

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: APRIL 1, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS GIRARD
WOOD
WESTCOTT
STROUGH

COMMITTEE MEMBER ABSENT:

SUPERVISOR MONROE

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS
ROSS DUBARRY, AIRPORT MANAGER
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
TANYA BRAND, COUNTY GROUP TOUR PLANNER
SUPERVISORS BEATY
BROCK
FRASIER
KENNY
MCDEVITT
MERLINO
SEEBER
SIMPSON
TAYLOR
KARLA BUETTNER, ESQ., WARREN COUNTY BAR ASSOCIATION
DAVE SCHWENKER, WARREN COUNTY RESIDENT
MICHAEL CONSUELO, EXECUTIVE DIRECTOR, LAKE GEORGE REGIONAL
CHAMBER OF COMMERCE & CVB
JOE KERVIN, WARREN COUNTY RESIDENT
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, SECRETARY TO THE CLERK OF THE BOARD

Mr. Girard called the meeting of the County Facilities Committee to order at 10:30 a.m.

Motion was made by Ms. Wood, seconded by Mr. Strough and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Frank Morehouse, Superintendent of Buildings, who distributed copies of the agenda packet to the Committee members; *a copy of which is on file with the minutes.*

Commencing the agenda review, Mr. Morehouse advised during the ADA (American with Disabilities Act) assessment Buildings & Grounds had identified some upgrades they would like to complete. He explained the fire alarms in the Municipal Center Building required updating, and additional equipment was necessary to connect the panic alarms in the HSB (Human Services Building) with the Sheriff's Office. He said the cost for connecting the HSB panic alarms with the Sheriff's Office would be \$3,258.20.

Mr. Morehouse advised the representatives from Simplex Grinnell recommended installing an external annunciator panel on the Municipal Center Building, as this would assist the fire department with determining the origin of the alarm without requiring them to enter the building. He apprised the total cost for the parts and installation was \$1,300.

Page seven of the agenda, Mr. Morehouse stated, consisted of the projected cost of connecting the panic alarms in the HSB with the Sheriff's Office, purchasing and installing the remote annunciator panel on the outside of the Municipal Center Building, and upgrading the remainder of the fire alarm system so the County would be fully compliant with ADA regulations. He explained because of the age of the Municipal Center Building the County was fully compliant; however, he said, in order to get everything up-to-date new equipment was required. He apprised the total project cost to complete all upgrades was \$75,000. He suggested dispersing the cost within the budget over the next five years because of the high price tag to complete the entire upgrade.

Mr. Morehouse advised \$13,000 of the upgrade expense was for the installation of horns/strobe lights on the fire alarms in the Municipal Center Building. He said this was a regulation implemented by the ADA to provide both an audio and visual alarm. He suggested expending the \$13,000 now for the aforementioned upgrades and \$1,300 to purchase and install the external annunciator panel on the Municipal Center Building, as well as expending \$3,258.20 to connect the HSB panic alarm to the Sheriff's Office.

Paul Dusek, County Administrator, added that while the current fire alarm system was working sufficiently he was concerned that the alarms were not being heard in certain portions of the Municipal Center Building. Furthermore, he stated, he felt the cost of upgrading the system to ensure compliancy with the ADA regulations was moderate and should be completed now. He continued, the reason the HSB panic alarm was not able to transmit a signal to the Sheriff's Office was because it was determined the software required was owned by Fire Security and Sound Systems; therefore, he said, it was necessary to purchase and install an output relay card to transmit the signal to the Sheriff's Office. In regards to the remote annunciator panel, he apprised he felt the cost was reasonable considering the time it would save firefighters from having to wander around the building searching for the specific location of the alarm that was triggered.

Mr. Dusek advised the total cost for all of the aforementioned upgrades would be \$17,558.20, which would have to be paid from the contingent fund. He recommended approving the expenditure, as he felt the added safety for employees and the public outweighed the modest cost of the upgrades. He added there had been a misconception that the fire alarm upgrade completed last year included the horn/strobe lights; however, he said, only the panel was upgraded; otherwise it would have been included in the budget.

