

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, APRIL 17, 2015**



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 McDevitt.

Roll called, the following members present:

Supervisors Conover, McDevitt, Taylor, Brock, Kenny, Frasier, Simpson, Vanselow, Dickinson, Merlino, Strough, Seeber, Sokol, Beaty, Westcott, Thomas, Wood and Geraghty - 18; Supervisors Monroe and Girard, Absent -2.

Motion was made by Supervisor Sokol, seconded by Supervisor Strough and carried unanimously to approve the minutes of the March 20, 2015 Board Meeting, subject to correction by the Clerk of the Board.

Commencing the Agenda review, Chairman Geraghty declared the Public Hearing open on proposed Local Law No. 3 of 2015 entitled "*A Local Law Allowing for Common, Safe Items to be Excluded from the Dangerous Fireworks Definition as Permitted by New York State Penal Law Section 405.00 (5)(b)*" 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.

Chairman Geraghty offered privilege of the floor to anyone wishing to speak on proposed Local Law No. 3 of 2015.

Melissa Goduti, *Regional Director of TNT Fireworks*, was the first to address the Board, reading aloud from a prepared document entitled "New York State's Responsible Sparkler Legislation" which provided certain statistical information relative to legal sparkling devices; *a copy of this document can be found on file with the items distributed at the Board Meeting*. During her statement, Ms. Goduti indicated her firm would willingly lend their services for training of fire department staff and volunteers.

Supervisor Seeber questioned whether the training provided to fire department staff and volunteers was offered free of charge and Ms. Goduti replied affirmatively. Ms. Goduti indicated that when the sale of fireworks had been authorized in the State of Rhode Island, she had worked with the Office of the Rhode Island State Fire Marshal and she apprised that in this case she would be working similarly with the New York State Fire Marshal because her company had to obtain certain permits to distribute and retail fireworks products. Ms. Goduti expounded that they worked with Walmart, Target, BJ's, and Sam's Club to retail the fireworks, providing proper training with regard to the care for these items during the sale period and implementing an incentive program for unsold items to be returned to TNT Fireworks. She advised that TNT Fireworks had a Director of Compliance on staff who could also provide training and instruction for proper safe use of these items.

Supervisor Seeber questioned whether any training or informational sessions were offered to the public and Ms. Goduti replied that in certain states they had produced handouts pertaining to which units

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were legal, and which were not, as well as providing instruction for proper use of legal items, which were kept near the display of items for sale. She added that the labeling for all of their products included safety information, as well as warnings for what the product would do, such as emitting a shower of sparks, etc. Supervisor Seeber asked if handouts could be provided for fireworks sales in Warren County and Ms. Goduti replied that they could, she also noted that although her company had produced these handouts in the past, this was not part of TNT Fireworks' typical operations. Supervisor Seeber stated any opportunity to help educate the public with regard to safe use of these sparking devices would be beneficial, particularly to those with families residing in the household. Supervisor Seeber questioned whether these handouts would be produced at no cost to Warren County and Ms. Goduti replied affirmatively.

Ms. Goduti advised that the sparklers legalized for New York were dipped wood sticks, not metal, so there would not be cases of a child stepping on a hot metal stick. Additionally, she noted that the legalized sparklers could not be any longer than 10". Ms. Goduti commented that a very minimal amount of fireworks had been listed for legalization in the State of New York.

In response to a question posed by Chairman Geraghty relating to how any unsold inventory would be addressed, Ms. Goduti explained that immediately following the close of the legalized selling periods her company would pick up any unused product so that by no later than July 8th, all of these products would be removed from the stores. Chairman Geraghty asked if the same practice was used by all fireworks companies and Ms. Goduti replied there were really only two major fireworks suppliers and a representative from the second company was present and could speak to this issue as she was unsure what their standards were.

Vincent Szabo, *of Phantom Fireworks*, stated that Phantom Fireworks continued to support the common sense laws adopted in New York State. He confirmed that any unsold fireworks would be picked up by Phantom Fireworks within two days of the conclusion of the legalized fireworks selling period. Mr. Szabo continued that Phantom Fireworks provided complete usage instructions, precautions and safety directions on the packaging for all of their products and their shopping bags in addition to the separate flyers handed out when devices were sold; he added that Phantom Fireworks also offered instructions and precautions in a video format via their website. Mr. Szabo indicated one big concern always brought up was with respect to storage of these devices from season to season. He commented that by adopting this proposed local law the County would be lessening this concern because most fireworks stored from season to season were brought into the area illegally; he advised that by allowing the open sale of sparking devices during certain periods, people would be buying the items for use during these time frames and would not be as likely to store them. Mr. Szabo explained the legalized items were safer, non-explosive and non-aerial items. He noted that the sparklers approved were of a wood-type that would burn completely to ash, with noting hot leftover, dramatically reducing the possibility of fires; Mr. Szabo indicated that these items were also water soluble which contributed to the reduction in flammability. Finally, Mr. Szabo addressed storage concerns for these items, indicating that at each location where fireworks were stored, appropriate storage containers would be during the sales period, alleviating any storage safety concerns.

Martin Auffredou, *County Attorney*, said he had been made aware of concerns presented by Brian LaFlure, *Fire Coordinator/Director of the Office of Emergency Services*, with regard to this proposed local law and the prospective legalized sale of sparking devices in Warren County. He advised Mr. LaFlure was unable to attend the meeting, but had provided a letter outlining his concerns and listing some interesting statistical information which he had asked to be read at the Board Meeting. Mr. Auffredou then proceeded to read aloud the letter from Mr. LaFlure which essentially urged the Board to refrain from enacting the proposed local law; *a copy of Mr. LaFlure's letter can be found on file with the items*

distributed at the Board Meeting.

