

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, NOVEMBER 19, 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 in attendance 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 10:01 a.m.

Ms. Rachel E. Seeber presiding.

Salute to the flag was led by Supervisor Shepler.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Smith, Hogan, Dickinson, Strough, Wild, Magowan, Beaty, Thomas, Shepler, Geraghty and Seeber-20; Absent -2 Supervisors Frasier and Merlino. *All Supervisors in attendance were physically present.*

Motion was made by Supervisor Thomas, seconded by Supervisor Hogan and carried unanimously to approve the minutes of the October 15, 2021 Board Meeting and the November 5, 2021 Special Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Dan Durkee, *Senior Health Educator.*

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: Sondra Cameron, Ann Marie Mason and Valerie Whisenant.

Presentation of completion certificates to the graduates of the County's Safety Program were made to DPW employees Douglas Barlow, Matthew Livingston and Justin Webb.

Proceeding with the Agenda review, Chair declared the Public Hearing on Proposed Local Law No. 7 of 2021, Entitled “*Septic Inspection Upon Transfer*” open at 10:15 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

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The following individuals voiced their opinions on Proposed Local Law No. 7 of 2021:

- 1) Tony Taverni, *President, Board of Directors, Friends Lake Association*
- 2) Robert Deluke, *Friends Lake Resident*
- 3) John Carter, *Town of Lake George Resident*
- 4) Ann Morse, *Town of Johnsbury Resident*
- 5) Gary Beale, *Seasonal Resident, Friends Lake*
- 6) Lisa Dostek, *Warren County Resident*
- 7) John Caffrey, *City of Glens Falls Resident*
- 8) Richard Morse, *Town of Johnsbury Resident*
- 9) Linda Clark, *Town of Lake George Resident*
- 10) Jack Herring, *Town of Lake Luzerne Resident*
- 13) Neal Brandmaier, *Town of Horicon Resident*
- 14) Travis Whitehead, *Town of Queensbury Resident*
- 15) Brian Reichenbach, *speaking on behalf of a client who lives in the Town of Lake George*
- 16) Jim Niles, *Town of Lake Luzerne Resident*
- 17) Frank Gabriel, *Friends Lake Resident*
- 18) Brian Curran, *Town of Lake Luzerne Resident*

Don Lehman, *Director of Public Affairs*, read aloud comments submitted online by Kate Lapham and an individual identifying themselves as LG Girl.

Chairwoman Seeber advised the Clerk of the Board had distributed the comments she had received regarding this matter prior to the meeting.

The Chair closed the public hearing at 11:34 a.m.

Continuing with the Agenda review, Chair declared the Public Hearing on Proposed Local Law No. 8 of 2021, Entitled "*A Local Law Amending Local Law No. 2 of 2021, Establishing the Office of Emergency Services for Warren County*" open at 10:34 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

There being no one wishing to speak, the Chair closed the public hearing at 11:35 a.m.

Moving along, Chair declared the Public Hearing on Proposed Local Law No. 9 of 2021, Entitled "*A Local Law Reapportioning the Weighted Vote of the Warren County Board of Supervisors Amongst Twenty (20) Members*" open at 11:36 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

The following individuals voiced their opinions on Proposed Local Law No. 9 of 2021:

- 1) Travis Whitehead, *Town of Queensbury Resident*

There being no further public comment, the Chair closed the public hearing at 11:39 a.m.

Proceeding with the Agenda review, Chair declared the Public Hearing on Warren County Sewer District (Industrial Park) Assessment Roll open at 11:40 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

There being no one wishing to speak, the Chair closed the public hearing at 11:41 a.m.

Continuing with the Agenda review, Chair declared the Public Hearing on 2022 Tentative Budget open at 11:41 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called

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for public comment.

There being no one wishing to speak, the Chair closed the public hearing at 11:44 a.m.

Chairwoman Seeber announced due to the length of the meeting today she would be requesting a ten minute recess immediately following the Reports by Committee Chairs.

Report by the Chair of the Board was given.

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

Upon the request of the County Treasurer, motion was made by Supervisor Dickinson, seconded by Supervisor Beaty and carried unanimously to withdraw proposed Resolution No. 504, *Authorizing the County Treasurer to Complete a Property Tax Settlement for Eleven (11) Parcels Owned by Northwest Bay Partners, LTD, Town of Bolton, Warren County.*

Motion was made by Supervisor Braymer, seconded by Supervisor Dickinson and carried unanimously to withdraw proposed Resolution No. 509, *Enacting Local Law No. 7 of 2021, Entitled "Septic Inspection upon Transfer"*.

