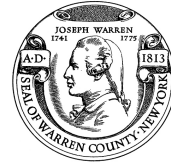


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, AUGUST 15, 2014**



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. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Sokol.

Roll called, the following members present:

Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Brock, Kenny, Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Sokol, Beaty, Westcott, Thomas, Wood and Geraghty - 20.

Motion was made by Supervisor Strough and seconded by Supervisor Wood to approve the minutes of the July 18, 2014 Board Meeting, subject to correction by the Clerk of the Board.

Commencing the agenda review, Chairman Geraghty declared the Public Hearing on the proposed Airport Real Property Lease Agreement with Schermerhorn Aviation, LLC For Construction and Maintenance of One Stand Alone Restaurant open at 10:05 a.m., and he requested that Joan Sady, Clerk of the Board, read the Notice of Public Hearing aloud, which she proceeded to do.

There being no immediate comments, Chairman Geraghty advised that the Public Hearing would remain open for a portion of the meeting to allow anyone wishing to speak on the proposed Airport Real Property Lease Agreement with Schermerhorn Aviation, LLC For Construction and Maintenance of One Stand Alone Restaurant the opportunity to do so.

Privilege of the floor was extended to Bud York, Warren County Sheriff, who questioned whether anyone in attendance had distributed the envelopes containing a vial of liquid, as well as a wristband that stated "Cherish Life" to the County Administrator and the County Attorney. Mr. McDevitt stated he had distributed envelopes containing these items to the full Board because he felt they were relevant to the growing heroin epidemic throughout the Country. He said he had attended a meeting regarding heroin use on Tuesday, August 12, 2014 with the Washington County Sheriff, as well as the Warren County District Attorney. He advised the wristbands were created to assist with increasing the public's awareness of this issue. He apprised that one of the topics discussed at the meeting related to the concern that the pen in the envelope was similar in appearance to a hypodermic needle or syringe and was being sold at a local Dollar Store. He explained he had stopped at this particular store after the meeting and purchased nine packages of the pens. He commented he was outraged and concerned that these pens were being sold, as they counteracted the efforts of the individuals in the Community attempting to resolve the heroin epidemic. He pointed out he purchased all of the pens to prevent them from being distributed throughout the community. He said he felt the Dollar Store permitting the sale of these pens was an example of a store making light of a serious problem that was impacting both Warren and Washington Counties.

Sheriff York stated he concurred with Mr. McDevitt's comments and apologized for his reaction to the envelope, noting that he had responded in such a manner because he was unsure where the items had originated from. Mr. McDevitt pointed out that the receipt he had received when purchasing the pens

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014

had listed them as “syringes”. Mr. Brock advised this type of pen had been around for a number of years, and commented that in his prior teaching profession he had taken one from a student about fifteen years ago and was told by the school administration that they could not do anything about it. Mr. McDevitt said he planned to revisit the store and request that they refrain from selling the pens, as he felt it was not an appropriate item to sell, considering it was trivializing a serious public health issue; he added that he felt all members of the Board of Supervisors were responsible for increasing awareness on this issue.

With regards to the Public Hearing, Martin Auffredou, County Attorney, advised earlier that week his Office had received some thoughtful and constructive comments from Jon Mandwelle, CPA (*Certified Public Accountant*). He said Ross Dubarry, Airport Manager, had responded to these comments and he noted that both the comments and the responses provided would become part of the public record for these leases.

Mr. Strough commended Richard Schermerhorn, of Schermerhorn Aviation LLC, for recognizing the needs of the Airport, as he felt the addition of both the stand alone restaurant and the stand alone office building would be beneficial to the aviation industry and the community.

Mr. Beaty stated he was a big supporter of many of the projects Mr. Schermerhorn completed in the region; however, he said, he was concerned that the \$.30 per square foot lease rate for the restaurant was not in line with the market value that other restaurants and taverns in the area paid. He added he supported the construction of a restaurant at the Airport but since he was not provided with comparable per square foot lease rates in this area, he was apprehensive about supporting the lease because he felt the lease rate may be inadequate. Mr. McDevitt advised it had been difficult to find comparable lease rates for that area, as it was a remote location. He pointed out Mr. Schermerhorn was willing to expend a significant amount of money to develop the property and would be providing 5% of the gross revenue from the restaurant to the County to offset the \$.30 per square foot lease rate. He reiterated it was not an idealistic location for a restaurant because of its remote location and he also commended Mr. Schermerhorn for his efforts. He stated he felt it was the responsibility of the full Board to encourage economic activity.

Chairman Geraghty asked if there was anyone else wishing to comment on proposed Airport Real Property Lease Agreement with Schermerhorn Aviation, LLC for Construction and Maintenance of One Stand Alone Restaurant; there being no response, Chairman Geraghty closed the Public Hearing at 10:16 a.m.

Chairman Geraghty declared the Public Hearing open on proposed Airport Real Property Lease Agreement with Schermerhorn Aviation, LLC for Construction and Maintenance of One Stand Alone Office Building at 10:17 a.m., and he requested that Mrs. Sady, read the Notice of Public Hearing aloud, which she proceeded to do.

Privilege of the floor was extended to Mr. Kenny who advised the County had enjoyed a partnership with Mr. Schermerhorn for a number of years wherein he had met or exceeded their expectations and he encouraged his colleagues to vote in favor of the leases.

Mr. Girard requested that Mr. Schermerhorn be provided the opportunity to explain his reasoning for this new construction to the Board as both were substantial projects. He noted Mr. Schermerhorn had a history of successful projects such as the construction of four T-hangars and the terminal reconstruction. Mr. Schermerhorn apprised the current restaurant at the Airport had insufficient seating, justifying the proposed expansion. He pointed out he received feedback from several

*WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014*

individuals stating they enjoyed viewing the take off and landings of planes at the Airport when they were eating breakfast or lunch at the restaurant and he said he felt this public interest had benefitted the aviation community. With regards to the office building, he advised he had received numerous inquiries about office space at the Airport. He commented he felt it was worth taking the calculated risk to construct the restaurant, as he believed individuals would enjoy watching the planes take off and land while eating as much as they enjoyed eating meals at restaurants on Lake George where they could watching boats floating by during their meals.

In reference to constructing the Office Building, Mr. Schermerhorn stated he thought this was a stride towards trying to gain more revenue for the growing Airport. He noted the individuals who inquired about office space at the Airport were related to the aviation and/or airport industry. He said this would be beneficial to both the County and FBO (*Fixed Base Operator*) he managed. He pointed out the t-hangar he had constructed at the Airport was almost at full capacity. He credited the new owners of the Sagamore Resort on Lake George with the influx of flights during the months of July and August 2014, as the Airport had been the busiest it had been in a number of years during these recent months. He explained that a number of individuals utilizing the Airport were attending seminars at the Sagamore Resort. He continued that these individuals purchased fuel at the Airport, patronized local restaurants and stayed at local hotels. He advised another issue encountered was the difficulty pilots had in securing lodging at local hotels which were fully booked, and he noted this was actually a good problem to have. He commented he felt the Airport was poised to become a financial benefit to the FBO, the County, and the surrounding areas.

