

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY DECEMBER 15, 2017**



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 10:01 a.m.

Mr. Ronald F. Conover presiding.

Salute to the flag was led by Supervisor Braymer

Roll called, the following members present:

Supervisors Girard, McDevitt, Braymer, Brock, MacDonald, Frasier, Simpson, Dickinson, Merlino, Strough, Seeber, Beaty, Montesi, Sokol, Thomas, Hyde, Geraghty and Conover -18; Supervisors Leggett and Vanselow absent-2

Motion was made by Supervisor Sokol, seconded by Supervisor Girard and carried unanimously to approve the minutes of the November 17th Board Meeting, subject to correction by the Clerk of the Board.

Commencing the Agenda review, Chairman Conover declared the Public Hearing on proposed Local Law No. 4 of 2017 open at 10:03 a.m. and he requested that Amanda Allen, *Clerk of the Board*, read aloud the Notice of Public Hearing, which she proceeded to do. Chairman Conover then called for any public comment; there being no response, he declared the Public Hearing closed at 10:04 a.m.

Continuing, Chairman Conover declared the Public Hearing open on proposed Local Law No. 1 of 2018 at 10:04 a.m. and Mrs. Allen read the Notice of Public Hearing aloud. Chairman Conover then called for any public comment; there being no response, he declared the Public Hearing closed at 10:05 a.m.

Proceeding with the Agenda review Chairman Conover read aloud the listing of meetings he had attended since the last Board Meeting. He mentioned that he and Supervisor Geraghty, along with a few other Supervisors had the opportunity to attend the ribbon cutting ceremony in the Town of Chester on November 29th for its new wood-pellet burning boiler which he felt was a wonderful community event. He said the idea had been brought to light several years ago and he was pleased it had come to fruition.

Chairman Conover informed it was his privilege, along with Supervisor Geraghty, to honor the four Supervisors that were not returning to the Board next year. He asked Supervisor Girard to come forward; he then proceeded to present him with an engraved clock commemorating his twelve years of dedicated service as a member of the Warren County Board of Supervisors. He remarked it had been a privilege to work with him. Supervisor Geraghty added that no one had advocated harder for Cornell Cooperative Extension than Supervisor Girard which resulted in their full funding being restored this year. Supervisor Girard apprised it had been an honor and a pleasure to serve as a member of the Board during which time he had learned a significant amount of information. He mentioned he found it gratifying to serve the residents of the community where he had lived his entire life. He advised he was pleased with what the Board had done for the City of Glens Falls during his tenure and in particular providing the Adirondack Civic Center Coalition with funding to assist them with the operation of the Cool Insurance Arena, formerly known as the Glens Falls Civic Center. A round of applause followed.

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Chairman Conover asked Supervisor Montesi to come forward; he then proceeded to present him with an engraved clock commemorating his nine years of dedicated service as a member of the Warren County Board of Supervisors. Supervisor Montesi advised he had served a total of twenty-six years as a public servant, nine of which was as a member of the Board of Supervisors. He stated he was proud of the number of projects he had accomplished during her tenure as a Board member, but the one that stood out to him the most was the construction of the bike trail bridge over Quaker Road in the Town of Queensbury which he worked on with Louis Tessier, *former Town of Lake George Supervisor*. He continued another notable project he was associated with was the Sewer District located near Exit 18 of the Adirondack Northway. He thanked the members of the Board, noting he thoroughly enjoyed representing the citizens of the Town of Queensbury. A round of applause followed.

Chairman Conover asked Supervisor Seeber to come forward; he then proceeded to present her with an engraved clock commemorating her four years of dedicated service as a member of the Warren County Board of Supervisors. He thanked her for taking over the responsibility of ensuring a process for performance evaluations was in place which he felt she did an exceptional job with. He added she would be missed. Supervisor Geraghty remarked Supervisor Seeber had embraced the duties as Chair of the Personnel & Higher Education Committee. He mentioned without the tenacity of Supervisor Seeber keeping after the Board he did not believe they would have followed through with completing Performance Evaluations on all of the Department Heads in the County; he noted the process would be carried forward each year and he thanked her for her service. Supervisor Seeber advised she had appreciated the opportunity to serve the residents of the Town of Queensbury over the last four years, noting it was an incredible honor and privilege. She said she was proud of the Performance Work Plan in place, and was happy to have been afforded the opportunity to serve as the Chair of the Personnel & Higher Education Committee. She remarked she looked forward to watching the Board and their activities from a distance. A round of applause followed.

