

# Warren County Board of Supervisors

**BOARD MEETING  
FRIDAY, SEPTEMBER 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 10:02 a.m.

Mr. Frank E. Thomas presiding.

Chairman Thomas asked that everyone remain standing for one minute immediately following the pledge of allegiance for a moment of silence in memoriam of Edward Bartholomew, who had recently passed away.

Salute to the flag was led by Supervisor Leggett.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Simpson, Hogan, Dickinson, Merlino, Strough, Wild, Magowan, Seeber, Beaty, Shepler, Geraghty and Thomas-20 Absent  
-0

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

Proceeding with the Agenda review, Chairman Thomas offered privilege of the floor to Assemblyman Stec, who stated the State Legislature had not been called back into session as of yet because they were waiting to see what, if any, type of action the Federal Government was going to take in terms of providing financial assistance to the State, school districts and local municipalities to make up for the loss of revenue as a result of the Coronavirus. He stated Congress was back in session and was scheduled to meet over the next three weeks during which time Congresswoman Stefanik had indicated to him she was confident whatever type of relief they would provide would be acted on. In regard to what would occur with the State aid provided to the local school districts and municipalities, Assemblyman Stec advised these questions remained unanswered, but this was front and center as schools were just beginning the school year. He stated one of the issues he was dealing with concerned visitation in nursing homes, as the Governor announced new rules a few days ago regarding how long the facilities had to go without any positive cases before they would be permitted to allow visitors inside. He said previously the timeframe had been twenty-eight days, but as of yesterday it was fourteen days; however, he noted, one of the issues that came out of this was the individuals who wanted to visit were being told they needed to be tested, but if they were asymptomatic they could not be tested. He apprised he was working with his contacts in the Governors Office in an attempt to be provided with some guidance on that because he was well aware individuals were anxious to visit their family

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, SEPTEMBER 18, 2020**

---

members who resided in nursing homes. He added the turn around time on these tests was crucial, as they were all aware of what could occur with the lag time of obtaining the test results with what occurred in a nursing home in Essex County, but that was a side issue. He suggested the Supervisors encourage those with questions regarding nursing home visitation to contact his Office.

Supervisor Simpson inquired about the timeframe issue pertaining to the Constitutional Amendments and whether it had been decided if it was outside of the time limit to be brought forth this year. Assemblyman Stec responded he was aware of the timeframe issue in question from his discussions with representatives of the NYS DEC (*New York State Department of Environmental Conservation*); however, he noted, he was unsure if they had gotten a firm resolution as to whether their timeframe issue was insurmountable so he could not answer that part of the question. He said as a more practical matter when and if the State Legislature went back into session after the Federal Government took action; he added they were also running up against Election Day which as a practical matter meant that the State Legislature would not want to spend anymore time than necessary in session. He said this meant the calendar was working against them considering these Constitutional Amendments before the end of the year, as their priority would be to respond to how the Federal Government took action with respect to COVID-19 and attempting to get any financial legislation taken care of that would benefit the school districts and municipalities. He remarked his hope was for these Constitutional Amendments to move forward, but he was not aware of any action being taken in the State Legislature since they last spoke about this a few weeks ago.

Chairman Thomas thanked Assemblyman Stec for taking the time to provide the Board Members with an update regarding the State Legislature and what he had been focusing on.

Chairman Thomas noted a motion was necessary to approve the minutes of the August 21<sup>st</sup> Board Meeting, subject to correction by the Clerk of the Board. The motion was made by Supervisor Simpson, seconded by Supervisor McDevitt and carried unanimously.

Continuing to the report by the Chairman of the Board, Chairman Thomas stated on September 10<sup>th</sup> he was invited by Congresswoman Stefanik to make a few comments at the High Peaks Distillery in Lake George regarding the announcement of the award of \$3.2 million to the Lake Champlain-Lake George Regional Planning Board for the purpose of providing loans to businesses to assist them with surviving the impact on their businesses as a result of the Coronavirus. He apprised on September 16<sup>th</sup> he attended the memorial for Edward Bartholomew, along with many other Supervisors. He mentioned he had signed a letter written by Michael Bittel, *President and CEO, Adirondack Regional Chamber of Commerce*, requesting that the Federal Legislators reinstate the J-1 Visa Program by January of next year, as it was vital for many employers in the region for staffing purposes during the summer season. Chairman Thomas congratulated Supervisor Dickinson for the recognition he received from The Fund for Lake George in their Profiles in Protection series for his efforts to protect Lake George, as he believed it was a well deserved recognition.

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

Supervisor Leggett apprised the Public Safety Committee had met on August 24<sup>th</sup>, approving proposed Resolution Nos. 322-332, as well as referring several request to the Personnel & Administration and Finance Committees for approval. He stated he had met with the Budget Team on September 3<sup>rd</sup> for the purpose of reviewing the 2021 budget requests for Fire Prevention & Building Code Enforcement, Office of Emergency Services, Traffic Safety Board and the Sheriff's Office; he commended Charles Wallace, *Director, Fire Prevention & Building Code Enforcement*, James LaFarr, *Warren County Sheriff*, Terry

**WARREN COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING**

**FRIDAY, SEPTEMBER 18, 2020**

---

Comeau, Warren County Undersheriff, Monica Girard, Executive Assistant, Warren County Sheriff's Administration, Brian LaFlure, Fire Coordinator/Director, Office of Emergency Services, Amy Drexel, Emergency Services Coordinator, and Jennifer Ramsey, Office Specialist, Office of Emergency Services, for their work on their departmental budgets. He informed he had attended the interviews for the Director of the Office of Emergency Services position on September 15<sup>th</sup> where they identified who would move forward to be interviewed in a joint meeting of the Public Safety and Personnel & Administration Committees. He mentioned on September 16<sup>th</sup> he had attended a presentation by NYSAC (New York State Association of Counties) entitled "Policing 2020 What We Have Learned and How Do We Can Change" which was based off of the requirements of Executive Order No. 203 which required the Sheriff's Office to develop a plan to be approved by the Board before April 21, 2021. He said Sheriff LaFarr and Undersheriff Comeau were working on this plan now, adding because the Sheriff's Office was accredited much of the ground work was already completed. He advised Sheriff LaFarr had notified the Public Safety Committee at their last meeting that the Sheriff's Office had a successful audit by the New York State Division of Criminal Justice Services for Accreditation which he noted less than 40% of Sheriff's Offices across the State accomplished.

Supervisor Diamond indicated he had nothing to report on.

Supervisor McDevitt informed on September 16<sup>th</sup> he had observed a group of volunteers and County employees planing a pollinator garden along the Warren County Bike Trail in Ward 2 of the City of Glens Falls which would add beauty to the trail, as well as having a fundamental ecological benefit in terms of pollination and a bee population which was dwindling throughout the world and accounted for 30% of food in this Country. Supervisor McDevitt mentioned an article featured in today's edition of *The Post Star* regarding a million dollar wetlands restoration project along the Schroon River, apprising he felt they should recognize major corporations that fundamentally did the right thing in this Country. He stated the owner of the property mentioned in the article was Equity Lifestyle Properties of Chicago, who owned more than 400 campgrounds throughout North America, and decided to fund the million dollar project. He said what caught his attention was that the wetlands were a spawning ground for trout and other fish which was why this project was completed in time to coordinate with the spawning. He stated representatives of the corporation had indicated they were here for the long-term and wanted to give back to the community and he felt they should be recognized for their efforts. Supervisor McDevitt apprised he had discussed the two coronavirus cases that occurred in the Queensbury Elementary School with a teacher from that School District during which she commended the Health Services Department for their response. He mentioned he felt there was a lot of work going on the public was unaware of that they should be commended for.

Supervisor Braymer advised she and Supervisor Seeber has attended the ribbon cutting ceremony for the work on the wetlands at the Lake George Escape Campground which she was thoroughly impressed with. She mentioned what she took away from this was the Corporation was sincere about wanting to give back to the natural resources that had made their site so special and contributed to their long-term success. She remarked how pleased she was to witness the environmental and financial aspects coming together. Supervisor Braymer apprised the Environmental Concerns & Real Property Tax Services Committee had met on two occasions over the past month where they approved proposed Resolution Nos. 312 and 361-362 and she provided a brief overview of each. She noted the County Foreclosure Auction was scheduled for October 17<sup>th</sup> and would include some special guidelines related to COVID-19 as noted in Resolution No. 361. She said these guidelines included only allowing fifty people into the courtroom at a time, as well as requiring individuals to sign up to bid on properties at the office of the town where the property was located which was why they would have to review the packet that listed all of the properties being auctioned off to determine which ones they would like to bid on. She stated she would ensure the packet would also be posted to the County website and on all of the County social

**WARREN COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING**

**FRIDAY, SEPTEMBER 18, 2020**

---

media platforms in advance of the auction. In regard to Environmental Concerns, Supervisor Braymer informed the Committee was continuing to review the Septic Inspection at Transfer Law and would be doing more collaboration and attempt to garner more feedback from the stakeholders in the community. She stated Chris Belden, *Assistant County Planner*, was agreeable to discussing this at a Water Quality meeting on October 14<sup>th</sup> where organizations like Warren County Soil & Water Conservation Department, lake associations and code enforcement officers would be in attendance; she added the meeting would be held via Zoom and would be open to the public, as well. She stated the other matter they discussed at the meeting concerned supporting a green amendment to the New York State Constitution which would add to the Constitutional right to have access to clean air, clean water and a healthy environment, but the consensus of the Committee was for more information to be provided by the Adirondack Mountain Club at the next Committee meeting before a decision was rendered.

Supervisor Bruno indicated he had nothing to report on.

Supervisor Driscoll stated the Human Services Committee had met on August 24<sup>th</sup>, approving proposed Resolution Nos. 316-319 and he provided a brief overview of each. He advised he had attended the groundbreaking ceremony yesterday for the new administrative building of the Glens Falls Housing Authority, who was involved in a major redevelopment of their senior and family complexes. He announced open enrollment for the public housing waiting list was ending September 25<sup>th</sup> and he encouraged anyone who needed additional information to contact him or the Glens Falls Housing Authority.

