

Warren County Board of Supervisors

BOARD MEETING
FRIDAY, DECEMBER 17, 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 10:00 a.m.

Ms. Rachel E. Seeber presiding.

Salute to the flag was led by Supervisor Geraghty.

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, aside from Supervisor Hogan who attended the meeting virtually.

Motion was made by Supervisor Thomas, seconded by Supervisor Braymer and carried unanimously to approve the minutes of the November 19, 2021 Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Kimberly Ross, *Board of Elections*.

Presentation of completion certificates to the graduates of the County's Safety Program were made to Marc Lambert, *City of Glens Falls DPW*; Rob Girard, *City of Glens Falls DPW*; Jeff Inglee, *Warren County DPW*; Brenda Hilton, *Warren County DPW*; and Lorna Mihill, *Warren County DPW*. Following the presentation, Amy Clute, *Self-Insurance Administrator*, recognized the staff of the City of Glens Falls DPW for not reporting any workers compensation claims in 2020 which was a significant accomplishment.

Proceeding with the Agenda review, Chair declared the Public Hearing on 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 ” open

WARREN COUNTY BOARD OF SUPERVISORS
BOARD MEETING
FRIDAY DECEMBER 17, 2021

at 10:07 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. 10 of 2021:

- 1) Chris Washburn, *Representing Key Stone Fireworks*; and
- 2) Gary Thornquist, *General Manager Lake George RV Park*

The Chair closed the public hearing at 10:20 a.m.

Continuing with the Agenda review, Chair declared the Public Hearing on Proposed Local Law No. 1 of 2022, Entitled "*A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County*" open at 10:20 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

There being no public comments made, the Chair closed the public hearing at 10:22 a.m.

Prior to the Report by the Chair being given, Supervisors Shepler and Smith, who would not be returning to the Board in 2022, were honored and presented with engraved clocks commemorating their service as a member of the Warren County Board of Supervisors.

Report by the Chair of the Board was given.

Reports by Committee Chairs were given.

Report by the County Administrator was given.

Report by the County Attorney was given.

During the report by the County Attorney, Larry Elmen, *County Attorney*, spoke regarding a letter of intent dated December 6, 2021 his office had received which was a notification under Real Property Tax Law Section 487 pertaining to CVE North America's intent to pursue construction of a solar energy system on land located off Quaker Ridge Boulevard in the Town of Queensbury. He noted there was a sixty day notice requirement to the County and any municipality where a solar energy system would be sited for the purpose of allowing the County to determine whether to require a contract to pay taxes in lieu of the exemption. He indicated he was seeking a determination from the Board as to whether to hold off on taking action and bringing this before the Committee next month; however, he noted, the last day for the County to submit a response was February 7, 2022.

A brief discussion ensued following which it was the consensus of the Board to address this matter later in the meeting.

Mr. Elmen spoke regarding Resolution No. 337 of 2020, *Approving Revisions to the Warren County Workplace Violence Prevention Plan and Program*, which was adopted on September 18, 2020. He indicated he had determined the policy lacked a specific process or procedure that would be used in any situation, case or claim where there was a claim of workplace violence filed with the County that involved a threat to a public employee. He apprised if there was a file claimed under this policy and an investigation was made, it was unclear who would make the final determination in that investigation in all circumstances. He proceeded to request an executive session to address any matters leading to the employment, promotion, demotion,

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY DECEMBER 17, 2021

discipline, suspension, dismissal of a particular person or corporation to address specifics of an ongoing investigation under the Warren County Workplace Violence Prevention Plan and Program; and to provide a brief update to the entire Board on the litigation involving Forest Industries. Motion was made by Supervisor Driscoll, seconded by Supervisor Bruno and carried unanimously to enter into an executive session pursuant to Sections 105 (d) and (f) of the Public Officer's Law.

Executive session was held from 11:22 a.m. until 12:07 p.m.

Prior to moving forward with the Agenda review, Chairwoman Seeber requested that Ryan Moore, *County Administrator*, speak regarding a time sensitive matter that was brought to her attention this morning regarding Glens Falls Hospital. Mr. Moore stated Glens Falls Hospital was requesting a letters of support from elected officials for their application for funding under the Statewide Health Care Facility Transformation Program third funding round which they were requesting \$6.7 million for the purpose of debt relief as part of an overall strategy for long-term financial sustainability. Mr. Moore informed the question before them was whether they wanted to authorize a resolution authorizing whomever they selected to execute the letter of support on behalf of the County. It was the consensus of the Committee to address this matter during the Reading of Resolutions portion of the meeting.