Supervisor Dickinson stated his agreement with Mr. LaFlure's feelings on this issue and he recounted his own negative experience with a sparkler as a child. He pointed out that the Town and Village of Lake George had sanctioned fireworks displays that anyone could see once a week during the summer months, as well as during the July 4th holiday, which were performed safely over the water by professionals. Supervisor Dickinson advised that he lived near a summer resort where there were a lot of people who let off small fireworks during the July 4th holiday which were sometimes loud and disruptive; fortunately, he added, the resort owner was a friend of his who was very strict in disallowing the use of such devices at the resort and so the disruptions did not last long. Supervisor Dickinson opined that legalizing these sparkling devices would only exacerbate problems such as this; he reiterated his agreement with Mr. LaFlure's position on the matter.

Supervisor Beaty pointed out that Mr. LaFlure's letter provided statistical information which differed from that provided by Ms. Goduti and he questioned which was correct. Specifically, he noted that Ms. Goduti's handout indicated "*In 2000, Connecticut legalized the same style of sparklers and fountains that New York did. Their law is equally restrictive and bans large pyrotechnics and explosives. In the year after Connecticut legalized sparklers, the state saw a 58% decrease in fireworks related injuries compared to the previous 14 years*" and he stated he was somewhat confused by this statistic because Mr. LaFlure's letter predicted an increase in injuries. Ms. Goduti stated she respected and completely commended the work the fire staff did and that was why she worked with them; she added that the letter Mr. LaFlure had provided was based upon a standard template letter being circulated by FASNY (*Firemen's Association of the State of New York*) which could be viewed on their website. Ms. Goduti indicated she had been to every county meeting where this type of proposed local law had been considered and in each instance the local law had been approved. Referring to the packet of information she had distributed, Ms. Goduti pointed out a page of statistical information relating to injuries as reported by the NFPA (*National Fire Protection Association*), which was the same source Mr. LaFlure's letter had based injury information on. She apprised that while the data cited was coming from the same sources, and both were accurate, the information provided by Mr. LaFlure pertained to injuries occurring from all types of fireworks, rather than just those being legalized in New York State. Ms. Goduti said that the NFPA website listed the specifics relating to these fireworks injuries, such as a case where two people were removing powder from mortars while smoking cigarettes, which led to the injuries. She continued that most of these injuries were related to illegal fireworks and there was no attempt being made to legalize these units. Ms. Goduti pointed out that the injury chart included in her packet showed that of the injuries reported for the age group of 2 to 15 years during a 30-day period, more children were injured by bicycles and soccer than had been by sparkling devices. She apprised there had been more than 137 million emergency room visits in 2013, 9,600 of which were due to fireworks injuries involving devices that they were not attempting to legalize. Ms. Goduti said anyone who wanted to confirm these statistics could contact the Public Safety Office in Connecticut. She noted that this proposed local law would continue to prohibit any exploding or cannon-sounding items. Ms. Goduti acknowledged there would still be some who would travel to states where larger exploding fireworks could be purchased and transported back to the area; however, she added, those who only wanted sparklers for backyard use would be more likely to purchase them from a local retailer, rather than traveling to another state to buy them and possibly purchasing larger, illegal fireworks, while there. Ms. Goduti stated that in more than 40 years, they had not seen any issues where consumers would purchase and store mass amounts of fireworks which would cause a fire safety concern. She advised all storage containers used during the legal selling period would be marked with hazmat stickers to notify firefighters of their presence. Ms. Goduti indicated that she went to each town where fireworks would be sold to notify where they would be selling and storing fireworks prior to the legalized selling period, as well as to welcome their fire safety staff to inspect the storage and

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sale areas. She stated that they wanted to work as partners with the fire safety staff because TNT Fireworks would be a guest in these towns and they wanted to ensure a cooperative relationship conducive to the continued sales of these products. Ms. Goduti indicated that her company was regulated by the State and there were a variety of checks the State performed, similar to those for alcohol and tobacco sales. She commented that the statistical information needed to be compared appropriately, and with respect to the information provided in Mr. LaFlure's letter that sparklers burned at temperatures of 1,200 to 1,800 degrees, Ms. Goduti advised this was incorrect as the highest temperature was 1,200 degrees, which was the same as a match. She opined the key to the safe use of sparkling devices was supervision and while the County could not monitor everyone, they could try to properly educate individuals on safe practices. Ms. Goduti concluded that many who visited Warren County may simply travel to Saratoga County, where the sales were recently legalized, to purchase sparkling devices and bring them back to Warren County to use them; she added that through this local law the County had the opportunity educate and enforce at the same time.

Supervisor Conover said it was his understanding that the State had delegated authority to the counties to determine whether to allow the sale of certain sparkling devices during specified periods and that was the reason for the proposed local law. Supervisor Conover said he was interested in learning how Essex and Saratoga Counties had handled this matter and Ms. Goduti responded that both had enacted local laws legalizing the sale of sparkling devices during two specified periods each year. She apprised that of the 57 eligible counties in New York State (*exclusive of the five boroughs where this option was not offered*), 15 counties had already enacted legislation legalizing the sale of sparkling devices. Supervisor Conover said it seemed this local law did not say much about use of sparkling devices, just the sale, and Ms. Goduti advised the local law would address both facets, explaining that right now it was illegal for a person to purchase fireworks in Saratoga County and use them in Warren County.

Supervisor Vanselow indicated that he had not found Mr. LaFlure's letter to be persuasive because it included statistics which were not relative to the discussion; he added that the letter would have been more clarifying if the statistical information provided had pertained solely to the sparkling devices being considered, rather than to all fireworks, in general.

Supervisor Taylor said he could recall when sparklers were made illegal during his youth, at which time they had simply purchased road flares to use in the same manner, which was obviously much more dangerous. He stated that he respected Mr. LaFlure and his concerns, but he felt the letter referred to use of all fireworks, rather than just sparklers, which made him inclined to agree with the enactment of the proposed local law.