Supervisor Frasier advised the Finance Committee had met on September 3<sup>rd</sup>, approving proposed Resolution Nos. 306-307 and 342-360. She said she had also met with the County Treasurer to review his 2021 Budget request which she commended him on. She offered privilege of the floor to Mike Swan, *County Treasurer*, to provide an update on the County finances.

Mr. Swan informed the County had yet to receive any Casino Pact payments since the 3<sup>rd</sup> quarter of last year nor had they received any revenue from the medical marijuana sales, as well as the State reimbursements they typically received during this time of year. In regard to sales tax revenue, Mr. Swan indicated for the month of August they were down about \$500,000 as compared to the same timeframe last year which he found to be questionable because all of the indicators he had reviewed signified that figure should be even or a possible slight increase. He stated he was encouraged by the number of large checks that had been received for occupancy tax, apprising he did not want to be overly optimistic, but it appeared as if the County had a strong summer season.

Supervisor Braymer inquired what the percentage decrease was for sales tax, as she recalled a report from the State Comptroller that indicated the North Country region had one of the lowest percentage decreases in sales tax in the State which she found to be encouraging. Mr. Swan replied the decrease as of last month was 7.5%; however, he noted, because the State had just released the figures he did not have time to calculate the percentage decrease, but he would distribute that to the full Board on Monday morning. He remarked he could not comprehend how sales tax revenue could have decreased since car sales had increased and big box retailers like Lowe's, Home Depot, Target and Amazon were all reporting record profits right now. He said he was aware there were businesses that were struggling in the County, such as some of the resorts where weddings were held, but he believed the increases more than outweighed the decreases and more specifically the car sales which encompassed 10% of sales tax collections in the County because the dealerships he had spoken to all indicated they had record sales during May, June and July of this year. He surmised the decline related to the State keeping a portion of the County's sales tax collections as a result of the cash flow crisis they were in; however,

he noted, there was no way to prove this. Ryan Moore, *County Administrator*, interjected the State was withholding for the marketplace transactions and the other pertained to the distressed hospitals. Mr. Swan apprised the withholding regarding the distressed hospitals would be done in January and the one for marketplace transactions was taken at the end of the year which meant neither of these factored into the decrease.

Supervisor Braymer questioned if the factory outlet stores factored into the decline because they did not appear to have had a busy summer season and Mr. Swan responded during inclement weather the traffic had been backed up down to the Six Flags Great Escape Resort which he used as an indicator to determine they were doing well. He added each time he had traveled through Lake George this summer there had been larger crowds than he had observed in years. Supervisor Magowan questioned whether the County could request a report regarding how much sales tax was collected from each business in the County and Mr. Swan replied his repeated requests to the State for such a report was always denied.

Supervisor Seeber asked Mr. Swan to provide an update regarding his meeting with representatives of Airbnb. Mr. Swan apprised one meeting had been held with them and another was scheduled within the next ten days. He said it appeared as if they were agreeable under certain circumstances to collect occupancy tax funds for the County on the short-term rentals; however, he noted, further negotiations were required because the way they wanted to handle it differed dramatically from how the County felt it should be done. He mentioned he had also discussed with them occupancy tax collections they may have collected from 2018 until now which was a separate issue.

Supervisor Geraghty suggested they appeal to the businesses located within the County to contact Mr. Swan and advise him of how much sales tax they had remitted to the State over the last three months because this would impact the County Budget and the property taxes these businesses would pay. He said he concurred with Mr. Swan that the County was not receiving their fair share of the sales tax revenue collected here and if businesses were willing to send them this information they could get a better accounting of how much revenue was collected. Mr. Swan apprised he had talked to a significant number of local businesses, most of which had indicated this summer was a record year for them. Supervisor Geraghty stated he concurred with Mr. Swan, as he was aware that car dealers could not keep cars on their lots because they were selling them so quickly. Mr. Swan restated car sales made up ten percent of the total amount of sales tax collected for the County and their sales were up by thirty percent over a three month period and he questioned where the sales tax from these sales were. Supervisor Gergaghty remarked he was troubled that the County might have to adjust its budget because the State was keeping a portion of the County's share for themselves. He pointed out how the State had placed the blame on the school districts when they made cuts because they were reacting to negative press. He said maybe they should spread the word that the State was short changing the County. Mr. Swan stated typically the State did an adjustment at the end of September or early October and he was hoping the County would get some additional sales tax revenue from that, but he was unsure if this would occur.

Supervisor Beaty apprised he liked Supervisor Geraghty's suggestion that they request that the local businesses notify them about how much sales tax they paid to the State, as this would be a good way to get a better handle on this. He stated the State keeping the County in the dark regarding sales tax collection had been an on-going issue for years and Mr. Swan had repeatedly requested additional information from the State, but they had denied his requests. He said the State provided the County with the amount they felt the County was entitled to which he found to be troubling since they did not verify the figures, more so now during this difficult financial time. Supervisor Beaty inquired whether the County employee whose duties consisted of auditing properties who collected occupancy tax had advised Mr. Swan to review data from 2018 to collect additional occupancy tax that was owed to the

County and Mr. Swan responded the Board had adopted a resolution which included a provision to collect occupancy tax from short-term rentals, but very little had been collected since then from these properties. He said there was some indication that Airbnb and some of the other short term rental internet providers may have collected some occupancy tax during that period of time from property owners, but they did not remit it to the County. He stated these were the past collections they were currently working on. Supervisor Beaty asked for clarification that these providers had collected occupancy tax and Mr. Swan replied he did not know for sure that they did, but it appeared they may have. Supervisor Beaty inquired when Mr. Swan felt he would be able to provide an update on this and Mr. Swan responded he hoped to be able to clarify whether this occurred and report back to the Supervisors within the next month or so, as they were currently working on registering all of the short-term rentals located in the County which he believed there were around 950 properties. He informed it took his staff around an hour to process each registration resulting in a significant amount of work because a substantial amount of registrations arriving each day.

Supervisor Conover questioned whether Mr. Swan was aware of how much sales tax revenue was received in August of 2019, as he wanted to use this as a comparison to determine what type of impact the pandemic was having on the County. He pointed out last month the decline compared to the previous year was 12.2%, in June it was 20.2%, in May it was 8.1% and in April it was 26.6%, apprising it appeared as if the figures were headed in the right direction and he asked Mr. Swan if he concurred and Mr. Swan replied affirmatively. Supervisor Conover informed overall sales tax was down 7.2% for the year because the first quarter had come in above what was collected during the same timeframe the prior year, adding he was interested in seeing what the outcome was for August and September of this year. Mr. Swan apologized for not having the specifics available today, but he indicated he would be distributing that information on Monday morning.

Mr. Moore stated he had pulled up the County Treasurer's report on sales tax for August of last year and it indicated \$4.9 million was collected during this time period and \$4.5 million was collected in August of 2018. In regard to the State keeping a portion of the County's share of its sales tax revenue, he advised in April of 2019 was when the State first began doing this during which he had indicated at that time would not be the last time this occurred and then a year later the State decided to keep another portion of the County share of its sales tax revenue. He informed in April of 2019 the State kept \$225,000 and this year they retained \$553,000, both of which would be withdrawn in January of 2021. Mr. Swan apprised the first deduction would be done in December of this year and the other one would be in January for the distressed hospitals, with the deductions being made on a quarterly basis going forward.

Supervisor Simpson advised the Personnel & Administration Committee had met on September 3<sup>rd</sup>, approving proposed Resolution Nos. 335-341. He highlighted proposed Resolution No. 338, *Approving the Warren County Policy Against Discrimination and Harassment Which Replaces the Warren County Plan and Program on Workplace Harassment*, which involved the addition of language that any findings of wrong doing would be reported to the Personnel & Administration Committee within a sixty day timeframe provided there was no delay required by law enforcement. He stated proposed Resolution No. 340, *Authorizing Continuation of a Medicare Advantage Insurance Plan for Warren County Retirees*, authorized continuation of the Medicare Advantage Insurance Plan for retired employees which they received a significant amount of positive feedback on. He informed proposed Resolution No. 341, *Authorizing Continuation of Health, Dental, Vision and Voluntary Life and Accident Insurance for County Officers, Employees and Retirees*, authorized continuation of the County's health, dental, vision and voluntary life and accident insurance.

Supervisor Hogan informed Cornell Cooperative Extension would be offering a Community Parenting

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, SEPTEMBER 18, 2020**

---

Program via Zoom each Thursday night in the month of October from 6:00 p.m. until 8:00 p.m. She stated the five week series would focus on replacing any ineffective or hurtful parenting styles with effective child friendly skills by teaching five basic parenting skills that highlighted key parenting issues and she encouraged anyone interested to contact Cornell Cooperative Extension to sign up. She mentioned on Saturday, October 14<sup>th</sup> from 10:00 a.m. until 1:00 p.m. they would be holding their Achievement Day which recognized all of the participants in the 4-H Program throughout the year; she added in addition this year they would be doing it as a service day to support 4-H community projects. She said another significant program they would be offering was Family Budget Coaching which grew out of their popular Tax Preparation Program. She stated this would be a free program for families and individuals who wanted to get a better handle on their finances. She informed one on one appointments would be offered with trained volunteers with locations in the City of Glens Falls and the Towns of Johnsbury and Warrensburg.

Supervisor Dickinson stated the Occupancy Tax Coordination Committee had met on August 31<sup>st</sup>, approving proposed Resolution Nos. 320-321. He mentioned he would like to make a motion to table proposed Resolution No. 321, *Amending Resolution No. 50 of 2020, Approving the 2020 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services, to Eliminate Funding to Various Municipalities and Terminate Agreements Between Municipalities and Warren County for Tourism Promotion and Tourist and Convention Development Services*, at the appropriate time.

Supervisor Merlino apprised the Tourism Committee would be meeting on September 28<sup>th</sup> to review their 2021 Budget request which they were still working on. He said the fall advertising was completed and now they planned on working on one for the winter season.

Supervisor Strough indicated he had nothing to report on.

