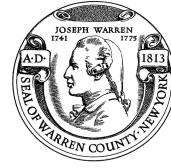


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, NOVEMBER 15, 2019**



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 Dickinson.

Roll called, the following members present:

Supervisors Leggett, Diamond, McDevitt, Braymer, Loeb, Driscoll, Frasier, Simpson, Hogan, Dickinson, Merlino, Strough, Wild, Beaty, Magowan, Sokol, Thomas, Hyde, Geraghty and Conover, 20; absent- 0

Commencing the Agenda review, motion was made by Supervisor Braymer, seconded by Supervisor Driscoll and carried unanimously to approve the minutes of the October 18, 2019 Board Meeting, subject to correction by the Clerk of the Board.

Continuing to the presentation of the Employee of the Month award, Christian Hanchett, *Commissioner, Department of Social Services*, introduced Chris Connell, *Social Welfare Examiner/HEAP (Home Energy Assistance Program)*, who he said was a pleasure to work with and had acquired a great deal of knowledge during the short period of time he had been working as a Social Welfare Examiner in SNAP (*Supplemental Nutrition Assistance Program*), Temporary Assistance and HEAP to the point he could multi-task in each area. He stated one of Mr. Connell's Supervisors indicated that he often assisted fellow employees and co-workers and represented the agency in a professional manner because he supported its mission. Mr. Hanchett added that Mr. Connell was a professional and polite employee who worked hard and was caring, empathetic and technically adept, which allowed him at times to resolve issues with fellow employees computers which prevented them from having to call the Information Technology Department. He mentioned Mr. Connell had worked for the Department since 2010 when he started at as temporary employee, and had become permanent in 2016 when he was appointed as a HEAP Social Welfare Examiner. He advised that Mr. Connell often received praise from the public in the form of phone calls and letters. Mr. Hanchett read aloud a letter received from a client this year which acknowledged Mr. Connell for his quick response to their emergency oil needs and broken furnace; the letter indicated Mr. Connell was easy to contact, showed empathy and explained the process clearly in order to get the paperwork processed. Mr. Hanchett concluded by thanking Mr. Connell for his hard work and the Board members for recognizing him. A round of applause was given.

Chairman Conover presented Mr. Connell with a Certificate of Appreciation from this Board.

Mr. Connell informed he would not be able to do his job without the assistance of his co-workers and he thanked the Board for acknowledging him and another round of applause was given.

Proceeding with the Agenda review, Chairman Conover declared the Public Hearing to consider amending and extending the Option Agreement with the Economic Development Corporation, Warren County open at 10:06 a.m. and he requested that Amanda Allen, *Clerk of the Board*, read aloud the

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Notice of Public Hearing, which she proceeded to do. Chairman Conover then called for any public comment.

Travis Whitehead, *Town of Queensbury Resident*, stated he would like to comment on proposed Resolution No. 459, *Authorizing a Public Hearing to Consider an Amendment and Extension of Option Agreement with the Economic Development Corporation, Warren County*, which the Board would be voting on later today. He questioned whether any of the Board members had taken the time to read the Option Agreement because there were typically several items included in an agreement such as this one that appeared to be missing. He continued, querying whether any of the Board members would consider an option agreement on land they owned under these circumstances as opposed to land owned by the taxpayers. He pointed out one of the items missing was a fee for the option, informing the County was giving up the right to sell this land for several more years on top of the twenty they had already given up that right on and the option had never been exercised on these four parcels of land. He said it could be exercised today if the Warren County Economic Development Corporation felt inclined to do so, but they had not and yet extending this would provide them with another two years which would prevent the County from selling the property. He mentioned that price would seem to be a significant factor in an option agreement, but no price was listed and he asked whether any of the Board member would move forward with selling a piece of their own property for an undetermined price. He said he would like them to think twice before moving forward with this option agreement. He apprised in the past the Board had offered the land for sale at \$1,600 per acre in 2001 in accordance with the acquisition price of the parcel back then before hundreds of thousands of dollars in improvements were made to construct roads, sewer, power and lights resulting in the assessed value of these parcels increasing significantly since it was purchased at the tax auction during the 1990's. He said the County had been paying taxes on these parcels for several years and yet just the first parcel, which was assessed for \$200,000, was being offered for sale to the EDC for \$14,480. He pointed out the EDC had never seen fit to purchase the parcel even though it had the option to for several years and he queried why anyone would believe over the next two years they would move forward with purchasing the parcels. He stated he was aware the parcels had issues since there were wetlands and a lot of rock located there and he questioned why this was never taken into consideration before all of the money had been invested in those improvements. He stated the fact that the street the subdivision was located on was Stone Quarry Road was a good indicator there was stone there and probably had been for millions of years and was a concern today for anyone who was considering purchasing them. He pointed out over the past twelve years the County had paid \$68,000 in taxes to other municipalities and school districts on just the first parcel and this was only one of the four, which meant the County had paid hundreds of thousands of dollars in taxes on these parcels. He said some may believe it was appropriate to sell these parcels, but extending an option that had not been taken up in over fifteen years was not the best way to get that accomplished. He pointed out only three parcels within the entire subdivision were purchased by the EDC and not a single one of them was ever sold to another party for economic development. He stated Hacker Boat Company had been interested in purchasing a few of the lots, but they backed out of the sale because of the issues with them, i.e. the rocks and wetlands located on them. He informed the County purchased the land that was abutting this subdivision and was attached to the Airport for over \$10,000 an acre, which also contained wetlands, etc. and was now being considered to lease out for solar power with the County obtaining a return and he questioned why the same was not being considered for these four parcels. He pointed out the main interest of the individuals who had contacted the County about solar powers was how close the land was to the power lines and the substation which was located on one of these parcels and the transmissions line ran through several of them. He remarked because of this there was no better location for a large solar field than this particular location and he felt rather than giving it to someone that may do nothing with it the County should consider allowing the Airport Manager to help market that. He continued, the use could be changed to public use, the same as the other land the County had purchased for over \$10,000 an acre

under that title and because of that the County was not required to pay taxes on it. He said that would mean the County could possibly gain income from these parcels for the Airport which still operated at a net loss of about \$500,000, the same loss the former Westmount Health Facility operated at; however, he noted, the Airport served less people. He apprised he felt it would be appropriate to move forward with leasing this land to a solar company to decrease the net operating loss at the Airport. He stated these were the kind of things the Board members should be considering and when they were asked to vote on it during this meeting he would ask that they first read the option agreement and then ponder whether there was a better use for the parcels than “kicking the can down the road” for another two years, as he believed the opportunities were there. He added if they felt the Siemens contract was inappropriate then they needed to understand that this agreement was worse.

Ed Bartholomew, *President, Warren County EDC*, apprised he was pleased that Mr. Whitehead had changed his opinion on the Queensbury Business Park allowing solar power because just a few years ago he had voiced that the best use was the creation of jobs and more buildings, but no solar power. He stated the EDC was attempting to determine the best possible use of that property through examination of these four parcels which did have wetlands with some soil issues along with quarry issues. He apprised they were currently working with a contractor that was undertaking an analysis of the wetlands and working with NYS DEC (*New York State Department of Environmental Conservation*) to flag these areas, as well as conducting geotechnical review on the site to determine the extent of that. He advised that he concurred this probably should have been done when the land was first acquired in the 1990's; however, he noted, this was prior to when he was hired, as well as before the present Board members tenures and they needed to look forward to reviewing the results. He said the extension was essentially for eighteen months and the EDC was proposing going forward that they would market these properties and at closing they would share the net proceeds from the sale of these lots with the County at a 50/50 range and page 3 of the option agreement outlined the extent of what those closing costs would be. He informed going forward the EDC was committed to look at this property, as it did have developmental constraints on it. He advised the property was acquired by the County from a tax sale in the late 1990's and over the years there had been efforts to attract industry there, but the forecasting had changed and more of their business activities were looking for rehabilitation of buildings due to the high cost of construction. He mentioned this meant at some point solar may be an option or other uses and their purpose was to explore those options. He advised after the reports were available early next year on the parcels they would make a determination and inform the County if they were going to exercise that option; he added he did not anticipate it would take eighteen months for this to occur and they would either move forward or have the County retain ownership of the parcels. He remarked they were appreciative of the opportunity to move forward with these parcels which would assist with the other parcels the EDC owns in the Queensbury Business Park that they had been paying about \$16,000 per year in taxes on.

