

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, AUGUST 20, 2021**



Please note that the following is a summarization of the Board Meeting; the meeting, in its entirety, can be viewed on the Warren County website: <https://warrencountyny.gov/mma>

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York; meeting called to order at 10:03 a.m.

Ms. Rachel E. Seeber presiding.

Salute to the flag was led by Supervisor Wild.

Roll called, the following members present:

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

Motion was made by Supervisor Shepler, seconded by Supervisor Driscoll and carried unanimously to approve the minutes of the July 16, 2021 Board Meeting, subject to correction by the Clerk of the Board.

Presentation of Proclamation was made to Sam Parker, Capital Region Representative for the Office of the Governor of the State of New York.

Supervisor Thomas entered the meeting at 10:10 a.m.

Presentation of the Employee of the Month Award was made to Gail Mender.

The following individuals were recognized for completing their Leadership Badge Training in Senior Management which was offered to Department Heads and individuals in Senior Management positions: Tammy DeLorenzo, Carla Curren, Ginelle Jones and Julie Butler.

Proceeding with the Agenda review, Chair declared the Public Hearing on Proposed Local Law No. 6 of 2021, Entitled "*Enacting Local Law No. 6 of 2021, Entitled "A Local Law Amending and Updating Local Law No. 5 of 2021, 'A Local Law Amending and Updating Local Law No. 6 of 2014, Warren County Ethics and Disclosure Law"*", open at 10:14 a.m. and requested the Deputy Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

Supervisor Diamond read a paragraph aloud the last paragraph of page 17 of 18 of Resolution No. 317 of 2021, *Enacting Local Law No. 6 of 2021, Entitled "A Local Law Amending and Updating Local Law No. 5 of 2021, 'A Local Law Amending and Updating Local Law No. 6 of 2014, Warren County Ethics and Disclosure Law"*, for purposes of clarification pertaining to the responsibilities of the Ethics Board members.

There being no public comments made, the Chair closed the public hearing at 10:19 a.m.

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Report by the Chair of the Board was given.

Reports by Committee Chairs were given. During Committee Reports the following actions were taken:

Privilege of the floor was offered to James Dobkowski, *Town of Queensbury Resident*, who voiced his concerns with short-term rentals.

Report by the County Administrator was given.

Report by the County Attorney was given.

Reading of communications by the Deputy Clerk of the Board was provided, as follows:

Reports from:

1. Capital District Regional Off Track Betting Corp. - Financial Report dated May 31, 2021
2. Warren County Probation - Reports of Criminal and Family Workloads for the months of May and June 2021.

Letters/emails from:

1. NYS Parks, Recreation & Historic Preservation - informing that Mountainside Free Library in Queensbury is to be considered by the New York State Board for Historic Preservation for nomination to the National and State Registers of Historic Places.

Other:

1. Capital District Regional Off Track Betting Corp. - June 2021 surcharge payment in the amount of \$2,299.
2. Capital District Regional Off Track Betting Corp. - 2020 Regional Benefit Distribution Installments #18, #19, #20 and #21 each in the amount of \$1,631.
3. Washington County Board of Supervisors - Resolution No. 135 of 2021, "*To Adopt Adirondack Community College Budget*".

Discussion on resolutions occurred, during which:

Chairwoman Seeber acknowledged Daniel Waterhouse, *Deputy Supervisor, Town of Lake Luzerne*, who was present to observe the meeting in the absence of Supervisor Merlino, who was out on medical leave.

Supervisor Geraghty requested a roll call vote on proposed Resolution No. 349, *Authorizing Payment of Back Wages, Less Taxes and Other Lawful Deductions to a Warren County Employee*.

Discussion occurred regarding proposed Resolution No. 317, *Enacting Local Law No. 6 of 2021, Entitled "A Local Law Amending and Updating Local Law No. 5 of 2021, 'A Local Law Amending and Updating Local Law No. 6 of 2014, Warren County Ethics and Disclosure Law'"*, during which Supervisor Wild voiced his opposition. It was also noted that the Ethics Board would be taking on a more active role than they had in prior year, adding the policy included a requirement that they meet at minimum two times a year.