Chairman Geraghty advised he fully supported all of Mr. Schermerhorn's endeavors at the Airport, as he had proven to be a suitable partner. He then asked if there was anyone else wishing to comment on proposed Airport Real Property Lease Agreement with Schermerhorn Aviation, LLC For Construction and Maintenance of One Office Building; there being no response, Chairman Geraghty closed the Public Hearing at 10:22 a.m.

Chairman Geraghty apprised the next Agenda Item was a request from Brian LaFlure, Fire Coordinator/Director of the Office of Emergency Services, and other Emergency Medical Services (EMS) representatives to provide an update on emergency medical services in Warren County.

Mr. LaFlure advised that upon the request of a few Supervisors he, as well as other EMS representatives, had attended the March 21, 2014 Board Meeting to discuss the future of emergency services in Warren County. He said they had expressed that while some towns were more crucially affected by these issues than others, there was a central underlying concern that was not town-specific. He apprised the concern referred to training responders locally so individuals could receive the certifications required to volunteer without having to travel great distances. He continued that these volunteers would supplement the shortfall of paid responders and he pointed out there were currently shifts with no coverage because of the lack of available trained responders. He commented the key point gleaned from the discussion at the March Board Meeting was that if Warren County wanted to develop a more efficient EMS system while decreasing expenses, the lack of training needed to be addressed.

Mr. LaFlure apprised a group had been gathered to develop a plan to address the training issues which was comprised of the following members: Micki Guy, EMS Coordinator; Amy Drexel, Deputy Director of the Office of Emergency Services; Doug Wildermuth, EMS Instructor; Ann Marie Somma, Vice President for Administrative Service and Treasurer, SUNY Adirondack; and Travis Howe, Executive Director of the Mountain Lakes Regional EMS Council. Mr. LaFlure explained that these individuals had developed a plan that involved commencing EMS training at SUNY Adirondack in the Fall semester of 2014. He said he believed this provided an excellent solution to the problem, as the students would

have access to suitable training equipment in an appropriate facility with a central location rather than having to train in a small room at a local fire station. He pointed out when classes were taught in the field there was no space for the equipment, some of which was very costly. He passed around brochures describing the program that would be offered at SUNY Adirondack and said he believed SUNY Adirondack was as enthused about the program as he was. *A copy of the brochure describing the program is on file with the items distributed at the Board Meeting.*

Mr. Howe apprised there were a few key items he would like to discuss, the first of which was his delight to commence one of the first EMS courses offered at SUNY Adirondack this fall. He stated this fall the basic course for an Emergency Medical Technician would be offered at SUNY Adirondack to college students, local EMS providers and members of the public who thought they may be interested in treating patients during times of an emergency, as well as being included in the EMS system. He advised the role of the Mountain Lakes EMS Council in the course was that of a sponsor. He explained they were designated by the New York State Department of Health as an entity that could provide training courses to the public and they would be working in conjunction with SUNY Adirondack to provide resources, equipment and ancillary staff for the course. He stated as of this morning, 21 students were enrolled in the fall course, which exceeded their enrollment goal. He said they would be actively recruiting more students for the course via social media, their website, a press release that would be transmitted the next week and distributing flyers, as well as including the course in the SUNY Adirondack fall brochure for continuing education courses. He stated although offering this course would not solve all of the issues within the EMS system, as many facets of the system still needed to be scrutinized and supported, he felt this was a step in the right direction. He said there was a nationwide momentum for colleges to offer EMS courses, as it was proven that offering EMS education in the college setting produced quality providers. He advised course participants at SUNY Adirondack would have access to modern facilities and equipment and would be working closely with the nursing program staff to utilize their high fidelity simulation equipment and facility. He commented this type of cooperation would assist with the shortage of EMS volunteers by training and retaining the younger local individuals that were interested in making EMS their career. He said far too often young trainees from the region were lost to other States and Counties. Mr. Howe thanked the following Administrative Staff at SUNY Adirondack for their assistance with getting this program started: Caelynn Prylo, Director of Continuing Education; Donna Healy, Associate Professor of Nursing; and Leza Wood, Coordinator of Workforce and Professional Development. He commented that the support and coordination efforts provided by these individuals had been refreshing and appreciated. He stated it was a privilege to work with SUNY Adirondack on this initiative, as the college demonstrated on a daily basis their commitment to the community, as well as the importance of their contribution to the local economy and the future.

Ms. Somma read the following statement from Ms. Prylo who was unable to attend the meeting today:

“I apologize that I am not here to speak with you directly and tell you personally how excited I am about the partnership we have developed with Mountain Lakes Regional EMS Council to offer non credit courses in emergency medical technician training to the Warren, Washington and northern Saratoga County region. This partnership will meet a stated need for these types of courses and training. In addition, by hosting the courses at SUNY Adirondack students will have access to our state of the art facilities and instructional technology including simulation mannequins, labs and online course enhancements which will provide students with the best possible tools and experiences before they head out into the field. The EMT Basic Course scheduled for this fall has already reached the minimum enrollment in just a few short weeks of registration further proving the demand for this type of class in the region. There is always a need for well trained professional and volunteer EMT’s and SUNY Adirondack is happy to assist in meeting that need in addition to introducing dozens of people to the career possibilities that education can bring.

There is still space available in this course and I would encourage you to talk with any of your interested constituents about it. More information can be found at the Office of Continuing Educations fall course brochure, on the SUNY Adirondack website or by contacting my office directly. I thank you for your time”.

Mr. Wildermuth advised he would be the instructor of the course in the fall and added he was excited and elated by this new development. He explained he had been involved in EMS for 20 years and believed offering the course would be beneficial to the region. He pointed out he had previously worked within a close proximity to Hudson Valley Community College, which is where he obtained his education, until he married and relocated to the Town of Bolton Landing. He said he was bothered by the fact that EMT’s had to obtain their education elsewhere and then typically left this area. He noted participation was becoming more difficult for ALS (*Advanced Life Support*) volunteers, as they were responding to calls in municipalities that did not have anyone certified within their vicinity. He advised this new education opportunity at SUNY Adirondack would be like no other, as it would provide hands on simulation, clinical and field experience, and in the future could possibly be expanded to offer ALP (*Advanced Level Provider*) courses. He apprised the ALP courses would assist with increasing the pool of volunteers, retaining current EMT’s, increasing the number of local jobs and sustaining the program at SUNY Adirondack. He encouraged everyone in attendance to inform their constituents about the course which would align EMT training with higher education, much like programs already offered by learning institutions across the Country.

Mr. LaFlure stated although this would not solve all of the problems discussed during the March 21, 2014 Board Meeting, he felt offering the course was a step in the right direction. He reminded the Board the majority of the issues discussed at the previous Board meeting were related to personnel and he believed this solution would assist in gradually resolving the issues. He pointed out if 20-30 individuals at a time completed the course, they could possibly move on to offering more advanced courses. He added he felt individuals would be encouraged because the courses were offered in a college setting.

Mr. Vanselow applauded the group on their efforts, as this may prevent the EMS individuals he had spoken with from traveling out of the area for courses. Ms. Seeber questioned whether any scholarships or financial aid would be offered for the courses. Mr. Wildermuth advised the fee for the course would be the same as if it was offered at a local fire department or rescue squad, which was reimbursed by the State. He said currently the courses were non-credited; however, he stated, they were hoping to move into credited courses in the future. Mr. Howe added because the course was non-credited participants were ineligible for financial aid.

