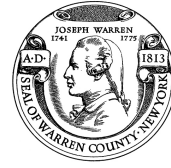


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, DECEMBER 21, 2018**



The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. Ronald F. Conover presiding.

Salute to the flag was led by Supervisor Sokol.

Roll called, the following members present:

Supervisors Leggett, Diamond, McDevitt, Braymer, Loeb, Driscoll, Frasier, Simpson, Hogan, Merlino, Strough, Wild, Sokol, Thomas, Geraghty and Conover- 16; Supervisors Dickinson, Beaty, Magowan and Hyde absent- 4

Supervisor Magowan entered the meeting at 10:01 a.m.

Commencing the Agenda review, Chairman Conover noted a motion was necessary to approve the minutes of November 16th Board Meeting, subject to correction by the Clerk of the Board. The motion was made by Supervisor Simpson, seconded by Supervisor Braymer and carried unanimously.

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

Continuing with the Agenda review, Chairman Conover extended privilege of the floor to Dr. James Seeley, *Executive Director, Cornell Cooperative Extension*, for the presentation of an award to Adrianna Drindak, one of three grand prize photo contest winners in the Inspired by Science Contest presented by Bayer and the National 4-H Council. He said Miss Drindak and her parents would be traveling to Washington D.C. to attend the National Youth Summit on Agricultural from January 10-13, 2019. He apprised Miss Drindak was also a member of the Warren County 4-H Guide Program and recently participated on their Environmental Community Services Project Green Team. He congratulated Miss Drindak on her accomplishment. Chairman Conover presented Miss Drindak with an award commending her efforts, following which a round of applause was given.

Supervisor Dickinson arrived at 10:04 a.m.

Proceeding with the Agenda review, Chairman Conover advised they would return to the portion of the Agenda where Marisa Multari, *Fundraising Coordinator for High Peaks Hospice*, was planning on addressing the Board regarding High Peaks Hospice, when she arrived.

Moving along, Chairman Conover declared the Public Hearing on Warren County Community Development Block Grant Project No. 1197CP66-17, Countryside Adult Home Building Study, open at 10:04 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.

Patricia Tatich, *Associate Planner*, apprised that this was a required public hearing for the funding the County received to conduct a building study for the Countryside Adult Home. She explained the

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Planning & Community Development Department had initially applied for funding for improvements to Countryside Adult Home; however, she noted, as a result of the State's concerns that all of the issues were not being addressed, they encouraged the Department to apply for funds to conduct a study to determine what improvements were needed for the building and how to better market it, etc. She stated they were fortunate enough to be awarded \$43,237 and the County was responsible for providing the 5% matching funds equaling \$2,162 for a total project cost of \$45,399. She informed she had worked with the Purchasing Department and Christian Hanchett, *Commissioner, Department of Social Services*, to put out proposals for which they received two responses, but they would not be ready to provide a recommendation on the award until January.

Supervisor Simpson commended the staff of the Planning & Community Development Department for their efforts in securing the funds for this study, as it was very much needed and appreciated.

Supervisor Beaty entered the meeting at 10:07 a.m.

Chairman Conover once again called for any public comment; there being no response he declared the Public Hearing closed at 10:08 a.m.

Proceeding with the Agenda review, Chairman Conover declared the Public Hearing on the proposed Fixed Base Operator Lease Agreement with Schermerhorn Aviation II, Inc. open at 10:08 a.m. and he asked Mrs. Allen to read the Notice of the Public Hearing aloud, which she proceeded to do. Chairman Conover then called for public comment.

Harrison Freer, *representing the Airport Pilot and Owner Association for Glens Falls Airport*, thanked everyone who was involved with the negotiation process for this agreement which the group he represented was fully supportive of. He stated they were committed to assisting with making the Airport expense neutral for the County.

Mark Westcott, *Town of Queensbury Resident*, apprised he was present today to request that the Board members voted in favor of moving forward with this Fixed Base Operator (*FBO*) Agreement and he mentioned commented on the outstanding job Richard Schermerhorn, *owner, Schermerhorn Aviation II, Inc.*, had done with his work at the Airport. He added he also appreciated the Supervisors who had worked in a bi-partisan manner negotiating this agreement, as he believed the Airport was a County asset with a stellar Fixed Based Operator.

Chairman Conover once again called for any public comment; there being no response he declared the Public Hearing closed at 10:11 a.m.

Continuing with the Agenda review, Chairman Conover declared the Public Hearing on proposed Local Law No. 1 of 2019, "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County", open at 10:12 a.m. and he asked Mrs. Allen to read the Notice of the Public Hearing aloud, which she proceeded to do. Chairman Conover then called for public comment; there being none he closed the Public Hearing at 10:13 a.m.

Moving along to the report by the Chairman of the Board, Chairman Conover advised he had attended a conference for the Adirondack Association of Towns and Villages in Lake George on December 2-3, 2018 where the topics for discussion concerned the issues pertaining to the Adirondacks. He apprised he had attended a joint meeting set up by the Fund for Lake George and the Town of Lake George on December 6th where an overview of the joint project concerning the septic initiative on Lake George and he congratulated all of those who were participating in the program, including the property owners,

as the lake would benefit greatly from this program. He informed during the evening on that day he had attended the Christmas party for the Warren County Economic Development Corporation (EDC) at the Park Theater in the City of Glens Falls, apprising how impressed he was with the Theater and the festive appearance of the City which had made significant progress with their efforts to revitalize the downtown area. Chairman Conover advised he had attended the Adirondack Glens Falls Transportation Council's meeting on December 12th at Crandall Library and on December 17th he had attended the luncheon and year end meeting of the Warren County Soil & Water Conservation District and he recognized Supervisor Thomas and the other members of the District for the work that was carried out during 2018 throughout the County; he added he believed all of the Supervisors were aware of how much of an asset the District was. Chairman Conover acknowledged Julie Butler, *Purchasing Agent*, and her staff for the work they had carried on the Solid Waste and Recycling bids to ensure they secured the best deals possible within this marker. He informed upon the request of the Fund for Lake George he had attended a meeting in Albany, New York on December 19th with representatives from the NYS DOT (*New York State Department of Transportation*) to discuss the Salt Initiative during which they discussed the Demonstration Project on State Route 9N, as well as the one conducted near Lake Placid. He remarked how pleased he was that the NYS DOT was joining the County and its municipalities efforts to try and reduce the amount of sodium used on the roads which ultimately ended up in the waterways. He stated he had attended a work meeting with County staff on December 20th regarding the Workplace Violence Plan which he found to be very informative. He said he was impressed with how concerned the staff was with the safety of the County employees, as well as the public. Chairman Conover mentioned he had asked the County Administrator to prepare a complete and comprehensive briefing to be presented early next year which would address the questions concerning equalization and apportionment, as well as sales tax. He reminded all Town Supervisors to pick up their tax rolls from Mrs. Allen's office immediately following the conclusion of the meeting. Chairman Conover concluded his report by wishing everyone present, as well as the residents of the County a joyful and happy holiday and a happy New Year.

Chairman Conover offered privilege of the floor to Ms. Multari who had just entered the meeting. Ms. Multari apprised she was the fund-raising coordinator for High Peaks Hospice which covered Warren, Washington, Essex, Franklin and Hamilton Counties and she thanked Supervisor Driscoll for helping her coordinate this update. She stated High Peaks Hospice had been operating for thirty-two years and one of her tasks was to go around to the various agencies and educate them about the services they provided, as there were many who were unaware of what they did. She asked that anyone who may be aware of someone with a terminal illness to refer them to Hospice if they had not already been by their doctor because their purpose was to assist those with a terminal illness enjoy what was left of their life. She invited everyone to attend their open house at 454 Glen Street in the City of Glens Falls on January 14th. She stated they were kicking off a new initiative entitled "Are We Living Our Best Life Now" to remind people to make sure they carried out the tasks on their buckets lists. She referred to the article that was published in *The Post Star* a few weeks ago about "Giving Tuesday" and she asked that everyone assist them by raising awareness and changing the misconception regarding their organization. She concluded by wishing everyone happy holidays and all the best for the new year, as well.

Supervisor Leggett remarked High Peaks Hospice offered an invaluable service to area residents suffering with a terminal illness, as well as their families.

Chairman Conover then called for the reports by Committee Chairmen on the past months meetings or activities.

Supervisor Sokol informed the Finance Committee had met on November 29th, approving proposed

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Resolution Nos. 463-464, 522-531 and 533. Supervisor Sokol offered privilege of the floor to Mike Swan, *County Treasurer*, to provide the monthly update regarding the County's finances.