Mr. Moore advised another matter that needed to be addressed concerned an amendment to proposed Resolution No. 528, *Authorizing the County Administrator and the County Attorney to Draft a Letter in Support of Barton Mines' Application to the Adirondack Park Agency to Modify Their Mining Permit to Allow Them to Extend Both Residual Minerals Storage Capacity and the Life of Their Mine to Approximately 75 Years*, to include authorizing the Chair of the Board to execute the letter. Motion was made by Supervisor Beaty, seconded by Supervisor Leggett and carried by majority vote, with Supervisor Hogan abstaining, to amend proposed Resolution No. 528 as outlined above.

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

Reports from:

1. Warren County Probation Department - Monthly Reports for Criminal and Family Workloads for the months of September and October 2021 (*emailed to Board 12/16/21*)
2. Adirondack North Country Association - 2020 Annual Report (*book form - not emailed*)
3. EDC Warren County - 2020 Accomplishments and Projects (*emailed to Board 12/16/21*)
4. LDC - 2020 Activities Report (*emailed to Board 12/16/21*)
5. Capital District Regional Off-Track Betting Corp. - Financial Reports dated August 31, 2021 and September 30, 2021 (*book form - not emailed*)

Letters/emails from:

1. NYS Department of Parks, Recreation & Historic Preservation - informing that Mountainside Free Library in Queensbury was listed on the National Register of Historic Places effective November 8, 2021 (*emailed to Board 12/16/21*)
2. FitzGerald Morris Baker Firth - Notice of Public Hearing regarding KDBF Ventures LLC Project - to be held December 20, 2021 at 3:45 p.m. via Zoom (*emailed to Board 12/16/21*)
3. Town of Queensbury - Notice of Public Hearing regarding a proposed local law which would amend the Indian Ridge Planned Unit Development to change the permitted uses designation of one parcel - to be held December 20, 2021 at 7:00 p.m. at the Queensbury Activities Center (*emailed to Board 12/16/21*)
4. Town of Queensbury - Notice of Public Hearing regarding a proposed local law which would amend Chapter 179 "Zoning" of the Queensbury Town Code - to be held December 20, 2021 at 7:00 p.m. at the Queensbury Activities Center (*emailed to Board 12/16/21*).

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY DECEMBER 17, 2021

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

Returning to the executive session portion of the meeting, Chairwoman Seeber noted she would like the record to reflect that no action was taken during the executive session.

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

Resolution Nos. 522-622 were distributed to the Board and posted to the Warren County website on Monday December 13th, which met the distribution deadline specified in the Rules of the Board.

In regards to proposed Resolution No. 594, *Authorizing the Appropriation of Funds from the General Fund Unappropriated Surplus to the Planning Budget to Cover the Cost of the Contract with the New York Office of Information Technology Services; Amending 2021 Warren County Budget*, Amanda Allen, *Clerk of the Board*, advised the Planning & Community Development Department had requested the proposed Resolution be withdrawn as a result of them not being able to have a contract in place in order to make the payment by the end of the year. She noted they would return with the request in January of 2022. Motion was made by Supervisor Thomas, seconded by Supervisor Beaty and carried unanimously to withdraw proposed Resolution No. 594.

Mrs. Allen noted there were five Floor resolutions included the Board packets, none of which were approved by Committee and would require a Waiving of the Rules of the Board in order to bring them to the floor.