Mr. Whitehead informed that Mr. Bartholomew was correct in stating he had objected when Hacker Boat Company considered purchasing the property for their business, which would have created sixty jobs for the region, but then decided they wanted to install a solar field there instead. He explained he had objected because Hacker Boat Company purchased the land for a low price based on the creation of sixty jobs; however, he noted, since then it had been brought to light that there were issues with that land and perhaps solar may be a good use for it. He apprised the other thing he would like to point out was in order to get a 50% split on the profits when the County's costs were not even considered was something that the Board members should be questioning. He pointed out that he said, if a realtor approached the County and indicated they would take a 50% commission they would be shown the door. He stated if the County's intent was to offload these parcels, then they should consider discussing this with a commercial realtor.

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Chairman Conover informed those addressing the Board should always speak to the Chair and speak to the issue, but never personalize or attack. He stated anyone questioning the basis for that should read Robert's Rules of Order.

Ryan Moore, *County Administrator*, apprised he felt compelled to clarify that Resolution 459 was adopted at the October 18th Board meeting and the Resolution before them today which concerned extending the Option Agreement with the Warren County EDC was proposed Resolution No. 472, *Authorizing Extension of Option Agreement with the Economic Development Corporation, Warren County*. He stated in terms of this being compared to Siemens or a real estate company, this was not a third party transaction in that same respect, as the EDC was the County's economic development arm and partner who existed to handle economic development for the County. He continued, this was an eighteen month extension and not two years nor was it giving EDC anything, as the purchase price was still in existence. He urged the Board members and anyone who would speak to the proposed Resolution to read the agreement because the Resolved paragraph stated that this was an amendment to the existing contract and the existing contract provisions that were not addressed in the amendment remained in effect.

Chairman Conover once again called for any comments on the Public Hearing to consider amending and extending the Option Agreement with the Economic Development Corporation, Warren County; there being no more, he declared the Public Hearing closed at 10:21 a.m.

Moving along, Chairman Conover declared the Public Hearing on Warren County Sewer District (Industrial Park) Assessment Roll open at 10:21 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 no response, he declared the Public Hearing closed at 10:23 a.m.

Continuing, Chairman Conover declared the Public Hearing open on the 2020 Tentative Warren County Budget at 10:23 a.m. and he asked Mrs. Allen read the Notice of Public Hearing aloud, which she proceeded to do. Chairman Conover then called for any public comment.

John Kearney, *Town of Lake George Resident*, stated he felt like Don Quixote tilting at windmills when he came before the Board members to discuss the inequities of taxation. He voiced his opposition to the 2020 County Budget and requested that the Board revisit it because his interpretation indicated the Town of Lake George would be saddled with a 3.8% tax increase which was more than twice the rate of inflation. He apprised he also realized over the years this particular body, and not one specific Board member, thought of the Town of Lake George as a cash cow because it was assumed everyone who lived there were multi-millionaire, but this was not the case. He informed there were some wealthy individuals who owned property in the Town of Lake George; however, he noted, there were more residents that were middle class who arrived there through various means, such as hard work, himself included, and others through inheritance. He said because of this there were many properties listed for sale, as taxation was an issue which was based on assessment. He said it was only beneficial for properties to be assessed for high values when they were sold because when they were lived in they were worth nothing and were actually an expense. He informed properties only had value when they were listed for sale and sold which was when he felt the taxation should occur based on profit and/or increase in inflation. He advised he had a copy of his tax bill from January of this year, which anyone could access, totaling \$9,863.71 for an average home that he and one other individual, both of whom were seniors living off of their social security, lived in. He stated the County's portion of that bill was \$5,756.68 equating to 56% of his total tax bill, and he questioned what he received in return for this. He said law enforcement was universal throughout the County and everyone had to pay for it which he was agreeable too; however, he noted, he did not receive any benefits from social services nor did

he ever see a County vehicle taking care of the roads where he lived which meant the County portion of his tax bill was paying for law enforcement. He indicated with this tax increase his County taxes would now be over \$6,000 a year. He informed he was well aware that he would not change the assessment method for taxation today since it had been ingrained for several years and there would be a number of arguments in favor of it which he said in some cases were true, but there were circumstances where this was not applicable; however, he apprised, he felt all taxation should be based on the individuals ability to pay, i.e. income which changed. He advised this was never more true than when individuals became senior citizens and their income was drastically reduced. He remarked he was well aware he would not talk the Board members out of the “nonsense” here, as everyone knew in previous years before the current sitting Board members were present, the Board had made some incredibly questionable and bad decisions when it pertained to the County finances. He referred to the comments made in an article in *The Post Star* the other day by Supervisor Beaty regarding the lack of trust which he concurred with, citing the lack of taxpayers in the Town of Lake George who had confidence in the Board because of money had been spent in previous years, as well as the School Districts. He pointed out how enrollment for the Lake George School District kept declining, but school taxes continuously increased. He stated he was well aware the system would not change and he was mindful that there were municipalities that offered discounts on taxes to seniors once they reached the age of 65 years old. He said he believed the County could incorporate into its taxation system, as most seniors did not have the income they had when they were working and yet they were being stricken with County taxes at a rate of 58% which he did not believe was justifiable.

Mr. Whitehead advised he concurred wholeheartedly with the previous speaker, but felt compelled to note that at least in his Town seniors did receive a discount which he could attest to because he was a senior. He stated a few years ago when he was approaching his 65th birthday he visited the Town Assessor in hopes of getting an increase in his New York State STAR (*School Tax Relief Program*) rebate which he knew he would be eligible for; however, he said, he was pleasantly surprised when the Town Assessor notified him after reviewing his 1040 form that under County Taxes he would receive a 40% discount. He said he was completely unaware that he was eligible for such a significant discount and he was wondering how many others were also in the dark about this. He encouraged all individuals ages 65 and older to look into this, as he was receiving a significant discount on his County taxes and an even more substantial discount on his school taxes resulting in a savings of about 40%.

Supervisor Beaty introduced Andrew Paolano, a high performing autistic young man, who he had met with earlier this week to discuss Ms. Paolano’s ideas which he believed were great and he felt now would be an appropriate time for Mr. Paolano to discuss these ideas, as they pertained to the County Budget.

Mr. Paolano informed he was a twenty-five years old male with Asperger’s Syndrome which was a form of Autism. He stated individuals with Autism could have mild or severe symptoms and could be either low or high functioning. He said he was both high functioning and independent and he would like to maintain this by living in his own apartment or townhouse. He said he was currently looking at apartments for himself, but individuals with Autism were picky and he would like his dog to live with him which meant it would have to be pet friendly, as well as have a grassy area where he could install his pole mounted weather station. He indicated he was present today to discuss his idea for either the Town of Queensbury or the City of Glens Falls where a living community could be constructed for adults with Autism and to live more independently. He said this community did not have to be twenty-nine acres, but could be only five to ten acres to start. He apprised the way he believed they should fund this community was by having a coffee shop built in the community where individuals with Autism could work while the coffee shop assisted with funding the community. He continued, some of his ideas consisted of something affordable for young adults living with Autism to reside on their

