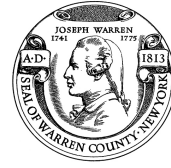


Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, AUGUST 21, 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 Frasier.

Roll called, the following members present:

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

Motion was made by Supervisor Wood seconded by Supervisor Frasier and carried unanimously to approve the minutes of the July 17, 2015 Board Meeting, subject to correction by the Clerk of the Board.

Commencing the Agenda review, Chairman Geraghty extended privilege of the floor to Robert Schulz, *Town of Queensbury Resident*, who wished to address the Board relative to the two resolutions he presented to the Legislative & Rules Committee, both of which were to be brought before the Board for approval (*proposed Resolution Nos. 394 & 395*). He stated he had two frank and very instructive meetings with Martin Auffredou, *County Attorney*, regarding both of the proposed resolutions, at which time they arrived at mutually agreeable language that would have the Warren County Board of Supervisors express to the State Board of Regents and others in Albany a desire for the current Learning Standard for Civics, Citizenship and Government to be reviewed and revised to ensure compliance with Section 801 and 802 of the State Education Law; he added this would better prepare children for their civic lives. He indicated that he and Mr. Auffredou had also arrived at mutually agreeable language which would have the Warren County Board of Supervisors respectfully request that the Legislature, the Governor and the Commissioner of State Education consider adopting a law that would discontinue New York State's involvement with PARCC (*Partnership for the Assessment Ready College & Careers*), the multi-state assessment consortium that was based on the Common Core Standards. He explained this was an unlawful interstate compact. He requested that the Board vote in favor of these two resolutions. He added he felt it was pertinent that he bring to the Board's attention the 114th Congress Senate Resolution No. 150 of 2015, dated April 2015, which stated "*the resolution expresses the sense of the Senate about the importance of effective civic and government education programs in schools in the United States. Whereas civic and government education is essential to the preservation and improvement of the Constitutional Government of the United States and where as civic and government education programs foster understanding of the history and principles of the Constitutional Government of the United States including principles that are embodied in certain fundamental documents and whereas research shows that too few people in the United States understand these basic principles of the Constitutional Government of the United States such as the natural rights set forth in the Declaration of Independence, the existence and functions of the three branches of the Federal Government, checks and balances and other concepts fundamental to informed citizenship*". He apprised this resolution referred to the Rule of Law which checks and balances secured. He said he did not mean to lecture, but under the State Constitution, which was the voice of the people, no word found its way in or out except by a vote of the people. He continued, the people, by these words, structured every aspect, department and

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branch of the government, and regulated it, as well. He said the State Constitution was a set of principles, prohibitions, restrictions and mandates that the people had placed on the government. He indicated that Article 12 explicitly stated no one could work for the State of New York, no Public Officer at any level unless they demonstrated and expressed their loyalty to the government of the State and the Federal government by taking an oath to support the Constitutions of New York State and the United States. Contained in these resolutions, he remarked, was evidence that there was an element of the government here that was operating outside the boundaries that the people have placed around it. He requested that they considered the adoption of these two resolutions.

Chairman Geraghty thanked Mr. Schulz for his time and commented he was pleased the County was able to compromise with him and develop resolutions that worked for both parties. Mr. Schulz apprised he would be happy to answer any questions anyone may have. Supervisor Monroe suggested they could discuss it further during the resolution portion of the meeting.

Continuing with the Agenda review, Chairman Geraghty extended privilege of the floor to Bob and Cindy Roberts who wanted to address the Board regarding dedication of the Warren County Bikeway Bridge over State Route 149 to their daughter, Sergeant Kristie A. Roberts (*proposed Resolution No. 386*). Mr. Roberts displayed a large, poster-sized photograph of his daughter, mentioning that as they moved through this process it had occurred to him that some Board Members may have known Kristie, or seen her, while others may not have; therefore, he said, he felt it was necessary to display the posterboard with her picture so they could put a face to her name. He reported on this day, three years ago, his morning had started like any other, getting ready for work with the sun shining and not a care in the world. He stated just about this time on that day he received notice that his daughter Kristie had committed suicide at 27 years old. He noted she was not only their only daughter but also their only child. He advised that Kristie had been an EMT (*Emergency Medical Technician*) and a paramedic with many EMS agencies in the community. He stated as well as serving the community in which she was raised, Kristie had also served in the New York Army National Guard 466 Medical Based Unit in the Town of Queensbury as a Combat Medic for three years. He informed since she had a desire to try something different she had moved onto the 109th Airlift Wing in the Town of Scotia wherein she served as an Air Medic. Next, she transferred back to the 466 Medical Based Unit in the Town of Queensbury where she achieved the rank of Sergeant and was serving at the time of her passing. He said his goals as a parent had changed from raising a child to being a Gold Star Parent. He explained that Gold Star Parents were those who had lost a child while serving in the military. He commented this was not a group or club that anyone wanted to belong to or a Gold Star that anyone would want to wear. He remarked as part of this project they hoped to keep raising suicide awareness for both military and the civilian sector with the posting of suicide hotline signs on the Bikeway bridge near State Route 149 and possibly in the future on the rest of the bikeway; he displayed a rendition of the sign. He remarked he and his wife hoped that if one person sought help because they were made aware of Kristie's story and were aware that they were not alone it would give them some solace in their sacrifice. He thanked them for the consideration of the proposed resolution.

Mrs. Roberts advised she and her husband had the pleasure of meeting many of the Board members while on their journey and today the Board had met Kristie. She stated their daughter had paved her way in the County much like the Bike Trail, as she had spent countless hours as a volunteer thus creating the foundation to become a paramedic in the private sector, as well as a medic with the Army National Guard. She informed Kristie had given from her heart and touched the lives of many. She apprised the military police, fire, EMS, just plain moms and dads and every American who served faced mountains everyday. She continued, be aware that if any of you or someone you know was having a dark day with those mountains they were not alone. She said her hope was that the Board Members would take away with them today how important it was to look beyond the obvious to be aware that

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suffering could be invisible and stop the negative stigma that reaching for help was a sign of weakness. She remarked it was never just one thing but when there were struggles let the choice be to reach out. She mentioned for them there would be heartache forever but it was their choice to reach out and raise awareness. She stated she wanted the full Board to remember there was help and at the fork in the trail she wanted them to make the choice and make the call to let the Bikeway be a place to stop and rest, a place of peace and a sign of hope. She handed out envelopes to the Supervisors containing items which she listed as follows: Jolly Ranchers, which would calm even the most decorated General as Kristie drew their blood or gave them their required shots; some special band-aids which distracted Kristie's patients and also provided a great conversation piece; a special dog tag to remember Kristie by every once in awhile and remind everyone they needed to thank Veterans every day for their service; a book mark to remind evaryone to appreciate their many blessings everyday; and the suicide hotline number that they should not hesitate to share and always know they were not alone. She thanked the Board for their time.

Chairman Geraghty thanked Mr. and Mrs. Roberts for their presentation and noted that Mrs. Roberts worked for the County in the Sheriff's Office. He stated he was sure that Mrs. Roberts had other occasions to talk to individuals about the same aspects. He acknowledged Mrs. Roberts' service to the County and added that hers and Mr. Roberts' efforts should be applauded. A round of applause followed.

Moving along, Chairman Geraghty extended privilege of the floor to Amy Hoffer, of *The Post Star*, who wished to address the Board regarding a publication. Ms. Hoffer introduced Susan Bonk, *Advertising Director for The Post Star*. She stated they were in attendance to ensure the Board was aware of a coffee table-type book *The Post Star* was putting together. She mentioned there were some sponsorship opportunities available in it. She stated that Ms. Bonk would provide additional details as to what the book would actually entail.

