

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: MARCH 4, 2021

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BRAYMER
GERAGHTY
DRISCOLL
CONOVER
MAGOWAN

OTHERS PRESENT:

REPRESENTING SUNY ADIRONDACK:
DR. KRISTINE DUFFY, PRESIDENT
BRANDON K. ALDOUS, COORDINATOR, CAREER & TRANSFER SUCCESS,
ADVISEMENT AND CAREER SERVICES
ROBERT H. PALMIERI, VICE PRESIDENT, ENROLLMENT/STUDENT AFFAIRS,
PRESIDENT'S OFFICE
AMANDA ALLEN, CLERK OF THE BOARD
JACKIE FIGUEROA, COUNTY HUMAN RESOURCES DIRECTOR
PATRICIA NENNINGER, PERSONNEL OFFICER
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMY CLUTE, SELF-INSURANCE ADMINISTRATOR
OUTSIDE COUNSEL FOR WARREN COUNTY:
PHILIP OSWALD RUPP, BAASE, PFALZGRAF, CUNNINGHAM, LLC
SHAYNA E. SACKS, NAPOLI, SHKOLNIK PLLC
JOHN WRIGHT, BARTLETT, PONTIFF, STEWART & RHODES
RACHEL E. SEEBER, CHAIRWOMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
BRUNO
DIAMOND
DICKINSON
FRASIER
HOGAN
LEGGETT
MCDEVITT
MERLINO
SMITH
STROUGH
WILD
TIM BENWAY, DIRECTOR, PARKS, RECREATION & RAILROAD
HARRY CARLSON, DEPUTY DIRECTOR, FISCAL, OFFICE OF COMMUNITY SERVICES
JOANNE CONLEY, DIRECTOR OF TOURISM
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
RYAN DICKEY, SECOND ASSISTANT COUNTY ATTORNEY
SARA FRANKENFELD, GIS ADMINISTRATOR
KEVIN HAJOS, SUPERINTENDENT, DEPARTMENT OF PUBLIC WORKS
JAMES LAFARR, SHERIFF
WAYNE LAMOTHE, COUNTY PLANNER
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
MIKE SWAN, COUNTY TREASURER
TOSHA BROWNELL, COMPUTER HELP DESK TECHNICIAN
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the March 4, 2021 meeting of the Personnel, Administration & Higher Education Committee; the meeting in its entirety can be viewed on the Warren County website using the following link:
<https://warrencountyny.gov/mma>

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". Supervisors Braymer, Gergaghty and Magowan were physically present for the meeting, while Supervisors Driscoll and Conover attended via virtually.

Ms. Braymer called the meeting of the Personnel, Administration & Higher Education Committee to order at 9:04 a.m.

Copies of the meeting agenda were distributed to those in attendance, those participating remotely accessed the agenda via the Warren County website; *a copy of the agenda is on file with the meeting minutes.*

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Commencing the agenda review with agenda Item 1A, Ms. Braymer offered privilege of the floor to Dr. Kristine Duffy, *President, SUNY Adirondack*, who was present to provide an update on the college. Dr. Duffy advised she was joined today by Brandon Aldous, *Coordinator, Career & Transfer Success, Advisement and Career Services, SUNY Adirondack*, and Robert H. Palmieri, *Vice President, Enrollment/Student Affairs, President's Office, SUNY Adirondack*, to take this opportunity to update the County on some of the initiatives that they thought would align with some of the discussion that had already occurred regarding co-marketing and some internship possibilities. She stated the Spring semester continued to move along smoothly and weekly COVID-19 testing was taking place in order to survey the potential for the Coronavirus with almost 4,000 tests having been given since the beginning of the semester on February 1st. She noted of those 4,000 tests there had been only one positive test result and a minuscule amount of cases that had occurred with their students and faculty. She indicated they were grateful they had been able to maintain about 25% of their schedule for in-person courses which would continue throughout the Spring semester. She apprised they had begun planning for the Fall semester, with the goal of offering mostly in-person courses assuming the COVID-19 vaccination rollout moved along quicker to allow for more access to individuals in the community; however, she noted, they were planning to offer more flexibility for students who struggled with transportation or had busy schedules by continuing to offer remote courses, as well. She informed they were in the process of thinking forward in looking at their next strategic plan which they would launch this fall and would consist of diversifying their enrollment to not depend upon what had been traditional for colleges in general and expand it amongst many different opportunities. She said they had learned a lot through this pandemic and they were going to continue to look at new ways to innovate with what occurs in the classroom, their programs and services, leverage technology, think about how the college met its communities needs and workforce develop. She advised they needed to consider how they could continue to be a good partner with the County, the community and individuals involved with economic development to ensure their programs were meeting the needs of their community, as well as the local businesses. In regard to workforce development, Dr. Duffy informed it was recently announced through some press releases that SUNY Adirondack was the recipient of a \$200,000 NYS DOL (*New York State Department of Labor*) grant that would allow them to hold some short-term Information Technology certification training beginning this summer to continue to support a growing career path.

