

# Warren County Board of Supervisors

BOARD MEETING  
THURSDAY SEPTEMBER 1, 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 12:48 p.m. Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Magowan.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Hogan, Dickinson, Strough, Wild, Magowan, Seeber, Thomas, and Geraghty - 16. Supervisors Geraci, Merlino, Beaty and Runyon- 4. All Supervisors in attendance were physically present, aside from Supervisors Hogan, Dickinson and Magowan, who attended the meeting virtually.

Motion was made by Supervisor Frasier, seconded by Supervisor Bruno and carried by a unanimous vote of those present (*Supervisors Geraci, Merlino, Beaty and Runyon absent*) to approve the minutes of the August 19<sup>th</sup> Board Meeting, subject to correction by the Clerk of the Board.

Proceeding with the Agenda review, Chair declared the Public Hearing on proposed Local Law No. 3 of 2022 entitled “A Local Law Amending Local Law No. 1 of 2022, ‘A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County’, to Include Interim Salary Increases”, open at 12:50 p.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

Don Lehman, *Director of Public Affairs*, read aloud a comment he had received from June Maxam, *Warren County Resident*, regarding her opposition to increasing the salary of the County Attorney which had previously been increased when he was hired in November 2021.

Supervisor Seeber responded to Ms. Maxam’s comments, noting no applications were received from females for the position. She added the salary for the current County Attorney was set based upon his experience.

Supervisor Braymer apprised although the elected officials salary increases had not been

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removed from the proposed Local Law like she had requested she would be supporting proposed Local Law No. 3 of 2022.

Chairman Geraghty once again called for public comments on proposed Local Law No. 3 of 2022 ; there being no response he closed the Public Hearing at 12:55 p.m.

Privilege of the floor and public comment was offered.

Supervisor Seeber requested that the Board consider requiring the County Attorney to provide his full report at the Board Meetings, as this would allow Supervisors who were not members of the Personnel, Administration & Higher Education Committee to ask questions and make comments. Chairman Geraghty pointed out the Report by the County Attorney was a standing agenda item for the Board Meetings. Supervisor Seeber apprised while that was correct there were times the meetings were so lengthy the Board opted to forgo an executive session to discuss lawsuits.

Supervisor Magowan spoke regarding the August 23<sup>rd</sup> meeting of the County Facilities which was informative regarding the need for a regional morgue facility.

Supervisor Hogan requested at the next Board Meeting that the County Administrator provide an outline pertaining to what correspondence was read into the record at the Board Meetings and what was left off.

Supervisor Braymer requested that the Board consider moving forward with action to allow Board members to continue to attend the meetings virtually after the Governor's Executive Order expired.

Supervisor Leggett apprised extenuating circumstances must exist in order to participate in Committee and Board Meetings virtually after the Governor's Executive Order was lifted.

Supervisor Seeber stated it was her understanding that the Board must adopt a Local Law or possibly a resolution in order for Board members to continue to be able to attend meetings virtually once the Executive Order expired and was not extended, but she was unsure of the process and would like the County Attorney to provide an explanation. She encouraged the Board to move forward with the action taken by other Counties, including Washington County, to allow them to continue to attend meetings virtually. She advised if they were required to be in person going forward then she believed the public should also be required to make their comments in person, as well. She added she also believed the meetings should continue to be streamed live on Youtube.

Chairman Geraghty asked Mr. Elman whether he wanted to provide that explanation now and Mr. Elmen replied he would address the matter during the Report by the County Attorney.

Supervisor Diamond voiced his concerns with the turnover at the Department of Social Services, indicating he would like this matter to be investigated to determine why individuals were leaving.

Supervisor Driscoll responded to the comments made by Supervisor Diamond regarding the turnover at the Department of Social Services, advising he would further investigate this, but he felt the prime cause was that other local employers paid more and offered the flexibility of working from home.

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Supervisor Bruno stated the Warren-Washington Industrial Development Agenda and Civic Development Corporation adopted a resolution to allow them to continue to meet virtually when necessary. He said he could bring a copy of the resolution to the Board to use as an outline if they were going to move forward with taking action to continue to allow Committee and Board members to attend meetings virtually.

Report by the Chairman of the Board was given.

The Committee Chairs waived their reports.

Report by the Interim County Administrator was given.

Report by the County Attorney was given during which Larry Elmen, *County Attorney*, requested an executive session to discuss the following ongoing litigation against the County: Joshua Rouse v. Berkshire Farm Center for Youth to include the County of Warren; and Kathleen Innes v. the County of Warren, Warren County Correctional Facility and others.

Motion was made by Supervisor Frasier, seconded by Supervisor Strough and carried by a unanimous vote of those present (*Supervisors Geraci, Merlino, Beaty and Runyon absent*) to enter into an executive session pursuant to Section 105 (d) of the Public Officer's Law.

Executive session was held from 1:17 p.m. until 1:49 p.m.

Upon reconvening, Chairman Geraghty announced no action was taken during the executive session.

