

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, DECEMBER 18, 2020**



Note: As per Governor Cuomo's Executive Order 202.1: "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed"

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 10:01 a.m.

Mr. Frank E. Thomas presiding.

Salute to the flag was led by Supervisor Braymer.

Roll called, the following members present:

Supervisors Conover, Leggett, McDevitt, Braymer, Bruno, Driscoll, Frasier, Simpson, Hogan, Dickinson, Wild, Magowan, Seeber, Beaty, Shepler, Geraghty and Thomas-17 Absent -3 Supervisors Diamond, Merlino and Strough

Supervisors Leggett, Frasier, Simpson, Wild, Magowan, Seeber, Shepler, Geraghty and Thomas were present at the meeting, while Supervisors Conover, McDevitt, Braymer, Bruno, Driscoll, Hogan, Dickinson and Beaty attended via teleconference.

Chairman Thomas noted a motion was necessary to approve the minutes of the November 20, 2020 Board Meeting and the December 9, 2020 Special Board Meeting, subject to correction by the Clerk of the Board. The motion was made by Supervisor Simpson, seconded by Supervisor Geraghty and carried unanimously.

Chairman Thomas advised Congresswoman Stefanik, Senator Little and Assemblyman Stec were not in attendance to provide updates on their activities. Continuing with the Agenda review, he asked Brian LaFlure, *former Director of the Office of Emergency Services*, to come forward; he then proceeded to present him with a certificate of appreciation commemorating his twenty-one years of service to the County. A round of applause followed.

Supervisor Strough entered the meeting at 12:06 a.m. via teleconference.

Chairman Thomas asked Supervisor Simpson to come forward; he then proceeded to present him with an engraved clock commemorating his six years of dedicated service as a member of the Warren County Board of Supervisors. A round of applause followed. Supervisor Simpson voiced his appreciation for all of the hard working County staff who he believed were the reason the County stood out amongst all of the other Counties within the State. He apprised he was proud to have worked with all of his colleagues on the Warren County Board of Supervisors for the last seven years, informing he would be using the experience he gained at the County to assist him in his next endeavor. He thanked the members of the Board for the work they performed on a daily basis which was not always easy. Another

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round of applause was given.

Chairman Thomas congratulated Supervisor Simpson on his election to the New York State Assembly and he wished him well in his new position.

Chairman Thomas informed they would be presenting Senator Little with a Proclamation expressing the appreciation on behalf of the Board for her years of public service as soon as she was finished being honored by Washington County.

Moving along, Chairman Thomas asked Amanda Allen, *Clerk of the Board*, to read the Notice of the Public Hearing aloud, which she proceeded to do.

Chairman Thomas apprised prior to opening the Public Hearing on proposed Local Law No. 2 of 2020 he would like to notify them about what he believed was good news for the County concerning the mortgage tax. He informed following the December 9th Special Board Meeting he had discussed the matter and how it might be possible to issue an emergency order to reinstate the Additional Mortgage Tax due to the Emergency Declaration the County was currently under. He stated following further research from the County Attorney it was determined this action was permissible resulting in him signing Emergency Order No. 6 which provided the County Clerk with the authority to reinstate the Additional Mortgage Tax; however, he noted, due to the paperwork involved it would take some time before the revenue was collected.

Chairman Thomas declared the Public Hearing on proposed Local Law No. 2 of 2020, "A Local Law Imposing an Additional Mortgage Recording Tax in Warren County", open at 10:12 a.m. He then called for public comment and he asked Don Lehman, *Director of Public Affairs*, whether there were any and Mr. Lehman replied in the negative. Chairman Thomas inquired if any of the Supervisors would like to comment on the proposed Local Law.

Supervisor Conover commended Chairman Thomas and the County Attorney for taking the initiative to investigate this matter further and for being proactive to finding a solution.

Chairman Thomas once again asked if anyone would like to comment on proposed Local Law No. 2 of 2020, "A Local Law Imposing an Additional Mortgage Recording Tax in Warren County"; there being no response he closed the Public Hearing at 10:13 a.m.

Proceeding with the Agenda review, Chairman Thomas declared the Public Hearing on proposed Local Law No. 1 of 2021, "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County", open at 10:13 a.m. and he asked Mrs. Allen to read the Notice of the Public Hearing aloud, which she proceeded to do. Chairman Conover then asked Mr. Lehman if any public comments had been received and Mr. Lehman replied in the negative. Chairman Thomas inquired if any of the Supervisors would like to comment on the proposed Local Law; there being no response he closed the Public Hearing at 10:15 a.m.

Chairman Thomas announced that they would proceed with presenting a Proclamation to Senator Little, who was now in attendance via teleconference, expressing their gratitude for her years of public service not only at the County level, but also with the State. He then proceeded to present her with a Proclamation recognizing her for thirty-four years of dedicated service at both the County and State level. A round of applause was given. Chairman Thomas apprised because Senator Little was unable to attend the meeting in person he would ensure a framed copy of the Proclamation was delivered to her and he once again thanked her for her years of dedicated service to the County. Senator Little thanked

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the Board for the recognition, informing she had started her political career as an At-Large Supervisor for the Town of Queensbury which she had thoroughly enjoyed. She said it was through this experience that she had garnered the support to be elected to the State Assembly in 1995. She voiced her appreciation for the support and kindness and friendships she had with the Board Members and what they had tried to and hoped to accomplish going forward. She noted Warren County was an exceptional County that was fortunate to have a boisterous tourism economy with a number of attractions to visit in the region. She advised there were also a number of issues that arose for which the Board had worked hard to address and was why she was proud of being a resident here. She stated there were a substantial amount of County residents who worked hard to not only improve their own lives, but that of the community and the people who lived in them, as well. Senator Little commended the Board members and thanked them for their kindness, thoughtfulness and friendship which she hoped would continue. Another round of applause was given.

Chairman Thomas thanked Senator Little for her kind remarks and wished her a Merry Christmas and a Happy New Year. Senator Little wished everyone a Merry Christmas, as well, adding this had been an unusual year that no one could have anticipated, expected or would even predict would occur. She said this had been a difficult year for a number of residents and was becoming even more trying on a number of local businesses who relied on a busy summer season to get them through their slower time in the off season. She stated even though they may have had a decent summer season, due to the limitations placed on them they did not do as well financially as they could have. She apprised she hoped with the forthcoming vaccine individuals would become more confident and secure about being able to avoid this virus and this pandemic would end shortly. She added she was aware COVID-19 fatigue had become almost universal, apprising she was thankful for all of the efforts that had been made by the Board.

Continuing to the report by the Chairman of the Board, Chairman Thomas stated as everyone was already aware winter arrived yesterday which was a few days early with significant snow fall and cold weather occurring. He said due to the inclement weather and hazardous road conditions yesterday he decided the appropriate thing to do was close the County Offices, apprising he would like to thank the employees who had made it to work yesterday morning. He advised he had attended an LDC (*Local Development Corporation*) meeting on November 25th via Zoom and on December 2nd he met with Sheriff LaFarr and took a tour of the County Jail, as well as discussing the possible relocation of the CAP (*Centralized Arraignment*) Court. He informed on December 4th he attended a meeting regarding the Additional Mortgage Tax which resulted in the scheduling of the December 9th Special Board Meeting. Chairman Thomas advised on December 10th he had participated in a NYSAC (*New York State Association of Counties*) Lunch and Learn conference call during which the discussion centered around COVID-19 and the vaccines. He stated on December 16th he watched a webinar sponsored by the New York State Office of the State Comptroller regarding local government impact, the sales tax withholding and the aid to municipalities and distressed provider assistance which each Counties proportionate share would be deducted on February 4th for a total of \$50 million of which would result in the County losing \$326,000 of its sales tax and each quarter thereafter \$81,000 would be deducted through the end of 2022. He apprised he had written a letter to the childcare providers in Warren County that the Director of Employment & Training Administration would be including in the gift bags she planned to distribute.

