

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, FEBRUARY 19, 2021**



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.

Ms. Rachel E. Seeber presiding.

Salute to the flag was led by Supervisor Driscoll.

Roll called, the following members present:

Supervisors Conover, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Smith, Hogan, Dickinson, Merlino, Strough, Wild, Magowan, Beaty, Shepler, Geraghty and Seeber-18 Absent -2 Supervisors Leggett and Thomas.

Supervisors Diamond, Braymer, Driscoll, Frasier, Hogan, Merlino, Wild, Magowan, Shepler, Geraghty and Seeber were physically present, while Supervisors Conover, McDevitt, Bruno, Smith, Dickinson, Strough and Beaty attended virtually.

Chairwoman Seeber noted a motion was necessary to approve the minutes of the January 15, 2021 Board Meeting, subject to correction by the Clerk of the Board. The necessary motion was made by Supervisor Geraghty, seconded by Supervisor Diamond and carried unanimously.

Supervisor Leggett entered the meeting at 10:03 a.m.

Continuing to the presentation of the Employee of the Month Award by Ryan Moore, *County Administrator*, and Supervisor Braymer, Mr. Moore apprised they were pleased to continue the theme they had used for the selection of the Employee of the Month that pertained to employees who had been key to assisting the County during the Coronavirus pandemic for which there were far too many to acknowledge. He informed Ginelle Jones, *Director, Public Health/Patient Services*, had been selected as Employee of the Year for 2020, last month Pat Belden, *Assistant Director, Public Health*, had been selected as the January Employee of the Month and the individual they selected for this month was an individual who had assisted the County from a communications standpoint. He said this individual had worked everyday with Don Lehman, *Director of Public Affairs*, to ensure the County had up-to-date and useful information on their COVID-19 hub which was in addition to her regular job duties with the Planning & Community Development Department where she had handled issues with the Census and other issues that were important to this County. He advised he was pleased to announce the February Employee of the Month was Sara Frankenfeld, *GIS Administrator, Planning & Community Development*, informing there were a few individuals present who would like to speak to Ms. Frankenfeld's accomplishments, the first of whom was Mr. Lehman.

Mr. Lehman read aloud a brief statement regarding how Ms. Frankenfeld had assisted him with the County's communication efforts during the pandemic as follows: Ms. Frankenfeld had gone above and beyond to keep Warren County residents informed throughout the pandemic serving as the sole webmaster for the Warren County COVID-19 Hub website since the pandemic took hold in the County last spring. He said this consisted of updating this site every day, sometimes several times a day, weekends, at night, during holidays, as well as reorganizing this website numerous times as we blew through phases of the shutdown, business re-openings, vaccine distribution and the holiday surge of COVID-19 cases. He mentioned this website has gotten thousands of views and clicks per day which was proof this had been an important resource during this pandemic. In addition to overseeing the COVID Hub, Ms. Frankenfeld has taken on numerous projects to assist our Tourism & Hospitality Communications Group, updating trail maps on the recreation mapper website to notify individuals where they could use trails and socially distance, creating a well received promotional website for snowshoeing and a project to raise awareness about the trees that made the environment special. He informed she also oversaw the 2020 Census effort in Warren County which from the Federal level was one restart after another, all while also handling her regular duties for the Planning & Community Development Department. Mr. Lehman remarked he would like to thank Ms. Frankenfeld for all that she did to assist him with keeping everyone informed during the pandemic.

Wayne LaMothe, *Director, Planning & Community Development*, noted Ms. Frankenfeld was not present at the meeting, informing he believed this award was overdue for Ms. Frankenfeld, who was hired by the Department in 1997 and brought a significant amount of enthusiasm with her which she still had to this day. He mentioned as eluded to by Mr. Lehman she was in a position that worked seven days a week, as she was the only one who maintained the GIS System and if there were issues with the system she had to log on to correct it even when she was on vacation. He said that dedication needed to be awarded and this was a well deserved honor for Ms. Frankenfeld, adding the County was blessed to have her as an employee and everyone within the Planning & Community Development Department enjoyed working with her.

Supervisor Braymer indicated she believed Ms. Frankenfeld was an appropriate choice for the Employee of the Month Award and she thanked Mr. Lehman for nominating her. She voiced her appreciation of Mr. LaMothe for supporting Ms. Frankenfeld throughout this time, informing the County would like to recognize her for all the efforts she put in 2020 above and beyond her regular work as the GIS Administrator by providing assistance with all sorts of items relating to COVID-19. She added Ms. Frankenfeld also needed to be acknowledged for the assistance she provided to the private sector, as she had done a number of tasks for the Hospitality & Tourism Group. She asked that the Board Members join her in congratulating and thanking Ms. Frankenfeld. A round of applause was given.

Chairwoman Seeber advised she believed Ms. Frankenfeld would appreciate all of those comments, adding they had decided to reinstate the Employee of the Month Program at the last minute this week. She said they were looking forward to seeing Ms. Frankenfeld in the future and she extended congratulations to her from all of the Board Members. Mr. Lehman advised Ms. Frankenfeld had extended her gratitude for the recognition via YouTube, as she had been unable to locate the invitation via Zoom to attend the meeting.

Moving along, Chairwoman Seeber declared the Public Hearing on possible submission of one or more Community Development Block Grant (CDBG) applications for the 2020 program year open at 10:10 a.m. and she asked Amanda Allen, *Clerk of the Board*, to read the Notice of the Public Hearing aloud, which she proceeded to do. Mrs. Allen noted she had not received any comments or requests for assistance at this time.

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Chairwoman Seeber asked Mr. Lehman if he had received any public comments on this matter and he replied in the negative.

Mr. Geraghty advised they were all very fortunate to have the Planning & Community Development Department, who was agreeable to take the lead and submit these applications on behalf of the towns. He credited the experience of Mr. LaMothe and Patricia Tatich, *Associate Planner*, both of whom had been employed by the County for a number of years, to make the towns comfortable that their application for a CDBG (*Community Development Block Grant*) would be successful. He acknowledged the Planning & Community Development Department and more specifically Mr. LaMothe and Ms. Tatich for the assistance they had provided to the towns, adding it was a pleasure to work with them.

Mr. LaMothe advised statutorily there were some items he needed to cover as part of the Public Hearing, informing the Board Members should have received a six page information sheet pertaining to the Public Hearing process and the CDBG Program. He mentioned by statute of the Federal regulations he was required to review the process this with the Board to ensure the public could comprehend it. He indicated the Small Cities Program was a CDBG, whose major objective was benefitting persons of low and moderate income were within the statutory income limits for recipients of the program and anything they devised from a County application must address the needs of these low and moderate income individuals. He stated there were three different types of projects that were eligible in this funding round which consisted of public infrastructure that included water, sewer work, roads and things of that nature that supported job creation for low and moderate income persons, public facilities which was what they were under consideration for and planning grants that would advance a project which would benefit individuals of low and moderate income over a long-term period. He apprised as indicated in the Public Hearing Notice there was \$49 million in funding available which would be split between those three programs, most of which would fall under public infrastructure and public facilities and very little funds would be allocated to the planning portion of this. He stated the funding limits under a public facilities program was \$300,000, it was \$1 million for public infrastructure and it was \$50,000 for the planning aspect. He informed these were competitive applications and there would be a number of applications received by the Office of Community Renewal for which they would review each one and rate and rank them against each other. He said this resulted in good applications being submitted like some they had submitted in the past, but the State awarded the funding to the application that more people benefitted from and was something they had to build into the application process. He apprised one of the stated objectives in this years program was to not be the sole source of funding which he believed proposed Resolution No. 65 of 2021, *Resolution to Commit to Funding to Address the Needs at Countryside Adult Home Pursuant to the Beardsley Report*, that was before them today spoke to and made this a very competitive application process for the County. He informed as discussed at previous meetings the County was considering submitting an application for Countryside Adult Home for repairs and improvements that were identified in what was known as the Beardsley Report which was funded through the planning process of the Small Cities Program in 2019 and this was a continuation of their program. He indicated this covered the required items that must be addressed as part of the Public Hearing Process and any comments received would have to be noted. He mentioned to Mrs. Allen the only other item he would need besides the Public Hearing Notice that was posted in *The Post Star* and *The Sun Community News* was whether there were any Notices published online or on social media and if so he would require verification that those were provided.

