

Warren County Board of Supervisors

BOARD MEETING
FRIDAY, DECEMBER 16, 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 10:06 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Leggett.

A moment of silence was called for Frank Dittrich, who had been instrumental in working with the County on many tourism initiatives and Jeff Killeen, *former leader of The Fund for Lake George and the Lake George Association*, both of whom had recently passed away.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Frasier, Geraci, Hogan, Dickinson, Merlino, Strough, Wild, Magowan, Seeber, Thomas and Geraghty-18 Absent - Supervisors Beaty and Runyon.

Prior to continuing with the agenda review, Chairman Geraghty asked the new County Administrator to introduce himself to the Board. John Taflan, *County Administrator*, expressed his appreciation for their support, indicating he looked forward to working with the Board.

Motion was made by Supervisor Strough, seconded by Supervisor Bruno and carried by a unanimous vote of those present (*Supervisors Beaty and Runyon absent*), to approve the minutes of the November 18, 2022 Board Meeting, subject to correction by the Clerk of the Board.

Chairman Geraghty advised the December Employee of the Month Award would be given at the regular Board Meeting in January and no one had completed the Leadership Badge Training in Senior Management this month.

Proceeding with the Agenda review, Chairman Geraghty called for Privilege of the floor/public comment, but there was no one wishing to speak.

Continuing with the Agenda review, Chair declared the Public Hearing open on Proposed Local Law No. 5 of 2022, Entitled "*A Local Law Granting Partial Exemption on Real Property Taxation for Eligible Persons Sixty-five (65) Years of Age and over and Repealing Resolution No. 251 of 2012*", open at 10:09 a.m. and requested the Clerk of the Board read the Notice of Public Hearing aloud. Chair called for public comment, but there was no one wishing to speak.

Chairman Geraghty announced he would keep the Public Hearing Open.

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Proceeding with the Agenda review, Chair declared the Public Hearing on Proposed Local Law No. 1 of 2023, Entitled “A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County”, open at 10:11 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment, but there was no one wishing to speak.

There being no one wishing to speak on Proposed Local Law No. 5 of 2022 Entitled “A Local Law Granting Partial Exemption on Real Property Taxation for Eligible Persons Sixty-five (65) Years of Age and over and Repealing Resolution No. 251 of 2012”, as well as proposed Local Law No. 1 of 2023 Entitled A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County”, Chairman Geraghty closed their respective Public Hearings 10:10 a.m.

Report by the Chair of the Board was given.

Reports by Committee Chairs were given.

Report by the County Administrator was given.

Report by the County Attorney was given during which an executive session was requested to discuss the following matters pursuant to Public Officers Section 105(f), matters leading to the appointment, promotion, discipline, suspension, dismissal or removal of a particular person; 108(3) pertaining to attorney/client privilege communications; and 105(d), proposed, pending, or current litigation involving: Brian Smith and the Notice of Discipline; Frank Denes, as well as Kathleen Innes, both of which may relate to resolutions that were before the Board today; attorney/client communication regarding proposed Resolution No. 734 and some legal advise he felt compelled to provide prior to a decision being made on the proposed Resolution concerning NACo (*National Association of Counties*) involving short-term rentals and reporting sex offenders.

Supervisor Braymer asked whether Earl Redding, Esq., *Special Counsel to the County*, would be attending the executive session to answer questions posed by Board members and Larry Elmen, *County Attorney*, replied in the negative, indicating he would be passing along information to the Board that had been provided to him by Mr. Redding.

Supervisor Geraci asked whether the executive session could wait until the end of the meeting and Chairman Geraghty replied in the negative, noting some of the discussion would involve proposed Resolutions that were before them for approval today.

Motion was made by Supervisor Magowan, seconded by Supervisor Braymer and carried by a unanimous vote of those present (*Supervisors Beaty and Runyon absent*) to enter into executive session pursuant to Sections 105(d) (f) and 108(3) of Public Officers Law as outlined above.

Executive session was held from 11:03 a.m. until 12:06 p.m.; Supervisors Wild and Seeber exited the meeting during the executive session.

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

Mr. Elmen continued with the Report by the County Attorney.

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

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Reports from:

1. Capital District Regional Off-Track Betting Corp. - Financial Reports dated August 31, 2022 and September 30, 2022

Letters/emails from:

1. FitzGerald, Morris, Baker, Firth - Application for Real Property Tax Exemption for Warren-Washington IDA project known as "78-80 Main Street LLC, Town of Queensbury".

