committee had last met on March 23rd, approving proposed Resolution Nos. 158-162 which pertained to typical County matters. She stated the Office of Emergency Services put on a presentation during the Committee meeting regarding disasters and such.

Supervisor Conover advised the Finance, Personnel & Higher Education Committee had met on March 31st approving proposed Resolution Nos. 156, 157, 184-191 and 194, all of which were included in the resolution packet. He called attention to proposed Resolution No. 186, *Amending Resolution No. 745 of 2011 to Amend the Unassigned Fund Balance Policy for Warren County*, as it was a significant resolution that was recommended by Mike Swan, *County Treasurer*. He stated that the good news concerning this request was that it meant the County was in a good standing position financially to be able to increase the required amount of the unassigned fund balance that they had to maintain from \$6 million to \$9 million; however, he noted, the downside to this was that it would make the funding unavailable for future budgets because it would be needed for cash flow purposes within the budget. He requested that Mr. Swan comment on the matter and the significance of the increase.

Mr. Swan stated the request related to cash flow, as the County was required to have a certain amount of funding available to pay the bills every month. He pointed out the County had about \$130 million a year in expenditures which equated to between \$9-\$10 million a month in expenditures. He mentioned

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during the majority of the year there was enough cash on hand to cover these expenses but there were certain times of the year, especially January through March, where no revenue was being received; therefore, he said, they required the additional funds to ensure a sufficient amount of funding was available to pay the bills. He informed the lower level was used as an alarm to inform them when they were close to the point of having financial issues. He stated currently the fund balance was at a healthy level and once the books for last year were closed out, they would support the fact that the County remained within good financial standing. He pointed out if they were to run out of money, they would have to borrow in order to be able to pay expenses, which would be very costly.

Supervisor Conover inquired whether they would be required to apply any funding over the higher level amount of \$16 million toward the County Budget if they were to exceed that amount and Mr. Swan replied in the affirmative. He stated the higher level was meant to be what he felt was an alarm notifying them they were holding too much of the taxpayer dollars and therefore should be allocated toward the County Budget. Supervisor Conover asked how much of the unassigned fund balance had been applied to the 2016 County Budget and Supervisor Thomas responded that it was around \$500,000.

In response to a question by Supervisor Montesi, Mr. Swan advised that he was unsure what the current balance of the unassigned fund balance was. He stated the balance would not be available until his Office closed out the books for last year which would occur within the next few weeks. He opined the balance would be slightly less than it was at the close of last years books.

Chairman Geraghty inquired whether the County would automatically be required to borrow money if the balance fell below the lower figure and Mr. Swan replied in the negative. He reiterated that the lower level was used as an alarm which triggered them to reassess their finances and did not necessarily mean they would have to borrow money.

Supervisor Conover called their attention to proposed Resolution No. 187, *Approving Settlement in the Matter of Nicole Russo v. County of Warren, Et. Al.; Authorizing Transfer of Funds*, which concerned the settlement that they discussed earlier. Supervisor Conover advised that as per the Chairman, the County would continue to pay the Performance Assurance portion of the Siemens Co-Generation contract which had been discussed at the March 31st meeting of the Finance, Personnel & Higher Education Committee but a transfer of funds was not needed which was why it had not been included within the resolution packet.

Supervisor Leggett apprised that he had nothing to report on.

Supervisor Girard questioned whether increasing the lower level of the unassigned fund balance meant there would only be about \$5 million in funding available to use if they were to move forward with adopting proposed Resolution No. 168. Supervisor Conover explained the unassigned fund balance was used for cash flow purposes. He said this meant if they moved forward with adopting the resolution the balance would need to be at least \$9 million so that Mr. Swan knew there was a sufficient amount of funding available in the beginning of the year to handle the cash flow so the County did not have to borrow money. He continued, the funds were being used but not for an expenditure that would not be retrieved.

Supervisor Girard informed his concern revolved around situations such as the County Route 11 washout which had been a significant unanticipated expense for the County that had to be taken care of immediately. He continued, another concern was if there was inclement weather throughout the summer months within the County the amount of sales tax revenue received may plummet causing the

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County not to meet its revenue expectations for the year. He advised they would only have \$5 million in revenue available to use to cover those extravagant unanticipated expenses because they had to ensure the balance remained at a level of at least \$9 million. Supervisor Conover stated in term of a capital project like a washout, the answer to the question would be in the affirmative because they would not anticipate receiving any revenue for that purpose and it terms of declining sales tax, where it would apply was that there would only be up to \$5 million in funds available to allocate towards next year's operating budget in order to compensate for that. He mentioned the County had applied varying levels of the unassigned fund balance over the years in order to balance it. He noted within the more recent years they had significantly decreased the amount of money they used from the unassigned fund balance in order to balance the budget. He stated the goal was to use as little of the unassigned fund balance as possible to balance the budget since once it was depleted the only way to replenish it was through a positive cash flow. He apprised if they were to move forward with adopting the resolution it meant the balance could not go below \$9 million.

Supervisor Wood interjected that she thought Supervisor Girard's inquiry revolved more around whether they restricted themselves from using the unassigned fund balance which was not the case. She explained the Board could change the unassigned fund balance policy in order to access the funds if it was needed due to unanticipated expenses such as a County Road washout, etc. She said the levels set forth in the proposed resolution were for the purposes of guidance to ensure there was an ample amount of cash on hand so that borrowing was not necessary in order to pay the expenses. She mentioned in the event of an emergency they could suspend the policy in order to be able to carry out what was necessary.