The Agenda review resumed with the Reading of communications by the Clerk of the Board was provided, as follows:

**Letters/emails from:**

Town of Lake George - Resolution No. 127 of 2022, "*Decision on 2023 Sales Tax Funds at County*"

FitzGerald Morris Baker Firth - Application for Real Property Tax Exemption - Warren/Washington IDA - Sun Valley Apartments LLC - Town of Lake George

FitzGerald Morris Baker Firth - Application for Real Property Tax Exemption - Warren/Washington IDA - Fort William Henry Corporation - Town & Village of Lk. George

Hodgson Ross - Notice of Solar Energy Project

Town of Queensbury - Request for Lead Agency Status for purposes of SEQR review for Site Plan 56-2022, Special Use Permit 4-2022 - Southern Gateway Renewables

Town of Queensbury - Request for Lead Agency Status for purposes of SEQR review for Site Plan 56-2022, Freshwater Wetlands 11-2022 & Special Use Permit 5-2022 - Northern Gateway Renewables

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

Amanda Allen, *Clerk of the Board*, advised Resolution No. 431 was distributed to the members of the Board of Supervisors on Wednesday August 31, 2022, which did not meet the deadline specified in the Rules of the Board and a waiving of the Rules of the Board was required.

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Motion was made by Supervisor Wild, seconded by Supervisor Strough and carried unanimously by a unanimous vote of those present (*Supervisors Geraci, Merlino, Beaty and Runyon absent*) to Waive the Rules of the Board in order to entertain proposed Resolution No. 431, *Enacting Local Law No. 3 of 2022, Entitled "A Local Law Amending Local Law No. 1 of 2022, 'A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County', to Include Interim Salary Increases"*.

Mrs. Allen indicated proposed Resolution No. 433 was approved by the Personnel, Administration & Higher Education Committee this morning which also did not meet the deadline specified in the Rules of the Board, adding a waiving of the Rules of the Board was required.

Supervisor Braymer asked why this was going before the Board today and Mrs. Allen replied the representatives of SUNY Adirondack had requested that the proposed Resolution be approved as soon as possible.

Motion was made by Supervisor Frasier, seconded by Supervisor Wild and carried by a unanimous vote of those present (*Supervisors Geraci, Merlino, Beaty and Runyon absent*) to Waive the Rules of the Board in order to entertain proposed Resolution No. 433, *Authorizing Purchase of Real Property Located at 12 Haviland Road in the Town of Queensbury in Trust for Use by Adirondack Community College*.

Discussion and public comment on proposed resolutions was called for.

Supervisor Seeber requested a roll call vote on proposed Resolution No. 433, *Authorizing Purchase of Real Property Located at 12 Haviland Road in the Town of Queensbury in Trust for Use by Adirondack Community College*.

Motion was made by Supervisor Wild, seconded by Supervisor Strough and carried by a unanimous vote of those present (*Supervisors Geraci, Merlino, Beaty and Runyon absent*) to Waive the Rules of the Board in order to entertain a resolution in support of the creation of the North Creek Sewer District in the Town of Johnsburg.

Motion was made by Supervisor Wild, seconded by Supervisor Strough and carried by majority vote of those present (*Supervisors Geraci, Merlino, Beaty and Runyon absent*), with Ms. Hogan abstaining, to authorize a resolution in support of the creation of the North Creek Sewer District in the Town of Johnsburg.

Mrs. Allen announced the Waiving of the Rules Resolution would now be referred to as proposed Resolution No. 434 and the Resolution in support of the creation of the North Creek Sewer District would now be known as proposed Resolution No. 435.

Discussion occurred regarding proposed Resolution No. 433, *Authorizing Purchase of Real Property Located at 12 Haviland Road in the Town of Queensbury in Trust for Use by Adirondack Community College*, during which Supervisors Braymer, Seeber, Magowan and Bruno all voiced their support for SUNY Adirondack, but noted they would be voting in opposition of the proposed Resolution due to the various concerns they had.

Voting on resolutions occurred; Resolution Nos. 430-435 were approved as presented, with the exception of proposed Resolution No. 433 which failed due to the lack of the majority vote required.

Privilege of the floor and public comment was called for.

Supervisor Braymer requested an update on the process for filling the County Administrator

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position. Supervisor Leggett informed the job description had just been re-posted for another month to allow for additional applicants to apply. Supervisor Braymer requested that the Board be provided with an update via email regarding where the position was posted and how many applications had been received.

Supervisor Seeber advised she would like the update regarding the filling of the County Administrator position to include the progress the consultant the Board had contracted with had with attracting qualified applicants to apply for the position.

Supervisor Seeber spoke regarding concerns that were expressed to her regarding the County policy pertaining to working from home, as she believed there were some inconsistencies present and a review was required by the full Board to determine whether changes were required.

Supervisor Driscoll voiced his appreciation for being able to participate in the meetings with the budget team regarding the 2023 Budget Requests for the departments he oversaw as Chair of the Human Services Committee, adding each of the departments had done an exceptional job preparing their requests.

Supervisor Hogan urged the Chair of the Personnel, Administration & Higher Education Committee to schedule a special meeting where they could discuss further SUNY Adirondack's request for a resolution in support of their purchase of additional property to allow the Supervisors to get a better understanding as to why this purchase is necessary.

There being no further business to come before the Board of Supervisors, Chairman Geraghty adjourned the Board Meeting at 2:11 p.m.