Ms. Bonk thanked the Board for the opportunity to discuss the book and the advertising opportunities it presented. She advised *The Post Star* was working with a publisher to put this book together in cooperation with the Crandall Library and the Chapman Historical Museum. She remarked they may have observed some of the advertisements that were running in the newspaper that spoke of scanning sessions for locals within the area to come in with their photographs so the they could be included in the publication, furthering community involvement. She stated because they were moving forward into the next phase they were going to have some project sponsorships. She explained the sponsorships included an advertorial page that could contain photographs and a small write-up. She surmised the book would consist of about 144 black and white pages of Warren County's memories from the mid 1800's to 1939. She noted the sponsorship also included an acknowledgment in the front of the book as sponsorship and some additional information and bonuses for being a sponsor. She advised the cost of sponsorship started at \$2,000 for a page. She mentioned they had distributed information to each Supervisor regarding the sponsorship to ensure their communities were aware of this project and did not miss out on being a part of it. She encouraged anyone interested in participating to get in touch with them, as they had included their contact information in the materials they distributed.

Chairman Geraghty advised that he and Supervisor Merlino had discussed including some of the history they just did on the County for the book. Supervisor Merlino remarked he would move forward with looking into purchasing a sponsorship for a page in the book.

Resuming the agenda review with the report by the Chairman of the Board, Chairman Geraghty read aloud the listing of meetings he had attended since the July Board Meeting; *a copy of the Chairman's Report is on file with the items distributed at the Board Meeting*. He stated he was pleased to announce

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that proposed Resolution No. 402, appointed Jackie Figueroa as the new County Human Resources Director effective August 24th. He introduced Ms. Figueroa following which a round of applause was given. In reference to a meeting he had attended with Cesar Perales, *Secretary of State for New York*, at the Queensbury Hotel to discuss efficiency in government plans and the Governor's Municipal Restructuring Fund, he apprised there was \$150 million available to pass along to the communities. He stated the meeting had been enlightening, as there were a number of individuals representing communities from around the State. He advised Paul Dusek, *County Administrator*, had brought to light a number of good points such as the fact that in Warren County a number of the communities had aligned with the County to improve efficiencies. He stated they were hopeful some of the grant funding would be awarded to this area. He informed they had requested that Mr. Perales pass along to the Governor that there were not many \$400,000 grant opportunities in the region but rather many \$20,000 ones for all the communities in the region; therefore, he commented, it was unnecessary to always look for the "gold star" when there were an abundant amount of small wins present. He stated he found the meeting that took place at SUNY (*State University of New York*) Adirondack regarding the Governor's Upstate New York Revitalization Initiative to be very informative, as there was an abundant number of community groups seeking a portion of the funding that would be awarded.

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

Supervisor Frasier apprised the Human Services Committee had met on July 24th, appointing a number of individuals to the Workforce Development Board for the Employment & Training Administration (*ETA*) as supported by the Certificate of Appointment included in the Resolution packet. She stated that Sharon Sano, *Senior Counselor*, reported that the City Youth Program was not doing well, with low attendance for the Adolescent's Free Lunch Program. In regards to the Summer Youth Program, Ms. Sano had indicated there were 33 work sites at which she had observed an abundant amount of mentoring taking place which she felt was fantastic. She advised that the Annual Picnic and Awards Ceremony took place last Thursday at Crandall Park. She remarked the program provided a great opportunity for the adolescent participants. She added she was pleased to have been able to observe the participants being presented with their certificates, pins and/or trophies at the awards ceremony, as she believed it to be a tremendous program. In regards to requests by the Office for the Aging, Supervisor Frasier informed that they had approved a request to fill the vacant position of Supervisor of Volunteers for the Department.

Supervisor Simpson advised that the Social Services Committee had met on July 24th, as well, approving proposed Resolution Nos. 377, *Authorizing the Purchase of Radios and Related Equipment Including Repeaters for Three Department of Social Services Fleet Vehicles*, and 378, *Authorizing Agreement with Adirondack Technical Services Heating, Air Conditioning and Refrigeration Inc. for As Needed Repairs to Equipment at Various Warren County Buildings and Meal Sites*. Finally, he thanked Mr. Dusek for organizing the meeting that took place in the Town of Horicon regarding the Mill Pond Bridge, noting he felt it had been a productive meeting.

Supervisor Dickinson informed that the Criminal Justice Committee had met on July 27th, accomplishing a number of tasks. He stated that Marcy Flores, *Public Defender*, had presented requests relating to organizing the make up of her office, as well as some essential bookkeeping to ensure funding was accounted for correctly. He remarked although he had only worked with Ms. Flores for a short period of time he believed she was doing a stellar job with all of her efforts. He said he was encouraged by the enthusiasm and effort she was exerting towards the job. He added it was a pleasure for him to work with her and her office.

Supervisor Merlino commented he was pleased to introduce proposed Resolution No. 386, *Authorizing*

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*the Dedication of the Warren County Bikeway Bridge over State Route 149 as the Sergeant Kristie A. Roberts Memorial Bridge in Honor of Service to Community and County, as discussed earlier in the meeting. He encouraged everyone to approve the Resolution. He stated another matter that was discussed at length during the July 28th meeting of the Public Works Committee concerned Proposed Resolution No. 385, *Consenting to the Request of Saratoga and North Creek Railway, LLC to Generate Revenue by Storing Railway Cars in Tahawus on the Condition that the Cars are Inspected and Determined to Contain Only Residual Amounts of Oil.* He apprised the Duathlon referred to in Proposed Resolution No. 387, *Supporting the Glens Falls Duathlon to be Held October 11, 2015 and Authorizing the Chairman of the Board of Supervisors to Sign a Letter of Support,* was an event that consisted of running, cycling and running again in that order. He stated lastly they had approved Proposed Resolution No. 388, *Awarding Bid and Authorizing Agreement with Lowest Responsible Bidder for the West brook Porous Asphalt Parking Lot in the Town and Village of lake George)WC 50-15).**

Supervisor Merlino apprised the Tourism Committee had met on July 30th approving Proposed Resolution Nos. 396, *Authorizing Agreement with Trampoline Design, LLC to Provide Boosting Initiatives in Conjunction with the Social Media Contract,* 397, *Extending the Expiration Date of Agreement with the Lake George Regional Chamber of Commerce for Improvements to the Physical Plan and Operations of the Exit 17 Information Center,* and 398, *Authorizing Agreement with Courier Printing Corp. for Printing of the 2016 Group Travel Planner for the Tourism Department.* Supervisor Merlino acknowledged assistance provided by Amy Clute, *Self-Insurance Administrator,* in decreasing the workers' compensation costs for the Town of Lake Luzerne by \$50,000, which he noted was a substantial amount of money for a small town such as his, and he thanked her for these efforts. Supervisor Merlino advised that he had attended an open house with Supervisor Strough and his wife at the Adirondack Folk School in Lake Luzerne. He noted this was the only Folk School located in the North East. He said they were struggling to continue to operate and grow. He presented Mr. Dusek and Frank Thomas, *County Budget Officer,* with mallets that were given to him by the Adirondack Folk School which were crafted from tree branches. He said they could use them throughout the budget process that was commencing next week.

Supervisor Strough advised he had nothing to report, but would like to use this opportunity to thank Supervisor Merlino and his wife for inviting himself and his wife to attend the Open House for the Adirondack Folk School, which had been very enjoyable. He stated he found the tour and their conversations with the individuals involved to be very informative. He remarked he believed it was an asset to the Town of Lake Luzerne that more people would likely take advantage of it if they were aware of it.

