

Warren County Board of Supervisors

BOARD MEETING
FRIDAY, OCTOBER 15, 2021



Note: Pursuant to New York State Legislation (S.50001/A.40001): “Notwithstanding the provisions of article 7 of the public officers law to the contrary, any state agency, department, corporation, office, authority, board, or commission, as well as any local public body, or public corporation as defined in section 66 of the general construction law, or political subdivisions as defined in section 100 of the general municipal law, or a committee or subcommittee or other similar body of such entity, shall be authorized to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize 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.” All of the Board members were physically present.

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 10:02 a.m.

Ms. Rachel E. Seeber presiding.

Salute to the flag was led by Supervisor Beaty.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Smith, Hogan, Dickinson, Merlino, Strough, Wild, Magowan, Beaty, Thomas, Shepler, Geraghty and Seeber-20; Absent -0. *All Supervisors in attendance were physically present.*

Motion was made by Supervisor Frasier, seconded by Supervisor Bruno and carried unanimously to approve the minutes of the September 17, 2021 Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Airport employees Scott Esser and Derrick Blackmer.

Presentation of completion certificates to the graduates of the County's Safety Program were made to DPW employees Richard Toll, Pete Bedarian and Cody Moffitt.

The Cornell Cooperative Extension “4-H Campership Day Trips Summer 2021” video was played for the Board.

Report by the Chair of the Board was given.

Reports by Committee Chairs were given.

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Report by the County Administrator was given.

Report by the County Attorney was given.

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

Reports from:

1. Warren County Probation - Reports of Criminal and Family Workloads for the month of August 2021.
2. Capital District Off Track Betting Corp. - Financial Report dated June 30, 2021.
3. Capital District Off Track Betting Corp. - Financial Report dated July 31, 2021.

Letters/emails from:

1. NYS Office of Parks, Recreation & Historic Preservation - Announcing that the Mountainside Free Library in Queensbury, NY is being considered for the New York State Register of Historic Places and nominated to the National Register of Historic Places.

Other:

1. Washington County Board of Supervisors - Resolution No. 195 of 2021 entitled *"Supporting Adirondack Community College Capital Improvement Plan for 2022-2023 in the Total Amount of \$1,701,500"*
2. NYSAC - Resolutions Adopted at the 2021 Fall Seminar.
3. FitzGerald Morris Baker Firth - Notice of Public Hearing - Boats by George, Inc. Project

Reading of resolutions by the Clerk of the Board was announced as follows:

Proposed Resolution Nos. 441-460 were distributed to the Board and posted to the Warren County website on Tuesday, October 12th which met the distribution deadline specified in the Rules of the Board. Proposed Resolution No. 425 was amended after mailing and posted to the Warren County website on Thursday, October 14th. A motion was requested to approve the amendments, as provided, to Resolution No. 425; the necessary motion was made by Supervisor Driscoll, seconded by Supervisor Magowan and carried unanimously.

Prior to commencing the discussion on resolutions, Chairwoman Seeber announced Resolution No. 312 of 2015, *Adopting the Warren County Board of Supervisors Rules and Procedures for Public Participation at Board of Supervisors Meetings and Board of Supervisors Committee Meetings*, specifically outlined the County's policy regarding public participation at the Board and Committee meetings and provided some latitude to the Chair of the Board in allowing for such. Copies of said resolution were made available to all those present.

Discussion on resolutions ensued, as follows:

Chairwoman Seeber called for public comment on any resolutions before the Board, but there was none.

Supervisor Braymer spoke to an amendment she proposed to Resolution No. 430, *Introducing Proposed Local Law No. 7 of 2021, Entitled "Septic Inspection upon Transfer", and Authorizing Public Hearings Thereon*, specifically relating to missing language agreed upon by the Proposed Septic Inspection at Transfer Committee which allowed each town the ability to opt-out of the legislation, provided they did so by resolution prior to the effective date of the Local Law.

