

# Warren County Board of Supervisors

BOARD MEETING  
FRIDAY JULY 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 10:15 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Merlino.

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.

Motion was made by Supervisor Dickinson, seconded by Supervisor Geraci and carried unanimously to approve the minutes of the June 30<sup>th</sup> Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Jason Shpur, *Assistant Purchasing Agent*.

The following individuals were recognized for completing their Leadership Badge Training in Senior: John Lord, *Supervisor, Child Protective Services, Department of Social Services*; and Scott Rogers, *Director of Facilities*.

Pamela Vogel, *County Clerk*, addressed the Board in response to a comment made by Mike Swan, *County Treasurer*, regarding the quality of service provided by the Department of Motor Vehicles at the June 15<sup>th</sup> Board Meeting, outlining why she believed this was inaccurate.

Proceeding with the Agenda review, Chair declared the Public Hearing on the proposed adoption of a tentative operating budget for Adirondack Community College for the fiscal year 2022-23 open at 10:24 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

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The following individuals voiced their opinions on proposed adoption of a tentative operating budget for Adirondack Community College for the fiscal year 2022-23:

Supervisor Magowan voiced his concerns with the Budget that appeared to increase every year, noting while he was not opposed to education, he would be voting in opposition.

Chairman Geraghty apprised he would leave the Public Hearing open and proceeded with the Agenda review.

Chair declares public hearing open on Proposed Local Law No. 2 of 2022, Enacting Local Law No. 2 of 2022, Entitled “*A Local Law Amending and Updating Local Law No. 6 of 2021, ‘A Local Law Amending and Updating Local Law No. 5 of 2021, a Local Law Amending and Updating Local Law No. 6 of 2014, Warren County Ethics and Disclosure Law’*” at 10:27 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

The following individuals voiced their opinions on Proposed Local Law No. 2 of 2022:

Motion was made by Supervisor Strough and seconded by Supervisor Dickinson to amend proposed Resolution No. 353 of 2022 pertaining to Proposed Local Law No. 2 to decrease the number of members who were appointed officers or employees of Warren County from two members to one.

Supervisors Merlino, Conover, Wild and Magowan spoke in favor of the proposed amendment while Supervisors Seeber and Braymer voiced their opposition.

Supervisor Driscoll advised of the importance of filling out and submitting the financial disclosure forms in a timely manner.

Chairman Geraghty requested a roll call vote on the proposed amendment. He called the question and the motion to amend proposed Resolution No. 353 of 2022, *Enacting Local Law No. 2 of 2022, Entitled “A Local Law Amending and Updating Local Law No. 6 of 2021, ‘A Local Law Amending and Updating Local Law No. 5 of 2021, a Local Law Amending and Updating Local Law No. 6 of 2014, Warren County Ethics and Disclosure Law’* as outlined above was carried by majority vote, with 527 votes in favor (*Supervisors Merlino, Strough, Wild, Magowan, Conover, McDevitt, Frasier, Dickinson and Geraghty*) and 475 opposed (*Supervisors Seeber, Beaty, Thomas, Runyon, Leggett, Diamond, Braymer, Bruno, Driscoll, Geraci and Hogan*).

Supervisor Seeber questioned whether appointed officers or employees of Warren County would have to be removed from the Warren County Board of Ethics if proposed Resolution No. 353 was adopted as amended and Ryan Moore, *County Administrator*, replied the position that was vacant was a public position, adding there was one member and one alternate member who had indicated a willingness to continue to serve while another member and alternate member had declined. He noted because of this he did not believe anyone would have to be removed.

A lengthy discussion ensued on proposed Resolution No. 353 of 2022 during which Mr. Moore clarified the previous member of the Warren County Board of Ethics who indicated a desire to continue to serve was the County member and the alternate member who also advised of their interest was the municipal alternate which meant if the proposed amendment only pertained to County members than this would impact the municipal alternate member. Supervisor Braymer asked why the proposed amendment would not also impact the municipal member and Mr. Moore responded this individual had advised they no longer wanted to serve as a member. Further discussion ensued during which Supervisor Dickinson exited the meeting at 10:58 a.m.

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Motion was made by Supervisor Beaty and seconded by Supervisor Hogan to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, subject to section 105(1)(f) of the Public Officer's Law.