Supervisor Wild advised there were no resolutions concerning the Economic Growth & Development and Higher Education Committee, but he would like to provide an update on the activities of the Economic Recovery Task Force which was a great cooperation between public and private entities who worked together to try and create a back stop for the County's sales tax gap by growing the County's economy. He said one of the results he felt everyone was aware of was what occurred with Lake George, but the group could not take credit for that because this was likely related to COVID-19 and individuals wanting to get out of their homes and travel to a safe place, which Lake George was. He mentioned the group which was lead by Mark Behan, *Behan Communications*, was working on communication and strategian in terms of what was required in order to assist Lake George in continuing to attract visitors throughout the pandemic, as well as a substantial focus on now and how to expand upon the fall and winter activities within the County. He apprised the Lake Champlain-Lake George Regional Planning Board was awarded \$2.9 million in grant funding for the purpose of providing relief to businesses impacted by COVID-19. He stated there was an effort underway to provide consulting to at-risk businesses in an attempt to assist them with understanding how they could recover financially from the loss of business as a result of the pandemic. He informed from a workforce standpoint in the childcare and hospitality industries training and transportation were the priority. In regard to the EDC (*Economic Development Corporation*), Supervisor Wild stated he had also attended the event honoring Edward Bartholomew, who would be missed. He stated they were focusing on broadband, water, sewer and solar power, all of which would be discussed at a special meeting of the Economic Growth & Development and Higher Education Committee later this month, as well as the EDC's plans and goals which he invited everyone to attend, as he believed it would be an informative meeting. He advised the Economic Recovery Task Force was also looking at Federal, State and local policies that were infringing upon businesses located in the County's efforts to grow to expand the economy, such as the one

mentioned earlier concerning the J-1 Visa Program that Chairman Thomas had signed off on a letter. He added there were also policies regarding benefits for individuals with disabilities who could risk losing them if they were to get a job which they were reviewing to determine if there was an opportunity to offer some transitional benefits to allow these individuals to return to work without taking the risk of losing all of the benefits they had. He advised in regard to tourism, there was an effort to obtain metrics for the purpose of determining the County's return on investment, such as whether the funds were being used for the appropriate purposes, were they focusing on areas where a larger influx of visitors was occurring, etc. He apprised SUNY Adirondack had also made significant cuts to their operating budget and were similarly concerned about what cuts the State would be making to their contribution to them, as well. He said the Fall Semester had started and they were carrying out testing for COVID-19 on their students with no issues thus far. Supervisor Wild remarked he would be remiss if he did not mention the Census, as the deadline to submit responses was fast approaching and he encouraged the Supervisors to urge their constituents to submit their response because the results directly related to the amount of Federal funding the County received which everyone benefitted from.

Supervisor Magowan informed he had attended all of the meetings with the departments he was charged with overseeing and the Budget Team, apprising all of them did incredible jobs putting together their individual budgets. He stated he had attended a number of Committee meetings this month and would be supporting a significant number of resolutions that were before them today.

Supervisor Seeber reported on the August 24<sup>th</sup> Criminal Justice Committee meeting, where they approved proposed Resolution Nos. 309-311 and she provided a brief overview of each. In regard to activities that concerned Criminal Justice, she apprised she would like to highlight this morning she had the opportunity to meet with Kevin Hajos, *Superintendent of Public Works*, and Frank Morehouse, *Superintendent of Buildings*, to discuss the referral from the Criminal Justice Committee to the County Facilities Committee pertaining to a brick walkway for crime victims'. She said she wanted to take an opportunity to clear up some confusion and reiterate that these bricks honored crime victims' from Warren County which were usually paid for by the victims families or a sponsoring agency. She stated it appeared they were going to be able to do something for little to no cost in front of the Warren County Municipal Center building; she added they would be asking the local Boys and Girl Scout Troops for assistance with a bench to continue to honor these crime victims'. Supervisor Seeber informed there had been a discussion regarding additional space for the Public Defenders Office at the August 24<sup>th</sup> Committee meeting since the resolution authorizing a lease agreement with 333 Glen Street had been tabled based on the recommendation of the County Attorney's Office. She said the search for the additional space was still ongoing and she voiced her appreciation of the County staff and Supervisor Beaty to ensure this was handled in an expeditious fashion. Continuing on, Supervisor Seeber apprised she had an opportunity to attend some of department meetings with the Budget Team, informing she had been critical in the past of the budgeting process and the lack of an invitation to the full Board to ensure this process was handled in a transparent manner. She voiced her appreciation of being invited to attend these meetings and observe what occurred in more than just the departments she was charged with overseeing which she credited Supervisor Geraghty and Mr. Moore for because not only did they allow this process to be more transparent, but they also allowed an opportunity for everyone who attended to ask questions. She mentioned she had attended a NYSAC seminar yesterday concerning social media and how in a socially distant world the use of technology was needed. She said this supported the fact that the County had a definitive need for Don Lehman, *Public Relations Director*, and she asked that the Personnel & Administration Committee meeting agenda include an update from him regarding the significant growth since the end of January that had occurred in the County. She stated as an example yesterday the County had distributed hand sanitizer at the Aviation Mall and a number of people had attended as a result of Mr. Lehman posting information regarding the event on



the County social media sites. She said the public had showed up to this event with questions, concerns and compliments which she attributed to the growth in the communication to the public and she applauded these efforts, adding she thought an update regarding how this has grown would be helpful. She recognized Supervisor Dickinson for allowing her to take a few weeks to research some recommendations on changes to occupancy tax application process which she was appreciative of. She advised she continued to attend NACo (*National Association of Counties*) meetings, two of which were for Public Safety and the other one involved Resilient Counties this month. Supervisor Seeber informed while dealing with a number of other matters, Mr. Moore still managed to respond to two constituencies and impacted a State-wide effort; she said while they may consider different professions and wonder how they were impacted by COVID there had been some discussions pertaining to the growth of some, she believed there were definitely some industries they had not discussed how the pandemic had been so crumbling to their business. She apprised when the Association of Aestheticians contacted Mr. Moore about how they could continue to do business, Mr. Moore advocated on their behalf and worked with The Control Room resulting in a swift change, apprising she was appreciative of the time and attention he had provided that given his busy schedule, as well as responding to questions from The LARAC (*Lower Adirondack Regional Arts Council*) and other constituent concerns he and Mr. Lehman replied to in a swift manner and she wanted to ensure she thanked them in public for that. She advised she also had questions regarding proposed Floor Resolution No. 1 which she would inquire about at the appropriate time.

Supervisor Beaty stated the County Facilities Committee had approved proposed Resolution No. 308 which he provided a brief summary of. He apprised upon the recommendation of his brother who was a doctor he did not attend the Memorial Service for Mr. Bartholomew due the large crowd that was expected and he expressed what a significant asset Mr. Bartholomew was to the County and the City of Glens Falls. He informed Mr. Bartholomew held a special place in his heart for performing the services at his mothers funeral, adding Mr. Bartholomew was also a phenomenal public servant who had the skill of connecting with everyone in a positive manner which was beneficial for the County. Supervisor Beaty informed the County Facilities Committee meeting scheduled for September 22<sup>nd</sup> would include discussion regarding Forest Enterprises request for an additional \$270,000 from the County to cover the cost of their legal fees and interest they occurred as a result of their lawsuit against the County for prematurely taking their land for the now debunked runway extension at the Airport and he encouraged everyone to attend because the County was looking at paying almost a half million dollars as a result of poor decisions made by the Board in the past.

Supervisor Shepler indicated she had nothing to report on.

Supervisor Gergaghty thanked all of the County Department Heads and staff for submitting realistic 2021 Budget requests, apprising he was still working on compiling a Tentative 2021 County Budget for the full Board to consider. He thanked Mr. Moore for his hard work reviewing each budget code and suggesting where cuts could be made which he was mostly agreeable to. He echoed Supervisor McDevitt's comments regarding Health Services, informing a constituent had mentioned to him how they were able to contact their Department with questions regarding the pandemic. In regard to Supervisor Dickinson's announcement that he would be requesting to table proposed Resolution No. 321 concerning Occupancy Tax, Supervisor Geraghty voiced his opposition to tabling what the Committee felt was appropriate for the County based off of the amount of occupancy tax being collected.

Supervisor Conover apprised the Public Works committee had met on August 25<sup>th</sup>, approving proposed Resolution Nos. 333 and 334 and he provided a brief overview of each, as well as proposed Resolution Nos. 335-341 which were approved by the Personnel & Administration Committee. He stated he would

*WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, SEPTEMBER 18, 2020*

---

like to take this opportunity to thank the fire departments who assisted the Bolton Fire Department with the response to a fire at a local restaurant on Main Street in the Town of Bolton and he extended his heartfelt condolences to the owners of the business.

Continuing to the report by the County Administrator, Mr. Moore recognized Julie Pearl for 35 years of service to the Department of Social Services, which he was greatly appreciative of.

Mr. Moore informed he would like to mention some google mobility statistics which were brought to his attention by NYSAC. He stated google had the ability to use cell phone data and monitor how many individuals from out-of-town were typically in an area at any given time which they could bench mark and compare to prior years. He advised they did this for the month of August and out of the sixty-two Counties located in the State only eighteen of them had more people this August then in August of 2019. He stated Essex County had the largest increase of 72% more then the prior year, Warren County had the second largest increase of 38% which scientifically proved what Mr. Swan had indicated earlier in the meeting that there was a busy summer season in the County this year in spite of the pandemic and because of all the efforts of the local businesses to ensure that they provided a safe experience. In regard to Supervisor Seeber's comments regarding him spending time advocating on behalf of these businesses, Mr. Moore remarked this was the most important thing any of them could do which he felt everyone was aware of, as all of them were working hard this year in an attempt to position the County in a good place which they had been successful at and was the reason he would drop everything when there was a business in need of something from the State even if his advocacy efforts were unsuccessful in the event they were providing a safe experience and were going out of their way to do good work. He mentioned the third largest increase was Wyoming County with a 30% increase, Sullivan County had a 20% increase, Tyoga County had a 15% increase and anyone else with an increase was down in the single digits. He pointed out all of the Counties with increases were smaller ones, with Warren County being the largest one of the group which, he noted, was a great accomplishment.