With respect to Supervisor Conover's prior point, Mr. Auffredou indicated that he did not view the proposed local law to be addressing use of fireworks, at all. He explained this local law would implement legislation allowing the County to further the sale of certain sparking devices during specified times of the year. Mr. Auffredou advised the reason they were considering this local law today, was due to the registration requirement for the sale of these items which included a registration process that would begin around June 1st, necessitating that the local law be adopted accordingly to ensure it was in place in time for businesses to undertake the registration process. Mr. Auffredou stated that the local law included a minor amount of language about use, but only in the way it defined those devices that were being allowed for sale, and did not offer any express instructions on use. He added that if sparkling devices were not allowed to be sold in Warren County, there may be a Penal Law provision which could be enforced to prohibit the use of sparkling devices in Warren County; however, he stated, this local law did not provide any such provisions.

Supervisor Seeber asked Bud York, *Warren County Sheriff*, to provide his opinion on this matter; Sheriff

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York said he had not really considered this issue because this was the first he had heard about it and no one else had asked his opinion. He stated that sparklers had been around forever, and if he were asked whether a sparkler was potentially more dangerous than a drunk driver, he would say absolutely not.

Supervisor Brock commented he was more concerned about legitimized use of firecrackers and those sorts of devices which could cause damage, rather than the legalized use of sparklers. He suggested that possibly they should consider delaying approval on this local law for a year in order to base their decision on facts garnered from the experience of the surrounding counties who had already approved such local laws.

There being no further discussion, Chairman Geraghty declared the Public Hearing on proposed Local Law No. 3 of 2015 closed at 10:39 a.m.

Resuming the Agenda review, Chairman Geraghty declared the Public Hearing open on proposed Local Law No. 4 of 2015, entitled "*A Local Law Amending Local Law No. 3 of 2011 - Amending SECTION 4 Eliminating the Imposition of Fees for E-911 Addressing Services Provided by the Warren County Planning Department*" at 10:40 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 offered to anyone wishing to speak on proposed Local Law No. 4 of 2015. There being no one desiring to address the Board, Chairman Geraghty declared the Public Hearing closed at 10:41 a.m.

Moving on to the report by the Chairman of the Board, Chairman Geraghty read aloud the listing of meetings he had attended since the March Board Meeting; *a copy of the Chairman's Report is on file with the items distributed at the Board Meeting.* Regarding the Citizen Preparedness Training Program he had attended on March 28th, Chairman Geraghty said that if this training was offered again, he would encourage anyone who was able to attend as it was a very valuable experience.

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

Supervisor McDevitt began his report by pointing out proposed Resolution No. 211, *Authorizing the Warren County Clerk to Fill the Vacant Position of Motor Vehicle License Registration Clerk Part Time Due to Creation*, which was approved by the Personnel Committee upon referral from the County Clerk-Motor Vehicles Committee. He also noted proposed Resolution No. 195, *Authorizing Agreement with Parsons Child & Family Center to Provide a Tri-County Mental Health Mobile Crisis Team (WC11-15) for Children and Youth for Warren, Washington and Saratoga Counties*, approved by the Health Services Committee. Supervisor McDevitt indicated this would authorize an agreement to enable a mobile crisis team for children in the area of mental health. He advised Rob York, *Director of the Office of Community Services*, had been working on this initiative for a long time and they had recently been awarded a grant for more than \$500,000 in support of the program. Supervisor McDevitt said all of the people involved with health care throughout the State were grappling with holes and gaps in trying to make this program come together in a meaningful way; he added that this specific program would provide mobile crisis team services for youth in Warren, Washington and Saratoga Counties with Mr. York serving as the lead coordinator for the program. Lastly, Supervisor McDevitt pointed out proposed Resolution No. 215, *Appointing Members to the Warren County Board of Ethics*, noting that those who had been identified and had accepted invitations to become a part of the Board of Ethics were stellar human beings who were both experienced and thoughtful. He said that if any County Supervisor or employee became subject to a Board of Ethics review, he believed they could rest assured that a fair and

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equitable response would be provided by these people. Supervisor McDevitt noted that while such complaints may never be made, they should strive to ensure those making the decisions were good people, as they were in this case.

Supervisor Taylor indicated that the Personnel Committee had met on April 8th, approving several standard resolutions, one of which was proposed Resolution No. 217, *Adopting Family and Medical Leave Policy for Warren County Employees*. He advised that Gretchen Steffan, *County Human Resources Director*, had developed the Policy and he noted she was in attendance and could answer any questions the Board might have.

Supervisor Kenny advised the Occupancy Tax Coordination Committee met on March 30th to receive a presentation by the Adirondack Civic Center Coalition with respect to their efforts thus far, as well as those for the future. He indicated that the Coalition had introduced Jack Walter, *the new manager of the Glens Falls Civic Center*, and the Committee had approved a voucher from the Coalition in the amount of \$62,500 for the first quarter of 2015.

Supervisor Simpson reported on the March 27th meeting of the Social Services Committee, noting that the Committee had approved proposed Resolution Nos. 172, *Authorizing 2014 Agreement with the Town of Queensbury to Provide Certain Youth Services for Department of Social Services (Youth Bureau)*, 173, *Authorizing Extension Agreement with Council for Prevention of Alcohol and Substance Abuse, Inc. for the Youth Court Program*, and 174, *Authorizing Continuation of Contractual Relationships with Agencies Listed in Schedule "A" for Special Delinquency Prevention Programs*, all of which were included in the resolution packet.