Mr. Strough questioned whether the County had exposed itself to liability risks should an incident occur since it was determined the fire alarm system was not compliant with ADA regulations. Mr. Dusek advised the only compliancy issue related to not having the horn/strobe lights. He said because of the age of the Municipal Center Building the remainder of the upgrades could be delayed, as the building was considered to be ADA compliant. He pointed out when he had reviewed the history of all County-owned buildings he determined an adequate assessment of ADA compliance had not been completed. He reiterated that he felt the added safety for employees and the public outweighed the modest cost of the upgrades. Mr. Westcott added he felt whatever work was required to become complaint should be completed and to delay the remainder of the upgrades until a source of funding was identified.

Motion was made by Ms. Wood, seconded by Mr. Westcott and carried unanimously to authorize Buildings & Grounds to update the fire alarm system in the Warren County Municipal Center Building, purchase and install an output relay card to transmit the HSB panic alarm signal to the Sheriff's Office and purchase and install an external annunciator panel on the Municipal Center Building for

a total amount not to exceed \$17,558 with the funding for the aforementioned upgrades to be transferred from the contingent fund and refer same to the Finance Committee.

Item B on the agenda, Mr. Morehouse advised, referred to a request from the New York State Bar Association to use the Warren County Municipal Center Building on Saturday, April 26, 2014 to hold a mock trial event. He pointed out since the event was scheduled for a Saturday overtime would be required for the cleaning crew. He said they would be utilizing the Board Room, conference rooms and kitchen located on the second floor. Mr. Girard asked for an estimate of the overtime costs and Mr. Morehouse replied he anticipated it would be around \$200.

Mr. Girard asked whether a resolution was required and Mr. Dusek replied affirmatively. He stated he felt because of the nature of the request a resolution was necessary. He added he thought the event was valuable and that it would be appropriate for Warren County to be involved.

Motion was made by Ms. Wood, seconded by Mr. Westcott and carried unanimously to authorize the New York State Bar Association to use the Warren County Municipal Center Building on Saturday, April 26, 2014 as outlined above and the necessary resolution was authorized for the April 18, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

With regards to Item C on the agenda, Mr. Girard apprised Cornell Cooperative Extension was researching alternative power options, as they currently utilized electric, which was proving to be costly because of the recent increase in utility costs. He pointed out they were interested in investigating solar energy since other municipalities such as the Towns of Chester and Queensbury had been successful in utilizing it as a power source. He said there had been previous discussions of expanding the alternative energy to Countryside Adult Home, as well but no action was ever taken. He stated he felt it was imperative to develop a plan shortly, as the increase in the electricity bills had been so significant they were quickly depleting the budgeted amount for the year.

Mr. Girard advised that Dr. James Seeley, Executive Director of Cornell Cooperative Extension, had obtained consultants to review options for the site; however, he stated, since the facility was owned by Warren County he could not proceed without direction from the Committee. He added he felt a decision on how to proceed was necessary before next winter as so they could reduce their energy costs. He suggested utilizing Cornell Cooperative Extension a model as to how to proceed with alternative energy on other County-owned facilities in the future. He said there were many factors that needed to be considered before a decision could be rendered; however, he apprised, he felt the Committee should authorize the DPW (Department Of Public Works) to research the most efficient alternative energy source available to utilize in the Cornell Cooperative Extension building prior to next winter.

Jeffery Tennyson, Superintendent of the DPW, advised the Buildings & Grounds Department had been contacted by numerous contractors who wanted to provide informal proposals regarding implementing an alternative energy source for various County-owned facilities. He said they were researching the different alternative energies available for all County-owned facilities. He pointed out there was the potential for grant funding for this project. He added he had reached out to Clark Patterson Lee (CPL) for their assistance, as they had an expert in this area who had dealt with municipalities, as well as private customers. He noted they would be coming within the next few weeks to further discuss the matter at no cost to the County.

Mr. Tennyson apprised NYSEDA (New York State Electric & Gas) had informed him there were grants available for municipalities to conduct more detailed engineering and feasibility studies to

provide a broader overview of what opportunities were available. He stated this would assist with determining which locations would provide the greatest opportunity and benefits to pursue. He said he felt he would have the information available at the next Committee meeting to assist in determining how best to proceed. He suggested looking into whether any of the local municipalities would be interested in participating in the study, such as Warrensburg since they owned property adjacent to the Cornell Cooperative Extension property.

