

Warren County Board of Supervisors

BOARD MEETING
FRIDAY, FEBRUARY 18, 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, aside from Supervisor Seeber who attended the meeting virtually.

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.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Diamond.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Geraci, Dickinson, Merlino, Strough, Wild, Magowan, Seeber, Beaty, Thomas, Runyon and Geraghty -19; Absent -1 Supervisor Hogan. All Supervisors in attendance were physically present, aside from Supervisor Seeber who attended the meeting virtually.

Motion was made by Supervisor Driscoll, seconded by Supervisor Dickinson and carried unanimously to approve the minutes of the January 21, 2022 Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Tammie DeLorenzo, *Assistant to the County Administrator*.

Supervisor Hogan entered the meeting at 10:03 a.m.

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: Tammy Breen, *Children's Services Supervisor, Department of Social Services*, Joanne Conley, *Director, Tourism*, and Julie Montero, *Fiscal Manager, Department of Social Services*.

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

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Dr. David Judkins, *Warren County Resident*, spoke regarding his displeasure with the lack of communication regarding his un-appointment as a member of the Warren County LDC (*Local Development Corporation*) by the Chair of the Board, noting the former Chair had appointed him on December 31, 2021. He asked Chairman Geraghty to publicly respond to his comments and Chairman Geraghty advised he would respond to him in a manner that could be shared with the public.

Supervisor Beaty apologized to Dr. Judkins on behalf of the majority of the members of the Board for the manner in which he had been treated. He proceeded to voice his disapproval for the handling of this manner which he did not believe was appropriate.

Supervisor Diamond apprised they should be working on encouraging members of the community to volunteer, but instead what occurred here was shameful and conveyed the wrong message to the community.

Supervisor Seeber voiced her dissatisfaction with the actions of Chairman Geraghty regarding Dr. Judkin's removal as a member of the LDC, adding she wanted to personally apologize to Dr. Judkins for what occurred.

Supervisor Magowan apologized to Dr. Judkins for what occurred, adding he would be more than willing to resign from the LDC in order to free up a position for Dr. Judkins.

Report by the Chairman of the Board was given.

Report by Committee Chairs were given, during which Chairman Geraghty provided every Supervisor with the opportunity to speak regardless of whether they Chaired a Committee.

Following the Reports by Committee Chairs, Chairman Geraghty spoke regarding a letter that was distributed to the Board members from the ARCC (*Adirondack Regional Chamber of Commerce*) regarding The Farm Labor Wage Act Overtime Bill which could be discussed at Committee if desired. He recognized Supervisor Braymer for being appointed to serve on NYSAC's (*New York State Association of Counties*) Climate Change Committee.

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*, requested an executive session to discuss an incident that occurred on October 15, 2021, to address any questions that may exist regarding proposed Resolution Nos. 86 and 87 of 2022 and any questions from the Board pertaining to any formal opinions that were issued since the last Board Meeting. He noted the purpose of the discussion regarding the incident that occurred on October 15, 2021 related to matters that may lead to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person. He stated additionally there was an exemption from Open Meetings Law Under Section 108(3) which indicated that any matter that was made confidential by Federal or State Law was exempted from the Open Meetings Law including attorney/client communications and attorney/client work privileges, both of which would be part of the conversation regarding the October 15, 2021 incident. He added the discussion regarding proposed Resolution Nos. 86 and 87 of 2022 involved pending and current litigation under Section 105(d) of the Public Officers Law, as well as the discussions regarding the formal opinions if any occurred would fall under Section 108(3).

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Mr. Elmen requested that Mike Swan, *County Treasurer*, be permitted to remain for executive session; there were no objections.

Motion was made by Ms. Hogan, seconded by Mrs. Frasier and carried unanimously to enter into an executive session pursuant to Sections 105(d) and (f) of the Public Officers Law.

Executive session was held from 11:00 a.m. until 12:24 p.m.

Votes taken during executive session:

- Vote to table discussion on the matter of the October 15, 2021 incident until a future meeting:*
Votes in favor - 488 (Diamond, Braymer, Bruno, Driscoll, Geraci, Hogan, Magowan, Seeber, Beaty)
Vote against - 319 (Frasier, Dickinson, Merlino, Wild, Thomas, Runyon, Conover, Geraghty)
Abstaining - 148 (McDevitt, Strough)
Absent - 47 (Leggett)
Fails
- Vote to accept the report prepared by the County Administrator and County Attorney in regards to the October 15, 2021 incident, as provided:*
Votes in favor - 290 (Frasier, Dickinson, Merlino, Wild, Conover, Geraghty)
Votes against - 517 (Diamond, Braymer, Bruno, Driscoll, Geraci, Hogan, Magowan, Seeber, Beaty, Thomas, Runyon)
Abstaining - 148 (McDevitt, Strough)
Absent - 47 (Leggett)
Fails

Upon reconvening, Ryan Moore, *County Administrator*, announced that as a result of the Executive Session, no action would be taken by the Board. In regard to the incident that occurred at the October 21, 2021 Board Meeting, Mr. Moore informed the votes to table the discussion until a future meeting and accept the report prepared by himself and the County Attorney both failed, resulting in no further action being taken on the matter.

