

Warren County Board of Supervisors

BOARD MEETING
FRIDAY, JANUARY 21, 2022



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 10:04 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Leggett.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Geraci, Hogan, Dickinson, Merlino, Strough, Wild, Magowan, Seeber, Beaty, Thomas, Runyon and Geraghty -20; Absent -0. All Supervisors in attendance were physically present, aside from Supervisor Leggett who attended the meeting virtually.

Motion was made by Supervisor Hogan, seconded by Supervisor Geraci and carried unanimously to approve the minutes of the December 17, 2021 Board Meeting and January 6, 2022 Organization Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Deborah Toolan, *Warren County Health Services Department*.

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: Terry Comeau, *Undersheriff*; Lexie Delurey, *Director, Real Property Tax Services*; Denise DiResta, *Director, Veterans' Services*; Christina Mastrianna, *Deputy Commissioner, Department of Social Services*; Rachel Seeber, *Supervisor, Town of Queensbury At-Large*; and Jeff Woodell, *Director, Weights & Measures*.

Report by the County Administrator was given.

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During his Report, Ryan Moore, *County Administrator*, spoke regarding proposed Floor Resolution Nos. 1-3, which included the following:

- Floor Resolution No. 1 - *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 2022 and Making Supplemental Appropriations.*
- Floor Resolution No. 2 - *Amending Warren County Budget for 2022 for the Health Services Department.*
- Floor Resolution No. 3 - *Making Supplemental Appropriations.*

Report by the County Attorney was given.

During his report, Larry Elmen, *County Attorney*, spoke regarding the following four proposed Floor Resolutions before the Board:

- Floor Resolution No. 4 - *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 Requested by the County Attorney: Authorizing a Replacement Deed for a Parcel Conveyed at the 1996 Public Action of Properties; Authorizing a Corrected Tax Roll for 2022 to Correct a Clerical Error on the Tax Roll for a Parcel in Lake Luzerne; and Authorizing the County Auditor to Approve New York State Real Property Tax Law Correction of Errors and/or Applications for Refunds.*
- Floor Resolution No. 5 - *Authorizing a Replacement Deed for a Parcel Conveyed at the 1996 Public Action of Properties.*
- Floor Resolution No. 6 - *Authorizing a Corrected Tax Roll for 2022 to Correct a Clerical Error on the Tax Roll for a Parcel in Lake Luzerne.*
- Floor Resolution No. 7 - *Authorizing the County Auditor to Approve New York State Real Property Tax Law Correction of Errors and/or Applications for Refunds.*

A discussion ensued regarding proposed Floor Resolution No. 6 following which a motion was made by Supervisor Braymer, seconded by Supervisor Dickinson and carried unanimously to amend proposed Floor Resolution No. 6 to include the addition of authorizing the Director of Real Property Tax Services to forward to the Tax Collector for the Town of Lake Luzerne the Board's approval to correct the Tax Roll for Town of Lake Luzerne Tax Map Parcel No. 286.12-1-7 and to issue a corrected Tax Roll.

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

Reports from:

1. Warren County Probation Department - Monthly Reports for Criminal and Family Workloads for the month of November 2021 (*emailed to Board 01/20/22*)
2. COOL Insuring Arena - 2021 Capital Improvement Projects (*emailed to Board 01/20/22*)

Letters/emails from:

1. Larry Elmen, Warren County Attorney - stating order of succession for the County Attorney's Office (*emailed to Board 01/20/22*)

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

Resolution Nos. 18-32 were distributed to the Board and posted to the Warren County website on Tuesday, January 18th, which met the distribution deadline specified in the Rules of the Board. Floor Resolution Nos. 1-7, included in the Board packets, were outlined individually and motions were requested to bring each to the floor.

Motion was made by Supervisor Strough, seconded by Supervisor Merlino and carried unanimously to bring proposed Floor Resolution No. 1, *Waiving the Standing Rule of the Board Relating to the*

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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 2022 and Making Supplemental Appropriations, to the floor. Amanda Allen, Clerk of the Board, announced Floor Resolution No. 1 would now be proposed Resolution No. 33.

Motion was made by Supervisor Leggett, seconded by Supervisor Frasier and carried unanimously to bring proposed Floor Resolution No. 2, *Amending Warren County Budget for 2022 for the Health Services Department*, to the floor. Mrs. Allen announced Floor Resolution No. 2 would now be proposed Resolution No. 34.