Supervisor Sokol reported that the Health Services Committee had met on July 24th approving proposed Resolution Nos. 381-384 for the Health Services Department. He reminded the Committee that they had been unsuccessful in their attempts a few months ago to transfer administration of the WIC (*Women, Infant and Children*) Program to Cornell Cooperative Extension; therefore, he apprised the Committee had approved a request by the Public Health Department to authorize the contractual agreement continuing with the NYS DOH (*New York State Department of Health*) for administering the program as supported by Proposed Resolution No. 384, *Authorizing Agreement Continuing Contractual Relationship with New York State Department of Health for Special Supplemental Food Program for Women, Infants and Children (WIC) Program and Ratifying the Action of the Chairman of the Board of Supervisors in Executing the Agreement.* He remarked that the Public Health Department had done a phenomenal job administering the program. He informed that they had approved and referred to the Personnel Committee the backfilling of a Registered Nurse position, (*Grade 19, Annual Salary \$42,719*) as well as a Part-Time Infant Feeding Advocate, (*Grade 3, Annual Salary \$25,193*). He mentioned the Part-Time Infant feeding Advocate position was fully funded through the WIC Program and the

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Registered Nurse Position received reimbursement through the billing of patients insurance coverage. In regards to Mental Health, Supervisor Sokol reported that Rob York, *Director, Office of Community Services*, had hired from within their organization for the vacant position of Deputy Director-Clinical. He advised that Michael Homenick, Ph.D. had resigned from the Community Services Board after 30 years of service and he said he hoped the Board of Supervisors would recognize this accomplishment in some fashion at a future Board Meeting. Moving along to Westmount Health Facility, Supervisor Sokol advised that the majority of the sale process had been completed with the exception of obtaining a Certificate of Need from the NYS DOH. He informed the sale ran into a stumbling block, as it was not included on the July 23rd Agenda for the NYS DOH Health Planning Council/Committees of the Public Health meeting; therefore, he stated, they were hopeful to be included on the Agenda for the September meeting. He commented that Centers for Specialty Care was still pursuing the sale of the facility; however, he noted, the sale process they had to go through was rather lengthy. He remarked he was hopeful the sale would be finalized prior to the end of the year. He acknowledged the Westmount Health Facility staff for their contribution in the facility achieving a four out of five star rating according the Federal Nursing Home rating standards, making Westmount the highest ranked nursing home in the area.

Supervisor Beaty apprised he had nothing to report, but would like to comment on a few matters. He stated he had never been prouder of being part of meeting than when he attended the August 10th Last Chance Meeting of the Real Property Tax Services Committee. He stated a Veteran had remarked following the meeting how pleased he was that the County worked with property owners who faced challenges in meeting deadlines to pay their property taxes. He informed that this was the purpose of government, as the Committee had been accommodating within their limits and it seemed each and every person who had attended was thankful for this. He reiterated that this had been the best meeting he had ever attended in the two years since he had commenced his first term as a Supervisor. He attributed the professionalism of the meeting to Supervisor Monroe and his leadership.

Supervisor Thomas advised he had nothing to report, but would like to remind the Board that he and the Budget Team would commence their meetings with the Department Heads next week. He stated following all meetings he would request that Department Heads review their 2016 Budgets with their respective Committees to ensure all Supervisors had the opportunity to review the individual department budgets requests that the 2016 County Budget would be comprised of.

Supervisor Wood reported that the Public Safety Committee had met on July 27th, approving proposed Resolution Nos. 375 and 376. She noted that the Sheriff's Office had received a very nice letter from a representative of Double H Ranch, thanking them for their donation of \$4,200 to sponsor two campers for one week each at the ranch.

Supervisor Conover informed that the Finance Committee had met on August 12th, approving proposed Resolution Nos. 369, 370, 404-409 and 418. He encouraged the Supervisors to support Proposed Resolution No. 418, *Authorizing Advance of Funding from the General Fund, Unappropriated Surplus to Purchase a Vacuum Excavator and Authorizing an Intermunicipal Agreement between Warren County and the Warren County Soil & Water Conservation District for Reimbursement to Warren County for the Purchase of the Vacuum Excavator from Funds Received by the District Under a Grant from the New York State Department of Environmental Conservation*, as the District was an asset to the County and provided a number of essential services to the communities of Warren County.

Beginning his report, Supervisor Monroe apprised that on August 10th the Real Property Tax Services Committee had met to hold their "Last Chance" meeting which allowed those in jeopardy of losing their property a final opportunity to make restitution for outstanding property taxes before these parcels

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were included in the 2015 Tax Foreclosure Auction. He indicated that he believed this had been a very good meeting as they had been able to assist everyone who had attended seeking to establish a payment arrangement to avoid foreclosure. Continuing, Supervisor Monroe outlined the July 31st meeting of the Park Operations & Management Committee where an update on the status of construction at the Charles R. Wood Park was given. He reported that the restroom building was now open and fully functional and that work on the west end of the Park, which included the skate park and the children's play area, was coming to a close; additionally, he noted that concrete work was ongoing to complete the sidewalks at the east end of the restroom building. Supervisor Monroe recalled that Fred Austin, *retired Superintendent of Public Works, now affiliated with The Fort William Henry*, had indicated he had never seen a project run as smoothly as this one; Supervisor Monroe complimented Jeffery Tennyson, *Superintendent of Public Works*, and William Lamy, *retired Superintendent of Public Works, now affiliated with the Project Management Executive Committee (PMEC)*, and their crews and consultants for the work they had done to keep this project moving along. He advised at this meeting discussion was also held relative to authorizing fee rates for use of the Festival Commons, following which proposed Resolution No. 373, *Authorizing Event Fee Rates for the Festival Commons at the Charles R. Wood Park*, was approved. Supervisor Monroe noted that subsequent to this meeting Mayor Blais, *Village of Lake George*, had indicated his desire to revisit the fee schedule for 2016 as there were some events where attendance was down and parking had been a problem. He noted that the Committee had also discussed proposed rules for the skate park, which they anticipated would be complete in the very near future, and the rules had been referred to the County Attorney for review. With respect to the West Brook Parking Lot, Supervisor Monroe apprised of Mayor Blais' estimations that the parking revenues for 2015 would be about \$80,000, but that figure would likely increase to \$100,000 for 2016 when the parking lot expansion and paving project was complete. He also spoke about the upcoming American Musical Festival which would feature a performance by Sawyer Fredericks who had gained national attention when he won the most recent season of the television show *The Voice*; he added that tickets were selling quickly for this event. Supervisor Monroe indicated the Committee had also talked about the new Festival Commons website, at which time Michael Consuelo, *Executive Director of the Lake George Regional Chamber of Commerce & CVB*, had requested discussion on promotion of the website which he said would be held in the near future.