Mr. LaFlure repeated that the course fee charged by the college would be the same as what was currently charged to individuals taking courses at local fire companies or rescue squads. He pointed out the bulk of the individuals registering for the course were affiliated with local fire departments or rescue squads and may receive reimbursement from them upon successful completion of the course. He said the agencies had internal processes that dealt with individuals who dropped out of and/or failed to complete the course. He reiterated the fee would remain the same as it currently was; however, he said, the course would be offered in a more ideal location.

Mr. Merlino commended the group for their efforts, as he felt it would assist individuals from the smaller municipalities having to travel a great distance and take time off from work to complete a course. Mr. LaFlure added this would also assist agencies with paid staff, as it would increase the pool of individuals available to cover all shifts, as well as vacations, etc. Chairman Geraghty advised he felt

*WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014*

this was the first step in working towards eventually implementing a County-wide system. He suggested the brochure be sent out in an email blast to increase awareness about the course. Mr. LaFlure pointed out a substantial portion of a grant the Office of Emergency Services applied for in 2013 was used to purchase EMS equipment. He said the goal was to have a more efficient system in place that functioned correctly.

Mr. Monroe asked whether the lack of course cost reimbursements for individuals not associated with an emergency agency presented an obstacle for the course and Mr. LaFlure replied in the negative. He stated he was aware of one individual not associated with an agency that had paid cash for the course. He commented he believed the price of the course was reasonable for individuals looking to start a career in the field. He thanked the Supervisors for their time and the group of individuals who worked together to establish and manage the course. He said he was optimistic he would be bringing forth more good news in the future.

Resuming the agenda review, Chairman Geraghty called for the report by the Chairman of the Board and he proceeded to read aloud a listing of the meetings he had attended since the last Board Meeting, a copy of which is on file with items distributed at the Board Meeting.

Chairman Geraghty then called for reports by Committee Chairmen on the past months meetings or activities and the following were given: Supervisor Sokol, Health Services; Supervisor Westcott, Social Services; Supervisor Wood, Public Safety; Supervisor Conover, Finance; Supervisor Monroe, Park Operations & Maintenance and Real Property Tax Services; Supervisor Girard, County Facilities and Extension Services; Supervisor McDevitt, Mental Health; Supervisor Taylor, Economic Growth & Development, Support Services and Personnel; Supervisor Kenny, Occupancy Tax Coordination; Supervisor Frasier, Human Services; Supervisor Dickinson, Invasive Species and Criminal Justice; Supervisor Merlino, Tourism and Public Works.

Mr. Sokol apprised that the Health Services Committee Meeting had met on Friday, July 25th to discuss a short agenda which primarily consisted of typical contractual obligations. He stated that since the last Board Meeting, he had met a couple from New Jersey who had been visiting the Town of Bolton Landing for a number of years. He said they had a child with down's syndrome who recently passed away and they wanted to acknowledge that the care they received from the Warren County Public Health Nurses was exceptional, as compared to the care received in New Jersey.

Mr. Beaty commended Paul Dusek, County Administrator, for arranging the meeting yesterday with himself, as well as Supervisor Westcott; Travis Whitehead, Resident of the Town of Queensbury; Jeffery Tennyson, Superintendent of Public Works; and Mr. Dubarry. He said the meeting had included a very open, transparent discussion that had lasted for about an hour and pertained to a number of issues concerning the runway extension. He advised he left the meeting having gained more knowledge in that one hour than he had during the entire year because the discussion had been respectful and cooperative. He stated that although he did not think the conversation had changed anyone's opinions about the subject, he felt it was the appropriate kind of discussion for governments to have. With regards to the proposed runway expansion project, Mr. Beaty advised he was fully supportive of economic growth; however, he said, he could not justify expending millions of dollars in anticipation of receiving additional revenue. He stated he felt the current runway was sufficient in length to handle the additional traffic that was attributed to visitors of the Sagamore Resort. He apprised he could not support the expansion unless data was presented to him displaying incremental economic growth attributable to extending the runway by 1,000 feet. He thanked Mr. Dusek again for arranging the meeting yesterday, as well as the follow-up meeting scheduled for the following week and stated he looked forward to continuing this dialogue in a respectable, cooperative manner.

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014

Mr. Westcott stated the Social Services Committee had met on Friday, July 25th, during which the Committee approved proposed Resolution No. 379 of 2014, *Resolution Ratifying the Actions of the Chairman of the Board in Executing an Agreement with Jack Hall Plumbing & Heating, Inc. for Emergency Repairs to the Main Water Supply at Countryside Adult Home*. With regards to the search for a new Commissioner of Social Services, he apprised nine responses to the job posting had been received and Gretchen Steffan, County Human Resources Director, had compiled a screening matrix that had already identified four candidates that met the qualifications for the position; he added that one other candidate was currently being screened. Mr. Westcott said Ms. Steffan planned to meet with Mr. Dusek to discuss her recommendations prior to scheduling a meeting to conduct interviews; he commended Ms. Steffan for her professionalism in managing the process. Another issue that was discussed at the meeting, he said, related to compensation for Caseworkers working within the Department of Social Services. He stated the Reallocation Committee had done a terrific job of reviewing the current compensation for the Caseworkers and had provided a recommendation that the salaries be increased as they were lower than those of surrounding counties. He advised the Social Services Committee, and subsequently the Personnel and Finance Committees, had concurred with the Reallocation Committee's recommendations for increasing Caseworkers compensation and had referred same to the Budget Committee for consideration in the 2015 Budget. With regard to financial documents to be reviewed by the Social Services Committee, Mr. Westcott advised he had requested that, going forward, any such documents be forwarded to all members of the Board of Supervisors in advance of the meeting to provide everyone an opportunity for review and comment.

Ms. Wood apprised that the Public Safety Committee met briefly on July 28th, approving proposed Resolution Nos. 381-385, all of which are included in the resolution packet. She noted proposed Resolution No. 385, *Authorizing Warren-Washington County Training Center Committee to Accept the Donation of Seven Storage Containers for Use at the Training Center*. She said she was pleased with the opportunity to receive the donation of seven weather proofed storage containers which would be used to expand the Training Center in the future.

Mr. Conover advised that the Finance Committee had met on August 6th, approving proposed Resolution Nos. 375-377 and 390-393. He noted an interesting discussion regarding sales tax distribution had taken place during the meeting, but said he did not think it had led to any kind of resolve. He apprised they were awaiting feedback from the County Attorney regarding what types of changes to the sales tax distribution formula would be legally permissible.

Chairman Geraghty announced he had decided to establish a Sub-Committee to consider sales tax distribution options. He advised the membership of this Committee would consist of Supervisor Taylor, serving as Chairman and Supervisors Dickinson, Merlino, Strough and Wood. Chairman Geraghty said he would like this Sub-Committee to review the sales tax distribution options available and said he hoped they would have civil conversations regarding the opportunities for modifying the formula and any legal ramifications of doing so. He commented that he would like the matter to conclude on a positive note rather than with some supervisors being displeased. Chairman Geraghty advised Supervisor Taylor had agreed to mediate the discussions and noted that although the establishment of the Sub-Committee did not necessarily mean that a change in the distribution formula would be made, he wanted to ensure that discussions would continue and that each party would be provided an opportunity to state their opinion on the issue.