Motion was made by Supervisor Frasier, seconded by Supervisor Thomas and carried unanimously to bring proposed Floor Resolution No. 3, *Making Supplemental Appropriations*, to the floor. Mrs. Allen announced Floor Resolution No. 3 would now be proposed Resolution No. 35 and she advised proposed Resolution Nos. 34 and 35 would be subject to roll call votes.

Motion was made by Supervisor Conover, seconded by Supervisor Strough and carried unanimously to bring proposed Floor Resolution No. 4, *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 Requested by the County Attorney: Authorizing a Replacement Deed for a Parcel Conveyed at the 1996 Public Action of Properties; Authorizing a Corrected Tax Roll for 2022 to Correct a Clerical Error on the Tax Roll for a Parcel in Lake Luzerne; and Authorizing the County Auditor to Approve New York State Real Property Tax Law Correction of Errors And/or Applications for Refunds*, to the floor. Mrs. Allen announced Floor Resolution No. 4 would now be proposed Resolution No. 36.

Motion was made by Supervisor Wild, seconded by Supervisor Dickinson and carried unanimously to bring proposed Floor Resolution No. 5, *Authorizing a Replacement Deed for a Parcel Conveyed at the 1996 Public Auction of Properties*, to the floor. Mrs. Allen announced Floor Resolution No. 5 would now be proposed Resolution No. 37.

Motion was made by Supervisor Dickinson, seconded by Supervisor Merlino and carried unanimously to bring proposed Floor Resolution No. 6, *Authorizing a Corrected Tax Roll for 2022 to Correct a Clerical Error on the Tax Roll for a Parcel in Lake Luzerne*, to the floor. Mrs. Allen announced Floor Resolution No. 6 would now be proposed Resolution No. 38.

Motion was made by Supervisor Strough, seconded by Supervisor Frasier and carried unanimously to bring proposed Floor Resolution No. 7, *Authorizing the County Auditor to Approve New York State Real Property Tax Law Correction of Errors And/or Applications for Refunds*, to the floor. Mrs. Allen announced Floor Resolution No. 7 would now be proposed Resolution No. 39.

Discussion on resolutions ensued, as follows:

A discussion ensued regarding proposed Resolution No. 18, *Designating Budget Officer*, during which some Supervisors voiced their concerns with the Budget Officer also serving as the Chair of the Personnel Committee, which was one of the key Committees, noting the typical practice in prior years had been for the Budget Officer to only serve as Chair of the Budget Committee to allow them to focus on the County Budget. During the discussion Supervisor Magowan requested a roll call vote on proposed Resolution No. 18.

Supervisor Conover called for point of order regarding the appointment of Supervisor Thomas, apprising he believed that was the question that was represented in that resolution which required them to vote for or against the proposed resolution. He continued, informing the editorializing on the other issues should be saved for those issues were brought to the floor. He noted mentioning