Mr. Elmen continued on with the Report by the County Attorney.

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

Reports from:

- Warren County Probation Department - Monthly Reports for Criminal and Family Workloads for the month of December 2021 (*emailed to Board 02/17/22*)
- Adirondack Park Local Government Review Board - 2021 Statement of Services (*emailed to Board 02/17/22*)
- Cornell Cooperative Extension - 2021 Annual Report
- Lake George Park Commission - 2021 Final Report - Lake George Aquatic Invasive Species Prevention Program (*emailed to Board 02/17/22*)
- Capital District Regional Off Track Betting Corp. - Financial Report, October 31, 2021 (*bound report, not emailed*)

Letters/emails from:

- FitzGerald Morris Baker Firth - Notice of Public Hearing regarding Brookfield Power Project (*emailed to Board on 01/25/22*)
- FitzGerald Morris Baker Firth - Notice of Public Hearing regarding Fort William Henry Corporation Project (*emailed to Board on 01/25/22*)

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Other:

1. Washington County Board of Supervisors - Resolution No. 42 of 2022, *“Appoint Members to the Counties of Warren and Washington Industrial Development Agency and Civic Development Corporation”*

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

Amanda Allen, *Clerk of the Board*, advised Resolution Nos. 40-108 and two Proclamations were distributed to the Board and posted to the Warren County website on Tuesday, February 15th, which met the distribution deadline specified in the Rules of the Board. She stated Proposed Resolution No. 68, *Resolution Altering the Standing Rules of the Board of Supervisors, as Adopted by Resolution No. 32 of 2022, to Make Changes to the Number of Warren County Sheriff Department Correction Officer Positions and to Change the Date of the April Board Meeting*, had been amended after mailing and a motion was needed to approve the revisions. The necessary motion was made by Supervisor Dickinson, seconded by Supervisor Thomas and carried unanimously. Floor Resolution Nos. 1-8, included in the Board packets, were outlined individually and motions were requested to bring each to the floor.

Motion was made by Supervisor Conover, seconded by Supervisor Wild and carried unanimously to bring proposed 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 a Resolution Amending Resolution No. 12 of 2022, Reappointing Members to the ARPA Advisory Committee, to Fill a Vacancy Due to Resignation*, to the floor. Mrs. Allen announced Floor Resolution No. 1 would now be proposed Resolution No. 109.

Motion was made by Supervisor Frasier, seconded by Supervisor Braymer and carried by majority vote, with Ms. Hogan abstaining, to bring proposed Floor Resolution No. 2, *Amending Resolution No. 12 of 2022, Reappointing Members to the ARPA Advisory Committee, to Fill a Vacancy Due to Resignation*, to the floor. Mrs. Allen announced Floor Resolution No. 2 would now be proposed Resolution No. 110.

Motion was made by Supervisor Braymer, seconded by Supervisor Thomas and carried unanimously to bring the following proposed Floor Resolutions to the floor:

Proposed Floor Resolution No. 3, *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 Amending Resolution No. 31 of 2022, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to Fill a Vacancy Due to Resignation*.

Proposed Floor Resolution No. 4, *Amending Resolution No. 31 of 2022, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to Fill a Vacancy Due to Resignation*.

Proposed Floor Resolution No. 5, *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 Appointing Chair of the American Rescue Plan Act (ARPA) Special Committee*.

Proposed Floor Resolution No. 6, *Appointing Chair of the American Rescue Plan Act (ARPA) Special Committee*.

Proposed Floor Resolution No. 7, *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*

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Meeting in Order to Entertain a Resolution Authorizing a Correction to 2022 City of Glens Falls Tax Roll Due to an Unlawful Entry per Section 550(7)(A) of the Real Property Tax Law.

Proposed Floor Resolution No. 8, *Authorizing a Correction to 2022 City of Glens Falls Tax Roll Due to an Unlawful Entry per Section 550(7)(A) of the Real Property Tax Law*, to the floor.

Mrs. Allen announced Floor Resolution Nos. 3-8 would now be known as proposed Floor Resolution Nos. 111-116.

Discussion on resolutions ensued, as follows:

Supervisor Braymer requested roll call votes on proposed Resolution Nos. 68, *Resolution Altering the Standing Rules of the Board of Supervisors, as Adopted by Resolution No. 32 of 2022, to Make Changes to the Number of Warren County Sheriff Department Correction Officer Positions*, and 89, *Authorizing Call in Rate for the Director of Public Health and Patient Services and Assistant Director of Public Health*.

Supervisor Driscoll requested a roll call vote on proposed Resolution No. 62, *Appointing Members of Professional Advisory Committee for the Health Services Department*.