Mr. Monroe began his report by speaking about the Real Property Tax Services Committee's Last Chance Meeting held on August 11th. He stated the meeting had been rather efficient, as they were able to either obtain payment in full or establish payment agreements for the back taxes owed by the majority of the individuals who attended the meeting. He said it appeared that several of the individuals who

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014

were unable to make arrangements the day of the meeting would be able to do so prior to the foreclosure action commencing on their property. Chairman Geraghty pointed out no one enjoyed taking part in the meeting because of the subject matter. Mr. Monroe apprised they had entertained a number of requests for payment extensions and arrangements due to extenuating circumstances, such as disability, divorce, etc., that had caused individuals to fall behind on their property taxes. He stated that at the July 29th Real Property Tax Services Committee meeting, Ms. Seeber had discussed her valid concerns regarding the inconspicuous placement of notations regarding prior taxes owed on the annual property tax bills; he added the matter had subsequently been resolved and a plan put in place to more prominently display any prior taxes owed on future tax bills.

Supervisor Monroe apprised the Park Operations & Management Committee had met on July 29th, and discussed the continued delays with the Festival Space construction. He reported that liquidated damages of \$1,500 per day were being assessed for every day the Festival Space went unused. He stated since the July 29th meeting, the contractor had completed the soil testing and placement of the turf had commenced. He advised the sentiment was since there was an in-ground sprinkler system in place, the turf would ready for use before the upcoming events scheduled during the month of September. Mr. Monroe stated upon the request of Robert Blais, Mayor for the Village of Lake George, the Committee had approved proposed Resolution No. 411 of 2014, *Introducing Proposed Local Law No. 4 of 2014 Amending and Superceding Local Law No. 7 of 2012 and Authorizing Public Hearing Thereon*, which would align the County fees associated with parking at the West Brook Parking Lot with those set by the Local Law adopted by the Village of Lake George.

Michael Swan, County Treasurer, mentioned that following the Last Chance meeting on August 11th, almost \$200,000 in back taxes had been collected by his Office.

With regards to the APLGRB (*Adirondack Park Local Government Review Board*), Supervisor Monroe advised that Congressional Candidate, Elise Stefanik, had attended their July 30th meeting and Congressional Candidate, Aaron Wolfe, would be attending their meeting in September. He stated a few items of significance had occurred since the July 18th Board meeting, the first of which was the Third Department of the New York Supreme Court's Appellate Division had dismissed the lawsuit against the Adirondack Park Agency (APA) over its preliminary approvals of the proposed resort project, located south of the Village of Tupper Lake, which dismissal included some fairly harsh language. He opined that apparently this had not discouraged the plaintiffs from other cases because less than two weeks later they filed a lawsuit challenging the Constitutional Amendment approved by all voters last fall in NYS (*New York State*) authorizing NYCO Minerals, Inc. to perform exploratory drilling on State Forest Preserve Land.

Another item the APLGRB was working on, Supervisor Monroe apprised, concerned the State support for incentives relating to wood pellet/chip heating. He pointed out other northeastern States, such as Maine, New Hampshire, Vermont and Massachusetts, all offered incentive programs and if NY was supportive of offering the incentives it would encourage growth within the industry and permit heating revenues to be raised at a local level. He said the cost associated with this type of heating was about 45% less than fuel oil heating expenses. He noted significant meetings between Governor Cuomo and NYSERDA (*New York State Energy Research and Development Authority*) had taken place, leading NYSERDA to create a program entitled "Renewable Heat New York" that provided an incentive for exchanging a wood stove for a high efficiency wood pellet stove, as well as a 20% rebate for both large and small commercial operations to switch to wood pellet or wood chip boilers. He stated in response to comments that the program would not work for steam systems because they required thermal storage, the Governor's Office had decided to dispatch a consultant to review a steam system that morning.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY, AUGUST 15, 2014

The last item he would like to report on, Mr. Monroe stated, referred to the APA's approval of two permits for expansion of the NYCO Minerals, Inc. facility in the Town of Lewis. He said he supported the expansion because NYCO Minerals, Inc. currently employed about 160 individuals and the expansion would create additional jobs with annual salaries of about \$60,000 each.

Supervisor Girard reported they were proceeding with the RFP (*Request for Proposal*) regarding solar power for Cornell Cooperative Extension. He said the goal was to have a contractor on board and the installation completed prior to this winter. He pointed out the annual Cornell Cooperative Extension fundraiser/golf tournament was taking place on August 23rd. He pointed out this fundraiser had been introduced to offset funding reductions resulting from County Budget cuts a few years ago and each year it seemed to become larger and more successful. He commended the organization for its contributions to the region.

In reference to the County Facilities Committee, Supervisor Girard stated their regularly scheduled meeting had been held on July 29th, with an additional meeting on August 14th, to discuss court space needs. He said Mr. Dusek would provide more details regarding the plan to obtain additional court space later in the meeting. He apprised at the August 14th meeting the Committee approved proposed Resolution No. 419 of 2014, *Waiving the Rules of the Board and Establishing Capital Project No. H350.9550 280 Court Space Expansion; Authorizing Transfer of Funds and Amending Warren County Budget for 2014*. He explained the Capital Project was established in an amount not to exceed \$80,000, of which \$22,000 would be utilized for the Phase 1 work under a contract with CPL (*Clark Patterson Lee*) to perform a needs assessment. He said representatives from CPL would be attending the next Committee meeting to address the questions that had arisen regarding what services they would be providing under the proposed Phase 2 work, at a cost of \$58,000, which related to plans for the construction of new court space. Mr. Girard stated other options had been brought up with regards to possibly renting existing space and those possibilities would be researched, as well. He noted that adequate space had to be made available for the new Family Court judge and staff by January of 2016, which would likely require a temporary structure and such. He stated they felt as long as everyone was on board with the plan, they could attend to the space needs in stages, the first of which dealt with constructing a new facility for Family Court to accommodate both the existing staff and the new judge and staff to be added in January of 2016. He advised the second stage consisted of reorganizing the space remaining after the Family Court vacated the facility to accommodate both the County Court and the Supreme Court. He stated the County/Family/Supreme Court Judges were agreeable to this plan, as were the individuals charged with overseeing the project from the District Court in Albany and in New York City.

Mr. Girard advised the suggestion of a staged progression had been presented to CPL to determine whether this would be advantageous for them to move forward in a timely manner to construct a new building and they had indicated it would. He said he was aware some supervisors still had many questions about the Court space issue and they would certainly try to address all of them; he added that as Chairman of the County Facilities Committee and having been involved with the court space needs discussions for many years, his opinion was that it would be more economically beneficial to place the judge in a new structure in 2016, rather than trying to use other existing venues that might not suffice. Finally, Mr. Girard apprised the County Facilities Committee had approved the holding of a public hearing regarding the environmental assessment of off-airport obstruction removal and miscellaneous improvements, which would be held on September 10, 2014 at 6:30 p.m. at the Queensbury Activity Center, and they had also received an update on the status of a jet fuel tank and an ongoing FAA grant process.