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

Supervisor Braymer advised she would like to express her gratitude to Senator Little for all of her years of service to the County, as well as paving the way for women to become leaders in the region and she

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noted she was someone to admire. She stated she would also like to wish Supervisor Simpson well in his new role representing the County on the State Assembly. Supervisor Braymer informed Environmental Concerns & Real Property Tax Services had met on November 24th and she thanked Supervisor Dickinson for chairing the meeting in her absence. She stated proposed Resolution Nos. 464-466 were approved at the meeting and she provided a brief overview of each, In regard to the Mullen's property in the Town of Queensbury, Supervisor Braymer indicated due to some delays relating to the process with National Grid the demolition of the building had been postponed. She recognized Lexie Delurey, *Director, Real Property Tax Services*, for continuing to work on the issue with National Grid using some of her connections in order to move the demolition forward as quickly as possible.

Supervisor Bruno indicated he had nothing to report on.

Supervisor Driscoll apprised the Human Services Committee had approved proposed Resolution Nos. 473-474 and he provided a brief overview of each. He said a few weeks ago he had been pleased to be able to take the time to introduce himself to Ann Marie Mason, *Director of Emergency Services*, and have a nice discussion with her.

Supervisor Frasier informed the Finance Committee had met on December 3rd, approving proposed Resolution Nos. 440-441 and 499-507 and she provided a brief overview of each. She offered privilege of the floor to Mike Swan, *County Treasurer*, to provide an update on the County finances.

Mr. Swan advised there was a 4% decline in sales tax revenue collections as compared to the same time period in 2019 and his office was preparing to commence with working on closing out the books for this year which he would share with the Board when the process was completed.

Supervisor Frasier thanked Mr. Swan for the assistance he has provided to her throughout this year and she concluded her report by wishing everyone Happy Holidays which Mr. Swan echoed.

Supervisor Simpson stated the Personnel & Administration Committee had met on December 3rd where they approved several resolutions. He highlighted proposed Resolution No. 497, *Authorizing Submission of a Grant Application to the New York State Housing Trust Fund Corporation, Office of Community Renewal for Funding under the Main Street Program*, which he requested support of. He concluded his report by wishing everyone and their families a Merry Christmas and a healthy New Year.

Supervisor Hogan advised the Cornell Cooperative Extension would be starting out 2021 strong by offering a Supporting Healthy Families Program for parents and care givers. She said the program was based off of Cornell Universities Discipline is Not a Dirty Word and the Parenting Workshop Skills series. She indicated they were also offering Anti-Inflammatory Diet Webinar and 4-H Adirondack guides would be holding an orientation in January, as well with more information available on their website. Supervisor Hogan apprised Cornell Cooperative Extension had been involved in an interesting collaboration that she wanted to mention with a group of Civic Ecology students at Cornell University lead by Dr. Marianne Krasney, on a plant rich diet project. She said these students had spent the semester working with a Resource Educator from the local Cornell Cooperative Extension to create a series of infographics and recipes that could be used to help promote the ecological and health benefits of a plant rich diet using the inspiration of the Tops Markets weekly sales flyers as the basis for several recipes and included a number of shelf stable ingredients, as well. She stated she wanted to point this out as a real success and collaboration for the Cornell Cooperative Extension as an important piece of education they were disbursing with the community. She concluded by wishing everyone a Happy New Year, as she believed much like her everyone would be pleased to leave 2020 behind them, adding she felt 2021 would be an improvement.

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Chairman Thomas remarked how pleased he was Cornell Cooperative Extension was thriving, as he believed they were a great organization that did many good things for the community.

Supervisor Dickinson informed the Occupancy Tax Coordination Committee had met on December 14th, approving proposed Resolution No. 523 which he provided a brief overview of.

Supervisor Strough indicated he had nothing to report on.

Supervisor Wild apprised he had a busy month in regard to all of the meetings he had attended with the various agencies and groups regarding the economy in Warren County. He stated the Economic Growth & Development and Higher Education Committee had approved proposed Resolution Nos. 462-463 and he provided a brief overview of each. He stated since there was uncertainty regarding the Chairman of the Board position and Committee structure going forward he would like to commend the Economic Recovery Task Force for their efforts and remind everyone what they had started, accomplished and how they had gotten there. He indicated this group was a collaboration between the public and private and one of the most refreshing portions of this was that there was no agenda. He explained the individual business leaders were not seeking to improve their own business, as they realize that if they improved the general economy their business would benefit, as well and he commended them for working tirelessly to make things happen. He stated this collaboration occurred as a result of the pandemic with the focus being on how to reopen businesses during which this business community came together with operational guidelines that they shared amongst one another to assist with influencing the Governor on reopening businesses in the region. He said during this process they had worked with the County Administrator in terms of the communication from the Governor's Office and the opportunity to reopen. He indicated once the businesses were about to reopen the focus switched to how they could remain open with a big push on face masks. He added they had also marketed Lake George and the County for the purpose of tourism as being a safe place and that had resonated resulting in a respectable tourism season here, especially when considering the promotional budget for tourism was reduced by 50%. He indicated one of the reasons the tourism season was such a success related to the collaborations with what the private sector was doing for advertising and what the County was doing for advertising and they were more nimble in terms of looking for opportunities and regions from which the County could really focus on. He said going from there the Task Force was focused primarily from a tourism standpoint on what was next and how they could become a four season tourist attraction which was what the goal was. He informed they were working on this by studying the competition and understanding the data that was available and gathering more. He advised they were doing their best to move forward with a four season economy; however, he noted, in order to make this a reality there needed to be as many people involved in the process as possible.

In regard to other matters, Supervisor Wild stated SUNY Adirondack had been fortunate to be the recipient of a grant that would support a certain number of individuals obtaining basic IT (*Information Technology*) training to assist them in becoming employed in entry level IT jobs.

Supervisor Wild informed there was an underlying threat to the tourism economy pertaining to the erosion of the lakefront lodging available in the County, as many of them were being sold and converted into residential properties. He stated some may think losing one or two of these properties a year did not have a big impact on the tourism industry here; however, he noted, they needed to consider the cumulative effect which lead to the County losing thousands of visitors on an annual basis because these visitors would not have a place to stay. He pointed out tourism made up 25% of the County's economy, apprising according to a 2019 economic report of tourism for New York State it had identified tourism as bringing about \$3,000 of benefit to each household in Warren County which was

substantial. He indicated the citizens would be responsible for making up the loss of revenue if the County ever lost its tourism industry. He informed one of the things the Task Force was reviewing was what action should they take and how they could do so. He advised two individuals who had recently joined the Task Force were both business professors at SUNY Adirondack and were assisting the group in their review of case studies done on other regions in the Country and the State where the erosion of their lodging also occurred and how it impacted their local economies, adding some places had been successful in either slowing down or stopping this erosion. He apologized for taking up so much time; however he noted, he felt it was important to provide a brief overview to the Board on the activities of the Economic Task Force. He concluded by wishing happy holidays to all.

Chairman Thomas remarked he believed Supervisor Wild and the business leaders had done a good job during this difficult time which he was thankful to them for. He said he believed going forward it was imperative for the Economic Recovery Task Force to continue on with their efforts.