Supervisor Girard pointed out if they were not able to suspend the policy they were limiting the amount of funds available to around \$5 million which could have an adverse impact on the County Budget. Chairman Geraghty reminded the Board there had been a time period when the County struggled financially and had to borrow funds from the unappropriated fund balance in order to meet payroll which went against their resolution for the lower level. He said this did not mean they were broke but rather they needed funds in the short term to pay their expenses. He indicated the reason the lower level was being raised was because the County did have more funding available on-hand. He added that the County acted as a savings account for the towns and school districts because the County paid the shortfalls accumulated by them. Mr. Swan informed the County would be paying about \$6.5 million to the Towns for unpaid taxes. Chairman Geraghty inquired when the payments to the schools for their shortfalls were made and Mr. Swan replied that those payments were made in the beginning of the year.

Supervisor Conover remarked he felt the level set for the lower amount provided the County with good guidance, as there were implications that needed to be considered if the balance were to go below that amount.

Supervisor Girard apprised that the County Facilities Committee had met on March 23rd approving proposed Resolution Nos. 177 and 178, which he provided a brief overview of. Supervisor Girard requested that Dr. James A. Seeley, *Executive Director of Cornell Cooperative Extension*, provide an update on the VITA (*Volunteer Income Tax Assistance*) Program. He remarked he felt the program was very beneficial, as it allowed for individuals who met the income requirements to have their taxes prepared for free.

Dr. Seeley informed he would provide a final report next month but he was aware that they served over three hundred individuals. He mentioned last year the Program brought back over \$1 million into the County through tax refunds.

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Dr. Seeley stated that each Supervisor received a pamphlet detailing the Chainsaw Safety Program Cornell Cooperative Extension was offering which was different than the Chainsaw Safety Training referred to in proposed Resolution No. 179, *Authorizing an Agreement with Bill Lindloff of Pro Cuts to Provide Chainsaw Safety Training Course*. He said the training they were offering was an introductory to chainsaw safety which was free of charge to the local municipal highway workers since it was fully funded through a grant. He pointed out the training referred to in proposed Resolution No. 179 was a much more advanced program that was provided to most loggers.

Supervisor Girard advised they remained at a standstill with the Court Expansion Project until the drawings that CPL (*Clark Patterson Lee*) completed were approved by the New York State Office of Court Administration. He continued, once approval was received they would send out an RFP (*Request for Proposal*) seeking bids for the work. He mentioned he had hoped to be able to announce today they were going out to bid but he did not have an update on the approval at this time. He said other than awaiting approval the Project was in good shape.

Moving on, Chairman Geraghty pointed out the three Proclamations included in the resolution packet, the first of which proclaimed May 5, 2016 to be "Law Day in Warren County". He said another proclaimed the Month of May 2016 as "Mental Health Month" while the other proclaimed the Month of May 2016 as "Older Americans Month".

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 February 2016 from the Warren County Probation Department.
2. Pro Act Warren County Discount Card Utilization Report for January 2015 - March 2016
3. Adirondack Community College Annual Report for the year ended August 31, 2015

Minutes from:

1. January 19 and February 17, 2016 meeting of the Warren-Washington Counties Civic Development Corporation;
2. February 9 and 17, 2016 meeting of the Warren-Washington Counties Industrial Development Agency.

Capital District Regional Off-Track Betting Corp. February 2016 Surcharge check in the amount of \$4,584.00

Letter from Travis Whitehead to Thomas Foley of Siemens Building Technologies, dated March 20, 2016 regarding Siemens contracts with Warren County.

Letter from the North Creek Business Alliance, stating support for renewal of the contract with Saratoga North Creek Railway.

Town of Queensbury Resolution No. 141 of 2016, Resolution Setting Public Hearing for a Proposed Local Law to Amend Queensbury Town Code Chapter 179 "Zoning" to Establish Commercial Intensive Exit 18 Zoning District, Re-Zone Certain Areas and Revise the Town's Zoning Map

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 156-195 were mailed; she noted Resolution Nos. 156 and 157 were amended after mailing and a motion was needed

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to approve the revisions made. The necessary motion was made by Supervisor Simpson, seconded by Supervisor Merlino and carried unanimously. She informed that proposed Resolution Nos. 196-197 were prepared after mailing, as well as the resolution proposed by Mr. Reichenbach and the one proposed by Supervisor Strough, and a motion was needed to bring them to the floor. The necessary motion was made by Supervisor Braymer, seconded by Supervisor Montesi and carried unanimously. After the motion, Mrs. Allen announced the additional resolutions would be proposed Resolution Nos. 198 and 199.

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

Chairman Geraghty requested a roll call vote on proposed Resolution No. 177.

Supervisor Strough advised he would like to comment on proposed Resolution No. 199, *Introducing Local Law No. 3 of 2016 and Authorizing Public Hearing Thereon*. He stated he felt many of the Supervisors could remember when tractor trailers would come into the area and unload their contents on the side of the road or in vacant parking lots which created serious traffic issues and safety concerns. He mentioned in order to address this the Town of Queensbury, along with many other towns, adopted transient merchant laws with the intent to assure that the transient merchants that traveled into the region would not cause undue hardship to adjoining property owners and/or the public and/or have traffic impact. He indicated in order to maintain the integrity of the transient merchant or other similar laws in place he felt it was necessary to clarify to those who wished to sell fireworks within the County that no law including that of the County or State was meant to supercede or take away the protection the municipal laws in terms of transient merchants offered which was why he was requesting support of proposed Resolution No. 199.