In regard to agenda Item 1B which concerned a request for a resolution urging the Governor and Legislature to increase support for community colleges, Dr. Duffy apprised the Governor's proposed State Budget indicated if the State was provided with the \$6 billion of unrestricted funds from the Federal Government then the reduction in State-aid to community colleges would be less than what they had been told it would be and had projected for which would be beneficial for the college. She explained if this occurred the per FTE (*Full-Time Equivalent*) funding they had been attempting to move away from was included in the Governor's proposed State Budget and would be restored to this year's FTE amount, adding it was not necessarily flat because if their projected decline in enrollment for the Fall 2021 semester was accurate then even though the FTE amount was flat it would result in an additional loss in revenue to the college based off of enrollment and was why they wanted to move away from an enrollment based funding model. She stated a few years ago they had significant discussions

about working with the State to create a new funding model that acknowledged community colleges operating costs were the same regardless of the number of students that were enrolled to work toward what they were referring to as a floor and was a more predictable, stable funding model they could plan for sustainability purposes rather than one that fluctuates based on enrollment. She said they were successful in having the floor funding model implemented the prior year and then the pandemic occurred causing everything to change. She stated she was appreciative that funding for community colleges was included in the Governor's proposed State Budget, as this was the first time any funding had been included for them; however, she noted, they would like a path forward to restart those conversations about changing the funding formula to a stable one for community colleges going forward. She informed community colleges had been significantly impacted by the pandemic as a result of their most vulnerable students opting out of continuing their education and the path forward was to bring these students back because they were aware that in many cases the opportunities for these students would be greater if they obtained some post secondary education. She added they were prepared to do that, but they needed the support in order to do so. She remarked she was appreciative of any support from the County to advocate for funding for the college as the State Legislature continued to review the Governor's proposed State Budget. She mentioned if funding did become available through the Federal Government from this Bill that was currently being discussed it would provide the opportunity to increase support to community colleges even as early as next Fall. She thanked Supervisor Braymer for bringing this to the Committees attention and would welcome the support.

Dr. Duffy apprised she would like to briefly discuss internships, as this was one of the manners in which they could be helpful to the business and government community, while also providing career exposure to students while they were completing their degree with the college. She offered privilege of the floor to Mr. Aldous who proceeded to provide a brief overview of how the internships were managed by the college, as well as how they could extend these opportunities to the various County and municipal offices throughout the County. During the presentation Mr. Aldous noted one of the areas the college was having difficulty locating internships for students in as a result of the pandemic that he believed the County may be able to assist them with was the information technology and cyber security fields. He also noted they always had more internship opportunities than students to fill them and was why they continuously promoted the value of getting a hands on experience working in the field.

Following the presentation, Chairwoman Seeber requested that Supervisor Braymer spearhead an effort with SUNY Plattsburg, SUNY Empire State College and SUNY Adirondack, which were the three colleges that located here in the County through a partnership with SUNY Adirondack, to develop one document that could be distributed to all of the municipalities throughout the County regarding their guidelines and processes for paid internships, internships that provided credit toward a degree and volunteers, as well as an explanation of the benefits they would provide to the municipality. Ms. Braymer stated she would be happy to work with those institutions to compile a resource sheet which could also be posted on the County website to notify area businesses who to contact for those resources. Speaking on behalf of SUNY Adirondack, Mr. Aldous advised while some of their degrees required students to participate in an internship, all of their degree programs provided flexibility for the academic space for a student to take advantage of the opportunity to do so. He added the NYS DOL (*New York State Department of Labor*) had produced one page documents regarding what constituted an internship and what being a volunteer was comprised of, both of which provided exceptional guidelines they used when they were setting up articulation agreements with businesses. Supervisor Braymer stated she would work with Mr. Aldous to compile some of the resources he had just mentioned. She asked if the adult students had the ability to take advantage of internships and Mr. Aldous replied affirmatively. Mr. Aldous informed one of the silver linings they had discovered was even their internship host sites had become more flexible as a result of the pandemic resulting in more students being provided with the opportunity to take advantage of virtual internships or ones with more flexibility in general.