Supervisor Seeber called for Point of Order, inquiring whether it would be possible for the members of the public to speak before the Board entered into an executive session and Mr. Moore replied the executive session would be brief. Chairman Geraghty advised they would be moving forward with a roll call vote on the executive session. He called the question and the motion was carried by majority vote, with 724 votes in favor (*Supervisors Merlino, Magowan, Seeber, Beaty, Thomas, Runyon, Conover, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Geraci, Hogan and Geraghty*) and 225 against (*Supervisors Strough, Wild and Leggett*), and 53 absent (*Supervisor Dickinson*).

Executive session was held from 11:02 a.m. until 11:10 a.m.

Supervisor Dickinson returned to the meeting during the executive session.

Upon reconvening, Chairman Geraghty closed the Public Hearings on the proposed adoption of a tentative operating budget for Adirondack Community College for the fiscal year 2022-23 and on Proposed Local Law No. 2 of 2022, Enacting Local Law No. 2 of 2022, Entitled "*A Local Law Amending and Updating Local Law No. 6 of 2021, 'A Local Law Amending and Updating Local Law No. 5 of 2021, a Local Law Amending and Updating Local Law No. 6 of 2014, Warren County Ethics and Disclosure Law'*" at 11:10 a.m.

Privilege of the floor and public comment was offered.

Billy Joe Ryan, *City of Glens Falls Resident, Warren County Republican Committee member*, voiced her disappointment with the Republican and Democratic Commissioner's of Elections appointments being handled by two separate resolutions, which was not how it had been managed in prior years. She also spoke in support of William VanNess and Beth McLaughlin being reappointed to these positions.

Tim Guay, *City of Glens Falls Resident*, commented regarding his displeasure with the appointments of the Republican and Democratic Commissioner of Elections positions being handled under two separate resolutions, adding he believed it was the responsibility of the Board to support these appointments, as requested by each political party, regardless of their feelings regarding either of those individuals.

Report by the Chair of the Board was given.

Reports by Committee Chairs were given.

Report by the County Administrator was given during which Mr. Moore outlined the succession plan for the County Administrator position that he would be vacating in a few weeks which included the requirement that the Chair of the Board serve as the interim County Administrator. He added in the event the Chair was unable to do so then the Board would have to appoint someone for no longer than a sixty day term, unless otherwise approved by the Board.

Chairman Geraghty advised the Report of County Attorney would be given at the end of the meeting to allow for an executive session to discuss pending litigation.

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

**Letters/emails from:**

Warren County Democratic Committee - Nominating Elizabeth McLaughlin as Democratic Commissioner of the Board of Elections. *Emailed to the Board 7/8/22*

Warren County Republican Committee - Nominating William VanNess as Republican Commissioner of the Board of Elections. *Emailed to the Board 7/8/22*

FitzGerald Morris Baker Firth - Notice of Public Hearing - SpringCity Development Group LLC - June 23, 2022 Hearing. *Emailed to the Board 6/22/22 and re-sent 7/8/22*

FitzGerald Morris Baker Firth - Notice of Public Hearing -EASM Holdings, LLC - June 23, 2022 Hearing. *Emailed to the Board 6/22/22 and re-sent 7/8/22*

FitzGerald Morris Baker Firth - Notice of Public Hearing - SpringCity Development Group LLC - July 14, 2022 Hearing. *Emailed to the Board 7/8/22*

Rebecca Smith-Lawler - Citing potential responsibility and liability to her property located in the Town of Warrensburg. *Emailed to the Board 6/22/22 and re-sent 7/8/22*

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

Amanda Allen, *Clerk of the Board*, advised Resolution Nos. 318-364 were distributed to the members of the Board of Supervisors on Friday July 8, 2022 and Proclamation No. 30 was distributed to the Board on Tuesday July 12, 2022; both distributions met the deadline specified in the Rules of the Board. The Proclamation was: PR30 - Parks and Recreation Month.

Mrs. Allen stated Resolution Nos. 365 and 366 were distributed to the Board on July 13, 2022; Floor Resolution Nos. 1-6 were distributed to the Board on July 14, 2022; and Resolution Nos. 367-370 were distributed to the Board this morning following the Personnel, Administration & Higher Education Committee meeting. She noted since this did not meet the distribution deadline specified in the Rules of the Board, several motions waiving the Rules would be required. The following motions were requested and made:

Motion was made by Supervisor Leggett, seconded by Supervisor Strough and carried unanimously to Waive the Rules of the Board in order to entertain Resolution No. 366 of 2022, *Adopting and Approving Adirondack Community College Operating Budget for Fiscal Year 2022 - 2023*. Mrs. Allen announced this would now be referred to as Resolution No. 365.