Supervisor Magowan stated Support Services approved proposed Resolution No. 489 which he provided a brief overview of. He voiced his dismay that he had not been invited to attend the December 4th meeting where they discussed the issue with the Additional Mortgage Tax not being renewed, as he believed as the Chair of the Support Services Committee, who provided oversight to the County Clerk's Office, he should have been notified about this issue and asked to participate in the meeting and he asked Chairman Thomas why this never occurred. He added Supervisor Geraghty had been notified and asked to attend the meeting and yet he, as the Chairman of that Committee was not invited. He inquired why he was not involved in any of these decisions, including the loophole that had thankfully been discovered to get the Additional Mortgage Tax reinstated. He remarked he had worked hard as the Chairman of this Committee to obtain the respect of the taxpayers and the constituents of the Town of Queensbury in representing the entire County and yet he did not feel he was receiving the respect he needed from the Board and he asked Chairman Thomas if he could answer why this was. Chairman Thomas replied this was not intentional, as it was an oversight on his part and he took full responsibility for not communicating with Supervisor Magowan. Supervisor Magowan indicated he was hoping for more from the response than that because it was very hurtful to him since he had worked so hard as the Chairman of the Support Services Committee and a representative of his constituents. He said he looked up to leadership, but he needed communication and respect from Chairman Thomas and he was disappointed that he had worked so hard at his job as a Supervisor, but he did not receive the respect he felt he was deserving of in being part of the decision making process after being selected to Chair the Support Services Committee.

Supervisor Seeber apprised as the County's representative on the NACo Criminal Justice & Public Safety Standing Committee she had participated on a conference call regarding the National Commission on COVID-19 and she distributed information regarding same to those involved with that aspect at the County level. She mentioned she would like to highlight that there was a national Committee pertaining to COVID-19 and Criminal Justice that was established in July of 2020. She indicated this Committee was requesting that the County continue to make the community aware of the efforts that were going on at the national level regarding discussion concerning a way to reduce the type of exposure and there would be a presentation which would address the national aspect of that, such as integrating different ways to prepare, balancing public health and safety. She remarked she felt this tied in nicely with Supervisor Wild's comments about a public and private partnership and how important those partnerships were in tourism, hospitality and economic growth because they also noticed that in Criminal Justice and Public Safety. She informed proposed Resolution No. 457, *Awarding Bid and Authorizing Agreement with Warren-Hamilton Counties Action Committee for Economic Opportunity, Inc. for Alternative Sentencing Program to Serve Youth and Adults of Warren County for the Probation Department (WC 48-20)*, which involved a partnership between the Probation Department and the

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Warren-Hamilton Counties Action Committee for Economic Opportunity, Inc. for an Alternative Sentencing Program. She continued, apprising proposed Resolution No. 456, *Approving the Warren County Assigned Counsel Plan Which Replaces the Assigned Counsel Plan Authorized by Resolution No. 31 of 2020*, pertained to the Plan for Assigned Counsel which had been updated, proposed Resolution No. 458, *Authorizing Agreement with Wait House for an Independent Living Skills Program for the Probation Department*, concerned the Independent Living Skills Program with Wait House and proposed Resolution No. 459, *Authorizing Agreement with Big Brothers and Big Sisters of the Southern Adirondacks to Provide Mentoring Services for Youth under the Age of Eighteen (18) for the Probation Department*, involved an agreement between the Probation Department and Big Brothers Big Sisters of the Southern Adirondacks to address issues with the County's youth. Lastly, she provided an overview of proposed Resolution Nos. 460 and 461 which pertained to the continuing agreements for the Public Defenders Office, the cost of which was mostly covered by grant funding. She concluded by wishing everyone a very happy holiday.

Supervisor Beaty apprised there were no resolutions requested at the November 22nd County Facilities Committee meeting. He commended the Tourism Department for doing a phenomenal job in maintaining the tourism industry in the County as a result of their proactive efforts despite the pandemic. Supervisor Beaty voiced his disapproval of common courtesy not being extended to Supervisor Magowan, as Chairman of the Support Services Committee, as he found leaving a Chairman of a Committee out of the loop on key issues was unacceptable, by taking action without notifying him and he concurred with Supervisor Magowan that it was disrespectful. He stated it was a sad day when elected officials were taken out of the decision making sequence. He wished everyone happy holidays and congratulated Supervisor Simpson on his new endeavor, adding he believed he would be very successful as a State Assemblyman. He concluded by apprising although Senator Little was retiring she would always be fondly remembered by everyone.

Supervisor Shepler indicated she had no Committee report, but she was in attendance at the December 14th meeting of the Occupancy Tax Coordination Committee and would like to make a motion to table proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, and send it back to Committee for further discussion at the appropriate time due to her concerns regarding the event attracting tourists from areas where the number of positive COVID-19 cases were significant and would put the County which had a relatively low infection rate at risk. She added another concern she had related to one of the activities that was planned for this event which was not considered acceptable at this point in time. She said while she did believe this was a suitable event, she felt they should hold off on it until 2022 to allow them to think about their actions, as it was not just about bringing in revenue for the County, as they also needed to consider the safety of their residents.

Chairman Thomas apprised the appropriate time for Supervisor Shepler to make her motion to table proposed Resolution No. 523 was during the discussion on resolutions.

Supervisor Geraghty stated the Budget Committee had met on December 3rd and again on December 14th, where they approved proposed Resolution Nos. 442-455 which he requested support of. He advised he would also like to congratulate Senator Little on a successful career and her impending retirement, informing she was a tough negotiator at times, but she had served the County well. He apprised he would miss working with Supervisor Simpson, who he had traveled with on two occasions to Washington D.C. where they learned a lot about the Government. He added as a businessman Supervisor Simpson had brought a different perspective to the Board and he would be missed. Supervisor Geraghty recognized Assemblyman Stec and his staff for getting involved in the County's issue with the Additional Mortgage Tax and providing assistance to the County Attorney with getting

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this reinstated. He thanked Congresswomen Stefanik, who had worked in a bi-partisan manner in assisting the State with obtaining a substantial amount of funding for broadband services which was needed in the rural communities of Warren and Washington Counties. He concluded by wishing everyone happy holidays. Supervisor Conover reported on the November 24th and December 14th Public Works Committee meetings where they approved proposed Resolution Nos. 479-488 and 524-526 and he provided a brief overview of each. He recognized Julie Butler, *Purchasing Agent*, and her department for their efforts managing the bids for solid waste and recycling disposal and transportation services, which consisted of a substantial amount of work. He stated as a result from a suggestion made at the Committee meeting they would be putting out the bids for these services earlier in the year to be more in line with the timeframe when the towns were putting together their budgets for the following year.

Supervisor Leggett advised the Public Safety Committee had met on November 23rd and again on December 9th, approving proposed Resolution Nos. 475-478 and 521 which he requested support of. He stated as the Vice-Chairman of the Warren-Washington Industrial Development Agency & Civic Development Corporation, he had attended a number of meetings over the past month with them regarding several projects that were in process. He said he also attended the annual meeting of the Adirondack Association of Towns and Villages on December 7th and the November meeting of the Warren County Soil and Water Conservation District. He informed he had attended via zoom the meeting of the Adirondack Park Agency for which Supervisor Hogan was a Board member.

Supervisor McDevitt indicated he had nothing to report on.

Proceeding with the report by the County Administrator, Mr. Moore apprised first and foremost he would like to congratulate Mr. LaFlure for being an outstanding leader for the Office of Emergency Services during his tenure as the Director of the department. He added he was pleased that Mr. LaFlure was assisting the County in a temporary capacity with the transition in that department and he thanked him for all of the work he had done specifically during the pandemic. He stated Mr. LaFlure had been indispensable to the County and everyone was proud of the work he had done.

Mr. Moore congratulated Supervisor Simpson on his new position with the State Assembly, apprising he was looking forward to working with him on issues involving the State Legislature which would begin immediately with the State Budget.