Supervisor Vanselow advised the Support Services Committee had met on April 1st, approving proposed Resolution No. 196, *Ratifying the Actions of the Information Technology Director in Executing an Agreement with Microsoft Corporation for Consulting Services for Microsoft Licensing Needs*. He continued that the Committee had also discussed the use of recording equipment in the Board Room, specifically relating to whether the current four-screen model should continue to be used or if an alternate camera set-up should be introduced, using one camera to view the entire Board Room in one screen. Supervisor Vanselow said subsequent to this discussion, the Committee had decided to continue the current four-screen model and re-evaluate the situation in the future. He added that during this meeting Supervisor Seeber had talked about her desire for the development of an internship program and some lively conversation had also been held relative to the succession plans for the Clerk of the Board's Office which he believed Supervisor Conover intended to speak about in his report.

Supervisor Dickinson reported on the April 1st meeting of the Criminal Justice Committee during which Joy LaFountain, *Assigned Counsel Administrator*, had presented requests to transfer some grant and budgeted funds within her existing departmental budget. Moving on to the April 8th meeting of the Invasive Species Sub-Committee, Supervisor Dickinson pointed out proposed Resolution No. 197, *Authorizing Agreement with and Payment to the Lake George Park Commission for Invasive Species Prevention and Eradication Efforts for Lake George, Specifically for the Commission's 2015 Boat Inspection and Boat Washing Program*, which identified how the \$150,000 allocated in the Warren County Budget for the Lake George Invasive Species Program would be distributed. Additionally, he advised a lengthy discussion was held relative to a presentation made by Supervisor Monroe on the Adirondack Park-wide invasive species program initiative. Supervisor Dickinson stated this was a very fascinating project and they were excited that the invasive species eradication efforts were spreading to the Adirondack Park region; he opined it was likely they would soon see these efforts spread State-wide. He advised the NYSDEC (*New York State Department of Environmental Conservation*) was making some progress in gearing up to implement nine wash stations, in addition to more inspection points,

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where Lake Stewards would perform invasive species inspections. Supervisor Dickinson advised that for these nine stations, the NYSDEC had opted to purchase the less expensive boat washing units; he said that although the units would work effectively if operated properly, he believed they would eventually regret not purchasing the more expensive versions. Supervisor Dickinson concluded that the program was moving forward, with Governor Cuomo behind it, and the NYSDEC was doing a relatively good job, making some serious progress.

Supervisor Merlino apprised the Public Works Committee had met on March 30th, approving proposed Resolution Nos. 182-191, all of which were included in the resolution packet and pertained to fairly standard matters. He noted proposed Resolution Nos. 189, *Accepting Donation to Parks, Recreation & Railroad Department of Nine Bicycle Racks and Authorizing the Chairman of the Board of Supervisors to Send a Letter of Appreciation*, and 190, *Accepting Donation to Parks, Recreation & Railroad Department of Four Animal Pelts and Authorizing the Chairman of the Board of Supervisors to Send a Letter of Appreciation*, both of which authorized the acceptance of items donated to the Parks, Recreation & Railroad Department. Supervisor Merlino noted the Tourism Committee had not met since the last Board Meeting and would hold their next meeting on April 30th. He mentioned that the next television advertising campaign would begin airing on April 20th and he apprised some very important meetings had been held with Lake George business owners to talk about advertising and promotion efforts. Supervisor Merlino indicated that these meetings had been introduced in an effort to address some concerns about the decrease in tourism levels in Warren County and he noted past meetings had been attended by other Supervisors, such as Supervisors Strough, Conover, Dickinson, Seeber and himself, as well as Tourism Department staff. He stated that these meetings seemed to be very productive and he anticipated they would continue to hold them in the future.

Supervisor Strough stated he had nothing to report, but would like to mention some upcoming events, as follows: Feeder Canal and Bikeway Cleanup - Saturday, April 18th at 8:30 a.m., beginning at Murray Park in Hudson Falls; Rotary 5K Run and Walk - Saturday, April 18th at 10:00 a.m., event start and finish line at SUNY Adirondack, all proceeds to be contributed to Caritas and Catholic Charities for Domestic Violence; and Ben Osborn Fundraiser - Sunday, April 19th 2:00 p.m. - 5:00 p.m. at the Queensbury Country Club.

Supervisor Seeber advised the Community College Committee had not gathered during the last month but she had met with both Dr. Kristine Duffy, *President, SUNY Adirondack*, and some the Committee's Washington County counterparts to talk about increasing the number of Community College Committee meetings held to allow for more discussion as they neared the upcoming budget season. With reference to the internship concept Supervisor Vanselow had mentioned in his report, Supervisor Seeber explained this was a work in progress to formalize an arrangement that would benefit the County, towns and SUNY Adirondack. She thanked everyone who had provided feedback expressing an interest in developing a formal arrangement through the Community College Committee to offer credit and experience in a local government setting. Supervisor Seeber apprised that in her meeting with Dr. Duffy and the Washington County representatives, they had also discussed the possibility of presenting a student with a certificate of excellence from the Warren County Board of Supervisors at graduation. Finally, Supervisor Seeber stated that in attending the outside meetings referenced by Supervisor Merlino with Lake George business owners she had learned a great deal and she said she appreciated being included in them. She stated she had been surprised to learn that the Trip Advisor website had over 14,000 clicks on Lake George and she looked forward to learning more about how many times people were looking at Warren County as a whole, as well as to gain a better understanding of the contrast between occupancy tax revenues and room rates. Supervisor Seeber opined that they could always review and improve upon things while still understanding their history.

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Supervisor Dickinson advised the impetus for these meetings had come from Fred Austin, *of The Fort William Henry*, who had worked very diligently on them. He added that Supervisor Merlino had been very involved in the meetings, as well, and they were making tremendous progress through them.