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

Resolution Nos. 678-808 were distributed to the Board and posted to the Warren County website on Tuesday December 13th, along with two Proclamations, adding this distribution met the deadline specified in the Rules of the Board. The two Proclamations were:

Proclamation No. 50- Impaired Driving Prevention Month

Proclamation No. 51 -Human Rights Week

Mrs. Allen indicated there were eight Floor Resolutions which were not approved and a motion was needed to bring each to the floor.

Supervisor Conover requested a roll call vote on the proposed Floor Resolution which Waived the Rules concerning the expansion of videoconferencing. Chairman Geraghty interjected that they were not at that point in the meeting.

Motion was made by Supervisor Conover, seconded by Supervisor Driscoll and carried by a majority vote of those present (*Supervisors Wild, Seeber, Beaty and Runyon absent*), to Waive 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 Chair of the Board of Supervisors or the County Attorney to enter into and execute agreements with various vendors or contractors regarding services required from time to time by the County Attorney's Office, subject to certain conditions. Mrs. Allen announced proposed Floor Resolution No. 1 would now be known as proposed Resolution No. 809.

Motion was made by Supervisor McDevitt, seconded by Supervisor Hogan and carried by a unanimous vote of those present (*Supervisors Wild, Seeber, Beaty and Runyon absent*) to bring proposed Floor Resolution No. 2 to the floor entitled "Authorizing the Chair of the Board of Supervisors or the County Attorney to enter into and execute agreements with various vendors or contractors regarding services required from time to time by the County Attorney's Office, subject to certain conditions". Mrs. Allen advised proposed Floor Resolution No. 2 would now be referred to as proposed Floor Resolution No. 810.

Motion was made by Supervisor Leggett, seconded by Supervisor Braymer and carried by a majority vote of those present (*Supervisors Wild, Seeber, Beaty and Runyon absent*), to Waive 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 Occupancy Tax Reserve to the Tourism Budget; amending 2022 Warren County Budget. Mrs. Allen indicated proposed Floor Resolution No. 3 would now be known as proposed Resolution No. 811.

Motion was made by Supervisor Merlino, seconded by Supervisor Dickinson and carried by a unanimous

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vote of those present (*Supervisors Wild, Seeber, Beaty and Runyon absent*) to bring proposed Floor Resolution No. 4 to the floor entitled "Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget; amending 2022 Warren County Budget". Mrs. Allen stated proposed Floor Resolution No. 4 would now be referred to as proposed Floor Resolution No. 812.

Motion was made by Supervisor Braymer and seconded by Supervisor Diamond to bring proposed Floor Resolution No. 5 to Waive 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 Introducing Proposed Local Law No. 2 of 2023, Entitled " A Local Law Adopting the Expansion of Videoconferencing for Public Meetings" and Authorizing a Public Hearing thereon". Supervisor Conover requested a roll call vote on the motion to bring proposed Floor Resolution No. 5 to the floor. Chairman Geraghty called the question and the motion to bring proposed Floor Resolution No. 5 to the floor as outlined above failed to obtain the majority vote required, with 221 voting in favor (*Supervisors Diamond, Braymer, Bruno, Driscoll, Geraci, and Hogan*) and 497 opposed (*Supervisors Leggett, McDevitt, Frasier, Dickinson, Merlino, Strough, Magowan, Thomas, Conover and Geraghty*) and 195 absent (*Supervisors Wild, Seeber, Beaty and Runyon*).

Mrs. Allen advised since the motion to Waive the Rues failed proposed Floor Resolution No. 6 was no longer before them for consideration.

Motion was made by Supervisor Strough, seconded by Supervisor Dickinson and carried by a majority vote of those present (*Supervisor Wild, Seeber, Beaty and Runyon absent*), to Waive 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 Table of Organization and Warren County Salary and Compensation Plan for 2022 to Create a New Temporary Position within the Tourism Department.

Motion was made by Supervisor Dickinson, seconded by Supervisor Merlino and carried by a unanimous vote of those present (*Supervisor Wild, Seeber, Beaty and Runyon absent*) to bring proposed Floor Resolution No. 8 to the floor entitled "Amending Table of Organization and Warren County Salary and Compensation Plan for 2022 to create a new temporary position within the Tourism Department".

Supervisor Magowan apprised he had inadvertently voted against the proposed Floor Resolution concerning Introducing Local Law No. 2 of 2023 regarding the expansion of videoconferencing and he asked whether he could change his vote to be in favor. Mrs. Allen apprised he could change his vote to be in favor, however, she noted, the Resolution still failed to obtain the majority vote required to bring the proposed Resolution to the floor.