A motion was made by Supervisor Braymer, seconded by Supervisor Magowan and carried unanimously to amend proposed Resolution No. 430, as outlined above.

A lengthy discussion ensued regarding proposed Resolution No. 430 during which several

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Supervisors voiced their concerns with the Local Law in its present form and indicated they felt more work was required to address all waterbodies in the County. Multiple Supervisors spoke in favor of moving this forward to a Public Hearing to allow affected property owners to voice their opinions on the matter. It was suggested that multiple public hearings be held to ensure residents were aware of the proposed local law and to obtain their input; it was also suggested that the public hearing notice be delivered by mail to the owner of each impacted parcel. Chairwoman Seeber noted funding for this mailing was not available in the existing budget and that a transfer would be necessary to place the funds in the appropriate budget.

Further discussion ensued, during which it was decided an evening meeting of the Proposed Septic Inspection at Transfer Committee would be held at the Lake George Town Hall on November 17th at 7:00 p.m. to hold an initial public hearing, with a second public hearing to be held at the regular Board Meeting on November 19th at 10:00 a.m. Motion was made by Supervisor Braymer, seconded by Supervisor Magowan and carried unanimously to further amend proposed Resolution No. 430, *Introducing Proposed Local Law No. 7 of 2021, Entitled "Septic Inspection upon Transfer", and Authorizing Public Hearings Thereon*, to authorize two Public Hearings, the first of which was to be held on November 17, 2021 at 7:00 p.m. at the Lake George Town Hall during a special meeting of the Proposed Septic Inspection at Transfer Committee, and the second to be held at the November 19, 2021 Board Meeting at 10:00 a.m.

A motion was made by Supervisor Braymer and seconded by Supervisor Shepler to amend Resolution No. 414, *Making Supplemental Appropriations*, to include authorizing a transfer of funds in the amount of \$2,000 from the Contingent Account to pay for post cards to be mailed to the 4,500 County landowners affected by the proposed Local Law notifying them of the two Public Hearings. Further discussion ensued following which Supervisors Braymer and Shepler amended their motions to increase the amount to be transferred from the Contingent Account to \$5,000. Chairwoman Seeber called the question and the motion to amend proposed Resolution No. 414 of 2021, as outlined above, was carried by majority vote, with Supervisor Thomas voting in opposition.

A discussion ensued regarding proposed Resolution No. 448, *Introducing Proposed Local Law No. 9 of 2021, Entitled "A Local Law Reapportioning the Weighted Vote the Warren County Board of Supervisors Amongst Twenty (20) Members", and Authorizing Public Hearing Thereon*, during which Supervisor Beaty requested a roll call vote on the proposed resolution.

Chairwoman Seeber requested a roll call vote on proposed Resolution No. 449, *Introducing Proposed Local Law No. 10 of 2021, Entitled "A Local Law Reapportioning the Weighted Vote of the Warren County Board of Supervisors Amongst Twenty-one (21) Members", and Authorizing Public Hearing Thereon*.

Supervisor Geraghty requested a roll call vote on proposed Resolution No. 450, *Appointing Members to the Warren County Board of Ethics*.

A discussion ensued regarding proposed Resolution No. 450, *Appointing Members to the Warren County Board of Ethics*, during which Supervisor Leggett voiced his concerns with a School Board Member being considered an elected/appointed officer or employee of a local municipality. Following further discussion, a motion was made by Supervisor Driscoll and seconded by Supervisor Shepler to amend proposed Resolution No. 450 to vote separately on each category of appointment; however, the motion failed by a vote of 339 in favor (*Supervisors Beaty, Thomas, Shepler, Geraghty, McDevitt, Bruno, Driscoll, Frasier and Smith*) and 661 opposed (*Supervisors Conover, Leggett, Diamond, Braymer, Hogan, Dickinson, Merlino, Strough, Wild, Magowan and Seeber*).