Motion was made by Supervisor Merlino, seconded by Supervisor Thomas and carried unanimously to Waive the Rules of the Board in order to entertain Resolution No. 368, *Authorizing Agreement with the Civil Service Employees Association, Inc. (CSEA), to Include a Negotiated Interim Wage Increase*. Mrs. Allen advised this would now be referred to as Resolution No. 367.

Motion was made by Supervisor Magowan, seconded by Supervisor Thomas and carried unanimously to Waive the Rules of the Board in order to entertain Resolution No. 370, *Approving the Recommendations of the Reallocation Committee*. Mrs. Allen indicated this would now be referred to as Resolution No. 369.

Motion was made by Supervisor Bruno, seconded by Supervisor Strough and carried unanimously to Waive the Rules of the Board in order to entertain proposed Floor Resolution No. 2, *Appointing the Democratic Commissioner of Elections*. Mrs. Allen apprised proposed Floor Resolution No. 1 would now be referred to as Resolution No. 371.

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Motion was made by Supervisor Braymer, seconded by Supervisor Driscoll and carried unanimously to bring proposed Floor Resolution No. 2, *Appointing the Democratic Commissioner of Elections*, to the floor. Mrs. Allen apprised proposed Floor Resolution No. 2 would now be referred to as Resolution No. 372.

Motion was made by Supervisor Frasier, seconded by Supervisor Runyon and carried unanimously to Waive the Rules of the Board in order to entertain proposed Floor Resolution No. 4, *Appointing the Republican Commissioner of Elections*. Mrs. Allen apprised proposed Floor Resolution No. 3 would now be referred to as Resolution No. 373.

Motion was made by Supervisor Thomas, seconded by Supervisor Runyon and carried unanimously to bring proposed Floor Resolution No. 4, *Appointing the Republican Commissioner of Elections*, to the floor. Mrs. Allen apprised proposed Floor Resolution No. 4 would now be referred to as Resolution No. 374.

Motion was made by Supervisor Wild, seconded by Supervisor Leggett and carried unanimously to Waive the Rules of the Board in order to entertain proposed Floor Resolution No. 6, *Accepting Proposal and Authorizing Agreement with Invasive Solutions Dive Company, LLC for Schroon Lake Aquatic Invasive Species Control Program - Plant Management (WC 41-22)*. Mrs. Allen apprised proposed Floor Resolution No. 5 would now be referred to as Resolution No. 375.

Motion was made by Supervisor Frasier, seconded by Supervisor Wild and carried unanimously to bring proposed Floor Resolution No. 6, *Accepting Proposal and Authorizing Agreement with Invasive Solutions Dive Company, LLC for Schroon Lake Aquatic Invasive Species Control Program - Plant Management (WC 41-22)*, to the floor. Mrs. Allen apprised proposed Floor Resolution No. 6 would now be referred to as Resolution No. 376.

Mrs. Allen noted there were several roll call votes and she inquired whether there was any objection to combining proposed Resolution Nos. 318, *Making Supplemental Appropriations*, and 319, *Amending Warren County Budget for 2022 for Various Departments Within Warren County*; proposed Resolution Nos. 320-325, all of which pertained to the distribution of ARPA (*American Rescue Plan Act*) funding; and proposed Resolution Nos. 355, *Authorizing the Appropriation of Funds from the General Fund Unappropriated Surplus to the Airport Budget*; *Amending 2022 Warren County Budget*; and *Authorizing Payment to Forest Enterprises Management, Inc.*, 359, *Authorizing the Appropriation of Funds from the General Fund Unappropriated Surplus to the County Attorney's Budget to Cover the Cost of the County's Insurance Deductible in the Matter of Questor French V. Derek Williams*; *Amending 2022 Warren County Budget*, 361, *Authorizing the Appropriation of Funds from the General Fund Unappropriated Surplus to the Public Works Budget to Cover the Increasing Cost of Fuel*; and *Amending 2022 Warren County Budget*, 362, *Authorizing the Appropriation of Funds from the Computer Reserve Fund to Various Departmental Budgets*; *Amending 2022 Warren County Budget*, and 363, *Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism and Planning & Community Development Budgets*; *Amending 2022 Warren County Budget*.