Mr. Swan stated he was pleased to report that it appeared the County would end the year with the sales tax collections up by 5% as compared to last years collections. He wished everyone happy holidays and a happy new year.

Supervisor Thomas reported on the November 20th meeting of the Budget Committee where they approved proposed Resolution Nos. 465-477 and he provided a brief overview of each.

Chairman Conover thanked Supervisor Thomas for entertaining these contracts at the Budget Committee meeting and he reminded the Board members they had previously been entertained during the annual Organization Meeting at the beginning of the year rather than going through the Committee structure. He said last year they had been entertained by the Finance Committee in January, but they had decided going forward to address them with the Budget Committee before the end of the year to avoid any confusion when new Board members started in January.

Supervisor Hyde indicated she had nothing to report.

Supervisor Geraghty stated that the Personnel & Higher Education Committee had approved proposed Resolution No. 521, 532 and 543 which he requested support of.

Supervisor Leggett reported the Criminal Justice & Public Safety Committee had met on November 19th, approving proposed Resolution Nos. 485-492 and he provided a brief summary of each.

Supervisor Diamond reported on the November 20th and December 6th meetings of the County Facilities Committee where they approved proposed Resolution Nos. 478-484 and he provided a brief overview of each. He thanked the Supervisors for their efforts in negotiating the FBO agreement with Rich Air at the Airport. He stated that Rich Air did an exceptional job with maintenance and promoting the Airport, apprising he felt all parties involved, including the taxpayers would benefit from this agreement. Supervisor Diamond acknowledged Supervisor Wild for spearheading the efforts to determine what the County's best options were for the property on River Street in the Town of Queensbury which was currently being used as a recycling center. He informed he had thoroughly enjoyed serving as Chairman of the County Facilities Committee this year during which the eleven Committee members did not always agree with one another making it difficult to accomplish anything, but he had enjoyed listening to the differing opinions.

Supervisor McDevitt informed he had also attended the EDC Christmas party at the Park Theater, which he opined was a wonderful addition to the City, providing a great venue for such events. He discussed the issue that had been referenced in *The Post Star* which concerned not only the City, but also the County pertaining to the Lehigh Glens Falls Cement Plant and Terminal request to replace the utilization of gas with a mixture of 40% paper and 50% plastic, referred to as ragger tail, that would be burned and used as a fuel source. He said the company had indicated this use would keep the material out of landfills and reduce greenhouse gas emissions while also reducing energy costs. He apprised as a result of this article a number of air quality concerns had been raised as it related to this particular permitting approval. He said he was fully supportive of the public comment period being extended to ensure the public was comfortable that the proper permitting process was being followed and the air quality in this area remained at safe standards.

Chairman Conover suggested that Supervisor McDevitt invite representatives of the Lehigh Glens Falls

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Cement Plant and Terminal to speak on the matter at a future Economic Growth & Development Committee meeting.

Supervisor Braymer apprised while she did not Chair a Committee, she would like to expand on Mr. McDevitt's comments concerning the Lehigh Glens Falls Cement Plant and Terminal. She applauded the efforts of the company for seeking an alternate source of fuel and trying to divert some of this waste from landfills and incinerators; however, she noted, she was concerned they may not have all of the emission controls in place for burning plastic. She stated this was something they needed to consider since the Governor had announced last year that Warren County had the highest rate of cancer in the entire State. She apprised plastic emitted things into the environment which could cause cancer when it was burned and she remarked it was necessary to ensure the company was taking the steps required to keep the air quality safe for the citizens while also protecting jobs and the economic viability of the plant.

Supervisor Loeb advised there was no place on the Agenda offering Supervisors the opportunity to speak to matters which did not pertain to action taken at Committee meetings or the resolutions before them. He stated he believed the most appropriate place for this to be added to the Agenda would be the point where the Chairman called for the reports by Committee Chairmen on the past months meetings or activities. Chairman Conover interjected that he and his predecessors had always permitted short statements addressing other issues during this timeframe that may not be in order of business. He said he preferred to keep these comments as brief as possible since they had an Agenda to follow; however he noted, this was the appropriate time for Supervisors who wished to make a brief statement regarding other matters of County business to do so. Supervisor Loeb stated that Chairman Conover had always permitted the Supervisors to comment during this timeframe, but he was concerned new Supervisors would not be aware of this and he suggested going forward they make note of this on the Agenda to clear up any confusion.

Supervisor Loeb reported on the November 29th meeting of the Support Services Committee where they approved proposed Resolution Nos. 514-520 which he requested support of. He informed he began this year with two primary goals, the first of which was to address the need to support County Veterans through the establishment of a Veterans' Court. He said it was determined there were not enough Veterans in the County who went through the Court system to warrant having a Veterans' Court. He apprised Supreme Court Justice Martin Auffredou had indicated to him all of the judges in the area were fully supportive of Veterans and yet for some reason they were unable to come to a formal agreement on the process to assist the Veterans with the formation of a Veterans Court. Supervisor Loeb advised the other issue he had been working on and was frustrated with was the low ratings of the local nursing homes. He stated he was fully aware the County's intentions were honorable when the former Westmount Nursing home was sold, but the rating had substantially declined since the new owners had taken over, as well as in the other facilities located here. He stated he had approached Public Health to see if they could offer assistance to address these issues, but he was told this was something that needed to be addressed by the State. He continued, the response he received to his inquiry from the State as to what improvements could be made to increase the rating of the facilities was that it was too complicated of a matter for anyone at the County to be able to determine whether the facilities were being managed properly which he took great exception to. He said he understood now why the residents got frustrated with government when facing bureaucratic roadblocks like he was with this issue.

Supervisor Driscoll stated he would like to take this opportunity to thank the Chairman of the Committees he had been privileged to serve on this year, as well as the others who he did not serve on, apprising he had attempted to make those meetings as often as he could. He remarked he hoped

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that his contributions had been helpful and he was looking forward to learning and participating more next year. He informed he had a particular interest in proposed Resolution Nos. 500, *Authorizing Agreements with Certain Applicants for the Disbursement of 2019 Occupancy Tax Revenues*, and 501, *Approving the 2019 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services*, which Supervisor Dickinson would be addressing during his Committee report.

Chairman Conover noted that proposed Resolution No. 482, *Authorizing Airport Real Property Lease Agreement with Schermerhorn Aviation II, Inc. ("Rich Air") to Provide Full and Limited Fixed Base Operator (FBO) Services at the Warren County (Floyd Bennett Memorial) Airport*, would require a roll call vote.

Supervisor Frasier advised the Health, Human & Social Services Committee had met on November 20th, approving proposed Resolution Nos. 494-499 and she provided a brief overview of each. She informed she was appreciative of working with the various Department Heads, mentioning she had a wonderful time working with them this year. She commented the Board members sometimes overlooked what a wonderful staff the County had.

Supervisor Simpson apprised the Public Works Committee had met on November 20th where they approved proposed Resolution Nos. 502-513 and he provided a brief overview of each. He stated he had attended the monthly meeting at Cornell Cooperative Extension on November 26th, apprising he was pleased to report that Dr. Seeley had indicated to him the organization had been awarded a grant in the amount of \$93,582 to support a Farm to School Program which would allow them to connect local farmers to school districts by bringing fresh produce to the school cafeterias creating better nutrition for the local students. Supervisor Simpson reported on the December 17th Public Works Committee meeting where they approved proposed Resolution Nos. 545-547. He stated in response to a question that was raised regarding where the towns plastic waste was being transported to, Mrs. Butler received confirmation from the contractor these items were being transported to a location to be processed for recycling.

Chairman Conover announced the Bolton Town Board would have to do an amendment at a future meeting to provide Up Yonda Educational Facility with an additional \$6,000 to support the programs offered there.

Supervisor Hogan stated she had no Committee report, but noted that Dr. Seeley and his staff at Cornell Cooperative Extension had worked tirelessly on the grant that would not only provide better nutritional habits to children in the County, but would also provide them with environmental awareness. She indicated the National Farm to School Network claimed that every dollar invested in Farm to School stimulated up to \$2.16 in local economic activity.

Supervisor Dickinson reported on the November 20th meeting of the Occupancy Tax Coordination Committee, approving proposed Resolution Nos. 500-501 and he provided a brief summary of each. He apprised that Mr. Swan had indicated there was a 4.25% increase in occupancy tax over the same timeframe last year. He mentioned toward the end of the meeting Supervisor Geraghty made a motion which was seconded by Supervisor Simpson to reduce the amount of occupancy tax funds allocated to the Towns of Bolton, Queensbury and Lake George by approximately 10% as depicted in proposed Resolution No. 501. He thanked Supervisor Driscoll for being a member of the Committee and providing him with some much needed assistance. Supervisor Dickinson acknowledged the Lake George Regional Chamber of Commerce & CVB and the Lake Luzerne Folk School for sponsoring the Christkindlmarket event at the Festival Commons held on December 7-9, 2018, as the event was a success with around

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4,800 attendees. He stated he was anticipating the event would grow even larger next year. He concluded his report by wishing everyone a merry Christmas and a happy new year.

