

Warren County Board of Supervisors

AGENDA THURSDAY SEPTEMBER 1, 2022 BOARD MEETING



12:00 p.m. Call Meeting to Order

Pledge of Allegiance - Supervisor Magowan

Roll Call

Motion to approve minutes of the August 19, 2022 meeting, subject to correction by the Clerk of the Board

Chairman declares public hearing open on Proposed Local Law No. 3 of 2022 and requests Clerk read the Notice of Public Hearing for same

Privilege of the Floor and Public Comment

Report of the Chairman of the Board

Reports by Committee Chairs

Report of Acting County Administrator

Report of County Attorney

Reading of Communications

Reading of Resolutions

Discussion and Public Comment on Proposed Resolutions

Requests for Roll Call Votes

Vote on Resolutions

Privilege of the Floor and Public Comment

Announcements

Motion to Adjourn

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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
430		SUPERVISORS WILD & STROUGH - WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE DISTRIBUTED TO THE BOARD NO LATER THAN THE TUESDAY BEFORE THE BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION 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"
431	ROLL CALL	PERSONNEL, ADMINISTRATION & HIGHER EDUCATION - 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"
432		SUPERVISOR FRASIER & WILD - WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE DISTRIBUTED TO THE BOARD NO LATER THAN THE TUESDAY BEFORE THE BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION AUTHORIZING PURCHASE OF REAL PROPERTY LOCATED AT 12 HAVILAND ROAD IN THE TOWN OF QUEENSBURY IN TRUST FOR USE BY ADIRONDACK COMMUNITY COLLEGE
433	ROLL CALL	PERSONNEL, ADMINISTRATION & HIGHER EDUCATION - AUTHORIZING PURCHASE OF REAL PROPERTY LOCATED AT 12 HAVILAND ROAD IN THE TOWN OF QUEENSBURY IN TRUST FOR USE BY ADIRONDACK COMMUNITY COLLEGE - RESOLUTION FAILED
434		SUPERVISORS WILD & STROUGH - WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE DISTRIBUTED TO THE BOARD NO LATER THAN THE TUESDAY BEFORE THE BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION IN SUPPORT OF THE CREATION OF THE NORTH CREEK SEWER DISTRICT IN THE TOWN OF JOHNSBURG
435		SUPERVISORS WILD & STROUGH - RESOLUTION IN SUPPORT OF THE CREATION OF THE NORTH CREEK SEWER DISTRICT IN THE TOWN OF JOHNSBURG

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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 19th 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 23rd 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.

Warren County Board of Supervisors

RESOLUTION NO. 430 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS WILD AND STROUGH

WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE DISTRIBUTED TO THE BOARD NO LATER THAN THE TUESDAY BEFORE THE BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION 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”

WHEREAS, by Resolution No. 68 of 2022, the Board of Supervisors adopted the Rules of the Board, Section B(3) of which indicates that *“The Clerk shall distribute all resolutions to the members of the Board of Supervisors and post same to the Warren County website on each Tuesday prior to a Regular Meeting...”*, and

WHEREAS, the Board has agreed to consider a resolution 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”, now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby waive the Standing Rule of the Board relating to the aforementioned requirement in order to entertain said resolution.

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RESOLUTION NO. 431 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS THOMAS, CONOVER, BEATY, FRASIER, WILD, BRAYMER AND RUNYON

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”

WHEREAS, a proposed local law was duly presented to the Board of Supervisors and considered by them, said proposed local law 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” and

WHEREAS, the Board of Supervisors adopted Resolution No. 418 of 2022, which authorized a public hearing to be held by the Board of Supervisors on the 1st day of September, 2022, in the Supervisors’ Rooms in the Warren County Municipal Center on the matter of the proposed local law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at such public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Warren, New York, on this 1st day of September, 2022, does hereby enact and adopt Local Law No. 3 of 2022, as annexed hereto.

**COUNTY OF WARREN
LOCAL LAW NO. 3 OF 2022**

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

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. Effective August 1, 2022 the salaries, including longevity increments, if any, of the following county officers and employees are hereby fixed and established as follows to include interim salary increases authorized by the Board of Supervisors in keeping with those authorized for all non-bargaining unit employees of the County of Warren:

<u>TITLE</u>	<u>AMOUNT</u>
Clerk, Board of Supervisors	\$96,272.00
Commissioner of Elections(VanNess)	81,768.00
Commissioner of Elections(McLaughlin)	81,768.00
Commissioner of Social Services	112,926.00
County Attorney	154,503.00
County Auditor	77,446.00
County Clerk	91,140.00
County Treasurer	112,156.00
Director, Real Property Tax Services Agency	84,030.00
Personnel Officer	96,349.00
Purchasing Agent	96,426.00
Public Defender	134,170.00
Superintendent of Public Works/Sewer Administrator	126,899.00

SECTION 2. The salaries established for the county officers and employees named in Section 1 hereof include longevity payments, if any, added to the base salary of the county officer or employee in accordance with a schedule providing such longevity increments based on the number of years of county service as may be adopted by the Board of Supervisors by resolution.