Supervisor Sokol reported on the March 27th meeting of the Health Services Committee, commenting that a light agenda had been reviewed which included the filling of a vacant position due to retirement and requests for budget amendments for the Health Services and Mental Health Divisions. He continued the main focus of the meeting had revolved around issues referred by the Legislative & Rules Committee pertaining to elder abuse and staffing levels at nursing homes, both of which Lloyd Coté, *Administrator of Westmount Health Facility*, had spoke about. Supervisor Sokol said he believed Mr. Coté had done a great job of answering all of the questions posed on these issues. Continuing, Supervisor Sokol pointed out proposed Resolution No. 192, *Authorizing out-of-State Travel for the MDS Coordinator to Attend the 2015 American Association of Nurse Assessment Coordination Conference*; explaining this travel was for Kendra Raymond, *MDS Coordinator*, who handled most of the case mixes for Westmount which was the biggest revenue generated for the facility; he added that although this was an expensive trip, it was worth the expense and the County would benefit from Ms. Raymond's attendance. Supervisor Sokol advised that during this meeting Mr. Coté had also been asked to provide some feedback as to the meeting of Centers Health Care with Westmount staff. He said Mr. Coté had indicated 25 people had attended the meeting and all of the questions asked had been answered; he said it was very nice of the Centers representatives to have visited Westmount after their busy meeting with the Health Services Committee on March 16th. Finally, Supervisor Sokol indicated that over the last month there had been a lot of activity involving the sale of Westmount Health Facility and he asked for either Mr. Auffredou or Paul Dusek, *County Administrator*, to provide a brief synopsis of what would happen next.

Mr. Dusek reminded the Board that Centers had previously placed their application to the NYSDOH (*New York State Department of Health*) for a Certificate of Need (CON) on hold pending the outcome of the public effort to obtain a sufficient amount of petition signatures to force a public referendum on Local Law No. 2 of 2015, which would essentially delay the sale of Westmount Health Facility. He continued, once it was known that the number of signatures obtained was insufficient and that the petition was invalid, he had contacted Centers to provide this information and had received notification that Centers intended to resume their CON application process. In discussing the time frame for approval of the CON, Mr. Dusek advised he had been informed the NYSDOH met every other month to review and make decisions on CON applications and they did not know when the Centers application would be entertained; he added that Amir Abramchik, *Centers' Chief Operating Officer*, had indicated he intended to look into the matter next week to try and get a better idea of when the application would be reviewed. Mr. Dusek said that at this point, based on the information available, the hope was that they might see some movement in the CON process during the next couple of months. He apprised the possibilities were that the CON could be approved with contingencies and the final CON would be received after those contingencies were met, or they could require a second NYSDOH review during a future session. Mr. Dusek stated it would seem that the approval could take anywhere from two to five months and he noted that while it would be ideal to plan on a closing to take place in September, it would be premature for him to make this projection before additional information from Mr. Abramchik was received.

Supervisor Beaty advised he had served as one of three judges for a presentation event held by Cornell Cooperative Extension about three weeks ago; he said he had found this experience to be very enlightening and he noted that they had some great kids in Warren County. Supervisor Beaty stated that these presentations had been real eyeopeners for him and he thanked Dr. James Seeley, *Executive Director of Cornell Cooperative Extension*, for allowing him this opportunity. With respect to the Real

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Property Tax Services Committee meeting held on March 31st, Supervisor Beaty recalled prior actions taken by the Board of Supervisors to allow an extension to the Mosher Family to make payment on the delinquent property taxes owed in order to retain several parcels of land which would have otherwise been sold in the 2014 Tax Foreclosure Auction. He noted that this decision had been somewhat controversial, but said he had voted in favor of the action because he felt allowing an individual to keep their property was paramount. Supervisor Beaty indicated that at the March 31st Real Property Tax Services Committee meeting they had been informed that the Mosher Family had not been able to pay the taxes owed; however, he added, on the day following the meeting the Mosher's had come to the Treasurer's Office and paid the approximately \$35,000 they owed in full. Supervisor Beaty concluded he was appreciative of those who had voted as he had, in favor of authorizing an extension to the Mosher's, as it had allowed this family to keep their land.

Supervisor Thomas stated he had nothing to report, but would like to speak about sales tax revenue figures. He noted the Treasurer's Office sent out periodic updates on this matter, and the County Administrator had also distributed a quarterly report. Supervisor Thomas indicated that while these reports initially reflected an increase of more than 6% in sales tax revenues, following reports had reflected steadily decreasing figures since. He said this trend was concerning and he pointed out that in 2014 the amount of sales tax revenues received had fallen short of projections by about \$500,000. Supervisor Thomas commented that going forward, they would have to carefully review the sales tax figures and he said he did not believe they would be able to continue to increase the projected figures. On a bright note, he stated, the preliminary Treasurer's reports indicated there appeared to be a considerable amount of funding left unexpended in the 2014 Budget; however, he added, they would need to wait a bit longer for all revenues and expenses to be accounted for before this could be confirmed. Supervisor Thomas pointed out that about \$1.3 million had been left unexpended in the 2013 Budget and he said he was hoping for similar results in the 2014 Budget.

Supervisor McDevitt said he had quickly scanned the sales tax report, noting that Washington County had a 15%-16% increase in sales tax revenues, and he said he wondered what the increase was attributed to. Supervisor Thomas responded he was not sure what had caused the increase and he recalled Washington County's sales tax figures had been up last year, as well. Chairman Geraghty pointed out that Washington County had made a concerted effort to increase their promotional efforts to bring more tourism to their area and this could have contributed to the increases.

Supervisor Wood advised the Public Safety Committee had last met on March 27th, approving proposed Resolution Nos. 178-181 which pertained to typical County matters. She said she would like to take this opportunity to thank Mrs. Sady for her fine service to the County and she noted this would be Mrs. Sady's last Board Meeting before her impending retirement.