Mr. Elmen asked for the record what proposed Floor Resolution Nos. 7 and 8 would be referred to as and Mrs. Allen replied they would be known as proposed Resolution Nos. 813 and 814.

Discussion and public comment on proposed resolutions was called for.

Supervisor Hogan voiced her support of proposed Resolution No. 735, *Amending Resolution No. 570 of 2021, Authorizing Agreements with Certain Applicants for the Disbursement of 2022 Occupancy Tax Revenues, to Authorize Agreements and Funding to the Warren County Historian; the Glens Falls National Trust Grant and Warren County Planning and Community Development Department*, adding she hoped they would consider providing additional occupancy tax funding to the communities of northern Warren County moving forward. She also spoke regarding her displeasure with the fact

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that the Board had voted down bringing the proposed Floor Resolution pertaining to Proposed Local Law No. 2 of 2023, Entitled “ A Local Law Adopting the Expansion of Videoconferencing for Public Meetings”.

Supervisor Hogan exited the meeting at 12:16 p.m.

Supervisor Braymer advised she would be recusing from voting on proposed Resolution Nos. 704, *Authorizing Agreement with Lake George Land Conservancy for the Planning & Community Development Department to Provide GIS Services*, 737, *Awarding Bid and Authorizing Agreement with Stone Industries, LLC for Routine Pumping, Cleaning and Disposal for Septic Systems (WC 66-22)*, and 755, *Appointing Members to the Warren County Board of Ethics*.

Supervisor Thomas requested a roll call vote on proposed Resolution No. 808, *Adopting Draft Warren County Domestic Terrorism Prevention Plan*.

A discussion ensued regarding proposed Resolution No. 708, *Accepting Proposal and Authorizing Agreement with the Salvation Army for Warren/Hamilton Counties Office for the Aging Senior Nutrition Meal Program - Supplemental Request for Proposals (WC 48-22)*, following which motion was made by Supervisor Braymer and seconded by Supervisor Diamond to amend the proposed Resolution to indicate that the current County employees at the Cedars Mealsite would not be laid off. Further discussion ensued following which Supervisors Braymer and Diamond amended their motions to indicate no current County employee assigned to work at the Cedars Mealsite would lose their County employment as a result of this contract. Chairman Geraghty called the question and the motion was carried by a majority vote of those present (*Supervisors Hogan, Wild, Seeber, Beaty and Runyon absent*), with Supervisor Dickinson voting in opposition.

Motion was made by Supervisor Geraci, seconded by Supervisor Dickinson and carried by a unanimous vote of those present (*Supervisors Hogan, Wild, Seeber, Beaty and Runyon absent*) to table proposed Resolution No. 734, *Resolution Encouraging the State Legislature and Governor to Enact Legislation to Require Reporting of Sex Offenders in Short Term Rentals*, and refer it to the Criminal Justice & Public Safety Committee for discussion.

Supervisor Braymer exited the meeting at 12:29 p.m.

Mrs. Allen noted there were a number of proposed Resolutions approved by the Finance Committee that required roll call votes and she asked whether the roll call votes could be combined on 757, 759, 761, 764, 766-775 and 777 to which no one objected.

Voting on resolutions occurred; Resolution Nos. 678- 814 were approved as presented, with the exception of Resolution Nos. 734 which was tabled, Resolution No. 808 which failed and Resolution No. 708, which was amended from the floor. ***Note: Subsequent to the meeting it was determined that Resolution No. 814, Amending Table of Organization and Warren County Salary and Compensation Plan for 2022 to Create a New Temporary Position Within the Tourism Department, failed because it only achieved a vote of 628 and a 2/3 majority vote of 668 was required because the resolution involved the creation of a position.***

Privilege of the floor/public comment was called for, but there was no one wishing to speak.

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Announcements were called for.

Supervisor Magowan wished everyone a safe and happy holiday season. He also thanked the County employees for all of their efforts this year.

Supervisor Dickinson reminded the Town Supervisors to pick up their Town tax rolls.

Supervisor Geraci commended Chairman Geraghty for his leadership this year and thanked Supervisor Leggett for filling in as Acting County Administrator for several months which he believed he did a good job on.

Chairman Geraghty wished everyone a happy holiday season and thanked the County employees for all of their hard work throughout the year.

Supervisor Merlino echoed Chairman Geraghty's comments regarding the County employees and wished Mr. Taflan well in his new position.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Dickinson, seconded by Supervisor Geraci and carried by a unanimous vote of those present (*Supervisors Braymer, Hogan, Wild, Seeber, Beaty and Runyon absent*) Chairman Geraghty adjourned the Board Meeting at 12:44 p.m.