Mr. Moore advised he was keeping tabs on the activities of the Federal Government and whether they would be providing any aid to the States and local governments, as he was unsure if any aid would be provided. He stated NYSAC was currently highlighting an effort by the Bi-Partisan Congressional Problem Solvers Caucus which NYSAC believed had the best shot at moving forward over the other proposals that were made and they acknowledged several members of the New York State Delegation that were members of that Caucus which was Co-Chaired by Tom Reed who represented Central New York. He remarked at this point the County was hopeful that an aid package would be adopted that would provide some form of relief to the States and local governments because New York State's budget was predicated on that Federal aid and if no Federal aid was provided the Governor had the authority to adopt a provisional budget and make cuts to the County's State aid. He said they had been notified that State aid would likely be cut back 20% if the Governor had to exercise that option which equated to a loss of \$3.5 million to the County. He advised he had also been notified because of the State's multi-year forecast the County could anticipate the 20% cut would be made permanent which was not sustainable, as it would be difficult, but feasible to sustain such a cut for one year, but not if it continued on into future budgets because it would deplete the Unappropriated Surplus Fund Balance to below \$10 million in a few years resulting in the County having to borrow money to cover its payroll expense. He indicated the action taken by the Federal Government over the next few weeks was imperative for the County, as was the State's actions if the Federal Government took no action, noting everything the County had worked hard to build up was in jeopardy.

In regard to the issue with "Glamping", Mr. Moore apprised on August 25<sup>th</sup> the Public Works Committee had discussed this issue at length just as they had every month since May and there was some hesitancy to terminate the contract with Adirondack Safari with the will of the Committee being to

make every attempt not to do that unless it was a mutual termination. He said the Committee had requested that County staff contact Adirondack Safari and ask whether they would be willing to move forward with a mutual termination to which Adirondack Safari indicated they did not believe the mutual termination was fair because of the situation with the pandemic they had been unable to provide the service and make the required payment to the County. He mentioned during the meeting a question was asked regarding what the contract indicated in regard to termination, but the answer was inadequate. He read aloud an exert from the contract which indicated the contract was initially for June 12, 2018 through September 1<sup>st</sup> 2018; he apprised it then said the agreement may be extended for up to four additional terms to generally coincide with the dates referenced here and for summer 2019, 2020, 2021 and 2022 upon mutual agreement of the parties and with the concurrence of the Superintendent of Public Works. He further explained this was a 2018 contract with a built in clause that indicated on mutual agreement from all the parties it could continue from year to year. He informed he had emailed the representatives of Adirondack Safari to ensure they were aware this clause was included in the contract which he attached a copy of and notified them the County would not be terminating the contract for this year because there was no need to do so as a result of the pandemic. He added he also ensured they were aware the County would be putting out an RFP (*Request for Proposal*) to determine if there was any interest in using the County Fairgrounds for recreational purposes that included, but were not limited to “Glamping” and he read aloud what he had stated in his email to them regarding this which he hoped they would submit a response to.

Mr. Moore advised the Deficit Reduction Program which had been discussed over the past several months had been included on the agenda for the September 3<sup>rd</sup> Finance Committee meeting, but due to issues that were out of his control he did not have a sufficient amount of time to provide a copy to the Committee to allow for meaningful time to review and digest what was included in it so he decided to hold off on presenting it and it would be brought before the Committee at their upcoming meeting on October 1<sup>st</sup>. He said he would be doing one final review of the Program this afternoon with Tammie DeLorenzo, *Assistant to the County Administrator*, with the intention of distributing it to the full Board immediately following this review. He informed he and his staff had started working on this in April, with each department participating in the process and he noted the Program included reductions for twenty-nine of them. He apprised a significant amount of savings that had been realized was a result of the hiring freeze, as well as core activities that were ceased, postponed or reconfigured and provided in a different manner, such as the Meals on Wheels Programs, whose meal deliveries were reduced from five days to three due to the pandemic, all of which was reflected in these figures and he encouraged anyone with questions to contact him. He informed the full amount of the Deficit Reduction Program was approximately \$4 million and what they would be requesting of the Finance Committee was to transfer those appropriations out of the Budget Codes into a special Contingency Account with the idea that these funds would not be accessed so that when the books were closed out for 2019 that expense authority would be there, but the \$4 million would not have been spent and these funds would be transferred into the Unappropriated Surplus Fund Balance which would be lacking revenue as previously mentioned by the County Treasurer. He remarked it was his hope the combined effort of all of this assisted the County in overcoming the economic turmoil that had occurred this year. He mentioned first and foremost no reductions had been made to the Aquatic Invasive Species Program and no cuts were made to the funding provided to the various parks located in the City of Glens Falls and other municipalities, as the State forwarded their financial issues on to the County, but the County would not be doing the same to its localities. He stated the Board of Elections saved about \$35,000 because of the delay with the April Primary election, about \$150,000 was saved on the County's property and casualty insurance premium as a result of the RFP that was released last year, the cancelling of the 4-H summer camp saved the County \$25,000 and \$367,500 would be saved as a result of a proposed Resolution before them today which represented the Occupancy Tax Spending Plan being suspended for 2020. He added the cancellation of various events that were sponsored by occupancy

tax had also resulted in about \$200,000 in savings which was in addition to the savings as a result of the reduction in the occupancy tax contributions made to the Lake George Convention Visitors Bureau and the Glens Falls Civic Center which equated to \$160,500 for this year. He mentioned the County Attorney's Office was going to save \$40,000 in legal and transcript fees and there was significant vacancy savings for CHHA (*Certified Home Health Agency*) in the Health Services Budget, as well as substantial vacancy savings within the Department of Public Works Budget, most notable of which was within the Engineering Division who had been working with the bare minimum staff all year, nor did they immediately replace Jeffrey Woodell, who previously worked for the Buildings and Grounds Department before he was appointed as the Director of Weights and Measures and was doing a phenomenal job. He advised there was significant vacancy savings within the Department of Social Services which equated to \$500,000, but only a portion of this savings related to the County since the positions were mostly funded through the Federal and State Governments. He stated another source of savings was the deferral of \$100,000 in equipment purchases for the Department of Public Works, as well as the delay of the exterior LED lighting Project for the Sheriff's Office which equated to \$35,000 in savings, and additional savings were realized as a result of Correction Officer vacancies. In regard to when the Federal Government made the Medicaid savings apply down to the Counties, as well as the State, he advised initially there was some thought that the State would keep all of the savings for themselves; however, he noted an effort lead by Senator Schumer ensured that the Counties realized their portion of the savings, as well which amounted to \$700,000 this year for the County. He apprised on top of all that he was including in this Deficit Reduction Program portions of the appropriation for PINS (*Person In Need of Supervision*) diversions, as well as specialized OCFS Training Schools that was part of the Juvenile Justice System where he believed some savings would be realized. He said within the Department of Social Services by crunching their operation they were able to save \$250,000 on top of which the State cost the County an additional \$900,000 through the reduction of State aid and changing the rules on reimbursements for certain programs resulting in the County having to reimburse providers for services that they never provided. He said essentially what this meant was the State decided to make providers whole using County funding, adding this would be discussed in more detail at the September 21<sup>st</sup> Human Services Committee meeting. He indicated in addition to the impact from the reduction in the local economy, the County was financially impacted to the tune of \$1 million from various actions by the State involving the Department of Social Services so the hope was to be able to recoup \$900,000 from the reductions made to PINS Diversion and the other Juvenile Justice piece. He advised the Tourism Department had reduced expenses concerning the Travel Guide in the amount of \$40,000 and they reduced the purchasing of advertisements by \$500,000, as well as an additional cut back of \$163,000 on the contract with Working Pictures, social media influencers, photography and web development for a total of around a \$700,000 reduction within the departmental budget which was double the amount of the reduction to the Occupancy Tax Spending Plan and triple the amount of the reduction to special events funding which he equated to the substantial efforts of the Tourism Department staff and he acknowledged Joanne Conley, *Director of Tourism*, Leisa Grant, *Senior Account Clerk*, and the other departmental staff for making so many sacrifices this year while still managing to shepard the County through and have a strong summer season. He informed this action would have to be handled through separate resolution to propose to liquidate the Unappropriated Surplus Fund Balance assignment for project assessments that the County included in this years budget, as well as proposing to liquidate the Unappropriated Surplus Fund Balance assignment for SUNY Adirondack operations resulting in an additional \$300,000 to the impact the County would realize from the pandemic this year. He remarked it was unfortunate this had to be done because there was a specific purpose in mind for those monies; however, he noted, the situation had changed and that would be proposed at the Finance Committee meeting. He mentioned in addition to that what was not included in this Program, but was a result of the work of the Treasurer's Office in the amount of \$256,000 in savings on Debt Service as a result of refinancing bonds. He indicated he believed the outcome for the County this year would be favorable as a result of all these reductions; however, he noted, this did not

WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, SEPTEMBER 18, 2020

---

take into account any of the reductions in State aid which could equate to around \$3.5 million which would continue on into future years that the County would be unable to sustain.

Supervisor Dickinson apprised his cell phone service which was typically stellar had suffered during this pandemic due to the increased usage. He stated he hoped the data available would be used to improve the cell phone service in the region.

Privilege of the floor was extended to Mary Elizabeth Kissane, *County Attorney*, to provide a report from the County Attorney. Ms. Kissane advised the first thing she would like to discuss was proposed Resolution No. 326, *Authorizing an Agreement with the Queensbury Union Free School District for the Warren County Sheriff's Office to Provide Law Enforcement Services Within the Queensbury School District*, which pertained to a contract with the Queensbury Union Free School District for Law Enforcement Services within the School District. She said the current amount included in the contract was for \$67,000; however, she noted, following a discussion with the Sheriff it was determined the correct amount was \$87,000 so at the appropriate time if the Board so chooses she would request that a motion be made to amend the proposed Resolution. She mentioned the bid opening date would be changed via a Clerk's correction on proposed Resolution Nos. 343-346 to Thursday, September 24<sup>th</sup> at 3:00 p.m.