Mr. Dusek added he thought it was necessary to look at all of the advantages and disadvantages, as well as the potential costs because companies would not participate in a project without receiving some sort of reimbursement or benefit from it. He said he wanted to ensure the County was aware of all of the costs and how they were recovered, the reliability of the company and whether they would be in business in a few years and compare it to all the different opportunities available now. As an example, he stated there were about six different versions of solar energy available in the market right now. He advised he felt the input provided by CPL would be critical in assisting with making a determination as to what avenue should be pursued. He apprised he thought there may be an opportunity for a joint venture with the Town of Warrensburg since they owned property adjoining the Cornell Cooperative Extension parcel. He concurred with Mr. Girard's statement that this may be utilized as some sort of pilot program for other County-owned facilities to reference. He reiterated he believed all options should be explored and noted there should be a thorough understanding of what the advantages and disadvantages were.

Mr. Strough advised there were many factors to consider, as some companies provided a purchase agreement with no cost to the customer and a guaranteed savings; however, he said, there were benefits to them, as well. He pointed out the company would apply to NYSERDA for the grant and would eventually receive the grant funding for the devices the municipality was using. He noted every company had their own arrangement with the intent of making a profit.

Another factor to consider Mr. Strough added, was that solar panels required a specialized maintenance and certain liability. He stated some companies would agree to perform the maintenance and undertake the liability. He said certain firms such as New York Light Energy billed by the kilowatt and other firms like Monolith invoiced by a certain percentage of what your current rates were. He apprised the real savings were realized because of the decrease in the delivery fee.

Mr. Strough advised hydroelectric was another form of alternative energy that could be considered. He said the State was trying to encourage firms to rebuild and maintain the smaller hydroelectric firms by offering a credit if electricity was purchased from one of these firms. He pointed out hydroelectric was only valid for mass quantity users. He stated it was necessary to compare and contrast to determine what would provide the most efficient and secure savings for the municipality for the long term. He noted the Town of Queensbury was considering utilizing hydroelectric as opposed to solar power because solar was limited to the amount of energy it could provide. He said there were six Town of Queensbury buildings that were utilizing solar power and they had tv screens in the Town Hall displaying the usage and savings that were realized. He reiterated significant savings could be achieved; however, he noted, the maintenance and liability issues with some of the devices had to be considered, as well.

Mr. Westcott questioned whether the Town of Queensbury hired a consultant to assist them with determining which system should be implemented and Mr. Strough replied in the negative. He explained he met with several different companies over a span of a year to learn about the different solar energy options available. With regards to hydroelectric power, he advised he had met with the Gravity firm to discuss hydroelectric energy and the credit offered by New York State.

Item E on the agenda, Mr. Tennyson apprised related to the reorganization of DPW personnel, which had been approved at the March 27, 2014 meeting of the DPW Committee. He explained the Airport Maintenance Worker #4 position, which had been vacant for sometime was being eliminated. He said funding for the position would be transferred into a contract code for the Airport Budget to pay for the DPW personnel to cover the position on an as needed basis. He estimated the savings in the Airport Budget to be approximately \$26,000 on an annual basis if the entire contract amount was used.

Another position that affected the County Facilities Committee, Mr. Tennyson added, was Sr. Building Maintenance Mechanic #1. He said the position had been vacant since the individual retired in the Fall of 2013. He stated he was proposing to backfill the position; at a lower grade title. He explained the original position was a grade 16 and the proposed position was a grade 10, Carpenter/Groundskeeper which would result in an estimated savings of \$24,000. He noted the aforementioned positions would be discussed at the Personnel Committee meeting on April 9, 2014, as well as discussion on salary review and exempt status for a few positions.

Mr. Westcott exited the meeting at 11:00 a.m.

With regards to the Referral item, Mr. Tennyson stated he had no new information about the restructuring of the main entrance to the Municipal Center.

The Buildings and Grounds portion of the County Facilities meeting concluded at 11:01 a.m.

Privilege of the floor was extended to Ross Dubarry, Airport Manager, who distributed copies of the agenda packet to the Committee members; *a copy of the agenda packet is on file with the minutes.*

Commencing the agenda review, Mr. Dubarry presented a request to authorize the Superintendent of DPW to establish procedures and collect a fee of \$15 during the 2014 Adirondack Balloon Festival at the Floyd Bennett Memorial Airport for premium parking passes and discontinue the \$5 price increase during the last weekend before the festival. He explained the fees collected assisted with defraying some of the salary and overtime costs incurred by DPW personnel who work during the festival.