Ms. Braymer requested that Don Lehman, *Director of Public Affairs*, provide an update regarding the collaboration that was occurring with SUNY Adirondack for visibility on the County's website and social media pages. Mr. Lehman informed he had met with SUNY Adirondack staff on several occasions to discuss what they would like to accomplish, some of which

was in place now. He proceeded to share his screen with the Committee members to display how there was a link directly to SUNY Adirondack's website on the top part of the County website, as well as a photograph of the college on the scrolling photographs which could be clicked on to lead to their website, as well. He stated the Information Technology Department would be adding SUNY Adirondack to the County department listing on the website and their information would be inserted on the education sector portion of the website, as well. Mr. Palmieri remarked it had been a pleasure to work with Mr. Lehman, noting SUNY Adirondack was highlighting the County on their website, as well.

A discussion ensued.

In regard to agenda Item 1B pertaining to the proposed resolution urging the Governor and Legislature to increase support for community colleges, Ms. Braymer asked Dr. Duffy whether she believed this was still an appropriate action to take given the fact that the Governor's proposed State Budget kept the funding flat and Dr. Duffy replied affirmatively. Dr. Duffy stated while they did not want the State Legislature to remove the opportunity to keep their funding somewhat flat, she felt it included a strong statement regarding the need to increase financial support to community colleges who had struggled as a result of the continuous decline in State funding and the falling off of enrollment due to the pandemic. She mentioned a resolution from the County would be helpful to their request to move away from an enrollment based funding model.

Ms. Braymer called for a motion to approve agenda Item 1B as outlined above. The necessary motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the March 19th Board Meeting.

Proceeding with the agenda review, Ms. Braymer extended privilege of the floor to Amanda Allen, *Clerk of the Board*, who addressed the following Item:

- 2) Resolution Tracking Report - Mrs. Allen advised the agenda included reports based on the resolutions approved at the January 4th Organization Meeting and the January 15, 2021 Board Meeting. She indicated these were included for informational purposes and she encouraged anyone with questions to contact her.

Moving along to agenda Item 3 which pertained to the County Attorney, Ms. Braymer called for a motion to enter into an executive session to discuss the following litigation: *Morgan v. Warren County*; *Poulos v. Warren County*; *Questor French v. Derek Williams*, *Bret Lail*, *Michael Curtis*, *Justin Ducey*, *Gary Millis*, *Julia Barton*, *Sheriff LaFarr*, *Undersheriff Comeau* and *John Doe*; *Opioid litigation*; *Lewis v. Warren County*; and *Estate of Ryan Sean Taylor v. Town of Hadley*, *Town of Lake Luzerne*, *Saratoga* and *Warren Counties*.

A motion was made by Mr. Magowan, seconded by Mr. Geraghty and carried unanimously to enter into to enter into an executive session to discuss pending litigation pursuant to Section 105(1)(d) of the Public Officer's Law.

Executive session was held from 9:28 a.m. until 10:40 a.m.

Upon reconvening, Ms. Braymer advised no action was taken during the executive session.

Continuing, privilege of the floor was extended to Jackie Figueroa, *County Human Resources Director*, to address Items 4A-C, as follows:

- 4A) Report on tracking of vacancies filled - included for informational purposes.
- 4B) Report on terminations and exit interviews - included for informational purposes.
- 4C) Remote Work Agreement- Ms. Figueroa stated this was a new policy that was currently under review by the CSEA (*Civil Service Employees Association*) and set parameters on remote work for CSEA and out-of-unit employees; she noted this was not applicable to employees who were members of any of the bargaining units in the Sheriff's