Resuming the Agenda review, Chairman Thomas called for the reading of communications, which Amanda Allen, *Clerk of the Board*, read aloud, as follows:

Reports from:

1. Warren County Probation Department - Reports of Criminal and Family Workloads for the month of July 2020;
2. Albany Medical Center - 2019 Annual Report.

Other:

1. Capital District Regional Off Track Betting Corp. - 2019 Regular Benefit Distribution Payment #3 in the amount of \$2,101;
2. Capital District Regional Off Track Betting Corp. - February-June 2020 Surcharge payment 5 in the amount of \$656;
3. Capital District Regional Off Track Betting Corp. - February-June 2020 Surcharge payment 6 in the amount of \$656;
4. Capital District Regional Off Track Betting Corp. - February-June 2020 Surcharge payment 7 in the amount of \$656;
5. Capital District Regional Off Track Betting Corp. - February-June 2020 Surcharge payment 8 in the amount of \$659;
6. Capital District Regional Off Track Betting Corp. - July 2020 Surcharge payment in the amount of \$3,597;
7. Washington County - Resolution No. 198 of 2020, *To Approve the Lake Champlain Lake George Regional Planning Board 2021 Budget*;
8. Washington County - Resolution No. 199 of 2020, *To Adopt Adirondack Community College Budget*.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 306-362 as well as two Certificates of Appointment were mailed; she advised there was one floor resolution to be addressed that was labeled as proposed Floor Resolution No. 1 and was distributed to the members of the Board of Supervisors on September 15<sup>th</sup> which met the deadline specified in the Rules of the Board. She said in order to entertain this matter a motion and a simple majority vote was required to bring it to the floor. The necessary motion was made by Supervisor Simpson, seconded by Supervisor Merlino

and carried unanimously to bring proposed Floor Resolution No. 1 to the floor.

Supervisor Seeber stated she had attempted to obtain additional information regarding proposed Floor Resolution No. 1 and this morning she had spoken with Mr. Hajos regarding same. She remarked while she was not by any means an expert negotiator she believed \$1,000 was not a sufficient fee and the County should consider advocating for more than that. She added she was not being critical of the negotiation process, but she would like to inquire whether it was a possibility to request more than \$1,000 for the use of this portion of the County Railroad tracks.

Supervisor Braymer requested Mr. Hajos provide them with an update on this matter, as she believed this had already been discussed with the Committee. Mr. Hajos stated Revolution Rail Company had initiated the contract with the County for the use of three different sections of the County Railroad tracks, one of which was in North Creek traveling down to just before the Riparius Station, the next one was from the Stony Creek Ranch to the Thurman Station and the last one encompassed the southern portion of the track; however, he noted, when the pandemic occurred they took a step back from their original request and indicated they only wanted to use the portion of the track from North Creek to the Riparius Station. He said at this time they had contacted Supervisors Geraghty and Merlino to request the use of the southern portion of the County Railroad tracks in the Hadley Luzerne area for the fall foliage. He stated he had a discussion the other day regarding whether there were any concerns in that area, but there were none because the track was clear there. He mentioned the original contract for all three areas of the County Railroad tracks was for \$35,000; however, he noted, since then this had been reduced to \$20,000 since they would only be using four buildings at the North Creek Station, as well as about eight miles of track. He said the section they wanted to use in the Hadley Luzerne area was around 4.8 miles of track which they had offered to pay \$1,000 for the use of this additional track. He remarked he would be more than willing to return to them and request more money if that was the desire of the Board.

Supervisor Wild inquired whether the request was only for this year and Mr. Hajos replied affirmatively. Supervisor Wild apprised his sense was this was a business that was expanding by starting a new route and if the County could entice them to do so by charging them a moderate fee he felt they should so that this would open it up for better negotiations next year. He pointed out most individuals would only partake in the excursion offered by Revolution Rail Company once or twice in their lifetime, but by expanding it to a different section of the railroad it would attract customers to return and go on the new route. He concluded by stating he was in favor of doing whatever was necessary to support the local businesses.

Supervisor Geraghty informed he had met with them, apprising he felt if they kept it to a minimum fee for a few runs during the month of October because he was doubtful they would continue on past then it would open up the southern portion of the County Railroad to more business next year. He stated he had also discussed the section from Stony Creek to Thousand Acres Ranch because the Ranch was under new management. He remarked he believed allowing them to use the southern portion of the County Railroad would be beneficial to Revolution Rail Company's business, as well as the County; he added he did not take into consideration the miles of track they were using now when he suggested they pay the County \$1,000 for the use of the southern portion of the County Railroad until their operations concluded later this year and then a new amount could be negotiated for next year.

Mr. Hajos advised the contract was reduced this year, but he believed going into next year Revolution Rail Company still had a desire to use the three sections they had wanted to use this year which included the southern portion of the railroad tracks. He mentioned before the contract was reduced this year it was for \$30,000, \$35,000 for next year and he believed the following year it was for \$40,000.

He said this meant if they were agreeable to renew it for next year the County would net \$35,000 in revenue.

Supervisor Magowan stated the County had provided Revolution Rail Company with a reduced rate due to the late start, the uncertainty of when they could begin operating and their scaled back operation as a result of the pandemic; however, he noted, it was a catch 22 because he was aware their business had done well over the summer season. He apprised he felt \$1,000 was a fair price since they would only be using that portion of the County Railroad for about a month and then a new fee could be negotiated based on how successful they were.

Supervisor Merlino apprised Revolution Rail Company would only be using that portion of the County Railroad for four weekends, as they would not be operating there during the week. He added there expenses would also be increasing as a result of the additional advertising required to attract individuals and moving their equipment. He said he was in favor of the \$1,000 fee for this year and then they could negotiate with them based on the number of riders on that route.

Supervisor Diamond voiced his concern with the \$1,000 fee, as he felt this was an opportunity to return to them and try and negotiate a better deal. He said he thought they were setting a precedence by providing them with such a low fee and he would like to attempt to renegotiate a better deal for the County.

Supervisor Hogan advised she was fully supportive of amending the licensing agreement with Revolution Rail Company to allow them to use the southern portion of the County Railroad tracks for a fee of \$1,000. She stated the customers of Revolution Rail Company traveled to the region and patronized local businesses and restaurants, apprising she felt this was economic development outside of the areas of the County the Board typically focused on. She added allowing them to start operating there now so they could work out any issues there may be this year, as the point was to make them feel welcome and returning to them in an attempt to negotiate a higher fee would cause an unnecessary delay since their season was only for another month and a half. She restated she was fully supportive of moving forward with the amended agreement for \$1,000.

Supervisor Conover stated he was fully supportive of moving forward with the agreement as presented, as he liked a company that was willing to prospect on an activity like this. He advised he would like to return to a point he had made during the previous contract negotiations which pertained to the County having access to audited financial statements from this company exactly as they did at the Airport so the County could be in the proper position to represent the public interest relative to this Corridor and this line. He said it did not necessarily have to occur today, but going forward he would strongly recommend the County incorporate audited financial statements into their annual filings so the County was aware of what they were dealing with and unless and until this was provided the County would remain out of the loop.

Supervisor Leggett remarked he concurred with Supervisor Hogan's remarks; he added he felt Supervisor Conover's suggestion was a good one, as well.

Supervisor Beaty apprised he believed Supervisor Conover was making an excellent point, as it was vital to have all of the figures available to himself and Supervisor McDevitt and former Queensbury At-Large Supervisor Sokol when they negotiated on behalf of the County with the Airport FBO (*Fixed Based Operator*). He said if they had not been able to obtain this information the County would never have been able to obtain a larger share of the airplane fuel sales made there, as they had been able to successfully negotiate an increase from \$.07 to \$.21. He informed Supervisor Conover was correct to

*WARREN COUNTY BOARD OF SUPERVISORS  
BOARD MEETING  
FRIDAY, SEPTEMBER 18, 2020*

---

state that the audited financial statements were crucial to negotiations and he hoped the County would be provided with them shortly so the County was in a better place to negotiate.

Supervisor Braymer stated she was fully supportive of proposed Floor Resolution No. 1, adding while she was the one who would typically advocate for negotiating a better deal for the County in this situation she believed because this was for a short period of time and it was an unprecedented time for local businesses she felt supporting them in this manner was imperative. She pointed out they needed to take into consideration that there had been other events the County had paid a substantial amount to even though they were cancelled even if occupancy was used to fund them. She remarked she felt they needed to support this business entity in their pursuit of further recreational opportunities on the County Railroad; she added they were bringing in additional sales tax revenue as mentioned by Supervisor Hogan. She mentioned she was supportive of audited financial statements being provided, but she was wondering if it was already included in the contract since this had been previously discussed and if not she felt the contract should be amended to include them. Mr. Hajos advised he did not believe the audited statements were included in the contract.

Supervisor Seeber apprised this type of discussion would always occur when matters were brought up at the last minute. In response to those who mentioned the southern route would only be operating on the weekends, Supervisor Seeber read aloud an exert from Revolution Rail Company's website which was readily available to everyone that indicated while the south run was not open yet they anticipated offering trips daily at 9:00 a.m., 11:00 a.m., 1:00 p.m., 3:00 p.m. and 5:00 p.m. She pointed out the average cost of a ride was \$180 for a quad bike so even if only one individual was in each one of those spots they were looking at earning \$900 a day and yet the County was only charging them \$1,000. She said the time they had invested into this with paid County staff, such as lawyers reviewing negotiations and contracts, had far exceeded the \$1,000. She informed she was seeking some form of a compromise as they considered allowing them to use an additional 4.5 miles of railroad track and she suggested charging them a fee of \$4,500, as she did not believe this was unfair given the revenue potential. She advised she was fully supportive of businesses that would continue to bring in not only that type of education and awareness efforts of the County; she added they had cut \$200 from a supply line during a budget review because they did not use the money and yet here was an opportunity to gain additional revenue on something that was more then a few runs before the end of October. She stated she also recalled the conversation they had at the beginning of the year with this company where the County was requesting ridership information, but she was unsure if that was on file or had been reviewed; however, she was hopeful they would take note of this discussion as they moved into next year and were seeking a contract.