Mr. McDevitt pointed out proposed Resolution No. 391, *Awarding Bid and Authorizing Agreement with*

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014

People: Projects to Empower and Organize the Psychiatrically Labeled, Inc. to Operate Peer-Delivered Recovery Services for Residents of Warren and Washington Counties (WC 010-14), noting that the contract it approved was 100% State funded and would provide services in an effort to reduce the number of emergency room admissions in the community for psychiatric issues.

Mr. Taylor advised the Economic Growth & Development Committee had met on July 23rd, approving proposed Resolution No. 380, *Authorizing Renewal Agreement with Fountains Spatial, Inc. to Provide GIS Services to Warren County*. He continued that during the July 23rd Support Services Committee meeting, proposed Resolution Nos. 409, *Authorizing the Addition of a Logon Message to all County Computers Advising of its Proper Usage and Privacy Expectations*, 410, *Amending the Warren County Computer Usage Policy*, and 416, *Accepting Proposal and Executing Agreement with Mullen Bros., Inc. for Moving of Ballot Marking Devices for the Warren County Board of Elections (BOE 08-14) for the 2014 Primary and General Elections*, had been approved. With respect to the August 6th Personnel Committee meeting, Mr. Taylor advised proposed Resolution Nos. 404-408 and 414 were approved, all of which were included in the resolution packet; he proceeded to outline each briefly.

Regarding the August 8th meeting of the Occupancy Tax Coordination Committee, Mr. Kenny apprised Mr. Swan had reported an increase of 2.23% in occupancy tax collections as compared to the prior year. He continued that Sheriff York addressed the Committee regarding police protection for the upcoming Adirondack Nationals Car Show, leading the Committee to subsequently vote in favor of providing \$3,000 from the occupancy tax reserve to help defray overtime costs incurred by the Sheriff's Office during this event. And finally, Mr. Kenny reported that privilege of the floor had been extended to John Salvador, Town of Queensbury Resident, who expressed his opinion that when the County had rescinded a resolution to establish a Convention and Sports Authority in 2006, they had also rescinded provisions allowing continued collections of occupancy tax. Mr. Kenny said he had responded to Mr. Salvador's comments that he did not believe this was correct.

Mrs. Frasier stated that the Human Services Committee had met briefly on July 28th, at which time the Committee had entertained a request for a budget amendment for the Employment & Training Administration, as well as a request for Denise DiResta, Director of Veterans' Services, to attend an upcoming conference; she noted that both of the requests were approved. Mrs. Frasier apprised the Summer Youth Picnic had been held on the prior day, which she said was a very nice event aimed at providing recognition to the young people who participated in the Summer Youth Program. Concluding her report, Mrs. Frasier commented that the County's staff might appreciate an employee picnic and she questioned whether the possibility of holding such an event had ever been considered; Mr. Dusek responded this was certainly something that could be looked into.

Mr. Dickinson advised the Invasive Species Sub-Committee had not met since the last Board Meeting, but noted they were in the midst of the mandatory boat inspection program; he added that although final numbers were not yet available, preliminary figures reflected an amazing number of boats being inspected and washed, while the number of boats entering or leaving Lake George during the night were minimal. He advised he planned to provide a full update on the program at the next Board Meeting. With regards to the July 31st meeting of the Criminal Justice Committee, Mr. Dickinson reported the Committee had approved a request to authorize Probation Assistant Samantha Mason to enroll in a job-related course; he added this request was passed on to the Personnel Committee who provided their authorization for proposed Resolution No. 407, *Authorizing Probation Assistant Samantha Mason to Enroll in a Job-Related Course*. Mr. Dickinson apprised Ms. Mason was a graduate of a four-year criminal justice program and was extending her education with the intent to retain her current employment, making this a good investment for Warren County. He then pointed out proposed Resolution No. 415, *Authorizing Commencement of Small Claims Action in Glens Falls City Court Against*

Certain Individuals for Unpaid DWI Supervision Fees Pursuant to Local Law No. 3 of 2003.

Chairman Geraghty questioned the status of the “S.A.V.E. (*Stop Aquatic inVasives from Entering*) Our Lake” program for Lake George and Mr. Conover reported that it was doing very well. Mr. Conover noted that on Saturday, August 16th, the Fund for Lake George would award their prestigious James D. Corbett Award to the founding S.A.V.E. members for their outstanding leadership in pursuing sustained protection of Lake George; he noted that Supervisors Monroe and Dickinson and Village of Lake George Mayor Robert Blais were included in the founding membership group to be honored. Mr. Conover commented that none of this work would have been possible without the strong, unanimous and continued support of the Warren County Board of Supervisors which was now benefitting waters in the Towns of Chester and Horicon. He continued that actions taken by the Warren County Board of Supervisors had served as the impetus for the State’s recent initiatives with regards to invasive species eradication and education. Mr. Monroe agreed that the efforts made by both Warren County and other groups had been instrumental in developing State policies and funding for the mandatory inspection and decontamination program, as well as in establishing the State’s recently approved Transport Law and the creation of the Adirondack Lakes Association. He noted a meeting had been held last month in the Town of Horicon which was attended by lake associations from all over the Adirondacks to try and organize themselves and take a leadership role in preventing the spread of invasives throughout the region. Mr. Monroe advised preliminary reports indicated that a very large number of boats had been inspected through the current boat washing program, about 10% of which had required some sort of decontamination. He pointed out that Lake George currently had five invasive species, while many other waterbodies in Warren County had less, and it was as important to prevent the spread of the five invasive species in Lake George to other waterbodies as it was to stop the introduction of additional species into Lake George; he added that for this reason, he believed that at some point they would need to consider a program that would inspect and wash boats leaving Lake George and he said he believed the Lake George Park Commission had come to the same conclusion. Mr. Conover pointed out that a lot of the credit for the success of the program could be traced back to the first boat washing station purchased jointly by the Towns of Queensbury, Lake George, Bolton and Hague as it had taught them a lot about the program and he noted that at a critical juncture, the Warren County Board of Supervisors had added their support both fundamentally and financially. Chairman Geraghty agreed this was a very important program and he thanked all members of the Board of Supervisors for their continued support.

Mr. Merlino advised the Tourism Committee had met on July 31st, approving proposed Resolution Nos. 395-398 which provided authorization for various brochure printing contracts, as well as authorization to submit an application to Empire State Development for a matching funds grant. He said the Tourism Department was in full swing now, responding to thousands of information requests. Mr. Merlino apprised through the month of July almost 4,000 people had visited the satellite Tourism location in the Adirondack Outlet Mall which was a significant amount of traffic considering this location was only manned on a part-time basis. He advised the summer television campaign was wrapping up and the winter advertisement campaign would begin on Monday August 18th. With regards to the July 23rd Public Works Committee meeting, Mr. Merlino noted proposed Resolution Nos. 400-403 had been approved, all of which were included in the resolution packet; additionally, he pointed out proposed Resolution No. 417, *Awarding Bid and Authorizing Agreement with Northeast Petroleum Technologies, Inc. for Improvements to the Lake Luzerne, NY Fueling Site (WC 047-14)*, which was sponsored by the Public Works Committee through an out-of-Committee request process. Finally, Mr. Merlino thanked Chairman Geraghty for establishing the Sub-Committee to discuss the distribution of sales tax revenues. He noted that although his past presentations on suggestions for revision of the distribution process had been called stupid, ridiculous and absurd, it had not dissuaded him from working to find a solution to this problem as he stood firm in his belief that a change in procedure was necessary. Mr.

*WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014*

Merlino advised he had received inquiries from individuals in other towns, and from Saratoga County officials, which indicated there was interest in this issue. He concluded that this was not likely to be an easy process, but said he was confident they would find a way to work this out.

In relation to the runway extension project for the Warren County Airport, Mr. Strough advised he had done a simple Google search on the internet seeking the advantages of a 6,000 ft. runway and on just the first page of results had found a listing of many other areas considering or embarking upon similar extensions for a plethora of reasons which included expanded tourism, freight operations, economic benefits and increased safety. Mr. Strough then proceeded to read aloud a number of the examples he had found in his search.

Ms. Seeber stated that the past month had been one of the most exciting for her so far because she had the opportunity to work with the County Treasurer, the County Attorney and the Real Property Tax Services Director to effectuate change as a result of calls she had received from elderly residents who had overlooked a notation on their tax bill advising of unpaid property taxes. She said that at the last Real Property Tax Services Committee meeting she had advised of this issue and within the following week a change in procedure was made to more clearly indicate outstanding delinquent taxes for all County residents on their tax bills. Ms. Seeber stated that she appreciated all of the assistance that had been provided in this matter and said she was especially impressed by the speed with which this matter was addressed. Additionally, Ms. Seeber commented that a picnic for County staff, as suggested by Mrs. Frasier, was a wonderful idea.

Continuing the Agenda review, Chairman Geraghty called for the report by the County Administrator. Mr. Dusek advised the search for a new Commissioner of the Department of Social Services was well underway and he noted that in the meantime, Maureen Schmidt, Deputy Commissioner of the Department of Social Services, was doing an excellent job of running the Department. Mr. Dusek stated that he wanted to publicly thank her for her efforts and note that the limited contact he had received indicated operations were under control.

With regard to the court space matter, Mr. Dusek advised this issue dated back many years, particularly as it related to the needs of the Family Court. He recalled that the space needs issue was reviewed in 2008-2009 during which time the space needs were substantiated; however, he stated, any movement to rectify the situation was ceased during the economic downturn because the funding capacity to address the court space needs was not present. Mr. Dusek noted that since the 2008-2009 study, Warren County had welcomed a new Supreme Court judge, Judge Muller, who they had narrowly found space to house in the already overcrowded court area. He advised that in addition to the current space needs, there were also problems that needed to be addressed with regards to access to Court Rooms, some of which had steps causing a problem for handicapped access. Mr. Dusek stated that these existing court space issues were exacerbated by the fact that Warren County would receive a new Family Court judge in January of 2016, and could possibly receive another Supreme Court judge, as well. He advised that as soon as the reports of the new Family Court judge were confirmed, they had agreed that discussions on the court space issue needed to resume in an attempt to rectify the problem before January of 2016.

Mr. Dusek apprised that the County Facilities Committee had approved the commencement of a needs study to determine the amount of court space necessary to address current space needs, as well as those of the new Family Court judge and staff in accordance with State regulations pertaining to room size. He added that part of this study would also consider the options available for meeting the court space needs, i.e. renting existing space versus building new; he added that although this process would be moved along as quickly as possible, all of the options would be considered before any decisions were

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014

made. Mr. Dusek reported that he had discussed court space issues with the Office of Court Administration who agreed a space needs study was required. He said he had also learned that any subsequent development as a result of the study, either onsite or offsite, needed to be coordinated with the Office of Court Administration located in New York City; Judge Caruso, Administrative Judge for the Fourth Judicial District; and the local judges to be sure the plans were in accordance with their needs. Mr. Dusek stated that his past experience in working with court staff had been very positive and he noted that when Judge Muller came to Warren County the Office of Court Administration recognized that there were space concerns but also acknowledged that Warren County was not financially able to fund rental space and had worked with the County to make housing Judge Muller in the current space possible. He added that the cooperation from the court system, and from the local judges, had been fantastic so far and in the vein of understanding limited financing issues and a willingness to work together to reach a solution.

Mr. Dusek indicated another point mentioned to him during discussions with the Office of Court Administration was that obtaining the prior approval of the Court Facilities Capital Review Board before commencing any new project was important because it would provide for State-aid in bonding costs incurred if the decision to undertake a new construction project was made. He said the aid had been estimated at 22%-33% of the bonding interest costs and although this was not a lot of money, he was sure the Budget Officer would agree that any funding assistance would be helpful. Mr. Dusek said he had learned the Office of Court Administration would use the space study to determine how much square footage would be required for the judge's use and preferred that their own counsel and architect be involved in the planning process; Mr. Dusek confirmed that this involvement of State officials was occurring via telephone conversations. He advised that any capital plan selected would require a narrative to be developed and presented to the court system for review and approval.

Finally, Mr. Dusek advised, the Office of Court Administration had stated to him their opinion that the County was on the right track with their plan of taking action to authorize funds and begin some of the up front work in terms of the needs study; he added that they said they foresaw no problems with this process so long as the County continued to coordinate and work with the court system. Mr. Dusek stated that so far, the process had been going very well and he was optimistic they would reach an appropriate solution. He commented that throughout this process, they would keep the County Facilities Committee, and the Board of Supervisors, updated on the plan and provide ample opportunity to review and consider options before making decisions on how to proceed; he added that this same review process would be undertaken with court system representatives, as well. Mr. Dusek stated that they faced quite a task in addressing this matter prior to the arrival of the new Family Court judge in January of 2016. He said they did not want to rush to a resolve without proper analysis or study, and although they might have to hold a number of special meetings, they would make sure everyone was kept informed throughout the process.

Chairman Geraghty called for the report by the County Attorney. Mr. Auffredou commented on proposed Resolution Nos. 412 and 413 (*pertaining to Airport land leases with Schermerhorn Aviation, LLC for a stand alone restaurant and a stand alone office building*), advising that, if adopted, these resolutions would address the approval of the land leases and authorize the Chairman of the Board to execute the leases, and would also address SEQRA (*State Environmental Quality Review Act*) regulations. He explained that these were unlisted SEQRA actions and he noted that in consultation with Mr. Dubarry and Mr. Tennyson he had prepared SEQRA Environmental Assessment Forms with determinations of non-significance. Mr. Auffredou advised that copies of these SEQRA documents had been forwarded to each member of the Board of Supervisors prior to the Board Meeting for their review. He continued that if proposed Resolution Nos. 412 and 413 were adopted, the leases would be in a form ready to be signed, and although they were still awaiting some approvals from the FAA (*Federal*

Aviation Administration), all of the necessary paperwork had been submitted and approvals were expected in the near future. With respect to the land lease for the stand alone restaurant, Mr. Auffredou stated he was aware Schermerhorn Aviation, LLC may be contemplating a modification to the floor layout of the restaurant within the 3,600 sq. ft. footprint; he added that he was not surprised by this and did not foresee any reason to avoid approving the proposed resolution. Mr. Auffredou advised that any subsequent changes to the floor plan would be presented to the County Facilities Committee for informational purposes.