own in a safe area with a coffee shop located in the community that was managed by individuals with Autism to provide them with jobs, as people with Autism had difficulty finding jobs. He mentioned he would like no rules and/or regulations within this community to ensure that it was pet friendly and his weather station was permitted. He voiced how he had attempted to determine the number of individuals living with Autism in Warren and Washington Counties, but he could not locate any data which led him to contact the Autism Society of Albany, which indicated there was no census of adults with Autism in New York State. He informed he did find the following facts he found to be interesting that he would like to share: Autism impacted more New York children than pediatric cancer, diabetes and aids combined; Autism spectrum disorder impacts 1 out of every 150 New York children; 1 out of 68 children in the United States have Autism; 1 out of 89 girls had Autism; five million citizens in the United States were living with intellectual disabilities and only 10% had access to support to live outside of their family home; 48% of autistic adults reported feeling lonely; and 57% of autistic adults described feeling depressed. He advised he had done research on communities for autistic individuals and found that in the United States there were more than seventy-five intentional communities like the ones included in the handout he distributed before the Board meeting; a copy of the handout is on file with the items distributed at the November 15th Board Meeting. He stated these communities varied from having several condominiums on a cull-de-sac to expensive developments with more than one hundred homes. He continued, a nationally recognized model of intentional communities was a place referred to as First Place that was located in Phoenix, Arizona which was a fifty-five unit apartment complex; he advised another model was Sweet Water Spectrum in Sonoma, California, consisting of several four bedroom homes in the community that included a Community Center with a kitchen, exercise room, media room, expansive outdoor garden, library and outdoor pool. He remarked he had many friends in the region that were high functioning, like him, who had also expressed interest in meeting in a community such as the ones he described. He advised although some of these communities were fancy in his vision they did not have to be, but he would like to see a few homes or apartments within a community like setting for people with Autism to reside in the Town of Queensbury or the City of Glens Falls. He said it would be a safe environment where he and adults like himself who had Autism could live independently and maintain their independence with no rules. He added he also knew of many individuals on the low end of the Autism spectrum whose parents would like them to live on their own some day with support in housing like this.

Chairman Conover once again called for any comments on the Public Hearing on the 2020 Tentative Warren County Budget; and there being no more, he declared the Public Hearing closed at 10:37 a.m.

Chairman Conover announced the appropriate time for the Supervisors to comment on the 2020 County Budget was when the resolution was being considered.

Supervisor Dickinson stated he would like to respond to the comments made by Mr. Kearney, apprising the reason the County tax increased so significantly related to the fact that despite his objection the Lake George Town Board had taken the \$100,000 in sales tax typically left with the County. He stated this \$100,000 was allocated to the Town of Lake George budget in an attempt to maintain the Town's tax rate.

Continuing the Agenda review with the report by the Chairman of the Board, Chairman Conover advised on October 29th he had attended a forum in the Town of Lake George concerning the Assembly Minority Task Force on water chaired by Assemblymen Stec which he found it to be very informative. He stated the Special Board meeting concerning the 2020 Tentative County Budget took place on November 1st and he acknowledged Supervisor Thomas, as well as the Budget Team, for all of their efforts as he believed they had done a superior job with the preparation of the County Budget. He

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informed on November 6th he had attended a Lake George Partnership meeting at the Village of Lake George Offices. Chairman Conover apprised he had requested that the County Administrator ensure that the County Railroad Corridor was included on the agenda for the November 18th Public Works Committee meeting during which the condition of the Corridor would be relayed. He added the Committee should be prepared to discuss their options going forward, including abandonment and he encouraged anyone interested in the topic to attend.

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

Supervisor Dickinson stated the Occupancy Tax Coordination Committee had met on October 22nd, approving proposed Resolution No. 480 which he provided a brief summary of. He stated at the meeting the County Treasurer had indicated by the year 2022 there would be a deficit in the Occupancy Tax Reserve if they continued to follow the current course. He said the County Treasurer came to this conclusion through the use of internal information that was intended for the worksheets the Committee used to ensure they did not run out of money. He said at the rate they were currently going this would occur if they did not change their course of action which they were all well aware of long before the County Treasurer mentioned anything. He remarked he felt it was inappropriate for the County Treasurer to bring this to light in that public venue and he wanted to ensure the Board members, as well as the public, that the County was on stable ground with occupancy tax. He stated major changes had been made with occupancy tax over the last few years and although they did not have sufficient funds available to provide funding to all of the requests they received, requiring them to make difficult choices, he wanted to reaffirm there was no deficit in occupancy tax nor would there be while he was overseeing it.

Supervisor Merlino apprised a letter from the Tourism Department was distributed to all of the Supervisors which contained general information. He stated a German Fam Tour Operator was here in October which was coordinated by I Love NY and Tanya Brand, *Group Tourism Promoter*, who took them to the Sagamore Resort, Prospect Mountain the Factory Outlet Malls, as well as a few other places to demonstrate what Warren County had to offer them. He announced the Factory Outlets Shopping video was now being promoted for the holiday season and the Tourism Department was working with Roost (*Regional Office of Sustainable Tourism*) Adirondack to promote skiing in the Adirondacks which was a campaign designed to bring awareness to the six ski mountains located there. He stated the next Tourism Committee meeting, which was scheduled for November 19th, would be brief.

Supervisors Strough and Wild indicated they had nothing to report on.

Supervisor Beaty reported on the October 22nd meeting of the County Facilities Committee where no resolutions were requested, but healthy discussions took place concerning the building for the Office of Emergency Services equipment, as well as the fact that the Climate Smart Group was working with Kevin Hajos, *Superintendent of Public Works*, on performing an energy audit on the Municipal Center Building. He recognized Mr. Paolamo for addressing the Board members, opining that it took a significant amount of confidence to speak in front of any group. He said he felt Mr. Paolamo spoke eloquently, got straight to the point and researched the topic thoroughly. Supervisor Beaty informed there were facilities across the United States that assisted individuals with Autism and he would help champion this effort over the coming year to determine if it was feasible for the County to become one of those that attempted to help assist individuals in becoming more independent. He asked Mr. Moore if he had been able to do any research on whether there were any communities like this in New York State and Mr. Moore replied he was aware there were Counties, such as Dutchess County, which employed an initiative referred to as "Think Differently", but he was unsure of what that consisted of.

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Mr. Moore apprised he would contact Dutchess County to request information regarding the Program and forward it on to Supervisor Beaty. Supervisor Beaty thanked Mr. Moore and added he believed the Board members would support some sort of program that would allow individuals to become more independent. He remarked he felt this initiative was as important as the County ensuring that their senior residents were taken care of. He concluded by thanking Mr. Paolamo for bringing this matter to the Board's attention.

Chairman Conover requested that Mr. Moore distribute the information he received from Dutchess County about their "Think Differently" Program to the appropriate Committee.

Supervisor Magowan advised he had no Committee report, but he would also like to recognize Mr. Paolamo for speaking to the Board about developing a community for the purpose of allowing individuals with Autism to live independently, as he was thoroughly impressed with the information that was presented. He stated he would like to work with Supervisor Beaty and Mr. Moore to help move this forward.

Supervisor Sokol informed the Finance Committee had met on October 31st, approving proposed Resolution Nos. 461-462 and 491-512, as well as 516 and he provided a brief summary of each. He stated the County Treasurer was unable to attend the meeting today; however, he noted, everyone should have received an email from the Treasurer's Office indicating sales tax was up by 2.9% as compared to the same time period last year.

Supervisor Thomas apprised the Budget Committee had met on October 22nd to review the particulars of the 2020 County Budget, but prior to this they had met on October 16th where they forwarded on to the Finance Committee request to establish of several County Reserves, as well as increasing some of the existing ones. He said they sought to create a reserve for SUNY Adirondack to increase the County's contribution toward their operating expenses and for Countryside Adult Home to assist with some of the building improvements required there. Supervisor Thomas advised he had presented the 2020 proposed County Budget at the November 1st Special Board Meeting and he respectfully asked for the Board's support.

Supervisor Hyde indicated she had nothing to report.

Supervisor Geraghty stated that the Personnel & Higher Education Committee had approved proposed Resolution Nos. 488-490, 516 and 518 which he requested support of.