Supervisor Thomas questioned what source of funding was used for the County's 62% share of the cost referenced in proposed Resolution No. 169, *Amending Resolution No. 531 of 2013 to Update the Intermunicipal Agreement with the Village of Lake George to Include New York State Department of State Grant Funding*. Supervisor Merlino informed that this was a grant that Robert Blais, *Mayor for the Village of Lake George*, secured and he was unsure whether matching funds were required. Supervisor Thomas interjected the proposed Resolution stated that the County's share of the local match equated to \$124,000. He asked whether this expense was covered by the parking revenue, fees collected for bookings or the Charles R. Wood Foundation and Supervisor Merlino replied that he was unsure but noted no funding was being allocated from the unappropriated surplus fund. Supervisor Wood pointed out it was possible that the source of funding could be referenced in Resolution No. 531 of 2013 which was referred to within the proposed Resolution. Chairman Geraghty apprised he thought that the grant Mayor Blais had secured was through the State. Supervisor Merlino indicated the bulk of local match funds required for grants received for the Festival Commons were allocated from parking revenue or the revenue from events that were booked there. Chairman Geraghty apprised he would have Mrs. Allen pull the resolution so they could review it.

Supervisor Dickinson requested a roll call vote on proposed Resolution No. 199.

In regards to proposed Resolution No. 195, *To Explore Alternate Forms of County Government*, Supervisor Leggett distributed some information which he felt was applicable to this particular resolution.

While Supervisor Leggett was distributing his information, Supervisor Sokol requested that proposed Resolution No. 188, *Amending Table of Organization and Warren County Salary and Compensation Plan*

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for 2016, be amended to decrease the salary of the Temporary Supervising Public Health Nurse to \$66,000 and Supervisor Thomas seconded the motion. The motion was carried unanimously and the proposed resolution was amended.

Supervisor Leggett advised he had given a presentation during the March 28th meeting of the Legislative & Rules Committee that brought to light some of the flaws within the premise that Warren County's current form of government was unconstitutional. He stated the pie chart he distributed today was divided up with the weighted vote system in place in Warren County. He referred to the largest block within the chart which referenced the weighted vote for the Town of Queensbury and included that of the Town Supervisor, as well as the four At-Large Supervisors who were members of the Board. Following up on what Supervisor Seeber had stated earlier, he said this was the origin of the issue and not necessarily within the structure of the Board. He continued, the issue was how the Supervisors from the Town of Queensbury represented the residents of the Town, as they were not tied to any specific number of people. Given that issue, Supervisor Leggett indicated he saw no justification in changing the structure of the Board; however, he noted, he thought they should support the Town of Queensbury and any action needed to assist them with reorganizing how their Town represented its citizens here on the Board. He added he would like to request a roll call vote on proposed Resolution No. 195.

Supervisor Merlino informed Jeffery Tennyson, *Superintendent for the Department of Public Works*, reminded him that occupancy tax funds were going to be used to fund the County's portion of the local match listed in proposed Resolution No. 169. He continued, the County would be reimbursed by the Village of Lake George when they received the funding from the State. Chairman Geraghty pointed out that was not what was depicted in Resolution No. 531 of 2013. He explained according to the resolution, 62% of the County's share of the grant related expenses would be appropriated from the general fund unappropriated surplus which was approved in 2013. Chairman Geraghty inquired whether proposed Resolution No. 169 was an increase to the amount listed in Resolution No. 531 of 2013 and Supervisor Merlino responded that he was unsure. Chairman Geraghty apprised the total listed in the original resolution was for over \$2 million. Supervisor Merlino suggested that they table the resolution so that he could clarify the matter.

Supervisor Dickinson interjected that the Department of State grants were administered by individual communities and not necessarily the one who would benefit from them. He said in this case this may be part of the situation. Supervisor Conover remarked as long as it would not harm the initiative, he felt the best course of action would be to table the resolution.

A motion was made by Supervisor Merlino, seconded by Supervisor Dickinson and carried unanimously to table proposed Resolution No. 169.

In regards to proposed Resolution No. 195, *To Explore Alternate Forms of County Government*, Supervisor Dickinson inquired whether the intent was to determine if the Board would like to reconsider their current make-up and explore alternative forms of government. Chairman Geraghty advised that this particular resolution was requested by Supervisor Wood and he said he believed the Board would either vote in favor of moving forward with, or not, exploring the other forms of government available. Supervisor Wood interjected her intention was for the resolution to call for a vote to move forward or not, which was not what the proposed resolution stated. She explained the resolution called for the establishment of a Committee to further explore the alternative forms of government; however, she noted, she thought it could be considered a vote in favor of moving forward or not. She stated essentially each member who wanted to continue to explore the legislative form of County government could vote in favor of moving the resolution forward and those who did not wish to continue the discussion could vote against it.

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Supervisor Strough informed during his research on the matter he had become aware of some form of legislative governments that were unfavorable such as the one in Nassau County where they voted to change their positions from part-time to full-time and increase their salaries from \$39,500 to \$75,000. He pointed out within the legislative form of government, legislators did not represent any particular community. He pointed out many of the Legislators had their own offices with aides working for them. He remarked he did not see how implementing this form of government would be beneficial to the County. He said the founding fathers had debated equal protection in 1789 wherein the larger States advocated for one house where each State would get representation based upon its population because this would allow them to have more representatives. In response to this, he informed the smaller States pointed out their interests would not be protected since the larger States would out-vote them each time, preventing them from having their voices known. He continued, in order to appease both the larger and smaller States the founding fathers decided to form two houses, the first of which was the House of Representatives which based the number of representatives from each State on population and the Senate wherein every State had two representatives which meant they had an equal voice. He apprised any bill before them had to be passed by both Houses and signed by the President thereby providing for a checks and balances systems. Supervisor Strough informed that every form of charter government within New York State included single houses as was the case in Warren County. He pointed out each Town within Warren County was represented on the Board by their Town Supervisor. He mentioned he could not think of a better representative for the individual Towns on the Board than the Town Supervisor so their voices do not get drowned out in the majority, as they were all recognized and heard which was why the current form of government was working here. He stated the weighted voting system was used for the Board wherein the Town of Queensbury's portion totaled 425 out of the total of 1,000 which was a rather significant amount. He indicated the Committee structure had been questioned; however, he apprised, anything that was not discussed during Committee could be brought up at the Board Meeting just as he did in today with proposed Resolution No. 199. He added because of time constraints he had to bring proposed Resolution No. 199 forward today. He questioned what was broken with their current form of government, as he could not foresee any issues with it.