Department. Ms. Braymer added Ms. Figueroa had a framework in place that she had asked her to move forward with in order to get some consistency with employees who were working remotely, as this had been occurring since the begging of the pandemic without a policy in place. She stated the hope was to offer employees some flexibility going forward and this would formalize these arrangements and ensure the employee and their supervisors were aware of what the expectations were. She recognized Ms. Figueroa for compiling this policy in time to present it to the Committee. She added Patricia Nenninger, *Personnel Officer*, Rob Lynch, *Deputy County Treasurer*, Mike Swan, *County Treasurer*, Ms. Kissane and Ryan Moore, *County Administrator*, had all reviewed the policy and it was also shared with the County's outside counsel regarding matters pertaining to labor and the CSEA. Ms. Braymer asked Ms. Figueroa whether she believed the CSEA would be requesting any significant changes to the policy, as she would like this to be moved forward today to go before the Board for approval at their March 19th Board Meeting. Ms. Figueroa replied she did not anticipate the CSEA would be requesting any changes of significance. She noted the policy had been reviewed by the County's outside counsel regarding matters pertaining to labor in anticipation of what the CSEA may object to and these matters had been addressed.

A discussion ensued regarding who the discretion of approval for remote work by Department Heads should be assigned to. During the discussion Mr. Geraghty apprised he believed they should also consider revisiting the Local Law that was adopted in 2017 that stripped the County Administrator position of many of the administrative duties. Following the discussion it was determined the County Administrator would provide the final approval for remote work issued in writing. In regards to a question posed by Mr. Conover, Ms. Figueroa responded the County reserved the right to withdraw this as a whole and on an individual case by case basis. She explained not all of the positions within the County were conducive to working from home and it was being left up to the Department Head to make that determination for the staff in their department and for Mr. Moore to sign off on in cases involving the Department Heads. She noted even if an employee entered into a remote work arrangement it could be withdrawn at any anytime and the policy included language that allowed for staff to be recalled to the office during the workday for an emergency. Chairwoman Seeber advised it was time for them to begin planning for how they would reopen the County in a safe and responsible manner.

Motion was made by Mr. Geraghty, seconded by Mr. Driscoll and carried unanimously to approve the request and the necessary resolution was authorized for the March 19th Board Meeting.

Ms. Braymer apprised agenda Item 5 concerned a Request/Item to be discussed by Amy Clute, *Self-Insurance Administrator*, involving a request to approve the Warren County Public Health Emergency Plan. Ms. Clute advised a working group consisting of staff from the Office of Emergency Services, Human Resources, County Attorney's Office, the County Administrator's Office, her office and Chairwoman Seeber had drafted this plan in accord with the New York State Labor Law and Education Law that were amended last fall which required public employers to have a plan for public operation in the event of a declared public health emergency involving a communicable disease. She informed the plan included identification of essential positions, facilitation for remote work for non-essential employees, provision of personal protective equipment and protocols for supporting contact tracing. She stated the plan was drafted using a template provided by both NYSAC (*New York State Association of Counties*) and the County's Safety Consultant.

A discussion ensued during which Ms. Clute noted she was available to assist the towns with compiling their plans. Mr. Conover acknowledged Ms. Clute for the assistance she had provided to the Town of Bolton with putting together their plan.

Motion was made by Mr. Conover, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the March 19th Board Meeting.

Ms. Braymer announced prior to recusing herself from the discussion on agenda Item 6 she would like to note the suggestion that she was bribed, duped or made a deal over an increase in her salary of \$6,000 was ridiculous and offensive to her

reputation as a professional in this community. Mr. Beaty apprised he would also be recusing himself from this particular discussion. Ms. Braymer turned the meeting over to Mr. Geraghty, as Vice-Chair who proceeded to agenda Item 6 which pertained to a referral from the joint meeting of the Economic Growth & Development/Governmental Operations & Advocacy regarding a resolution submitted by Supervisor Strough - *Resolution to Eliminate the Positions of Majority Leader and Minority Leader and the Compensation Appropriated for the Leaders of those Positions*". *Note: this item is a referral to the Personnel, Administration & Higher Education Committee because the action will require amending the Table of Organization and Salary Schedule to delete the positions of Majority Leader and Minority Leader.*

Ms. Braymer and Mr. Beaty left the meeting at 11:08 a.m.

Mr. Conover advised this tied directly to the Rules of the Board and as such should be directly forwarded to the Board, who was responsible for their rules. He said they had a high bar in terms of revisions to their rules and because of that he would recommend the Committee approve this to get in front of the Board for discussion. He advised this did not mean they had to approve this at the Board Meeting, as they could vote in whatever manner they desired just as every member of the Board did. He voiced his displeasure with the fact that this was the third Committee this matter had been brought before, apprising he believed there should be one Committee that had jurisdiction relative to certain matters. He restated he believed the Committee should approve this and forwarded it to the March 19th Board Meeting to make the final decision.