Supervisor Leggett reported the Criminal Justice & Public Safety Committee had met on October 22nd, approving proposed Resolution Nos. 463-471 and he provided a brief summary of each. He informed a working group was established which consisted of Supervisors Braymer, Hogan, Magowan and Driscoll, along with Mr. Moore for the purpose of drafting a resolution pertaining to the issues with Bail Reform which were positioned in proposed Floor Resolution No. 1. He acknowledged the members of this group, for the time and effort they put into this matter. He recognized Amy Hirsch, *Emergency Services Coordinator*, and the Office of Emergency Services staff for the work they did with the towns on storm recovery following the storm that occurred on Halloween.

Supervisor Diamond indicated he had nothing to report on.

Supervisor McDevitt remarked he was pleased to hear that a Texas-based plastics company was opening a location at the former G.E. Dewatering Site in the Town of Fort Edward which would create fifty new jobs in Washington County. He stated some more good news related to the fact that the Office for the

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Social Security Administration was relocating from its location in the Town of Queensbury to the former Post Office Building in the downtown area of the City of Glens Falls. He said they would be a long-term, stable tenant which would be beneficial for that section of the City. He informed progress on the Revitalization Project for South Street in the City of Glens Falls was moving along nicely, with the Governor being very receptive to the City's requests. Supervisor McDevitt voiced he was troubled with how the Country continued to deal with mass shooting incidents, the most recent of which occurred yesterday in the State of California. He stated basic background checks should be conducted on individuals who had access to guns. He said it would appear as if the Country's political establishment should move in the right direction and require background checks as it related to this issue and notify the NRA (*National Rifle Association*) it was time for these background checks to occur.

Supervisor Braymer stated the County foreclosure auction was conducted on October 19th with several resolutions before them today that pertained to the auction and she encouraged anyone with questions to contact Lexie Delurey, *Director, Real Property Tax Services*. She reported on the October 28th meeting of the Environmental Concerns & Real Property Tax Services Committee, where there was a presentation by representatives from NYS DEC regarding PFOS (*Perfluorooctane Sulfonate*) State-wide, along with details about how this was impacting Warren County and what was occurring at the State level. She said they were hopeful the testing continued to show there were no issues in Warren County. She informed the next Committee meeting was scheduled for November 19th where they would be discussing the proposal regarding the septic inspection transfer law, as well as the energy audit for the Warren County Municipal Center Building.

Supervisor Loeb reported on the October 28th meeting of the Support Services Committee where proposed Resolution Nos. 484-486 were approved. He recommended anyone who had not had a chance to visit the new Warren County Historical Society Museum on Gurney Lane in the Town of Queensbury take time to do so. He stated upon the recommendation of Supervisor Wild, the Information Technology Department was looking into the cost of installing kiosks within the DMV (*Department of Motor Vehicles*) to allow for patrons to process their transactions online for the purpose of reducing the wait time. Due to time constraints at the Committee meeting where they were unable to fully discuss the opiate litigation, Supervisor Loeb advised he had requested that the County Attorney provide a detailed explanation regarding proposed Resolution No. 485, *Authorizing Warren County to Opt Out of the Negotiation Class in the National Prescription Opiate Litigation*, during the report by County Attorney.

Supervisor Driscoll advised he would also like to thank Mr. Paolamo for his comments regarding a community where Autistic individuals could live independently and he aid he would like to meet with Mr. Paolamo to discuss this further. In regards to pet friendly apartments, he stated more apartment complex owners were willing to allow pets than in previous years due to changes in the laws. He acknowledged the Veterans' Services Department for all of the programs they had recently been managing for Veterans, as well as for active Service personnel. He mentioned the County had a long history of sponsoring low income families for the holidays and he was appreciative that this was continuing on, as there were a significant amount of Warren County residents who did not require a hand out, but rather some assistance.

Supervisor Frasier advised the Health, Human & Social Services Committee had met on October 21st, during which they approved proposed Resolution Nos. 478-479 and she provided a brief overview of each. She acknowledged Mr. Hajos, the DPW staff, and Ms. Hirsch for working closely with the Town of Hague on recovery efforts from the storm.

Supervisor Simpson informed the Public Works Committee had met on October 21st, approving proposed Resolution Nos. 481-483 and he provided an overview of each. He apprised he would also like

to thank Ms. Hirsch, the Office of Emergency Services staff, as well as the Town's Superintendents of Highways and their staff for their response to the damage as a result of the Halloween storm. He said his town had eight roads that were damaged and the efforts to address this went smoothly. He stated the County and Town Public Works employees were the ones that ensured the roads were brought back to safe conditions and he wanted to ensure they were aware that their efforts were appreciated.

Chairman Conover apprised the Public Works Committee and the negotiating team that was involved with the vetting of the County Railroad had done an exceptional job and would continue to do so in guiding the County forward as it related to the Corridor.

Supervisor Hogan stated copies of Cornell Cooperative Extension's Annual Report and Program Guide had been distributed to the Board members prior to the meeting. She said they had conducted Games of Logging 1 & 2 this past month, along with several chainsaw safety classes and the utilities for the new training center were being connected today. She informed she would like to echo the thanks to the Office of Emergency Services and DPW staff, as forty-one roads in the Town of Johnsbury had sustained damage as a result of the storm on Halloween which was about 1/3 of their roads. She remarked she considered the Town Highway employees to be heroes, as were the County DPW staff who would be assisting with making all of the necessary repairs; however, she noted, it would be a long process.

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:

- * Laurie Lane for 20 years of service to the Department of Public Works;
- * Tina Murray for 20 years of service to the Department of Social Services;
- * Ginelle Jones for 25 years of service to Public Health;
- * Monica Girard for 30 years of service to the Sheriff's Office; and
- * Michael Missen for 35 years of service to the Sheriff's Office.

In regard to Occupancy Tax, Mr. Moore advised following his meeting with Supervisor Dickinson to discuss the Occupancy Tax Reserve balance, he was confident they had a good plan going forward. He stated they would never run out of money because they projected the balance out for five years and changed the strategy from year to year to ensure it was being managed correctly.

Mr. Moore stated he felt compelled to point out to the gentlemen who complained about his tax bill who was from the Town of Lake George earlier in the meeting that, as indicated by Supervisor Dickinson, the Town used to leave \$100,000 with the County which went directly to reducing the County tax rate for the Town residents, but because the Town Board decided not to do that anymore this was the biggest factor in the increase of their County tax rate. He said he was well aware all of the Board members knew how to "take a punch"; however, he noted, "that punch" was misdirected at this Board. He explained even if the Town did not do that because of the equalization rate in the Town of Lake George dropping one point, as well as the fact that the Town had grown by a little over 2% as opposed to the rest of the County growing about 1.5%, even if this Board had reduced the tax levy the County Tax rate for the Town would have likely increased.

Mr. Moore advised there were two proposed Floor Resolutions this month, the second of which was being requested by the County Treasurer's Office to allow the refinancing of all of the County's 2009 bonds which currently were the highest interest bonds and were also taxable. He continued, with the refinance they would be moving to tax exempt bonds. He said these were twenty-five year bonds mostly for the construction of the Human Services Building and the principle remaining on them totaled \$13,335,000 which combined with interest would have cost the County about \$21.7 million under the current financing over the next fifteen years. He informed with the new rate, which would be prevailing

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, NOVEMBER 15, 2019

AA rates plus twenty-five basis points the County, would pay an estimated \$3.4 million less from now through 2034 which translated into present value savings of \$2.9 million. He advised this resolution needed to be brought to the floor and would require a 2/3 majority vote to pass.

Mr. Moore stated this past month had been busy for him between working on the County Budget, the storm, CSEA (*Civil Service Employees Association*) negotiations and a host of other issues. He said he would like to dispense his typical review of those meetings to allow him to read aloud proposed floor Resolution No. 1 which was very long and concerned Bail and Discovery Reform. He said he believed this issue was the most important one currently being discussed all across the State and he recognized Supervisor Leggett and the Department Heads, as well as Supervisors Braymer, Driscoll, Hogan and Magowan for the assistance they provided him on writing the resolution. He proceeded to read aloud proposed floor Resolution No. 1 entitled "*Imploring the State of New York to Immediately Amend or Delay Implementation of Bail and Discovery Reform Laws that Will Endanger the People of New York and Reverse Decades of Bipartisan Progress in Reducing Crime*".