Once again Chairwoman Seeber asked Mr. Lehman if any public comments had been received regarding the Public Hearing on possible submission of one or more Community Development Block Grant (CDBG) applications for the 2020 program year and Mr. Lehman replied in the negative. She once again asked if any Supervisors would like to comment on this matter; there being no response she closed the Public Hearing at 10:18 a.m.

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Chairwoman Seeber advised Supervisors Beaty and Strough had requested that the members of the Board who were present in the Board Room speak as clearly and loud as possible into the microphone to ensure they could hear them more effectively.

Proceeding to the report by the Chair of the Board, Chairwoman Seeber apprised during the Rules of the Board training that took place at the February 3rd Board Workshop meeting Mary Elizabeth Kissane, *County Attorney*, had shared some tips regarding providing a report from the Committee Chairs, as well as the Chair of the Board and what she would like to do here today was provide them with a summary of events rather than a listing of the daily meetings she had attended over the last month. She stated the Board members had received four updates from her that were very specific on different issues that had arisen since she was appointed as Chairwoman of the Board which she hoped they found to be helpful. She said to highlight a few of those things they would also put a public address on the County website that would summarize the events and the meetings that had taken place and as Chairs of Committees if they would like a more detailed report they were more than welcome to submit that to Mrs. Allen or to just provide a summary and highlight the resolutions that were in front of them today that had also been provided to the public. Chairwoman Seeber indicated she had the opportunity to meet at length with the Public Health Department to keep informed regarding the vaccine rollout which was the County's number one response to the COVID-19 pandemic right now. She said she also had a chance on numerous occasions to meet via phone, Zoom and in person with many of the Supervisors, as well as attend all of the Committee meetings that were held and the Board Workshop meeting which included training that many of the Supervisors had attended, as well. She mentioned the Board Workshop had been recorded and could be reviewed by those who were unable to attend, adding she was appreciative of Mrs. Allen and Ms. Kissane's efforts for conducting the training at that meeting which she believed they all found to be very informative. She stated Mr. Moore continued to work tirelessly with her to ensure the Board was following their policies and procedures that were set forth in front of them while also ensuring everyone was informed of what was occurring on a regular basis at the County. Chairwoman Seeber apprised in addition to that there had been multiple meetings as it related to the Regional Sports Guidelines which posed significant challenges, but had offered them the opportunity to meet and work regionally with multiple Counties and their Chairs, as well as their Directors of Public Health which she found to be incredibly informative. She added she hoped the public felt the County had provided every opportunity not only for success, but also to ensure safety in the community. She mentioned there had been substantial discussions regarding the County's FOIL (*Freedom of Information Law*) Policy and everyone had been provided with the opportunity to attend live training with Kristin O'Neill, *Assistant Director, Committee for Open Government*, regarding FOIL which she had subsequently distributed the Power Point Presentation to all of the Board Members, as well. Chairwoman Seeber informed a significant amount of time had been expended working on issues with the LDC (*Local Development Corporation*) with a significant amount of work being done by Jim Siplon, *Interim Director, Economic Development Corporation of Warren County*, the LDC Board of Directors and County staff. She recognized Kristy Miller, *Assistant to the County Administrator*, the County Attorney's Office and Mr. Moore for their efforts compiling historical data on the LDC. She said they were currently working their way through the questions and concerns regarding the LDC in preparation for their Organizational meeting in March. She advised there was a meeting yesterday that took place through NYSAC (*New York State Association of Counties*) with Senator Schumer to talk more about the pandemic response during which he asked that they share more with their communities about the Federal initiatives that were taking place; she added Mr. Moore had distributed an email summarizing all of this information for the Board Members. Chairwoman Seeber informed they had the opportunity to meet with Matt Chase, *President, NACo (National Association of Counties)*, who was a former resident of Warren County, and had accepted his generous offer for training that was taking place next month for NACo, as well as assisting the County with opportunities for scholarships for some leadership training along with general support. She stated Mr. Chase had highlighted how excited

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he was to have Mr. Moore be a part of a national group concerning broadband. She said she had met with representatives of NYSAC multiple times, as well as attending many other various meetings not only with members of the community, but also with each Supervisor between phone calls and discussions. She remarked she was unable to express how appreciative she was of the support, opportunities and ideas everyone had been sharing with her, as well as the incredible County staff who continued to work tirelessly. She said this was just a summary of some of the things that had taken place and she would provide that information in more detail to Mrs. Allen, as well as the County website. She concluded by stating her phone line was always open and she welcomed them to share their concerns and questions with her to assist with the Board moving forward in a united front.

Proceeding with the agenda review, Chairwoman Seeber reminded the Board Members as stated in the Rules of the Board and what was indicted in their training that took place on February 3rd they would have a report by Chairs of a Committee and any additional information that did not relate to the Committee meetings could be discussed during the privilege of the floor and public comment or announcements portions of the meeting. She said at this point it only appeared to be appropriate to go in alphabetical order and she called on Supervisor Beatty to begin the reports by Committee Chairs on the past months meetings or activities.

Supervisors Beatty advised the Executive Committee had met for the first time on February 11th, informing he would be stepping aside as Chair to allow for the Chair of this Committee to rotate each time they met in chronological order. He said they had approved proposed Resolution Nos. 24 and 62-65 and he provided a brief overview of each.

Supervisor Braymer stated the Personnel, Administration & Higher Education Committee had met on January 29th, approving proposed Resolution Nos. 48-54 and she called attention to proposed Resolution No. 48, *Amending Tables of Organization and Warren County Salary and Compensation Plan for 2021*, which created some new positions that had been discussed at Committee. She highlighted proposed Resolution No. 49, *Adopting Warren County Travel, Education and Vehicle Use Policy*, which concerned a change to the County's Travel, Education and Vehicle Use Policy to ensure individuals followed a certain procedure regardless of whether they were attending a training in person or via Zoom. She mentioned as the Chair of the Personnel, Administration & Higher Education she had attended a meeting with Jaeger & Flynn Associates to discuss the County Health Insurance coverage which appeared to be in line with no issues, as well as a meeting with a few of the County's Outside Counsel regarding ongoing litigation and several meetings with Jackie Figueroa, *County Human Resources Director*, and her staff regarding personnel matters, such as the County's Performance Evaluations, exit interviews, training opportunities and the recently reinstated Employee of the Month Program. Supervisor Braymer informed she had also held meetings with Mr. Lehman and others about the County's cooperation with SUNY Adirondack in an attempt to bring more visibility to them. She informed she had also chaired the NYSAC Resolutions Standing Committee meeting which was not part of her duties as Chair of the Personnel, Administration & Higher Education Committee. She stated the Personnel, Administration & Higher Education Committee would be discussing updating the County's FOIL Policy over the next few months. She encouraged anyone with questions, concerns or who would like more details regarding what she just stated to contact her directly.