Moving on, Supervisor Monroe provided an overview of the July 31st meeting of the Legislative & Rules Committee which had been somewhat lengthy. He advised during this meeting the Committee had approved proposed Resolution Nos. 393, *Opposing New York State Assembly Bill No. A.6430 Regarding the Restraint of Female Prisoners During Childbirth*, 394, *Supporting Consideration of an Amendment to New York State's Social Studies Learning Standard; Civics, Citizenship and Government*, and 395, *Supporting Consideration of the Adoption of a New York State Law that would Amend the Education Law, in Relation to the Common Core State Standards Initiative, the Race to the Top Program and the Partnership for Assessment of Readiness for College and Careers Consortium*. Supervisor Monroe indicated that the Committee had also considered legislation proposed by Rockland County regarding the use of drones but had decided to table the matter pending a determination as to whether other counties had enacted similar laws. He added that the Committee had considered legislation referred by Delaware County urging State representatives to amend the New York State Electronic Equipment Recycling and Reuse Act, but had decided to table this matter, as well, and refer same to the County Attorney for review. Supervisor Monroe stated during this meeting a considerable amount of discussion had been held relative to the local law which allowed the sale of certain safe sparking devices in Warren County; he advised that some, including Supervisor Dickinson and Mayor Blais, were seeking for this local law to be repealed. Supervisor Monroe said representatives from certain fireworks companies had been present at the meeting and he commented there seemed to be some confusion as to which sparking devices were legal and which were not. He advised at the conclusion of discussion, the Committee had refrained from taking any action on the fireworks issue; Supervisor Monroe pointed

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out a representative of Phantom Fireworks was present and may want to address the Board later in the meeting.

Supervisor Monroe apprised that proposed Resolution Nos. 394 and 395 represented the efforts brought forth by Mr. Robert Schulz, *Warren County Resident*. He indicated that Martin Auffredou, *County Attorney*, had negotiated with Mr. Schulz to revise the resolutions and make them more acceptable to the County and he thanked Mr. Auffredou for these efforts. As for proposed Resolution No. 393, Supervisor Monroe advised this matter had been introduced by Bud York, *Warren County Sheriff*, as a measure that would create an unfunded mandate to the County.

Supervisor Monroe noted the Legislative & Rules Committee had continued their discussion on a pending item pertaining to legislation forwarded by Fulton County requesting that the Governor and State Legislature amend the New York State Vehicle and Traffic Law regarding designation of highways and travel by all terrain vehicles (ATV's) to allow such use as it was otherwise impossible to gain a connection between ATV trail segments. He noted legislation was considered during the last session of the Senate that would allow registration of utility terrain vehicles (UTV's), which were similar to ATV's except they offered side by side seating and typically weighed more than 1,000 lbs. Supervisor Monroe advised the environmental lobbyists were trying to use the requests of a number of counties to allow these vehicles to be registered as leverage to ban use in any forest preserve areas; he noted that New York was the only State in the Nation that did not allow UTV's to be registered. He continued that Assemblywoman Addie Russell had proposed a bill to ban UTV use in forest preserve areas, but to allow registration and use in other areas of the State. Supervisor Monroe said Assemblywoman Russell had invited him to a meeting with a number of environmental groups at the State Conservation Council to discuss this matter. He pointed out that Assemblywoman Russell was from St. Lawrence County and he noted that the Senator from St. Lawrence County had introduced a bill that simply called for allowing registration of UTV's but did not seek to ban their use from any specific area. Supervisor Monroe indicated that at the end of the legislative session no action on this matter was taken and he opined this was better than if the registration had been authorized with restrictions on use. Concluding his report, Supervisor Monroe said the Committee had also briefly considered the minimum wage increase for fast food workers but had not come to any conclusion on the matter.

Supervisor Girard reported on the July 27th meeting of the County Facilities Committee, noting that proposed Resolution Nos. 389, *Ratifying the Action of the Chairman of the Board of Supervisors in the Execution of Easement to National Grid for the Placement of a New Natural Gas Main Line at the Floyd Bennett Memorial Airport to Replace the Use of Propane and Fuel Oil*, 390, *Authorizing Lease Agreement with the United States of America for Space in the Terminal Building at the Floyd Bennett Memorial Airport for Federal Aviation Administration Equipment for Airfield Navigational and Weather Equipment*, 391, *Awarding Bid and Authorizing Agreement with Lowest Responsible Bidder for Law Library Demolition (WC 51-15)*, and 392, *Awarding Bid and Authorizing Agreement with Lowest Responsible Bidder for Plumbing Services at Various Warren County Facilities (WC 52-15)*, were approved. He spoke about the ongoing Court Space Expansion Project, apprising that Clark Patterson Lee had been doing fabulous work at a very fast pace and the County crews had been successful in quickly moving the Law Library to its temporary space in the Human Services Building. Supervisor Girard advised bids were released for demolition work in the old Law Library to facilitate a court room for the new judge that would be starting January 1st. He indicated that drawings and specifications had been submitted to the New York State Office of Court Administration (OCA) for review and he said they had been receiving timely responses with the assistance of Judge Krogmann and Mr. Dusek; he added that they were very happy with the progress of the project and hoped it would continue. Additionally, Supervisor Girard stated that Jon Norris, *of CPL*, did fabulous work and he said his meetings and attention to detail were unparalleled. With reference to proposed Resolution No. 389, Supervisor Girard pointed out that as per

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estimates provided by Mr. Tennyson, the conversion from natural gas could save as much as \$17,000 per year just for the County's facilities, not to mention the adjacent DA Collins and Schermerhorn properties; he said they were negotiating with them to get contributions to the ongoing infrastructure work.

Supervisor Girard apprised Cornell Cooperative Extension had recently contracted with Constellation Energy Services of New York, Inc. as their preferred supplier of electricity. He explained this contract was similar to the one the County had recently secured for electrical service and he said they believed this arrangement would save Cornell approximately \$1,500 per month. Supervisor Girard advised Frank Morehouse, *Superintendent of Buildings*, to review Cornell's furnaces and propane use to possibly get them off a demand meter which elevated their fees quite a bit. Finally, he announced that Cornell would be holding their annual golf tournament on August 29th. Supervisor Girard noted that this fundraising effort had begun when the County had be forced to reduce funding to the organization by 25%. He said he could not say enough good things about Cornell Cooperative Extension and the ways in which they had consistently tried to creatively generate funding for their organization. Supervisor Girard noted that this year 32 teams had signed up to participate in the annual golf tournament which was the most they ever had. He concluded that Cornell Cooperative Extension was a great benefit to the County and did a lot of work for people that needed it the most.

Supervisor McDevitt began his report by apprising of a resolution he and Supervisor Beaty would like to introduce entitled "*Authorizing Execution of Client Acceptance of Year Ten Annual Guaranteed Savings Report for Siemens Industry, Inc.*"; *copies of the proposed resolution were distributed to the Board Members and a copy of same is on file with the items distributed at the Board Meeting.* He stated that the issue of Siemens and their energy performance contracts had not been addressed recently and he noted that if the Board did not take action this year, it would be the third consecutive year they would have refrained from doing so. Supervisor McDevitt continued that the Board had voted on the performance contracts for years 1-7, but had not done so for years 8 or 9, and he was asking that they vote today on the year 10 report. He commented that as they were all aware, the Siemens issues went back to 2005 and for the last 10 years and there had been a steady stream of questions from people with very good engineering minds. Supervisor McDevitt said the County had always received these performance assurance reports which indicated they were saving money; he added that during the first 7 years the Board had approved them and he was asking that the Board vote today on the Year 10 report. Supervisor McDevitt stated his belief that the Board had a public responsibility to voters to let them know whether the Board believed in the assurances provided in this particular report. He reiterated he was asking all members of the Board to take a position on whether or not the County accepted Siemens' report, as they had done in previous years.

Supervisor Taylor advised the Economic Growth & Development Committee had met on August 12th, approving proposed Resolution No. 371, *Authorizing Agreement with IBI Group for Economic Impact Analysis of Rail Operations and to Update First Wilderness Corridor Market Study (WC 038-15).* Additionally, he noted the Committee had received information from Ed Bartholomew, *President, Warren County EDC*, regarding the need for an updated traffic study on the Route 9 corridor from Round Pond Road to State Route 149, following which the Committee had referred the issue to the Occupancy Tax Coordination Committee to determine whether the County's \$25,000 contribution for said study could be funded from occupancy tax revenues. With regard to action taken by the Personnel Committee at their August 12th meeting, Supervisor Taylor provided a brief overview of proposed Resolution Nos. 399-403, all of which were included in the resolution packet.