Chairman Conover advised the 2/3 majority vote that was mentioned on proposed floor Resolution No. 2 regarding bonding did not pertain to bringing the resolution to the floor, as only a simple majority was required for this purpose, but a 2/3 majority vote was required in order to adopt it.

Privilege of the floor was extended to Mary Elizabeth Kissane, *County Attorney*, to provide a report from the County Attorney. Ms. Kissane advised as mentioned by Supervisor Loeb, she wanted to provide the Board members with additional details regarding proposed Resolution No. 485, *Authorizing Warren County to Opt Out of the Negotiation Class in the National Prescription Opiate Litigation*. She said the Judge presiding over the multi-district litigation in the Northern District of New York had approved the request to certify a negotiating class, the purpose of which was to set forth a framework and to assist the County parties to achieve a national resolution of the opioid litigation. She continued, even though the negotiating class was created in the Northern District of Ohio, if Warren County did not opt out of this class they would automatically be enrolled as part of this MDL negotiating class. She informed the purpose of this class was to get a national resolution for this litigation and it was important to understand at this time there was no settlement agreement, as negotiations had not even commenced on what this settlement may look like. She stated the Judge in the MDL litigation was starting the negotiating process by asking Counties to lock into this class before a deal was even discussed and once in the class any class member would be bound by a vote of around 70%; however, she noted, any County that opts out of this class would retain any rights to negotiate separately regarding the same legal claims even if the Court approves a settlement for the MDL class. She indicated the legal counsel representing Warren County on this matter had advised the County to opt out of the MDL class because there was currently a coordinated proceeding occurring in New York which meant although numerous Counties had filed suit, the Court had chosen two Counties to continue the litigation while all other Counties would wait for a resolution. She mentioned currently the two Counties that were chosen were Suffolk and Nassau Counties and they were engaged in discovery. She apprised the Judge presiding over these trials had already issued several decisions which were fair and impartial, and in the New York specific litigation a special Master had been designated to aid with settlement negotiations. She stated this was a dedicated resource that was not available to the MDL negotiating class. In addition, she said the New York case had a firm trial date and the New York cases had already been coordinated which meant any party still active in the New York litigation would not be bound by a national agreement, but would have the ability to vote on any settlement that was specific to New York and if Warren County did not opt out of the MDL class this would be lost. Finally, she informed the New York Constitution Article 9 and local cases surrounding Home Rule were supportive of local rights, but in States that did not have a strong Home Rule Law the State could come in and pre-empt local claims; however, she noted, because of the strong Home Rule Law in New York there was no risk of State preemption and

each Counties individual claim could survive. She indicated there was local autonomy in relation to New York State, but this was not the case with the MDL negotiating class. She stated for the foregoing reasons the County's legal counsel on the matter was recommending that Warren County opt out of the MDL negotiating class which was the outcome that would be achieved if this Board adopted proposed Resolution No. 485, *Authorizing Warren County to Opt Out of the Negotiation Class in the National Prescription Opiate Litigation*, today. She advised if any of the Board members would like further specifics regarding this information she would invite questions in an executive session.

Chairman Conover advised he would entertain a motion to enter into in executive session if anyone would like to discuss the matter further during the discussion and public comment on proposed resolutions portion of the meeting.

Ms. Kissane stated the second issue she would like to discuss with the Board pertained Attorney Daniel Vincelette's filing yesterday of a summons and complaint naming as defendants Warren County, the Warren County Board of Supervisors, herself, Mr. Hajos, Don DeGraw, Ross Dubarry and Jeff Tennyson. She informed Mr. Vincelette was accusing the County of breach of contract, break of implied covenant, good faith and fair dealing, tortious interference with a contract, fraud, unjust enrichment and quantum meruit. She remarked she wanted to be very clear that as the County's legal counsel she felt this complaint had no merit because in Mr. Vincelette's January 20, 2016 retainer letter Mr. Vincelette wrote this fee would include all aspects of the eminent domain proceeding which quoted "from conference and negotiations to motion practice and trial". She said this retainer incorporated the retainer set forth in the Resolution of the Warren County Board of Supervisors as to the cap on legal fees in this matter. She continued, additionally the service provider agreement which was signed by both Mr. Vincelette and the County incorporated this January 20, 2016 retainer letter and further clarified the County shall pay the provider a fee not to exceed \$20,000 with this amount to be inclusive of sub-contracting with Thurston, Casale & Ryan, PLLC. for an appraisal report in an amount not to exceed \$5,000. She advised the service provider agreement further cedes the County shall not be liable to the provider for any other services and/or expenses unless otherwise agreed to in writing by the County. Finally, she said Resolution No. 671 of 2015 which Mr. Vincelette referenced in his retainer letter also stated an amount not to exceed with this amount being inclusive of the sub-contracting with Thurston, Casale & Ryan, PLLC for an appraisal report again not to exceed \$5,000. She mentioned the Resolution went on to state the not to exceed amount could be increased without further resolution from the Board of Supervisors. She pointed out that Mr. Vincelette exceeded this not to exceed amount before he went to trial in April of 2018, and at no point during this trial did he come to any Committee and request an increase in his not to exceed amount. Instead, she said he came to the June of 2018 Committee meeting after his presence was requested by this Board. She informed in light of the facts she had just explained it was her plan to make a motion to dismiss before they even answered this complaint unless she was directed differently by the Board.

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

Other:

1. Capital District Regional Off-Track Betting Corporation September payment in the amount of \$3,075.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 461-518 were mailed; she informed that proposed Resolution No. 499 was amended after mailing and a motion was needed to approve the revision. The necessary motion was made by Supervisor Dickinson, seconded by Supervisor Simpson and carried unanimously. Mrs. Allen stated a motion was necessary to bring to the floor proposed Floor Resolution No. 1 which implored New York State to immediately amend or

delay the implementation of Bail and Discovery Reform that Mr. Moore discussed. The necessary motion was made by Supervisor Dickinson, seconded by Supervisor Leggett and carried unanimously. Mrs. Allen apprised a motion was necessary to bring to the floor proposed Floor Resolution No. 2 which concerned the refunding bond. The necessary motion was made by Supervisor Sokol seconded by Supervisor Thomas and carried unanimously. Mrs. Allen informed Floor Resolution No. 1 would now be referred to as proposed Resolution No. 519 and Floor Resolution No. 2 would now be referred to as proposed Resolution No. 520. She added proposed Resolution No. 520 would require a roll call vote. Mrs. Allen noted that the Resolution Index did not list proposed Resolution No. 472 *Authorizing Extension of Option Agreement with the Economic Development Corporation, Warren County*, as a roll call vote, but that would be required.

