

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, FEBRUARY 17, 2023**



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 10:00 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Braymer.

Roll called, the following members present:

Supervisors Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Geraci, Smith, Dickinson, Merlino, Strough, Wild, Magowan, Beaty, Thomas and Geraghty -16; Absent -3 Supervisors Conover, Frasier and Runyon; and Vacant - 1.

Prior to commencing the agenda review, Chairman Geraghty welcomed Mark Smith, the new Supervisor for the Town of Johnsbury and wished former Supervisor Hogan well in her future endeavors. He also welcomed Bill Collins, *Mayor, City of Glens Falls*.

Supervisor Frasier entered at 10:02 a.m.

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

Motion was made by Supervisor Bruno, seconded by Supervisor Dickinson and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to approve the minutes of the January 20, 2023 Board Meeting and February 3, 2023 Special Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Olivia Cohen, *Public Health Educator*.

Chairman Geraghty apprised there were no graduates this month of the Leadership Badge Training in Senior Management which was offered to Department Heads and individuals in Senior Management positions.

Chairman Geraghty noted he had no report to give this month.

Report by Committee Chairs were given during which Supervisor Braymer exited the meeting at 10:09 a.m. Also during the Committee Reports Supervisor Bruno voiced his concerns regarding a new mandatory course required to graduate from SUNY institutions outlined in an article entitled 'Woke 101' is now SUNY must-pass class"; a copy of the article is on file with the items distributed at the February 17th Board Meeting.

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Report by the County Administrator was given.

Chairman Geraghty advised the Report by the County Attorney would be given at the end of the meeting.

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

Reports from:

1. COOL Insuring Arena - 2022 Capital Improvement Spending Report; and
2. Warren County Auditor - January 2023 list of real property tax corrections processed.

Letters/emails from:

1. Letter from Family Service Association of Glens Falls, Inc. - letter of appreciation for ARPA funding; and
2. Email from Carol Birkholz, Chairwoman of the Warren County Conservative Party - letter of recommendation for the appointment of Hilary Stec to the recently vacated Town of Queensbury At-Large Supervisor position.

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

Resolution Nos. 52-111 were distributed to the Board and posted to the Warren County website on Tuesday, January 17th, as well as four Proclamations, which met the distribution deadline specified in the Rules of the Board. Resolution No. 88 was amended after mailing and a motion was required to approve of the amendments to the resolution, as provided.

Motion was made by Supervisor Merlino, seconded by Supervisor Wild and carried by a unanimous vote of those present (*Supervisors Conover, Braymer and Runyon absent*) to approve proposed Resolution No. 88 as amended.

It was noted the Resolution Index inadvertently listed proposed Resolution No. 53 as being referred by the Personnel, Administration & Higher Education Committee when it should have been the Finance Committee.

The four Proclamations were:

Proclamation No. 3 - Black History Month

Proclamation No. 4 - Human Traffic Prevention Month

Proclamation No. 5 - American Heart Month

Proclamation No. 6 - Congratulating Dr. John Ruggie on receiving the J. Walter Juckett Award

Floor Resolution Nos. 1-10, included in the Board packets, were outlined individually and motions were requested to bring each to the floor.

Motion was made by Supervisor Bruno, seconded by Supervisor Driscoll and carried by a unanimous vote of those present (*Supervisors Conover, Braymer, and Runyon absent*) to bring proposed Floor Resolution No. 1, *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 Calling on the State of New York to continue to Pass-Thru Affordable Care Act Enhanced Federal Medicaid Assistance Percentage Funds*, to the floor.

Supervisor Braymer reentered the meeting at 10:36 a.m.

Amanda Allen, *Clerk of the Board*, announced Floor Resolution No. 1 would now be proposed Resolution No. 112.

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Motion was made by Supervisor Strough, seconded by Supervisor Thomas and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to bring proposed Floor Resolution No. 2, *Calling on the State of New York to continue to Pass-Thru Affordable Care Act Enhanced Federal Medicaid Assistance Percentage Funds*, to the floor.

Mrs. Allen announced Floor Resolution No. 2 would now be proposed Resolution No. 113.