Supervisor Conover advised the Finance Committee had met on April 8th, approving proposed Resolution Nos. 170, 171, 219-222 and 225, all of which were included in the resolution packet and were fairly straightforward. He continued that during the meeting there had been a lot of discussion about the court expansion project during which Mike Swan, *County Treasurer*, had suggested a strategy for dealing with the associated expenses; Supervisor Conover requested that Mr. Swan apprise the Board of the strategy he had recommended.

Mr. Swan noted that at the conclusion of discussion, the Finance Committee had elected to approve a bond resolution in the amount of \$16.5 million; he further noted there was a very short time frame to get the bond resolution in place for approval at the current meeting and he was unsure if this had been done. Supervisor Conover advised that the bond resolution was not provided in the resolution packet. Mr. Swan then proceeded to outline his recommendation which would include the approval of a \$16.5

million bond resolution in order to fund the court space expansion project while still being able to support the costs associated with the continued operation of Westmount Health Facility. He said he would suggest that they initially bond \$8 million of the approved total to fund the new construction portion of the project and then bond the remaining monies in 2017 when the renovation portion of the project was estimated to take place. Mr. Swan acknowledged that this method might be a bit risky due to changing interest rates; however, he added, if the interest rates did not change the County would save money. He said it was his hope that by the time they reached the renovation portion of the project, the cost for that work would be less than the \$8 million estimated, achieving an additional savings for the County. Mr. Swan apprised that if they were to bond the entire \$16.5 million now, they would be paying more interest on the loaned funds than they would gain from holding the \$8 million for the renovation project in savings, which was not a sound fiscal practice. He explained he had presented this idea as a way to try and complete both the new construction and renovation projects without financially crippling the County. Mr. Swan commented that the County had made concerted efforts to improve its financial situation over the past few years and he did not want this project to reverse those efforts going forward.

Supervisor Conover stated this was a considerable financial decision and he acknowledged the approach suggested by Mr. Swan employed a good strategy. He encouraged anyone with questions to meet with Mr. Swan to have them addressed in order to advance this important project. Supervisor Conover questioned when the bond resolution would be presented and Mr. Auffredou answered that he intended to bring this matter back to the County Facilities Committee, where he would invite Mr. Swan to talk about the matter, with the expectation that the necessary resolution, including SEQRA (*State Environmental Quality Review Act*) documentation, would be approved for presentation at the May 15th Board Meeting.

Resuming his report, Supervisor Conover pointed out proposed Resolution Nos. 210, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2015*, and 216, *Appointing Amanda Allen as Clerk of the Board of Supervisors*, both of which were approved by the Personnel Committee. He stated that while the Board was exceedingly sad to be losing Mrs. Sady as the Clerk of the Board, to her credit, and perhaps as a lasting example of her professionalism and administrative excellence, there would be a seamless transition of responsibilities and authorities from Mrs. Sady to Amanda Allen, *current Deputy Clerk of the Board*, upon her retirement. Supervisor Conover stated that as many Town Supervisors were aware, it was very difficult to achieve a seamless transition of such high responsibility and authority, but he believed it would be done in this case. He reiterated that while they were all extremely sad to be losing Mrs. Sady, they commended her for her professionalism in managing the Clerk of the Board's Office and in ensuring a smooth transition upon retirement; he added that those Supervisors who worked closely with the Clerk of the Board's Office were very appreciative of the efforts put forth to assist the Board of Supervisors and the community at large. Supervisor Conover commented that proposed Resolution No. 210 portrayed the requested salary composition of the Clerk of the Board's Office following Mrs. Sady's retirement, reflecting an overall reduction in salaries for the Department. He said he would echo Supervisor Wood's comments in her expression of appreciation for Mrs. Sady; he added that Mrs. Sady had done an excellent job, having always been helpful and kind to him, and he stated that they would miss her greatly. Mrs. Sady thanked Supervisor Conover for his comments and a round of applause was given.

Supervisor Conover concluded his report with a summary of the April 3rd Shared Services Committee meeting which had included a very professional presentation by the Onondaga Purchasing staff relative to the shared purchasing services implemented by Onondaga County and the City of Syracuse. He commented the presentation had helped to underscore that this effort could prove very cost effective for Warren County and its municipalities, but could also increase their efficiency. Supervisor Conover

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advised the next meeting of the Shared Services Committee would be held on April 24th and he urged all of his fellow Supervisors to attend. He noted that the Committee's first goal was to substantiate a shared services plan in order to meet the State mandated June 1st deadline for the submission of same; however, he advised, they intended to continue these discussions after this submission in order to determine what additional efficiencies could be implemented.

Chairman Geraghty commented that in reading the legal advertisements posted in the local newspaper he had noticed many different ads pertaining to the weight posting of roads by different municipalities; he recalled a suggestion made by Supervisor Simpson that they could submit one advertisement listing the postings for roads in all of the municipalities in an effort to reduce the cost of advertising. Chairman Geraghty stated that the same combined efforts could be implemented for assessor services to save money.

Returning to the topic of tourism, Supervisor Merlino stated that they were doing a great job and had come a long way in improving their promotional efforts over the past few years. He indicated one of the things recently discussed had been the progression of technology and the need to be able to provide information upon demand, rather than waiting for it to be mailed. Supervisor Merlino said this was one of the facets they were working to improve and he commented it was nice that the business community was interested in working with the Tourism Department on this initiative. On another note, Supervisor Merlino apprised that during his travel to the meeting he had noticed the condition of the roadway along State Route 9 from Lake Luzerne to Lake George which was atrocious and in serious need of improvement. He commented that while the towns did a considerable amount of work to care for their roadways, the majority of the State roadways were starting to deteriorate noticeably. Supervisor Merlino recalled that during the recent winter season a section of State Route 9 between Lake Luzerne and Lake George had been closed when a number of trees were blown down; he advised that those trees had been cut up and pushed to the shoulder of the roadway in order to re-open traffic, but now that the snow was gone, a tremendous eyesore was left. He said he was unsure if the County could take any action to express their concern with the conditions and lack of maintenance for State highways in this area. Chairman Geraghty responded it may be time for the County to officially express their concerns to NYSDOT (*New York State Department of Transportation*) in respect to this matter. Supervisor Merlino commented that the state of the roads reflected on tourism and took away from the efforts made to try and attract people to Warren County to enjoy the beautiful area; he added that they worked very hard to maintain the health of area waterbodies and he felt the highway infrastructure was another area they should work to improve. Supervisor Conover agreed and he apprised he had spoken with Assemblyman Stec a few weeks ago requesting a meeting with the NYSDOT Regional Director to discuss this very point as it related to the Towns of Bolton and Lake George; however, he said, he felt this discussion could be expanded to include State highways throughout the County and he encouraged any Supervisors interested in attending this meeting to contact Assemblyman Stec's Office.