Supervisor Seeber remarked while she was appreciative of the chart Supervisor Leggett had put together and his support she was not convinced that the representatives from the Town of Queensbury concurred with him that a ward representation would be better than an At-Large representation. She informed she had attended a meeting with some of the other At-large Supervisors from the Town of Queensbury wherein Supervisors Montesi and Strough indicated they would prefer for it to remain At- Large representation while Supervisor Beaty had indicated he would like to explore the ward representation. She said she believed these discussions regarding the representation would be on-going. She commented she thought it was important for the Queensbury Board members to take their time and involve the residents of Queensbury in the decision making process as to how they felt they should proceed. She advised this matter had all come up within the context of their discussion revolving around whether they should extend their terms of Office and place that on the ballot for the public to consider. She indicated she felt a benefit of having all of these discussions was that the Town Council and Supervisors from the Town of Queensbury were meeting collectively. She advised although there was an abundant amount of benefits coming to fruition through the discussion she was not in a position to state that she would be in favor of the Board of Supervisors passing a resolution that changed the way Queensbury was represented on the Board. She added she did not feel that this was the correct course of action to take at this time without having more of an input from the community. She reiterated that she appreciated Supervisor Leggett's support; however, she noted, she believed there would be substantially more discussion concerning this which was why she was fully supportive of proposed Resolution No. 195. She continued, if Supervisor Leggett's assumption was correct and there were no issues with the current form of government they were still looking at an issue with the Town of Queensbury's representation on the Board. She pointed out although some felt it should be dealt with at the Town

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level, by the way it was created the issue actually concerned the County. She informed the County could either turn the jurisdiction over to the Town to let them decide or it could remain as it was today and be the County's responsibility. She commented although she did not have a solution to the issue at this time she appreciated the Board taking the time to discuss the matter and being open to discuss the matter.

Supervisor Braymer concurred with Supervisor Seeber that it was important to leave the discussion open and reflect upon how the Board could improve. She said although there may not be substantial issues with the current form of government within Warren County she felt there were some things they could improve upon it without having to go to a different form of government which was why she would be voting in support of proposed Resolution No. 195.

Supervisor Brock advised that when reviewing democracy you would see the majority can rule but it could also crowd out the minority. He stated the Senate represented the minority which were the small States which balanced out the majority. In regards to weighted vote, Supervisor Brock said under the legislative form of County government it would be entirely possible in future years that the Town of Queensbury would dominate the voting due to its significant population; therefore, he apprised, he thought the current system in place was a better approach. He advised when reviewing equal representation the minorities within a large district had a difficult time getting represented because the majority would override their vote. He mentioned when a district was broken down into smaller groups it allowed the minority to have more of a say. He pointed out that the makeup of the full Board consisted of 1/3 of its representatives being democrats and the remainder were republicans; therefore, he said, it provided for equal representation. In regards to the Committee system, Supervisor Brock apprised if a Supervisor was unhappy with an action taken by a Committee they could bring it up at the Board meeting since the Board was the true decision maker and not the Committees. He remarked he was afraid if they voted in opposition of proposed Resolution No. 195, than the residents would state that it was another example of the establishment suppressing a different point of view. He continued, he thought it was more important to have an open discussion so whatever their view was moved forward on its merits and not on a vote.

Supervisor Leggett commented that for the same reason Supervisor Seeber was going to vote in favor of proposed Resolution No. 195, he was going to vote in opposition of it. He mentioned language in the proposed Resolution indicated that they would be discussing changing the current form of County Government to an alternative form of government which he did not support. He said he could support a mutual agreement here on the Board as to how the Town of Queensbury and the remaining towns within the County could come together and work on this. He mentioned it had been brought to their attention by a former At-Large Supervisor from the Town of Queensbury that the Board's makeup was unfair and unconstitutional. He continued, he had made the best case that he could that this was not true so if the Town of Queensbury was comfortable with how it was currently represented on the Board he would speak for himself in stating that he would support them but he did not see a need to change the current form of government.

Supervisor Sokol apprised that he interpreted proposed Resolution No. 195 the same as Supervisor Leggett had and not the way Supervisor Wood did so he would like some clarification on this. Next, he said at first glance he was in favor of what Supervisor Strough and Steve Acquario, *Executive Director of NYSAC (New York State Association of Counties)*, had stated in that if there were no issues with the current form of government then there was no reason to change it; however, he noted, he did feel that it was healthy to discuss the matter. In regards to term limits, Supervisor Sokol advised it had taken him his first term to learn about the County and how it was managed. He stated although he would be voting in favor of proposed Resolution No. 195, he was pleased with the current system in place.

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Supervisor Montesi pointed out the Town of Queensbury had a unique situation wherein its Fourth Ward had a population of about 10,000 while the other three Wards all had populations of about 3,500. He said in order to balance this he and Supervisor Strough had spent the last two years working on a new Ward system which had recently been approved by the Town Board. He mentioned out of this came the suggestion to change the At-Large Supervisors to Supervisors of specific Wards which he felt was worth discussing some more; however, he noted, that had to do with an entirely different set of circumstances than what was contained in proposed Resolution No. 195. He apprised he did not mind discussing changing the make up of how Queensbury was represented on the Board nor did he mind discussing term limits but that involved the Town of Queensbury. He said they could discuss this amongst themselves and bring it back to the Board to request that they provide the Town with the authority to change the way they were represented on the Board or not. He remarked he would be voting in opposition of proposed Resolution No. 195 because he did not feel the current form of County Government had anything wrong with it.