Supervisor Merlino informed the Tourism Committee had not met last month, but they were busy finishing up work on their commercials which would air in the beginning of the new year, as well as the Travel Guide for next year; *copies of the Travel Guide had been distributed to the Board members prior to the meeting and a copy of same is on file with the items distributed at the December 21st Board meeting.* He mentioned he believed the County Treasurer should provide his reports in dollars rather than percentages and he pointed out \$38 million had to be spent in the County in order for them to be entitled to the amount of sales tax they were receiving this year. He stated \$4 million was spent in order for them to collect the amount of occupancy tax they had received so far this year.

Supervisor Strough apprised he had no Committee report, but he would like to reaffirm what Supervisor Dickinson just stated concerning how successful the Christkindlmarket event was and he added he believed it was a regional event. He thanked the Lake George Chamber of Commerce & CVB and the Lake Luzerne Adirondack Folk School for their sponsorship and for working tediously to ensure the event was a success. Supervisor Strough informed the Town of Queensbury shared the concerns pertaining to the possible emission of harmful carcinogens from the burning of ragger tail by the cement plant in the City of Glens Falls. He concluded by stating he would be sharing some thoughts regarding proposed Resolutions Nos. 483, *Resolution Declaring the Land Owned by the County Located at River Street, in the Town of Queensbury, Tax Map Parcel No. 303.20-2-48 No Longer Necessary for Public Use*, and 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SMDental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*, at the appropriate time.

Supervisor Wild wished everyone a merry Christmas and a happy New Year. He stated he would like to extend his appreciation to the Board for allowing him, as a new member, to shake things up on occasion.

Supervisor Beaty thanked Supervisor Diamond for allowing him to chair the November 20th County Facilities Committee meeting in his absence. He remarked he was fully supportive of proposed Resolution No. 482, *Authorizing Airport Real Property Lease Agreement with Schermerhorn Aviation II, Inc. ("Rich Air") to Provide Full and Limited Fixed Base Operator (FBO) Services at the Warren County (Floyd Bennett Memorial) Airport*, and he acknowledged Supervisors McDevitt and Sokol for their assistance negotiating this agreement, as they were instrumental in obtaining the best deal for the County and allowing them to have what he felt was the most premiere FBO in the State. He remarked the agreement benefitted not only the County, but also Mr. Schermerhorn, as well as the County taxpayers. Supervisor Beaty thanked Ryan Moore, *County Administrator*, for his attempts to alleviate some of the major issues which had occurred at the Cedars Meal Site. He explained for those who were unaware that the Cedars Meal Site served over 75,000 meals to seniors who lived in the Town of Queensbury and the City of Glens Falls which was over 60% of the Meals on Wheels provided in the County. He stated he was pleased to report that due to the efforts of Mr. Moore they were advertising to fill the vacant position of Kitchen Manager which he felt was vital for this meal site. He acknowledged the efforts of Supervisor Merlino and the Tourism Department, as he believed they were instrumental in contributing to the increase in occupancy tax, as well as those of the private firms they worked with. He pointed out tourism had decreased in many other areas of the State. Supervisor Beaty stated he was pleased that Chairman Conover was making it a priority to review the distribution of sales tax to the towns and he acknowledged Supervisor Merlino for initially pointing out how unfair the current distribution were a few years ago; he added that Supervisor Geraghty had also expressed his disdain for the sales tax distribution formula a few months ago. Finally, he wished everyone a happy

holiday season, adding he was looking forward to seeing how they moved forward in 2019.

Supervisor Magowan stated he did not chair any Committees, but he did attend as many Committee meetings as his schedule permitted. He thanked the Board members and County staff for the assistance they had provided him during his first year serving as an At-Large Supervisor for the Town of Queensbury. He voiced his concerns with the speed at which the permitting process was moving for the Lehigh Glens Falls Cement Plant and Terminal to change to burning ragger tail to use as a fuel source. He informed his main concern was whether combining what they would be emitting into the air with the other factories in the areas emissions would result in the air quality becoming below par. He congratulated Dr. Seeley and his staff for their efforts in securing the grant funding for the Farm to School Program, adding he thoroughly enjoyed attending the meetings each month at Cornell Cooperative Extension. He concluded by wishing everyone a happy holiday season.

Continuing to the report by the County Administrator, Mr. Moore recognized the following people for their years of service to the County which he said he was greatly appreciative of:

- * Teresa Cote for 25 years of service to the Public Health; and
- * Joseph Abraham for 20 years of service to the DPW.

Mr. Moore read aloud a listing of the meetings he attended since the November 16th Board Meeting, a copy of which is on file with the items distributed at the Board Meeting. He apprised that there were two resolutions today that would require amendments from the floor, the first of which was proposed Resolution No. 478, *Authorizing an Agreement with C&S Engineers, Inc. for Environmental Assessment Phase IV and Preliminary Design for Runway 1-19 Extension Project at the Warren County (Floyd Bennett Memorial) Airport*. He stated the amendment was being done in accordance with the desires of the County Supervisors, the County Administrator and the Airport and DPW Administration to add a provision to the contract indicating that work would be authorized by the County in a phased approach so that in the event the FAA (*Federal Aviation Administration*) approved the runway extension alternative that was presented by the Airport Manager it would ensure that any unnecessary work related to the initial and more costly runway extension was not conducted. He continued, in order to memorialize this in proposed Resolution No. 478, Supervisor Braymer had drafted an amended version of the resolution which consisted of an additional whereas paragraph and an additional resolved paragraph that she would put forth with permission from Chairman Conover.

Supervisor Braymer stated during the November 29th Finance Committee meeting concerns were raised that C&S would move forward with work under the current proposal for the full runway extension which would not be necessary under the alternate approach the Airport Manager had brought forward that would reduce the expense and environmental impacts substantially. She added even if it was determined they wanted to continue to pursue the initial full runway extension this would allow them to require C&S to return to Committee for input and approval before they moved forward with other phases of the Project. She remarked she believed this was the appropriate manner in which to approach the project and she requested support of the proposed amendment to Resolution No. 478, copies of which had been distributed to the Board members.

A motion was made by Supervisor Braymer and seconded by Supervisor Simpson to amend proposed Resolution No. 478, *Authorizing an Agreement with C&S Engineers, Inc. for Environmental Assessment Phase IV and Preliminary Design for Runway 1-19 Extension Project at the Warren County (Floyd Bennett Memorial) Airport*, as outlined above.

Supervisor Sokol inquired which Committee C&S would be addressing for approval of the future phases of the project and Supervisor Braymer responded they would be required to obtain permission from

the County Facilities Committee.

Chairman Conover called the question and the aforementioned motion to amend proposed Resolution No. 478 was carried unanimously.

Mr. Moore informed the other resolution to be amended was proposed Resolution No. 533, *Introducing Proposed Local Law No. 2 of 2019 "A Local Law Imposing an Additional Mortgage Recording Tax in Warren County"*. He apprised that he and the County Attorney had discussed this item in detail with staff members from the State Senate and the State Assembly who indicated the effective date should be changed from March 1st to February 1st due to the slight possibility that the State would be in a position to renew this law effective February 1st and this would prepare the County in the unlikely event this occurred. He added with the permission of Chairman Conover this amendment could be moved forward and voted on. The necessary motion to amend proposed Resolution No. 533 was made by Supervisor Sokol, seconded by Supervisor Merlino and carried unanimously.

Mr. Moore mentioned there were two additions to proposed Resolution Nos. 463, *Making Supplemental Appropriations*, and 464, *Amending Warren County Budget for 2018 for Various Departments Within Warren County*, which were identified by the County Treasurer's Office and had been approved for inclusion by the Chairmen of the Criminal Justice & Public Safety and Finance Committees; he added that these did not require formal amendments, consistent with the past practices of this Board for year-end clean-up. He said proposed Resolution No. 463 now included an additional transfer of funds in the amount of \$24,560.50 from the Sheriff's Law Enforcement Budget to the Sheriff's School Resource Officer Budget. He explained these funds were for a portion of the \$60,000 School Resource Officer contract with the Hadley-Luzerne School District for which the Treasurer's Office had created an account to allow better tracking of the expenses for the School Resource Officer programs. He informed proposed Resolution No. 464 had also been edited for the Sheriff's Department to include two budget amendments which added expenses and equivalent reimbursement revenues for the School Resource Officer programs for the Bolton and Hadley-Luzerne School Districts.