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

Marcy Flores, *Warren County Public Defender*, advised she would like to address proposed Resolution No. 519, *Imploring the State of New York to Immediately Amend or Delay Implementation of Bail and Discovery Reform Laws that will Endanger the People of New York and Reverse Decades of Bipartisan Progress in Reducing Crime*. She stated she read an article this week that was featured in *The New York Times* where Tom Hanks was interviewed about portraying Fred Rogers. She said he was not discussing Bail or Discovery reform, but he was talking about life lessons which she felt related to this matter. She stated Mr. Hanks indicated in the article many years ago he had learned how important it was just to show up a bit early, be ready to go and to respect the whole process and he believed they could respect even when others did not; she apprised she would change the statement to indicate when others did not agree. She remarked she believed Bail and Discovery Reforms were life lessons. She said everyone in New York State had learned about the Bail Reforms in the Spring of this year and everyone who worked in the criminal justice system was preparing for them, just like Mr. Hanks had mentioned; however, she noted, this community had a huge shock which was a loss and trauma to everyone. She informed often individuals reacted with emotion when loss and trauma were involved, but as attorney's they were taught to think logically and without emotion and she believed the criminal justice system was doing that when they considered this new legislation. She apprised there would always be challenges to the new laws and the high courts would make determinations and rulings on them resulting in the laws being modified as time moved forward. She stated she felt she was in a unique position to speak to the Board Members because she was the victim of a violent crime, she had been a prosecutor for eighteen years, she had worked in the Public Defender's Office for over fifteen years and she had been handling prosecution or defense for over thirty-six years which was why she felt she had some knowledge in this field. She advised she had never drafted legislation, but she always had to deal with the results of legislation. She referred to how during the 1980's DWI (*Driving While Intoxicated*) cases were being dismissed due to the sufficiency of the accusatory instruments and how she was a member of a State Committee that drafted the DWI Bill of Particular Supporting Deposition Document which was a two page document that was used in every DWI case in the State. She informed this was challenged, but was successful and was still being used today. She continued, in addition also in the 1980's a misdemeanor assault charge was dismissed in New York State because it was not legally sufficient meaning it did not have all of the elements required for this crime. She stated as a result of this she and another individual working in the District Attorney's Office had to draft a "book" on how to write an accusatory instrument for every crime that existed in New York State. She said this was an example of how individuals learned that they had to deal with these types of situations as they arose. She apprised when looking at qualifying which required bail and non-qualifying crimes as a former prosecutor, and a defense attorney when viewing crimes, she felt it was necessary to look at the elements of what occurred and there could be ways to draft crimes based on these elements to make it a qualifying crime. She said there may have been a crime that recently occurred in Warren County

where the original accusatory instrument was not a qualifying crime, but when the District Attorney's Office presented the case to the Grand Jury they were able to take the elements of the crime that they had and make it a qualifying crime resulting in bail being set on it. She informed she believed this law would require the District Attorney's Office and law enforcement to look at crimes differently to look at the qualifying crimes where bail could be set and try to work on that. She mentioned when she reviewed this resolution she felt there were some crimes included that she had never seen prosecuted, such as money laundering as a point of terrorism in the third and fourth degrees, but if you reviewed a qualifying crime which was referred to as conspiracy in the first degree, the individual could be charged with that and have bail set. She said there may be one charge that was not included, but there were a significant amount of crimes referenced on the list which could be used to meet bail requirements. She mentioned also on Page 2 in the second paragraph there was a crime referred to as female genitalia mutilation which she had never seen prosecuted, but what could be charged as assault in the second degree resulting in it becoming a qualifying crime. She added she was pointing this out to ensure everyone was aware that some crimes were excluded, but they could be also be charged in a different way. Ms. Flores advised one of her concerns related to the fact that the Constitution had a long history of protecting the rights of the accused, as well as those of the victim and anyone charged with a crime was presumed innocent no matter what the crime was and they had the right to a fair trial, right to liberty, and right to a speedy trial. She mentioned currently at arraignments there was not consistency in any County in New York State on what bail was set on what charge, as each Judge had their own discretion. She apprised she had clients who had been charged with stealing food, diapers, and other such items from Walmart that had bail set on them which they could not afford to pay and these were the individuals she represented. She said as an example, theft of diapers could result in bail being set at \$250 cash bail over a \$1,000 bond which meant they had to pay \$100 on a \$1,000 bond could, but they could not afford this resulting in them remaining in the County Jail. She said while they were incarcerated their lives fell apart as a result of trauma to their family, to the community, loss of their job if they had one, they did not receive services for substance abuse, mental health, other conditions they may have, their family could lose their housing etc. She remarked this was why Bail Reform was so important to her, especially on misdemeanors and violations, as not having bail on those low level offenses would allow individuals to be out of jail, making it easier to aide in their defense verus when they were incarcerated because she was unable to get to the jail all the time and phone calls were recorded, meaning if a client called a family member to talk about their case it would be recorded and available to the District Attorney to use in their case against them. She added she and her staff represented a significant amount of individuals making it difficult for them to visit all of their clients who were incarcerated and although the jail did not record phone calls between attorney's and their clients, there were issues as a result of having clients in custody on low level crimes. She mentioned according to the Chief Defenders Association between 2007 and 2008 the Warren County unsentenced jail population had increased 20%. She remarked the bail factors became important for her because the prosecution could require bail and pre-trial detention for individuals facing alleged violent felonies where violence was used or threatened and some misdemeanors, such as sex offenses and witness tampering, as well as some non-violent felonies. She stated this meant not every crime was excluded, as there were many listed. She informed bail was a wealth based system that allowed those with money to get out and those who did not have any remained incarcerated and she believed they could agree that would be unfair, as it should be individuals wanted to contest the allegations against them should be able to aid their attorney in their defense. In addition, she pointed out New York State was not the only State enacting Bail and Discovery Reform, as this was occurring throughout the United States. She referred to Page 3 paragraph 8 of the Resolution which concerned public officials notifying clients about court appearances. She said this was not referring to the District Attorney's Office or law enforcement, but rather the OCA (*Office of Courts Administration*) which meant the Courts would be required to notify clients about their upcoming court dates via email, mail, text message or voice mail. She apprised as a result of this the OCA was developing their systems in order for this to occur.

In regard to Discovery Reform, Ms. Flores advised this was also very important because it allowed her office and all defense attorney's to obtain information in a more timely manner. She informed they would now be able to acquire the evidence circumstances, remarks and what constituted admissible evidence in the court of law in a more timely manner rather than before the eve of trial which was when they typically received them. She stated these discovery changes allowed herself and her clients to have more information and would allow her to make a better assessment of the case. She apprised it would also allow the criminal justice cases to go through the system faster. She stated something that was not included in proposed resolution No. 519 was that the client could waive the timeframe of this fifteen days and forty-five days, pointing out the District Attorney's Office could get an extension for further time for good cause, but the defense attorney could waive it. She said she was meeting with the District Attorney and the County Court Judge this coming Monday to discuss to go over new forms that dealt with these issues and standards the court was ensuring occurs. She remarked it was imperative the Board members understood that although fifteen days did not seem like a sufficient time to gather evidence, those time periods could be waived. She indicated there was something referred to as Standards and Goals that was not mandated and pertained to the timeframe a case required in order to go through the criminal justice system. She stated for a felony it was six months from the date that an individual was arraigned and on misdemeanors it was substantially less; however, she noted, not all Courts adhered to Standards and Goals and the only ones that did so in Warren County were the County Court and the City of Glens Falls Court. She apprised in terms of the timeframe to get cases, if the lawyer was waiting for Discovery and material that needed to be provided that may exonerate the client they needed this information sooner rather than later.

Ms. Flores informed the first paragraph of proposed Resolution No. 519 indicated there was a concern that the accused would be given access to the alleged crime victims home where the crime occurred. She advised this had always been an issue because when a crime scene occurs the defense attorney could make an application to the Court to inspect that location, but it was determined by the Judge whether this was permissible. She informed in most cases when a crime occurs in a home police would video tape and take pictures and those materials would become discoverable and they were provided to the defense attorney. She apprised she believed individuals interpreted this to mean the defendant would come into the home when the victim was present, but that was not how this situation would ever be considered by a Court.

Ms. Flores advised one of the items not mentioned in proposed Resolution No. 519 was that she now had reserve discovery which meant she had set timeframes, as well for when she had to turn information over to the District Attorney's Office. She said she was not complaining about this because it ensured there was an even playing field. She stated approximately 95% of all cases ended in plea deals and most times at this point in time clients did not get to see the evidence that was against them which meant they were incarcerated, had no access to the evidence against them and they had an offer for a plea deal that would require them to serve four months in jail, three of which they had already served causing them to accept the deal even if they did not commit the crime.