Motion was made by Supervisor Dickinson, seconded by Supervisor Geraci and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to bring proposed Floor Resolution No. 3, *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 Urging Action by New York State Legislators to Advocate on Behalf of SUNY Community Colleges to Increase Funding to Community Colleges in the State Budget*, to the floor.

Mrs. Allen announced Floor Resolution No. 3 would now be proposed Resolution No. 114.

Motion was made by Supervisor Wild, seconded by Supervisor Leggett and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to bring proposed Floor Resolution No. 4, *Urging Action by New York State Legislators to Advocate on Behalf of SUNY Community Colleges to Increase Funding to Community Colleges in the State Budget*, to the floor.

Mrs. Allen announced Floor Resolution No. 4 would now be proposed Resolution No. 115.

Motion was made by Supervisor Dickinson, seconded by Supervisor Smith and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to bring proposed Floor Resolution No. 5, *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 Amending Resolution No. 11 of 2023, Appointing Representative to Adirondack Balloon Festival Committee, to Appoint a Second Representative*, to the floor.

Mrs. Allen announced Floor Resolution No. 5 would now be proposed Resolution No. 116.

Motion was made by Supervisor Thomas, seconded by Supervisor Merlino and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to bring proposed Floor Resolution No. 6, *Amending Resolution No. 11 of 2023, Appointing Representative to Adirondack Balloon Festival Committee, to Appoint a Second Representative*, to the floor.

Mrs. Allen announced Floor Resolution No. 6 would now be proposed Resolution No. 117.

Motion was made by Supervisor Smith, seconded by Supervisor Thomas and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to bring proposed Floor Resolution No. 7, *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 Altering the Standing Rules of the Board of Supervisors, as Adopted by Resolution No. 1 of 2023, to Make Adjustments to Sections A(1), E(3), and F(2) to Correct References to the Local Law Setting the Weighted Vote; and Section D(1) to Adjust the Standing Committee List*, to the floor.

Mrs. Allen announced Floor Resolution No. 7 would now be proposed Resolution No. 118.

Motion was made by Supervisor Leggett, seconded by Supervisor Merlino and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to bring proposed Floor Resolution No.

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8, *Altering the Standing Rules of the Board of Supervisors, as Adopted by Resolution No. 1 of 2023, to Make Adjustments to Sections A(1), E(3), and F(2) to Correct References to the Local Law Setting the Weighted Vote; and Section D(1) to Adjust the Standing Committee List, to the floor.*

Mrs. Allen announced Floor Resolution No. 8 would now be proposed Resolution No. 119.

Motion was made by Supervisor Frasier, seconded by Supervisor Smith and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to bring proposed Floor Resolution No. 9, *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 Amending the Table of Organization and Warren County Salary and Compensation Plan for 2023 to Delete and Create Positions Within the Tourism Department, to the floor.*

Mrs. Allen announced Floor Resolution No. 9 would now be proposed Resolution No. 120.

Motion was made by Supervisor Wild, seconded by Supervisor Dickinson and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to bring proposed Floor Resolution No. 10, *Amending the Table of Organization and Warren County Salary and Compensation Plan for 2023 to Delete and Create Positions Within the Tourism Department, to the floor.*

Mrs. Allen announced Floor Resolution No. 10 would now be proposed Resolution No. 121.

Discussion and public comment on proposed resolutions was called for.

Darlene McGraw, *Town of Halfmoon resident*, spoke in favor of CDTA and Greater Glens Falls Transit merging, her disappointment with SUNY due to the lack of support offered to individuals with disabilities, her appreciation for the Sheriff's Office taking steps to secure a handicapped accessible van, as well as providing the Board members with information regarding the Federal Olmstead Act which concerned individuals with disabilities. She concluded by noting March was Brain Injury Awareness Month.

Supervisor Diamond questioned why proposed Resolution No. 57, *Amending Resolution No. 177 of 2022, Appointing Members of Warren County Fire Advisory Board for the Office of Emergency Services, to Adjust Membership*, removed Micki Guy from the Fire Advisory Board and Supervisor Geraci, as Chair of the Criminal Justice & Public Safety Committee, replied he was unsure, but he would do his best to secure an explanation prior to voting on resolutions.