Next, Mr. Moore stated he would like to address the process for selecting the Chairman of the Board at next months Organization Board Meeting as a result of the many inquires he had received regarding the process. He informed County Law Section 151 provided that the Board of Supervisors should meet on or before January 8th for the purpose of organizing the Board and selecting a Chair. He continued, the law further provided that if the Board of Supervisors failed to select a Chair on or before February 1st, the County Clerk shall appoint a member of the Board of Supervisors as Chair, who shall serve as Chair until the end of the calendar year. He mentioned in the event that the Board of Supervisors was not successful in selecting a Chair at the Organization meeting, State Law, specifically Public Officers Law Section 5, provided that the Chairmanship was officially vacant, but that the preceding Chair, in this case Chairman Conover, shall continue to discharge the duties until the office was legally filled by the Board selecting a Chair or the County Clerk appointing one. He said within the process dictated by State Law, the Rules of the Board of Supervisors spelled out in further detail the process that this County uses to select a Chair, stating that the Clerk of the Board would call the Organization meeting to order, establish a quorum and then the Board of Supervisors would select a Chair. He continued, the Rules of the Board stipulated that a Chair could only be elected by a majority of the total weighted voting power of the entire Board, which was 501 weighted votes. He said in the past a temporary Chair had presided over the process of calling for nominations for the Chair and also for following vote. He stated this custom was not officially included in the Rules of the Board; therefore, he apprised, at the request of both Chairman Conover and Supervisor Beaty, the Clerk of the Board would be calling for nominations and calling for the vote. He advised nominations for Chair did not require a second, nor did they require discussion and whomever was nominated for Chair at this Organization meeting would

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be included in this voting. He said that unless there were other questions on the process he had provided an overview of this concluded his report and he wished everyone a merry Christmas and a happy New Year.

Privilege of the floor was extended to Mary Elizabeth Kissane, *County Attorney*, to provide a report from the County Attorney. Ms. Kissane advised she was pleased to report her second Assistant County Attorney was admitted early by the Third Department on December 5, 2018. She directed the Board members attention to proposed Resolution No. 515, *Ratifying the Actions of the Chairman of the Board in Authorizing an Agreement with Independent Title Agency, LLC for Certified Abstracts of Title for Delinquent Tax Parcels for Warren County (WC 074-18)*, apprising that when the request went before the Committee the bids had not been opened yet. She stated the bids were opened on November 29th and they awarded the bid to Independent Title Agency for the abstract work needed to complete the foreclosure process. In conclusion she wished everyone happy holidays.

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

Reports from:

1. Capital District Regional Off-Track Betting Corporation, Financial Reports dated August 31, 2018 and September 30, 2018

Minutes from:

1. Counties of Warren & Washington Civic Development Corporation November 14, 2018 Executive Committee meeting (*emailed to the Board 12.14.18*)
2. Counties of Warren & Washington Civic Development Corporation November 14, 2018 meeting (*emailed to the Board 12.18.18*)
3. Counties of Warren & Washington Industrial Development Agency November 14, 2018 Executive/Park Committee meeting (*emailed to the Board 10.29.18*)
4. Counties of Warren & Washington Industrial Development Agency November 19, 2018 meeting (*emailed to the Board 12.18.18*)

Letters/emails from:

1. Anne D. Murray, Warren County Resident speaking against the proposed ban on plastic bags in Warren County (*emailed to the Board 12.04.18*)
2. Mary Kissane, Warren County Attorney stating the order of succession for authority in her Office (*emailed to the Board 12.14.18*)

Other:

1. Capital District Regional Off-Track Betting Corp. October payment in the amount of \$3,093 (*emailed to the Board 12.04.18*)
2. Town of Queensbury Notice of Public Hearing regarding a change of zoning for property owned by Kubricky and Sons, Inc. to be held on January 28, 2019 at 7:00 p.m. at the Queensbury Activities Center (*emailed to the Board 11.29.18*)
3. Washington County Board of Supervisors Resolution Nos. 297 and 298 of 2018 approving MOU and 2019 Budget for the Lake Champlain-Lake George Regional Planning Board (*emailed to the Board 11/26/18*)

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 463-544 were mailed; she informed that proposed Resolution Nos. 463 and 464 was amended after mailing and a motion was needed to approve these revisions. The necessary motion was made by Supervisor Simpson, seconded by Supervisor Merlino and carried unanimously. She apprised proposed Resolution Nos. 545-

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547 were produced after the resolutions were mailed, pursuant to the Public Works Committee meeting held on December 17th and a motion was necessary to bring them to the floor. The necessary motion was made by Supervisor Dickinson, seconded by Supervisor Strough and carried unanimously. She informed as previously mentioned by the Chairman, proposed Resolution No. 482, *Authorizing Airport Real Property Lease Agreement with Schermerhorn Aviation II, Inc. ("Rich Air") to Provide Full and Limited Fixed Base Operator (FBO) Services at the Warren County (Floyd Bennett Memorial) Airport*, was not marked as a roll call vote on the Resolution Index, but it would be required.

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

Supervisor Sokol requested a roll call vote on proposed Resolution No. 477, *Authorizing Payment to Lake Champlain-lake George Regional Planning Board*.

Supervisor Strough requested a roll call vote on proposed Resolution Nos. 483, *Resolution Declaring the Land Owned by the County Located at River Street, in the Town of Queensbury, Tax Map Parcel No. 303.20-2-48 No Longer Necessary for Public Use*, and 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SM Dental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*.

Supervisor Strough stated he would like to comment on two resolutions, the first of which was proposed Resolution No. 483, *Resolution Declaring the Land Owned by the County Located at River Street, in the Town of Queensbury, Tax Map Parcel No. 303.20-2-48 No Longer Necessary for Public Use*. He mentioned he would like to applaud the efforts of Supervisor Wild related to this particular parcel which he believed would pan out in the future; however, he noted, he felt it was premature for them to consider this resolution for several reasons, the first of which was that it was not accurate to state the parcel was no longer necessary for public use since no subdivision had been created to date, nor was he aware of how it would be subdivided, and Building #2 on the property was used by the County DPW for vehicle and equipment storage. He continued, a portion of Building #1 was used by the Office of Emergency Services for vehicle and equipment storage, as well as parts of the open lot surrounding those buildings which were used upon occasion by the DPW. He indicated the statement that the County was not using the property and that the parcel was surplus was not true since it was in use. Furthermore, he advised that the parcel had an encumbered history that he did not think was properly addressed; he explained the deed restrictions and even a County resolution acknowledging those restrictions required addressing. He reminded them he had previously discussed the twenty-four pages of easement restrictions which pertained to this parcel and he questioned where these easements were located and how the parcel would be subdivided and what parts would be sub-divided to sell as these were both unknown factors. He informed he had not viewed any document showing those encumbrances and how they would impact the County or any potential purchaser. Next, he voiced his concern regarding how the parcel was assessed at full market value of \$2.9 million; he felt in an effort to be transparent, the County should have an independent appraisal done, but first they would need to determine where the easements were and then sub-divide. He pointed out the property had a 25,000 square foot building on it, that if constructed today would cost several million dollars. He apprised a representative from BASF had sent an email to the Town of Queensbury Planner on December 11, 2018 which expressed an interest in this potential property sale and added that BASF was always interested due to their entrenched knowledge of other parcel conditions. He stated the bottom line was a substantial amount of research needed to be completed before the Board members could make an informed decision on this parcel which was why he felt it was premature of them to be considering the property surplus.

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Supervisor Dickinson asked whether Supervisor Strough felt the most appropriate action to take would be to table proposed Resolution No. 483, *Resolution Declaring the Land Owned by the County Located at River Street, in the Town of Queensbury, Tax Map Parcel No. 303.20-2-48 No Longer Necessary for Public Use*, and Supervisor Strough replied in the affirmative. He reminded Chairman Conover in case it was not tabled he had requested a roll call vote.

Chairman Conover suggested that the matter be discussed further before determining whether it should be tabled. He added he could not stop anyone from making a motion to table, but he wanted to ensure they were aware if they did it took precedent and they would be required to immediately stop discussing the matter.

Supervisor McDevitt remarked that he concurred with Supervisor Strough that further research was required on the parcel to ensure they moved forward in the appropriate manner, as he believed Supervisor Strough had raised some legitimate concerns.