In regard to the removal of bail on violations and misdemeanors and allowing Judges to set bail on felonies, Ms. Flores apprised she had been asked what compromise would she make. She said if the bail factors were for misdemeanors and violations that became extremely important. In terms of whether the timeframe needed to be forty-five days, she remarked she believed fifteen days was appropriate because they could get extensions, but forty-five days would not cause too much disruption. She voiced her opposition to removing violations of vehicle and traffic law from the Discovery Reform. She pointed out what that was referring to was how the DMV had to provide their records to the District Attorney's Office and since they were a State Agency she believed they should be able to comply with this. She stated with the requirement that victims be notified, she said never had their been a requirement that

a victim appear in Court because court cases are public and victims could call the court to get the date, or they could call the District Attorney's Office or the Crime Victims Specialist who worked within the District Attorney's Office. Finally, she informed she believed lobbying groups had been involved when the legislation was created. She remarked when she considered Mr. Hank's comment that a long time ago he had learned to show up early, she felt they had done this and were prepared and respected the process and she requested that the Board Members be supportive of Bail and Discovery Reform Legislation.

Supervisor Loeb requested a roll call vote on proposed Resolution No. 519, *Imploring the State of New York to Immediately Amend or Delay Implementation of Bail and Discovery Reform Laws that will Endanger the People of New York and Reverse Decades of Bipartisan Progress in Reducing Crime.*

In regard to proposed Resolution No. 519, Supervisor Loeb stated that he concurred there were significant emotions surrounding the Bail and Discovery Reform legislation. He apprised another tragic situation had occurred recently in New York State where someone was released without bail because the Judge determined since the new laws which were going into effect January 1, 2020 would have let this individual be released without bail they would release them without bail. He said the issue was if the Judge had set bail and the individual had a large sum of cash on them they would have posted bail. He informed the emotional argument against eliminating bail related to the innate bias that individuals with no money were bad and those with money good as dictated by what society said. He remarked he did not believe the Board Members should buy into this stereotyping, as decisions should be made without feelings whenever possible and he urged them to be that way now.

Supervisor Magowan advised proposed Resolution No. 519, was a complicated one and he had the utmost respect for Ms. Flores and the job she did defending individuals. He said this was a two-sided coin with Ms. Flores on the side of the defense. He pointed out everyone had choices in life that they had to make, such as whether they had money or not. He stated as he had grown he had always paid the consequences for the choices he had made and he had learned from some of his mistakes. He apprised his understanding of proposed Resolution No. 519 was that they were not asking for Bail Reform to be rescinded, but he felt it needed to be revised to provide the Judges with the option to set bail on a case-per-case basis. He stated in response to Ms. Flores' argument that the charges could be reworked to ensure an individual remained in jail, he was concerned that the defense attorney would point out previously they would have been charged with the lesser crime. He remarked he believed proposed Resolution No. 519 should be adopted to make the State aware of their feelings that the Bail Reform needed to be revised to ensure that it worked for the prosecution, defense, crime victims and accused who had minimal resources in Warren County, on a State-wide basis.

Supervisor Beaty informed Bail and Discovery Reform was a complex law which would be effective on January 1, 2020 that he felt was not well thought out by the State Legislature or Governor Cuomo; he pointed out the State Attorney General had indicated there were issues with the law. He voiced that the safety of the residents should take precedent over most issues other than caring for residents who were senior citizens and those with developmental disabilities. He stated with all due respect to Ms. Flores who had challenges with her job like everyone else, he did not believe Bail and Discovery Reform was discriminatory, but rather it was a law that put more residents in harms way through the removal of the Judges ability to set bail. He remarked he found this to be troubling within Warren County and many other counties across the State imploring for this law to be amended. He said he was hopeful the Governor and many of the politicians from downstate New York who felt this law would be beneficial State-wide would reconsider and make changes so that it was advantageous, removed the dangerous aspects from the equation and provided protection for New York State residents. He concluded by voicing his support of proposed Resolution No. 519, adding that he felt it could use more potency.

Supervisor Strough stated his reaction to seeing proposed Resolution No. 519, for the first time this morning was that there was no acknowledgment in the resolution of the need for Bail and Discovery Reform which he felt they were all aware there was a need for. He apprised in reading the proposed resolution he determined it was strong on emotional appeal, but light on bringing the facts forward. He concurred that the Bail and Discovery Reform required some changes, but there was no place in proposed Resolution No. 519 where it indicated a need for these reforms. He stated he felt Ms. Flores did a phenomenal job expressing the defense point of view about the inadequacies of this resolution. He remarked perhaps he could support this proposed resolution if it was more fair and balanced; however, he noted, it was not in its current form.

Supervisor Driscoll thanked Chairman Conover for the opportunity to work with Mr. Moore and Supervisor Leggett on trying to bring his perspective to proposed resolution No. 519, as he had worked in health and human services for over forty years, working with and advocating for low and fixed income individuals, as well as families experiencing times of crisis and despair. He informed he had pondered this proposed change in Bail and Discovery Reform more than any other issues that had come before him in the last couple of years. He stated he often liked to use analogies and compare to different types of situations. He said he had worked a substantial amount with the Department of Social Services where occasionally there were individuals who committed fraud with social service benefits. He advised to change the qualifications for benefits because a few individuals decided to abuse the system would not be prudent. He informed he recognized that there were some individuals who would experience hardships from Bail and Discovery Reform; however, he noted, he felt additional changes were required which was why he was fully supportive of proposed Resolution No. 519.

Supervisor Braymer apprised she felt compelled to point out that she was supportive of Bail Reform for low level charges, as she did not want to place more of a hardship on individuals who had less financial resources available to them and send them to jail because they could not afford \$100 in bail. She stated she did feel the legislation needed to be amended to address the crimes that had a dangerous aspect to them that the Judge should be permitted to take into consideration all of the factors and set bail as needed. She said given all of that, they needed to keep in mind that individuals were presumed innocent until they were convicted making this even more of a complicated situation, but she did believe the Bail and Discovery Reform should go back before the State Legislature for additional discussion and changes. She concluded that overall she was supportive of Bail Reform in its primary goal to take that weight off individuals who did not have the financial resources.

Supervisor Wild stated he concurred with Supervisor Strough that proposed Resolution No. 519, needed to mention the need for Bail Reform. He added he believed the County was fortunate to have Ms. Flores and her staff along with the passion that she brought to the segment of the County's population she served. He advised his sense of this was the County was trying to influence the State Legislature to try and make a change and he suggested proposed Resolution No. 519 could be amended to state "Whereas we recognize the need for Bail Reform". He remarked he was supportive of the proposed resolution because they needed to do it in the strongest way possible in an attempt to influence the State Legislature to make changes.

Supervisor Geraghty apprised he was fully supportive of proposed Resolution No. 519, because its intent was to encourage the State Legislature to consider how these reforms were adopted and revisit them to take into consideration how it impacted others. He added he did support the Bail Reform which was being done on a national level.

Supervisor Merlino stated he would like to echo the comments made by Supervisor Geraghty and add they should consider the issues they currently had with bail and question how many more they would

have when bail was not required. He concluded by voicing his support of proposed Resolution No. 519.

Supervisor Leggett acknowledged Mr. Moore for working on proposed Resolution No. 519. He stated although the resolution was written out of emotion, it was also factual which was what he found to be impressive about it. He thanked Supervisors Braymer, Driscoll, Hogan and Magowan for the input and feedback they provided to Mr. Moore on the proposed Resolution. He remarked the County was fortunate to have Ms. Flores on staff, as she advocated strongly for what she believed in. He apprised the Board members pledged every time they attended a Board meeting for justice for all and from testimony that had gone before the Criminal Justice & Public Safety Committee they had heard from the District Attorney, the Probation Director and the Public Defender to determine where the justice was with Bail and Discovery Reform. He stated the way the State implemented this Reform did not include justice for crime victims as much as there should be and he believed that was what they were advocating for in proposed Resolution No. 519. He said he felt they could all agree in any human-made system it would not be perfect and individuals would unnecessarily suffer because of that and there were individuals within the judicial system that should not be going through what they were because of those imperfections which they were striving to make better and that was what proposed Resolution No. 519 represented.