Larry Elmen, *County Attorney*, notified an amendment to Resolution No. 367 of 2021, *Authorizing Agreement with Quadrant Biosciences, Inc. to Provide Laboratory Services to Facilitate Covid Testing to Support Schools and Help to Maintain in Person Instruction*, was required to change certain terms and conditions. The necessary motion was made by Supervisor McDevitt, seconded by Supervisor Hogan and carried unanimously

Motion was made by Supervisor McDevitt, seconded by Supervisor Driscoll and carried unanimously to authorize a resolution Waiving the Rules of the Board Requiring That All Resolutions Be Approved Through the Established Committee Structure in Advance of a Board Meeting Regarding Amending Resolution No. 367 of 2021,

Chairwoman Seeber advised there was a small plane crash this morning at the Airport with no fatalities; however, she noted, there were some injuries and Hicks Road would be closed. She extended thoughts and prayers on behalf of the Board to everyone involved in the incident.

Motion was made by Supervisor Smith, seconded by Supervisor Geraghty and carried unanimously to recess the Board Meeting. The Board recessed from 12:24 p.m. until 12:40 p.m.

Report by the County Administrator was given.

Report by the County Attorney was given.

During the report by the County Attorney, Mr. Elmen advised proposed Resolution No. 473, *Authorizing Conveyances of Lands Offered at Public Auction Held on October 16, 2021, Disposing of Certain Lands Acquired by Warren County Pursuant to the Real Property Tax Foreclosure Action*, to remove Tax Map Parcel No. 211.13-1-43, 49 Elm Street in the Town of Warrensburg, from the listing of properties as a result of the death of the titled owner of the parcel prior to the tax foreclosure sale.

Motion was made by Supervisor Dickinson, seconded by Supervisor Braymer and carried unanimously to amend Proposed Resolution No. 473 as outlined above.

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Lexie Delurey, *Director, Real Property Tax Services*, notified a resolution was required to authorize the County Treasurer to refund the deposit to the bidder.

Motion was made by Supervisor Hogan, seconded by Supervisor Dickinson and carried unanimously to Waive the Rules of the Board requiring that all resolutions be approved through the established Committee structure in advance of a Board Meeting regarding authorizing the County Treasurer to refund the deposit submitted for a parcel offered at public auction.

Motion was made by Supervisor Dickinson and seconded by Supervisor Hogan to authorize the County Treasurer to refund the deposit submitted for a parcel offered at public auction.

In regards to the buyers premium the purchaser paid, Mr. Elmen indicated he would have to research the matter and determine who was responsible for refunding the purchaser this premium.

Supervisor Conover suggested amending the motion to extend to the County Treasurer, County Administrator and County Attorney the administrative authority to determine how the buyer's premium paid to the auctioneer should be addressed. Supervisors Dickinson and Hogan amended their motions to include the aforementioned amendment. Chairwoman Seeber called the question and the motion to authorize the County Treasurer to refund the deposit submitted for a parcel offered at Public Auction as outlined above was carried unanimously.

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

Reports from:

1. Drescher & Malecki - Basic Financial Statements, Required Supplementary Information, Supplementary Information and Federal Awards Information for Year Ended December 31, 2020 and Independent Auditor's Reports. *Hard copies of report distributed to Board with mail distributed at November 5, 2021 Board Meeting.*

Letters/emails from:

1. NYS Department of Public Service - Announcing a virtual public statements hearing on November 3, 2021 to solicit input and comments regarding electric and gas service for Niagara Mohawk Power Corporation dba National Grid PSC Cases 20-E-0380, 20-G-0381, and 19-M-0133. *Emailed to Board on November 2, 2021*
2. Larry Elmen, County Attorney - designating the Assistant County Attorney Order of Succession.

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

Resolution Nos. 465-517 were distributed to the Board and posted to the Warren County website on Monday November 15th, which met the distribution deadline specified in the Rules of the Board. During this meeting Resolution Nos. 504 and 509 were withdrawn. Resolution No. 479 was amended to remove 49 Elm Street from Schedule A. There were also four additional Resolutions; 518, *Waiving the Rules of the Board Requiring That All Resolutions Be Approved Through the Established Committee Structure in Advance of a Board Meeting Regarding Amending Resolution No. 367 of 2021*; 519, *Amending Resolution No. 367 of 2021, Authorizing Agreement with Quadrant Biosciences, Inc. to Provide Laboratory Services to Facilitate Covid Testing to Support Schools and Help to Maintain in Person Instruction, to Change Certain Terms and Conditions*; 520, *Waiving the Rules of the Board Requiring That All Resolutions Be Approved Through the Established Committee Structure in Advance of a Board Meeting Regarding Authorizing the County Treasurer to Refund the Deposit Submitted for a Parcel Offered at Public Auction*; and 521, *Authorizing the County Treasurer to Refund the Deposit Submitted for a Parcel Offered at Public Auction.*

Discussion on resolutions ensued, as follows:

Chairwoman Seeber called for public comment on any resolutions before the Board, but there was

none.