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any Supervisor by name during a debate was frowned upon by the Robert's Rules of Order and if anyone believed the Budget Officer should not also serve as a Chair on other Committees then they should refrain from mentioning any one Supervisor by name. Further discussion ensued during which other Supervisors voiced the same concerns regarding the Budget Officer serving as the Chair of the Personnel, Administration & Higher Education Committee on top of their duties associated with being the Budget Officer. In regards to the point of order pertaining to not being permitted to mention a Supervisor by name called by Supervisor Conover, Supervisor Seeber indicated she believed this was only in cases when it was used in a derogatory sense. She noted she did not see any reference to a Parliamentarian included in the Rules of the Board, but a resolution had been adopted last year for the Board to have one. She indicated the Parliamentarian's job was to provide advice to the Chair of the Board, adding the point of order Supervisor Conover called upon was not ruled upon, they still followed Robert Rules of Order and she requested that Chairman Geraghty rule upon the point of order to clarify whether it was appropriate to be utilizing a Supervisors name specifically in a complimentary manner which she just did and was not derogatory in any manner. Chairman Geraghty asked Supervisor Conover to quote the specific section of Robert's Rules of Order he referred to in his point of order. Supervisor Conover advised Section 43-21 indicated members should refrain from attributing a members motives and Section 43-23 stated that members should avoid use of a members name because it was not necessary to speak to the issue. He informed he felt the point being made here was the appointment of a positions to Committees was an authority provided to the Chair of the Board and not to the full Board. He added Supervisor Thomas was an excellent Budget Officer. Supervisor Beaty called for point of order, apprising a Supervisor had just indicated the Board members were not permitted to call anyone out by their name, but then proceeded to refer to a Board member by their name and Chairman Geraghty concurred, advising Section 43-23 of Robert's Rules of Order apprised that they should avoid using the name of a member. Supervisor Seeber called for point of order, referring to Section 42-15 of Robert's Rules of Order which indicated debate must be confined to the merits of the pending questions and the speakers must address their remarks to the Chair and maintain a courteous tone especially in reference to any divergence of opinion should avoid injecting a personal opinion into the debate. She stated to that point Supervisor Conover clearly injected a personal note to indicate clearly he was aware of what was occurring here and once again the remarks had been respectful, duly noted and valid upon the previous Rules of the Board over the last decade. She requested that Chairman Geraghty rule on this point of order and ask Supervisor Conover to avoid injecting any type of those personal noted into our debate. Chairman Geraghty ruled in favor of the point of order and asked that Supervisor Conover follow the rules as stated going forward to which he agreed. Further discussion ensued on proposed Resolution No. 18, *Designating Budget Officer*, during which Chairman Geraghty stepped down as Chair and Supervisor Leggett, assumed Chairing the meeting at 11:01 to allow Chairman Geraghty to comment on the proposed Resolution. During Supervisor Geraghty's comments, Supervisor Beaty called for point of order, pointing out Supervisor Geraghty referred to the individual being appointed as Budget Officer by their name which was not permitted. Chairman Leggett ruled in favor of the point of order and asked Supervisor Geraghty to refrain from referring to anyone by their name. Supervisor Geraghty apprised he had spoken with the individual he was appointing as Budget Officer to ensure they were comfortable with the additional workload to which they were agreeable to. He added he had full confidence this individual would do a good job in their dual role, noting he would not be assigning the Chair of the Personnel, Administration & Higher Education Committee to another Supervisor. Following his comments Chairman Geraghty resumed the Chair at 11:03 a.m.

A discussion ensued regarding proposed Resolution No. 32, *Adopting the Rules of the Board of Supervisors*, during which a motion was made by Supervisor Braymer and seconded by Supervisor Beaty to amend Section D(5) of the Rules of the Board to include an additional sentence indicating that Board members shall be permitted to attend an executive session held by a Committee for

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which they were not a member. Supervisor Seeber requested a roll call vote on the proposed amendment and asked whether it was possible to further amend the motion to include allowing the Board members who were not members of the Committee to be allowed to attend and participate during an executive session and Supervisors Braymer and Beaty were agreeable to amend their motions to include what was being proposed by Supervisor Seeber in their motions. Chairman Geraghty called the question and the motion to amend Section 5(D) of the Rules of the Board as outlined above was carried unanimously.

Mrs. Allen advised an amendment to page 5 of the Rules of the Board was required to include Weights and Measures reporting to the County Facilities Committee, as they had inadvertently been left off. Motion was made by Supervisor Wild, seconded by Supervisor Strough and carried unanimously to amend the proposed Resolution No. 32, *Adopting the Rules of the Board of Supervisors*, as outlined above.

Motion was made by Supervisor Diamond and seconded by Supervisor Dickinson to amend proposed Resolution No. 32, *Adopting the Rules of the Board of Supervisors*, to allow resolutions to be brought to the floor with a simple majority vote rather than require a two thirds majority vote. Mr. Moore stated he believed what was being referred to was Section F(2) which was featured on the last page of the Rules of the Board where it indicated no Standing Rule of the Board shall be rescinded, suspended, or amended or any additional rule or order added hereto unless it be by two thirds vote. He explained if the intent was to only to apply the majority to as opposed to the two thirds to the process of bringing a resolution that did not go through the Committee process to the floor at the Board Meeting a more efficient way to address this would be on Page 3, Section B(3) in the second sentence of the second paragraph which currently read “*any resolution timely filed with the Clerk, but not approved through the established Committee structure in advance of a Board Meeting shall require a waiving of the Rules of the Board to be considered by the Board during the regular meeting aside from the resolutions which are considered to be administrative, procedural or of an emergency nature*”. He apprised instead of stating “*shall require a waiving of the Rules of the Board to be considered*” the Rules could be amended to state “*shall require a majority vote of the Board to be considered*”. Chairman Geraghty asked Supervisors Diamond and Dickinson if they were agreeable to amending their motion and second to mirror what Mr. Moore suggested and they both replied affirmatively. Chairman Geraghty called the question and the motion to amend proposed Resolution No. 32, *Adopting the Rules of the Board of Supervisors*, as outlined above was carried unanimously.