Supervisor Conover indicated the Public Works Committee had approved proposed Resolution Nos. 40-45 and he provided a brief overview of each. He stated he would be bringing forth an amendment to proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*, at the appropriate time. He said as everyone was aware he was not supportive of the proposed Resolution because he could not comprehend why the Board's Officers were refusing to bear these

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responsibilities; however, he noted, if it was the intent of the Board for this responsibility to fall on the previous Chair's then he believed some clarification of this was going to be required and he would offer the amendments at that time. He informed his amendment indicated if a Chair recused themselves they should do so in writing and indicate the reasons why this was; he added this could be done in a form prepared by Mrs. Allen where the Chair checked off that they were recusing themselves. Chairwoman Seeber interjected that the appropriate time to bring this forward was during the discussion and public comment on proposed resolutions portion of the meeting. Supervisor Conover stated his intent was to ensure the Board Members were aware of what the proposed amendment consisted of. Chairwoman Seeber stated this discussion could take place during the requests for roll call votes, adding she would request that Mr. Moore and Ms. Kissane comment on the context, as well if needed.

Supervisor Diamond apprised the Public Safety Committee had met on January 29th during which there was no action agenda from the Sheriff's Office, but there was one from the Office of Emergency Services. He stated the Committee approved proposed Resolution Nos. 37-39 and he provided a brief overview of each.

Supervisor Dickinson remarked prior to his Committee report he would like to thank Supervisor Conover for introducing proposed Resolution No. 45, *Resolution Supporting the Village of Lake George's Request to Change the Name of West Brook Road to Sen. Elizabeth O'C Little Boulevard*, which originated from a request from Robert Blais, *Mayor, Village of Lake George*. He said Mayor Blais was hoping to hold some form of an official event in the late spring when the weather conditions were more favorable. Supervisor Dickinson advised the Environmental Concerns & Real Property Tax Services Committee had approved proposed Resolution No. 60 which he provided a brief summary of.

Supervisor Driscoll stated the Human Services Committee had approved proposed Resolution Nos. 34-36 and he provided a brief overview of each. He mentioned their next Committee meeting would be held on Monday, February 22nd, during which Amy McByrne, *Director, Countryside Adult Home*, would be sharing some information and while neither the Department of Social Services or Veterans' Affairs would be present at that meeting they were working on items to bring before the Committee next month.

Supervisor Frasier informed the Health Services Committee had met on January 19th, approving proposed Resolution Nos. 29-33 and she provided a brief overview of each. She mentioned the next Committee meeting was scheduled for Monday, February 22nd.

Supervisor Geraghty apprised per the directions of the Rules of the Board he had submitted his report regarding the activities of the Tourism & Occupancy Tax Coordination Committee in writing to Mrs. Allen and anyone who would like a copy could request one from Mrs. Allen, adding he would provide a brief synopsis of his report. He stated four discussions had taken place and they approved proposed resolution Nos. 46-47 and he provided a brief overview of each.

Supervisor Hogan indicated the Economic Growth & Development Committee had met on January 20th, during which they discussed the grant applications that were mentioned during the Public Hearing and approved proposed Resolution No. 28 which she requested support of, informing these grant applications would benefit several communities throughout the County and were imperative for them, as well as the improvements for Countryside Adult Home. She added to that same tune she would also request support of proposed Resolution No. 65 *Resolution to Commit to Funding to Address the Needs at Countryside Adult Home Pursuant to the Beardsley Report*. She advised an update was given regarding the activities of the Employment & Training Administration and she encouraged anyone who was unfamiliar with what the department did to visit their website which had a tremendous amount of

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useful information for their County constituents. Concluding her report, Supervisor Hogan voiced her pleasure with Ms. Frankenfeld being selected as the February Employee of the Month, as she believed the recognition was well deserved for all of the work Ms. Frankenfeld did for the County.

Supervisor Magowan apprised the County Facilities Committee had met on January 20th, approving proposed Resolution No. 26 which he provided a brief overview of.

Supervisor Merlino, as Chair of the Park Operations & Management Committee, indicated he had nothing to report on.

Supervisor Shepler reported on the January 19th meeting of the Criminal Justice Committee where the Committee approved a request from the District Attorney for authorization to extend an existing agreement with the New York State Division of Criminal Justice Services for the State Aid to Prosecution Grant in the amount of \$57,258 as a result of the COVID-19 pandemic as noted in proposed Resolution No. 27. She mentioned the District Attorney had also indicated his Office would be applying for the next round of grant funding this spring. She stated the District Attorney also reviewed with the Committee the Executive Orders which had impacted the functioning of the Grand Jury and explained because of COVID-19 there would no longer be multiple days of court and instead they would be held virtually. She informed the District Attorney had indicated as of April all New York State Police Officers would be outfitted by body cameras that would be providing a significant amount of information which would need to be processed. She advised there were no referrals or pending items, no public comments and their meeting was adjourned at 9:15 a.m. She apprised the next Committee meeting was scheduled for Monday, February 22nd at 9:00 a.m.

Supervisor Smith advised she had introduced herself to Dr. James Seeley, *Executive Director, Cornell Cooperative Extension of Warren County*, and a meeting of the Extension Services Committee was scheduled via Zoom for 6:00 p.m. on February 22nd. She stated currently their organization was holding a Community Parenting Program over a five week period beginning on March 2nd and ending on March 30th and was applicable to parenting of children of any age. She advised on March 7th a 4-H Basics Air Pistol Seminar was scheduled from 1:00 p.m. until 4:00 p.m. for children ages ten and up who had completed the 4-H Basic Air Rifle course and on March 11th a Fostering Healthy Sleeping Habits Program would be held. She concluded her report by indicating she would be attending the meeting of Extension Services via Zoom on February 22nd and she hoped the other members of that Committee would attend, as well.

Chairwoman Seeber informed Supervisor Thomas, who was Chair of the Budget Committee, was unable to attend the meeting this morning, but she believed he would be submitting his Committee report directly to Mrs. Allen. She asked that they return to Supervisor Beaty, who had inadvertently neglected to report on the activities of the Finance Committee.

Supervisor Beaty stated the Finance Committee had approved proposed Resolution Nos. 25 and 55-61 and he provided a brief overview of each. He offered privilege of the floor to Mike Swan, *County Treasurer*, to provide a report on the County finances.

Mr. Swan advised he had been thrown off base slightly this morning by the email distributed by Mr. Moore regarding the Federal stimulus and reimbursement packages being proposed by the Federal Government, as this had taken the thunder away from some of the matters he was going to discuss with the Board this morning because if the legislation was adopted what he was going to discuss may not be necessary. He mentioned the substance of what he was going to discuss concerned borrowing money to fund the Road Projects and the improvements at Countryside Adult Home, both of which he had

previously mentioned on several occasions. He stated as a result of Kevin Hajos, *Superintendent of Public Works*, notifying him he would not be doing work this summer that would require them to borrow money to fund and the thought was they would postpone borrowing any money until next spring resulting in them not having to make any payments until 2023. He continued, stating there was a sufficient amount of debt coming off of the books resulting in the County almost becoming budget neutral at that point rather than having to come up with almost \$1 million to pay back a five year loan. He remarked the amount of money being proposed in the stimulus and reimbursement packages that was being discussed was staggering to him. Mr. Swan informed the other matter he was going to discuss with the Board concerned the sense he was getting from the State regarding their budget; however, he noted, he was unsure this would be an issue with the amount of money being proposed for the State in the Federal stimulus and reimbursement packages. He said initially the State was once again considering keeping a portion of the County's sales tax, as well as making cuts to the funding they provided to the County for various programs, but he felt this was up in the air right now.

Mr. Moore apprised in terms of the 5% cut to State aid that was included in the proposed State budget, NYSAC had been asking whether it would be possible to restore that 5% if a large Federal Aid package was provided to the State; he added he believed that question was still very much up in the air.