A motion was made by Mr. Conover to approve the resolution submitted by Supervisor Strough as previously mentioned, Mr. Geraghty asked if anyone would like to second that motion, but no response was given.

Mr. Magowan stated prior to the creation of these two positions the Board had been illegally providing a stipend to the Vice-Chair of the Board. He apprised the creation of these two positions permitted the County to pay a stipend to the Chairs of the Personnel and Finance Committees while also bringing them into compliance with the law. He indicated he was not in favor of eliminating these positions and the stipends they received. He added he believed this was an attack against the Chairwoman of the Board, who was attempting to bring the County in compliance with the law and had requested they keep the changes she had made in place for at least ninety days following which they could revisit any areas of concern; however, he noted, the complaints started immediately and continued on a daily basis.

Mr. Geraghty interjected the reason the matter was being brought before the Personnel, Administration & Higher Education Committee was because it related to a personnel matter. Mr. Magowan advised he understood this matter needed to go through the Committee structure before it could go before the Board as indicated in the Rules of the Board. He stated what he could not comprehend was why a few Board Members were pushing this issue when everything was running so smoothly.

Mr. Driscoll apprised he had concerns with the titles, noting when he was a member of the City of Glens Falls Common Council he worked with Supervisor Diamond, who was the Mayor for the City at that time, and not for him. He stated all of the Supervisors salaries were the same and he recognized there were certainly additional duties and responsibilities that were required of these two positions; however, he noted, his pet peeve was semantics of the titles of the positions which sent mixed messages to the public.

Mr. Geraghty indicated a motion was made by Mr. Conover to move this matter to the full Board to make a determination and he asked Mr. Driscoll if he was seconding the motion to open it up to discussion to allow those who were not Committee members to comment on the matter. Mr. Driscoll asked what would occur if the motion was not seconded and Mr. Geraghty replied the discussion would end and it would not go before the Board in the form of a resolution. Mr. Driscoll advised he would second the motion to allow his colleagues to comment on the matter.

Chairwoman Seeber informed as it related to the resolution that was in front of them today, there was no indication as to who