Supervisor Kenny provided a recap of the August 19th meeting of the Occupancy Tax Coordination Committee, advising that although the County Treasurer had reported occupancy tax revenues were

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only up 1.5% in comparison to last year at this time; he had indicated the Treasurer was not overly concerned about the small increase because the majority of businesses in Warren County reported their revenues quarterly and therefore they would not see the influx of revenue for the summer months until September. Supervisor Kenny confirmed that the Committee had also reviewed the referral from the Economic Growth & Development Committee seeking \$25,000 for the County's share of an updated study for the Route 9 corridor. He commented that he believed this to be an appropriate use of occupancy tax funds because Warren County received more sales tax dollars per square foot from tourists in this area than in any other area of the County. Supervisor Kenny stated that after much discussion, the Committee approved the request. Finally, he noted that Mr. Auffredou had distributed copies of the second quarter report submitted by the Adirondack Civic Center Coalition which they would discuss at their next meeting.

Before continuing the agenda review, Chairman Geraghty recognized Michael Homenick, Ph.D., for his more than 30 years of service to the Community Services Board; he advised that a Certificate of Appreciation would be sent to Dr. Homenick in recognition of this achievement. Additionally, Chairman Geraghty recognized Martin Fitzgerald for his 30 years of service to the Planning Department and Edward Affinito for this 20 years of services to the Sheriff's Office.

Privilege of the floor was extended to Mr. Dusek to provide the report by the County Administrator. As a follow up to the Chairman's report regarding the municipal restructuring meeting held at The Queensbury Hotel, Mr. Dusek said he was happy to report that subsequent to this meeting he had received a call from a member of the Secretary of State's Office who was very interested in the purchasing initiative they had put together as part of the County's Efficiency Plan. He said they had a very good discussion on this matter and the things he felt the County would need to fully implement the initiative, including funding; he said he would continue to follow up with this contact in hopes of obtaining assistance with the plan. Mr. Dusek stated the fact that the State liked the initiative was a compliment to every member of the Board as many Supervisors had to put a lot of work into gathering all of the information necessary to put this initiative together.

Continuing, Mr. Dusek reminded the Board that every year his Office distributed a multi-year plan; he noted that the distribution was a bit behind schedule this year because they had been awaiting some additional information, but said he believed this year's report was better than ever and provided more information to base their decisions in the direction they would like to proceed in. He advised they would be coordinating distribution of the multi-year plan with the Budget Officer so that the Supervisors would have it in time to consider all of the things that came to light as a result of the budget process, including the Committee meetings, offering plenty of opportunity to discuss both the departmental budgets and the overall direction the County was moving in, while offering an opportunity for Supervisors to weigh in on priorities and changes they might like to make. Mr. Dusek stated he was looking forward to presenting the multi-year report through a formal Budget meeting that would be held in the next couple of weeks. Finally, Mr. Dusek noted at the last Personnel Committee meeting there had been a question about the salary for the Executive Assistant to the Human Resources Director which had not been settled at that time. He pointed out that the final salary, which had been decreased from \$42,800 to \$39,500, was reflected in proposed Resolution No. 399, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2015*. Mr. Dusek commented that he had worked with Ms. Figueroa to set this salary, and although it was being reduced, he felt the lower figure was sufficient to attract a competent assistant.

Privilege of the floor was extended to Mr. Auffredou to provide the report by the County Attorney. Mr. Auffredou pointed out proposed Resolution Nos. 416, *Adopting the Compilation of Current Warren County Plans and Policies set forth in the Warren County, New York Plans and Policies and Municipal*

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Code Including the Warren County Rules and Regulations Relating to the Freedom of Information Law Act, and 417, *Introducing Local Law No. 7 of 2015 and Authorizing Public Hearing Thereon*. He explained that proposed Resolution No. 416 completed the process with American Legal Publishing Corp. for compilation of Warren County's current plans and policies, but also adopted new rules and regulations with respect to the FOIL (*Freedom of Information Law*) and access to County records. Resolution No. 417, Mr. Auffredou apprised, introduced a local law intended to adopt another compilation of all existing Warren County local laws into one document and set a public hearing for same. Mr. Auffredou thanked Amanda Allen, *Clerk of the Board*, and her staff for all the work they had done on this undertaking; he noted that the public hearing for proposed Local Law No. 7 would be held at the September 18th Board Meeting. With regard to proposed Resolution Nos. 394 and 395, confirmed he had worked with Mr. Schulz to compromise and revise the resolutions and he said he had reason to believe additional minor modifications to both resolutions may be necessary; he asked the Board to adopt these resolutions recognizing that additional changes may be deemed necessary.

Motion was made by Supervisor Monroe, seconded by Supervisor Conover and carried unanimously to authorize the County Attorney to make any minor changes deemed necessary for Resolution Nos. 394 and 395 after adoption.

Privilege of the floor was extended to Supervisor Merlino who indicated he had another item to discuss which he had neglected to include in his report relative to the Tourism Department. He said he would like to obtain the email addresses of all members of the Board of Supervisors to include them in the email blasts sent by the Tourism Department so that they could see what was being done. He also thanked everyone on the Board for their support of his complaints to the State of New York relative to the need for highway work along State Route 9 in Lake Luzerne; he reported that during the last month NYSDOT (*New York State Department of Transportation*) had fixed thirteen sections of guardrails that had been knocked over in accidents and such and they had also fixed sections of about two miles of highway that required improvement.

Chairman Geraghty called for the reading of communications and Mrs. Allen read the following aloud:

Reports from:

1. Report of Criminal and Family Workloads for June of 2015 from the Warren County Probation Department;
2. Pro Act Warren County Discount Card Utilization Report for the months of January 2014 - July of 2015;

Capital District Regional Off-Track Betting, June 2015 surcharge in the amount of \$5,685;

Capital District Regional Off-Track Betting, 2nd Quarter Benefit Distribution in the amount of \$13,569;

Email from Judson Witham, containing FOIL request for records on Mill Pond issues regarding low and high lake levels on Lake George;

Letter from National Grid, Notice of intention to terminate services supplied to multiple dwellings located at 969 E. Schroon River Rd Bolton Landing for non payment.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 369-418 were mailed; she advised Resolution Nos. 399 and 417 were amended after mailing and a resolution was needed to approve the amendments to each. The necessary motion was made by Supervisor Girard, seconded by Supervisor Simpson and carried unanimously.

Mrs. Allen then noted that a motion was needed to bring proposed Resolution No. 419 to the floor. The necessary motion was made by Supervisor Strough, seconded by Supervisor Dickinson and carried

unanimously.

Continuing the agenda review, Chairman Geraghty called for requests for roll call votes and discussion on resolutions.

Supervisor Beaty requested that roll call votes be taken for proposed Resolution No. 385, *Consenting to the Request of Saratoga and North Creek Railway, LLC to Generate Revenue by Storing Railway Cars in Tahawus on the Condition that the Cars are Inspected and Determined to Contain only Residual Amounts of Oil*, and 419, *Authorizing Agreements and the Allocation of Funds to Provide Warren County's Share of a Traffic Study for the Route 9 Corridor, and Waiving the Rules of the Board Requiring Prior Approval of the Finance Committee*. He also questioned whether the resolution introduced by himself and Supervisor McDevitt, relating to approval of the Siemens Year Ten Guaranteed Savings Report would be considered.