Supervisor Dickinson questioned how much of the County's share of its sales tax revenue would the State keep and Mr. Swan responded from what he was aware of they were keeping as much of it as they wanted. Supervisor Dickinson apprised he did not believe this was acceptable. Mr. Swan voiced his personal feeling was that it was unconstitutional and his opinion was this County alone or all of the Counties together should be suing the State to get that money returned to them; however, he noted, this was just his personal opinion and not a legal one. Supervisor Dickinson remarked he was fully supportive of moving forward with Mr. Swan's suggestion, as he did not feel it was appropriate for the State to be able to keep as much of the County's sales tax revenue as they wanted. He added the other issue was the County and towns budgeted based on this sales tax revenue and this put all of them in a bad position. Mr. Swan restated his opinion that this was unconstitutional and the County should be fighting this.

Supervisor Beaty informed he and Mr. Swan had discussed this matter earlier this week and he advised the State kept \$.574 of every dollar the County generated in sales tax revenue before the pandemic; however, he noted, since then the State had decided they could keep as much of it as they wanted without any repercussions. He suggested the Board look into whether it was unconstitutional for the State to do this because he concurred with Supervisor Dickinson that there were items included in the County Budget that were dependent upon sales tax revenue and if this could be taken away arbitrarily he could not comprehend how they could manage the County and offer services when this could occur.

Supervisor Braymer stated at the NYSAC Resolutions Standing Committee meeting they had adopted a resolution calling on the State Legislature to end the practice of taking the Counties sales tax revenue and she suggested they consider bringing this matter before the Governmental Operations & Advocacy Committee. She added if their intent was to push harder on the State her proposal would be to form a coalition with other Counties rather than trying to step out on its own to force the issue. She restated she felt the first step should be to refer this matter to the Governmental Operations & Advocacy Committee where they could use the NYSAC resolution as a reference.

Supervisor Wild apprised he would like to discuss the bond the County had discussed taking out to fund the Road Projects because the interest rates were so low. He inquired if this was something they should still consider due to the lower interest rates and to address the roads that were in desperate need of attention now, as well as those that were in currently in fair condition, but would require

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addressing in a few years. He pointed out it was easier to take care of roads before they degraded to a certain point and would require substantially more money to be spent to address the issues. He stated he was wondering whether they should consider doing a more aggressive road paving and repair plan and float this money in a bond as was originally discussed in order to get ahead of the game.

Mr. Swan advised first he would like to respond to Supervisor Braymer, informing he had on good authority that there would be multiple Counties that would join the County on a lawsuit against the State regarding sales tax revenue. In response to the remarks made by Supervisor Wild, Mr. Swan stated when he had discussed this with Mr. Hajos the original plan had been to attempt to finish some road projects in 2021, but Mr. Hajos was the one who should explain why this was not occurring quite the way they had originally discussed. He said as a result of the changes Mr. Hajos would not need any of the money from the bond for 2021 and he did not want to borrow around \$5 million only to sit on it for a year and have to pay \$1 million in interest. He added the reason they had originally pushed to be able to borrow was because of the lower interest rate; however, he noted, he could not in good conscious borrow money that they would have to pay \$1 million interest on that was not needed until next year. Supervisor Wild thanked Mr. Swan for the explanation and indicated he would contact Mr. Hajos.

Supervisor Bruno indicated he concurred with Mr. Swan and Supervisors Dickinson and Beaty that is was outrageous for the State to be able to dip into the County's sales tax revenue whenever they wanted, adding he did not think the County should be penalized for the State's inept and poor fiscal management. He said he believed they should consider taking action and contact other Counties to join together in something like a class action lawsuit against the State to get this money returned to them.

Supervisor Geraghty asked how realistic it was that Federal stimulus and reimbursement packages would come to fruition and the County would receive this aid and Mr. Moore replied this was dependent upon whether that package was adopted by both the United States House of Representatives and the United States Senate. He said if it was adopted by both then it was likely the President would sign off on it. Supervisor Geraghty remarked there was a staggering amount of aid included in that package for the County. In regard to the State keeping a portion of the County's sales tax, Supervisor Geraghty apprised it was difficult for the County and Towns to prepare their budgets when they were unsure if the State would be keeping more of a share of their sales tax revenue.

Chairwoman Seeber thanked Mr. Swan for his report and Mr. Moore for answering the Board Members questions.

Supervisor Beaty advised this concluded his report on the activities of the Finance Committee.

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

- * Sharon Morrison for 30 years of service to Countryside Adult Home;
- * Robin McLaughlin for 20 years of service to Public Health;
- * Lieutenant Steve Stockdale for 20 years of service to Sheriff's Department;
- * Mary Klaiber for 20 years of service to the Department of Social Services; and
- * John Lord for 20 years of service to the Department of Social Services.

Mr. Moore stated Floor Resolution No. 1 was before them today and concerned the appointment of Jay Ogden as the Warren County Fire Coordinator. He said Mr. Ogden has been working in the position for around two weeks now. He informed the start date of the position was initially on February 22nd which was the first work day following today's Board Meeting; however, he noted, the Personnel,

Administration & Higher Education Committee had requested that the position be filled as soon as possible. He mentioned Mr. Ogden was originally from this area and had recently moved back here from Charlotte, North Carolina, where he had been awarded the 2020 Fire Fighter of the Year which was a significant honor and the County was pleased to have him in this role. Mr. Moore thanked Mr. LaFlure for his many years of service to the County and the excellent position he had left the Office of Emergency Services Department in which made it easier on the new management.

Mr. Moore apprised he would like to speak to a few points Mr. Swan had addressed, the first of which concerned Countryside Adult Home. He said during the Executive Committee meeting a discussion took place regarding reimbursement through the NYS DOH (*New York State Department of Health*) which they had since learned they no longer provided reimbursement for capital expenses to these facilities. He said previously the NYS DOH had provided reimbursement on a straight line depreciation basis, but this regulation had been changed and anything that had a life over two years and costs more than \$500 was ineligible for reimbursement.

In terms of New York State keeping a portion of the County's sales tax revenue, Mr. Moore informed he had spoken about this around the same time last year when they first began taking a share of the County's sales tax revenue. He stated State Tax Law governed where the sales tax collections were allocated and Article 28 concerned the State's 4% share and Article 29 pertained to the localities share and what they were able to raise. He apprised for the first time ever last year the State rewrote a section of Article 29 to divert some of that revenue back to the State at which time he indicated this was a slippery slope and it would happen again and then a few months later it had when the State diverted the AIM (*Aid and Incentives for Municipalities*) payments. He explained these payments which were allocated to the Towns and Villages were typically taken from the State Treasury, but then the State changed this to come from the Article 29 tax revenue. He remarked he fully concurred that it was problematic if this practice continues. Chairwoman Seeber interjected that she hated to interrupt, but Supervisor Strough had indicated he was unable to hear him and she asked if he could speak up. Supervisor Strough stated he did not report he could not hear Mr. Moore, as his concern was that he could not hear Mr. Swan. Returning to his report. Mr. Moore indicated he would keep an eye on whether the State planned to continue dipping into the County's share of the sales tax revenue.

Mr. Moore stated he was also methodically reviewing the proposed State budget with the 30 day amendments reportedly coming out today and if so this would provide the full picture of the Executive Budget. He said he had been drafting a report on the budget which he would distribute as soon as he was finished with his review to ensure they were all aware of all of the items of concern in the Executive Budget which would be going before the State Legislature. He said this would allow them to communicate with their State representatives the priorities the County had.