Moving on, Chairman Geraghty pointed out the two Proclamations included in the resolution packet, one of which named the week of April 19-25, 2015 as "National Crime Victims' Rights Week", while the other proclaimed May 1, 2015 to be "Law Day in Warren County".

Resuming the Agenda review, privilege of the floor was extended to Mr. Dusek to provide the report by the County Administrator. Mr. Dusek apprised that, as mentioned by Supervisor Conover, the most important upcoming issue pertained to the efficiency plan submission by Warren County to the State of New York. He noted his staff had started requesting information relative to the status of his prior requests for information regarding shared services, efficiencies and commodities information. Mr. Dusek stated this information was extremely important for the County to be able to submit a combined efficiency plan; he added that the commodities purchasing information was particularly important

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because that was the facet which would be used to bring all of the municipalities together. Mr. Dusek indicated that in order to assess whether this effort would be successful they would need to obtain the information as quickly as possible. He apprised that, as per information he had received from Julie Butler, *Purchasing Agent*, one of his concerns was if they did not gather enough participants in the commodities purchasing program, the initiative might not allow sufficient savings to meet the State's mandated efficiencies criteria. Mr. Dusek stated that he had received information indicating efficiencies achieved from two communities that were saving money by using one Assessor and he noted that in combination with the commodities purchasing program, these communities would meet the State's mandates. He reiterated that this information was very important, and although the June 1st deadline seemed very far away, he believed they would need to have all of the information in place and ready to be approved by the Board of Supervisors at the May 15th Board Meeting, following which the submission process to the State would begin in order to meet the specified deadline. Mr. Dusek asked anyone requiring assistance to contact his Office directly and he said he would continue to be in contact with the City of Glens Falls and Village of Lake George on this matter.

Following up on comments made by Supervisor Thomas relative to unexpended 2014 Budget funds, Mr. Dusek said he was not surprised to hear a budget savings was anticipated and he credited this to the hard work of the County's Department Heads. He noted that he had met with three different Department Heads over the past weeks, all of whom had spoken in terms of how they could save County funds through different initiatives, without his prompting. Mr. Dusek stated this showed the County had a well established culture of constantly seeking efficiencies and savings.

Finally, Mr. Dusek spoke about his interactions with Mrs. Sady over the years. He noted that Mrs. Sady's Office had undergone a lot of physical and operational changes when he moved from the County Attorney's Office to the County Administrator's Office, and Mrs. Sady had been an absolute pleasure to work with in that regard. Mr. Dusek advised many may not be aware of the level of conscientiousness Mrs. Sady brought to her work, and he said this was the side of Mrs. Sady he saw in the Office on a daily basis. He continued that he had also been fortunate to see the other side of Mrs. Sady who had a very good sense of humor and at times made some cogent, but humorous, statements about things going on in the County; Mr. Dusek stated he would miss this interaction with Mrs. Sady because it had been very enjoyable.

Chairman Geraghty then called for the report by the County Attorney and Mr. Auffredou advised he had nothing to report.

With respect to Ms. Steffan's upcoming departure from the County's employ, Supervisor Seeber expressed her appreciation for the knowledge and expertise Ms. Steffan had provided to the County through her leadership in the Human Resources Office over the last 1.5 years.

In light of the vacancy Ms. Steffan's resignation would create, Supervisor Seeber inquired whether the County might explore sharing the Human Resources responsibilities with other municipalities, similar to the plan that was being considered for consolidated purchasing services. Supervisor Conover replied he believed the Shared Services Committee would be considering some of the County's procedures and requirements as they related to Civil Service in the future. As an example, he stated he believed the needs of sewer and water districts to create a larger pool of trained individuals for this area was a process that could be improved upon. He surmised at some point in the future, a meeting could be set up to include the Community College Committee and representatives from some of the smaller rural communities, such as the Towns of Bolton and Hague, to consider the strain put on the smaller districts when water and sewer personnel resigned from their positions; he noted that these positions were very difficult to fill since they required a specific skill set which was hard to find.

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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 its Executive/Park and Nominating Committees;

Monthly Report from:

1. Probation

Warren County 2014 Annual Corporate Compliance Report;

Capital District Regional Off-Track Betting Corp., February 2015 surcharge in the amount of \$4,262; and

Letter of resignation from Gretchen Steffan, County Human Resources Director, effective May 1, 2015.

Continuing to the reading of resolutions, Mrs. Sady announced proposed Resolution Nos. 170-224 were mailed. Mrs. Sady stated a motion was needed to bring proposed Resolution No. 225 to the floor. The motion was made by Supervisor Simpson, seconded by Supervisor Conover and carried unanimously.