Supervisor Sokol stated that this matter fell under the purview of the Health Services Committee, which he served as Chairman of, and he made a motion to table the matter and refer same to the Health Services Committee for consideration and for any questions to be answered by special counsel. Supervisor Conover seconded Supervisor Sokol's tabling motion.

Supervisor McDevitt cautioned that by tabling the issue, the Board was affirmatively and definitively agreeing with the Year 10 Guaranteed Savings Report Siemens Industry, Inc. had provided. He explained the Report included verbiage indicating the County had until the specified deadline of September 18, 2015 to submit any response they may have to the findings provided, otherwise the energy savings would be deemed acceptable, as presented. Therefore, he continued, the practical effect of tabling the issue was an affirmative agreement and a strong endorsement of the energy savings contained in the Siemens Report. Mr. Auffredou responded that he respectfully disagreed with Supervisor McDevitt's statement; he advised the deadline was a position or condition imposed by Siemens and was not a contractual requirement. He said they had received specific advice from special counsel on this issue that not taking action within the specified time frame was of no consequence to the County; however, he added, taking such action without hearing from special counsel may have certain consequences. Mr. Auffredou stated the idea of tabling the matter was a smart idea and he did not recommend any other action on this resolution be taken as it was not an appropriate time to do so. He commented that the Year 10 Report had yet to be reviewed by the Health Services Committee, nor had they discussed this matter with special counsel. Mr. Auffredou re-emphasized that according to special counsel, there was no reason why the County needed to take this matter up within the timeframe imposed by Siemens and he affirmed that he agreed with this position.

At Supervisor Beaty's request, Chairman Geraghty called for a roll call vote on the motion to table, following which the motion was carried by a majority vote of 652 in favor (*Supervisors Conover, Monroe, Girard, Taylor, Brock, Kenny, Frasier, Simpson, Dickinson, Merlino, Strough, Sokol, Thomas, Wood and Geraghty*) and 227 against (*Supervisors McDevitt, Beaty and Westcott*) (*Absent: Supervisors Vanselow and Seeber - 121*).

During the vote to table, Supervisor Strough commented that while he had the utmost respect for Supervisor McDevitt and he understood his position, he felt the wisest route in this case would be to go through the Committee process and therefore he voted in favor of the motion to table.

Supervisor Beaty stated the Board had been advised by special counsel two to three months ago that they would be updated on this matter in the near future, but that update had yet to be provided. He said the Board had not voted on these matters for over two years and he was unsure what new

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information or harm could come from determining whether the Board agreed with the Year 10 Report, or not. He concluded that he believed delaying a decision on this matter was rather irresponsible on the Board's part and he voted against the motion to table.

Following the conclusion of the vote, Supervisor Beaty questioned whether the motion to table required a simple majority or a 2/3 majority vote. Chairman Geraghty said he was unsure and asked Mr. Auffredou to research and make a determination on what type of vote was required. He noted that if a majority vote was required, the motion to table passed; however, if a 2/3 majority was required the motion had failed. Chairman Geraghty stated that while they awaited Mr. Auffredou's determination, they would continue with requests for roll call votes and discussion on resolutions.

Mr. Auffredou left the meeting briefly to research the voting requirements for a motion to table.

Supervisor Kenny spoke on proposed Resolution No. 385, referring to the storing of railroad cars containing residual amounts of oil. He said he assumed each of these cars held about 20,000 gallons of oil or more, so if there was residual oil of about 200 gallons in the car, that would be considered almost immeasurable. He continued that, as they were all aware, the railroad tracks followed the Hudson River within feet from Stony Creek to North Creek and if there was an accident where 20 railroad cars went into the River, they would be talking about at least 4,000 gallons of oil being spilled into the most pristine waterway in Warren County; therefore, he stated, he was against this resolution.

Supervisor Dickinson commented the County's only involvement in this process pertained to the cars being transported through Warren County and he pointed out that Saratoga and North Creek Railway would not be storing the cars in Warren County. Additionally, he stated it was his assumption that Saratoga and North Creek Railway had a right to transport the cars over the railroad tracks, full if they chose to do so. Supervisor Dickinson recalled the discussion they had at the Public Works Committee was that the cars would be empty or have only residual materials in them that could not be removed by draining them. He said he did not believe this was a concern for Warren County and that the bigger environmental issue was that of Essex County. Finally, Supervisor Dickinson indicated a recent newspaper article indicated some of the cars would not be empty as they came through Warren County and he said this was not his recollection of the meeting; he added he recalled that the cars would be either empty or have small amounts of residual materials in them.

Supervisor Monroe commented that the title of proposed Resolution No. 385 was incorrect in that he did not believe Saratoga and North Creek Railway required the County's consent to storing railroad cars as the County had no authority in this regard. He stated that the correct title of the resolution should indicate that Warren County was authorizing consent to travel over the County-owned section of railroad tracks to reach their storage location. Supervisor Monroe opined that they needed more information as to what they were considering to be "residual amounts" to determine whether this would be 1 gallon or 100 gallons; additionally, he said he felt they needed more information as to where the cars would be stored to identify whether they would be stored near the river or in another remote location.

Supervisor Monroe made a motion to table proposed Resolution No. 385 which was seconded by Supervisor Conover. At Supervisor Thomas' request, Chairman Geraghty called for a roll call vote on the motion to table, following which the motion was carried by a majority vote of 701 in favor (*Supervisors Conover, Monroe, Girard, McDevitt, Taylor, Brock, Kenny, Frasier, Simpson, Strough, Sokol, Beaty, Westcott and Wood*) and 178 against (*Supervisors Dickinson, Merlino, Thomas and Geraghty*) (*Absent: Supervisors Vanselow and Seeber - 121*).

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Supervisor McDevitt requested a roll call vote for proposed Resolution No. 393, *Opposing New York State Assembly Bill No. A.6430 Regarding the Restraint of Female Prisoners During Childbirth.*

Upon returning to the meeting, Mr. Auffredou reported that according to the Rules of the Board, only a simple majority of the weighted vote was required for a tabling motion; therefore, he stated, the motion to table the matter brought forth by Supervisors McDevitt and Beaty was carried.

Supervisor Strough requested roll call votes for proposed Resolution Nos. 394, *Supporting Consideration of an Amendment to New York State's Social Studies Learning Standard; Civics, Citizenship and Government*, and 395, *Supporting Consideration of the Adoption of a New York State Law that would Amend the Education Law, in Relation to the Common Core State Standards Initiative, the Race to the Top Program and the Partnership for Assessment of Readiness for College and Careers Consortium.* He commented that proposed Resolution No. 394 referred to Mr. Schulz's interpretation of Section 801 of the New York State Education Law, which he was very familiar with and which he said had been very successful thus far. He continued that proposed Resolution No. 395 pertained to Mr. Schulz's interpretation of Common Core regulations which were intended to set standards to better prepare students for higher education and further training. Supervisor Strough said in discussion with different individuals, he had found that their knowledge of Section 801 and Common Core principals was not significant and it seemed the people knew very little about either. In addition, he stated he did not see this as being the business of Warren County and if it was, would they vote next month on Donald Trump's interpretation of the Fourteenth Amendment to the Constitution. Supervisor Strough concluded that he had the greatest respect for Mr. Schulz's opinion but that did not mandate that he had to agree with it; he added that while these proposed resolutions may be well intended, he did not think it was the business of the Board of Supervisors to address them.