In regard to Senator Schumer's presentation to all of the County leaders yesterday, Mr. Moore informed he had distributed details to the Board regarding this. He mentioned this was a \$350 billion Stimulus Bill which included direct aid to the local governments which would not pass through the State. He said if this legislation did pass and was enacted into law by the President's signature the County would receive those payments within sixty days. He indicated this was a significant amount of money and the uses were flexible and broad and could be for replacing lost revenue from last year or investing in the local economy. He indicated the amount of aid Warren County would receive was tentatively slated at \$12,497,358 and two other examples of the proposed aid was the City of Glens Falls was \$11,269,189 and the Town of Queensbury would receive \$5,076,077. He apprised he would track the progress of the bill to see whether it was successful in being adopted into law. He thanked Senator Schumer for taking the time to join that NYSAC Conference call and share information with everyone, as current information was much appreciated.

In addition, Mr. Moore indicated typically on Tuesday the Counties would participate in a conference call regarding vaccine distribution which was spearheaded by a representative from the Governors Office, but this Tuesday Governor Cuomo lead the meeting himself. He said there had been an acknowledgment that this had been a difficult time with the scarce supply of the vaccine and the Counties were thanked as local partners for assisting the State in persevering through that. He mentioned as a result of new projections coming out from the manufacturers and the Federal Government they were anticipating there would be two doses available for every New York State resident by the end of June. He apprised this was a dramatic improvement and he was hopeful the supply would meet that standard, adding if this came to fruition the County was ready with a potential mass vaccination site that the State had assisted with setting up and was ready to operate whenever the supply warranted scheduling appointments there. He added the County was partnering with the State to staff that site. He remarked he was optimistic about this, informing if they were able to keep to an aggressive timetable the County may be able to have some appearance of normalcy this summer.

Mr. Moore mentioned the Governor also notified them he had specific information regarding residents of different geographies that had been vaccinated which was new information that was provided to all of them. He read aloud the following statistics regarding vaccinations for Warren County residents as of February 16th; 4,585 individuals have already received both doses of the vaccine; and 9,131 residents had received at least their first dose and were in line for their second one. He mentioned out of the County's total population which included individuals under the age of sixteen who were not eligible to receive the vaccine 14.3% was vaccinated or in the process of being fully vaccinated as of three days ago. He stated he was proud to announce the County was one of the strongest performing geographies in the State and the intent was to increase this percentage even further as quickly as possible.

In regard to the vaccination shortages that were currently occurring, Mr. Moore apprised there was a good resource that members of the public and Supervisors could use by googling NYS Vaccine Roll Out which would bring up a link for Phased Distribution of the Vaccine. He explained this was a website the NYS DOH was maintaining which included a button referred to as Provider Guidance which was an eight page document that indicated what populations the hospitals, pharmacies and local health departments were directed to vaccinate and in what order. He advised hospitals were required to prioritize unvaccinated healthcare workers and when they finished with that sector they could proceed into Phase 1A which was comprised of individuals who did not work at the hospital and then they transitioned to OPWDD (*Office for People with Developmental Disabilities*) Congregate Care and once they finished vaccinating those groups they could vaccinate individuals who were ages 65+. He mentioned pharmacy and physician groups were directed to do their own patient facing staff first and once this was completed they could begin vaccinating individuals who were ages 65+. He stated the local health departments were directed to vaccinate the essential worker populations that had been identified by the State in Phase 1B and did not consist of as many occupations thought of as essential workers; however, he noted, the County was working to get more occupations added into this Phase. He said after the local health departments completed vaccinating all of the essential workers they could begin vaccinating residents and staff of congregate settings that were operated by OPWDD following which vaccinations could be administered to individuals with comorbidities. He pointed out the 65+ population had been excluded from receiving vaccinations from the local health departments because the State was requiring them to work through these other populations before they could begin vaccinating the 65+ population. He said he was aware this had been a cause of concern for individuals in the community and it was causing confusion, but this was what the law required them to do and if the guidelines for vaccine eligibility were not adhered to there was a \$1 million fine. He indicated this was a frustrating situation and the State was doing its best to respond to the inadequate vaccine supply and there were priority groups to get vaccinated first. He said the solution to this was increasing the supply of the vaccine so they could open mass vaccination sites like the one the County had ready to

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operate throughout the State, adding they were optimistic the information they received regarding the supply increasing would come to fruition.

Supervisor Geraghty requested that Mr. Moore distribute the link regarding Phased Distribution of the Vaccine. Chairwoman Seeber stated she had just emailed Mr. Moore requesting that this information be provided to Mr. Lehman to allow him to notify the public about it, as well. Mr. Moore mentioned the link would be updated by the NYS DOH on a weekly basis and it would only be good for a few more days, but he would send them the link with the button to click on for the guidance to providers.

Supervisor Driscoll thanked Mr. Moore for providing that comprehensive report, apprising that he would like to add that the Office for the Aging was working cooperatively with Public Health to prepare for when the County was permitted to vaccinate its seniors. He commended the County staff for their preparation efforts for when the County could vaccinate this vulnerable population, as he had received phone calls from many concerned constituents about the conflicting information they were receiving.

Privilege of the floor was extended to Ms. Kissane to provide a report from the County Attorney. Ms. Kissane indicated this past month she had attended Committee meetings on January 19th, 20th, 25th and 29th and she did a presentation at the February 3rd Board Workshop meeting. She stated she had met with Chairwoman Seeber on January 19th, 27th, 29th, February 1st and February 12th, as well as meetings with the LDC, Warren County Soil & Water Conservation District, Department of Public Works, Tourism Department and Real Property Tax Services. She advised she drafted four Memorandums of Law, numerous advisory emails, drafted and reviewed the resolutions that were before the Board today, drafted and reviewed numerous contracts, as well as provided advice to multiple Department Heads and Supervisors.

Continuing with the Agenda review, Chairwoman Seeber called for the reading of communications, which Mrs. Allen read aloud, as follows:

Reports from:

1. Probation - Reports of Criminal and Family Workloads for November and December of 2020.

Other:

1. Capital District Regional Off Track Betting Corp. - December 2020 payment in the amount of \$1,702.
2. Capital District Regional Off Track Betting Corp. - 2020 Regional Benefit Distribution Installments #2 & #3, each in the amount of \$2,408.

Proceeding to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 24-65 were all distributed to the Board and posted to the Warren County website on or before Tuesday, February 16th which met the distribution deadlines specified in the Rules of the Board. She informed that proposed Resolution No. 61 was amended after being distributed to the Board and a motion was needed to approve the revision as presented. The necessary motion was made by Supervisor Magowan, seconded by Supervisor Merlino and carried unanimously. Mrs. Allen stated a motion was necessary to bring proposed Floor Resolution No. 1 to the floor, which pertained to appointing the County Fire Coordinator, and was also distributed to the Board of Supervisors. She said because this was not approved by a Committee, a waiving of the Rules of the Board and a two thirds majority vote would be required, followed by a motion and a simple majority vote to bring the resolution to the Floor and assign it a number. The motion to Waive the Rules of the Board was made by Supervisor Braymer, seconded by Supervisor Geraghty and carried unanimously. The motion to bring proposed Floor Resolution No. 1 to the floor was made by Supervisor Shepler, seconded by Supervisor Magowan and

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carried unanimously. Mrs. Allen advised proposed Floor Resolution No. 1 would now be referred to as proposed Resolution No. 66.

Proceeding to the Discussion and Public Comment on Proposed Resolutions and the Requests for Roll Call Votes portions of the Agenda, Chairwoman Seeber apprised she believed they had a roll call request for proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*. She requested for purposes of context that Mr. Moore provide more information regarding proposed Resolution 63 before discussion.