Motion was made by Ms. Wood, seconded by Mr. Strough and carried unanimously to approve the request to establish procedures and collect a fee of \$15 during the 2014 Adirondack Balloon Festival at the Floyd Bennett Memorial Airport for premium parking passes as outlined above and the necessary resolution was authorized for the April 18, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Item 2 on the agenda, Mr. Dubarry advised referred to a request to authorize the Superintendent of the DPW to establish procedures and collect a \$100 per day fee or \$150 for the entire festival weekend for tour bus operating parking passes for the 2014 Adirondack Balloon Festival at the Floyd Bennett Memorial Airport. He stated this would also assist with defraying some of the salary and overtime costs incurred by DPW personnel who work during the festival.

Motion was made by Mr. Strough, seconded by Ms. Wood and carried unanimously to authorize the Superintendent of the DPW to establish procedures and collect a \$100 per day fee or \$150 fee for the entire festival weekend for tour bus operating parking passes for the 2014 Adirondack Balloon

Festival at the Floyd Bennett Memorial Airport as outlined above and the necessary resolution was authorized for the April 18, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

With regards to referrals, Mr. Dubarry apprised Mr. Schermerhorn indicated he would attend the next Committee meeting to present his proposal for the office space and restaurant located at the Airport.

Mr. Girard noted that Mr. Westcott had distributed a handout earlier in the meeting regarding the FAA (Federal Aviation Administration)/Airport Improvement Program; however, he said, Mr. Westcott had exited the meeting and had not returned. Mr. Girard questioned how the Committee would like to proceed. Ms. Wood suggested that the Committee members review the handout and independently contact Mr. Westcott with any questions they might have. Mr. Beaty interjected he had previously discussed this matter with Mr. Westcott and could explain the document on his behalf.

Mr. Beaty advised Mr. Westcott's purpose was to clarify that grant funds provided by the FAA were taxpayer funds. He read a quote from a meeting in a different County that was seeking FAA funding to extend an airport runway that stated " a supervisor called this a silly argument that the County would only pay 5% of the land purchase price. We are paying with taxpayer money one way or another. We can't waste Federal money then sit around and complain about Washington. I am tired of that 5% argument." Mr. Beaty noted the quotes were derived from Arthur Bassin, a representative of the Columbia County Board of Supervisors. He said he felt Mr. Westcott may have been parlaying on that with his explanation of what tax money really is and that he concurred with Mr. Bassin that FAA grant funds were funds derived from taxes.

Mr. Merlino pointed out when Mr. Westcott was a newly elected official he was passionate about the subject of mandate relief. He said that although the FAA funds were not mandated, it was money being allocated to the County with minimal costs. Mr. Merlino noted if the funds were refused the government would not issue refund checks to the County taxpayers for their share of the funds; however, he stated, the funds would be allocated to another County or State for their airport improvements instead.

Mr. Merlino stated he had attended the meeting a few weeks ago orchestrated by Mr. Westcott to discuss the Airport and noted he was offended by the insinuation that the Supervisors who supported the Airport expansion were receiving kickbacks. He apprised he had never received any sort of compensation for supporting the Airport during the nine years he had been the Supervisor for the Town of Lake Luzerne. He advised he felt Mr. Westcott had not fully answered a question by a gentlemen who attended the meeting regarding why Warren County contracts were bid on from businesses south of Albany or New Jersey. He said Mr. Westcott replied that the law stated it had to be put out to bid and awarded to the lowest responsible bidder. He added that while this was correct, he felt the question required further explanation. He pointed out that if a company in New Jersey was awarded the bid they would be paying for their employees food and lodging while they were here, as well as purchasing supplies from local suppliers and they often employ local residents, as well.

In regards to the tax argument, Mr. Merlino advised he thought if it was his taxpayer money then it should be spent here in Warren County. He said he was sorry Mr. Westcott was not present to hear his comments; however, he said, he believed it was time to stop arguing about the airport and proceed with the project.

Mr. McDevitt added he did not think it was relevant whether the funds disbursed by the FAA were referred to as a fee or a tax, as they did not contribute to the national debt or deficit. He stated he felt the law was orchestrated many years ago by rural legislators who wanted to assist rural airports with remaining safe and competitive. He said it was a pay-as-you-go system designed to assist rural airports to remain safe while still being viable. He reiterated the funds did not contribute to the national debt or deficit. Mr. Strough apprised he concurred with Mr. Merlino and Mr. McDevitt's statements.

