

Warren County Board of Supervisors

BOARD MEETING
THURSDAY, MARCH 31 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 in attendance were physically present.

Please note that the following is a summarization of the Board Meeting; the meeting, in its entirety, can be viewed on the Warren County website: <https://warrencountyny.gov/mma>

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York; meeting called to order at 1:09 p.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Braymer.

Roll called, the following members present:

Supervisors Braymer, Bruno, Driscoll, Frasier, Geraci, Dickinson, Merlino, Wild, Magowan, Seeber, Thomas, Conover, Leggett, Diamond, McDevitt and Geraghty- 16; Absent - 4 Supervisors Hogan, Strough, Beaty and Runyon. All Supervisors in attendance were physically present.

Motion was made by Supervisor Dickinson, seconded by Supervisor Geraci and carried unanimously to approve the minutes of the March 18, 2022 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Geraghty offered privilege of the floor, but there was no one wishing to speak.

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.

Report by the County Administrator was given.

Report by the County Attorney was given during which Supervisor Runyon entered the meeting at 1:25 p.m.

Larry Elmen, *County Attorney*, indicated although he had no matters to discuss during an executive

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session the Board members had requested an executive session to discuss on-going litigation, as well as matters leading to the employment, promotion, discipline, suspension, dismissal or removal of a County employee, more specifically the litigation would involve County employee Ilana Morgan with Earl Redding, *Esq., Outside Counsel for the County*. He mentioned a Notice of Appeal had been filed in the Federal Court since the last Board Meeting. He stated everyone was already aware he was not participating or aware of the details of that action, as it was being monitored by Robert Terwilliger, *First Assistant County Attorney*, and the County Administrator. He requested that the Board consider a motion to enter into an executive session for the following reasons: to discuss current litigation regarding the Notice of Appeal filed in Federal Court regarding the matter, as well as to discuss matters leading to employment, demotion, discipline, suspension, dismissal or removal of a County employee specifically Ilana Morgan. Additionally, he noted subject to Public Officer's Law Section 108, Subparagraph 3 that was made confidential by Federal or State Law was outside the scope of the open meetings law and more specifically this would apply to attorney/client communications. He informed Mr. Redding was outside counsel that had been obtained by the County Attorney's Office and he would anticipate some of Mr. Redding's comments would involve attorney/client communications to members of the Board.

Supervisor Dickinson requested that the executive session be held after the vote on resolutions, as he had a prior engagement and would need to exit the meeting shortly. Chairman Geraghty advised the executive session would be held immediately following the vote on resolutions.

Proceeding with the Agenda review, Amanda Allen, *Clerk of the Board*, advised there were no communications.

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

Mrs. Allen announced there were three resolutions, the first was to Waive the Rules of the Board and the other two were the ones just advanced by the Personnel, Administration & Higher Education and Finance Committees. She indicated there were also two Proclamations included in the resolution packets that would be approved within the collective vote unless a roll call vote on either was requested. She noted a motion was required to waive 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 Proposed Resolution Nos. 168 and 169, as they had not been distributed the Tuesday prior to the Board Meeting. The necessary motion was made by Supervisor Dickinson, seconded by Supervisor Diamond and carried unanimously.

Discussion on resolutions ensued, as follows:

Supervisor Seeber spoke regarding her disappointment with the lack of an updated job description for the Tourism Department's requested Per-Diem Principle Account Clerk position, as the one provided was outdated and was reflective of the duties of a full-time position. She noted sufficient time had been provided to prepare a draft job description which could have been circulated to allow the Board members to have a better understanding of the job duties for this position, adding because of the lack of this information she would be abstaining from the vote.

Supervisor Wild voiced his support for this position, apprising the Tourism Department was moving into their busiest season of the year resulting in a strong need for this position.

Supervisor Thomas requested a roll call vote on proposed Resolution No. 169, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2022 to Delete a Position Within the Tourism Department*. Chairman Geraghty apprised the Proposed Resolution was already subject to a roll call vote.

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Voting on resolutions occurred; Resolution Nos. 167-169 were approved as presented.

During the vote on resolutions Supervisor Bruno voiced his displeasure with the lack of a job description, adding he would be voting in opposition of any positions presented without one going forward and Supervisors Merlino and Magowan concurred.

Mr. Geraghty called for a motion to enter into an executive session; the necessary motion was made by Mr. Dickinson and seconded by Ms. Braymer to enter into an executive session to discuss pending litigation pursuant to Section 105(1)(d) and 108(3) of the Public Officer's Law. Ms. Braymer noted for the record the Board members were inviting Mr. Redding to attend the executive session. She added she was unsure whether it was necessary to indicate the County Administrator and First Assistant County Attorney would be participating in the executive session. Mr. Elmen advised he had mentioned the First Assistant County Attorney and Mr. Redding would be in attendance during the executive session, but he would leave it up to the Board whether they needed to include the County Administrator in that. Chairman Geraghty called the question and the motion to enter into an executive session as outlined above was carried by majority vote, with Mr. Thomas voting in opposition. Chairman Geraghty announced he would be stepping down as Chair and exiting the meeting during the executive session and Supervisor Leggett assumed Chairing the meeting.

Executive session was held from 1:36 p.m. until 2:19 p.m. during which Supervisor Dickinson exited the meeting. Chairman Geraghty and Mr. Elmen left the meeting when the executive session began and returned at 2:19 p.m. during the open session.

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

Supervisor Braymer noted for the record she did not believe she received any notification regarding the Notice of Appeal that was filed for the litigation that was discussed, adding she would be distributing an email prior to that to the Board of Supervisors.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Conover and carried by a unanimous vote of those present, Chairman Geraghty adjourned the Board Meeting at 2:19 p.m.