In regard to proposed Resolution No. 350, *Authorizing Agreement with Auctions International, Inc. for Professional Auctioneer/Broker to Conduct On-line Public Auction for Town of Queensbury Tax Map Parcel No. 302.8-1-2 (275 Bay Road)*, several Supervisors voiced their desire for it to be disclosed to potential bidders that the property may be contaminated, as

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well as provide access to the letter from the NYS DEC (*New York State Department of Environmental Conservation*) indicating same. During the discussion, Supervisor Magowan requested a roll call vote on proposed Resolution No. 350. Chairwoman Seeber notified that no action was required by the Board to release any information regarding the property provided by the NYS DEC

A motion was made by Supervisor Shepler and seconded by Supervisor Wild to table proposed Resolution No. 350, *Authorizing Agreement with Auctions International, Inc. for Professional Auctioneer/Broker to Conduct On-line Public Auction for Town of Queensbury Tax Map Parcel No. 302.8-1-2 (275 Bay Road)*, until the September 17th Board Meeting to allow the County Attorney time to determine whether there was the potential for future liability issues for the County associated with the property and if it was appropriate for the County to release the information provided by NYS DEC on the property to potential bidders.

A lengthy discussion ensued during which Chairwoman Seeber asked for a show of hands pertaining to whether any members of the Board objected to releasing the information provided by NYS DEC on this particular parcel to potential bidders to which no one objected. Chairwoman Seeber announced she was closing discussion on the matter and moving forward with the roll call vote which Supervisor Conover objected to. Supervisor Braymer called for a point of order, noting Supervisor Conover had not been called upon to speak, as Chairwoman Seeber had already closed the discussion on this to allow them to proceed with the roll call vote on the motion before them. Supervisor Conover called for point of order, indicating he had his hand raised to be recognized. Chairwoman Seeber interjected that she had made a determination regarding the point of order and she would be calling the question on the motion to allow them to move forward with the roll call vote on the motion to table proposed Resolution No. 350 until such time that it was appealed. Supervisor Conover made a motion that the Board appeal Chairwoman Seeber's ruling to move forward with the roll call vote, as he believed curtailing the discussion was unacceptable. Chairwoman Seeber called for a roll call vote on the point of order pertaining to whether they were supportive of the decision to end the discussion and move forward with the roll call vote on the motion to table. Ryan Moore, *County Administrator*, questioned for clarification purposes whether a vote in the affirmative would be to appeal the decision made by the Chair and an opposing vote would be in support of the Chair's decision and Chairwoman Seeber replied affirmatively. The vote to appeal the Chair's decision failed with a vote of 404 in favor (*Supervisors Wild, Shepler, Conover, Geraghty, Leggett, Driscoll and Dickinson*), and 460 opposed (*Supervisors Magowan, Beaty, Thomas, Diamond, Braymer, Bruno, Frasier, Smith, Hogan and Seeber*) and 136 Absent (*Supervisors Merlino and Strough*).

Chairwoman Seeber called for a roll call vote on the motion to table proposed Resolution No. 350, *Authorizing Agreement with Auctions International, Inc. for Professional Auctioneer/Broker to Conduct On-line Public Auction for Town of Queensbury Tax Map Parcel No. 302.8-1-2 (275 Bay Road)*; the motion failed due to a lack of majority vote, with 276 voting in favor (*Supervisors Wild, Conover, Diamond, McDevitt and Driscoll*), and 588 opposed (*Supervisors Magowan, Beaty, Thomas, Geraghty, Leggett, Braymer, Bruno, Frasier, Smith, Hogan, Dickinson and Seeber*), and 136 Absent (*Supervisors Merlino and Strough*).

Vote on resolutions occurred; Resolution Nos. 299-352 were approved as presented, with the exception of Resolution No. 351, *Authorizing the Appropriation of Funds from the General Fund Unappropriated Surplus to the Airport Budget; Amending 2021 Warren County Budget; and Authorizing Payment to Forest Enterprises Management, Inc.*, which failed to obtain the majority vote required.