Chairman Conover asked Supervisor Brock to come forward; he then proceeded to present him with an engraved clock commemorating his four years of dedicated service as a member of the Warren County Board of Supervisors. Supervisor Brock wished everyone a Merry Christmas and a Happy New Year. A round of applause followed.

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

Supervisor Braymer, with Supervisor Brock's permission, reported on the November 28th Environmental Concerns & Real Property Tax Services Committee meeting during which a powerpoint presentation was given regarding Municipal Electric & Gas Alliance (MEGA) which pertained to the consolidation of the purchasing of electricity for residential customers that she hoped the municipal Supervisors would consider participating in. She added that a number of the proposed Resolutions before them related to the tax levy.

Supervisors Brock and MacDonald indicated they had nothing to report on.

Supervisor Frasier apprised that the Health, Human & Social Services Committee had met on November 20th, approving proposed Resolution Nos. 504-508 and she provided a summary of each. She said during the meeting the Employment and Training Administration provided an overview of the Summer Youth and year-round Program they offered which had a total of forty-five participants. She remarked she believed the Summer Youth Program was very meaningful. She stated the Committee met again on December 12th to discuss a request from Department of Social Services to increase the salaries of the Assistant Social Services Attorney positions, as well as a request from Countryside Adult Home for a transfer of funds to cover overtime costs through the end of the year.

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Supervisor Frasier then made a motion to withdraw proposed Resolution No. 498 which was seconded by Supervisor MacDonald.

Supervisor Frasier stated the Support Services Committee had met on November 27th, during which they approved proposed Resolution Nos. 493-502. She said during the meeting Pamela Vogel, *County Clerk*, notified of the recent recognition the Warren County Records Storage Center received from the New York State Archives and Archives Partnership Trust for Excellence in Archival Program Development on October 24, 2017. In conclusion she apprised she was appreciative of the cooperation she had received from the Department Heads during her time filling in for Supervisor Vanselow and she thanked them for being so accommodating.

Chairman Conover thanked Supervisor Frasier for the extra work she had taken on filling in for Supervisor Vanselow during his absence.

Supervisor Simpson reported on the November 21st meeting of the Public Works Committee during which proposed Resolution Nos. 483-491 were approved and he provided a brief overview of each. He said he hoped the attendance for the Train to Christmas Town event would be provided by the Saratoga & North Creek Railway at the next Committee meeting. Supervisor Simpson informed a representative of Adirondack Safari provided an update on the luxury camping they offered on the Warren County Fairgrounds this past summer during which he had requested that the County consider a five year agreement with them for continued use of the Fairgrounds. He advised the County Attorney was looking into whether an RFP (*Request for Proposal*) was required and would report back to the Committee at their next meeting.

Supervisor Dickinson advised he had no Committee report, but he would like Supervisors Brock and Montesi to know he would miss the intuitive conversations he had with them over the years. He commended Supervisor Girard for his leadership as Chair of the County Facilities Committee which could be volatile at times. He said Supervisor Girard was always professional and much more patient than he would have been. He added Supervisor Girard would be missed as a member of the Board. In regards to Supervisor Seeber, he stated he would take with him the memories of their love/hate relationship, as well as their adventures serving as members of the Intercounty Legislative Committee of the Adirondacks.

Supervisor Merlino stated the 2018 Warren County Travel Guide would be ready to distribute in January. He said the format had been changed to be more like a magazine by removing some of the pages of listings. He mentioned the Tourism Department was working with Gore Mountain on a co-op which would be an exclusive deal that offered rooms and ski packages that they would keep track of on digital and social media. He added the marketing plan for 2018 was almost completed and would be discussed at the Committee meeting in January. Supervisor Merlino apprised proposed Resolution No. 492 was approved by the Park Operations & Management Committee at their November 21st meeting. He advised it had been his pleasure to work with the Supervisors who were leaving, noting although they did not always agree on matters they never took their disagreements outside of the meetings.