Mr. Moore congratulated Senator Little on her retirement, informing she had been an excellent advocate for the County and was a pleasure to deal with. He advised during the twenty years he had known her he had always felt she was his favorite State Legislator, as she was a all around wonderful person who would be greatly missed.

Mr. Moore recognized the following people for their years of service to the County which he said he was greatly appreciative of

- * Ann Marie Corcoran for 30 years of service in the County Clerk's Office; and
- * Shellie Thompson for 20 years of service to Countryside Adult Home

Mr. Moore acknowledged all of the staff at Countryside Adult Home for doing their best to protect the residents of the facility during this difficult time.

Mr. Moore apprised he would like to briefly touch base on the statistic that was continuing to be used for the Yellow Zone designation which was the seven day rolling average percent positive statistic. He said he wanted to take some time to put this into context to ensure everyone was aware of the current

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status of the County. He informed in order to qualify for Yellow Zone the County would have to have ten consecutive days with a positive percentage rate that was over 3% on this particular metric and in addition there were other statutes that had to be met with optimization. He indicated Warren County was one of the three locations in the State whose positive rate was currently under 3%, with the City of Manhattan at 2.8% as a result of conducting 20,800 tests yesterday as compared to Warren County who did 493 tests, apprising doing more tests brought the percentage down lower because the denominator was larger. He stated Tompkins County was the other location that was under the 3% positive rate with their rate being 0.5%, adding they had conducted over 3,000 tests yesterday and their total population was 101,000. He mentioned every region in the State was above the 3% positive rate with the exception of the southern tier which was a result of what Tompkins County was doing; however, he noted, all of the other Counties located in the southern tier were well above the 3% positive rate. He read aloud the following statistics: Statewide the positive rate was 5.2%; Central New York 7.0%; Finger Lakes was 8.3%; Long Island was 6.0%; Hudson Valley was 6.1%; Mohawk Valley was 8.0%; New York City was 4.2%; North Country was 4.5%; Western New York was 6.6%; the Capital Region which included Warren County was 6.3%, with the breakdown for the Counties located there as follows: Albany County at 6.9%; Columbia County at 4.2%; Greene County at 4.4%; Rensselaer County was 5.8%; Saratoga County at 6.6%; Schenectady County at 8.0%; Washington County at 4.1%; and Warren County rate was 2.8%. He pointed out the rate in Washington County was reflective of the State prison located there which he believed was unfair to their contact tracing efforts and the steps they had taken which were appropriate. He added they had been good partners to work with during this pandemic which he was grateful for. He noted these rates could easily change if there was a day with a high positive testing count. He read aloud the positive rate for the following neighboring Counties as follows: Clinton County was at 3.1%, Essex County was at 3.1%; Hamilton County was at 3.8%; Delaware County was at 3.7% and Schuyler County was at 3.1%. He advised this was not meant to disparage in any way what other Counties were doing, as all of them were doing the best they could during these trying times. He indicated he wanted to highlight the Counties rate of 2.8%, adding the County had been under 3% for quite some time with only a few days when they were above 3%. He credited the efforts of everyone in the County in keeping the positive rate below the 3% threshold, including the business community and residents, as well as the Board members who had been providing excellent support to the Public Health Department, who was also deserving of recognition for their efforts which he believed was inspirational. He stated no matter how difficult managing the pandemic had been on the Public Health Department the staff refused to give up on this issue and continued to work tirelessly around the clock everyday and he was proud of them and felt the residents of the County were, as well. He thanked everyone who had played a part in the County's success in keeping the positive infection rate low and he wished everyone a Merry Christmas and a Happy New Year.

Privilege of the floor was extended to Mary Elizabeth Kissane, *County Attorney*, to provide a report from the County Attorney. Ms. Kissane indicated she had nothing to report on.

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

Reports from:

1. Warren County Probation Department - Report of Criminal and Family Workloads for October of 2020.
2. Capital District Regional Off-Track Betting Corp. - Financial Reports dated July 31, 2020 and August 31, 2020.

Other:

1. Capital District Regional Off Track Betting Corp. - October 2020 payment in the amount of \$2,834.00.

2. NYS Parks, Recreation and Historic Preservation - Notifying that the Hague Baptist Church has been listed on the National Register of Historic Places.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 440-521 were distributed to the Board of Supervisors and posted to the County website on December 10th; she informed proposed Resolution No. 514 was amended after mailing and was distributed to the Board of Supervisors and posted to the Warren County website on December 16th. She noted a motion was required to approve the revision; the necessary motion was made by Supervisor Simpson, seconded by Supervisor Shepler and carried unanimously. She stated Resolution Nos. 523 and 525-526 were produced pursuant to action taken at the December 14th Occupancy Tax Coordination and Public Works Committee meetings and were distributed to the Board of Supervisors and posted to the Warren County website on December 16th. She said as this did not meet the mailing deadline specified in the Rules of the Board, a Waiving of the Rules would be required to bring these resolutions to the floor. A motion was made by Supervisor Wild and seconded by Supervisor Dickinson to bring proposed Resolution No. 523 to the floor.

Supervisor Dickinson apprised he was aware the group of business owners had hired Christian Dutcher to manage the event for them and he questioned whether it was correct for the resolution to state the funding would be allocated to The Americade which was Mr. Dutcher's organization and Ms. Kissane replied The Americade had been listed on the resolution request form and she was unaware if this was not the correct entity to provide the money to. Supervisor Dickinson asked if The Americade had been listed on the application for funding and Ms. Kissane responded she was unsure, as she was only provided with the resolution request form. Supervisor Dickinson stated he would not be surprised if The Americade was administering the event for them, as Mr. Dutcher and his organization were well versed in managing events of this nature.

In response to the comments made by Supervisor Shepler this morning, Supervisor Dickinson informed the point of this event was to establish winter activities that were considered to be COVID-19 safe and this group had gone to great extremes to ensure the activities that were held were COVID-19 safe. He said they were working on additional activities that had not been scheduled due to them determining what was required to ensure they were in compliance with the rules regarding COVID-19. He encouraged support of proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, as he felt they should give this group the opportunity to pull this event together.

Chairman Thomas offered privilege of the floor to Joanne Conley, *Director of Tourism*, to provide an answer to Supervisor Dickinson's question pertaining to whether The Americade should be awarded the funding for this event. Ms. Conley apprised she had participated in the conference calls with the business leaders who wanted to hold this event and they were hiring Mr. Dutcher as the event coordinator due to them being too busy managing their own businesses to manage the event. Supervisor Dickinson asked for clarification that his assumption that Mr. Dutcher would be managing the funding on behalf of this group was correct and Ms. Conley replied affirmatively.

Chairman Thomas called the question and the motion to Waive the Rules of the Board as outlined above to bring proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, to the floor was carried by majority vote, with Supervisors Braymer, Beaty and Shepler voting in opposition.

Supervisor Seeber indicated she understood Supervisor Shepler's request to table proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax*

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Revenues, but she was wondering if they could have a brief discussion prior to that motion otherwise she would be voting in opposition of proposed Resolution No. 523. Chairman Thomas replied proposed Resolution No. 523 had been brought to the floor; therefore, he stated, discussion was permitted.