Travis Whitehead, *Town of Queensbury Resident*, requested clarification as to the decision made on the motion to table and Mr. Auffredou confirmed that a motion to table required only a simple majority of the total weighted voting power. Mr. Whitehead stated this entire issue was discussed in great length at the April 28, 2014 Legislative & Rules Committee meeting and he proceeded to read the following excerpt from the minutes of that meeting: "*Mr. Monroe stated any Supervisor could request a resolution be tabled during the meeting; however, he said, a 2/3 majority vote was required to carry a tabling motion.*" Mr. Whitehead said he had also reviewed Robert's Rules of Order, as well as the County's enabling legislation which indicated that it defaulted to Robert's Rules if direction was not otherwise provided; he added that Robert's Rules indicated a 2/3 majority vote was required for a motion to table. Mr. Whitehead asked Supervisor Monroe to comment on his previous statements and Supervisor Monroe responded that although did not recall making such a statement, he believed Mr. Whitehead's assertion.

With regard to proposed Resolution No. 395, Supervisor Brock stated it seemed the resolution indicated they did not want the State to be part of a National curriculum, but it did not have the tone of being against Common Core standards and he asked if this was correct. Mr. Auffredou responded that Supervisor Brock had captured the spirit and intent of the resolution; additionally, he said he did not disagree with any of Supervisor Strough's comments. He said he did not necessarily believe these were matters of major concern to the County, but rather, were of high importance to Mr. Schulz and had been pending for some time. Mr. Auffredou indicated that the resolutions had been re-drafted by him to, in Mr. Schulz's words "tone them down" so that they were simply seeking consideration of action - not specific action, nor did they take a specific position on the matters. He expounded that these resolutions, as originally drafted, found there were certain violations of laws occurring and neither of these resolutions contained such assertions any longer. Generally speaking, he apprised the Legislative & Rules Committee took under consideration a number of matters and often expressed positions of

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policy which was what he felt the two resolutions as presented had achieved. He continued, in compromising with Mr. Schulz he rearranged the resolutions so they were expressions of policy and seeking review of it and the law rather than finding or declaring violations of law.

Mr. Brock announced he concurred with Supervisor Strough; however, he noted, he was not in favor of the Federal Government dictating curriculum. He remarked he was unsure of what the Board's objective was in relation to this resolution, as he did not feel they were knowledgeable enough to make a determination regarding the Common Core. Mr. Auffredou apprised that through reports in the media it was recognized that concerns about Common Core had been raised. He said his objective with the resolution was simply to seek consideration of review and nothing more than that.

Supervisor Westcott asked for clarification whether Mr. Whitehead was incorrect in regards to tabling resolutions or if there a specific rule that determined a majority vote was required. Mr. Auffredou reiterated in this case the Rules of the Board indicated only a simple majority of the weighted vote was required. He acknowledged that the Rules of the Board did indicate that all questions not covered in the Rules would be decided upon according to the voting rules listed in Robert's Rules of Order. He remarked he believed this instance was covered within the Rules of the Board because tabling actions were typical procedures regularly employed by the Board. He said the Rules stated the following: "*all questions shall be decided by majority total weighted voting power of the Board unless otherwise required by Law or as required herein*". He pointed out there was no requirement by law that a two-thirds vote be required in this case, nor was it otherwise required herein; therefore, he stated, in his opinion the majority total weighted vote was applicable in this instance. Mr. Whitehead interjected that he disagreed with this conclusion.

Supervisor McDevitt advised he had read the minutes from the Legislative & Rules Committee Meeting where Supervisor Monroe stated the following: "*With burden of proof the standard should be higher when tabling a motion*". He said Supervisor Monroe referenced bills that were introduced into the New York State Legislature. He apprised a tabling motion stopped the process in its tracks so the standard should be higher; therefore, he stated, if a two-thirds majority vote was not required, it should be. Chairman Geraghty stated that this could be discussed at the next meeting of the Legislative & Rules Committee.

Supervisor Merlino pointed out that small towns such as Stony Creek only received 12 votes in a weighted vote scenario, which had little impact as compared to the votes from Supervisors representing the larger municipalities of the City of Glens Falls and the Town of Queensbury. He remarked in cases where the two-thirds majority vote was required they should have each vote count as one, as this would prevent critical issues from being tabled by just a few votes. Chairman Geraghty re-stated that they could refer this matter to the Legislative & Rules Committee for further discussion. Supervisor Merlino remarked he felt it was time to address this matter, as it had been a point of discussion for a number of years.

Supervisor Dickinson queried how many Supervisors voted in opposition of tabling the resolution proposed by Supervisors McDevitt and Beaty and Chairman Geraghty responded that three Supervisors had voted in opposition. Supervisor Dickinson questioned whether this was based on the fact that two Supervisors were absent and Chairman Geraghty replied affirmatively. Supervisor Dickinson remarked he felt this presented an issue that should be addressed. Supervisor Brock inquired whether being absent or abstaining from a vote counted as a vote in opposition to which Chairman Geraghty replied in the negative.

There being no further comments regarding the resolutions, Chairman Geraghty called for the voting

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on resolutions, following which Resolution Nos. 369-419 were approved with the exception of Resolution No. 385, which was tabled.

During the roll call vote for proposed Resolution No. 419, *Authorizing Agreements and the Allocation of Funds to Provide Warren County's Share of a Traffic Study for the Route 9 Corridor, and Waiving the Rules of the Board Requiring Prior Approval of the Finance Committee*, Supervisor McDevitt advised he was going to reluctantly vote in favor of the resolution; however, he noted he was concerned from a traffic perspective they may very well be dealing with an unsolvable issue in that area. He stated he felt it was unrealistic to think that a highway could be generated from the Northway to State Route 149 that totally bypassed major retailers located there. He mentioned he believed the retailers were pleased with the current traffic grid. Supervisor Strough interjected that this was not the intent of the traffic study. Supervisor McDevitt apprised that Jeffery Tennyson, *Superintendent of the Department of Public Works*, was quoted in the paper as stating "*unless your prepared to go from State Route 149 to the Northway there was really no way to solve the problem*". He stated he thought that traffic issue presented a significant problem; however, he noted, he was unsure there was a solution to this. Supervisor Kenny apprised the northbound traffic on the Northway was also an issue because it backed up onto the Northway and he opined sooner or later a fatality would occur there from a traffic accident.

Supervisor Merlino requested a ceremonial Roll Call Vote on Proposed Resolution No. 386 to show unanimous support; the vote was taken and unanimous support was confirmed.

Chairman Geraghty offered privilege of the floor to any members of the public wishing to address the Board of Supervisors.

Mr. Whitehead advised he would like to read a portion of Local Law No. 3 of 2006, which related to Occupancy Tax. He apprised it stated the following: "*The revenues derived from said tax after deducting the amount provided for administrative tax shall be allocated for tourism promotion and tourist and convention development using revenues to enhance the general economy of the County of Warren and its City and Towns and Villages through the promotion of tourist activities, inventions, trade shows, special events and other directly related and supporting activities*". He commented he did not see where a second or third traffic study fell under any of that. He mentioned it may be time to seek better advice from the legal counsel for the County.