Supervisor Strough indicated he would like to propose a Floor Resolution pertaining to approving the use of Lot No. 302.8-1-2, 275 Bay Road (AKA Mullen Site) for the purpose of providing a pedestrian/bicycle parking/park facility for the Warren County Bikeway. Chairwoman Seeber asked whether Supervisor Strough had distributed paper copies of the proposed Resolution prior to the meeting and he replied affirmatively. Chairwoman Seeber advised a motion to Waive the Rules of the Board would be required to bring the proposed Floor Resolution to the floor for discussion. Supervisor Strough interjected that he was trying to explain the proposed Floor Resolution so the Board Members had a better understanding regarding why the Waiving of the Rules of the Board was required. A brief discussion ensued following which Supervisor Strough read aloud the title of the proposed Resolution for the Board and began to point out the reasons this would be beneficial for the County. Supervisor Beaty called for point of order, advising it was necessary to Waive the Rules of the Board before the proposed Floor Resolution could be discussed. Supervisor Strough interjected that he had been interrupted. Chairwoman Seeber stated to Supervisor Strough that he was out of order because a point of order called by a member of the Board trumped everything else going on and was an immediate point of order. She apprised Supervisor Beaty had made a point of order indicating Supervisor Strough was out of order and she asked him to state his point which meant he had the floor at this time. Supervisor Wild called for another point of order. Supervisor Beaty stood and stated his point of order, advising before the proposed Floor Resolution could be discussed the rules clearly indicated a Waiving of the Rules of the Board was required. He said they needed to vote on whether to Waive the Rules of the Board, and if the outcome of the vote was in favor of Waiving the Rules then Supervisor Strough could move forward with discussing the proposed Floor Resolution; however, he noted, since they had yet to vote on this, it was not appropriate to be discussing the matter. Supervisor Strough restated it was necessary for him to provide an explanation on the proposed Floor Resolution to ensure the Board members were aware of what they would be voting to Waive the Rules on. Chairwoman Seeber indicated as soon as a point of order was called for she had the opportunity to rule on that point of order and if the Board felt her decision regarding that was not appropriate they could appeal her ruling. She stated Supervisor Beaty was bringing up Robert's Rules of Order and since a Waiving of the Rules was required any discussion that took place could only pertain to that specifically. She said Supervisor Strough's point was well taken and at this time he had introduced his proposed Floor Resolution and a motion was required to Waive the Rules.

A motion was made by Supervisor Dickinson and seconded by Supervisor Leggett to Waive the Rules of the Board requiring that all resolutions be approved through the established committee structure in advance of a Board Meeting to entertain a Floor Resolution pertaining to approving the use of Lot No. 302.8-1-2, 275 Bay Road (AKA Mullen Site) for the purpose of providing a pedestrian/bicycle parking/park facility for the Warren County Bikeway.

Supervisor Braymer called for point of order, indicating she was appealing Chairwoman Seeber's decision on the point of order to allow Supervisor Strough to make his point regarding his point on the motion to Waive the Rules of the Board. Chairwoman Seeber stated she needed to take a moment to discuss this with the Parliamentarian on the appeal which would require a roll call vote. She said if the Board was so inclined to overrule her ruling and provide Supervisor Strough with the opportunity to discuss his Proposed Floor Resolution which required a Waiving of the Rules and she asked the Clerk of the Board to move forward with a roll call vote. Supervisor Leggett asked for clarification on what they would be voting on. Chairwoman Seeber advised she had listened to Supervisor Beaty's justification for calling point of order which she ruled was a point well taken. She continued, informing Supervisor Braymer had taken objection to her ruling and was requesting an appeal and the only method for appealing a decision of the Chair was to have a roll call vote by the