Supervisor Wild inquired if they could discuss other resolutions and Chairman Conover responded they would be able to as soon as the discussion regarding proposed Floor Resolution No. 1 was finished.

Supervisor Simpson remarked from his perspective it was not that it was a bad business or something they could not support, but rather what it came down to was the accountability to those who owned the County Railroad which was the regions taxpayers. He said they needed to consider whether they were developing the right contract and benefit to all of the towns that were represented, as well as the County taxpayers. He stated the County had entered into many contracts which sounded favorable, but then others who may be interested in using the County Railroad were closed out because of the contract with Revolution Rail Company, who had grown their business; he added he thought there should be a balance with all of those variables and they should be accountable for that since they represented the County taxpayers who were the ones owned the line.

Supervisor Hogan stated she would like to make a point of clarification that the south run that



Supervisor Seeber had referred to was the North Creek route, as Revolution Rail Company was not advertising anything in Lake Luzerne. Supervisor Seeber asked why the south run was not yet open and Supervisor Hogan replied it was open. Supervisor Seeber pointed out according to their website the south run was yet to be opened. Supervisor Hogan advised what she was viewing displayed booking for that particular route. Supervisor Seeber apprised it stated under the daily schedule it indicated the North Bridge was open an offering runs at 10:00 a.m., 12:00 p.m., 2:00 p.m., 4:00 p.m. and 8:00 p.m.

Supervisor Conover apprised he did not believe attempting to extract additional money from this company was being questioned. He said he could remember the exact time when this was brought up under contract negotiations and things got lost with the two and from of these negotiations; however, he apprised, he believed at some point the County would find itself in a position where they needed access to good information relative to the activities on the County Railroad to allow them to make an informed decisions going forward. He mentioned he did not believe requiring audited financial statements was included in the motion that originally approved Revolution Rail Company's use of the County Railroad; however, he noted, because it was an annual contact they could ask that these statements be included going forward which he would strongly recommend or they would be having this same discussion next year not only about the Luzerne portion of the County Railroad, but also the northern portion and what was the County's fair share relative to this. He remarked he hoped their business on the southern portion of the County Railroad was as much of a success as it was for their northern route; he apprised he was fully supportive of moving forward with proposed Floor Resolution No. 1 as presented, as he did not believe they should be concerned with obtaining a few thousand dollars more, but rather that their business as a whole was a success and they were attracting visitors to the entire region.

Supervisor Braymer voiced her concern that the County did not have access to annual ridership data and audited financial statements and it was her desire to amend proposed Floor Resolution No. 1 to include that Revolution Railroad Company provide this information to the County.

Chairman Conover asked if anyone would like to make a motion to amend proposed Floor Resolution No. 1 which was now referred to as proposed Resolution No. 363 of 2020 to include annual ridership data and audited financial statements; the necessary motion was made by Supervisor Braymer and seconded by Supervisor Seeber.

Supervisor McDevitt inquired what would occur if Revolution Rail Company did not have audited financial statements available before this season was over. Supervisor Braymer replied her intent going forward was for them to provide the County with copies of their audited financial statements following the closing of their fiscal year. Mr. Moore asked whether the motion was to request that they provide the County with audited financials under the current contract and Supervisor Braymer replied affirmatively, adding if they were not agreeable to this then they would not be able to use the southern portion of the County Railroad this year. Supervisor Wild pointed out there were alternative options to handling this, such as a pro ridership fee which would be easier to keep track of. He stated it was necessary for them to keep an open mind in regard to how they handled this because the audits would be costly which was why he believed they should move forward with the proposed Resolution as presented and then discuss the auditing aspect next year.

Chairman Conover called the question and the motion to amend proposed Resolution No. 363 as outlined above was carried by majority vote, with Supervisors Leggett and Hogan voting in opposition.

Supervisor Merlino mentioned Revolution Rail Company would be offering a ride for all of the Supervisors who wished to partake a few days before they started their southern route. He added he

would notify them of the time and date for this ride a few days before it would occur.

Chairman Thomas called for discussion and public comment on the proposed resolutions, as well as requests for roll call votes and he asked Mr. Lehman if there were any public comments at this time and Mr. Lehman replied in the negative.

Supervisor Wild apprised he would like to discuss proposed Resolution No. 321, *Amending Resolution No. 50 of 2020, Approving the 2020 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services, to Eliminate Funding to Various Municipalities and Terminate Agreements Between Municipalities and Warren County for Tourism Promotion and Tourist and Convention Development Services*, which was discussed during the Occupancy Tax Coordination Committee meeting. He said this was approved as a means to reserve some funding for upcoming years by eliminating the supplemental payments to the towns. He remarked he felt tabling the proposed Resolution today would be a disservice to the Supervisors who participated in the discussion, as well as to the County residents because occupancy tax funds were not town or County money; he added every department was required to make cuts to their budgets and yet by tabling this they would not be making any cuts to the unaudited and unreviewed occupancy tax funding that was provided to the municipalities located in the County. He pointed out 25% of the proceeds from occupancy tax collections were allocated to these municipalities, the majority of which went to the Towns of Bolton, Lake George and Queensbury, as well as the Village of Lake George totaling \$1 million. He remarked he felt it was appropriate for the supplemental funding to be eliminated this year for these municipalities and he felt it was necessary for them to understand this was a “cookie jar” fund as described by one of the members of the Occupancy Tax Coordination Committee and it was necessary for the Board to get a better handle on what these funds were being allocated to, the return on investment for these funds and how the County could grow its tourism economy beyond the summer season.

Supervisor Dickinson stated he was hesitant to comment on Supervisor Wild’s diatribe; however, he noted, the Town of Lake George and the Village of Lake George combined generated 50% of the occupancy tax revenue for the County and they funded twenty events with the combined money they received, many of which were long-term ones. He said another Occupancy Tax Coordination Committee was scheduled for September 28<sup>th</sup> where he would like the opportunity to review the figures before they rendered a decision regarding the elimination of this funding which was why he would like to table proposed Resolution No. 321.

Motion was made by Supervisor Dickinson and seconded by Supervisor Strough to table proposed Resolution No. 321, *Amending Resolution No. 50 of 2020, Approving the 2020 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services, to Eliminate Funding to Various Municipalities and Terminate Agreements Between Municipalities and Warren County for Tourism Promotion and Tourist and Convention Development Services*, until next month.

Supervisor Seeber called for a point of order, as she had an objection to the consideration of this question based on the fact that this was a common violation of a fair procedure. She explained what the motion to table actually did was in fact not in order because it would permit to be suppressed by majority vote which could only be done by a two thirds majority vote. Furthermore, she apprised to lay a motion on the table or as stated tabling this motion refers to temporarily setting aside a pending motion or a series of pending motions to take care of something else deemed urgent. She informed this was less about the business being discussed and more about assembling a meeting to handle something

immediately.

Supervisor Conover advised the motion was properly made, the individual who made the motion had the floor, the motion was properly seconded and did not have to be recognized by the Chairman. He stated the issue that was being brought up was not an issue because there was not a question that it would not be voted on, but rather a question of when so it was not as stated. He informed it was a proper motion to table and all discussion should end per Robert's Rules of Order.

Supervisor Seeber indicated she believed this decision could be made solely by the Chairman of the Board or by a majority vote of the Board on whether the point of order was permissible which of course they could request a vote to determine whether the point of order was applicable. She advised she was submitting that the motion to table not too limit debate, as this was not the purpose of a tabling or to lay on the table so as previously stated the Board had spent a significant amount of time on this topic and her point was the motion to table was out of order. Chairman Conover interjected that he had Robert's Rules of Order in front of him and what was indicated in there was the motion to table was carried by a simple majority vote, the person making the motion had to have the floor, which Supervisor Dickinson did, the second was made by Supervisor Strough and it was something that would be dealt with at a future date; therefore, he said, the objection was groundless and all discussion should end on the motion to table.

Chairman Thomas ruled the motion was in order and he requested that Mrs. Allen conduct a roll call vote on the motion to table proposed Resolution No. 321, *Amending Resolution No. 50 of 2020, Approving the 2020 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services, to Eliminate Funding to Various Municipalities and Terminate Agreements Between Municipalities and Warren County for Tourism Promotion and Tourist and Convention Development Services*. Following the roll call vote it was determined the motion to table failed with a vote of 353 in favor (*Supervisors Leggett, Bruno, Driscoll, Simpson, Hogan, Dickinson Strough and Conover*) and 647 against (*Supervisors Diamond, McDevitt, Braymer, Frasier, Merlino, Wild, Magowan, Seeber, Beaty, Shepler, Geraghty and Thomas*).

In regard to proposed Resolution No. 321, *Amending Resolution No. 50 of 2020, Approving the 2020 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services, to Eliminate Funding to Various Municipalities and Terminate Agreements Between Municipalities and Warren County for Tourism Promotion and Tourist and Convention Development Services*, Supervisor Conover apprised the Budget Officer had indicated at the Occupancy Tax Coordination Committee meeting that they were in a dire situation with occupancy tax at which time he had indicated the Town of Bolton, as well as the other towns were prepared to do their fair share. He said he had taken the time to review the numbers in an attempt to understand the issue that was being made with the projection that was used of \$3 million in occupancy tax collected for the entire year. He said if this was the actual amount of occupancy tax that was collected in 2020 then dramatic action was required; however, he noted, they needed to consider if this projection was off, as the loss of revenue between January and June of this year was \$350,000 and this scenario was indicating between July 1<sup>st</sup> and the end of the year the County would lose another \$1.7 million in occupancy tax revenue. He said there was no need to argue this point because they would know in a few weeks whether this was actually the case and he questioned why there was such a rush to push this through. He added by approving proposed Resolution No. 321 they were effectively tearing up and/or voiding the contracts the County had with those municipalities which was not something he believed had ever occurred. He advised if they held off for a month or so on this they would be more aware of the status of occupancy tax collections for the year

and then they could determine whether the contracts with these municipalities needed to be reduced and/or terminated, but currently there was a lot of uncertainty surrounding this. He voiced if it was determined there was no reduction in the amount of occupancy tax collected he would be reintroducing the supplemental payment for the Town of Bolton; however, he noted, if there were towns that would like to be excluded from these supplemental payments then they could contact Mr. Moore and they could be excluded from this action. He noted when these supplemental payments were adopted by the Board it was done so on a unanimous vote with a package that included the City of Glens Falls and at that time they did not shut out the City, as the Board was fully supportive of providing financial support to the Cool Insurance Arena. He continued, apprising he found it curious that at this moment so many years later some of the representatives of the City of Glens Falls were choosing to turn their backs on the towns. He restated that they could anticipate that the supplemental payments to the towns would be reintroduced.