Mr. Moore indicated Article 6 of New York State Public Officer's Law concerned FOIL of which Section 4 related to FOIL appeals which stated except as provided in Subdivision 5 of this Section any person denied access to a record may within thirty days appeal in writing such denial to the head Chief Executive or governing body of the entity or the person therefore designated by such head Chief Executive or governing body who shall have within ten business days of the receipt of such appeal fully explained in writing to the person requesting the record of the reasons for further denial or provide access to the records sought. He stated his interpretation of this was the Chair of the Board of Supervisors was the FOIL Appeal Officer; he added this was also reflected in the FOIL Policy that was adopted by the Warren County Board of Supervisors. He advised as a matter of State Law and the County's Local Laws that had been adopted by this Board, the Chair of the Board was the FOIL Appeal Officer regardless of whether the FOIL related to the Chair of the Board. He said if the Chair of the Board felt there was a conflict and that those duties ought to be assigned to someone else they had the ability to do so. He informed what was being sought after in proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*, was to amend the County's FOIL Policy to indicate in writing who those duties fell on to ensure it was not a random assignment of them each time there was a conflict which only occurred upon occasion. He mentioned the only individual who was not permitted to serve as the FOIL Appeal Officer was the Records Access Officer which in the case of Warren County was himself because if there was an appeal it was an appeal of his determination as the Records Access Officer. He stated he also used the assistance of the County Attorney's Office to make these determinations on the initial FOIL in regard to what was permissible to redact which was why he believed it was not appropriate to have the County Attorney serve as the FOIL Appeal Officer. He stated they were seeking an individual or an office to designate as a conflict FOIL Appeal Officer for which there had been several suggestions of who could serve in this capacity, the first of which was the Clerk of the Board; however, he noted, this had since been changed to what emerged out of the action taken by the Executive Committee.

Chairwoman Seeber thanked Mr. Moore for elaborating on proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*, which she would now open up for discussion.

Supervisor Conover advised everyone was aware of his displeasure with proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*; however, he noted, if Supervisors Thomas and Geraghty, as former Chairs of the Board were willing to support the proposed Resolution in its current form he was willing to vote in favor of it. He stated he did have a few proposed amendments that he believed would better clarify the proposed Resolution, the first of which was should a conflict of interest occur with the Board Chair, the Chair should be required to recuse themselves formally by submitting something in writing to the Clerk of the Board that indicated they

had a conflict and therefore were recusing themselves. Next, he said the designation of the Appeal Officer should fall on the Board which meant should a conflict of interest exist then the responsibilities would fall on the prior Chairs of the Board of Supervisors, in order of reverse succession to decide and sign FOIL appeals, adding he believed the indication that the Chair of the Board delegated this authority needed to be redacted from the resolution in its current form. He apprised within the body of the resolution they should also indicate what triggers this was the submission in writing to the Clerk of the Board regarding a conflict of interest on the part of the Chair of the Board of Supervisors. He stated once the Clerk of the Board received this then the responsibility fell upon the prior Chairs of the Board of Supervisors. He added one of the reasons he was proposing this amendment was because he did not believe anyone with a conflict of interest should be permitted to designate someone else to handle the duties, adding this responsibility should fall upon the Board of Supervisors as the governing body. He advised prior to introducing his proposed amendment he would like to get some feedback on it from the other Board members.

Supervisor Braymer remarked she concurred with Supervisor Conover, apprising the changes he was proposing were appropriate; however, she stated, she disagreed with his point regarding the Chair making these designations, as the resolution in its current form indicated the Warren County FOIL Policy was amended to identify the prior Chairs of the Board of Supervisors and not that the Chair was going to designate individuals. She suggested they include some additional language to clarify the policy itself was required. She added there should be another Resolved Paragraph that indicated when the Chair had a conflict they would notify the Clerk of the Board and then the Policy would direct these responsibilities to fall on the previous Chair of the Board.

Supervisor Strough apprised given the fact that the Supervisors were elected every two years and a Chair could potentially be appointed to the Chair of the Board of Supervisors for multiple years in a row it was entirely possible that there was no existing prior Chair of the Board as a member of the Board of Supervisors. He stated because of this he felt they should consider an official position rather than the previous Chair, adding he believed more work was needed on proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*.

Supervisor Beaty informed he believed they could all agree they wanted an individual with experience handling FOIL appeals which were the prior Chairs of the Board, adding he was comfortable making changes to the language included in proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest* for clarification purposes. He stated he felt this was a solid solution for this year because there were three sitting members of the Board who had previously served as Chair of the Board; however, he noted, they could revisit this next year if needed.

Mr. Moore apprised he concurred with Supervisor Braymer that the amendments Supervisor Conover was proposing were sensible and they could be reflected in the policy.

Supervisor Wild inquired if there was any reason why they had to vote on proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*, today considering there were updates that needed to be done and Chairwoman Seeber replied she was appreciative of this question and would be pleased to answer it factually. She informed the only appeal that had been filed this year directly concerned her, but at that point in time she was unable to have an Appeals Conflict Officer, explaining that was why it was before the Board today to request immediate changes to the FOIL Policy that was not currently spoken to in the current policy. She mentioned Supervisor Braymer

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had indicated one of her priorities was to have a task force conduct a thorough review of the County FOIL Policy.

Supervisor Braymer stated she would like to review the FOIL Policy again more comprehensively; she added she was unaware of what action was taken by the prior Chairs of the Board when there were conflicts and her hope was to have something in writing regarding a particular procedure because if another conflict were to occur with the Chairwoman she did not want her to be able to select whomever she wanted to handle those FOIL appeals. She indicated by formalizing this in the policy they were making it clear and more transparent and then if changes were required she would be bringing the FOIL Policy before the Personnel, Administration & Higher Education Committee to consider more comprehensive changes, such as changing who the Records Access Officer was, as well.

Chairwoman Seeber advised she did not want to influence the discussion here whatsoever and she would ask Mr. Moore to speak to it regarding the ten day time limit on how this was processed which was rather swift. Mr. Moore indicated the State Law did speak to that, explaining the individual who wanted to file an appeal had thirty days to do so and then the County had a compressed time period to respond to that appeal. Supervisor Conover apprised the applicant on the appeal had to be responded to within ten days, but the actual response may take longer dependent upon the nature of the request. He said typically in the response this was detailed resulting in some of these responses being voluminous and had to take their place in the order. He continued, apprising the law indicated a response was required in ten days and normally the response would mention a reasonable timeframe as to when they were going to respond; however, he noted, the actual response itself was dependent upon the request which could take longer to assemble because it could involve multiple departments and documents. Chairwoman Seeber interjected Supervisor Conover was bringing up a good point, as many of the Board Members had taken training with Ms. O'Neill last week during which she spoke specifically about what Supervisor Conover was referencing. She informed Ms. O'Neill had in fact suggested that they speak to their State representatives to lobby and ask for some additional changes to that FOIL Policy for the ten days because in her opinion the County did not have that flexibility and the County could make the argument, but ultimately it was up to a judge to determine whether or not that reasonableness was allowed in the manner it was with the Records Access Officer. She apprised she had been notified by the County Attorney's Office that the response needed to go out within ten days which was what brought them there today.

Supervisor Conover indicated while he was not in favor of the responsibility falling on the prior Chairs, he would support proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*; however, he noted, his suggestion would be to amend the proposed Resolution to reflect the designation of the reviewers in the event of a conflict of interest submitted to the Clerk of the Board in writing by the Chair of the Board, which would fall to the previous Chair of the Board and should there be a conflict on their part then the designation would fall to each succeeding Chair of the Board. In regard to what would occur if no prior Chairs were members of the Board, he apprised at that point in time he believed the designation could fall on the Vice-Chair of the Board. He added he concurred with Supervisor Braymer that this entire matter should be revisited at the earliest convenience. Chairwoman Seeber asked Supervisor Conover whether submitting a conflict could be submitted to the Clerk of the Board via electronic means would be appropriate and Supervisor Conover responded he would have Mrs. Allen create a form letter that allowed the Chair to check off on one of the three points of why they were recusing themselves and then the responsibility would automatically fall on the next Chair in line. He added he did not think anything elaborate was required nor should they have to go into any specific details as to why they were recusing themselves.