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members of the Board. She apprised should the Board vote in favor of appealing her ruling then they would return to Supervisor Strough to allow him to state specifically what his request was to Waive the Rules of the Board. She indicated it was her determination that Supervisor Strough had read the proposed Floor Resolution which had been distributed to the Board and they were all aware of its purpose. She advised should the Rules of the Board be Waived then a full discussion could take place regarding the proposed Floor Resolution Supervisor Strough was asking for consideration of. Supervisor Conover questioned whether a vote in favor was agreeing with Supervisor Braymer that they did not agree with the ruling of the Chair of the Board and an opposing vote was essentially agreeing with the Chair's ruling on the point of order and the Clerk of the Board replied affirmatively. The outcome of the Roll call vote was for Supervisor Strough to state specifically what his request was to Waive the Rules of the Board, with 588 in favor (*Supervisors Shepler, Geraghty, Conover, Leggett, Diamond, McDevitt, Braymer, Driscoll, Smith, Strough, and Wild*) and 350 against (*Supervisors Bruno, Dickinson, Magowan, Beaty, Thomas and Seeber*) and 62 Absent (*Supervisors Frasier and Merlino*). Chairwoman Seeber advised Supervisor Strough what was before them was for him to state his reasoning as to why the Waiving of the Rules of the Board needed to occur as it related to the proposed Floor Resolution he would like the Board to consider taking action on.

Supervisor Strough indicated he was requesting a Waiving of the Rules of the Board in order to bring his Proposed Floor Resolution regarding the Mullen property to the floor for a vote. He stated the Board had originally set a minimum bid price for the property of \$67,000, but this was never achieved. He outlined the reasons this property would be more valuable for the County utilized as a parking area for the Warren County Bike Trail and why it was not suitable for development.

A lengthy discussion ensued during which several Supervisors voiced their support of the motion to Waive the Rules of the Board while other Supervisors voiced their opposition.

A roll call vote was called on the Waiving of the Rules as outlined above following which the motion failed due to a lack of two thirds majority vote, with a vote of 522 in favor (*Shepler, Geraghty, Conover Leggett, McDevitt, Driscoll, Smith, Dickinson, Strough, Wild and Thomas*) and 412 opposed (*Supervisors Diamond, Braymer, Bruno, Hogan, Magowan, Beaty and Seeber*) and 62 Absent (*Supervisors Frasier and Merlino*).

Motion was made by Supervisor Wild, seconded by Supervisor Dickinson and carried unanimously to amend Proposed Resolution No. 476, *Introducing Proposed Local Law No. 10 of 2021, Entitled "A Local Law of the County of Warren, New York, Repealing Local Laws 3 of 2015, 2 of 2016 and 3 of 2016 and Prohibiting the Use and Sale of Sparkling Devices in Warren County", and Authorizing Public Hearings Thereon*, to change the time of the Public Hearing on December 15th from 5:00 p.m. to 7:00 p.m.

A discussion took place regarding Proposed Resolution No. 470, *Authorizing Agreement with City of Glens Falls for the Planning & Community Development Department to Provide GIS Services*, during which Supervisors Braymer and Diamond spoke in favor of amending the proposed to remove the fee the City of Glens Falls would pay to the Planning Department for handling these services until the City was able to fill their vacant position that handled GIS services for them.

A motion was made by Supervisor Hogan, seconded by Supervisor Braymer and carried by majority vote, with Supervisor Dickinson voting in opposition, to table the discussion on this matter until a representative from the Planning & Community Development Department was present to participate in the discussion.

Supervisor Strough requested a roll call vote on proposed Resolution No. 474, *Authorizing*

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Conveyances of Land Offered at On-line Public Auction Held from October 1, 2021 to October 25, 2021, Disposing of Certain Lands Acquired by Warren County Pursuant to the Real Property Tax Foreclosure Action, which he encouraged his colleagues to vote against to allow it to go before Committee for discussion.

Returning to discussion regarding Proposed Resolution No. 470, *Authorizing Agreement with City of Glens Falls for the Planning & Community Development Department to Provide GIS Services*, Sara Frankenfeld, *GIS Administrator*, advised the services the GIS Services they would be providing the City of Glens Falls went above and beyond the basic services provided to all of the municipalities in Warren County at no cost. She stated her Department was offering this service to the City in light of the fact that they no longer had an employee to handle these services in-house. Supervisor Diamond noted the City was only seeking to temporarily have the County handle these services until the vacancy was filled. Motion was made by Supervisor Diamond and seconded by Supervisor Braymer to amend proposed Resolution No. 470 to waive the fees of \$50 per hour for an amount not to exceed \$15,000 per year to the City of Glens Falls for one year commencing when the contract is in effect. A lengthy discussion ensued following which Chairwoman Seeber advised another option to address this concern would be to withdraw the Proposed Resolution and send it back to Committee. Further discussion ensued following which a motion was made by Supervisor Conover, seconded by Supervisor Braymer and carried unanimously to table proposed Resolution No. 470, *Authorizing Agreement with City of Glens Falls for the Planning & Community Development Department to Provide GIS Services*, Sara Frankenfeld, *GIS Administrator*, and send it back to Committee for further discussion.