Supervisor Seeber advised she believed there was validity to Supervisor Shepler's question and request for more information which she was always a supporter of. She said in this case she believed a regional approach in regard to occupancy tax was imperative to the community and she had stated at the Occupancy Tax Coordination Committee meeting that it was critical this was handled in a safe manner. She informed she had requested, but had yet to obtain a copy of the COVID-19 safety protocols for this event, adding the organizer of the Holiday Festival of Lights event that was taking place had filed a lengthy COVID-19 safety plan with the County Administrator. She said because of this and the fact that there was sufficient time before the Lake George Winter Fest took place to schedule and hold an Occupancy Tax Coordination Committee meeting to discuss the safety plan for this event. She requested that Mr. Moore distribute the COVID-19 safety plan for this event to the full Board for review; she added she also believed there were questions that were asked about legalities in reimbursing costs versus paying them up front that they were awaiting answers on, as well. She apprised to the extent that a Committee meeting could be scheduled in a timeframe that would work for everyone involved as these activities were planned to provide the Board with more information she would be supportive of Supervisor's request to table proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, and send it back to Committee for further discussion.

Supervisor Dickinson requested that Mr. Moore respond to Supervisor Seeber's question regarding the safety plan for this event. Mr. Moore advised he had not received a safety plan for this event, adding he was unsure if the event organizers had created one yet. He said the conversations he had with them pertained to providing them with the guidelines to each activity, but when they did create one he would be more than willing to distribute it to any members of the Board who would like to review it. He indicated he thought the businesses in the County were experienced in meeting these guidelines, but the question in his mind was whether these guidelines would change prior to the beginning of this event, as these were moving targets that he would keep a watchful eye on each day.

Supervisor Hogan apprised she was supportive of Supervisors Shepler and Seeber's initiative to table proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, and bring it back to Committee for further discussion. She stated she was not opposed in any manner to these activities, but she wanted to notify them of what had occurred in her town this week that may inform this conversation. She said she did not believe anyone would dispute that skiing was one of the safest activities that could currently be undertaken; however, she noted, Gore Mountain recently had to shutdown their ticket sales to outside purchasers to stay in compliance with the 25% reduced capacity on the trails required of them, as they had sold a substantial amount of season passes. She mentioned less than twenty-four hours later they decided to reopen for limited ticket sales. She apprised this was an example of a large industry trying to respond to the changing circumstances everyone was living under. She restated she was supportive of these activities, but she felt they needed to discuss further how they would operate them safely. She indicated she did not believe a single safety plan was adequate for the entire event and she felt each vendor needed to follow the same rules that every other business in the County followed and file individual safety plans. She mentioned she did not believe she received an adequate response from the organizers regarding how they would enforce the safety rules being followed, adding Gore Mountain had notified her they were receiving a significant amount of push back about wearing face masks inside and around the lodge, but she had not had a chance to further discuss with them why that was. She remarked she felt additional information was required from the event organizers before the County provided them with \$40,000.

She stated while she understood the funding was available she was concerned with moving forward under shifting sands and she felt further discussion was required which was why she was supportive of tabling it and sending it back to Committee.

Supervisor Braymer stated she was in support of Supervisor Shepler's concerns because if they could recall earlier in the year there was a period of time when they had asked visitors not to come to the region and COVID-19 was still a significant issue. She advised she was supportive of Supervisor Shepler's concerns regarding visitors coming to the region even though they were more aware of how to be COVID-19 safe because they would be customers of the local gas stations, restaurants and grocery stores amongst the community. She said this did not concern the revenue they would be bringing in, but rather ensuring they thought this through carefully to keep their community safe. She added in regard to the allocation she wanted to make sure the language included in the agreement indicated they would not be provided with some of the funding if the event did not occur. She apprised she felt if the organizers were expending money out of their own pockets the County should provide them with reimbursement, but if there were other administrative costs that did not get incurred then the County should take steps to protect the County from having to pay for them. She mentioned she would also like to see proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, be tabled and go back to Committee, as this was a large undertaking that was rushed with all of the details not available at the last meeting.

Supervisor Geraghty advised although he had voted in favor of bringing proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, to the floor he shared Supervisor Shepler's concerns regarding the spread of COVID-19. He stated the ominous was on the event organizer to ensure the necessary safety precautions were in place and if there were concerns about that then they should not allow it to move forward.

Supervisor Wild remarked these were all valid points and one of the things he felt they needed to consider was that this was a new and different event that could expand the County's inventory of attractions to the area. In regard to the safety aspect, he apprised the County had a successful tourist season this summer due in part to the actions taken by the business community, adding the challenges regarding individuals refusing to wear face masks was addressed with almost everyone being compliant regardless of the political attitudes in the County. He stated there was a timing issue with this event, as an event of this capacity typically took around six months to plan, but in this case there was only six weeks and was why he thought they should be specific regarding what additional information they were requesting. He said if they were concerned about a safety plan they could amend the resolution to require that all of the activities being held had to file an active safety plan and if the issue was with money then they should have a frank conversation about what they needed so they could move forward and allow the event organizer to work on what was required to hold this event if that was what the desire of the Board was. He advised it was necessary for them to be supportive of what the business community was trying to do, as this was taking the place of an event that was cancelled that typically attracted a significant amount of visitors to the area and was COVID-19 safe. He suggested communicating clearly to the event organizer what they were requesting from him and move forward with this event.

Supervisor Leggett stated he felt safety plans and concerns regarding reimbursement could be addressed in the contract for the event in a form that was acceptable to the County Attorney given the short period of time they had to organize an event to replace the Lake George Winter Carnival. He remarked he was opposed to tabling proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, but was supportive of its adoption to allow the event organizer to get all the necessary items in place in time for this to be a successful

event for this winter.

Supervisor Dickinson indicated the business community in the vicinity of Lake George had worked collaboratively to develop this event in place of the Lake George Winter Carnival.

Supervisor Bruno advised he would like to echo his support of the comments made by Supervisor's Wild and Leggett and their assessment of this event, as he believed this was a great initiative. He added he concurred with Supervisor Wild that an event of this capacity would typically take several months to plan and he credited the business community for stepping forward to plan this which he felt the Board should be supportive of. With respect to the rules, Supervisor Bruno apprised he took no issue with wearing a face mask, but he would like to inquire where there was a standard requiring face masks, as he had observed individuals wearing handkerchiefs around their necks which qualified as appropriate coverage whereas there were other face masks that consisted of a few layers and had more efficacy. He voiced his displeasure with the fact that bars and restaurants were being shutdown in New York City when it had been proven that the spread of COVID-19 from those types of entities equated to about 1.4% with studies indicating the virus was primarily spread from household gatherings. He stated he was bothered when individuals cited all of these arbitrary and capricious rules, adding he was fully supportive of moving forward with proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, but he was not against investigating the rules. He added he concurred with Supervisor Wild they could require each vendor to submit a safety plan and use what qualified as an acceptable safety plan if it existed and do a comparison to determine if it was permissible for the event to move forward.

Supervisor Dickinson stated his point was the individuals involved with this event all owned businesses in Lake George and were well informed regarding the safety precautions required regarding COVID-19 and would ensure the event was fully compliant. He said during their pitch to the Occupancy Tax Coordination Committee they had indicated their main concern was all of the activities planned for this event were COVID-19 safe and this was still their intention. He apprised each individual activity would have a safety plan which would be approved before they moved forward with holding them. In regard to the \$40,000 in occupancy tax funding, Supervisor Dickinson apprised this money would be used for advertising purposes which needed to begin immediately in order to attract visitors to the County in February. He added this had always been permissible in regard to occupancy funds and he was unsure why there was concern, apprising he believed they should move forward with the event, as there was a limited time for the event to be advertised.