Supervisor Braymer stated she disagreed with Supervisor Wild's insinuation that the towns were not doing a good job keeping tabs on this money, apprising this was not why she was supporting proposed Resolution No. 321, but rather because the County was dealing with a dire financial issue during an unprecedented time. She voiced that she would like to see the proposed Resolution adopted, adding she did not believe the supplemental payments to the towns would be permanently terminated, as they could bring forward a new funding package if it was determined later in the year occupancy tax collections were better than anticipated, but at this time she felt it was appropriate to move forward with the proposed Resolution.

Supervisor Hogan inquired whether discussion on proposed Resolution No. 321 had concluded and Chairman Thomas replied affirmatively. Chairman Thomas apprised it was discussed before the motion to table and then it was discussed following the motion to table and again after that motion failed, adding he felt there had been a sufficient amount of discussion on this matter. Supervisor Hogan pointed out every Supervisor had not been provided with the opportunity to weigh in equally on the matter.

Supervisor Seeber remarked she once again was requesting a point of order, as she said this with a little hesitancy and while she and Supervisor Hogan disagree on the discussion regarding what the tabling discussion was about, it was her understanding to limit discussion and debate there would be a vote on if there were still individuals who would like to be heard. She added this just supported that a training on Robert's Rules of Order, which she had brought up at every month's Board Meetings, was needed. Chairman Thomas responded that he believed he was within his rights as Chairman of the Board to end the discussion which he did. He advised if it was the Board's desire to allow further debate on proposed Resolution No. 321 than that was the prerogative of the Board.

A motion was made by supervisor Seeber, seconded by Supervisor Braymer and carried unanimously to continue discussion on proposed Resolution No. 321, *Amending Resolution No. 50 of 2020, Approving the 2020 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services, to Eliminate Funding to Various Municipalities and Terminate Agreements Between Municipalities and Warren County for Tourism Promotion and Tourist and Convention Development Services.*

Supervisor Hogan advised she had one simple question, stating she had enjoyed the fiery rhetoric when talking about New York State withholding payments to the County and she was supportive of Supervisor Dickinson's efforts to table proposed Resolution No. 321 because she thought it needed more consideration and more financial data was required. She questioned how adopting it today was any different than New York State withholding funding from the County even though it was smaller amounts

and different entities, they were doing the same thing to the towns that they were accusing the State of doing to them. Mr. Moore responded this was because the State did not provide the County with a seat at the table with the ability to debate it, as they just took action without the County having any say. Supervisor Hogan interjected she was questioning the Board's ability to debate this action.

Supervisor Leggett apprised the payments they were looking to eliminate pertained to a supplemental distribution and he asked for clarification purposes when these payments were typically made to the towns and Supervisor Dickinson replied when the funds were available. Chairman Thomas advised the County Treasurer or County Attorney should know when these payments were typically made. Supervisor Leggett inquired whether these allocations were typically made in October and Mr. Swan replied in the negative. Mr. Swan stated these payments were usually made during the first quarter of the year, explaining the \$30,000 distribution was done in the fall as an advance and then the supplemental payments were made during the spring. Supervisor Leggett advised in light of this it appeared there would be a sufficient amount of time to determine how much occupancy tax was collected this year to allow them to make a more informed decision on what cuts were required.

Supervisor Conover remarked Supervisor Leggett had hit the nail right on the head and he questioned what would have been the harm to wait an additional thirty or sixty days before any decisions were made. He said apparently the County could tear up its contract with the Towns of Chester, Johnsbury or Queensbury at any given time which was why he could not understand why they could not hold off for another month or so when more information was available to allow them to make an informed decision; he added everyone would be supportive of making the necessary cuts if the actual amount of occupancy tax revenue collected was only \$3 million. He apprised Supervisor Dickinson's solution was well thought out, fair and went to the point of aiding the Board in their decision making going forward; however, he noted, some members of the Board were not interested in that, as they were only interested in terminating the contracts. He apprised these supplemental payments would be reintroduced and he was hopeful the representatives of the City of Glens Falls, who had been supported by the Board in their efforts to obtain funding for the Cool Insuring Arena even while they were closed during the pandemic, would not turn their backs on the towns.

Supervisor Wild commented the reason these payments had been cancelled was because it was part of the austerity budget which Mr. Moore had discussed earlier. He stated occupancy tax funding was supposed to be used to fund events and promotion and several events had cancelled this year that the County should not have paid for which was why he felt the towns should forgo these payments this year and then revisit the matter next year; he added the County had not paid for all of the events it awarded funding to this year.

Supervisor Geraghty stated it had been brought to his attention that there was an insufficient amount of occupancy tax funds available, apprising the towns had not even received their 25% share yet. He stated because of this he was asked to bring forth the proposal to the Occupancy Tax Coordination Committee because there was insufficient funding available to make the supplemental payments now. He said all of the towns had received their regular payments, adding none of the towns would be left destitute by cutting \$400,000 in payments this year. He informed following his explanation the Committee had voted in favor of moving forward with eliminating the supplemental payments to the towns and he had all of the reports from 2019 available for anyone who would like to review them. He pointed out there were communities who had \$253,000 of occupancy tax funding set aside while there were other communities with no money, all of which was detailed in the reports. He remarked this was about doing the right thing and if the funds were available in 2021 he was not opposed to revisiting restoring the supplemental payments. He informed every town was taking a hit with this action, but the Committee had voted in favor of moving forward with the proposed Resolution No. 321, *Amending*

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, SEPTEMBER 18, 2020**

---

*Resolution No. 50 of 2020, Approving the 2020 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services, to Eliminate Funding to Various Municipalities and Terminate Agreements Between Municipalities and Warren County for Tourism Promotion and Tourist and Convention Development Services,* adding the Board had voted against tabling it. He stated if Supervisor Conover was unhappy with the outcome he should bring the matter up at another time, restating he was asked to present this to the Committee nor had he included these payments in the proposed 2021 County Budget, as he refused to budget for money they would not be collecting. He concluded by advising that if it was Supervisor Conover's desire to be the County Budget Officer then he should make that request to Chairman Thomas; however, he noted, he was tired of hearing this because he did what was requested of him and the Committee had concurred with him.

Supervisor Beaty remarked making threats to other Supervisors or the residents was not the appropriate way to get anything accomplished, apprising the proper way was for all of them to work together. He advised Supervisor Geraghty had done an excellent job with the assignment that was given to him as the Chair of the Budget Committee. He informed the Occupancy Tax Coordination Committee had voted in favor of moving forward with proposed Resolution No. 321, 321, *Amending Resolution No. 50 of 2020, Approving the 2020 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services, to Eliminate Funding to Various Municipalities and Terminate Agreements Between Municipalities and Warren County for Tourism Promotion and Tourist and Convention Development Services,* which they would be voting on today regardless of Supervisor Conover's diatribe today that had no impact on the facts. He apprised he felt they should move forward with voting on the proposed Resolution so they could determine the outcome, adding they could always revisit restoring these payments in the future.

Supervisor Seeber stated she was appreciative of the opportunity for debate which she believed was in fact healthy. She reminded the Board Members in January they had held an Occupancy Tax Coordination Committee meeting where they had debated including the 2019 funding in the 2020 County Budget because it was not done in 2019. She said at that meeting Supervisor Dickinson had mentioned this year there would be discussion and debate regarding changing the process and that progression had started. She indicated she believed the Budget Officer had a difficult task before him which brought grief, as well. She remarked she was fully supportive of proposed Resolution No. 321, as presented, adding a substantial amount of time had been spent discussing it at Committee. She apprised she was pleased they had begun discussing some issues that may have felt personal to some communities, as well as those who owned the hotels, who were the ones who collected the funds.

Supervisor Conover informed he was not personalizing anything, as it had been stated at the Committee meeting that if the revenue was present they could revisit this issue. He advised his point was that they would not know for another month or two whether this was the case and those with tourism economies felt the summer season had been a success and in fact they had just received a report that indicated they may have finish ahead of last summer in terms of the amount of occupancy tax collected, but he was unsure and did not feel this point needed to be debated. He stated his purpose was to note they would have a better idea regarding occupancy tax collections in a month. In regard to cash flow, he advised this was different then budgeted amounts and between January and June of each year the County only collected about \$850,000 with the primary amount being collected toward the latter part of the year which was the point he was making, as he was bringing information to them about how the program worked and where it was budgeted. He informed if they collected \$4 million this year instead of \$5 million the Occupancy Tax Fund Balance would be \$1.4 million in addition to the \$1 million provided by the County Treasurer and if what they were saying was true and they would reinstate the

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, SEPTEMBER 18, 2020**

---

funding if the figures came in at an appropriate level than he was comfortable with that, but he felt this was a longhand way of handling this. He advised the motion was seeking to shorthand that by tabling this until they had the information in front of them to make an informed decision; however, he noted, if they wanted to handle it the longhand way then so be it.

Supervisor Dickinson stated he would like to note that occupancy tax funds were not County or town money, but rather businesses were collecting the funding to be funneled through the County. He advised these businesses collected the funds for the purpose of spending it on advertising and promotion.

