

Warren County Board of Supervisors

BOARD MEETING
WEDNESDAY JUNE 15, 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.”

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 6:04 p.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Hogan.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Geraci, Hogan, Dickinson, Strough, Wild, Magowan, Seeber, Beaty, Thomas, and Geraghty - 18. Supervisors Merlino and Runyon absent - 2. All Supervisors in attendance were physically present, aside from Supervisor Hogan, who attended the meeting virtually.

Chairman Geraghty requested a moment of silence in recognition of the individuals involved in the horrific accident that occurred last Sunday evening the Town of Lake George.

Motion was made by Supervisor Bruno, seconded by Supervisor Diamond and carried by a unanimous vote of those present (*Supervisors Merlino and Runyon absent*) to approve the minutes of the June 2nd Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Certificate of Excellence was made to the 2022 SUNY Adirondack Graduate Mr. Otto Miller.

Chairman Geraghty requested approval of the Proclamation of Appreciation for Michael Bittel, *President, Adirondack Regional Chamber of Commerce*. The necessary motion was made by Supervisor Wild, seconded by Supervisor Magowan and carried by a unanimous vote of those present (*Supervisors Merlino and Runyon absent*). Following, a Presentation of the Proclamation of Appreciation was made to Mr. Bittel.

Recognition was given to the following students who had completed the Criminal Justice Student Intern

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Pathway Program during the Spring 2022 Semester:

Elsie Breen
Nathan Engel
Cassandra Potter

Privilege of the floor and public comment was offered.

The following individuals voiced their concerns with the insufficient wages paid to unionized positions within the County, some of which were not even liveable wages:

Michael Biele, *Social Welfare Examiner, Medicaid Unit, Warren County DSS (Department of Social Services);*
Chris Connell, *President, CSEA (Civil Service Employees Association) 9000 and employee of Warren County DSS;*
Linda Morgan, *Fraud Unit, Warren County DSS;*
Cecily Burlingame, *Welfare Fraud Investigator;*
Ron Briggs, *President, Capital Region CSEA;*
Dennis Daly, *Warren County DPW;*
Jessica Barton, *Warren County DPW;*
Kim Maltes, *Registered Nurse, Certified Home Health Agency;*
Caroline Darcy, *Case Manager, Countryside Adult Home;*
Richard Toll, *Warren County DPW;*
Nancy Ross, *Warren County DPW;* and
Sarah Flower, *Child Protective Unit, Warren County DSS*

Chairman Geraghty called for a brief recess of the meeting. A recess was held from 7:03 p.m. until 7:14 p.m.

The meeting resumed with the Report by the Chairman of the Board.

Reports by Committee Chairs were given.

During the Reports by Committee Chairs, Supervisor Leggett requested that the roll call votes for proposed Resolution Nos. 306-308 be combined and no one objected.

Also during the Reports by Committee Chairs, motion was made by Supervisor Bruno, seconded by Supervisor Dickinson and carried by a unanimous vote of those present (*Supervisors Merlino and Runyon absent*) to withdraw Resolution No. 276, *Amending Airport Real Property Lease Agreements with Schermerhorn Aviation, LLC for Hanger No. 7 and Hangar No. 8 at the Floyd Bennett Memorial Airport, Warren County, New York.*

Report by the County Administrator was given.

Report of County Attorney was given.

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

Letters/emails from:

Assemblyman Matthew J. Simpson - response to request for restoration of State funding to cover the cost of Court-mandated mental health competency services.

Girl Scouts of NENY - invitation to visit Hidden Lake Camp on July 19, 2022.

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

Amanda Allen, *Clerk of the Board*, advised Resolution Nos. 274-309 were distributed to the Board and posted to the Warren County website on Friday, June 10th, along with two floor Resolutions and Proclamation No. 28. She stated Proclamation No. 29 was distributed to the Board on Tuesday, June 14th, adding these distributions met the deadline specified in the Rules of the Board. The two Proclamations were:

PR28 - Alzheimer's Awareness Month

PR29 - Proclamation of Appreciation for Michael Bittel (*approved earlier in the meeting*).