Returning to discussion regarding Proposed Resolution No. 474, *Authorizing Conveyances of Land Offered at On-line Public Auction Held from October 1, 2021 to October 25, 2021, Disposing of Certain Lands Acquired by Warren County Pursuant to the Real Property Tax Foreclosure Action*, several Supervisors voiced their opposition while others spoke in favor of moving forward with the sale.

During the discussion where Supervisor Beaty was voicing his support of proposed Resolution No. 474 Supervisor Driscoll called for point of order. Supervisor Driscoll advised during the last discussion on the proposed Septic Inspection at Transfer Law the Board was reminded no matter which manner they voted in the goal was for efficient water quality in the County. Chairwoman Seeber interjected that Supervisor Driscoll needed to state how he felt the Rules of the Board were being violated and Supervisor Driscoll responded he felt his colleague was assuming an opposing vote translated to them not being stewards of the taxpayers money and he did not believe this statement to be true. Chairwoman Seeber advised she would be happy to return to Supervisor Driscoll when they went to the second round of discussion; however, she noted, as it related to a violation of the Rules of the Board if he did not withdraw his point of order she believed his point was not well taken, as she did not believe Supervisor Beaty had committed a violation and she would ask that the floor be returned to him so he could continue making his point. Supervisor Beaty continued with his remarks, indicating it was not sensible to keep the property for use as a parking lot for the Warren County Bike Trail when there was another parking lot used for this purpose less than a mile from this location.

During the discussion on Proposed Resolution No. 474, *Authorizing Conveyances of Land Offered at On-line Public Auction Held from October 1, 2021 to October 25, 2021, Disposing of Certain Lands Acquired by Warren County Pursuant to the Real Property Tax Foreclosure Action*, a motion was made by Supervisor Magowan and seconded by Supervisor Beaty to table the resolution and send it back to Committee. A brief discussion ensued following which Supervisors Magowan and Beaty withdrew their motions to table.

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A lengthy discussion ensued regarding concerns that had been voiced on proposed Resolution No. 492 during which Chairwoman Seeber requested a roll call vote due to the concerns that had been expressed to her by the business community with the contract with Lake Placid Advertisers Workshop, Inc.

During the discussion on Proposed Resolution No. 492, *Authorizing Extension of Agreement with Lake Placid Advertisers Workshop, Inc. to Provide Broadcast and Digital Media Buying Services for the Tourism Department (WC 45-20)*, a motion was made by Supervisor Conover and seconded by Supervisor Dickinson to include a requirement for Lake Placid Advertisers Workshop, Inc. to provide letters relative to the work program and outlining the related expenses, which must be authorized by the Tourism Committee before such work may proceed. Further discussion ensued following which Chairwoman Seeber called the question and the motion to amend Proposed Resolution No. 492 was carried by majority vote, with Chairwoman Seeber abstaining.

During the discussion on resolutions, Supervisors Shepler, Diamond and Wild exited the meeting.

Voting on resolutions occurred; Resolution Nos. 465-521 were approved as presented, with the exception of:

- Resolution No. 470, which was tabled;
- Resolution No. 473, which was approved as amended from the Floor;
- Resolution No. 474, which failed;
- Resolution No. 476, which was approved as amended from the Floor;
- Resolution No. 492, which was approved as amended from the Floor;
- Resolution No. 504, which was withdrawn;
- Resolution No. 509, which was withdrawn.

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

Ms. Dostek and a woman who did not identify herself spoke regarding their objection to the possibility of the Lake George Central School District getting rid of their "Indian Warrior" Mascot".

Supervisor Dickinson requested that these women provide him with their contact information.

Supervisor Magowan thanked the women for attending the meeting and voicing their concerns which was one of the many things changing in society today that were alarming.

Chairwoman Seeber called attention to the multitude of Proclamations included in the Resolution packet today.

Supervisor Dickinson advised the Proclamation proclaiming November to be Pancreatic Cancer Awareness Month was meaningful to him due to his wife's illness.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Dickinson and seconded by Supervisor Strough, Chairwoman Seeber adjourned the Board Meeting at 3:11 p.m.