Supervisor Leggett stated he was always in favor of moving forward in the most appropriate manner and as pointed out by Supervisor Strough the proposed Resolution was seeking to declare the un-subdivided parcel as surplus, meaning they had not gone through a sub-division process nor had they gone through all the proper channels to be able to distinctly state that this parcel was now surplus as it had not been separated from what was used by the County DPW. He added he also did not feel the parcel had gone through full vetting to determine whether there were alternate uses for it besides being sold. He questioned why they would consider selling a parcel that had a fair market value of \$2.2 million for around \$400,000, as this was a significant difference in value which should be addressed and explained.

Supervisor Diamond asked Ms. Kissane whether the sub-division of the parcel would occur through the Town of Queensbury and Ms. Kissane replied in the affirmative. He pointed out how this was one of the critical issues Supervisor Strough had indicated that needed to be addressed; however, he queried whether the County needed to review and sub-divide the parcel. Ms. Kissane advised she believed the County would be required to submit a plan to the Town of Queensbury for approval. Supervisor Diamond advised the next step would be for the County to submit a plan which the Town of Queensbury would have to review and act on and he asked what was required of the County to move this forward. Ms. Kissane apprised that the County DPW would have to create and submit a plan to sub-divide the parcel and this would have to be submitted to the Town of Queensbury for review. With regards to the environmental issues on the property, Supervisor Diamond inquired whether the State and Federal agencies would have to approve the sale of the parcel, as well as the previous owners, and Ms. Kissane replied she did not believe they were required to seek approval from any of the State or Federal agencies.

A motion was made by Supervisor Geraghty, seconded by Supervisor Strough and carried by majority vote, with Supervisors Conover, Diamond and Wild voting in opposition, to table proposed Resolution No. 483, *Resolution Declaring the Land Owned by the County Located at River Street, in the Town of Queensbury, Tax Map Parcel No. 303.20-2-48 No Longer Necessary for Public Use*.

Supervisor McDevitt mentioned he would like to comment on a few issues he had with proposed Resolution No. 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SMDental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*. He questioned when was the last time an RFP (*Request for Proposal*) had been sent out for these services to ensure the County was obtaining a competitive arrangement as it related to health services for the County Jail. He said he felt it was appropriate for an RFP to be issued for these

services. He informed he was unsure whether anyone had taken the time to google Correctional Medical Care; however, he noted, they had some serious legal issues with various Counties in New York State, pointing out from his Google search this morning he learned they were involved in a \$1.1 million payment to an inmate in Albany County and they were also involved with the serious death of an inmate in Schenectady County. He said he felt there were some serious issues being raised and he felt it would be preferable for them to deal with local providers such as Hudson Headwaters Health Network who they were well aware of and could have a more trustworthy relationship with.

Supervisor Strough apprised following his Google research this morning he found several negative records concerning Correctional Medical Care, Inc. and he proceeded to outline each for the Board members. He stated his point in bringing this all to light was that he was uncomfortable moving forward with the requested contract to provide medical care to inmates at the County Jail.

Chairman Conover noted that should a motion to table proposed Resolution No. 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SM Dental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*, be made it could be followed by a waiving of the Rules of the Board that a resolution authorizing the County Administrator, the Sheriff and the County Treasurer to take any administrative action deemed necessary to ensure there were no interruptions in services while this matter was being dealt with by the Board. He said this would ensure there was no void in service and that the County's liability, if any, was maintained at a minimum level. In response to a question posed by Chairman Conover, Mr. Moore advised the current contract would be ending on December 31, 2018. Chairman Conover apprised if they were to table the resolution, by waiving the Rules of Board they could approve a resolution which authorized the Sheriff to take such action necessary to ensure there was no interruption of service.

Supervisor Geraghty asked Supervisor Leggett whether the contract to provide medical services to the Warren County Jail was put out to bid and Supervisor Leggett replied there were four respondents to the bid for these services and he asked Mr. Moore to elaborate more on the process. Mr. Moore apprised that because this involved a medical contract there was no requirement for an RFP in the law; however, he noted, the Sheriff did work for several months to obtain quotes, and had worked with other providers of this service to determine if there were alternate contractors who could provide the same services. He informed they received three quotes back, one from Correctional Medical Care, another from Correct Care Solutions which handled these services for the Westchester County Jail, and another from the group that handled these services for the Albany County Jail. He stated the other two quotes were more expensive than the one received from Correctional Medical Care and he reminded them the new contract with Correctional Medical Care added an additional \$300,000 into the budget for the County Jail and was somewhat controversial when discussed substantially during the budgeting process before it was ultimately approved in the 2019 County Budget. Chairman Conover asked whether the next quote was substantially more and Mr. Moore responded that the closest quote was from Correct Care Solutions which was about \$100,000 more than what had been proposed by Correctional Medical Care and the one from the agency that contracted with the Albany County Jail was significantly more than that. Chairman Conover mentioned the current provider may be interested in providing services on a month to month basis until the Board was able to sort out this issue to ensure there was no disruption in services.

Supervisor Leggett thanked Supervisors Strough and McDevitt for bringing this issue to the Board members attention; however, he noted, it was difficult to sort issues out that were brought up at these meetings with no prior notice. He stated he would like to note that lawsuits that jails faced relating to medical practices were very common as previously mentioned by the County Attorney during her report of ongoing litigation against the County. He indicated he was disturbed by the fact that there

were so many lawsuits brought against this contractor and it should be investigated more to determine whether this was significantly more than the other contractors. In regards to staffing, Supervisor Leggett mentioned the Sheriff worked tirelessly to keep the cost of the \$1.75 million annual contract down to this degree by making sure doctors did not have to be present the majority of the time or the contract would have been very cost prohibitive. He added the contract included the addition of 3 licensed practical nurses to ensure there was adequate staffing to accommodate the workload at the County Jail. He reiterated that they should investigate these accusations further.

Supervisor Wild questioned whether the County or Correctional Medical Care were liable to pay for the damages relating to these lawsuits and he queried whether the County had ever run into issues with the care administered by Correctional Medical Care. He mentioned the reason for his inquiry related to the fact that when discussing larger businesses they needed to consider there were procedures and directives that were driven from the highest level of management down. He added there was also local control and decisions that were being made which was why he was wondering whether these instances were related in part to the local management directives versus corporate ones. Chairman Conover advised he felt questions such as these and others could be asked and vetted in a Committee meeting if that was the pleasure of the Board.

Supervisor McDevitt suggested they follow the suit of Counties who were dealing with these lawsuits and table proposed Resolution No. 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SMDental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*, and return to Committee and further investigate the matter to ensure they were not creating a situation where the County would be liable.

Supervisor Braymer stated she had reviewed the quotes they received for these services, but she was concerned if they were not in compliance.

Motion was made by Supervisor McDevitt, seconded by Supervisor Braymer and carried by majority vote, with Supervisor Wild voting in opposition and Supervisor Hogan abstaining, to table proposed Resolution No. 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SMDental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*.

Chairman Conover called for a motion to waive the Rules of the Board requiring a resolution be presented in writing to allow the County Administrator, County Attorney, Sheriff and Treasurer to take such actions as deemed necessary to ensure there was no disruption in the medical, behavioral health, dental and ancillary services at the County Jail. The necessary motion was made by Supervisor Loeb, seconded by Supervisor Dickinson and carried unanimously.

Motion was made by Supervisor Leggett and seconded by Supervisor Braymer to authorize the County Administrator, County Attorney, Sheriff and Treasurer to take such actions as deemed necessary to ensure there was no disruption in the medical, behavioral health, dental and ancillary services at the County Jail.

Supervisor Wild advised the reason he voted in opposition of the motion to table was because he wondered whether there was a provision included within the existing contract with Correctional Medical Care which allowed them to extend it. He stated if there was no provision then the County could be without coverage for another month. Ms. Kissane informed this past year was the last year the contract could be extended. Supervisor Wild pointed out by tabling the contract they had put the County at risk for liability by not having coverage for these services in January. Chairman Conover

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stated he felt that was what they were authorizing the County Administrator, County Attorney, Sheriff and Treasurer to take whatever steps necessary in an attempt to ensure there would be no issues; however, he noted, there was no way he could guarantee this would not occur.

Supervisor Diamond questioned whether they would be setting any parameters concerning how much the County was willing to pay during this extension period and he pointed out how they had no inkling how much this company was going to charge them. He said since they were at a point where they had exhausted all of the extensions of the contract, he would like to know how much the County would be paying until the issues were worked out.