Mr. Beaty interjected he disagreed that the funds distributed by the FAA were not a tax, as the FAA referred to it as a tax. He advised he did not agree with the argument that the County should accept the funds from the FAA because it was "free money" that would be awarded elsewhere if they were not accepted. He said he believed the initiative to stop wasteful spending had to start on a local level by using tax dollars more efficiently. He stated he considered accepting the funds from the FAA to be wasteful spending.

With regards to the property the County was purchasing to expand the Airport, Mr. Beaty advised he thought purchasing the property in Washington County should be utilized as a last option, as there were alternative solutions that should be considered first. He apprised the County had already purchased the easement rights in 1944. He continued, although the map displaying the easements was missing there were two certified engineering firms that had created maps for adjoining properties that listed information from the missing map. He added he received a letter from a taxpayer who had a law degree that stated "The County is missing the point. They should go to court because they know they've already paid for easement rights even if they lack the information to instantly prevail. Then, they can use the "discovery process" to compel everyone involved -- the current property owners who stand to benefit and their agents (surveyors, etc.), past property owners, etc., to disclose what they have and what they know!!! This production of documents and answering of questions in the form of interrogatories and depositions is under oath and penalty of perjury. This map is somewhere. What is the County's problem with going through this process? It's not hard or complicated. If at the end of discovery, there is nothing produced that helps the County's case, they can drop the suit or proceed to trial. It's apparent that nobody is going to produce information otherwise." Mr. Beaty advised he believed the County should enforce Resolution No. 691 of 2005 which authorized the commencement of civil action for the determination of the County's easement rights, as it would be a more cost effective solution and prevent wasteful spending of County taxpayer funds.

Ms. Seeber apprised she had attended the meeting sponsored by Mr. Westcott a few weeks ago, as well. She stated she thought it needed to be clarified that there was no issue to vote on since she had been asked how she would vote several times at that meeting. Mr. Girard advised once the environmental assessment was completed the design phase portion of the project would commence. He said he felt there had been sufficient checks and balances involved throughout the process as demonstrated by the efforts of the FAA, the engineers, the Airport staff and the County Attorney's Office. He apprised a number of issues had been dealt with by the Committee such as the lengthening of the runway, obstruction removal on the long runway, as well as the shorter runway to ensure they were being handled properly and up to the standards set by the FAA. He pointed out the County Attorney had contacted the FAA to ensure they agreed with the appraisal values related to the short runways. He reiterated any issue relating to the Airport runways would be presented to the Committee after it had been reviewed and analyzed by the FAA, the County Attorney, the Airport manager and the County engineers. He apprised it was an evolving process the County had been committed to since 2002.

Ms. Seeber advised that none of the members of the Board of Supervisors were receiving kickbacks for supporting the project. She asked Mr. Beaty whether any progress had been made in locating the missing map, as this had been indicated at the meeting administered by Mr. Westcott and he replied in the negative. He stated that he had two certified engineering firms who had created maps for adjoining properties that listed information from the missing map. He said he felt this would provide sufficient evidence to pursue the matter in civil court.

Martin Auffredou, County Attorney, interjected he had been aware of the aforementioned maps Mr. Beaty was referring to for a considerable period of time. He said they were referred to as exhibit A maps, which were maps the FAA required to be maintained. He explained the map displayed all of the Counties real estate holdings including the RPZ (Runway Protection Zone) that had been acquired by fee or easements. He explained this map from 1991 was based upon a map from 1972 that was also an exhibit A map. He stated it displayed the Riley parcel, which was the disputed property, as prepared by a drafter in 1991 and identical to the map prepared in 1972, as well as numerous other maps that had been located, reviewed and considered during the search for the missing map. He noted these particular maps did not show the deed language that specified the areas of the trees and the specified obstructions. He added he did not feel the map formed a legal basis for which the County could enforce the easement. He noted as he had stated at previous meetings if the County's desire was to pursue litigation then they should proceed; however, he said, based upon the information available he did not feel it was advisable and other Attorneys he had discussed the matter with had concurred. He stated he was confident that a thorough review was completed during the search for the missing map and added the maps Mr. Beaty referred to were included in his file.