In regard to proposed Resolution No. 350, *Authorizing the County Treasurer to Write off Uncollected State/Federal Receivables from Capital Projects*, Supervisor Braymer inquired whether there was any further action they could take to collect these funds and Mr. Swan replied in the negative. Supervisor Braymer discussed proposed Resolution No. 358, *Authorizing the Appropriation of Funds from the General Fund Unappropriated Surplus to the Department of Public Works Budget; Amending 2020 Warren County Budget*, and she asked if there was any funding available within a Capital Reserve Fund for the purpose of planning projects such as this rather than using the General Fund Unappropriated Surplus and Mr. Moore replied in the negative. He explained that \$150,000 represented what they had planned for last year in addition to this year which was the full balance of the *Assigned Fund Balance, Project Assessments* Budget Code. Supervisor Braymer asked for clarification that Mr. Moore was indicating these funds had been appropriated elsewhere and Mr. Moore responded in the negative, explaining what was going to be proposed was for these funds to be included in the Deficit Reduction Program and reverted back into the Unappropriated Surplus Fund Balance. Chairman Thomas further explained in essence it was the same thing.

Supervisor Hogan asked for clarification as to which proposed Resolution was previously referred to as Floor Resolution No. 1 and Chairman Thomas replied this was now referred to as proposed Resolution No. 363, *Amending License Agreement with Revolution Rail Company for Use of County Owned Railroad Tracks, to Include Portion Use of the Southern Portion and Increase Amount Owed in 2020*. Supervisor Hogan inquired what the amendment encompassed and Chairman Thomas responded the amendment required that Revolution Rail Company provide the County with an accounting an audited financial statements of their activities for their operation this year. Supervisor Hogan questioned what would occur if they were unable to provide these audited statements this year; Chairman Thomas responded his understanding was the County would negotiate this with them and if they were unable to provide them they could negotiate on another way to provide these figures. Supervisor Hogan asked for clarification if this meant the County would still move forward with the amended contract with them even if they were unable to provide the County with the audited financial statements, as she was concerned it could be very costly for them to provide them. Chairman Thomas replied he was unsure what would occur if they were not agreeable to adding this to the contract and he referred the matter to Ms. Kissane for an explanation. Ms. Kissane advised in order to amend the contract this year both parties would have to sign the amended contract and if they were not agreeable to the amendment she was unsure of how the County could force them to so do, as the County had signed the contract a few months ago at which point the County could be viewed as breaching the contract. Mr. Moore interjected the point he had made earlier was if Revolution Rail Company did not want to provide the County with audited financials then they had the right to continue under the current contract; however, he noted, they would not be able to operate on the southern portion of the County Railroad which was what was being proposed today. He apprised what the motion had stated was to add a resolved paragraph to proposed Resolution No. 363 which indicated that this particular addition to the contract was also contingent upon something being included in the contract regarding audited financial statements. Supervisor Hogan questioned whether the County was seeking audited financial statements for this year or going forward and Mr. Moore replied if Revolution Rail Company wanted to move forward with

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, SEPTEMBER 18, 2020**

---

operating on the southern portion of the County Railroad they would have to provide audited financial statements of this years activities. Supervisor Dickinson apprised someone had asked that question during the discussion on this and the response was that audited financial statements would be applicable to the contract next year and Supervisor Leggett concurred.

Supervisor Leggett stated this was the difficulty with amending resolutions from the floor during the Board Meeting, as it caused confusion. He said even though there was good intent behind the amendment to the original proposed resolution it was untimely and should have been handled by the Committee and not during the Board Meeting because it created confusion in the process and he would like all Supervisors to take this into account when they were considering proposing changes to a resolution from the floor.

Supervisor Wild advised he felt there was too much confusion concerning the amendment to proposed Resolution No. 363, *Amending License Agreement with Revolution Rail Company for Use of County Owned Railroad Tracks, to Include Portion Use of the Southern Portion and Increase Amount Owed in 2020*, and he would like to make a motion to withdraw the amendment which required Revolution Rail Company to provide audited financial statements and a ridership report for 2020. He said moving forward they could discuss what type of reasonable request they would like to make during next years contract negotiations with Revolution Rail Company, as he did not believe they should hold up the contract for them to use the southern portion of the County Railroad any longer. Supervisor Dickinson seconded motion to withdraw the amendment to proposed Resolution No. 363.

Supervisor Braymer informed she had made an amendment from the floor which she recognized was a tad confusing; however, she noted, this was a floor resolution that did not go through the Committee process so she did not have the opportunity to comment on it previously nor did they hear anyone else's concerns regarding their desire for more data and information. She said she would still like to see them collect the ridership data from 2020, as she did not believe this would be overly burdensome for them. She added she understood they may not be able to provide the the financial data, but she was not expecting them to provide that data for 2020 until they had access to it which might not be until 2021. She stated in the interest of clarity she would support withdrawing the amendment, but she would be advocating for it going forward because she believed it was needed.

Ms. Kissane advised the ridership report was required under the contract with Revolution Rail Company well before the November Board Meeting so that information would be provided under this contract.

Supervisor Seeber stated this type of discussion occurred when action came off of the floor which she felt they owed to the County taxpayers. She said she could debate how to handle an amendment to an amendment off of a floor resolution and whether a two thirds or majority vote was required, but her feeling was they were not going to follow Robert's Rules of Order today so she would withhold making any comments regarding this. She mentioned if this was in fact the desire of the Board, she felt they should lead by example since they were asking the County Department Heads to look at ways to decrease expenses and increase revenue then they should be looking at this as an opportunity to increase revenue, as well. She informed she was pleased they would have access to a ridership report in November, but she would have liked more information before the amendment was discussed today and she asked if a two thirds majority vote was required and Chairman Thomas responded in the negative.

Chairman Thomas called the question and the motion to withdraw the amendment to proposed Resolution No. 363 *Amending License Agreement with Revolution Rail Company for Use of County Owned Railroad Tracks, to Include Portion Use of the Southern Portion and Increase Amount Owed in 2020*, was



**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, SEPTEMBER 18, 2020**

---

---

carried by majority vote, with Supervisors Seeber, Diamond and Conover voting in opposition.

Supervisor Conover requested a roll call vote on proposed Resolution No. 321, *Amending Resolution No. 50 of 2020, Approving the 2020 Occupancy Tax Spending Plan and Authorizing Agreements Between Municipalities in Warren County and Other Organizations for Tourism Promotion and Tourist and Convention Development Services, to Eliminate Funding to Various Municipalities and Terminate Agreements Between Municipalities and Warren County for Tourism Promotion and Tourist and Convention Development Services.*

Ms. Kissane apprised if the Board so chooses an amendment was required on proposed Resolution No. 326, *Authorizing an Agreement with the Queensbury Union Free School District for the Warren County Sheriff's Office to Provide Law Enforcement Services Within the Queensbury School District*, to increase the amount of the contract to \$87,000. The necessary motion was made by Supervisor Seeber, seconded by Supervisor Beaty and carried unanimously to amend proposed Resolution No. 326 as outlined above.

Chairman Thomas asked Mr. Lehman if there were any public comments on the proposed Resolutions before them and Mr. Lehman replied there was no public comment on resolutions, but there was some on other issues. Chairman Thomas stated these could be addressed during privilege of the floor.

Chairman Thomas suggested they do one roll call vote for proposed Resolution Nos. 353-360 to which no objections were made.

Chairman Thomas called for a vote on resolutions, following which Resolution Nos. 306-363 were approved as presented with the exception of Resolution No. 326, which was amended from the floor.

Supervisor Wild exited the meeting during the roll call votes at 12:34 p.m. and re-entered the meeting at 12:36 p.m.

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

Mr. Lehman advised Diane Collins was inquiring if any support was being offered to renters in the County who could not be evicted until January 1, 2021, but would still accrue unaffordable rent due payments likewise the support offered to landlords. He stated he would forward this question on to Christian Hanchett, *Commissioner, Department of Social Services*, as he was more suitable to answer this question. He informed Ms. Collins had also asked in terms of the budget issue, was a potential garbage hauler fee decision included to which no one responded. He stated Frank Dittrich, *Warren County Lodging Association*, asked regarding occupancy tax payouts to the towns, what would the use of those monies be for in 2020 and Chairman Thomas replied there would be no payments made other than the 25% allocation. Mr. Lehman said Mr. Dittrich also mentioned there was also a study being lead by Supervisor Seeber on allocation methods for occupancy tax with tourism contributing 25% to the County budget. Mr. Dittrich informed as a result of a somewhat uncertain future spending decisions should be cautiously made with a focus on the return on investment. He apprised there was also a comment from Travis Whitehead, *Town of Queensbury Resident*, which indicated he was seeking an apology for the comments made on July 17<sup>th</sup> by Chairman Thomas and previous and subsequent actions by your County Attorney by making false allegations that multiple harassment charges supposedly existed against him. He continued, stating he had since asked the County for an accounting of any and all charged filed and was recently told that for the past six years there were none. He said his reputation had been damaged by the recent allegations and if he did not receive a prompt public apology he would be forced seek relief in court, but prior to that action he would settle for that apology or an accounting of the harassment charges which the County was now indicating did not exist. He implored for the Board to

*WARREN COUNTY BOARD OF SUPERVISORS*

*BOARD MEETING*

*FRIDAY, SEPTEMBER 18, 2020*

---

---

spare both parties the cost of such litigation which he would also seek to recover in damages if he was forced to burden the courts with this matter. Mr. Lehman informed there was an additional comment from Ms. Collins which asked about the status of the Warren County Draft Local Solid Waste Management Plan for 2019-2028 and whether there was an update on this. Mr. Hajos responded all of the public comments received had been forwarded on to the County's consultant to provide a response of summary to and once that was provided the Plan would be submitted to the NYS DEC.

Chairman Thomas called for announcements.

Mr. Hajos stated this would have been the weekend the Adirondack Balloon Festival would have been held, but since it had been cancelled the organizers were holding a virtual balloon festival on their Facebook page for the Balloon Festival in the State of Arizona.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Hogan and seconded by Supervisor Wild, Chairman Thomas adjourned the Board Meeting at 12:41 p.m.