Supervisor Sokol interjected that he would like Mr. Reichenbach to provide clarification on proposed Resolution No. 195. Mr. Reichenbach apprised he had drafted the resolution based upon the minutes and the video of the March 28th meeting of the Legislative & Rules Committee. He said there had been some confusion about whether the motion was going to be amended; however, he noted, it was not. He said the resolution reflected in part a term that was set forth in the County Law which was “alternative form of County Government”. He informed this meant something other than a County Board of Supervisors which would consist of form of a County Legislature that would be established by a County Charter. He remarked his understanding of the minutes and the video was that the question to be asked by a vote in favor or against was whether the Board wanted to continue to explore changing from a Board of Supervisors to a County Legislature of some kind. He continued, this had nothing to do with how the At-Large Town of Queensbury Supervisors were represented on the Board, as he viewed that as a separate issue.

Supervisor Dickinson apprised that per the explanation given on proposed Resolution No. 195, he was not in favor of moving forward with it, as he was happy with the current system in place. He mentioned in reviewing the chart put together by Supervisor Leggett, he was concerned that the Town of Queensbury counted as 42% of the weighted vote and the City of Glens Falls portion of the weighted vote equated to 22% which meant theoretically the Town of Queensbury with the support of one of the larger Wards in the City could move forward anything they were in favor of at the Board Meeting since they had enough of the weighted vote. He continued, the Town of Queensbury along with the support of two other Towns would have the weighted vote, as well. He said rather than changing the Town of Queensbury to a Ward system on the Board, he felt a better solution would be to break it apart into Northern Queensbury which contained the lakefront properties on Lake George and Southern Queensbury which would consist of the area with the large chain stores and car dealerships. He informed he was not supportive of the proposed resolution before them but he was interested in what type of action if any the Town of Queensbury would like to take concerning their representation on the Board. He advised he would like to see this discussion remain between the Town and the County regarding which route they were going to take because he had these others issues he was concerned about.

Supervisor Strough informed that his interpretation of the resolution was that it was asking the Board about the current structure of the County Government which after a substantial amount of his time researching the matter he felt was working fine. In regards to the discussion concerning whether the Town of Queensbury At-Large Supervisors would like to be changed to Ward Supervisors and changing their term limits, he said this was a separate discussion for the Board which he would be willing to partake in.

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Supervisor Seeber indicated she had brought up the discussion concerning the Towns At-Large Supervisors in response to Supervisor Leggett's chart where he had stated the problem concerned the structure of the Town of Queensbury on the Board. She said she appreciated the support of the entire Board in this discussion and recognized that the Board needed to review this matter further as an entity and determine whether or not there was a problem; however, she noted, Supervisor Strough was correct in stating that was not the discussion before them today, but it was a healthy discussion to have. She remarked what she kept hearing was that collectively as elected officials Supervisors were stating that they felt the current system in place was working well and that it was not broken. She mentioned during the discussion at the March 28th meeting of the Legislative & Rules Committee there had been a suggestion to form a citizens representation Committee that included the public to review the matter which she believed was worth considering and was why she was going to vote in favor of proposed Resolution No. 195, even though it appeared there was not going to be enough support on the Board for it to move forward. She thanked the Supervisors for providing feedback because this was what was needed for Queensbury.

Supervisor MacDonald advised there were elements of the conversation that he did not want to go away if this particular resolution was voted down. He said they had talked about the Town of Queensbury and possibly creating Wards but they also needed to consider having the Mayor of the City of Glens Falls as a member of the Board. He stated he wanted to discuss where the process ended with the City Charter and began with the County. He continued, he felt this discussion was necessary to have, as well and he would not be pleased if voting proposed Resolution No. 195 down meant that conversation could not be had. He mentioned he would be voting in favor of the resolution only because he wanted to ensure the conversation concerning the Mayor took place.

Supervisor Brock apprised his concern was that there were two separate votes going on concerning the resolution, the first of which involved whether the Board wanted to change the structure of the County Government, which he did not want to do, and the other revolved around whether they wanted to continue to discuss the matter, which he felt they did. He inquired whether Supervisor Strough would be willing to continue the discussion amongst the Legislative & Rules Committee as long as it did not take up too much of his time. Supervisor Strough apprised that he had a limited amount of time available since he had a lot of significant issues before him at the both the Town and County level. He opined that the conversation would be on-going and if it gained enough momentum they could bring it back before the Legislative & Rules Committee; however, he said, he was opposed to formally recognizing further discussion of the matter because he believed with his many years of experience in Government that the current structure was working fine.

Supervisor Thomas stated that his primary concern was the residents of Stony Creek and to ensure they had a voice on the Board. He commented he felt if they changed the structure of the County Government to a Legislative Board the residents of Stony Creek would lose a significant amount of their voice. He said he would help support the Town of Queensbury and the City of Glens Falls through the Board to accomplish what they were seeking, but reiterated his main concern was for the residents of Stony Creek.

Supervisor Wood pointed out if they were to move forward with proposed Resolution No. 195 they were delaying the conversations concerning the Town of Queensbury and the City of Glens Falls pending a decision on how they would proceed with their County Government. She stated if they were to change to a legislature the discussion concerning a Ward system for Queensbury and having the City Mayor as a member of the Board was essentially pointless because they would be moot. She apprised in order for the Town of Queensbury and the City to continue their discussions they needed some direction from the Board whether the Board was going to maintain itself as a Board so they could move forward with

their own deliberations.