Mrs. Allen indicated there were two Floor Resolutions:

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 Table of Organization and Warren County Salary and Compensation Plan for 2022 to Create a Position in Planning & Community Development*

Floor Resolution No. 2 - *Amending Table of Organization and Warren County Salary and Compensation Plan for 2022 to Create a Position in Planning & Community Development*

Motion was made by Supervisor Wild, seconded by Supervisor Strough and carried by a unanimous vote of those present (*Supervisors Merlino and Runyon absent*) to bring proposed Floor Resolution No. 1 to the floor. Mrs. Allen announced Floor Resolution No. 1 would now be referred to as proposed Resolution No. 310.

Motion was made by Supervisor Leggett and seconded by Supervisor Strough to bring Floor Resolution No. 2 to the floor. A discussion ensued during which Supervisor Dickinson exited the meeting at 8:08 p.m. and Supervisor Driscoll exited the meeting at 8:12 p.m. Chairman Geraghty called the question and the motion was carried by a unanimous vote of those present (*Supervisors Dickinson, Merlino, Runyon and Driscoll absent*). Mrs. Allen advised Floor Resolution No. 2 would now be referred to as proposed Resolution No. 311, which was subject to a roll call vote and required a 2/3 majority vote to be adopted.

Discussion and public comment on proposed resolutions was called for.

Supervisor Beaty requested a roll call vote on proposed Resolution No. 304, *Approving Tentative Operating Budget for Fiscal Year 2022-2023 for Adirondack Community College and Providing for Public Hearing*.

Supervisor Driscoll re-entered the meeting at 8:16 p.m.

Discussion was held regarding two draft resolutions circulated to the Board entitled:

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 Electing a Cents per Gallon Rate of Sales and Compensating Use Taxes on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage Rate of Such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York

Electing a Cents per Gallon Rate of Sales and Compensating Use Taxes on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage Rate of Such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York

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Motion was made by Supervisor Braymer, seconded by Supervisor Beaty and carried by a majority vote of those present (*Supervisors Dickinson, Merlino and Runyon absent*), with Supervisors Conover and Strough voting in opposition, to bring the first of the draft resolutions to the floor, concerning a waiving of the Rules of the Board. Mrs. Allen announced this would now be referred to as proposed Resolution No. 312.

Motion was made by Supervisor Braymer and seconded by Supervisor Bruno to bring the second draft resolution to the floor, concerning electing a cents per gallon rate of sales and compensating use tax on motor fuel and diesel motor fuel. Following debate on the draft resolution, Chairman Geraghty called for a roll call vote on the motion to bring the measure to the floor; the motion passed with 617 votes in favor (*Supervisors Hogan, Magowan, Seeber, Beaty, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Geraci and Geraghty*); 268 votes opposed (*Supervisors Strough, Wild, Thomas, Conover and Leggett*) and 117 votes absent (*Supervisors Dickinson, Merlino and Runyon*). Mrs. Allen announced this would now be referred to as proposed Resolution No. 313.

Debate continued on proposed Resolution No. 313 during which Supervisor Frasier exited the meeting. A motion was made by Supervisor Wild and seconded by Supervisor Strough to table proposed Resolution No. 313, *Electing a Cents per Gallon Rate of Sales and Compensating Use Taxes on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage Rate of Such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York*, and refer the matter to the Finance Committee; discussion was held on the motion to table. Chairman Geraghty requested a roll call vote on the motion to table; the motion failed to achieve the majority vote required with 414 votes in favor (*Supervisors Strough, Wild, Thomas, Conover, Leggett, McDevitt, Driscoll, Geraci and Geraghty*); 424 opposed (*Supervisors Hogan, Magowan, Seeber, Beaty, Diamond, Braymer and Bruno*); and 127 absent (*Supervisors Dickinson, Merlino, Runyon and Frasier*).

Supervisor Leggett requested a roll call vote on proposed Resolution No. 313, *Electing a Cents per Gallon Rate of Sales and Compensating Use Taxes on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage Rate of Such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York*.

Supervisor Hogan requested a roll call vote on proposed Resolution No. 288, *Authorizing Extension of Agreement with Purfoods, LLC D/B/A Mom's Meals for Warren/Hamilton Counties Office for the Aging Senior Nutrition Meal Program*.