Supervisor Conover noted hundreds of thousands of tourists visited the Lake George communities this summer during which the business community did a phenomenal job ensuring they were operating safely during the pandemic and they were all deserving of an acknowledgment for these actions, as well as the action plans of all of the communities. He said the shared goal of everyone was to persevere though the pandemic and maintain as minimal of an impact to the economy and businesses within the region as possible which he believed the data regarding the tourism season this summer supported. He indicated the business community who had done such a spectacular job was seeking to initiate an event in February by applying the same rules in an attempt to keep their businesses open and attracting visitors to the region to keep the County's economy moving. He informed the business community was well aware of the virus and knew that if even one of their employees tested positive then all of them would have to quarantine for fourteen days resulting in a shutdown which was why they understood better than anyone the importance of having safe practices in place then the County's business community. He mentioned while these safely plans were not always perfect he believed the business community did their best to enforce the rules under the laws that existed, but it was always possible there was someone who was not concerned with the rules. He noted there were businesses in the Town

of Bolton who had done more business this summer than they had during the previous two summers. He remarked he believed they should support the business communities request to hold an event during the month of February 2021 while also ensuring the required safety plan was submitted to Mr. Moore for review to ensure it was in compliance and the Board members who wanted something more than this could vote to table or in opposition of proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues.*

Supervisor Hogan pointed out there were two different discussions taking place and the one concerning safety was not in any way to be interpreted as opposition to this even, as she felt this was an excellent idea for an event which she was fully supportive of. She stated her questions which had been consistent and clear and pertained to whether these vendors would be held to the same standards that every other business in the County was held to and whether they would be filing safety plans, who would be in charge of compiling and reviewing those, as well as who would be charged with enforcement should these safety plans not be adhered to. Next, she said should this event move forward, but the County's situation changed, such as being deemed a Yellow Zone or there was a Statewide shutdown, what metrics would be used to determine whether they provided the event organizer with the full payment or not. She requested that they stop misconstruing concern for safety as opposition to the event, as they were two separate concerns.

Supervisor Shepler thanked Supervisor Hogan for her well thought out remarks; in response to Supervisor Wild and Bruno's remarks pertaining to how events like this one took months to plan and yet there was only around six weeks to plan this one she mentioned this was her concern in regard to the safety aspect of this entire event. She informed she did not disagree that this was something that should be held, as her concern related entirely to the safety aspect of it and whether they could get a proper plan in place in such a short period of time. She added if the County's status changed to a Yellow Zone then they needed to consider how they would move forward. She concluded by requesting a roll call vote on proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues.*

Supervisor Wild apprised the safety plan was something that was compiled by the County's business community and the State guidelines which were not reviewed by the NYS DOH (*New York State Department of Health*) or the County, but rather the individual businesses were responsible for putting together the plans and he was unsure how they could address enforcement and compliance to satisfy all of the concerns expressed. He stated part of the motion he was proposing to make would be to ensure all of the safety plans were submitted to the County and the next issue involved the financial aspect and whether providing \$20,000 of the \$40,000 in occupancy tax funding to cover some of the advertising and up front costs to assist the event organizer with the attracting visitors to this event would suffice for now and Supervisor Dickinson replied affirmatively. Supervisor Dickinson advised he foresaw no issue with what Supervisor Wild was proposing, as they would be provided with the necessary funding to cover the cost of advertising for the event as long as the remaining \$20,000 would be provided when they moved into the next stage of the event. Supervisor Wild indicated he would like to make a motion to amend proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues,* at the appropriate time.

Chairman Thomas asked for clarification regarding what Supervisor Wild's motion consisted of and Supervisor Wild responded his motion was to amend proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues,* to provide for the disbursement of \$40,000 contingent upon the organizer of the Lake George Winter Fest being required to file a safety plan and submit it to Warren County for review and with the caveat that the total disbursement of funds would be split in two, with \$20,000 being considered the "Phase I" allotment,

and the remaining \$20,000 considered as the “Phase II” if the event is able to proceed as scheduled.

Supervisor Seeber remarked she believed the motion Supervisor Wild was making was a sound one, but she would like him to consider including more specific language regarding the safety plan per each activity to appease the concerns expressed by Supervisors Hogan and Shepler. She stated it was her understanding that the County did review the COVID-19 safety plans in-house, as this had been something the County Administrator had managed for any event that had been before them, only a few of which requested occupancy tax funding. She said she was aware that the County Administrator had worked with the Hockey Association on their safety plan that he then promoted at the State level; however, she noted, given all the changes they were unable to move forward. He indicated she felt the County had a detailed role with the safety plans, but this added step to require each activity to submit one would address the concerns expressed because there could be activities that were capable of moving forward in a safe manner and others that were unable to like the helicopter rides. She mentioned she felt incorporating that safety plans were required for each attraction would be beneficial, but she was unsure about incorporating the money aspect into this particular resolution, as she did not understand the reimbursement aspect because it was handled in different manners by each town and the County. She remarked she was supportive to amend proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, to include the portion regarding the safety plans with a caveat if possible that a meeting would be scheduled in January outside of the regular Committee meeting schedule to have Mr. Dutcher and the business owners involved to provide an update on the event, as her point was not to indicate the business community did not know how to hold an event in a safe manner. She said she felt it was imperative for the Board to recognize the business community was working tirelessly, while also acknowledging the concerns the Board members as elected officials were responsible for addressing. Supervisor Wild interjected he was agreeable to amending his motion to include that each vendor involved in the Lake George Winter Fest be required to file a safety plan with the event organizer.

Prior to addressing the motion, Chairman Thomas apprised he would allow Supervisor Driscoll to speak. Supervisor Driscoll stated there was a tremendous amount of merit to Supervisor Shepler’s comments and echo what Supervisor Hogan had indicated, but he believed there was also a significant amount of poignancy in the comments made by Supervisor Conover, as the businesses in the vicinity of the City of Glens Falls were aware of COVID-19 and could teach and inform the public. He informed his concern was not as much with the businesses as it was with the large number of visitors who would be patrons of West and Gore Mountains, as well as other activities and special events of this nature this weekend. He inquired whether it would be possible for each individual attraction of the Lake George Winter Fest to provide safety plans prior to permitting them to operate. He advised his other concern was with who monitored these attractions to ensure they were complying with their safety plans, adding he was in a difficult position in regard to his vote on proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, which he would like more time to be provided additional information on, as well as the possibility of rewriting the resolution as it currently stood.

A motion was made by Supervisor Wild and seconded by Supervisor Magowan to provide for the disbursement of \$40,000 contingent upon each vendor involved in the Lake George Winter Fest being required to file a safety plan with the event organizer and submit it to Warren County for review with the caveat that the total disbursement of funds would be split in two, with \$20,000 being considered the “Phase I” allotment, and the remaining and the remaining \$20,000 considered as the “Phase II” if the event was able to proceed as scheduled.

Ms. Kissane inquired if Supervisor Wild would like to specify that the “Phase I allotment was specifically

to be spent on advertising and marketing or provide them with half of the total allotment up front to be used and the remaining allotment to be provided at the conclusion of the event and Supervisor Wild replied he did not want to specify what the funding could be used for, as there were other up front costs aside from advertising and marketing and he would hate to limit the purpose of this money.

Supervisor Hogan asked Ms. Kissane whether it was legal for the County to provide the funding up front and Ms. Kissane responded she felt they were in a gray area, as the funding could be perceived as a gift because of the uncertainty regarding how the money would be spent nor was there anything included in the contract that permitted them to return any funding to the County they did not spend resulting in it being an improper gift from the County. She added if they were to fully expend the \$20,000 then she did not believe it would be an issue for the County. She informed currently the contracts concerning occupancy tax funding awards were written to require the event organizers to provide the County with receipts that they were reimbursed for those funds; she added this was more appropriate then providing the funding up front. She said at the moment this action was not illegal, but that could change. Supervisor Hogan requested that Supervisor Wild amend his motion to proceed under the regular contract as a reimbursement type situation, as this had been one of the concerns she had originally expressed. She restated that she was fully supportive of the Lake George Winter Fest, but she wanted more information regarding how these activities would be held in a safe manner and what metrics the County would use to allocate this funding because they had previously awarded funding to events this year that were cancelled and there was a significant chance this event would be cancelled, as well. She indicated she felt they should move forward with this using the regular contract for reimbursement, but include a caveat that if the event was cancelled some of the funding reverted to the County.