Chairwoman Seeber offered privilege of the floor and the following spoke:

Brent McDevitt, *Warren County Resident, homeowner and taxpayer in Warren County, member of the Town of Queensbury Zoning Board of Appeals, business owner in the County and a candidate in this November's election to become a member of the Board of Supervisors*, spoke regarding concerns that had been brought to his attention by members of the public, including one of his neighbors, regarding access to County employee emails, as well as those from a former County employee who indicated they felt they had been harassed and disrespected by certain individuals. He continued, by questioning whether access to confidential emails regarding certain legal proceedings was opening up the County to potential liability. He also mentioned how alarmed he was when he was notified that around fifty employees had resigned from County employment since January of this year which he believed was a high turnover rate.

Supervisor Conover mentioned he had announced at the Executive Committee meeting that he had provided the County Administrator with his suggestions regarding the development of a policy pertaining to employer access to records, as he believed it was imperative to protect not only the County employees, but also confidential information. He concluded by encouraging any of the Supervisors with thoughts on this matter to convey them to the County Administrator.

Supervisor Braymer advised as the Chair of the Personnel, Administration & Higher Education Committee, she had not received any complaints within the last few months regarding the release of legal or medical information held by the County; however, she noted, as most were well aware she was concerned about the prior County Attorney's loyalty to the County, as well as individual Supervisors. She stated she was elected to protect the County which was why she would not stand by and not hold County employees accountable for any type of misconduct they may have had with respect to emails or County software information. She voiced her concerns with this particular individuals behavior toward the end of their tenure with the County, adding if anyone would like to pursue further investigation into the extent of the confidential information that was released by this individual they could discuss this at the next meeting of the Personnel, Administration & Higher Education Committee; however, she noted, she was unsure what this would achieve since this individual was no longer employed by the County.

Supervisor Hogan noted an important matter that was handled today that was not being recognized pertained to the Proclamation declaring August 26th to be "Women's Equality Day" in Warren County. She suggested on August 26th they take the time to think about any actions they had taken or would in the future to advance equity in the County.

Supervisor Thomas apprised August 23rd was the date he had been given months ago for when the tower behind the Stony Creek Town Hall would be operative, add this date was fast approaching and yet the tower was still inoperable. He said this was concerning because the pagers for first responders were inoperable in that portion of the County due to lack of access to the signal. Mr. Moore indicated he had contacted the Public Service Commission in an attempt to contact Verizon, as well as worked with a representative of the Governor's Office, who also reached out to Verizon on behalf of the County. He stated according to the Public Service Commission this would be taken care of by the August 23rd deadline, but he would contact them again this afternoon to ensure they were aware the deadline was next week.

Supervisor Driscoll spoke regarding the rising number of positive COVID cases and how imperative it was for them, as Supervisors, to convey the importance of getting vaccinated to the public.

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Mr. Beaty exited the Meeting at 12:57 p.m.

Supervisor Conover restated going forward he believed it should be their focus to have a policy in place regarding how County records were accessed, who had access and for what reasons, what due process was followed, etc. or they would be opening the County up to significant issues, politicization and possibly liability. He once again suggested they provide their input to the County Administrator to use to develop a policy.

Mr. Moore apprised this subject matter was brought up at the Executive Committee meeting, adding if they were to move forward with this they could amend the County's policy concerning computers which referenced the fact that County records, including emails, were public records that were property of the County with no expectation of privacy. He stated there was a section included in the policy that everyone, including the Supervisors with County email, were required to sign off on that indicated there was no expectation to privacy. He advised he would distribute this policy to all of the Supervisors for review and they could provide him with all of their suggestions and feedback which would need to be cross referenced with State law that spoke to the right off certain County officials, including the Chair of the Board, to inspect records. He said this was necessary to ensure they remained under the umbrella of and compliant with State law if they moved forward with the changes that were suggested. He informed once he had something prepared he would bring it before Committee for review.

Chairwoman Seeber called for announcements; there were none.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Dickinson and seconded by Supervisor Magowan, Chairwoman Seeber adjourned the Board Meeting at 1:00 p.m.