

Warren County Board of Supervisors

BOARD MEETING
THURSDAY OCTOBER 6, 2022



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 12:34 p.m.
Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Beaty.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Dickinson, Merlino, Wild, Magowan, Seeber, Beaty, Thomas, Runyon and Geraghty - 17. Supervisors Geraci, Hogan and Strough- Absent 3.

Motion was made by Supervisor Diamond, seconded by Supervisor Dickinson and carried by majority vote of those present (*Supervisors Geraci, Hogan and Strough absent*), with Supervisor Wild abstaining, to approve the minutes of the September 16th Board Meeting, subject to correction by the Clerk of the Board.

Privilege of the floor and public comment was offered.

Christine V. Norton, *Representing ADK Excursions*, advised while she had requested \$175,000 in ARPA funding due to the total amount of requests received she would be appreciative of any amount of funding, including the \$30,000 referenced for her business in proposed Resolution No. 513, *Authorizing ARPA Funds Disbursement to Adk Excursions, LLC; and Amending Warren County Budget for 2022*.

Ray Agnew, *Vice President, Glens Falls Hospital and ARPA Committee member*, outlined the process the ARPA Committee members used to score the applications and award funding, adding he had been opposed when funding was awarded to the County for internal projects. He advised he believed the purpose of ARPA funding was not to “pad the County Budget”, but rather to be transformational and aid in the recovery from the pandemic and address critical needs that would otherwise not be addressed. He added the Committee had substantial input from the community to help guide them through the process. He implored with the Board to allow the remaining ARPA funds to be used for what their constituents notified them was of importance to them and let the community members who were appointed to the ARPA Committee carry this out.

Supervisor Magowan thanked Mr. Agnew for taking the time to voice his thoughts to the full Board which he hoped would be recognized. He advised he was in favor of keeping the ARPA Committee in place and using the remaining funds to support the local businesses who submitted applications.

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Chairman of the Board waived his report.

The Committee Chairs waived their reports, aside from Supervisor Braymer, who as Co-Chair of the ARPA Advisory Committee provided an update on their activities; Supervisor Merlino, as Chair of the Tourism Committee, provided an update on the department; Supervisor Wild spoke as a member of the ARPA Committee, regarding his concerns with the economic uncertainty and how ARPA funding could be used to assist the County in the event a recession did occur which is why he believed they should hold off on awarding a portion of the funding and then re-visit in a few months. He also spoke regarding a proposed Floor Resolution pertaining to authorizing the Chair of the Board to act as Warren County's representative to vote in a special election on the formation of the North Creek Sewer District in the Town of Johnsbury which he requested support of; Supervisor Seeber, as Chair of the NACo/NYSAC Committee, provided an update on this morning's NACo/NYSAC Committee meeting, as well as requested support of proposed Resolution No. 500, *Authorizing ARPA Funds Disbursement to National Association of Counties (NACo); and Amending Warren County Budget for 2022*; Supervisor Leggett, as Chair of the Finance Committee, reported on the action taken earlier today by the Finance Committee; and Supervisor Beaty spoke regarding the ARPA application process, how the bulk of the funding had been awarded to Warren County and he voiced his support of keeping the ARPA Committee intact to allow them to move forward with awarding funding to businesses and organizations in the community in need.

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: Richard Cavalier v. Warren County Board of Ethics, et al; Frank Denes v. County of Warren, et al; and Jasmine Earnest v. Town of Queensbury, County of Warren, et al.

Motion was made by Supervisor Bruno seconded by Supervisor Driscoll and carried by a unanimous vote of those present (*Supervisors Geraci, Hogan and Strough absent*), to enter into an executive session pursuant to Section 105(1)(d) of the Public Officer's Law.

Executive session was held from 1:10 p.m. until 1:28 p.m.

Upon reconvening, Chairman Geraghty requested Mr. Elmen provide a synopsis of what occurred in executive session. Mr. Elmen apprised he misspoke earlier, indicating the case concerning Richard Cavalier was actually Warren County v. Warren County Board of Elections, et al and not the Board of Ethics. He said there was also a lawsuit against Broome County, Schoharie County and New York State Board of Elections. Additionally there was discussion regarding the Ilana Morgan litigation in the Second Circuit Court of Appeals during the executive session. He noted no action was taken during the executive session.

The Agenda review resumed with the Reading of communications, but there were none to report.