A discussion ensued regarding Page 4, Section C(11) of the Rules of the Board during which Supervisor Hogan pointed out a motion to adjourn was subject to debate following which it was decided to keep it as it was currently stated.

A motion was made by Supervisor Bruno and seconded by Supervisor Braymer to add a second Board Meeting to be held on the date of the regular Personnel, Administration & Higher Education and Finance Committees meetings. A discussion ensued during which several Supervisors voiced their support of the proposed amendment while others suggested they refer the matter to the Governmental Operations & Advocacy Committee for further discussion. During the discussion Supervisor Leggett requested a roll call vote on the proposed Resolution No. 32, *Adopting the Rules of the Board of Supervisors*. Further discussion ensued following which Supervisors Bruno and Braymer amended their motions to note that the introduction of a second Board Meeting would begin following the regular March Board Meeting. Chairman Geraghty called the question and the motion was carried by majority vote with 548 votes in favor (*Supervisors Diamond, Braymer, Bruno, Driscoll, Geraci Sr., Hogan, Magowan, Seeber, Beaty and Geraghty*) and 454 against (*Supervisors Leggett, McDevitt, Frasier, Dickinson, Merlino, Strough, Wild, Thomas, Runyon and Conover*).

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Upon the suggestion of Supervisor Diamond, a motion was made by Supervisor Driscoll, seconded by Supervisor Dickinson and carried unanimously to amend proposed Resolution No. 32, *Adopting the Rules of the Board of Supervisors*, on page 8, Section F(2), to change the requirement that no standing Rule of the Board shall be rescinded, suspended or amended, or any additional rule or order added thereto, from a two-thirds majority vote to a majority vote.

In regard to establishing a quorum, a motion was made by Supervisor Seeber and seconded by Supervisor Hogan to amend the Rules of the Board in relation to establishing a quorum to reflect that once quorum was established it was maintained when a member left the room and that an absent members vote would be counted as affirmative, rather than as absent. A lengthy discussion ensued during which several Supervisors voiced their opposition to the proposed amendment. During the discussion Mrs. Allen explained the Committee meeting minutes recorded when a Supervisor left a meeting and when they returned so when a Supervisor was not present during a vote they were not counted as having voted affirmatively. She stated in regard to Board Meetings, if a Supervisor was not present during a roll call vote they were marked as absent which did not count as an opposing vote; however, she noted, it did detract from the total number of affirmative votes. Further discussion it was decided going forward the Committee meeting minutes would reflect who voted in favor, who voted in opposition and who was absent to better reflect what had occurred. Ms. Seeber and Ms. Hogan withdrew their motions.

Supervisor Seeber requested a roll call vote on proposed Resolution No. 22, *Appointing Representatives to Adirondack Park Local Government Review Board*, informing she would be voting in opposition of the proposed Resolution because she believed the Chairman should be providing other Supervisors with the opportunity to represent the County on this Board.

Voting on resolutions occurred; Resolution Nos. 18-39 were approved as presented, with the exception of Resolution No. 32, which was approved as amended from the floor.

Chairman Geraghty offered privilege of the floor and the following spoke:

Chrstianne Strough, *Town of Queensbury Resident*, read aloud an excerpt from the January 5, 2017 Board Meeting minutes where Supervisor Beaty had requested that the stipend paid to the Vice-Chair of the Board be removed and the reasons he believed this was necessary. She pointed out Supervisor Beaty had voted in favor of un-funding the Majority and Minority Leader positions at the January 6, 2022 Organization Meeting; however, she noted, he had collected a stipend for being appointed the Majority Leader in 2021, which was a political appointment.

During privilege of the floor Supervisor Hogan exited the meeting at 12:23 p.m.; Supervisor Dickinson exited the meeting at 12:24 p.m. and returned at 12:29 p.m.

Lexie Delurey, *Director, Real Property Tax Services*, spoke regarding her displeasure with not being invited to participate in the discussion when a proposed salary increase for her position was discussed at the December 17, 2021 Board Meeting in an open session, which she was also unhappy with; she noted the reasons she believed the salary increase was justifiable.