Mr. Whitehead thanked the Board for bringing the matter up, but said when he considered it he thought differently. He said the Town of Queensbury contained more than half of the population of the County and yet there were only five representatives on the Board and fifteen representatives from the other municipalities. He continued, the Board Meetings were the only meetings wherein the weighted voting system was used. He concurred that there were no local, State or County laws which would find that their current make-up was wrong in any fashion and could not continue indefinitely; however, he noted, in 1994 Nassau County was involved in a Federal lawsuit that resulted in a ruling determining 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 equal protection. He apprised following this ruling Nassau County changed their structure to a County Legislature. He remarked he was not stating that the Fourteenth Amendment considered a Board of Supervisors form of government illegal in all circumstances, as this was not the case. He stated in order for a Board of Supervisors to be compliant with the Fourteenth Amendment the voice that represented 2% of the population such as Supervisors Thomas and Wood, would need another fifty voices each representing 2% of the Town of Queensbury's population which was an unworkable alternative and something else would need to be considered. He commented his point was he was pleased they were having the discussion but in any event he did not feel it would end today and he hoped it would continue. He added he concurred with Supervisor Strough that it was a separate discussion concerning the structure of the Town of Queensbury on the Board for a different day and could continue unabated from what might occur here today.

Supervisor Beaty apprised if the Supervisors were in fear that they did not have a voice now they should be concerned with the fact that in a few years Queensbury could have the majority vote due to its growth. He pointed out changing to a legislative form of County Government would address this concern, as there would be legislators throughout the County who represented a percentage of the County's population which he believed was a more appropriate way to structure the County Government since it would provide more protection to the smaller communities than the current structure did.

Supervisor Strough stated the Board's purpose was to work together on County issues. He said they were there to share their ideas and represent their towns interests along with the County's. He remarked he wanted to point out there were no sides to this issue and there should not be.

In regards to Nassau County, Supervisor Strough informed that in December of last year the County Legislature there voted in favor of increasing their pay from \$39,500 a year to \$75,000. He stated there was a total of nineteen Legislators there who each had their own office with two aides working for them which carried a significant expense to it. He said for that reason he did not feel they should use Nassau County as a prime example as to why they should work toward changing to a county legislature.

In response to the comments made by Supervisor Beaty, Supervisor Brock advised that the State did not allow for any one group to dominate under the weighted voting system; therefore, he said, if the Town of Queensbury represented 51% of the County's population under the current form of government it could not have 51% of the weighted vote.

Supervisor Girard stated that he, along with the four other Supervisors from the City, were there to represent the interests of the City. He mentioned there had been a perplexing issue in the City that he was seeking the support of the Board on which pertained to a solar project the City wanted to do that was located on land in the Town of Queensbury. He apprised he had experience as a member of a school board so he was aware of the perimeters along with the difficulties of preparing a budget. He explained that the School Board for the Town of Queensbury opted not to provide the City of Glens Falls with the

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tax break required which meant, according to *The Post Star* that it would cost the City about \$150,000; therefore, he said, they opted not to move forward with the Project. He remarked his point was that because the School Board opted not to give them the tax break, it had deprived the citizens of the City of a huge benefit. He advised that he understood how the negotiating process worked within the government, noting that the City had worked with the Town of Queensbury to extend the sewer so that two new hotels off of exit 18 of the Adirondack Northway could be constructed. He added they had worked collectively through the Adirondack Gateway Council to secure grants to improve the sewers for the City of Glens Falls and the Towns of Fort Edward, Moreau, Queensbury and South Glens Falls so the region could continue to grow. He pointed out the City was only three square miles wherein a number of not-for-profits were located thereby excluding them from paying property tax such as the Glens Falls Hospital as compared to the Town of Queensbury which was thirty-two square miles and collected substantially more in revenue for property taxes. He apprised the City was trying to place solar on a piece of property they owned in the Town of Queensbury to benefit their taxpayers and help pay for street lighting, etc which would have a positive impact. He said while he understood that the Schools in the Town of Queensbury needed every dime they collected he would respectfully request a resolution asking the Queensbury School Board to reconsider their decision concerning this tax break because the Project would not occur unless the tax break was granted. He mentioned if they Project did not occur than the residents of the City would not receive the tax break they so desperately needed. He added the County had always been supportive of the City's needs.

Chairman Geraghty asked Supervisor Girard for clarification as to what he was requesting of the Board and Supervisor Girard responded he was seeking a resolution asking the Queensbury School Board to reconsider their taxation position on the Solar Farm the City of Glens Falls would like to construct in the Town of Queensbury.

Chairman Geraghty called for a motion to waive the Rules of the Board requiring that a resolution be presented in writing. The necessary motion was made by Supervisor Montesi, seconded by Supervisor Dickinson and carried unanimously.

A motion was made by Supervisor Girard and seconded by Supervisor Strough for a resolution asking the Queensbury School Board to reconsider their position on taxing the proposed solar district for the City of Glens Falls.

Supervisor Strough explained that a solar farm received an automatic 487 tax exemption for fifteen years unless there was an objectable party, which in this case was the school. He apprised had his schedule permitted him he would have attended the School Board Meeting wherein this decision was made to advocate on behalf of the City. Supervisor Montesi advised the School Board had determined they would not grant the exemption which equated to \$150,000.

Supervisor Dickinson apprised that the Town of Lake George had some issues with their School Board, as well over taxation. He stated that the Town of Lake George along with the Town of Hague and Warren Tire had completed a Solar Project which was located in the Town of Argyle. He suggested they look into this option if they were unsuccessful in changing the School Board's minds on their determination. He added he was fully in support of the proposed resolution. Supervisor Girard questioned whether the Town of Lake George paid school taxes on their Solar Project and Supervisor Dickinson replied he was unsure.