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

Amanda Allen, *Clerk of the Board*, advised Resolution Nos. 500-513, along with a Proclamation were distributed to the members of the Board of Supervisors on Tuesday October 4, 2022 which met the deadline specified in the Rules of the Board. The Proclamation was:

PR38 - World Mental Health Day in Warren County.

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Mrs. Allen stated proposed Resolution No. 515, *Amending Resolution No. 421 of 2021, "Approving and Adopting the Warren County Real Estate Auction 2021 Terms and Conditions of Sale Applicable to the Sale of Parcels Acquired by the County by Reason of the Foreclosure of Tax Liens", to Remove Subdivision (F) of Paragraph 6*, was distributed to the members of the Board of Supervisors on Wednesday, October 5, 2022 which did not meet the deadline specified in the Rules of the Board resulting in requiring a motion to Waive the Rules of the Board to bring the proposed Resolution to the floor. She noted the Waiving of the Rules Resolution was included in the packet and was referred to as No. 514, *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 Amending Resolution No. 421 of 2021, "Approving and Adopting the Warren County Real Estate Auction 2021 Terms and Conditions of Sale Applicable to the Sale of Parcels Acquired by the County by Reason of the Foreclosure of Tax Liens", to Remove Subdivision (F) of Paragraph 6*, which required a motion. The necessary motion was made by Supervisor Bruno, seconded by Supervisor Magowan and carried by a unanimous vote of those present (*Supervisors Geraci, Hogan and Strough absent*), to Waive the Rules of the Board in order to entertain proposed Resolution No. 515.

Mrs. Allen advised proposed Resolution No. 517, *Authorizing the Appropriation of Funds from the General Fund Unappropriated Surplus Account to Various Departmental Budgets to Cover Equipment Needs; and Amending Warren County Budget for Same*, was approved by the Finance Committee today which also did not meet the deadline specified in the Rules of the Board, adding a Waiving of the Rules was required and was referenced in proposed Resolution No. 516, *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 the Appropriation of Funds from the General Fund Unappropriated Surplus Account to Various Departmental Budgets to Cover Equipment Needs; and Amending Warren County Budget for Same*. The necessary motion was made by Supervisor Magowan, seconded by Supervisor Frasier and carried by a unanimous vote of those present (*Supervisors Geraci, Hogan and Strough absent*), to Waive the Rules of the Board in order to entertain proposed Resolution No. 517.

Mrs. Allen noted there were two Floor Resolutions, the first of which pertained to a Waiving of the Rules because it did not go through the established Committee structure and proposed Floor Resolution No. 2, *Resolution Authorizing the Chair of the Board of Supervisors to Act as Warren County's Representative to Vote at the Special Election on the Formation of the North Creek Sewer District in the Town of Johnsbury*. She stated a motion was required to bring proposed Floor Resolution No. 1 to the floor. The necessary motion was made by Supervisor Braymer, seconded by Supervisor Magowan and carried by a unanimous vote of those present (*Supervisors Geraci, Hogan and Strough absent*). Mrs. Allen advised proposed Floor Resolution No. 1 would now be referred to as proposed Resolution No. 518, *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 Authorizing the Chair of the Board of Supervisors to Act as Warren County's Representative to Vote at the Special Election on the Formation of the North Creek Sewer District in the Town of Johnsbury*.

Mrs. Allen apprised a motion was required to bring proposed Floor Resolution No. 2 to the floor. The necessary motion was made by Supervisor Thomas, seconded by Supervisor Runyon and carried by a unanimous vote of those present (*Supervisors Geraci, Hogan and Strough absent*) to bring proposed Floor Resolution No. 2, *Resolution Authorizing the Chair of the Board of Supervisors to Act as Warren County's Representative to Vote at the Special Election on the*

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Formation of the North Creek Sewer District in the Town of Johnsbury, to the floor. Mrs. Allen advised proposed Floor Resolution No. 2 would now be referred to as proposed Resolution No. 519.

Discussion and public comment on proposed resolutions was called for.

A lengthy discussion ensued on proposed Resolution No. 511, *Authorizing ARPA Funds Disbursement to North Warren Emergency Squad, Inc.; and Amending Warren County Budget for 2022*, during which a motion was made by Supervisor Conover and seconded by Supervisor Diamond to amend proposed Resolution No. 511 to include awarding \$75,000 in ARPA funding to all of the EMS (*Emergency Medical Services*) squads within Warren County. Further discussion ensued during which Chairman Geraghty suggested they hold off on moving forward with the proposed amendment until they determined how many EMS squads were located in the County and what the total appropriation would equate to.