Supervisor Strough suggested they start at a rate equal to 1/12th of the contract rate until they were able to resolve this. Chairman Conover asked whether Supervisor Strough was offering this as an amendment to the motion before them and Supervisor Strough replied in the affirmative. Chairman Conover stated he would assume this would apply not only to the existing company, but to any other company they brought on board should the need arise and Supervisor Strough concurred. Chairman Conover asked if there was a second to the motion and Supervisor Loeb responded that he would second the motion.

Supervisor Hogan advised she needed the record to reflect that she abstained on the motion to table.

Supervisor Geraghty pointed out the County was obligated by law to provide medical coverage to the inmates at the County Jail and he was concerned that they would not find anyone to cover these services within the next few days resulting in them having to board out their inmates until the issue was resolved which would cost a substantial amount of money. Chairman Conover advised he hoped that everyone present was aware of how costly this could be for the County. Supervisor Geraghty remarked he felt they were moving to quickly on this without considering the implications and costs it could have. Chairman Conover apprised this was an unfortunate circumstance when issues were brought before the Board with no prior notice.

Supervisor Wild inquired whether there was any clause in the contract that would allow the County to terminate early for some kind of cause, but that would mean they would have to un-table the proposed resolution. Chairman Conover stated the current contract was ending shortly, but he believed the intent was to allow the County Administrator, County Attorney, Sheriff and Treasurer to take any and all actions necessary to ensure there was no disruption of service.

Mr. Moore informed the County Jail was a highly regulated by the State and if the County did not provide the proper medical care to the inmates they would be faced with violations. He continued, with regard to the amount they were willing to pay, if that price was set per month in accordance with the current contract he would point out that the price was reflective of staffing levels which were not adequate to service their jail population. He explained the reason the cost of the contract increased for 2019 was because the staffing matrix for this organization was updated to reflect the higher jail population. Supervisor Strough interjected that his motion was for 1/12th the cost of the proposed 2019 contract which included the increase.

Supervisor Leggett remarked the Sheriff's Office had done a significant amount of work on this contract to ensure the County got the best deal while also ensuring the proper services were being provided. He voiced his concern about these allegations being brought up with no notice, without being aware of the context behind any of the settlements or whether any other contractors in this business have incurred similar costs.. Chairman Conover apprised he fully understood Supervisor Leggett's concerns, as it was very difficult at this moment in time for them as a legislative body to be dealing with these types of

issues and he felt while there may be other options the motion before them was a prudent way to proceed. Supervisor Leggett added the 2019 County Budget was based on these contracts meaning the budget would have to be amended if they were to contract with another provider. He stated there was a ripple effect they needed to consider while also keeping in mind that the County Jail had not been impacted by lawsuits such as these during the timeframe the County contracted with them.

Supervisor Geraghty asked what would occur if Correctional Medical Care would not agree to a month to month agreement, as this could put the County at risk of being in violation of the States rules and regulations for the Jail. He suggested that no parameters be set to allow the County Administrator, County Attorney, Sheriff and Treasurer to do what was best for the County over a short timeframe, such as thirty or sixty days, to ensure this did not occur. He added if they were backed into a corner where they had to board out inmates it would cost the County a substantial amount of money and there may be ramifications from the Commission of Corrections, as well. Chairman Conover advised in most bidding processes if the first bidder did not work out then they would be forced to move on to the second bidder which was more expensive. Supervisor Geraghty stated this issue had been vetted by the Committee during which the Undersheriff had explained the process; he also reminded the Board that they had changed to this company because Hudson Headwaters Health Network had not wanted to provide coverage 24 hours a day. He said he felt the County Administrator, County Attorney, Sheriff and Treasurer should be provided with more flexibility than to hold them to the current contract rate and Chairman Conover concurred.

Supervisor Strough pointed out the motion before them would permit the County Administrator, County Attorney, Sheriff and Treasurer to carry out any practical action required to ensure there was no disruption in services. He noted now that everyone was more aware of this organizations history, the Supervisors needed to be aware that they could be opening themselves to liability by continuing service with this company even though they were well aware of their history and they should remain cognizant of that fact.

Supervisor Leggett stated this contract was not only for medical services, but also for behavioral health, dental and ancillary services. He said the negligent cases all involved the medical care and he questioned whether there was a way to segregate these from the other services. He pointed out that Sheriff York had just entered the meeting and could possibly speak about the contract.

Supervisor Beaty stated he was unaware of how many average lawsuits were brought against the County and he noted that all of the cases Supervisor Strough had referenced involved other municipalities and/or the State. He added as Supervisor Leggett indicated earlier, they did not know whether the these lawsuits numbered more, less or standard for cases involving medical care at a County Jail. He said he had attended the Criminal Justice & Public Safety Committee meeting where this contract was discussed, apprising he thought there had been a full vetting of the company there. He reminded the Board members they continually emphasized how important it was to support their Department Heads, and yet at the last minute it appeared they were doing just that. He advised this could be valid, but he was unsure because they had no information to compare. He added that he was also concerned with how Supervisor Geraghty had indicated the County may have to board out their inmates if they were unable to reach a month to month agreement for these services which would be significantly more expensive. He asked what the motion before them was and Chairman Conover replied it was to authorize the Treasurer, County Administrator, County Attorney and Sheriff to take such actions that were necessary to ensure there was no lapse in coverage while this matter was more fully explored in Committee and that the amount paid on a monthly basis would be 1/12th of the proposed contract rate. Supervisor Beaty asked what the County Administrator, County Attorney, Sheriff and Treasurer would do if they were unable to get Correctional Medical Care to agree to a month to month agreement

and Chairman Conover replied if the existing contractor was disqualified they could go to the next bidder which would be more expensive. He said if they entered into such an arrangement and it exceeded the authorized amount the Board could retroactively ratify that decision based upon what was discussed in Committee. He remarked he thought the intent of the motion was to ensure the County Administrator, County Attorney, Sheriff and Treasurer were able and provided the authority to take such actions as were necessary at a maximum rate of 1/12th the contract amount approved during the budgeting process. Supervisor Beaty requested that the Sheriff be allowed to voice his opinion on the matter.

Sheriff York apprised he would be happy to answer any questions they may have, but he had no idea what the issue was as the contract had been thoroughly reviewed and discussed during the budgeting process and by the Criminal Justice & Public Safety Committee. He added that the contracts were approved to Supervisors Braymer and Diamond for review but no one brought up any qualms or concerns which was why he was baffled about what the issue was now. Chairman Conover advised a number of articles had been introduced which reflected poorly on this contractor and as a result of this the Board members felt they should revisit the proposal while in the interim authorizing the County Administrator, County Attorney, Sheriff and Treasurer to take such actions as were necessary to provide for necessary services. Sheriff York mentioned he had heard all of that; however, he thought it would be the same outcome if they were to google any of the contractors providing these services to jails. He said when he was going through the quotation process three companies responded, each of which pointed out the lawsuits against their competitors and he said this was typical when dealing with medical services providers in a jail. He stated all of the grievances they received were documented and handled by himself personally. He stated as far as he was aware, the Jail had been sued only a few times, but nothing had ever been founded. He informed that he was the elected Sheriff of Warren County meaning that the citizens had placed their trust in him. He noted a bid process had been undertaken for this contract, which was never carried out before, as this was handled solely by Hudson Headwaters Health Network until a few years ago when it was determined that twenty-four hour coverage was required and they were not willing to provide. He mentioned when they first contracted with Correctional Medical Care they were the only agency who offered these services; however, he noted, since there were now other companies who also offered them he decided to seek out bids; he added that, Correctional Medical Care submitted the lowest of the three responses received. He continued, because of the ancillary issues that occurred when a new company was brought in he felt it was in the best interest of the County to contract with them again. He said he had built a relationship with them which allowed him to communicate easily if any issues were to arise. He questioned why the Supervisors had not contacted him directly prior to the meeting if they felt this was problematic and he felt they were "playing politics" since some individuals did not like him. He added he felt it was in poor taste for the matter to be brought up at the last minute when no one had ever voiced their concerns to him previously which would have been the proper way to handle the matter. He stated it was his job as the County Sheriff to research the issues with medical care and make a determination as to what was best for the County Jail, and this was exactly what he and his administrative staff had done.

Supervisor Wild advised that he was fully supportive of the process and how it worked; however, he noted, as he has previously stated, was frustrated when contracts were brought up the last minute leaving them with no time to consider issues and this was where they found themselves. He said they were trapped in a situation which required them to resolve a contract or an extension between now and the end of the year with a few holidays in between. He continued, in addition to that the Board was attempting to place a limit on the amount that could be expended for the services provided by Correctional Medical Care, making the situation worse. He proposed that they remove the limitation and instead use it as a guide because they would be exposing the County to fines and extensive liability

should they not be able to come to an agreement for these services.