Wayne Lair, *Representing Phantom Fireworks*, thanked the Board for the opportunity to discuss with them the recently enacted Local Law allowing for the use of sparklers and sparkling devices here in Warren County. He said fans of fireworks continue to support these common sense laws that allowed the County and the State to regulate and monitor the sale and usage of ground based consumer fireworks out in the open. He continued, laws such as this allowed for the County residents, many of whom formally traveled out-of-State to purchase aerial fireworks, to stay at home and celebrate with smaller, safer products. He mentioned this was the first year in a generation that small handheld and ground based consumer fireworks could be legally purchased and used in New York State. He advised that Phantom Fireworks had operated two tent locations, as well as a storefront in Warren County this year at which ten people were employed. He informed in all there were more than two dozen sales venues open across the County where individuals were able to purchase these types of products. He indicated as with any other time that a product became regularly available for the first time, there would be some growing pains associated with its introduction. He remarked while they always hoped for no incidents to occur they believed this was an issue of education more than anything else. He stated the public at large needed to be better educated on how to properly use and dispose of consumer fireworks, as well as identifying which products were legal for use here in New York State and which were not. He reported that the State mandated that a safety sheet be posted at every location that sold

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fireworks. He pointed out Phantom Fireworks took the extra steps to ensure that their customers received the safety message in several ways through supplying a multi-page safety booklet that was printed in both English and Spanish to each one of their customers at their purchase, as well as displaying a large poster outlining the proper disposal techniques for spent fireworks which they directed all customers to. He added they printed additional safety information on all of the bags that the products were placed in. He commented while they attempted to go above and beyond to educate the public they would also like to work with the County to assist with further educating the public to ensure these products were being used properly and safely. He noted three of the four surrounding Counties had also opted into the State law, which meant residents and tourists alike did not have far to go to purchase these same products. He said by all accounts many of these products had been sold there for years though no one was aware they were illegal at the time. He opined simply turning around and banning the use of safe and sane fireworks in Warren County would not accomplish the Board's goal of making the County safer on July 4th but working together with responsible members of the fireworks industry to help educate the public could do just that. He stated their pledge to the County was to work as closely with them as they could to ensure that this message was heard loudly and widely.

Supervisor Dickinson advised he had three things he would like to comment on, two of which related to fireworks. He stated the first issue with fireworks related to sparklers. He remarked many were already aware of the fact that he was adherently opposed to use of sparkling devices, as he saw no need for them. He stated the number, variety and disbursement of tents on the roadsides selling fireworks provided a poor image to individuals traveling through Warren County. Next, he mentioned he saw no need for the sparklers, as they only provided employment for individuals for about a month. Lastly, he stated his major concern was that a number of the sparkling devices were used by young children, some of which was under poor adult supervision. He reiterated he did not believe they needed sparkling devices, as they were not an asset to the community and they would have an adverse impact on young children.

In regards to fireworks, Supervisor Dickinson pointed out Mayor Blais had a serious issue with poppers in the Village of Lake George. He explained that poppers were little explosives that looked like dried spit wads. He stated they had created an issue in the Village because they were thrown at horses, in crowded areas, inside stores, etc. He mentioned it was very disconcerting when individuals were not expecting to hear the snapping or popping noise they made, as some said it was similar to gunfire which could create havoc in a crowded area. He remarked he would like to discuss both these issues again through the Committee process so that something could be presented to the full Board. He said he had no intention of doing this today; however, he noted, he would be pursuing this matter through the proper Committee. He commented he would like to see the Board support banning poppers from being sold or used in Warren County.

Supervisor Dickinson asked for clarification on the roll call vote to table the resolution proposed by Supervisors McDevitt and Beaty, indicating he was unsure whether the two-thirds majority vote pertained to the total votes for the entire Board, or just those members present. Mr. Dusek explained the votes were calculated based on the entire voting weight of the entire Board, regardless of whether there were Supervisors absent. He explained the total voting weight consisted of 1,000 votes, the majority of which was calculated to be 501 votes. He stated when a roll call vote was taken, as long as there were 501 affirmative votes, the action in question passed. Supervisor Dickinson queried whether this meant that if a Supervisor was absent their votes counted as being in opposition and Mr. Dusek replied in the negative. He explained that if individuals were absent their portion of the weighted vote did not count and were listed as absent; however, 501 votes were still required for a majority vote. Supervisor Dickinson opined being absent was similar to voting in opposition. Mr. Dusek reiterated that

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the votes were calculated for everyone that was present; however, he said, the ultimate decision was always based upon the total voting power of the Board.

Supervisor Monroe remarked he felt this was fairly common occurrence, as he had experience with this through his involvement with the Adirondack Park Local Government Review Board. He mentioned several times they required a unanimous vote in order for something to move forward because there were three vacancies on the Board.

Supervisor Dickinson advised if this was the situation here he surmised it was subject to them being able to revise it. He remarked he did not feel this was the appropriate way to handle matters and he suggested they research the voting procedure to determine whether it could be changed. Mr. Dusek apprised that Mr. Auffredou could research this; however, he informed, he felt this was a matter of law. Supervisor Dickinson suggested they change the law and Mr. Auffredou interjected that he believed it was a matter of State law but noted he would research this further.

Supervisor Beaty advised he felt it was pertinent for him to explain why he voted in opposition of Resolution No. 419, *Authorizing Agreements and the Allocation of Funds to Provide Warren County's Share of a Traffic Study for the Route 9 Corridor, and Waiving the Rules of the Board Requiring Prior Approval of the Finance Committee*. He remarked he personally did not feel comfortable supporting something that an anonymous donor was associated with. He stated that he was all for openness and transparency; therefore, he questioned why someone needed to be anonymous if they were going to be donating \$50,000 to a traffic study. In regards to the total estimated cost of the traffic study of \$150,000, he said he was concerned that Mr. Bartholomew would return and ask for additional funding since he was unsure where the remainder of the funding would originate from. He pointed out the total cost of the study was \$150,000 and both the Town of Queensbury and the County had committed \$25,000 and the anonymous donor had committed \$50,000 which left a remaining balance of \$50,000. Supervisor Kenny clarified that the anonymous donor was contributing \$100,000 not \$50,000. He said the reason they remained anonymous at this point was because they wanted to ensure the Town and County were committed to the project before they were named. He reported they would be named in the future.

Supervisor Dickinson advised that the County had employed Mr. Bartholomew to provide them with advice in regards to economic development for the County which they strongly relied upon. He remarked he felt the advice Mr. Bartholomew had provided them with good advice thus far, he felt it was the correct course of action to move forward with providing the funding requested by Mr. Bartholomew for this traffic study. He said he felt the anonymous donor would be named at the appropriate time.

With regards to the use of sparkling devices in Warren County, Supervisor Kenny reported that all you could hear in the City of Glens Falls on the evenings of July 3rd and 4th from 9:00 p.m.-11:15 p.m. was fireworks such as cherry bombs, M80's, quarter sticks, etc. all of which were illegal in New York State. He said he would support repealing the section of the law that permitted the sale and use of poppers.

Supervisor Conover reminded the Board about a year ago they had unanimously approved a revision to the occupancy tax supplemental distribution to the Towns which he felt based upon the feedback he had received from the municipalities had worked superbly. He said at that time one of the concerns expressed referred to the balance of the occupancy tax fund balance, as they wanted to ensure the account retained a sufficient balance. He remarked he believed there was still ample funding available in the fund balance. He requested that Mr. Dusek and the County Treasurer review the distribution to the County and the municipalities and determine whether any additional adjustments were necessary

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or if it was appropriate for the current distribution to remain in place.

Supervisor Dickinson advised that several events had taken place at the Festival Commons this year, a number of which had been poorly attended. He encouraged any music lovers to attend this weekends event scheduled to take place at the Festival Commons, as a number of different types of general musical acts would be performing throughout the weekend starting tonight. He noted Arlo Guthrie would be performing on Sunday afternoon and encouraged all to attend.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Simpson and seconded by Supervisor Sokol, Chairman Geraghty adjourned the Board Meeting at 11:53 a.m.