Supervisor Seeber asked what language would need to be included in the proposed amendment to comply with the legalities Ms. Kissane was referencing to ensure it was written in the appropriate form and Ms. Kissane replied she felt they needed to include language that indicated if the event organizers did not fully expend the \$20,000 they were being provided up front they would be required to return whatever money they did not spend. Supervisor Seeber inquired whether Supervisor Wild was agreeable to amending his motion to include this language in the proposed amendment to Resolution No. 523 and he replied affirmatively. Chairman Thomas requested that Supervisor Seeber direct her question to him. Supervisor Seeber apologized and asked Chairman Thomas if he would consider requesting that Supervisor Wild amend his motion to amend proposed Resolution No. 523 to reflect the advice of the County Attorney and Chairman Thomas replied affirmatively, advising there were other Supervisors who would like to comment on the amendment before them.

Supervisor Conover stated a number of the Supervisors had been through this with many businesses throughout this entire pandemic and were aware of the changing regulations that had occurred from the beginning up to this point and how to communicate those to their business community to ensure the safety of everyone, as well as the enforcement that was involved across the entire spectrum, including calls by Supervisors, enforcement officials, etc. and he asked Mr. Moore to speak to the regulations regarding businesses that required them to acknowledge that they read them for those who may not be aware of this process, as it reinforced the amendment that was being proposed. Mr. Moore informed there was approximately 800 businesses located in Warren County that had filled out those affidavits. He stated the New York Forward website included the different detailed guidelines for the different industry clusters, as the end of which businesses were required to click on a link which allowed them to affirm that they understood what was required of them. He mentioned the State requirements from the beginning that had not changed included any business in operation to have a safety plan on file which needed to conform with whatever their guidelines were, but there was no requirement that these be reviewed by State or local governments. He added they were however

required to produce these safety plans on demand by any of the local governments and it was up to the local governments, i.e. the County, city, towns and villages to enforce all of the guidelines which was a major effort everyday. He said each complaint, even if they were not formal and originated from word of mouth were investigated with many of the Town Supervisors, Zoning and Fire Officials involved in this effort. He mentioned he did review a number of safety plans, as the majority of the larger event organizers had taken it upon themselves to work with him to write their safety plan to ensure it was done so in the correct manner, as his office was available as a resource for anyone that needed and/or requested help and they would offer assistance to the event organizers of the Lake George Winter Fest, as well.

Chairman Thomas asked Supervisor Wild whether he would like to amend his proposed amendment to Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, and Supervisor Wild replied he had no ownership to the language in that amendment, as he was just trying to move this forward and because he had no legal background he would defer to Ms. Kissane to suggest the appropriate language. Chairman Thomas advised he was going to restate the amendment and then he would call the question, informing the first part pertained to requiring each vendor to provide a safety plan to the organization that was managing the event and also with the County for review and the financial aspect involved \$20,000 being considered the "Phase I" allotment for advertising and marketing, and the remaining \$20,000 considered as the "Phase II" if the event was able to proceed as scheduled. Supervisor Wild interjected in regard to the financial aspect he felt the motion should indicate the County was authorizing the expenditure of \$20,000 upon being provided the receipts or something similar to that effect, as the agreement was the money would not be provided up front, but would be handled on a reimbursement basis. Chairman Thomas restated the motion as the \$20,000 allotment being for "Phase I" for the purpose of advertising and marketing to be reimbursed to Americade, Inc. upon submission of receipts for allowable expenses leading up to the event and "Phase II" consisting of the remaining \$20,000 allotment to be reimbursed to Americade, Inc. upon submission of receipts for allowable expenses if the event was able to proceed as scheduled. Supervisor Wild pointed out they had decided not to limit the expenses that would be reimbursed for "Phase I" to advertising and marketing and should cover all of the expenses required to prepare for this event to be held. Chairman Thomas advised they would be negating advertising and marketing from the motion and replace it with reimbursing Americade, Inc. for all of the expenses required in "Phase I" and "Phase II" to prepare for and hold this event. Supervisor Magowan amended his second to the motion as outlined above.

Supervisor Seeber asked Ms. Kissane to comment on whether the language being proposed for the amendment was suitable, as she was concerned that what was being proposed may conflict with Ms. Kissane's recommendations. Ms. Kissane apprised the language being proposed was more appropriate because this would be handled on a reimbursement basis where Americade, Inc. would be paid based off the receipts and vouchers they submitted to the County. She said this made it more legal then indicating they needed to pay back the County for expenses the County paid them for that they did not actually incur. Supervisor Seeber inquired whether it was necessary to include language pertaining to if the event was cancelled and Ms. Kissane replied she did not think it was needed now that the County was only reimbursing them for receipts that they submitted to the County for expenses they had actually incurred before they provided the County with the receipts.

Supervisor Geraghty apprised he felt they should note in the motion that this pertained to all allowable expenses in case reimbursement was sought for something that was not permissible.

Chairman Tomas requested a roll call vote on the motion to amend proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, to

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provide for the disbursement of \$40,000 to Americade, Inc. contingent upon each vendor involved in the Lake George Winter Fest being required to file a safety plan with the event organizer and be submitted to Warren County for review and with the caveat that the total disbursement of funds would be split in two, with \$20,000 being considered the "Phase I" allotment to be reimbursed to Americade, Inc. upon submission of receipts for allowable expenses leading up to the event, and the remaining \$20,000 considered as the "Phase II" to be reimbursed to Americade, Inc. upon submission of receipts for allowable expenses if the event was able to proceed as scheduled. He called the question and the motion was carried by majority vote, with 911 votes in favor (*Supervisors Braymer, Bruno, Driscoll, Frasier, Simpson, Hogan, Dickinson, Strough, Wild, Magowan, Seeber, Beaty, Shepler, Geraghty, Conover, Leggett, McDevitt and Thomas*) and 89 Absent (*Supervisors Merlino and Diamond*).

Supervisor Dickinson asked Chairman Thomas to clarify what the amendment to proposed Resolution No. 523 was and Chairman Thomas replied the amendment indicated that each vendor would provide a safety plan to the event organizer and submitted to Warren County for review and in regard to the financial aspect there would be a "Phase I" allotment of \$20,000 to be reimbursed to Americade, Inc. upon submission of receipts for allowable expenses leading up to the event and the remaining \$20,000 considered as the "Phase II" to be reimbursed to Americade, Inc. upon submission of receipts for allowable expenses if the event was able to proceed as scheduled. Supervisor Dickinson thanked everyone for participating in the discussion regarding this event, as he was appreciative of all of their comments and would also like to acknowledge his gratitude for approving the amendment.

Supervisor Leggett asked Ms. Conley if she foresaw any issues with proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*, in the amended form and Ms. Conley replied in the negative.

Chairman Thomas announced a motion was required to waive the Standing Rule of the Board relating to the requirement that resolutions be provided to the Board of Supervisors on the Tuesday prior to a regular Board meeting in order to entertain proposed Resolution Nos. 525 and 526 which concerned awarding the bids for solid waste and recycling transportation and disposal services. The necessary motion was made by Supervisor Braymer, seconded by Supervisor Simpson and carried unanimously.