Motion was made by Supervisor Bruno and seconded by Supervisor Braymer to combine the roll call votes on the proposed Resolutions as outlined above. Supervisor Beaty requested the roll call vote on proposed Resolution No. 355, *Authorizing the Appropriation of Funds from the General Fund Unappropriated Surplus to the Airport Budget*; *Amending 2022 Warren County Budget*, be handled separately and Chairman Geraghty agreed.

Discussion and public comment on proposed resolutions was called for.

Supervisor Hogan requested a roll call vote on proposed Resolution No. 374, *Appointing the Republican*

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*Commissioner of Elections.*

Supervisor Wild requested a roll call vote on proposed Resolution No. 372, *Appointing the Democratic Commissioner of Elections.*

Discussion ensued with regard to the history of the voting process for the Board of Elections Commissioner appointments and why they were separated into two resolutions this year.

With regard to proposed Resolution No. 322, *Authorizing the Appropriation of ARPA Funds to the Warren County Employment & Training Administration for Distribution Subject to Approval of a Plan for Workforce Development and Individual Worker Job Training in Warren County; and Amending Warren County Budget for 2022*, Supervisor Braymer inquired whether an amendment was required to remove the word summer from the body of the resolution; Chairman Geraghty responded this could be handled through a Clerk's correction after the meeting.

Further discussion ensued regarding the proposed resolution during which Supervisor Driscoll indicated he would like proposed Resolution No. 353, *Enacting Local Law No. 2 of 2022, Entitled "A Local Law Amending and Updating Local Law No. 6 of 2021, 'A Local Law Amending and Updating Local Law No. 5 of 2021, a Local Law Amending and Updating Local Law No. 6 of 2014, Warren County Ethics and Disclosure Law'"*, to be further amended to allow any of the current members of the Warren County Board of Ethics who would like to continue to serve to be able to do so through the end of this year. Discussion ensued during which Larry Elmen, *County Attorney*, advised if the Local Law was adopted in its amended form than the Board would be appointing five new members regardless of whether they had already served, as their previous appointments would not be carried over. Mr. Moore proposed an amendment to the resolution he believed would address some of the issues that had been raised to indicate one of the five members would be an appointed officer or employee of Warren County or a municipality located in Warren County, as this would allow the governmental member and alternate member to be from the County or a local municipality. He added this would allow everyone who had expressed an interest in continuing to serve to be able to do so.

Motion was made by Supervisor Driscoll, seconded by Supervisor Dickinson and carried unanimously to amend proposed Resolution No. 353, *Enacting Local Law No. 2 of 2022, Entitled "A Local Law Amending and Updating Local Law No. 6 of 2021, 'A Local Law Amending and Updating Local Law No. 5 of 2021, a Local Law Amending and Updating Local Law No. 6 of 2014, Warren County Ethics and Disclosure Law'"*, as outlined above.

Voting on resolutions occurred. Resolution Nos. 318-376 were approved as presented, with the exception of Resolution No. 353 which was amended from the floor.

Report by the County Attorney was given during which an executive session was requested to discuss the following litigation: *Szhabo v. the County of Warren and others; Kathleen Ennis v. the County of Warren and others; John David Smith v. the County and other defendants; Michael Easterbrooks v. the County of Warren and other defendants; Joshua Rouse v. the County of Warren and other defendants; and a Notice of Claim* filed by Jasmine Earnest.

Motion was made by Supervisor Magowan, seconded by Supervisor Strough and carried unanimously to enter into an executive session pursuant to Section 105(1)(d) of the Public Officer's Law.

Executive session was held from 12:33 p.m. until 1:38 p.m.; Supervisors Leggett, Diamond, Braymer, Dickinson, Merlino and Wild exited the meeting during the executive session.

There being no further business to come before the Board of Supervisors, on motion made by

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Supervisor Bruno, seconded by Supervisor Geraci and carried by a unanimous vote of those present (*Supervisors Leggett, Diamond, Braymer, Dickinson, Merlino and Wild*), Chairman Geraghty adjourned the Board Meeting at 1:38 p.m.