Supervisor Braymer spoke regarding proposed Resolution No. 114, *Appointing Chair of the American Rescue Plan Act (ARPA) Special Committee*, during which she outlined her qualifications to serve as the Chair of the ARPA Advisory Committee.

In regard to proposed 110, *Amending Resolution No. 12 of 2022, Reappointing Members to the ARPA Advisory Committee, to Fill a Vacancy Due to Resignation*, Supervisor Dickinson apprised he had graciously accepted Chairman Geraghty's offer to Chair the ARPA Advisory Committee, advising he had already taken a few phone calls on this matter.

Discussion ensued regarding proposed Resolution Nos. 110 and 114 during which several Supervisors voiced their support of Supervisor Braymer serving as the Chair of the Committee.

A lengthy discussion ensued regarding proposed Resolution No. 106, *Authorizing the Re-Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget; and Amending 2022 Warren County Budget*, during which Mr. Elmen noted if the event organizer for Lake George Winterfest was unable to obtain the special event insurance coverage required by the County they would be ineligible to receive the \$50,000 allocation from the County. During the discussion Supervisor Hogan requested a roll call vote on proposed Resolution No. 106.

Supervisor Braymer requested a roll call vote on proposed Resolution No. 112, *Amending Resolution No. 31 of 2022, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to Fill a Vacancy Due to Resignation*.

Further discussion occurred regarding proposed Resolution No. 106, *Authorizing the Re-Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget; and Amending 2022 Warren County Budget*, during which Supervisor Hogan voiced her disappointment there was no clause included in these years's contract regarding returning funds to the County if the event was profitable.

A motion was made by Supervisor Wild, seconded by Supervisor Bruno and carried unanimously to amend proposed Resolution No. 68, *Resolution Altering the Standing Rules of the Board of Supervisors, as Adopted by Resolution No. 32 of 2022, to Make Changes to the Number of Warren*

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County Sheriff Department Correction Officer Positions, to change the date of the April 2022 Board Meeting from April 15th to April 14th.

Motion was made by Supervisor Beaty, seconded by Supervisor Dickinson and carried unanimously to combine the roll call votes on proposed Resolutions No. 90-95, as well as 97-103.

Upon the suggestion of the County Treasurer, motion was made by Supervisor Wild, seconded by Supervisor Conover and carried unanimously to amend proposed Resolution No. 89, *Authorizing Call-in Rate for the Director of Public Health and Patient Services and Assistant Director of Public Health*, to remove that the pay would be retroactive to January 1, 2022.

Voting on resolutions occurred; Resolution Nos. 40-116 were approved as presented, with the exception of Resolution Nos. 68 and 89 which were amended from the floor and approved in that form.

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

In regard to Resolution No. 89, *Authorizing Call-in Rate for the Director of Public Health and Patient Services and Assistant Director of Public Health*, Supervisor Magowan inquired whether any rules had been established as to what qualified as a “call-in” and Mr. Swan replied affirmatively, indicating there was a policy in place for this purpose that covered exempt employees.

Supervisor Geraci exited the meeting at 1:10 p.m.

Supervisor Wild apprised he would like to disagree with a comment made by an At-Large Supervisor from the Town of Queensbury earlier in the meeting which indicated every Supervisor was provided an opportunity to speak at Board Meetings during Committee Reports regardless of whether they were a Committee Chair last year, as he and at least one other Supervisor, who had not Chaired Committees last year, were not provided this opportunity.

Supervisor Driscoll apologized for not submitting a Proclamation proclaiming the month of February to be “Black History Month”. He stated he had the pleasure of working with Mary Gooden, *President, Local Chapter of the NAACP (National Association for the Advancement of Colored People) and 5th Ward Councilwoman, City of Glens Falls*, who he would introduce to the Board at a future meeting.

Supervisors Hogan and Frasier exited the meeting at 1:15 p.m.

Supervisor Leggett announced the Common Ground Alliance would be holding its Winter Forum next Friday at 9:30 a.m. to review their community blueprint for the Adirondacks.

Supervisor Merlino exited the meeting at 1:17 p.m.

Supervisor Braymer voiced her gratitude for supporting her as Co-Chair of the ARPA Advisory Committee, adding she was looking forward to working with Supervisor Dickinson, as Co-Chair of the Committee. In regard to the Proclamation for Black History Month that was included in the resolution packet, she asked whether a motion to approve this was required and Chairman Geraghty replied this was handled within the collective vote.

Supervisors Dickinson, Diamond and Magowan exited the meeting at 1:18 p.m.

Supervisor Driscoll spoke regarding COVID and how they still needed to be diligent in their

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efforts to encourage their constituents to get vaccinated and take the necessary precautions to stop its spread.

Chairman Geraghty announced the Public Service Commission was holding Public Hearings on broadband on February 23rd, 24th, March 2nd and March 3rd, informing online registration was available for these hearings. He advised the High School Basketball Sectional Tournaments were returning to the Cool Insuring Arena at the end of February and early March and he requested support for the event.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Wild, Chairman Geraghty adjourned the Board Meeting at 1:22 p.m.