Supervisor Strough indicated he had nothing to report on.

Supervisor Seeber apprised the Personnel & Higher Education Committee had met on November 30th during which an extensive conversation ensued regarding the resumes received for the County Administrator position following which seven candidates were selected for interviews. She mentioned unless the Committee determined otherwise the intent was to hold second interviews in January. She

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said the questions were prepared for both the first and second interviews and she thanked Jackie Figueroa, *County Human Resources Director*, and Patricia Nenninger, *Personnel Officer*, for their assistance, stating it had been a pleasure to work with them. She said they would be opening up the interviews for questions from other Supervisors as long as they were submitted by the end of the day. Supervisor Seeber advised the Committee also referred to the Legislative & Rules Committee the question as to how a vacancy in an At-Large or City of Glens Falls Ward Supervisor position would be filled. She said NYSAC (*New York State Association of Counties*) had issued an opinion earlier this year that Board members were employees of the County, but in the past the vacancies had been appointed in different ways. She remarked she was appreciative that the Legislative & Rules Committee would review this issue next year. She added she felt it was imperative they were aware of a memo written by Brian Reichenbach, *Legal Counsel for the County*, which concerned his opinion regarding the unconstitutionality of the way it was currently structured. She stated the proposed Resolutions approved at the November 30th Personnel & Higher Education Committee meeting were 509-511 and 542. She thanked Supervisor Frasier for filling in for her at the December 12th Personnel & Higher Education Committee meeting during which proposed Resolution No. 511 was approved. Supervisor Seeber inquired whether she was correct in stating that when positions were created they were included on one resolution and Mrs. Allen replied in the affirmative. She stated a significant amount of time was expended discussing the creation of the part-time position Special Counsel to the Board included in proposed Resolution No. 509 which would provide assistance to the County Attorney's Office, as well as the Board. Lastly, Supervisor Seeber informed she had learned a significant amount from each member of the Board and she could request that they take a hard look at a number of issues going into the new year; however, she noted, she was confident the new Supervisors coming aboard and in particular Brad Magowan, would hit the floor running without missing a beat.

Supervisor Beaty said the Shared Services Committee had not met last month. He advised Julie Butler, *Purchasing Agent*, had returned from medical leave; however, he said, she was unavailable to attend today's meeting to provide an update on shared services and how much money was saved for the year. He stated he was pleased to report the combined savings for the first eight months of this year was \$116,000 which was accomplished by having Towns participate in County contracts. He pointed out the County alone had saved \$46,000 which was significant. He mentioned he and Mrs. Butler had identified some areas of opportunity for additional savings they would explore next year. He thanked the City of Glens Falls for joining the County on the Shared Services Program; he pointed out they had been hesitant at first to come on board, but had saved \$32,000 as a result of their participation. He stated some of the areas of opportunity they would be exploring next year were as follows: having Fire Departments participate; oil; mechanical, etc. He noted the Town of Bolton has saved over \$9,000 on water chemicals. He said every taxpayer in the County looked to the Board to do as good of a job as possible saving money. He praised Mrs. Butler for her efforts training each Town on how to participate and he thanked those who were on-board with the Program. He stated Mrs. Butler would be providing a brief summary of the total savings for the year at the January Shared Services Committee meeting. He wished the departing Supervisors well, noting it was good that they did not always agree with one another because that was the way democracy was supposed to work. He commended Supervisor Girard for his work as Chair of the County Facilities Committee during which they bantered often, but were also able to accomplish many things. He stated he found the many emails from Supervisor Brock to be very insightful. He commended Supervisor Montesi for the work he did during his tenure as a Board member. He pointed out even though the Supervisors would be finishing up their terms shortly they were still attending all of the Committee meetings to ensure they were informed of the issues. He remarked the Town of Queensbury had been blessed to be represented by Supervisor Seeber over the last four years, noting she had raised a number of issues and brought forward many distinctive discussions as a result of her inquiries. In conclusion he apprised he was looking forward to working with the new Supervisors who would be coming on-board January 1st and he wished everyone a Merry

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Christmas.