Supervisor Seeber advised as the Chair of the Board during the December 17th, 2021 Board Meeting she would like to apologize on behalf of the Board to Ms. Delurey for that discussion which she had attempted to go into executive session to have, but the Board opted not to. She stated her hope was the Chairman of the Board and Budget Officer/Chair of the Personnel, Administration & Higher Education Committee that there would be no repercussions to Ms. Delurey for addressing the Board on this matter and that they take into consideration the additional work Ms. Delurey had taken on and consider offering her an additional stipend which they both agreed to at a Committee meeting

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held at the end of December of 2021. Next, in response to a comment by Ms. Strough, Supervisor Seeber advised the January 6th Organization Meeting minutes were available on the County website. She noted the Majority Leader position was created with the sole purpose of complying with the law and the individual appointed to that position in 2021 also served as the Chair of the Finance Committee and received compensation in the amount of \$6,000 which had since been un-funded and she referenced a lawsuit that was filed against the County that included repayment of that stipend had been dismissed. In conclusion, Supervisor Seeber spoke regarding Resolution No. 20, *Appointing Representative to Adirondack Balloon Festival Committee*, thanking Chairman Geraghty for reappointing the Supervisor who had been appointed to that Committee last year, as she believed their hard work last year warranted the re-appointment. In regard to the Vice-Chair position she advised because she had been assured this matter would be discussed during the meeting of the Legislative, Rules & Governmental Operations Committee she would refrain from making any comments at this time.

Supervisor Braymer advised as Chair of the Personnel, Administration & Higher Education Committee in 2021 she would like to publicly apologize to Ms. Delurey for discussing the proposed salary increase for her position which she was in favor of and advocated for during the open session.

Supervisor Merlino noted he had seconded the motion to increase Ms. Delurey's salary, apprising he felt it was inappropriate for it to have been discussed in an open session. Supervisor Merlino informed occupancy tax collection for 2021 totaled \$6,447,612.97, adding this figure would increase when the collections from December were received. He advised the Ice Castles event opens to the public this Sunday, with the weekends almost fully sold out. He stated a preview of the event was being held for Supervisors and the media on January 26th at 2:00 p.m. and he invited all to attend. He proceeded to outline the winter promotion for the County which included WinterFest, Winter Carnival, Ice Bar videos, skiing and outdoor recreation and activities. He noted every Wednesday evening beginning February 2nd the Ice Castles would be open for locals for an admission fee of \$5 per person.

Supervisor Dickinson spoke regarding comments he made during the January 6th Organization Meeting where he made some remarks that could be deemed insensitive specifically toward Supervisor Magowan for which he had apologized to him and he courteously accepted and now he was publicly apologizing for his outburst.

Supervisor McDevitt spoke regarding the lack of an emergency vet services which he was working on finding a solution for.

Supervisor Magowan voiced his displeasure with the Standing Committee List and the lack of assignments made to him.

Supervisor Magowan exited the meeting at 12:48 p.m.

Supervisor Driscoll noted he had completed all of the online training required of him by the County and he encouraged his colleagues to fulfill them before they were due. He added he was also signed up to take the Office of Emergency Services Tier III Emergency Management for Local Officials training on January 31st. Supervisor Driscoll spoke regarding how he believed each Committee was important. He concluded by noting it was the two year anniversary of the first recorded COVID-19 case in the United States and he encouraged all to continue to be diligent in taking the necessary precautions and promote the vaccine.

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Supervisor Beaty commended the prior chair of the ARPA Committee who had recently stepped down from the position. He voiced his displeasure with the manner in which the female Supervisors on the Board were being overlooked. Supervisor Conover called for point of order, indicating the speaker was attempting to assign motives to a point he was seeking to make and the rules specifically stated assigning motives of the Chair or any Supervisor on this Board was not to be brought forward in this manner. Chairman Geraghty requested that Supervisor Beaty be respectful of the rules. Supervisor Beaty read aloud data regarding the percentage of female Supervisors on the Board and the percentage who were Chairs or Vice-Chairs of Committees, as well as the number of Supervisors who were neither Committee Chairs or Vice-Chairs.

Supervisor Wild noted he believed he was not the only Supervisor who had not served as a Chair or Vice-Chair of a Committee during 2021.

Chairman Geraghty advised the occupancy tax reporting from towns were due in March which he requested be submitted to the County Attorney's Office. He advised based upon the Rules of the Board, Committee assignments were in the Clerk of the Board's office, adding all Committee Chairs could select their Vice-Chair. He concluded by notifying oaths of office were available in the Clerk of the Board's Office to sign.

There being no further business to come before the Board of Supervisors, Chairman Geraghty called for a motion to adjourn and declared the meeting adjourned at 12:54 p.m.