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A motion was made by Supervisor Conover and seconded by Supervisor Dickinson to amend proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*, as outlined above.

Chairwoman Seeber asked Mrs. Allen to read aloud the proposed amendment. Mrs. Allen stated the heading on proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest* was amended to indicate it was a Resolution amending the Warren County Foil Policy and authorizing the prior Chairs of the Board of Supervisors to decide and sign FOIL Appeals when there was a conflict of interest and a Resolved paragraph would be added to indicate in the event of a conflict of interest the FOIL Appeals Officer shall submit in writing a statement to the Clerk of the Board outlining same. She added the prior Resolved did speak to the duty falling on prior Chairs in order of reverse succession.

Chairwoman Seeber advised she would open the proposed amendment to Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*, up for discussion.

Supervisor Wild indicated the reason he had mentioned moving too quickly was because the Board tended to forget what they had discussed earlier in the year. He inquired if there was any State guidance the County could use for this purpose to move them forward in the short-term to allow them to work on making changes to the Policy to ensure it was formatted in a manner everyone was supportive of. Mr. Moore responded the State Agency that dealt with FOIL was within the Department of State and was an autonomous office that was the Committee on Open Government which Ms. O'Neill served as the Assistant Director of. He said the official position of the State on this was that if there was a conflict the Appeals Officer could not be the Records Access Officer. He stated Ms. Kissane had spoken directly with Ms. O'Neill the morning of January 29th and the advice given was to develop a method in which the County wanted to handle it which was what they were currently doing.

Chairwoman Seeber called the question and the motion to amend proposed Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*, as outlined above was carried by majority vote, with Supervisor Strough voting in opposition.

Chairwoman Seeber opened up the floor for discussion on other resolutions.

Supervisor Merlino advised a request to add an additional member to the Executive Committee as a result of a clerical error and to add two additional members to the Public Works Committee was tabled at the Executive Committee meeting, but no other information was provided as to why and he inquired whether it would be permissible for him to ask Supervisor Braymer why she made the motion to table the proposed resolution. Supervisor Braymer replied she made the motion to table as a result of her concerns with a number of changes being made to the Rules of the Board; however, she noted, she took no issue with moving forward with amending the Rules of the Board to add Supervisor Merlino as a member of those two Committees. She added if it was his desire to make that motion today she would be supportive of it. Supervisor Merlino asked why the request was tabled at the Executive Committee meeting, apprising if they did not want him to be a member of those Committees he would willingly not be a member of them and this would end the issue. He apprised he believed it was irresponsible to table the request, adding Chairwoman Seeber had been present at the meeting, but did not comment on the action. Chairwoman Seeber interjected that Supervisor Merlino's request was valid and to be

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clear she did not make any comments on that to not weigh or persuade any type of discussion here today during debate or previously, as was indicated in the training on the Rules of the Board and she had been trying hard to abide by that. She advised she believed Supervisor Merlino had a good question and she would request that not only Supervisor Braymer respond, but also Supervisor Beaty, who served as Chair of the Executive Committee that day.

Supervisor Braymer restated she took no issue adding Supervisor Merlino as a member of the Executive Committee as a correction, as he should be a member of that Committee and she apologized for making it appear as if he was not wanted.

Supervisor Beaty apprised he had no comment, as he was unsure why the Committee decided to table the request. He added he did not vote on the motion to table because the Chair of Committees were not permitted to vote on matters before the Committee.

Supervisor Conover informed this matter had been discussed by the Public Works Committee and they decided they would like to add Supervisors Geraghty and Merlino as members of the Committee to change it from a five person Committee to a seven person Committee. He remarked he believed the reason the Executive Committee tabled the request was because it got entangled in another matter that it was listed with, adding he did not believe anyone would object to adding them as members since they were two of the most experienced Supervisors on the Board and in fact Supervisor Merlino used to serve as Chair of the Public Works Committee. He stated if Chairwoman Seeber would entertain a Waiving of the Rules of the Board at this time he would make a motion to entertain a resolution to expand the Public Works Committee by two members to add Supervisors Geraghty and Merlino as members and to expand the Executive Committee by one member and add Supervisor Merlino. Chairwoman Seeber inquired whether there was a second to the motion and Supervisor Beaty responded he would second that motion. She called the question and the motion to Waive the Rules of the Board as outlined above was carried unanimously.

Chairwoman Seeber called for a motion to amend the Rules of the Board to increase the Standing Committees Executive Committee membership by one and the Public Works Committee by two members. The necessary motion was made by Supervisor Shepler, seconded by Supervisor Braymer and carried unanimously. Chairwoman Seeber thanked Supervisor Merlino for bringing that matter to the Board's attention, adding they all valued his input, experience and participation on those Committees.

Supervisor Thomas entered the meeting at 11:45 a.m.

Prior to voting on resolutions Mrs. Allen apprised she would like to note she misspoke on the Floor Resolution, informing proposed Resolution No. 66 Waived the Rules of the Board for proposed Resolution No. 67 which was the Floor Resolution and proposed Resolution No. 68 would be another Waiving of the Rules of the Board and proposed Resolution No. 69 would amend the Rules of the Board.

Chairwoman Seeber called for a vote on resolutions, following which Resolution Nos. 24-69 were approved as presented, with the exception of Resolution No. 63 which was amended from the floor.

During the roll call votes, Chairwoman Seeber advised she had neglected to ask for public comment on resolutions which was part of the Agenda which was adopted by the Rules of the Board and she apologized to Mr. Lehman and she asked if any public comment had been received. Mr. Lehman replied at this time no public comments had been received on resolutions.

Supervisor Strough apprised he voted in opposition of proposed Resolution No. 63, *Resolution*

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Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest, because the manner in which it was presented had no legal permanencies, as these duties needed to be assigned to a position and not an individual.

Proceeding with the Agenda review, Chairwoman Seeber stated she would like to extend privilege of the floor to any Supervisor wishing to address the Board on any matter prior to extending it to the public.

Senator Braymer apprised she wanted to take a moment to thank Senator Schumer for all of the relief that was outlined in the Federal Bill that was discussed earlier in the meeting and the information was emailed to the Board Members; she informed she was looking forward to reviewing all of the details regarding this Bill. She stated she would also like to thank the representatives from Governor Cuomo's Office for working closely with County staff and Mr. Moore on the data regarding the COVID-19 vaccine, as well as attempting to acquire more doses. She stated she and Chairwoman Seeber were constantly encouraging the Governor's Office to increase the number of doses allotted to the County so the mass vaccination site in the Town of Queensbury could begin operating. She acknowledged Dan Durkee, *Senior Health Educator, Emergency Preparedness Coordinator*, for the presentation he provided at one of her recent online meetings with Diana Palmer, *3rd Ward Councilwoman, City of Glens Falls*, and their constituents, which was very informative. She added the presentation was available for review on her facebook page for anyone who would like to watch it.

Supervisor Leggett stated yesterday the Strategy for Attracting New Residents had been distributed to the Board and was a product of a public/private partnership between the Common Ground Alliance and the Northern Forest Center that outlined some good strategies regarding what the County could implement which he would appreciate their support on.