supported this resolution or who wrote it. She said she was told on the record during the joint meeting of the Economic Growth & Development/Governmental Operations & Advocacy this resolution was drafted by Supervisors Leggett and Strough; however, she noted, agenda Item 6 did not indicate who it was introduced by which was different than all of the other resolution requests that were before them. She said this was now a document posted on the County website which was going before them for consideration today and was both personally, as well as professionally offensive to her for the following reasons: She stated it had been articulated to her since 2014 when she first became a member of the Board of Supervisors by Mr. Conover that all matters went before the Personnel and Finance Committees, but she had since learned this was incorrect. She informed anything pertaining to deleting a position, adding a position or personnel matters went before the Personnel Committee and items regarding any amount of money would go before the Finance Committee which in this case because it related to deleting positions and the stipends associated with them would have to go before both Committees. She apprised there were checks and balances in place for everything that was approved that lead from one Committee to another with the exception of the occasional emergency situations. She advised that being, in regard to the first Whereas paragraph regarding the history of the Board in providing openness and transparency, she would like to call their attention to the fact that the Board had tabled the Rules of the Board at their January 8th Organization meeting to allow her additional time for review and to make changes. She said following this meeting she decided she wanted to take into consideration Mr. Geraghty's comments about multiple Vice-Chairs and as a result of multiple Supervisors expressing a desire for there to be a way for all of them to have a voice and to work together with openness and transparency which was in fact the first Whereas in the proposed resolution. She apprised she had spent a significant amount of time contacting each Board member and also emailed them several times and yet she did not receive a response from Mr. Strough, who was sponsoring this resolution, as well. She indicated she had spoken at great length with Mr. Leggett multiple times that week to ensure he was not left out in anyway as they discussed caucuses and were notified it would be illegal to have a member from another political party there. She said she had confirmed with the County Attorney's Office, the County Administrator's Office and the Clerk of the Board that it was legal and permissible to hold a caucus in the Board Room and in the Committee Room. She mentioned all members were afforded the opportunity to talk with one another and unlike any meeting the Board has ever held which she had reviewed the last ten years of the Standing Committee Listing had consistently been distributed following the appointment of a Chair of the Board. She informed this time they were provided with more than twenty-four hours notice to review the changes she had made, as well as conveyed the information that was provided by the County Attorney's Office, the County Administrator's Office and the Clerk of the Board that it was it was not legally permissible to pay a stipend to the Vice-Chair or Finance Chair which at that time was joint Committee with Personnel. She apprised when it was brought to her attention that they could not proceed with something that was unauthorized or not in accordance with the law she decided not to move forward in that path. She surmised Mr. Thomas, who was the former Chair of the Board, was never provided with this information because the question was never asked about how to continue to compensate multiple Vice-Chairs and was the reason he did not review this matter. She indicated she had pondered whether this was ever discussed during the Organization Meeting in 2018 when the Personnel and Finance Committees were split into two separate Committees resulting in the creation of two separate Chair positions when Mr. Conover served as Chair of the Board. She informed it had been left up to her whether to continue to follow the law for which she would always decide to adhere to. She advised it was within this spirit that every Board member was notified of and provided copies and also confirmed in writing from three top officials in the County and the resolution stated otherwise which was not factual. She called attention to the State Law concerning Counties which reputed the proposed resolutions indication that no document described the mission of the positions, or provided a rational basis for their existence. She notified to feel free and confer with Ms. Kissane, Mr. Moore or Mrs. Allen that these were two of the four positions that were permitted to be paid more then the other members of the Board. She noted as the Chair of the Board of Supervisors it was rightfully within her power to appoint Committee members which all of them were aware of. She noted all of this was included within the Rules of the Board which were voted on and approved at the January 15th Board Meeting, with only one Supervisor voting in opposition and another voicing his opposition after it had already been voted on and approved and yet they continued to debate this matter and were a weighted Board and was why it goes through Committee to the full Board where they then represented their population appropriately. In addition to this, she informed she had completed research on every single County with a Legislative Board within the State and determined

there were multiple Counties that addressed the Majority and Minority Leaders, as well as others who had other positions on their Board who were compensated through a process that consisted of a proposition. She indicated if the Board would like to change the make up of the Board or how they were complied she would be more then willing to have that discussion, request a Working Group and request public input on that. She stated they could feel free to ask the County taxpayers to pay more for those positions, but if they were going to move this resolution forward she would request that they amend it to make it truthful, remove the second Whereas paragraph and recognize that this was not done to defy and polarize. She apprised they should continue to do their homework and follow the law, as this was what she was elected to do and she was aware each member of the Board believed in that. In addition to her request to amend the proposed resolution, she stated she would like them to consider withdrawing the compensation for the Chair of the Board which had already been reduced to \$20,000 if they were going to proceed with eliminating the compensation to the Majority and Minority Leader positions who had additional duties. She stated in 2021 she had asked Supervisors Beaty and Braymer to take on the rolls of Majority and Minority Leaders and she was sorry if that offended anyone present, but the appointments of the Chairs of the Personnel, Administration & Higher Education and Finance Committees were solely her decision to make as the Chairwoman of the Board and she would appreciate an opportunity to do that job. She stated she had requested that they give the changes she made ninety days and then they could revisit them to discuss any issues they had with them and yet they only gave her forty-five days before they proposed a resolution to eliminate these positions. She apprised she concurred with them that they actually do what the resolution was calling for which was openness, transparency and working in unity, as this was the exact goal that was before them which continued to be before them and she repeatedly requested that they engage in it. She remarked she was appreciative of the time they had afforded her to talk about this, but she was requesting the stipend for the Chair of the Board be removed so that next year when the Board decided who they wanted to appoint to those rolls were aware of what that compensation looked like. She indicated she would go so far as to say if they all wanted to do the work they were elected to do by their community which came with some compensation and benefits she would then state she would be more than willing to reduce that to \$1. She noted it was time they started to recognize that collectively they should be working together and this proposed resolution that had been signed by no one and was posted on the County website did not factually represent the number of phone calls, emails, texts and meetings that took place to notify and educate every member of this Board. She advised if they did not want to return her calls, texts or emails or believe the information that was provided by Ms. Kissane, Mr. Moore and Mrs. Allen that was their decision, but she was going to continue to do the job the taxpayers elected her to do, and once again stated it was an honor and a privilege to serve as Chairwoman for 2021.