Supervisor Montesi advised proposed Resolution Nos. 471-475 were approved by the Criminal Justice & Public Safety Committee at their last meeting. He stated Charles Wallace, *Administrator, Fire Prevention and Building Code Enforcement*, relayed to him the Department had accrued over \$200,000 in revenue this year, which, he noted, was quite an accomplishment. He said there were some large projects in the works for next year such as the new building for the Silver Bay YMCA and work being completed at the Word of Life Bible Institute. He welcomed Brian LaFlure, *Director, Office of Emergency Services/Fire Coordinator*, back from medical leave. He informed the Fire Training Center was up and running and all of the remaining equipment which was stored at the former Ciba Geigy site had been moved to the Training Center. He added alterations at the former Ciba Geigy site were nearing completion following which the Office of Emergency Services would move their trailers there for storage purposes.

Supervisor Sokol stated the Finance Committee meeting was held on November 30th, approving proposed Resolution Nos. 468-469 and 512-528. He apprised proposed Resolution No. 543 which related to an easement at the Airport was approved at the joint meeting of the Personnel & Higher Education and Finance Committees on December 12th. He added he would like to thank Supervisors Girard, Brock, Vanselow, Seeber and Montesi for their service, noting it had been a privilege to work with and get to know each of them and he wished them luck with their future endeavors. In conclusion he offered privilege of the floor to Mike Swan, *County Treasurer*, to provide the monthly update regarding the County's finances.

Mr. Swan informed he was pleased to report sales tax had increased by 1.9% and, he noted, as long as no issues arose sales tax should close out the year ahead of last year around that figure. He mentioned Saratoga & North Creek Railroad had underpaid the County by about \$143 for September and they had not submitted any documentation regarding the months of October and November. He added another issue he was dealing with was the delinquent payroll reimbursements from the Lake Champlain Lake George Regional Planning Board which equated to \$30,000. He explained their payroll was administered by his Office and the County fronted the money with the expectation that reimbursement would be received by them, but they had fallen behind on their payments. Mr. Swan personally thanked the outgoing Supervisors for their service to the County and its residents. He pointed out more often than not their jobs were thankless ones and he was appreciative of their efforts. He concluded by wishing them well in their future endeavors, noting it had been a pleasure to work with them.

Supervisor Thomas apprised he had no report, but would like the outgoing Supervisors to know it had been a privilege to get to know them and he wished them well in their future endeavors.

Supervisors Hyde indicated she had nothing to report on.

Supervisor Girard apprised the County Facilities Committee had met on November 28th, wherein they approved proposed Resolution Nos. 476-482. He thanked all of the Department Heads he had the pleasure of working with during his tenure on the Board, all of whom were extremely professional and he had much respect for the way in which they conducted themselves. He also acknowledged the Supervisors who assisted him during his first few years on the Board which included the following: former Town of Chester Supervisor Frederick Monroe; former Town of Horicon Supervisor Ralph Bentley; former City of Glens Falls 5th Ward Supervisor William Kenny; former City of Glens Falls 3rd Ward Supervisor Harold Taylor; former Queensbury At-Large Supervisor Frederick Champagne; former City of Glens Falls 4th Ward Supervisor Michael O'Connor; former City of Glens Falls 2nd Ward Supervisor Joseph Sheehan; and former Town of Thurman Supervisor Evelyn Wood. He concluded by

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stating he had a wonderful time over the past twelve years serving the residents of the City of Glens Falls.