Motion was made by Supervisor Frasier, seconded by Supervisor Magowan and carried unanimously to bring proposed Floor Resolution No. 1 to the floor. Mrs. Allen announced this would now be known as proposed Resolution No. 623, *Waiving the Standing Rule of the Board Relating to the Requirement That All Resolutions Be Approved Through the Established Committee Structure in Advance of a Board Meeting in Order to Entertain a Resolution Ratifying the Actions of the County Treasurer in Obtaining the Services of Fitzgerald Morris Baker Firth, P.C. for Bond Counsel Services in Relation to Certain Serial Bonds Previously Authorized by the Warren County Board of Supervisors and Authorizing a Retroactive Agreement for Same.*

Motion was made by Supervisor Magowan, seconded by Supervisor Frasier and carried by majority vote, with Supervisor McDevitt voting in opposition, to bring proposed Floor Resolution No. 2 to the floor. Mrs. Allen apprised this would now be known as proposed Resolution No. 624, *Ratifying the Actions of the County Treasurer in Obtaining the Services of Fitzgerald Morris Baker Firth, P.C. for Bond Counsel Services in Relation to Certain Serial Bonds Previously Authorized by the Warren County Board of Supervisors and Authorizing a Retroactive Agreement for Same.*

Motion was made by Supervisor Braymer, seconded by Supervisor Magowan and carried unanimously to bring proposed Floor Resolution No. 3 to the floor. Mrs. Allen indicated this would now be referred to as proposed Resolution No. 625, *Waiving the Standing Rule of the Board Relating to the Requirement That All Resolutions Be Approved Through the Established Committee Structure in Advance of a Board Meeting in Order to Entertain Resolutions Amending the Warren County Budget for 2021 and Making Supplemental Appropriations.*

Motion was made by Supervisor Geraghty, seconded by Supervisor Smith and carried unanimously to bring proposed Floor Resolution No. 4 to the floor. Mrs. Allen stated this would now be known as proposed Resolution No. 626, *Amending Warren County Budget for 2021.*

Motion was made by Supervisor Shepler, seconded by Supervisor Frasier and carried unanimously

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY DECEMBER 17, 2021

to bring proposed Floor Resolution No. 5 to the floor. Mrs. Allen informed this would now be referred to as proposed Resolution No. 627, *Making Supplemental Appropriations*.

Motion was made by Supervisor Bruno, seconded by Supervisor Magowan and carried unanimously to Waive the Standing Rule of the Board relating to the requirements that all resolutions be approved through the established Committee structure in advance of a Board meeting in order to entertain a resolution authorizing the Chair of the Board of Supervisors to execute a letter in support of Glens Falls Hospital's application for funding under the Statewide Health Care Facility Transformation Program. Mrs. Allen announced this would now be known as proposed Resolution No. 628, *Waiving the Standing Rule of the Board Relating to the Requirement That All Resolutions Be Approved Through the Established Committee Structure in Advance of a Board Meeting in Order to Entertain a Resolution Authorizing the Chair of the Board to Execute a Letter in Support of Glens Falls Hospital's Application for Funding under the Statewide Health Care Facility Transformation Program*.

Motion was made by Supervisor Diamond, seconded by Supervisor Braymer and carried unanimously to authorize the Chair of the Board of Supervisors to execute a letter in support of Glens Falls Hospital's application for funding under the Statewide Health Care Facility Transformation Program. Mrs. Allen indicated this would be referred to as proposed Resolution No. 629, *Authorizing the Chair of the Board to Execute a Letter in Support of Glens Falls Hospital's Application for Funding under the Statewide Health Care Facility Transformation Program*.

Motion was made by Supervisor Bruno, seconded by Supervisor Geraghty and carried unanimously to Waive the Standing Rule of the Board relating to the requirements that all resolutions be approved through the established Committee structure in advance of a Board meeting in order to entertain a resolution authorizing the County Attorney to provide written notification to CVE North America of the County's intent to negotiate a contract in lieu of taxes upon certain property located off of Quaker Ridge Boulevard, Town of Queensbury. Mrs. Allen noted this would be referred to as proposed Resolution No. 630, *Waiving the Standing Rule of the Board Relating to the Requirement That All Resolutions Be Approved Through the Established Committee Structure in Advance of a Board Meeting in Order to Entertain a Resolution Authorizing the County Attorney to Provide Written Notification to CVE North America of the County's Intent to Negotiate a Contract in Lieu of Taxes upon Certain Property Located off of Quaker Ridge Boulevard, Town of Queensbury*.