Supervisor Strough informed that he was well versed regarding solar projects. He advised in this specific circumstance it would be beneficial for the City to provide their own piece of land for the Project of which they had thirty acres available in the Town of Queensbury wherein twenty acres of it would be

used for a solar system to the benefit of the City. He informed and off-site solar farm was an option but the advantages of such were not as substantial. He indicated the School Board was concerned with setting a precedent which he felt was unfounded; however, he noted, there were no other suitable locations with the acreage required for such a Project that would not be used to develop with houses instead within the Town of Queensbury.

Supervisor Seeber remarked she was pleased to see all of the support for these out-of Committee resolutions and discussions off of the floor, as this had been frowned upon when she initially became a member of the Board. She mentioned that maybe they had made a significant amount of headway with these legislative discussions since there had been an abundance of them over the past month. She stated she felt they were going down a “slippery slope” here because the School Board was not present to explain why they came to such a decision; therefore, she said, she would suggest they invite the School Board to a Committee meeting so they could explain their decision. Chairman Geraghty apprised adopting a resolution asking them to reconsider their decision could set the stage for them to schedule a meeting with the County in the future. Supervisor Seeber interjected that she was very uncomfortable going about it in that manner. Chairman Geraghty pointed out that all of the other Board members from other communities in the County had been patiently listening to the request which he felt they would lend their support to.

Supervisor Leggett inquired whether the Town of Queensbury would be able to collect \$150,000 in revenue on the land in question if nothing else was erected on the property in question and Supervisor Strough responded in the negative. He explained that the City owned the property which was part of the water shed and they did not need it for any other use. He pointed out the property was zoned in such a manner that it could not be used for anything else financially and would not cost the Town anything unless they objected to it which he did not think they should. He advised that solar energy was not only good for the environment but also benefitted upgrading the grid system and security. He indicated that he felt it was a “win, win” since the City would make money from it while providing a benefit to its residents.

Mr Whitehead pointed out the \$150,000 tax exemption would be granted to Solar City which was a private company and not to the City of Glens Falls. He mentioned there were other taxpayers within the Town of Queensbury that paid a substantial amount of money in school taxes, himself being one of them. He stated there was a situation concerning the Sherman Island Dam and Brookfield Power that concerned a substantial amount more school taxes than \$150,000. He apprised if the School Board were to grant this tax exemption for the solar project he felt Brookfield Power who had already questioned their assessments in the past would question them again. He commented he thought this may be why other communities had opted out because they had hydro producers who would complain which was one of the reasons he believed the School Board used in making their determination. He apprised he had no issue with them requesting that the School Board address them on the matter. He added he could be wrong but in conducting research on this manner he thought he saw the Town of Argyle on the list of municipalities who had opted out.

Chairman Geraghty called the question and the motion carried by majority vote with Supervisors Beaty and Leggett voting in opposition to bring the matter to the floor as outlined above.

Supervisor Merlino requested that Mr. Tennyson provide the Board with an answer regarding the question concerning the County’s share of the funding referenced in proposed Resolution No. 169. Supervisor Braymer interjected that the Resolution had been tabled. Supervisor Merlino advised he would like Mr. Tennyson to speak to the resolution, as he may consider making a motion to remove the resolution from the table following Mr. Tennyson’s explanation.

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Mr. Tennyson advised although he had not been present for the question his understanding was that it concerned the funding sources that would be used for the County's Local Share of the cost. He stated the purpose of the proposed Resolution was to amend the intermunicipal agreement with the Village of Lake George which related to cash flow for the Village. He continued, in 2013 when the original Resolution was adopted there was a list of Projects and grant funds for a substantial amount of money that the Village had been awarded which were all reimbursable grants. He said this meant the Village had to front the money and complete the Project and then be reimbursed from various agencies such as the NYSDOT (*New York State Department of Transportation*), DOS (*Department of State*) and Charles R. Wood Foundation funding. He stated that particular resolution for the cash flow was specific to the Projects listed within it and did not contain one of the more recent grant funded Projects that the Village was awarded which was a \$400,000 project to construct the water feature and signs in the Park. He explained the amendment was needed to allow the County to advance for cash flow purposes portions of the Project so that the Village did not have to go out to bond in order to front the costs. In regards to the Project funding, Mr. Tennyson reminded the Board that the Mayor Blais addressed the former Tourism, Occupancy Tax & Wood Park Committee at their March 22nd meeting and stated that the Village was short on local match funding for that Project, as they required another \$150,000 in local match funds which they did not have. He reported that the Committee moved forward to the full Board at their March 18th meeting a resolution which authorized appropriating funds from the Occupancy Tax Reserve fund for the local match. He inquired whether this had addressed the concerns expressed and Supervisor Thomas stated his concern revolved around the County's share of the funding which equated to \$124,000. He asked whether this funding was accounted for in the \$150,000 that was set aside and Mr. Tennyson responded it was a Village Project that Mayor Blais had requested assistance with to come up with the additional \$150,000 they were short on for the Project. He reiterated the full Board had approved a resolution at their March Meeting which allocated the \$150,000 the Village required from the Occupancy Tax Reserve fund. He said the purpose of proposed Resolution No. 169 was to amend the agreement with the Village to allow which did not concern funding the Project or move funds around. He informed when the Village received a \$100,000, the County advanced 62% of the cost based on their ownership and the Village paid their share which was 38% of the costs. He continued, if the Village was unable to come up with their share of the cost, the Village would be required to take out a bond for cash flow purposes. He said when the Village received reimbursement for the grant the County's percentage of the cost was returned. Supervisor Thomas questioned whether the funds were accounted for from the Occupancy Tax Reserve fund and Mr. Tennyson replied in the affirmative, explaining that the intent of the proposed Resolution was to amend the agreement with the Village for cash flow purposes to allow the County to up-front the money for the Village so they did not have to go out to bond when they had an insufficient amount of funding on hand to cover the expenses which would be reimbursed by grants. Supervisor Thomas reminded the Board of how they had still not identified a source of funding for the County's share of the cost for the NSTEM (*Nursing, Science, Technology, Engineering and Mathematics*) Project at SUNY Adirondack; therefore, he said, if the funds were not going to be reimbursed than he would have an issue with it.