Dave Schwenker, Warren County Resident and Pilot, advised that his main concern was aviation safety. He noted he had previously discussed with Mr. Westcott the FAA tax issue. He said the tax was related to aviation; however, he stated, it was not just for the benefit of the pilots. He apprised the FAA was willing to invest money to provide safe places for planes to land should an incident occur that required them to land prior to reaching their final destination. He pointed out it would not be a local pilot that crashed into a tree, it would be an out-of-town businessman in a high performance single plane.

In reference to the missing map, Mr. Schwenker apprised he had fifteen years of experience on the Queensbury School Board and dealing with appraisal issues. He said that although he originally held the same opinion of Mr. Westcott and Mr. Beaty, he had been proven wrong through the legal system. He stated he concurred with Mr. Auffredou's opinion that based upon the information available legal action should not be pursued.

Mr. Kenny advised he agreed with the previous statements made by Mr. Merlino, as he did not understand the logic presented by certain Supervisors that there was a potential cost savings if there was a partial or full curtail of the project. He said his understanding was the FAA budgeted a certain amount of funds per year for grants and if a community refused the funds they would be allocated to a different location, which presented no savings to the taxpayers.

Mr. Beaty interjected the savings would be realized because rather than spend over a million dollars purchasing property, the County could pursue litigation to enforce the easement rights that were already purchased in 1944. He reiterated Resolution 691 of 2005 was unanimously approved by the full Board to pursue the matter in court. He pointed out another form of savings that would be realized would derive from not having to pay Washington County property tax for the portion of the land located in their County since there would be no need to purchase the property. He noted if the

County were to pursue legal action and the court ruled against them there were still other options to consider before spending over a million dollars on property. He reiterated exercising any of the other options available other than purchasing the property would result in significant savings for the County.

Mr. Kenny applauded Mr. Beaty on his thorough research for the project; however, he stated, the County Attorney had reviewed all other options available and was not suggesting the County change their course of action. He added he did not agree with Mr. Beaty's suggestion to use eminent domain, as he did not feel this was the correct course of action to take. Mr. Beaty interjected that he had referenced aerial eminent domain, as he did not want to seize any property owners land. He explained that aerial eminent domain would allow the County to cut trees down on individuals property.

Mr. Auffredou advised he felt it was necessary to clarify for the record his position regarding litigation. He said that although Resolution 691 of 2005 authorized litigation and was adopted unanimously by the full Board, additional review was required. He said he, as well as the County Attorney in 2005 had completed thorough reviews of the matter. He apprised he felt it was his obligation as the County Attorney to come forward and state based upon the information that was found and more importantly what was not found that there was not a legal basis for moving forward with litigation irrespective of the resolution. He reminded the Committee it was his opinion at some point the resolution should be rescinded, as he did not feel there was a legal basis to move forward. He noted in all of his years of experience he had never taken the position or would he ever take the position that you sue someone with the hope that you find something on a civil basis. He said his training did not dictate that you commence a lawsuit with the hope that an individual under oath was going to show something or display something. He stated his training determined that you advise a client to pursue a lawsuit when there was sufficient evidence before you to advise your client to move forward on a lawsuit. He added this was how he was approaching this matter.

Ms. Wood noted at a previous Committee meeting she had made the motion to rescind Resolution No. 691 of 2005; however, she said, there was no second. She said she would like to make the motion again on the advice of the County Attorney, as she felt this may assist in resolving the matter. Mr. Beaty advised he did not think this was the correct form of action, as this removed one of the less expensive options available to resolve the matter. He added he had been advised by other Attorneys who felt the County did have sufficient evidence to justify pursuing legal action. He stated while he respected Mr. Auffredou's opinion, he felt the courts were in place to render decisions on these types of disputes. He reiterated he felt this course of action could result in substantial savings to the County. Mr. Strough advised he was in favor of reviewing all the options; however, he said, he felt Resolution No. 691 of 2005 was creating a complication in the process. Mr. Girard added this would be forwarded to the full Board for further discussion.

Motion was made by Ms. Wood, seconded by Mr. Strough and carried unanimously to rescind Resolution No. 691 of 2005, which authorized the commencement of civil action for the determination of the County's easement rights and the necessary resolution was authorized for the April 18, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

As there was no further business to come before the County Facilities Committee, on motion made by Ms. Wood and seconded by Mr. Strough, Mr. Girard adjourned the meeting at 11:32 a.m.

Respectfully submitted,
Sarah McLenithan, Secretary to the Clerk of the Board