Supervisor Dickinson requested a roll call vote on proposed Resolution No. 430, *Introducing Proposed Local Law No. 7 of 2021, Entitled "Septic Inspection upon Transfer", and Authorizing Public Hearings Thereon.*

Supervisor Braymer requested a roll call vote on proposed Resolution No. 443, *Awarding Bid and Authorizing Agreement with Hunden Strategic Partners for Tourism Consultant to Provide Competitor Market Data to the Warren County Tourism Department (WC 25-21).*

Voting on resolutions occurred; Resolution Nos. 414-460 were approved as presented, with the exception of Resolution Nos. 414 and 430, which were approved in the form amended from the floor, and Resolution No. 449, which failed to obtain the majority vote required.

Chair offered privilege of the floor and the following members of the public spoke:

Christianne Strough, *Town of Queensbury Resident*, spoke regarding the Majority and Minority positions and the Municipal Home Rule Process required to allow the County to pay a stipend to Supervisors for additional duties they were performing. She then voiced her disappointment with a comment made by Supervisor Beaty at the September 17th Board Meeting, which she noted had not been recorded in the meeting minutes, regarding her mental health, pointing out that he had no credentials to do so, and she questioned how this could be permissible when Board members were not permitted to insult fellow Supervisors.

Travis Whitehead, *Town of Queensbury Resident*, spoke regarding his belief that anyone running for public office should allow a public disclosure of their records, and of his unsuccessful attempts to obtain access to such records which required authorization by the candidate, who was in this case Brent McDevitt.

Supervisor McDevitt interjected, calling for point of order. Chairwoman Seeber asked Supervisor McDevitt to state why he felt the rules were being broken so she could make a determination. Supervisor McDevitt indicated Mr. Whitehead's statements were not relevant to anything that was being discussed. Chairwoman Seeber responded the point was not well taken and she asked Mr. Whitehead to proceed with his comments. Supervisor Wild then called for point of order and Chairwoman Seeber apprised it was necessary for him to state how he felt the rules were being broken. Supervisor Wild indicated he had always expressed his concern with Robert's Rules of Order and how they could be used to weaponize, apprising he was unsure what the actual rule was, but he was unsure that this discussion was appropriate for this forum since it was political in nature and was an election year. Chairwoman Seeber indicated she believed Supervisor Wild's point was he did not believe the commentary was appropriate and she needed to rule on that point. She requested a moment to discuss this with the Parliamentarian so she could refer back to Resolution No. 312 of 2015, *Adopting the Warren County Board of Supervisors Rules and Procedures for Public Participation at Board of Supervisors Meetings and Board of Supervisors Committee Meetings*, which provided the guiding principle in this case. Following her review of Resolution No. 312 of 2015, Chairwoman Seeber ruled that Supervisor Wild's point was not well taken; she advised she ruled in this manner because for the entirety of the year 2021 the Board had afforded every single member of the public to take the floor and had not interrupted them despite many things that were not relevant to this Board or the business in front of them. She said it had been the custom and tradition of this Board to hear from the public regardless of what they had to state and at this point and time based on Resolution No. 312 of 2015, the decision to allow such comments was left to the discretion of the Chair. She advised if the Board would like to appeal her decision, a motion could be made and a roll call vote taken to overturn it.

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Chairwoman Seeber asked if there was anyone wishing to make a motion, to which Supervisor Hogan responded with a motion to adjourn which was seconded by Supervisor Leggett. Chairwoman Seeber called for a roll call vote on the motion to adjourn, following which it was announced that the motion was passed by a vote of 781 in favor (*Supervisors Beaty, Thomas, Shepler, Geraghty, Conover, Leggett, Diamond, McDevitt, Braymer, Driscoll, Frasier, Smith, Hogan, Strough, Wild, Magowan*), 85 opposed (*Chairwoman Seeber*) and 134 Absent (*Supervisors Bruno, Dickinson and Merlino*).

The meeting adjourned at 1:01 p.m.