With regards to the legality of altering the sales tax distribution formula, Mr. Auffredou apprised he had prepared a written opinion following a considerable amount of research which had included consultation with Attorney Bruce Castor of the New York State Department of Taxation and Finance, who he considered to be a true expert in State tax law and he said he hoped the Board would find this opinion useful. He commented that in his view, the proposal presented by Supervisor Merlino was not impermissible, but would require special legislation at the State level and he noted that Attorney Castor concurred with this opinion. Mr. Auffredou apprised many different sales tax distribution scenarios were used by other counties across New York State and he pointed out that since about 1971 Warren County had based its sales tax distributions upon the Tax Law 1262D provision which was based on assessed valuation ratios. He stated that the Tax Law offered other provisions for sales tax distributions; however, he said, his memo did not address these opportunities and he felt this should be the subject of a second memo, if desired. Mr. Auffredou advised that other distribution procedures not listed in the Tax Law would require careful consultation and cooperation from the City of Glens Falls. He stated that his review and been very thorough and he looked forward to providing advisement as this process continued.

Finally, Mr. Auffredou spoke about the Real Property Tax Services Last Chance meeting, acknowledging that because of the subject matter this was a very difficult meeting that no one enjoyed attending. He said he wanted to express his appreciation to the staff of both the Treasurer's Office and the Real Property Tax Services Department for their assistance, as well as to his own staff member Shelly VanNostrand, Legal Assistant, as this meeting required an enormous amount of preparation and cooperation between the three offices who did the majority of the work required throughout the foreclosure process. Mr. Auffredou stated that the 2014 meeting reflected a considerable improvement in procedure as compared to prior years and he credited this achievement to the aforementioned staff members. He commented that although this was a difficult meeting, it was important to recognize its intent was to reach fair and equitable arrangements aimed at helping people who were having trouble paying their taxes to keep their property.

Mr. Westcott noted that an update on the potential sale of Westmount Nursing Home had not been provided in some time, nor on the Siemens Annual reports, and he asked when such updates would be provided. Mr. Auffredou advised the County had hired special counsel to address both matters and he expected updates to be provided within the next month or so.

Mr. Conover requested a brief update on the status of possible revisions to the snow and ice contracts for maintenance of County roads. Mr. Dusek advised his Office had undertaken a study to review current reimbursement rates and determine whether a change needed to be made. He thanked Mrs. Frasier for providing the information he had requested regarding the State's contract rates which would be used for comparison. Mr. Dusek said he had spoken with Mr. Tennyson about this matter and so far, they were unable to determine what formula was used to determine the current rate being paid. He noted that at one point, during the economic downturn, the contract rates had been reduced and although that funding had been restored, it did not answer the question of what the true rate repaid to the towns should be. Mr. Dusek advised the study had taken longer than he would have liked it to

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014

because a number of other issues demanding his attention had arisen, but said he would complete the study and provide his final analysis during the course of the budget season.

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

Minutes from:

1. Warren/Washington Counties Industrial Development Agency and Executive/Park Committees

Monthly Report from:

1. Probation

Annual Report from:

1. Warren County Health Services

Capital District Regional Off-Track Betting Corp., June 2014 Surcharge in the amount of \$6,990; 2nd Quarter Benefit Distribution in the amount of \$1,355;

Dennis Murphy, correspondence regarding sales tax and occupancy tax in Warren County, a copy of which was provided to all Supervisors;

Next, Chairman Geraghty called for the reading of resolutions. Mrs. Sady announced proposed Resolution Nos. 377-415 were mailed; she advised a motion was necessary to bring proposed Resolution Nos. 375, 376 and 416-419 to the floor.

Motion was made by Mr. Conover, seconded by Mr. Vanselow and carried unanimously to bring proposed Resolution Nos. 375, 376 and 416-419 to the floor.

Chairman Geraghty called for discussion on resolutions and requests for roll call votes.

Ms. Seeber requested a roll call vote for proposed Resolution No. 406, *Extending the Period of Employment for the Temporary Full Time HR/Civil Service Assistant*.

With regards to proposed Resolution No. 418, *Waiving the Rules of the Board and Authorizing the Appropriation of Funds from the General Fund Unappropriated Surplus to Transfers - Capital Projects; Amending 2014 Warren County Budget*, Mr. Dusek advised that although the resolution would authorize a transfer of \$80,000 to the Capital Project, only \$22,000 would be expended for the Phase 1 work which included the court space needs study, with any additional expenditures to be monitored and approved by the County Facilities Committee. He noted that they had requested the full amount be transferred to the Capital Project so that sufficient funding would be available to continue work when the study was completed, if the County Facilities Committee was in favor of proceeding.

There being no further discussion, Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 375-419 were adopted, as presented. A Proclamation naming Warren County as a Purple Heart County was submitted.

Moving on to announcements, Chairman Geraghty advised that on August 30th and 31st Adirondack

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014

Race Management's Lake George Triathlon would be held. He said this was a large bike race which would pass through many Warren County communities.

Mr. Conover recalled the roundtable discussions held earlier in the year regarding training for rescue squads, during which the point was made that members had to travel considerable distances to obtain training and the request was made to try and establish a program in connection with SUNY Adirondack. He noted the presentation at the beginning of the Board Meeting indicated that such training had been established for the upcoming fall season and he extended his appreciation to SUNY Adirondack for their efforts. Mr. McDevitt commented this was another example of a way in which SUNY Adirondack was stepping up to the responsibility of helping the County and its residents.

Concluding the Agenda review, Chairman extended privilege of the floor to any members of the public wishing to address the Board.

John Salvador, Town of Queensbury Resident, made the following statement:

"Regardless of the outcome of the City's proposed auction sale of the Glens Falls Civic Center on Monday morning next week, Warren County, and particularly this Board of Supervisors has a responsibility to undertake a review of its legislative activities which brought forth the County's occupancy tax program, first in 2003 and then in 2006 to extend the occupancy tax indefinitely. Repeating, to some extent, my comments delivered during this Board's Occupancy Tax Coordination Committee meeting held on August 8th last, some of you present on the 8th will recall, and the others of this Board please take note, that in the year 2003 the Warren County Board of Supervisors, at a special meeting called on May 7th, adopted Resolution No. 263 (*of 2003*) in the form of a Municipal Home Rule Request petitioning the State Legislature to amend the State Tax Law, specifically Section 1202-U in relation to authorizing the County of Warren to impose hotel and motel taxes.

"The second "Whereas" clause of the County Resolution No. 263 of 2003 in referring to both Senate Bill No. 3365 and Assembly Bill No. 7249, would allow the County to enact a local law for the purpose of "*imposing an occupancy tax of up to 4% on overnight lodging facilities defined as hotel, motel, bed and breakfast, inn, housekeeping cottages with more than four units and tourist facilities*". If I could digress a minute, tourist facilities are very easy to define, there is an inventory prepared every year in this County brochure (*referring to the annual Lake George Area Travel Guide printed by the Warren County Tourism Department*). The first "Resolved" clause of Resolution No. 263 of 2003, requesting the Legislature to enact the Senate and Assembly bills referred to earlier, is stated in the County records to be pursuant to Article 11 of the New York State Constitution. Article 11 of the New York State Constitution deals with State Education Law, it is Article 9 of the New York State Constitution which deals with the Home Rule procedures. Even so, the Legislative bills were not before the individual members of the Board of Supervisors, rather they were said to be "*on file with the Board of Supervisors*", a most unusual procedure.