Supervisors Strough and Loeb withdrew their motions to include a limitation to the rate equal to 1/12th of the contract cost for these services.

Supervisor Diamond stated he concurred with Sheriff York that the Board put their trust in him to make decisions that were best for the County Jail and that they would find criticism regarding the other agencies if they were to Google them. He said Sheriff York had the experience required to make suitable decisions concerning the County Jail. He added after hearing an explanation from Sheriff York he would be comfortable bringing the proposed Resolution for the contract with Correctional Medical Care back to the floor and approving it. He apprised he felt there was language within the proposed contract with Correctional Medical Care that would allow them to get out of it should they determine in the future that there were any merits to the lawsuits concerning the care they provided to inmates. Chairman Conover interjected that they needed to entertain the motion before them which authorized the County Administrator, County Attorney, Sheriff and Treasurer to carry out any action practical action required to ensure there was no disruption in services before they could discuss the possibility of re-introducing the resolution, unless the prior motion was withdrawn.

Sheriff York questioned who would be fully vetting the contract because as far as he was concerned he had already done so. He suggested that anyone on the Board who was unhappy with the job he was doing as Sheriff should run for Sheriff in a year when his term was up. He pointed out how he had taken the time to send Supervisor Braymer, who was a lawyer, a copy of the contract for review at her request and it was fully vetted in Committee, yet at the last minute they were placing the County Jail in a precarious situation if they were unable to have a contract in place by tabling the resolution. He gave an example of how expensive medical care was for inmates, apprising that they currently had one inmate who cost them \$85,000 a month for the care he was receiving. He apprised he dealt with issues like this everyday by trying to get inmates such as these out of the County Jail an into a State Correctional Facility to ensure the taxpayers were not stuck paying for this care. He added they were fortunate in that they may have discovered a way for the \$85,000 in medical expenses for this inmate to be covered by Medicaid because of the exceptional Nursing Administrator at the County Jail who worked for Correctional Medical Care. He said he did not trust everyone who worked in the medical industry, but he did trust the Nursing Administrator for the County Jail, as she was experienced with her job and continuously looked out for what was best for the County taxpayers. He remarked as he had indicated during his entire tenure as Sheriff that the Board members could always call him with any questions or concerns they may have and he would always provide an honest response.

Supervisor Merlino remarked his understanding was once a motion was tabled the discussion was finished, but a motion could also be made to bring the matter back to the floor and he questioned whether this was correct; Ms. Kissane replied in the affirmative. Supervisor Merlino voiced his desire for the current motion to authorize the County Administrator, County Attorney, Sheriff and Treasurer to carry out any practical action required to ensure there was no disruption in services to be withdrawn and for a motion to be made to bring the resolution pertaining to the contract with Correctional Medical Care back to the floor.

Supervisor Loeb stated the resolution and all the prior vetting were done appropriately, but last minute concerns had been expressed which he believed they as elected officials had the right and obligation to those they represented to do. He said currently there were members of the Board who were uncomfortable with what was being presented and he added he respected all that was being voiced by the Sheriff and the Supervisors today, as they were all valid points. He stated he felt it was necessary for them to vote on the motion that was currently before them, as this would give them the opportunity

to address the concerns of some of the Supervisors regardless of whether it was the minority of them.

Supervisor Wild asked Sheriff York whether he felt it would damage the Sheriff's relationship with Correctional Medical Care if they were to go to a month to month contract with them until all concerns were addressed and Sheriff York replied he felt they would be agreeable to this because of their desire to do business with the County. Sheriff York apprised Correctional Medical Care had gotten upset with him when he notified them that he would be bidding out the service; however, he noted, once he explained it related to ensuring the County was obtaining the best value, and not because he was unhappy with the service they provided, they were understanding. He remarked their actions today indicated they did not trust that he had followed the proper procedure even though it had been fully vetted by the Committee and through the budgeting process.

Supervisor Braymer stated she would like to comment now since she did not have a chance before the contract was tabled. She said she was appreciative of the Sheriff for sharing the contracts with her and she had taken the time to review them in terms of what services were going to be provided under each of the bids and what the cost was. However, she noted, she had not reviewed this from the perspective of a lawyer, but rather from a financial perspective and which one of the bids provided the best deal for these services. She said since Correctional Medical Care was the lowest quote and was providing the same services as the other respondents she felt comfortable moving forward with them. She added she had also discussed staffing concerns and the negative impacts that could occur if they were to change companies with the Sheriff. She advised she had not asked the Sheriff about the concerns that were raised today regarding whether Correctional Medical Care had issues not necessarily in the County Jail, but others that the Board members would find troubling. She mentioned what had gotten her attention today was one of the references Supervisor Strough had made to the Albany County Sheriff and his concerns regarding Correctional Medical Care. She said it was her desire for the services to be continued for at least another thirty days with Correctional Medical Care, during which time the Sheriff could discuss whether there were any liability concerns following and a determination could be made as to how to move forward, unless there was an existing provision within the 2019 contract that would permit the County to get out of the contract should their concerns be substantiated.

Sheriff York remarked he found it incredulous that Supervisor Braymer would take into consideration the Albany County Sheriff's concerns instead of listening to him. He said the Albany County Sheriff had indicated to him the reason he ceased using Correctional Medical Care for these services related to the cost. He reiterated that he believed they would find similar issues with the other two companies he received responses from, as these issues were common for this type of business. He mentioned it would result in more work if a new agency was brought into the County Jail with all new administrative staff and he would not have the rapport he did with the current group which allowed him to obtain an immediate response to any issues he contacted them about.

Supervisor Dickinson exited the meeting at 12:18 p.m.

Supervisor Leggett advised the goal of all of this discussion was to ensure that they had coverage at the best cost for the County. He mentioned the issues that had been brought forward today involved quality control within the management of the contractor themselves and now that further discussions had occurred there may be a different outcome on the vote if they were to bring the tabled resolution back to the floor and that was what he would like to see achieved today.

Supervisor Geraghty inquired whether Supervisor Leggett's desire was to withdraw his motion and for Supervisor Braymer to withdraw her second to authorize the County Administrator, County Attorney, Sheriff and Treasurer to carry out any practical action required to ensure there was no disruption in

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services at the County Jail while the issues presented here today were vetted in Committee and to bring proposed Resolution No. 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SMDental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*, back to the floor and Supervisor Leggett replied in the affirmative. Supervisor Braymer interjected that the resolution had already been tabled and a new motion would be required. Chairman Conover stated it was necessary for them to vote on the motion before them. Supervisor Gergaghty questioned whether they could vote to bring proposed Resolution No. 492 back to the floor if they were to approve the motion to authorize the County Administrator, County Attorney, Sheriff and Treasurer to carry out any practical action required to ensure there was no disruption in services at the County Jail and Chairman Conover replied in the negative. He said his ruling on that would be that it was out of order; he apprised if the motion was defeated they could entertain a motion to bring proposed Resolution No. 492 back to the floor for consideration.

Supervisor Braymer asked Ms. Kissane whether there was a provision included in the contract with Correctional Medical Care which would allow the County to get out of the contract if deemed necessary and Ms. Kissane responded that the contract had not been drafted yet, but when it was she could include language in there that would provide the County with this option. She added that whether Correctional Medical Care would agree to this was questionable.

Chairman Conover called the question and the motion to authorize the County Administrator, County Attorney, Sheriff and Treasurer to carry out any practical action required to ensure there was no disruption in services at the County Jail while the issues presented here today were vetted in Committee failed with a vote of 191 in favor (*Supervisors Hyde, McDevitt, Loeb and Strough*) and 756 against (*Supervisors Sokol, Thomas, Geraghty, Leggett, Diamond, Braymer, Driscoll, Frasier, Simpson, Hogan, Merlino, Wild, Beaty, Magowan and Conover*) and 53 absent (*Supervisor Dickinson*).

Motion was made by Supervisor Leggett and seconded by Supervisor Diamond to bring proposed Resolution No. 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SMDental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*, back to the floor.

Supervisor Braymer voiced her desire to amend proposed Resolution No. 492 to include the addition of a provision that allowed the County to get out of the contract if the concerns brought forward today were substantiated.

Chairman Conover called the question and the motion to bring proposed Resolution No. 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SM Dental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*, back to the floor was carried by majority vote, with Supervisor Strough voting in opposition and Supervisor Wild abstaining.