Supervisor Driscoll indicated this past Wednesday it had been his pleasure to join a Zoom meeting hosted by the City of Glens Falls and their Police Department in regard to their response to Police Reform that also included many staff from the County whose jobs were associated with criminal justice, as well as a number of community leaders who represented the regions interests. He said it was unfortunate that the meeting was adjourned shortly into the meeting as a result of individuals once again hacking into the meeting which was disturbing to all of the attendees. He informed a future meeting would be scheduled, adding he had provided the contact information to the representatives from the City of the individuals who were responsible for managing the County's Zoom meetings when members of the public were involved via Youtube.

In regard to the Committee Chair and their reports, Supervisor Strough advised the Board Members who had not been assigned as Chair to any Committees had not been provided with the opportunity to discuss matters; he pointed out how some of the other Committee Chairs had discussed other matters following their Committee report. He said he had wanted to thank Ms. Frankenfeld for all of her efforts, as well as discuss Resolution No. 63, *Resolution Amending the Warren County Foil Policy and Authorizing the Prior Chairs of the Board of Supervisors to Decide and Sign Foil Appeals When There Is a Conflict of Interest*; however, he noted, he was not given the opportunity to do so which he believed was unfair.

Chairwoman Seeber thanked Supervisor Strough for his feedback on that matter and she called attention to Resolution No. 6 of 2021 concerning the Rules of the Board for which training was held by Ms. Kissane and Mrs. Allen on during the February 3rd Board Workshop meeting. She said during the training Ms. Kissane had noted the order of business which was very specific and how it was followed.

She apprised she was appreciative of the concerns expressed by Supervisor Strough, adding there was an opportunity for further discussion the during privilege of the floor and announcements portions of the meeting.

Supervisor Wild stated he concurred with Supervisor Strough as someone who did not Chair a Committee it was sometimes more difficult to get his points across and what he would like to do; however, he noted, he was appreciative of this opportunity. He mentioned something he always tried to do was to thank the public for their engagement and their involvement in the County's economic recovery and the future of the economy here, as there were many individuals who were contributing their time, expertise and skill to achieve this. He informed since he was no longer a Chair of a Committee nor was he leading the Economic Recovery Task Force which Mr. Siplon had taken the reigns on and he wanted to take this opportunity to acknowledge Mr. Siplon for agreeing to take that lead. He notified those in the public who wanted to get involved could do so by becoming a member of the Tourism & Hospitality Group lead by Mark Behan, *President, Behan Communications*, or the Economic Recovery Task Force which was lead by Mr. Siplon, as the more individuals who got involved with these groups created more ideas. He encouraged those who may be interested in participating to contact either of those individuals or himself.

Supervisor Magowan apprised he would like to thank Jim Lieberum, *District Manager, Warren County Soil & Water Conservation District*, for his presentation to the Town of Queensbury Planning Board regarding their activities in the County which was very informative. He encouraged everyone to watch the video regarding storm water, salt and the brining process that occurred in the County which was very informative. He added he felt individuals could tell the difference between the roads that were pre-treated with brine and those that were not.

Supervisor Conover indicated today they had voted on a grant application for Countryside Adult Home and he reminded them up until recently there had not been a capital plan for this facility. He said during this time he recalled a meeting being held at the facility upon the encouragement of Matthew Simpson, *former Town of Horicon Supervisor*, and Supervisor Frasier where they advanced the idea of the need to develop a capital plan for the facility which was very well executed by the Planning & Community Development Department. He stated this work set the stage to hopefully be able to partner with the State for funding to pay for a portion of the repairs at this facility and he wanted to recognize Supervisor Frasier and everyone else involved in the process for their efforts.

In regard to the comments just made by Supervisor Conover, Supervisor Braymer advised she felt the capital improvement plan for not only Countryside Adult Home, but all of the County infrastructure was excellent. She deferred to Supervisor Hogan to work with the Planning & Community Development Department to update that and continue to prioritize those projects, adding she looked forward to the great leadership provided by Supervisor Hogan and all of the work done by the Planning & Community Development Department. Supervisor Braymer mentioned this coming Tuesday at the Environmental Concerns & Real Property Tax Services Committee meeting Supervisor Dickinson had placed on the agenda discussion regarding the Septic Inspection at Transfer Law which was a great way to prevent contamination and pollution from entering the County waterways, adding she was hopeful this would be moved forward.

There being no further comments from the Supervisors, Chairwoman Seeber asked Mr. Lehman if he had received any public comments and Mr. Lehman replied there were a number of comments. Mr. Lehman stated the first comment was from Gina Mintzer, *Executive Director, Lake George Chamber of Commerce & CVB*, who thanked Ms. Frankenfeld for all of her efforts, adding she was well deserving of the recognition she had received. He informed Maria Bosford thanked Ms. Frankenfeld for all of her

hard work and dedication and Visit Lake George commended Ms. Frankenfeld. He advised Ms. Frankenfeld had also responded by thanking everyone for the kind words. He advised Ms. Bosford questioned how much oversight the County had over Centers Nursing Homes to which he had exchanged some emails with her and received some information from Ginelle Jones, *Director, Public Health/Patient Services*, to provide Ms. Bosford with, but if anyone on the Board would like to address that question they could feel free to do so. Chairwoman Seeber asked Supervisor Frasier, as Chair of the Health Services Committee, if she would like to respond and Mrs. Frasier replied she would touch base with Mr. Lehman following the conclusion of the meeting to review the information he had provided to Ms. Bosford. Mr. Lehman stated Ms. Bosford was also inquiring whether there was anything the County could do to assist the Centers Nursing Homes, who was struggling in various ways. He reiterated that he had emailed Ms. Bosford the information Ms. Jones had provided to him. He informed Ms. Bosford had also remarked with all due respect to Supervisor Strough it was obvious his vote in opposition to the changes made to the FOIL Policy was personal and she indicated everyone was over his pity party. He apprised she concluded by advising she had thoroughly enjoyed the presentation regarding storm water.

Chairwoman Seeber called for announcements.

Supervisor Merlino advised he was appreciative of being provided with the opportunity to make a few announcements, the first of which was winning elections brought consequences. Next, in a few weeks he would be seventy-seven years old and when he began his tenure on this Board sixteen years ago he had weighed 226 pounds, but today he only weighted 175 pounds and had gray hair. He stated a number of things had occurred over the many years he had the great privilege of serving as a member of this Board, some of which could not be explained. He informed he had made many friends and colleagues and put in 125% effort toward his work on the Board every day, working hard all while loving the position, his community and his Town. He advised at the beginning of this year he was troubled by the changes that had been made to the Standing Committee Listing, as he had been removed as members of the Personnel, Administration & Higher Education, Legislative & Rules and Executive Committees, as well as his passion of serving as Chair of the Tourism Committee, for which he had been a member for sixteen years, ten of which as the Chair. He indicated while he took this personally what he was about to state did not pertain to this as much, but rather his health and well being. He announced he would not be seeking reelection when his term ended at the end of this year and he thanked all of his friends and colleagues for the support they had provided to him over the years.

Chairwoman Seeber addressed Supervisor Merlino directly, thanking him for his years of service, commitment, passion and his love for the Town of Lake Luzerne and the entire County which was obvious to all. She informed she had enjoyed getting to know him, listening to him, calling him probably more then he would have preferred, texting him, waking him up in the middle of the night with her emails which she apologized for. She stated because of his experience and now as the Vice-Chair of the Tourism & Occupancy Tax Coordination Committee and as Chair of the Park, Operations & Management Committee, his ability and innovating thinking and commitment to the community they were able to make changes and implement many of the goals he had, as well. She remarked she has a significant amount of respect for him and she knew that she spoke on behalf of this entire Board when they all indicated they were better because of him.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Magowan and seconded by Supervisor Shepler, Chairwoman Seeber adjourned the Board Meeting at 12:13 p.m.