Mrs. Sady distributed copies of an unnumbered draft resolution entitled "*Resolution Supporting Legislation to Repeal the New York Secure Ammunition and Firearms Enforcement Act of 2013*". Mr. Auffredou advised that a resolution regarding this matter was presented in writing at the April 1, 2015 meeting of the Legislative and Rules Committee. He reported that shortly after the SAFE Act was enacted, Resolution No. 110 of 2013 was adopted, which expressed dissatisfaction with the process employed by the New York State Legislature when adopting the SAFE Act. He mentioned the resolution he drafted would encourage the adoption of some State legislation that was being presented by State Senator Michael Nozzolio and Senator Kathleen Marchione, which would essentially repeal all of the SAFE Act of 2013. He restated the matter was brought forth at the April 1, 2015 meeting of the Legislative & Rules Committee and was being re-introduced for the Board's consideration.

Motion was made by Mr. Vanselow, seconded by Mr. Simpson and carried unanimously to bring the proposed resolution to the floor. Chairman Geraghty advised this would be proposed Resolution No. 226.

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

Supervisor Dickinson requested a roll call vote on proposed Resolution No. 215, *Appointment Members to the Warren County Board of Ethics*, noting that his request was in no way intended to have a negative reflection on those suggested for appointment to the Warren County Board of Ethics.

Supervisor Beaty requested roll call votes for proposed Resolution Nos. 204, *Authorizing Submission of Grant Application to Federal Aviation Administration/New York State Department of Transportation for Phase III of the Runway 1-19 Environmental Assessment and Preliminary Engineering Project*, 205, *Authorizing Submission of Grant Application to Federal Aviation Administration/New York State Department of Transportation for Avigation Easement/Land Acquisition for Five Parcels in the Runway 30 Approach Phase II*, 206, *Authorizing Submission of Grant Application to Federal Aviation Administration/New York State Department of Transportation for the Runway 30 End Obstruction Mitigation and Design of the Precision Approach Path Indicators (PAPI'S) for Runway 12 and 30 at the*

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Floyd Bennett Memorial Airport, and 207, Authorizing the Submission of a Grant Application to the Federal Aviation Administration and/or the New York State Department of Transportation for Purchase of Snow Removal Equipment (Multi-Function Sweeper and Plow) and Aircraft Rescue and Fire Fighting ("ARFF") Gear.

There being no further discussion or requests for roll call votes, Chairman Geraghty called for a vote on resolutions, following which Resolution Nos. 170-226 were approved, as presented. Proclamations naming the week of April 19-25, 2015 as "National Crime Victims' Rights Week" and May 1, 2015 as "Law Day in Warren County" were submitted.

Chairman Geraghty called for discussion and public comment on any other matters to be brought before the Board of Supervisors.

Harrison Freer, *Town of Queensbury Resident*, advised he was a member of the Board of Trustees for the Literacy of New York Greater Capital Region organization. He announced they were having a fund-raising event on Thursday, May 7, 2015 at the Tower Café in Glens Falls, New York. He said the fund-raiser consisted of a team scrabble challenge and he noted he had left some literature for the Board Members to review. Mr. Freer encouraged members of the Board to participate in the event and he apprised that the District Attorney's Office had already assembled a team. Supervisor Dickinson advised the Village and Town of Lake George had gathered an eight-member team and he was looking forward to attending the event. Supervisor Seeber indicated that she and Supervisor Strough were gathering a team, as well, and she extended an invitation for any interested members of the Board of Supervisors to join them.

Next, Chairman Geraghty called for announcements. With reference to Ms. Steffan's upcoming resignation on May 1, 2015, Chairman Geraghty thanked Ms. Steffan on behalf of the Board of Supervisors for the service she had provided to the County for the last 1.5 years. He commended her on a job well done in assembling the Family Medical Leave Act policy for the County, acknowledging this had not been an easy task to have undertaken. Chairman Geraghty stated that the Human Resources Department was essential for the operation of the County and he opined that they should keep moving forward with the good work Ms. Steffan had started, as there were several more tasks to be accomplished.

Chairman Geraghty apprised Mrs. Sady had been a valuable employee of the County since 2003. He apprised Mrs. Sady's employment with the County had commenced when she was hired as a Legislative Office Specialist to work in the Clerk of the Board's Office; he added that she was later promoted to Deputy Clerk of the Board in 2004 and then appointed as the Clerk of the Board in 2006, having served in that capacity since. Chairman Geraghty said Mrs. Sady would be dearly missed by the entire Board, as she was their "go to person" whenever they had questions regarding County business. He commended Mrs. Sady for all her hard work over the years, admitting he was aware hers was not an easy job. Chairman Geraghty wished Mrs. Sady and her husband, Steve Sady, *of the DPW Division*, the best of luck in their retirement and he apprised the Board wished to present Mrs. Sady with a token of their appreciation for her service; he asked Supervisors Wood and Frasier to lead the presentation of a beautiful print of Lake George to Mrs. Sady. A round of applause was given. Supervisor Wood invited everyone to join together in the Committee Room immediately following the Board Meeting to have cake and wish Mrs. Sady well in her retirement.

Mrs. Sady read a prepared statement thanking the Board for giving her the opportunity to serve as Clerk of the Board for the past nine years. She said it truly had been an honor and a privilege to support and assist all of them in their efforts and initiatives on behalf of the County's residents. Mrs. Sady advised

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she had the opportunity to work with past and present members of the Board since 2003, several of whom had been incredibly kind and supportive of her and her staff, and she could not thank them enough for their thoughtfulness and generosity. She commented that this was a bittersweet time for her as she left the position she had embraced and truly enjoyed for the last twelve years and moved into retirement. Mrs. Sady mentioned she considered her tenure with the County to have been a success and said she was proud of all that had been accomplished in her Department, as well as at the County. She attributed her success as the Clerk of the Board to be a direct result of a very talented, caring and dedicated staff and she was confident she was leaving the County in good hands. A standing ovation followed. *A complete copy of Mrs. Sady's written statement can be found on the items distributed at the Board Meeting.*

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Frasier and seconded by Supervisor Conover, Chairman Geraghty adjourned the Board Meeting at 11:48 a.m.