Supervisor McDevitt remarked he felt the last meeting of the LDC (*Local Development Corporation*) was an excellent example of how LDC's ought to work. He said at the meeting Sheila Flanagan and Lorraine Lambiase, *representing Nettle Meadow Farm and Artisan Cheese*, did a presentation pertaining to their operation which consisted of the following: employing approximately 20 people; home to over 300 goats, 100 sheep and a variety of farm sanctuary animals; they were committed to the principles of natural and organic products, happy and healthy animals and carefully handcrafted artisan cheese; each batch of cheese was created by hand; profits were used for the care of old and infirm farm animals; they used natural and organic food for the animals; paid a living wage and benefits to farm workers; and they invited the public to tour the farm and meet the animals. He reiterated this was a prime example of how LDC's were supposed to work and the Board should be proud of this hard working group which was located in Northern Warren County and provided a quality product. Supervisor McDevitt wished the outgoing Supervisors, as well as the current ones, a Merry Christmas and Happy New Year.

Continuing to the report by the acting County Administrator Supervisor Geraghty read aloud a listing of the meetings he attended since the November 17th Board Meeting; a copy of which is on file with the items distributed at the Board Meeting. He spoke about the ribbon cutting ceremony in the Town of Chester on November 29th for its new wood-pellet burning boiler, noting that during this event they were also made aware of the Cunningham Community Forest which was comprised of 104 acres located west of the Town Hall that had been purchased. He apprised of the fact that Jerry Delaney, *Chairman of the Adirondack Park Local Government Review Board and a Councilman for the Town of Saranac*, noted how community forests were private/town partnerships that worked to serve the residents. Supervisor Geraghty informed he had attended the AATV (*Association of Towns and Villages*) meeting which he and Supervisor Simpson were members of the Board. He explained the AATV was important to all of the communities located in the Adirondacks, noting the membership consisted of 114 Towns and Villages. He said their main purpose was to discuss issues in the Adirondacks; however, he noted, they did discuss other challenges that had State-wide impacts. He stated they were pleased that Proposition No. 3 was adopted in New York State, as they and many other Organizations had advocated immensely for this. Supervisor Geraghty apprised he had walked through the former Jail on December 7th with some officials from the State. In conclusion he stated he had attended the Adirondack Park Local Government Review Board meeting on December 13th in Herkimer County in Coldbrook, New York. He said this was another example of an Organization that did a lot for the Adirondacks.

Supervisor Geraghty recognized Damian Baker for 20 years of service to the Department of Public Works.

Privilege of the floor was extended to Mary Elizabeth Kissane, *County Attorney*, to provide a report from the County Attorney. Ms. Kissane advised that she had nothing to report on.

Chairman Conover then called for the reading of communications, which Mrs. Allen read aloud, as follows:

- Reports from:
1. Report of Criminal and Family Workloads for October 2017 from the Warren County Probation Department.
 2. Warren County Department of Weights & Measures Monthly Report for November 2017.
 3. Capital District Regional Off Track Betting Corp. Financial Reports dated August 31, 2017 and September 30, 2017.

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Capital District Regional Off Track Betting Corp. October 2017 surcharge check in the amount of \$3,794.

Travis Whitehead, Town of Queensbury Resident, email clarifying remarks made at the November 17, 2017 Board Meeting.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 468-541 were mailed; she noted proposed Resolution Nos. 468, 489, 503, 516, 517, 519 and 531 were amended after mailing and a motion was needed to approve these revisions. The necessary motion was made by Supervisor Simpson, seconded by Supervisor Braymer and carried unanimously. She informed that proposed Resolution Nos. 542-543 were prepared after mailing and a motion was necessary to bring the proposed Resolutions to the floor. The necessary motion was made by Supervisor Merlino and seconded by Supervisor Girard and carried unanimously to bring the resolutions to the floor.