A lengthy discussion ensued following which Mr. Conover amended his motion and Mr. Driscoll amended his second to remove any of the objections Chairwoman Seeber had to the resolution submitted by Supervisors Strough *“to eliminate the Positions of Majority Leader and Minority Leader and the Compensation Appropriated for the Leaders of those Positions”*.

Further discussion ensued.

Mr. Moore stated the notion of how the Majority and Minority Leaders were selected was not spelled out anywhere in the law and was for a legislative body to decide for itself which in this case was the Board of Supervisors and the political parties caucuses. With respect to the notion that a resolution could be brought at anytime regardless of the Committee process, Mr. Moore advised this was correct. He informed they were currently in the Committee process which this resolution was going through and ought be followed; however, he noted, any Supervisor had a right to bring forward a resolution that had not gone through the Committee process. He stated in those cases they looked to what the Rules of the Board indicated which was if a resolution did not go through Committee the Rules of the Board must be waived. He said if the Rules of the Board were waived a Supervisor could bring something to the Board that did not pass-through Committee. He mentioned the other point was it was true in the beginning of the year at times the Chair of the Board had brought forth amendments that they proposed to the Rules of the Board which were subsequently distributed to the Board by Mrs. Allen with the changes outlined in red. He stated if the Chair of the Board, who was taking office at the beginning of the year or carrying over from the prior year had a change then that change was presented to the Board without going through Committee and was typically handled at the

Organization Meeting at the beginning of the year. He apprised what had been suggested for the 2022 adoption of the Rules of the Board that these be presented to Committee in September of this year to allow for any member of the Board to bring forward any issues and/or proposed changes they would like to see made so that they vented these issues through the Committee and improve the process.

Mr. Geraghty called for a brief recess. Mr. Dickinson inquired whether he would have the opportunity to comment when they returned from the recess and Mr. Geraghty replied affirmatively. The Committee recessed from 11:48 a.m. until 12:11 p.m.

Upon reconvening, Mr. Geraghty asked Mrs. Allen to read aloud the proposed resolution as amended. Mrs. Allen apprised she had emailed a copy of the amended resolution to the members of the Board, and she proceeded to read same aloud. A copy of the revised resolution is on file with the meeting minutes.

Mr. Geraghty asked if Mr. Dickinson would like to make his comments now and Mr. Dickinson responded he would hold off until the outcome of the vote on the amended resolution. Mr. Geraghty asked Mr. Conover if he would like to make a motion to approve the amended version of the Resolution submitted by Supervisor Strough and Mr. Conover replied affirmatively. Mr. Geraghty then asked Messrs. Driscoll and Magowan if either of them would like to second the motion and they both replied in the negative. Mr. Geraghty announced the motion failed and the resolution would not be moved forward by the Personnel, Administration & Higher Education Committee, as he was not permitted to vote on the matter since he was Chairing the Committee meeting. Mr. Conover questioned how many Committee members were present and Mr. Geraghty replied four. Mr. Conover advised for the record a Chair of a Committee was allowed to vote and had the same privileges as the other Committee members and no changes in the Rules of the Board specified otherwise; however, he noted, in this instance even if Mr. Geraghty were to vote in the affirmative it would result in a tied vote and the motion would fail.

Supervisor Braymer returned to the meeting and resumed as Chair of the Committee at 12:15 p.m. Mr. Beaty also re-joined the meeting at 12:15 p.m.

Mr. Braymer advised Agenda Item 7 concerned a referral from the Public Safety Committee, *Office of Emergency Services*, involving a request to delete the position of County Fire Coordinator - Temp, *Annual Salary \$45.6093/hour*, effective March 22, 2021.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the March 19th Board Meeting.

Ms. Braymer informed Agenda Item 8 concerned a referral from the Tourism & Occupancy Tax Coordination Committee, *Tourism*, pertaining to a request to amend the Table of Organization and Salary Schedule to create and fill the position of Tourism Development & Events Coordinator, *Annual Salary \$61,855*, effective April 1, 2021 and identify a source of funding for the position. The Tourism & Occupancy Tax Coordination Committee included in their motion that this position was to be created on a temporary basis, subject to the revenues generated.