Supervisor Braymer stated she would like the Board to establish a sub-Committee to review the concerns brought forward by Supervisor Strough regarding Correctional Medical Care and for there to be language reflected in the contract to provide the County the ability to end the contract if deemed necessary. Chairman Conover inquired whether Supervisor Braymer was making an administrative request or whether she was making a motion to amend proposed Resolution No. 492 to include exit provisions and that a sub-Committee be established to investigate the concerns brought forward today; Ms. Braymer replied she was making this motion. Chairman Conover inquired whether there was a second to the motion and Supervisor McDevitt replied that he would second the motion.

Supervisor Simpson commented this was bringing the Board back into a situation where these services were in jeopardy, which caused the County Jail population to be at risk because they were placing additional layers of approval on a contract they were trying to award which Correctional Medical Care could disagree with causing the County to have to locate someone to replace them. He suggested they deal with the contract, as he believed the Sheriff would notify them if any issues were to arise that required addressing. Supervisor Braymer interjected that proceeding in this manner would leave them without the option to get out of the contract.

Supervisor Merlino pointed out regardless of what restrictions they placed on the contract they could still be sued and since the contract dealt with the medical industry and with inmates there was a good chance this would occur. He suggested they make no changes, citing the fact that there had been no issues with this contract during their six year tenure working with the County. He referred to how some Supervisors complained about matters that were brought before the Board without going to Committee first and yet this issue had but they were still arguing about it.

Chairman Conover called the question and the motion to amend proposed Resolution No. 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SM Dental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*, to include exit provisions relative to some of the issues discussed today and to establish a sub-Committee to investigate the concerns brought forward today failed with a vote of 199 in favor (*Supervisors McDevitt, Braymer and Strough*), and 712 against (*Supervisors Sokol, Thomas, Hyde, Geraghty, Leggett, Diamond, Loeb, Driscoll, Frasier, Simpson, Merlino, Wild, Beaty, Magowan and Conover*), 89 Absent (*Supervisors Hogan and Dickinson*).

Chairman Conover recalled Supervisor Strough's prior request for a roll call vote on proposed Resolution No. 492.

Supervisor McDevitt inquired whether it would be possible to have representatives from Correctional Medical Care attend a future Criminal Justice & Public Safety Committee to address the concerns that had been brought forward today and Chairman Conover replied he would make this request to Sheriff York and Supervisor Leggett, as Chairman of that Committee.

Supervisor Diamond advised he would like to comment on proposed Resolution No. 501, *Approving the 2019 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services*. He remarked for the record that he was fully supportive of most of the funding awards included in the resolution; however, he noted, he did not agree with the \$100,000 increase to the Lake George Convention & Visitors Bureau. He apprised he would be voting in favor of the proposed Resolution since there was no way to segregate this out, but he wanted it on the record that he did not agree with this appropriation.

Supervisor Braymer informed she agreed with Supervisor Diamond, apprising she had never received the additional information she had requested from the Lake George Convention & Visitors Bureau at the Occupancy Tax Coordination Committee meeting concerning the work they did over the past year in order to substantiate the increase. She apprised even though she did not receive this information she would not oppose proposed Resolution No. 501, *Approving the 2019 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services*. She mentioned she believed their organization was doing great work, apprising she believed the Christkindlmarket event would grow even larger next year. She advised she had reviewed their expenditures for this year and it appeared

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they were only going to spend about \$220,000 of the \$300,000 they were awarded. She stated she felt some of the funding that was awarded to them could be reallocated to the Glens Falls Civic Center Coalition, which was doing wonderful work. She pointed out how they were close to winning back the Glens Falls High School Public Basketball Tournament for 2020 and they held great events throughout the year and were securing an exciting new event which would occur in the summer. She said because of all their work she would like to see the County provide the Coalition with additional funds for marketing and events. She added she felt the additional funds were available due to the amount of occupancy tax increasing and by shifting the funds not used by the Lake George Convention & Visitors Bureau to them.

Chairman Conover apprised any types of requests such as these could be forwarded to the Occupancy Tax Coordination Committee for consideration.

Supervisor Merlino apprised that the Lake George Convention & Visitors Bureau had not submitted their expenses for November and December yet and they had spent \$90,000 on the Christkindlmarket event. He stated he was not 100% happy that they had been awarded \$400,000, but this was an agreement they made in order to get them to separate from the Lake George Regional Chamber of Commerce sometime in 2019. With regards to Supervisor Braymer's suggestion that they provide the Glens Falls Civic Center Coalition with additional funding, Supervisor Merlino informed that organization had received \$1 million from the County over the last five years which he felt was substantial. He added the City of Glens Falls was also provided with \$100,000 for their Recreational Center and East Field, but none of the other municipalities received similar funding. He remarked that he did not think it was appropriate for the County to keep providing one municipality with additional funding.

With regards to proposed Resolution No. 478, *Authorizing an Agreement with C&S Engineers, Inc. for Environmental Assessment Phase IV and Preliminary Design for Runway 1-19 Extension Project at the Warren County (Floyd Bennett Memorial) Airport*, Supervisor Braymer mentioned she would like to acknowledge Don Degraw, *Airport Manager*, Kevin Hajos, *Superintendent of Public Works*, Mr. Moore, Ms. Kissane and Mrs. Allen for their work assisting with revising the proposed Resolution and the language in the contract, as she felt this made a significant difference. She said she believed it was necessary for the County to continue pursuing the new or no action alternatives and pull away from the old design.

Supervisor Driscoll informed he had a question concerning proposed Resolution No. 492, *Authorizing an Agreement with Correctional Medical Care, Inc., SMDental P.C., CBH Medical P.C. to Provide Medical, Behavioral Health, Dental and Ancillary Services to Inmates Confined in the Warren County Jail*, pertaining to whether it was legally permissible for the Board members to be provided a roster of the medical professionals who were providing services at the County Jail, as he believed the vast majority of them would be from this region. Supervisor Leggett apprised he would look into this and report back to him. Supervisor Hogan interjected that she could attest that they were hiring local residents because until a month ago her husband had been one of their employees. Supervisor Driscoll mentioned he believed the same would be true if another company was brought in, adding he felt they were looking at both the administrative responsibilities and duties of the company, as well as the services that were being provided which he noted were two separate issues.

There being no further discussion, Chairman Conover called for a vote on resolutions, following which Resolution Nos. 463-547 were approved as presented, with the exception of proposed Resolution No. 483, *Resolution Declaring the Land Owned by the County Located at River Street, in the Town of Queensbury, Tax Map Parcel No. 303.20-2-48, No Longer Necessary for Public Use*, which was tabled and 478, *Authorizing an Agreement with C&S Engineers, Inc. for Environmental Assessment Phase IV and Preliminary Design for Runway 1-19 Extension Project at the Warren County (Floyd Bennett Memorial)*

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Airport, and 533, *Introducing Proposed Local Law No. 2 of 2019 "A Local Law Imposing an Additional Mortgage Recording Tax in Warren County"*, which were approved in the form amended from the floor.

Chairman Conover called for public comments from anyone wishing to address the Board on any matter.

Mr. Schermerhorn advised his appreciation of how the County had worked with him for a number of years and it had been a pleasure to work with Messrs. Degraw and Hajos. He informed that he had already erected one of the new T-Hangars and the other was being delivered in February. He stated he was committing to keep doing what he was doing and he wanted to ensure they were aware of how appreciative he was of them, as he believed the Airport would continue to grow going forward.

Chairman Conover called for announcements.

Supervisor Strough stated the research he reviewed this morning on a topic that was coming before the Board today indicated the Albany County Sheriff was displeased with the service provided by Correctional Medical Care, as was the State Attorney General, the New York State Assembly Health Committee Chairman, Commissioner of the Medical Review Board, the State Education Commissioner and the Director of the Correctional Association of New York; he questioned why none of this was brought to his attention before now. To those who complained he had brought this up at the last minute, he apprised that he should not have had to, as it should have been brought to his attention a month ago. He advised his bringing it up at the last minute had nothing to do with politics and more so because of his concern for the County and this organization.

Supervisor Braymer apprised that the public comment period for the proposal from Glens Falls Lehigh Cement Plant and Terminal was ending today and she encouraged anyone with concerns to write to Beth Magee, *Environmental Analyst 1, New York State Department of Environmental Conservation*, whose email address was online, to request more time to comment.

Supervisor Sokol wished everyone happy holidays and advised the cookies in the Supervisors Kitchen had been baked by Mrs. Allen's mother and he asked Mrs. Allen to extend their appreciation to her.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Simpson and seconded by Supervisor Hogan, Chairman Conover adjourned the Board Meeting at 12:45 p.m.