Mr. Moore advised in defense of the Criminal Justice & Public Safety Committee and the Supervisors who assisted with writing proposed Resolution No. 519, it was factual and well thought out. He informed the Departments who had something to do with this, including the Public Defender, had been solicited during Committee meetings for their opinions and had been part of the process of drafting the proposed Resolution. He thanked Sheriff York, Major LaFarr, Robert Iusi, *Director of Probation*, Ms. Kissane, Ms. Flores and Jason Carusone, *District Attorney*, for their involvement in every step of the process, including providing comments on the proposed Resolution. He recognized Ms. Flores, who was one of the best Department Heads in the County, for doing an exceptional job as the Public Defender. He stated he wanted to shed some light on to some of the comments made by her, the first concerning the Vehicle and Traffic Law which was included in the proposed Resolution because the danger of having the Discovery Law pertain to those was that the District Attorney may not have time to address these as they were busy working on the more violent crimes. He said this meant individuals who had speeding tickets would realize all they had to do was go to court and get arraigned on the charge and since the District Attorney would be unable to meet the fifteen day requirement the individuals attorney would be able get the charges dropped resulting in the highway becoming similar to the Autobahn highway in Europe. He continued, fifteen days in terms of the waiver was true and he thanked Ms. Flores for being willing to work with the District Attorney; however, he noted, not all defense attorneys would be as good as Ms. Flores, meaning not all of these cases would obtain a waiver resulting in the District Attorney being required to meet the fifteen days or potentially have a case dismissed. He said in terms of access to victims homes, he apprised as previously stated by Ms. Flores currently Judges had discretion over whether or not that occurred, but this law changed that and if it did not then why was it included in the Law. In regard to the disclosures, Mr. Moore informed it was correct that the Office of Court Administration was handling them, but it was not included in the law and did not relieve the local taxpayers or employees of the additional work required in the District Attorney's Office and Sheriff's Department. He added the 2020 County Budget was supportive of this through the addition of staff to both of those Departments paid for by property taxpayers. He mentioned there were some crimes that had been enumerated in the proposed Resolution where they could be charged in a different manner, but there were others that were not. As an example, he stated, his fear related to if an individual called in a bomb threat to the Warren County Municipal Center Building and could not be held in jail for making a terroristic threat and then actually carried through with it. He continued, if an individual did not register as a sex offender and then committed a crime because they were not held in jail was another concern of his. He questioned how many crime victims

it took to be victimized by this for it to merit the State reviewing the law to determine whether they handled it correctly. He remarked he did not want to have one crime victim on his conscious because as public officials the County did not do its duty and ask the State to take a closer look at this. He concurred there was a need for Bail Reform; however, he noted, this was not it.

Supervisor Braymer apprised she would like to propose an amendment to proposed Resolution No. 519, to add an additional Whereas clause at the end as follows: "Whereas Warren County supports the efforts to design and implement Bail Reform and Discovery Reform to increase the fairness of the judicial system for all". She added the next paragraph would be: "Resolved that the County would implore the State to look at the law more closely or alternatively delay its implementation".

Chairman Conover stated he was looking to see where the best place to insert that would be. Mr. Moore apprised they could make the first paragraph state the following: "Whereas the Board of Supervisors recognizes there was a need for some form of Bail Reform". Chairman Conover asked Supervisor Braymer whether she would like to advance this as an amendment to proposed Resolution No. 519, to incorporate language to indicate the County understood the need for Bail Reform and she replied affirmatively. The necessary motion to amend proposed Resolution No. 519 was made by Supervisor Braymer and seconded by Supervisor Hogan.

Supervisor Magowan informed he did not believe they should "water down" proposed Resolution No. 519, as he felt they needed to make a point to ensure their concerns were addressed before January 1st when the new law went into effect. He said for this reason he would be voting in opposition of the proposed amendment.

Supervisor McDevitt advised he would be supporting the proposed amendment because he believed the wording recognized the intent behind Bail Reform, but they isolated the real world situations in terms of circumstances, such as speeding on the highway or a more egregious form of criminal conduct.

Supervisor Strough restated his original point that proposed Resolution No. 519, did not address the fact that Bail and Discovery Reform were needed; however, he noted, the proposed amendment recognized that need which was why he was fully supportive of it.

Chairman Conover called the question and the motion to amend proposed Resolution No. 519, as outlined above was carried by majority vote, with Messrs. Beaty, Magowan and Geraghty voting in opposition.

In regard to proposed Resolution No. 472, *Authorizing Extension of Option Agreement with the Economic Development Corporation, Warren County*, Supervisor Braymer voiced her support of the Option Agreement; however, she noted, when she reviewed the previous records on the agreement she believed the agreement had expired, but she had no objection to the proposed Resolution.

Supervisor Beaty apprised he would be voting in opposition of proposed Resolution No. 472, because he believed there were a number of questions remaining unanswered.

Supervisor Magowan stated he concurred with Supervisor Beaty, apprising there were significant issues with the parcels and he would like to review the results of the study before he could make an informed decision. He said for this reason he would be voting in opposition of proposed Resolution No. 472.

Supervisor McDevitt informed he would be voting in favor of proposed Resolution No. 472, because the intent of the Warren County EDC was job creation which was difficult to achieve and he felt they should

be supportive of the Warren County EDC and their efforts for these parcels.

Supervisor Strough advised he was a member of the Board of Directors for the Warren County EDC, the purpose was to attract economic development for the County which was what they were trying to do with these parcels. He said he was fully supportive of extending the option agreement with the EDC if that was what was required to delineate what was necessary for cooperation between the County and the EDC in order to move forward.

In regard to proposed Resolution No. 499, *Establishing A.916.00 Assigned Fund Balance, for the Purpose of Project Assessments for Costs Relative to County Project Assessment and Feasibility Analysis; Authorizing Transfer of Funds; and Amending Warren County Budget for 2019*, Supervisor Braymer stated she was looking forward to the County being able to use these funds for important projects. She requested that they start working on determining how these funds would be managed, such as establishing a Committee or sub-Committee to discuss how these funds would be spent, more so with regard to the Halloween storm and all of the damage that occurred to the County infrastructure as a result; she stated she felt it was necessary to prioritize the County projects.

Chairman Conover advised Mr. Moore was well aware of how important it was to determine what these funds should be used for and the appropriate Committee would be dealing with the matter.

There being no further discussion, Chairman Conover called for a vote on resolutions, following which Resolution Nos. Resolution Nos. 461-520 were approved as presented.

Chairman Conover called for public comments from anyone wishing to address the Board on any matter, but no response was given.

Chairman Conover called for announcements.

Supervisor Simpson announced the upcoming meeting of the Adirondack Towns and Villages was scheduled for December 1-2, 2019 at the Marriott Hotel in Lake George.

Supervisor Braymer stated Hometown Holidays in the downtown area of the City of Glens Falls was scheduled for the weekend of December 6th and she encouraged all to attend. She added this was also the weekend of the Christkindlmarkt at the Festival Commons.

Supervisor Wild recognized Mrs. Allen for doing such an exceptional job reading so many roll call votes this month.

Supervisor Geraghty advised Christmas in Warrensburg was also the weekend of December 7th and he welcomed all to attend.

Supervisor Hogan informed she was pleased to announce that Gore Mountain was opening that weekend.

Supervisor Merlino apprised he had been approached a few weeks ago with a complaint from a constituent about the long lines at the Warren County DMV to which his response was that improvements had been made to shorten up the wait time. He advised he was pleased to announce the individual reported back to him that they were able to get in and out of the DMV rather quickly when they went there recently to renew their drivers license.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, NOVEMBER 15, 2019

Supervisor Dickinson reminded everyone of the upcoming Christkindlmarkt event and he encouraged all to attend.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Simpson and seconded by Supervisor Geraghty, Chairman Conover adjourned the Board Meeting at 12:24 p.m.