Motion was made by Supervisor Braymer, seconded by Supervisor Bruno and carried unanimously to authorize the County Attorney to provide notice on behalf of Warren County of its intent to negotiate a contract with CVE North America for payments in lieu of taxes in connection with the construction of the proposed solar energy system on certain property located off Quaker Ridge Boulevard, Town of Queensbury (Tax Map Parcel No. 303.11-1-4.1) pursuant to Section 487 of the Real Property Tax Law. Mrs. Allen advised this would be known as proposed Resolution No. 631, *Resolution Authorizing the County Attorney to Provide Written Notification to CVE North America of the County's Intent to Negotiate a Contract in Lieu of Taxes upon Certain Property Located off of Quaker Ridge Boulevard, Town of Queensbury*.

Discussion on resolutions ensued, as follows:

A discussion took place regarding proposed Resolution No. 572, *Amending Tables of Organization and Warren County Salary and Compensation Plan for 2021 and 2022*, during which a motion was made by Supervisor Diamond and seconded by Supervisor Magowan to reduce the salary increase for the Undersheriff from \$114,514 to \$111,180. During the discussion several Supervisors voiced their support of reducing this salary increase while others spoke in opposition. Chairwoman Seeber called the question and the motion to amend proposed Resolution No. 572 as outlined above was carried by majority vote, with Supervisors Strough, Smith and McDevitt voting in opposition.

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY DECEMBER 17, 2021

A discussion ensued regarding proposed Resolution No. 571, *Enacting Local Law No. 1 of 2022, Entitled "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County"*, during which a motion was made by Supervisor Braymer and seconded by Supervisor Merlino to amend the proposed Resolution to increase the salary set by Local Law No. 1 of 2022 for the Real Property Tax Services Director from \$78,310 to \$85,572 as a result of the additional duties taken on associated with environmental clean up of properties and her years of service to the County. A lengthy discussion ensued during which several Supervisors voiced if the salary for the Real Property Tax Services Director was increased to the 25th year increment then all Department Head salaries should be increased to co-relate with the number of years they had been employed with the County. Supervisor Thomas noted the request to increase the salary of the Real Property Tax Services Director to \$85,572 was entertained by the Budget Team when they were preparing the 2022 Tentative Budget, during which they decided to reduce the increase of the current salary of \$69,637 to \$78,310, adding he felt this was an appropriate compromise. He also noted there was a process they followed for salary increases which took a number of circumstances into consideration and were not solely based off of the number of years of service. Supervisor Bruno advised he felt the duties associated with managing the process of getting properties with environmental concerns cleaned up was more suited to fall under the supervision of the DPW and not the Director of Real Property. Mrs. Allen pointed out because the proposed Resolution involved a Local Law it was subject to a 45 day permissive referendum which meant although it was effective January 1, 2021 the salaries would not be effective for 45 days. Chairwoman Seeber called the question and the motion to amend proposed Resolution No. 571 of 2021, *Enacting Local Law No. 1 of 2022, Entitled "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County"*, failed due to obtaining the lack of majority vote, with 274 votes in favor (*Supervisors Geraghty, Diamond, Braymer, Bruno, Hogan and Merlino*) and 673 against (*Supervisors Conover, Leggett, McDevitt, Driscoll, Frasier, Smith, Strough, Wild, Magowan, Beaty, Thomas, Shepler and Seeber*) and 53 absent (*Supervisor Dickinson*).

Supervisor Dickinson exited the meeting during the discussion on the proposed amendment to Resolution No. 571.

A discussion ensued regarding proposed Resolution No. 531, *Enacting 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"*, during which Chairwoman Seeber noted the issue for law enforcement was determining the difference between the legal and illegal devices and enacting this Local Law would allow them to respond appropriately when complaints were made regarding these devices.

Motion was made by Supervisor Braymer and seconded by Supervisor Magowan to amend proposed Resolution No. 531, *Enacting 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"* to allow the use of sparkling devices on July 4th. Chairwoman Seeber called the question and the motion to amend proposed Resolution No. 531 as outlined above failed due to obtaining the majority vote, with Supervisors Diamond, Braymer, Bruno, Merlino, Magowan and Seeber voting in favor and Supervisors Conover, Leggett, McDevitt, Driscoll, Frasier, Smith, Hogan, Strough, Wild, Thomas, Shepler and Geraghty voting in opposition.