Mr. Geraghty stated there was an existing vacancy within the Tourism Department and there had been discussion about hiring someone on a temporary basis to assist with tracking events and the safety protocols that were in place as a result of COVID-19 and attract new events to the County with the salary of the position tied to the success of these new and future events. He informed there was approximately \$42,000 in the Tourism Budget to offset a portion of this salary and a source of funding would need to be identified by the Finance Committee to cover the remaining amount if the Committee approved this position.

A discussion ensued during which Mr. Moore indicated this was similar to the positions within the Public Defender's Office that were funded by grants and if the grant went away then the position would be eliminated. He stated in this case the

individual would be required to do an annual report for the Board in April or May where they discuss their actions from the prior year to be able to track their progress because the notion of this position was that it paid for itself; he added he was confident this would occur.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the March 19th Board Meeting.

The following contains a listing of positions authorized for filling by Standing Committees since the last meeting:

- Buildings and Grounds** - Building Maintenance Worker #2, *Grade 7, Base Annual Salary \$33,600*, due to promotion.
Building Maintenance Mechanic #6, *Grade 7, Base Annual Salary \$33,600*, due to promotion
Cleaner #12, *Grade 2, Base Annual Salary \$27,438*, due to termination.
- Countryside Adult Home** - Food Service Helper #3, *Grade 2, Base Annual Salary \$27,438*, due to retirement.
Institutional Aide #2, Part-time, *Grade 3, Base Annual Salary \$28,026 (32hrs/week)*, due to resignation.
- DPW** - MEO (M) #5, *Grade 9, Base Annual Salary \$36,214*, due to promotion.
MEO (M) #26, *Grade 9, Base Annual Salary \$36,214*, due to promotion.
- Fire Prev. & Bldg. Codes** - Fire Prevention & Building Code Enforcement Officer #6, *Grade 17, Base Annual Salary \$45,455*, due to resignation.
- Office for the Aging** - Meal Site Manager #5 (Warrensburg), *Grade 2, Base Annual Salary \$27,438 (25hrs/week)*, due to resignation.
- Fiscal Coordinator, *Grade 15, Base Annual Salary \$42,141*, due to retirement.
- Planning & Community Development** - Assistant County Planner, *Annual Salary \$61,855*, due to resignation.
- Sheriff** - Communications Officer #6, *Annual Salary \$41,740*, due to resignation.
- Investigator #9, *Annual Salary \$72,561*, due to retirement.
- Patrol Officer #TBD, *Annual Salary \$42,373*, due to promotion.

Ms. Braymer asked Don Lehman, *Director of Public Affairs*, if any comments from the public had been received and Mr. Lehman replied in the affirmative. He advised there were comments from an individual identifying themselves at June Maxam who inquired why Chairwoman Seeber was conducting a filibuster and disseminating false information to the Board. He informed Ms. Maxam stated Chairwoman Seeber vacated the office and had no legal standing to even appear before the Committee by failing to comply with County Law 450 which required her to file an undertaking within twenty days of January 8th individual or blanket. He advised Ms. Maxam also indicated Supervisors Beaty and Braymer were not Majority and Minority Leader as they both vacated the office by operation of law as per Public Officer's Law 30 (1)(h) by failing to take and file their oaths within thirty days of appointment. Mr. Lehman advised Ms. Maxam informed some were insisting the Board was acting illegally and they were now as Ms. Seeber, Mr. Beaty and Ms. Braymer were all now vacating the office they each legally claimed. Mr. Lehman added Marie Bosford had asked a question earlier in the meeting about whether the internships were paid and Ms. Braymer replied the internships at the County were unpaid.

Ms. Braymer stated she would be stepping away from the meeting and Mr. Geraghty, as Vice- Chair would be filling in for her, as she had another meeting to attend.

In response to the issue with the undertaking, Ms. Kissane advised in 1998 the County passed a resolution which was a blanket undertaking for the County and any County official that was required to file an undertaking was taken under that resolution. She stated this meant an undertaking did not have to be filed every year. In regard to the oaths of office, she informed she believed they had all been filed, adding the Majority and Minority Leaders had filed their oaths of office resulting in those positions being considered filled.

There being no further business to come before the Personnel, Administration & Higher Education Committee, on motion made by Mr. Magowan, seconded by Mr. Conover and carried unanimously, Mr. Geraghty adjourned the meeting at 12:27 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board