Supervisor Merlino questioned whether the Village had reimbursed the County for the money the County allocated to them a few years ago for other Projects and Mr. Tennyson replied that the funding associated with NYSDOT grants had already been reimbursed but he was unsure of the status of the reimbursements for the funds associated with DOS grants. He noted the County received reimbursement from the Village as soon as they were in receipt of the funds.

Supervisor Dickinson apprised that according to the Lake George Coalition, their grant was in the final stages of processing which meant they would be able to provide the County with reimbursement shortly.

Motion was made by Supervisor Merlino and seconded Supervisor Thomas to remove proposed

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Resolution No. 169 from the table and bring it back to the floor for discussion.

Mr. Reichenbach interjected that a majority vote was necessary to remove the resolution from the table.

Supervisor Braymer requested further clarification on the resolution before them, as she thought the intent was to amend the language of the agreement which did not have anything to do with the funding. She questioned whether the proposed Resolution called for an additional appropriation of funds to the Village and Supervisor Thomas replied in the negative. He explained the Board had previously approved the appropriation of funds at last month's meeting. Mr. Tennyson informed that Resolution No. 531 of 2013 did not account for the water feature and sign Project and the funding that was awarded for such; therefore, he said, the purpose of the amendment was to add that Project to it so that the County Treasurer will advance the funds to the Village and receive the reimbursement from the Village when it was allocated. He mentioned that the County was not part of the grant; however, he noted, it owned 62% of the Project which was why they were advancing that portion of the cash flow.

Supervisor Brock questioned how much money the County had provided to the Village which would be reimbursed and Mr. Tennyson responded that the County was providing the Village with 64% of the total cost of the Local Share. He said he felt the \$124,000 referenced in the Resolution was referring to the costs associated with the Project that were reimbursable through the grants. Chairman Geraghty remarked he felt better descriptions of where the funding was coming from and what had been reimbursed thus far should be provided to avoid the confusion while addressing the County Treasurer's concerns.

Mr. Tennyson informed the grant for the water park feature and signage totaled \$400,000 of which 50% was reimbursed by the DOS. He stated Mayor Blais had indicated he was short \$150,000 of the \$200,000 required for the local match. He reminded the Board they had approved a Resolution at their March Meeting which advanced the \$150,000 to the Village from the Occupancy Tax Reserve fund. He continued, the \$124,000 cash advance provided to the Village equated to 62% of the grant amount of \$200,000 which would be reimbursed once the funding was received by the DOS.

Chairman Geraghty called the question and the motion to remove proposed Resolution No. 169 from the table was carried by majority vote with 750 in favor (*Supervisors Conover, Leggett, Girard, McDevitt, Frasier, Simpson, Dickinson, Merlino, Strough, Seeber, Montesi, Sokol, Thomas, Wood and Geraghty*) and 250 opposed (*Supervisor Braymer, Brock, MacDonald, Vanselow and Beaty*).

Supervisor Seeber requested a point of clarification whether or not they had voted on the proposed Resolution requesting that the County ask the Queensbury School Board reconsider their decision regarding the tax exemption for the solar farm. Chairman Geraghty informed they had voted to waive the Rules requiring that a resolution be presented in writing but they had not voted on the resolution yet. Supervisor Seeber asked whether the Resolution had been assigned a number and Mrs. Allen responded that the resolution concerning the waiving of the Rules would be proposed Resolution No. 200 and the proposed Resolution asking the Queensbury School Board to reconsider their determination regarding the tax exemption for the solar farm would be Resolution No. 201. Supervisor Seeber requested a roll call vote on proposed Resolution No. 201.

Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 156-201 were approved as presented with the exception of Resolution No. 195, which failed.

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

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Supervisor Beaty informed that he had distributed information to the Board regarding "Baskets for Ben" which was an event taking place on May 13th that was sponsored by The Ben Osborn Memorial Fund, a not-for profit that was created by Ben D. Osborn in memory of his son Ben who was killed during the line of duty in Afghanistan. He explained they aided children by providing support to children by aiding thirty-two different schools, purchasing books and clothes for children. He remarked he believed William Osborn was one of the most unrecognized heroes within the County for all of the efforts he did in honor of his son. He said although there were a number of causes within the County, he respectfully requested that the Supervisors consider extending their support towards the event.

Supervisor Brock indicated that he voted in opposition of removing Resolution No. 169 from the table because he did not fully comprehend it.

Supervisor Girard announced that the 7th Annual Gold Tournament which benefitted Cornell Cooperative Extension was scheduled for August 27th at Cronin's Gold Resort in Warrensburg, New York and he encouraged all to attend. He said the funds derived from the event were used to assist them with funding their operation.

Supervisor MacDonald reported that the Glens Falls Wing Fest would be taking place in the downtown area on April 30th from 12:00 p.m. until 4:00 p.m. and he encouraged all to attend.

Mr. Whitehead mentioned that the County seemed to have operated over the past few weeks without a County Administrator without any issues. He encouraged the Board to consider appropriating some of the funds they were saving in salaries to the other individuals who were covering until the vacancy was filled.

Fred Austin, *Warren County resident*, advised a number of years ago he had attended the annual meeting of the County Highway Superintendents in New York State wherein they voted as to whether they would prefer working for a Board of Supervisors or a County Legislature. He informed all the Superintendents who worked for Board of Supervisors voted in favor of the County Legislature whereas those who worked under a County Legislature form of government voted in favor of a Board of Supervisors.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Dickinson and seconded by Supervisor Simpson, Chairman Geraghty adjourned the Board Meeting at 12:20 p.m.