Further discussion ensued regarding proposed Resolution No. 531, *Enacting 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"* during which Supervisor Thomas expressed that the towns should be allowed to make the determination whether to permit their. Following his review of the Local Law, Mr. Elmen noted it

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY DECEMBER 17, 2021

appeared the statute only permitted Counties to prohibit the sale and use of sparkling devices, adding there was no reference made to any other municipalities having the authority to prohibit this use.

Supervisor Braymer spoke regarding a proposed Floor Resolution she had distributed to the Board prior to the Board Meeting involving an amendment to the Table of Organization and Salary Schedule for 2022 to defund the positions of Majority Leader, Minority Leader and Chair of the Board, which she was strongly in favor of and felt was an appropriate solution to address the objections that were expressed throughout the year to the stipends for two of the positions. A motion was made by Supervisor Diamond and seconded by Supervisor Braymer to Waive the Standing Rule of the Board relating to the requirements that all resolutions be approved through the established Committee structure in advance of a Board meeting in order to entertain a resolution amending the Table of Organization and Salary Schedule as outlined above. Chairwoman Seeber requested a roll call vote on the motion to Waive the Rules. She called the question and the motion to Waive the Rules of the Board as outlined above failed to obtain the two thirds majority vote required, with 501 voting in favor (*Supervisors Diamond, Braymer, Bruno, Hogan, Wild, Magowan, Beaty and Seeber*) and 446 against (*Supervisors Geraghty, Conover, Leggett, McDevitt, Driscoll, Frasier, Smith, Merlino, Strough, Thomas and Shepler*) and 53 absent (*Supervisor Dickinson*).

Voting on resolutions occurred; Resolution Nos. 522-631 were approved as presented, with the exception of Resolution Nos. 572 and 582 which were amended from the floor and Resolution No. 594 which was withdrawn.

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

Supervisor Beaty wished everyone a Merry Christmas and happy Hanukkah, indicating he was looking forward to working with everyone in the new year.

Supervisor Diamond echoed Supervisor Beaty's comments, adding he had thoroughly enjoyed working with the entire Board this year. He said he was pleased to have been able to watch Chairwoman Seeber grow into a true leader during this difficult year. He concluded by noting he was looking forward to continuing his working relationship with her in 2022.

Supervisor Driscoll wished everyone a Merry Christmas and a blessed holiday season. He thanked Chairwoman Seeber for the opportunity to continue serving as Chair of the Human Services Committee this year. He stated the decisions and deliberations made by the Human Services and Health Services Committees impacted the lives of human beings and during this holiday season he believed a number of decisions they had rendered throughout the year benefitted the vulnerable population, including senior citizens, those living on fixed incomes, etc.

Supervisor Conover questioned whether a meeting notice had been distributed regarding the scheduling of a Personnel, Administration & Higher Education Committee meeting on December 29th that was mentioned earlier in the meeting and Chairwoman Seeber responded in the negative. She noted the meeting would be of the Warren County Board of Ethics based on the availability of the members and a meeting notice would be distributed as soon as this was determined. Mrs. Allen advised a meeting notice would be distributed following the conclusion of this meeting to schedule a meeting of the Board of Ethics and the Personnel, Administration & Higher Education Committee.

Supervisor Strough advised he had recently taken another tour of The Open Door Mission facility in the City of Glens Falls which he was impressed with. He noted Supervisor Driscoll was working on scheduling a tour for all of the Supervisors which he encouraged all to participate in. He concluded by

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY DECEMBER 17, 2021

wishing everyone happy holidays and a new year.

Chairwoman Seeber thanked the Board members for their leadership, noting everyone present was wearing their face masks to comply with the State mandate.

Supervisor Braymer spoke regarding the Christmas Eve March at the Cool Insuring Arena taking place during the morning hours of December 24th and she encouraged all to attend.

Gina Mintzer, *Executive Director, Lake George Chamber of Commerce & CVB*, advised she was present to express the gratitude of the business community to the Board for the support and interaction they provided to them throughout this year which assisted in growing the economy in Warren County.

Chairwoman Seeber wished everyone a Merry Christmas and a happy New Year.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Braymer seconded by Supervisor Hogan, Chairwoman Seeber adjourned the Board Meeting at 1:56 p.m.