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

Supervisor Leggett noted there was a substantial increase in the hauling charges, but not the tipping fees and the manner in which this was calculated was the lowest bid comes out onto a projected average tipping fee charge in addition to the fixed hauling charge. He mentioned he was unsure if the Town of Chester was associated with the figures that were used by procurement in determining the most appropriate vendor for the Town of Chester because of the amount of tonnage involved. He questioned whether the Town of Chester could review the bids and determine what they felt was the appropriate vendor for them and award accordingly based of their actual averages for this past year. Chairman Thomas advised he would defer that question to the County Attorney, as he was unsure if a town could award to a vendor other then what was being recommended by the Purchasing Department. Ms. Kissane responded a town always had the option to make their own decision and in this case she believed what occurred was a contract was written for each individual town and they could separate the Town of Chester from the contract the County did. She added before going this route she would suggest Supervisor Leggett contact the Purchasing Department. Supervisor Geraghty advised the Purchasing Department would provide Supervisor Leggett with a breakdown for the Town of Chester specifically, as he had recently requested this from them so he could determine what the cost would be for his town. Supervisor Leggett informed he had received that breakdown and what was

highlighted was the low cost vendor based on certain figures that he was questioning.

In regard to the bids for solid waste and recycling transportation and disposal services, Mr. Moore noted the County would be starting the process a few months earlier next year to allow the towns to budget accordingly for this expense in the following years' budget. In addition, he said the towns had the option to bid these services out for themselves and not go through the County process. He stated if this was something they would like to proceed with then they could notify the County Purchasing Department and they could walk them through how to move forward with that.

Prior to voting on resolutions, Chairman Thomas asked Mr. Lehman if any public comments had been made on the proposed resolutions and Mr. Lehman replied affirmatively. Mr. Lehman apprised Gina Mintzer, *Executive Director, Lake George Chamber of Commerce and CVB*, had made some comments regarding proposed Resolution No. 523, *Authorizing Agreement with Americade, Inc. for Disbursement of 2021 Occupancy Tax Revenues*. He apprised Ms. Mintzer indicated Christian Dutcher as an event planner had been very proactive planning versions of Americade earlier this year, all aspects of which had safety plans presented to the County. She informed the Winter Fest Committee would assign someone specifically to review and enforce safety plans. Chairman Thomas asked Mr. Lehman if there were any other comments received from the public and Mr. Lehman replied in the negative, informing no other public comments received pertained to the resolutions.

In regard to proposed Resolution No. 521, *Introducing Proposed Local Law No. 2 of 2021, Entitled "A Local Law Amending Local Law No. 5 of 2009, Establishing the Office of Emergency Services for Warren County", and Authorizing Public Hearing Thereon*, Supervisor Leggett advised some questions had been posed regarding the amended language being consistent with State law regarding the Fire Coordinator position and he wanted to inquire with Ms. Kissane or Mr. Moore whether the language in the proposed Local Law cooperated with the State laws regarding Fire Coordinators. Ms. Kissane explained the State law was only applicable if the County created an Office of County Fire Coordinators, but Warren Country did not choose to do that and instead created the Office of Emergency Services. She said this meant the County did not have to adhere to Section 225 A of the State Law because that office did not exist here at this County resulting in it being permissible for the County's Local Law to deviate from that. She mentioned they had discussed the possibility of changing the title of the Fire Coordinator position to something else, but the Director of the Office of Emergency Services was not comfortable doing so; she added the County was using the same term as the State Law, but they were not required to follow it. Supervisor Braymer stated she was confused, as she believed Mr. LaFlure was the County's Fire Coordinator and the Local Law was required in order to create the Director of Emergency Services position. Ms. Kissane advised the County had never created the Office of Fire Coordinator, but rather a Fire Coordinator position within the Office of Emergency Services. She further expounded that while Mr. LaFlure was the County's Fire Coordinator, his position was just one within the County and not an office that was created within the County.

Chairman Thomas once again asked Mr. Lehman if any additional public comments on resolutions had been received and Mr. Lehman replied in the negative.

Chairman Thomas called for a vote on resolutions, following which Resolution Nos. 440-526 were approved as presented, with the exception of proposed Resolution No. 523 which was amended from the floor.

During the roll call votes, Chairman Thomas proposed taking one vote for proposed Resolution Nos. 503-507 to which no one objected to. In regard to proposed Resolution No. 519, *to Enact Local Law No. 2 of 2020, "A Local Law Imposing an Additional Mortgage Recording Tax in Warren County"*, Supervisor

Braymer indicated while she was voting in favor of it she shared the concerns expressed by Supervisor Magowan.

Chairman Thomas called for public comments from anyone wishing to address the Board on any matter.

Mr. Lehman stated he had received one comment on Youtube from a user who had the screen name Garrett McEwen, who was questioning why the Board was holding special meetings during working hours. He said Mr. McEwen was inquiring whether anyone on the Board had a job and were the Board members all spending the residents money as a full-time hobby. Mr. Lehman apprised this was the extent of Mr. McEwen's comment to which he had responded to him that this was not a Special Board Meeting, but rather the regular meeting of the month which was archived and available on Youtube for anyone to watch at anytime. He said if anyone else would like to respond to Mr. McEwen's comments they could do so now.

Supervisor Dickinson stated he would like to respond to the comments made earlier in the meeting by Supervisor Wild regarding the business community and the activities he was involved in and the issue currently involving older lakeside businesses when they were sold. He explained if they were not in sufficient enough shape to refurbish from an economic standpoint and offer them for rent the new owners would seek out other options for the property by subdividing it, the most recent of which had around forty units which was subdivided into four separate lots resulting in a significant profit for the purchaser because lakefront lots were so valuable. He informed this was the reason the County was losing so many of these businesses that provided multi-unit lakeside lodging. He informed the other part of this related to the substantial cost associated with taking care of the engineering and surveying work required of a multi-unit lodging property, as well as all of the ecological issues, such as storm water, sewage, water supply, etc. He said there was no comparison when weighing them against the cost pertaining to subdividing the property and until that scenario changed the County would continue to lose these properties. Supervisor Dickinson apprised the other point he would like to mention was the Town of Lake George was partnering with the NYS DEC (*New York State Department of Environmental Conservation*), NYS DOT (*New York State Department of Transportation*) and the County to rebuild the portion of Route 9N that started in the Village of Lake George and ended by Hearthstone Point Campground in Lake George to make it a complete street. He said one aspect of this substantial project was for the NYS DEC to pay to replace their sewer line from the campground to the Town so the Town could handle the sewage from there. He pointed out if there was a municipal sewer available then these multi-unit lodging properties would be more inclined to rebuild them because they would have sewage available on-sight instead of subdividing them preventing the County from losing as many properties. He concluded by wishing everyone Happy Holidays.

In response to the public comment received regarding the meeting time, Supervisor Seeber advised every Board member was dedicated to serving their community and had been discussing the meeting schedule for some time now and how they could conduct meetings where the public could be involved on a regular basis even going so far as scheduling one night meeting a year. She remarked she hoped this was something they could continue to discuss moving forward given all the competing schedules. She said while this was a dialogue they continued to have she did not perceive her job as Supervisor as a hobby, adding all of the Board members had many important roles and contributions they made on many different levels throughout the County. She apprised the comment was recognized and she was aware they continued to discuss that specific issue.

Supervisor Magowan advised this had been a difficult time for all of them with many different issues being thrown at them, but they had been able to persevere. He thanked everyone for working well

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together and some of the bonds they had made along the way. He concluded by wishing everyone Happy Holidays.

Chairman Thomas wished everyone a Merry Christmas and a Happy New Year.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Leggett and seconded by Supervisor Wild, Chairman Thomas adjourned the Board Meeting at 12:23 p.m.