A motion was made by Supervisor Braymer and seconded by Supervisor Seeber to table proposed Resolution No. 288, *Authorizing Extension of Agreement with Purfoods, LLC D/B/A Mom's Meals for Warren/Hamilton Counties Office for the Aging Senior Nutrition Meal Program*. A brief discussion ensued during which Supervisor Seeber requested a roll call vote on the motion to table. Chairman Geraghty called the question and a roll call vote was taken; the motion to table proposed Resolution No. 288 failed due to a lack of the majority vote required, with 307 votes in favor (*Supervisors Hogan, Seeber, Beaty, Diamond and Braymer*); 568 opposed (*Supervisors Strough, Wild, Magowan, Thomas, Conover, Leggett, McDevitt, Bruno, Driscoll, Geraci and Geraghty*); 127 absent (*Supervisors Dickinson, Merlino, Runyon and Frasier*).

Voting on resolutions occurred. Resolution Nos. 228-313 were approved as presented, with the exception of Resolution No. 276 which was withdrawn, and Resolution Nos. 311 and 313 which both failed.

Privilege of the floor and public comment was called for.

Mike Swan, *County Treasurer*, voiced his concerns with the Warren County Department of Motor Vehicles being limited to appointment only service, which he believed was causing the County to lose

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revenue.

Supervisor Braymer spoke regarding the Early Voting site which was now available in the City of Glens Falls at City Hall, as well as the upcoming LARAC event which she invited everyone to attend.

Supervisor Hogan requested that the County Attorney provide an update on the Executive Order that permitted virtual attendance at Committee and Board Meetings. Larry Elmen, *County Attorney*, advised he had received notification that Executive Order No. 11 was extended by Executive Order No. 11.7 for thirty days until July 14th. He said as a result of this the new Open Meetings Law Statute regarding video conferencing was being stayed in favor of the existing Open Meetings Law which this Board had been working on for several months now. He stated as of today remote participation continued to be available through July 14th subject to any further extensions by the Governor.

Supervisor Hogan spoke regarding a resolution she had advanced to public comment at the Board Meeting of the Adirondack Park Agency that amended the Generic Unit Management Plan for campgrounds and day use which would assist in making permanent watercraft decontamination stations that assisted in keeping local waterways free of invasive species.

Supervisor Driscoll announced the Adirondack Committee Outreach Center in the Town of North Creek would be sponsoring a program to provide breakfast and lunch to children up to age 18 or 21 if they were a disabled adult for the summer and the Town of Warrensburg and the City of Glens Falls would also be offering similar programs to their youth.

Supervisor Strough apprised the Town of Queensbury had adopted a resolution which indicated e-bikes were permitted on all roads, bike trails, etc. that bicycles were authorized to be on in their Town. He encouraged the City of Glens Falls and the Town of Lake George to follow suit to ensure the Warren County Bike Trail would be usable for Class 1 and 2 e-bikes.

Supervisor Strough proceeded to read aloud a letter he received from Assemblyman Simpson regarding the County's request for restoration of State funding to cover the cost of Court-mandated mental health competency services. *Note: this is the same letter included in the Communications Report made by the Clerk earlier in the meeting.*

Supervisor Seeber suggested they all work together and unite for a food drive, adding she hoped all of them would be willing to participate. She spoke regarding her disappointment that they did not move forward with adopting Resolution No. 313 which would have provided some relief to residents with the cost of motor and diesel fuel. She also mentioned her displeasure that the discussion regarding the possible adoption of a Local Law to permit virtual attendance at Committee and Board Meetings going forward had only been discussed by the Legislative, Rules and Governmental Operations Committee and not also brought before the full Board, as she believed that was the original intent for the manner in which this matter was handled.

Supervisor Beaty recognized the Queensbury girls lacrosse team for coming in second in the State which he believed was an exemplary accomplishment and Supervisor McDevitt echoed those comments.

Chairman Geraghty spoke regarding his visit to the 4th grade class at Warrensburg Elementary School and how impressed he was with the children and their thoughts.

There being no further business to come before the Board of Supervisors, Chairman Geraghty declared the meeting adjourned at 9:37 p.m.