"After the Legislature's approval of the Resolution No. 263, and the publication of the Legislative Sessions Laws, Chapter 422 of the Laws of 2003, we find that a Section 10 incorporated a proviso that the hotel/motel tax was imposed for a period not to exceed three years. It is yet to be determined from whence this sunset clause had its origin. There are four errors in this Warren County Resolution: (1) It wasn't Section 11, it was Section 9 (*of the New York State Constitution that pertained to Home Rule procedures*); (2) the Assembly and Senate Bills were not before the Supervisors; (3) the three year sunset clause was not in part of the Supervisors' resolution; (4) referred to in the Resolution is Senate Bill 3365, whereas the Sessions Law refers Senate Bill 3365A; there must have been a revision at some point. I emphasize there is no mention in that

resolution of amending the Public Authorities Law, only the State Tax Law Section 1202-U.

“Accordingly, three years later, in 2006, the Board of Supervisors adopted Resolution No. 359 which was a Home Rule request for the enactment of *“an act to amend the Public Authorities Law in relation to establishing the Warren County Convention and Sports Authority”*. Prior to the vote, a discussion ensued in favor of the adoption of Resolution No. 359, meant to establish the aforementioned Convention and Sports Authority. Appearing before the Board of Supervisors on May the 12th, 2006, was the former Mayor of the City of Glens Falls, Mr. Roy Akins, regarding the proposed Home Rule request to amend the Public Authorities Law to allow for the operation of the Warren County Convention and Sports Authority. After the roll call vote approving Resolution No. 359, the Legislature enacted Chapter 520 of the 2006 Sessions Laws. First, in order to deal with the three year sunset proviso, Chapter 520 *“repealed the three year sunset period for local enactment of the occupancy tax in Warren County so as to provide a dedicated funding stream for the Warren County Convention and Sports Authority”*. Chapter 520 of the 2006 Sessions Laws contains a paragraph titled *“Justification - This legislation has been introduced at the request of the Warren County Board of Supervisors. The Board would like the local law authorizing the occupancy tax to remain in effect indefinitely. This would provide the County with more flexibility as it provides new expenditures for tourism and convention development, more specifically, the proposed Warren County Convention and Sports Authority.”* The sole reason for the Legislature to have approved the indefinite extension of the occupancy tax in May of 2006, was to provide the new expenditures for tourism and convention development, more specifically, the proposed Warren County Convention and Sports Authority.

“Shortly thereafter, the plans for citing a Convention Center at the former Gaslight Village property must have fallen apart because in October of the same year, a mere six months after the extension of the occupancy tax, the Warren County Board of Supervisors adopted Resolution No. 663 entitled *“Rescinding Resolution No. 359 of 2006...”*, Resolution No. 359 was the resolution extending the occupancy tax on the premise of creating the Sports Authority. *(Reading from the body of Resolution No. 663 of 2006) “Resolved, that Resolution No. 359 of 2006 relating to a Home Rule Request for the enactment of Senate Bill No. 7748 and Assembly Bill No. 10904 entitled “An Act to amend the Public Authorities Law, in relation to establishing the Warren County Convention and Sports Authority, and providing for its powers and duties” be, and hereby is, rescinded”*. So, the only reason we extended the occupancy tax was to finance a Convention and Sports Authority and a mere six months later the Board rescinds that resolution, and I believe in the process rescinded as well the occupancy tax because the resolution does not say “in part”, it says rescinding Resolution No. 359 of 2006, which resolution in part extended the occupancy tax from 2003 to 2006 predicated on forming a Convention and Sports Authority. And seeing as how the Public Authorities Law was amended in relation to establishing the Warren County Convention and Sports Authority and said Authority has not been established and no evidence in Resolution No. 663 that it was ever sent to the Legislature, it was Home Rule message, one wonders if after the enactment of Resolution No. 663 of 2006, rescinding the extension of the occupancy tax, there remains any authority for the Warren County Treasurer to collect and distribute occupancy tax revenues after October 2006.

“I am still awaiting FOIL answers with respect to all of the Senate and Assembly Bills referred to in these resolutions.

“With the exception of Resolution No. 663 of 2006, repealing Resolution No. 359 of 2006, there would have been no prohibition on moving forward with the establishment of the Warren County Convention and Sports Authority, which, as Mr. Dusek explained in 2006, could be contractually

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY, AUGUST 15, 2014

funded with up to 75% of the revenue collected as County occupancy tax. Remember, there was no justification to extend the occupancy tax beyond three years other than to provide new expenditures for specifically the proposed Warren County Convention and Sports Authority. Also, there is no prohibition on imposing occupancy tax on so called tourist facilities. The way this Legislation is written this County could define tourist facilities and levy a 4% tax on them; you don't need any Legislative approval. With a Warren County Convention and Sports Authority in place and its revenue stream defined, the Authority could issue \$1.5 million in bonds and purchase the Civic Center on a pre-auction sale basis. By the way, I have learned that the Saratoga City Center is operated by an Authority. Thank you."

George Winters, Town of Queensbury, mentioned that in the past he had made a request that the "privilege of the floor" section be moved to the top of the agenda to allow members of the public to speak at the beginning of the meeting, rather than having to sit through a lengthy meeting to make brief comments. He said he would appreciate it if the Board would consider this request. With regards to the Glens Falls Civic Center, Mr. Winters indicated that if he visited the Civic Center he paid for a ticket while the businesses surrounding the venue benefitted from events held there. He stated that as a resident, he was not in favor of the County spending any more money on the Civic Center and he did not feel that other taxpayers did either. With regards to ongoing Airport issues, Mr. Winters said he had attended several meetings and heard Supervisor Strough ask if the public wanted to hear both sides of the argument; Mr. Winters said his response would be that was why he attended those meetings. He advised there were three supervisors from the Town of Queensbury who attended every one of these meetings, and he appreciated this attendance, but questioned why the remaining supervisors were not present to express their opinions in support of the runway extension. Mr. Winters apprised that at all the meetings he had attended, the overwhelming majority were not in favor of the runway extension and he noted that the areas where tree cutting had taken place surrounding the runway was not very attractive. In closing, Mr. Winters thanked the Board for allowing him the opportunity to speak.

Chairman Geraghty noted the need for an executive session and Mr. Auffredou clarified it would be for the purposes of discussing the employment history of a particular unnamed employee.

Motion was made by Mrs. Frasier, seconded by Mr. Dickinson and carried unanimously to enter into an executive session pursuant to Section 105(f) of the Public Officer's Law.

An executive session was held from 12:17 p.m. until 12:53 p.m.

Upon reconvening, Chairman Geraghty advised that no action had been taken during the executive session.

Motion was made by Mr. Monroe, seconded by Mr. Girard and carried unanimously to bring tabled Resolution No. 334 of 2014, *Appointing Superintendent of Public Works*, back to the floor (*Resolution No. 334 of 2014 was tabled at the July 18th Board Meeting*).

Motion was made by Mr. Merlino, seconded by Ms. Wood and carried unanimously to adopt Resolution No. 334 of 2014, appointing Jeffery Tennyson as Superintendent of Public Works for an amended term commencing August 15, 2014 and terminating August 14, 2018.

There being no further business to come before the Board of Supervisors, on motion made by Mr. Dickinson and seconded by Mr. Vanselow, Chairman Geraghty adjourned the meeting at 12:54 p.m.