SECTION 3. Any and all prior schedules of compensation for the aforesaid county officers and employees are hereby superseded.

SECTION 4. All Local Laws heretofore adopted by Warren County affecting the aforementioned county officers' salaries are hereby amended accordingly.

SECTION 5. This Local Law is subject to referendum on petition as provided by subdivision 2(h) of Section 24 of the Municipal Home Rule Law. This Local Law shall become effective 45 days after its adoption and upon filing in the Office of the Secretary of State, except that this Local Law shall not be effective until approved by affirmative vote of qualified electors, if a petition requesting a referendum is filed as provided under the Municipal Home Rule Law.

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RESOLUTION NO. 432 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS FRASIER AND WILD

WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE DISTRIBUTED TO THE BOARD NO LATER THAN THE TUESDAY BEFORE THE BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION AUTHORIZING PURCHASE OF REAL PROPERTY LOCATED AT 12 HAVILAND ROAD IN THE TOWN OF QUEENSBURY IN TRUST FOR USE BY ADIRONDACK COMMUNITY COLLEGE

WHEREAS, by Resolution No. 68 of 2022, the Board of Supervisors adopted the Rules of the Board, Section B(3) of which indicates that *“The Clerk shall distribute all resolutions to the members of the Board of Supervisors and post same to the Warren County website on each Tuesday prior to a Regular Meeting...”*, and

WHEREAS, the Board has agreed to consider a resolution authorizing purchase of real property located at 12 Haviland Road in the Town of Queensbury in trust for use by Adirondack Community College, now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby waive the Standing Rule of the Board relating to the aforementioned requirement in order to entertain said resolution.

Warren County Board of Supervisors

RESOLUTION NO. 433 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS THOMAS, CONOVER, BEATY, FRASIER, WILD, BRAYMER AND RUNYON

**AUTHORIZING PURCHASE OF REAL PROPERTY LOCATED AT 12 HAVILAND ROAD
IN THE TOWN OF QUEENSBURY IN TRUST FOR USE BY
ADIRONDACK COMMUNITY COLLEGE**

RESOLUTION FAILED

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the purchase of real property located at 12 Haviland Road in the Town of Queensbury, New York, to be acquired in the names of the Counties of Warren and Washington in their capacities as Trustees for Adirondack Community College (d/b/a SUNY Adirondack) for the sum of Two Hundred Eighty-Nine Thousand Nine Hundred Dollars (\$289,900) plus reasonable closing costs, the total sum of which shall be borne by Adirondack Community College (d/b/a SUNY Adirondack) with no additional contribution from Warren County, and be it further

RESOLVED, that such property is to be held in trust for SUNY Adirondack's use and purposes, and be it further

RESOLVED, that the President of SUNY Adirondack be, and hereby is, authorized to execute all documents deemed necessary or desirable by the Warren County Attorney and SUNY Adirondack's Attorney in order to complete such purchase.

Warren County Board of Supervisors

RESOLUTION NO. 434 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS WILD AND STROUGH

WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE DISTRIBUTED TO THE BOARD NO LATER THAN THE TUESDAY BEFORE THE BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION IN SUPPORT OF THE CREATION OF THE NORTH CREEK SEWER DISTRICT IN THE TOWN OF JOHNSBURG

WHEREAS, by Resolution No. 68 of 2022, the Board of Supervisors adopted the Rules of the Board, Section B(3) of which indicates that *“The Clerk shall distribute all resolutions to the members of the Board of Supervisors and post same to the Warren County website on each Tuesday prior to a Regular Meeting...”*, and

WHEREAS, the Board has agreed to consider a resolution in support of the creation of the North Creek Sewer District in the Town of Johnsburg, now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby waive the Standing Rule of the Board relating to the aforementioned requirement in order to entertain said resolution.

Warren County Board of Supervisors

RESOLUTION NO. 435 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS WILD AND STROUGH

RESOLUTION IN SUPPORT OF THE CREATION OF THE NORTH CREEK SEWER DISTRICT IN THE TOWN OF JOHNSBURG

WHEREAS, the Town of Johnsburg desires to establish the North Creek Sewer District, and

WHEREAS, the creation of said Sewer District will create regional benefits to not only the Town of Johnsburg, but also to the County of Warren as a whole, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby supports the Town of Johnsburg's desire to establish the North Creek Sewer District based on the tremendous benefits it will provide to the residents of Warren County.