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

Travis Whitehead, *Town of Queensbury Resident*, advised he would like to comment on proposed Resolution No. 509, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2017*, with regard to the creation of the position of Special Counsel to the Board which would be a part-time position. He stated he had attended the November 27th meeting of the Support Services Committee during which a different proposal was presented pertaining to the position that indicated the individual would be an independent contractor rather than an employee. He said he felt this was more appropriate for several reasons including the opinion provided by Mrs. Kissane at the meeting that it was also more appropriate for the position to be an independent contractor due to her concerns that the conflict of interest given by the Judicial Board a few months ago would still be valid. He remarked he believed that argument was still valid and should be considered at this time, as well. He continued, on the other hand he was aware of the pressure to push it forward as an employee due to the preference of the IRS (*Internal Revenue Service*) that you be an employee of someone rather than an independent contractor which he knew first hand since he was an independent contractor himself. He explained the IRS highly scrutinized when an individual left the employment of a company to become an independent contractor for them. He said in this circumstance they required you to demonstrate that you had other clients and were acting under your own direction, etc. He mentioned if the IRS had concerns it may be the same as him in that this was not the independent position that it should be. He apprised his concerns with this did not relate to the fact that assistance was required in the County Attorney's Office, but rather to the fact that the position would be pre-dated back to December 1st since approving things after the fact was not good business. He added since the position would be an employee it fell under Civil Service, and, he noted, he had requested a duty statement of the position which said very little other than it was a competitive position. He added he was unaware of whether there had been any competition for the position. He concluded by stating he expressed all of these concerns to the Board to which they could do with them what they wished.

Chairman Conover one again called for requests for roll call votes, but no response was given.

Supervisor Braymer apprised she would like to address the part-time position of Special Counsel to the Board which Mr. Whitehead had just discussed. She mentioned Mr. Whitehead may not have attended the meeting where the position was changed from a consultant to a part-time employee. She advised a number of her concerns related to the judicial decision which indicated Brian Reichenbach, *Special Counsel to the County*, should not be employed in the County Attorney's Office, and she noted, Mrs.

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Kissane had expressed that concern, as well. She continued, on the other hand the County was paying a significant amount of money for Mr. Reichenbach to be a consultant. She mentioned although she voted in favor of moving forward with a part-time employee position in Committee, proposed Resolution No. 498, *Amending Resolution No. 413 of 2017 Which Authorized the County Attorney to Retain Outside Legal Counsel for a Period of up to Two Months to Extend the Termination Date*, which was withdrawn was only going to extend Mr. Reichenbach until the end of the year and yet proposed Resolution No. 509, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2017*, would extend his time here for three more months. She continued, she had been thinking about it and she could not support Mr. Reichenbach being extended for three months even though she was aware the County Attorney's Office was currently short staffed. She added she was hopeful an Assistant County Attorney would be hired soon to assist with the workload.

In regards to proposed Resolution No. 512, *Authorizing Transfer of Warren County Sheriff's Office Surplus Vehicle to the Warren County Society for Prevention of Cruelty to Animals (SPCA)*, Supervisor Braymer reminded them this had been brought up this summer during which some questions were brought forward regarding the legality of the transfer. She said she never received an analysis from Mr. Reichenbach; however, she noted, he had distributed an email this morning advising of his discussion with someone at the State Comptroller's Office. She remarked she thought the proposed Resolution was a tad misleading as to all of that and, she noted, in the future she would like to be aware of what was in the Asset Forfeiture Program and why those excess items were not bid out to the public so anyone could be afforded the opportunity to pursue them. She added this could also result in the most amount of money being acquired from the sale of these items. She informed she would be voting in opposition of proposed Resolution Nos. 509 and 512.

Chairman Conover apprised he would request that the Sheriff explain the Asset Forfeiture Program at a future Criminal Justice & Public Safety Committee meeting.

Chairman Conover inquired whether anyone had an objection to one roll call vote being taken for proposed Resolution Nos. 515-527, all of which related to Capital Projects; no one responded with any objections.

Chairman Conover called for a vote on resolutions, following which Resolution Nos. 468-543, were approved as presented, with the exception of Resolution No. 498 which was withdrawn.

Chairman Conover called for public comments from anyone wishing to address the Board on any matter; there being none, he called for announcements.

Supervisor Geraghty reminded all Town Supervisors to pick up their tax rolls immediately following the conclusion of the meeting in Mrs. Allen's Office; he advised the bills should be picked up from the Real Property Tax Services Office.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor MacDonald and seconded by Supervisor Dickinson, Chairman Conover adjourned the Board Meeting at 10:58 a.m.