Motion was made by Supervisor Braymer, seconded by Supervisor Thomas and carried by a unanimous vote of those present (*Supervisors Geraci, Hogan and Strough absent*) to table proposed Resolution No. 511, *Authorizing ARPA Funds Disbursement to North Warren Emergency Squad, Inc.; and Amending Warren County Budget for 2022*, and send it back to Committee to discuss further providing funding to every EMS squad in the County.

Next, a motion was made by Supervisor Wild and seconded by Supervisor Dickinson to table proposed Resolution No. 500, *Authorizing ARPA Funds Disbursement to National Association of Counties (NACo); and Amending Warren County Budget for 2022*, to allow the Human Resources and Public Health Department's to research further if it would be beneficial to the County to move forward with the proposed Resolution.

A discussion ensued during which it was noted that Rob York, *Director, Office of Community Services*, was fully supportive of the County moving forward with the Mental Health First Aid Training and seminars referenced in the proposed Resolution.

Supervisor Seeber requested a roll call vote on the motion to table. Chairman Geraghty called the question and the motion to table proposed Resolution No. 500, *Authorizing ARPA Funds Disbursement to National Association of Counties (NACo); and Amending Warren County Budget for 2022*, as outlined above failed to obtain the majority vote required, with 211 in favor (*Supervisors McDevitt, Frasier, Dickinson and Wild*) and 647 voting in opposition (*Supervisors Beaty, Thomas, Runyon, Conover, Leggett, Diamond, Braymer, Bruno, Driscoll, Merlino, Magowan, Seeber and Geraghty*) and 144 absent (*Supervisors Geraci, Hogan and Strough*).

A discussion occurred regarding proposed Resolution No. 505, *Authorizing ARPA Funds Disbursement to Habitat for Humanity of Northern Saratoga, Warren & Washington Counties; and Amending Warren County Budget for 2022*, and whether requests for funding had been submitted to Warren and Washington Counties, as well during which Javita Winter, *Habitat for Humanity Volunteer*, provided an overview of the Baybridge Mixed Income Housing project.

Motion was made by Supervisor Wild and seconded by Supervisor Thomas to table proposed Resolution No. 513, *Authorizing ARPA Funds Disbursement To ADK Excursions, LLC; and Amending Warren County Budget for 2022*, for a month to determine whether this was a sound investment for the County to make.

Discussion ensued during which Chairman Geraghty requested a roll call vote on the motion to table. Chairman Geraghty called the question and the motion to table proposed Resolution No. 513, *Authorizing ARPA Funds Disbursement To ADK Excursions, LLC; and Amending Warren*

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County Budget for 2022, as outlined above failed to obtain the majority vote required with 393 votes in favor (*Supervisors Thomas, Runyon, Conover, Leggett, McDevitt, Bruno, Frasier, Dickinson, Merlino and Wild*) and 465 voting in opposition (*Supervisors Beaty, Diamond, Braymer, Driscoll, Magowan, Seeber and Geraghty*) and 144 absent (*Supervisors Geraci, Hogan and Strough*).

Voting on resolutions occurred; Resolution Nos. 500-519 were approved as presented, with the exception of proposed Resolution No. 511, which was tabled.

Privilege of the floor and public comment was called for.

Ms. Norton thanked the Board for their support of her business, ADK Excursions, which she was grateful for.

Supervisor Merlino questioned the status of the Warren County Ethics Board and Mr. Elmen responded three primary members and one alternate member had been appointed as members of the Warren County Ethics Board and they attempted to schedule a meeting to review some of the issues; however, he noted, they were unable to obtain a quorum of the Board which would require three members be present. He stated the hope was to schedule a meeting at the end of October which would be the first meeting of the newly constituted Warren County Ethics Board. He added he had no information regarding the remaining two vacant positions on the Board.

Announcements were called for.

Chairman Geraghty announced the Fall Farm Tour was occurring in the Town of Thurman this weekend and he encouraged all to attend.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Braymer and carried by a unanimous vote of those present (*Supervisors Geraci, Hogan and Strough absent*), Chairman Geraghty adjourned the Board Meeting at 2:17 p.m.