Supervisor Diamond requested a roll call vote on proposed Resolution No. 97, *Re-Appointing Christian Hanchett as Commissioner of the Warren County Department of Social Services.*

Motion was made by Supervisor Diamond and seconded by Supervisor Bruno to table proposed Resolution No. 97, *Re-Appointing Christian Hanchett as Commissioner of the Warren County Department of Social Services.* A roll call vote was taken on the motion to table proposed Resolution No. 97. Chairman Geraghty called the question and the motion to table proposed Resolution No. 97 failed to obtain the majority vote, with 415 voting in favor (*Supervisors Braymer, Geraci, Smith, Magowan, Beaty, Leggett and Diamond*); 450 voting in opposition (*Supervisors Driscoll, Frasier, Dickinson, Merlino, Strough, Wild, Thomas, McDevitt and Geraghty*); 48 absent (*Supervisors Runyon and Conover*); and 89 Vacant

With regard to the question posed by Supervisor Diamond regarding why Micki Guy was being removed from the Fire Advisory Board by proposed Resolution No. 57, *Amending Resolution No. 177 of 2022, Appointing Members of Warren County Fire Advisory Board for the Office of Emergency*

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Services, to Adjust Membership, Supervisor Geraci noted this was due to Ms. Guy no longer being in the position of EMS Coordinator.

A discussion ensued regarding proposed Resolution No. 81, *Approving the 2023 Occupancy Tax Spending Plan for Municipalities and Authorizing Agreements for Tourism Promotion and Tourist and Convention Development Services*, during which Supervisor Braymer voiced her concerns regarding the process used for occupancy tax distribution to the towns and she requested a roll call vote on the proposed resolution. During the discussion Chairman Geraghty began to respond to the concerns voiced by Supervisor Braymer and she called point of order, indicating as Chair of the Board he was not permitted to debate on any topics. Chairman Geraghty responded he would hold refrain from commenting and allow Supervisor Dickinson, as Chair of the Occupancy Tax Committee, to respond.

Further discussion ensued on proposed Resolution No. 97, *Re-Appointing Christian Hanchett as Commissioner of the Warren County Department of Social Services*, following which motion was made by Supervisor Magowan and seconded by Supervisor Diamond to table the proposed Resolution. A roll call vote was requested. Following discussion on the motion to table, Chairman Geraghty called the question and the motion failed to obtain the majority vote, with 313 voting in favor (*Supervisors Braymer, Bruno, Magowan, Beaty and Diamond*); 552 voting in opposition (*Supervisors Driscoll, Frasier, Geraci, Smith, Dickinson, Merlino, Strough, Wild, Thomas, Leggett, McDevitt and Geraghty*); 48 absent (*Supervisors Runyon and Conover*); and 89 vacant.

Motion was made by Supervisor Braymer and seconded by Supervisor Diamond to enter into an executive session to discuss a personnel matter involving a particular employee. Larry Elmen, *County Attorney*, requested that the motion be amended to indicate the purpose of the executive session was to discuss a matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person; Supervisors Braymer and Diamond amended their motions accordingly. Chairman Geraghty called the question and the motion to enter into an executive session pursuant to Section 105 (1)(f) of the Public Officer's Law as outlined above carried by majority vote of those present (*Supervisors Conover and Runyon absent*), with Supervisors Dickinson and Strough voting in opposition.

Executive session was held from 11:11 a.m. until 11:47 a.m.

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

Motion was made by Supervisor Diamond, seconded by Supervisor Bruno and carried by a unanimous vote of those present (*Supervisors Runyon and Conover absent*) to table proposed Resolution No. 97, *Re-Appointing Christian Hanchett as Commissioner of the Warren County Department of Social Services*, to the March 17th Board Meeting.

Voting on resolutions occurred; Resolution Nos. 111-121 were approved as presented, with the exception of proposed Resolution No. 97 which was tabled until the March 17th Board Meeting.

Chairman Geraghty offered privilege of the floor and the following spoke:

Ms. McGraw encouraged the County to mirror the Local Law adopted by the Town of Lake George which permitted the use of e-bikes on certain roadways in their municipality.

Supervisor Dickinson noted the Town of Lake George's Local Law regarding e-bikes had been drafted using the Town of Queensbury's Local Law concerning same as a sample.

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Supervisor Merlino encouraged everyone to listen to the County's radio feature on Lake George Radio, adding he was impressed with the feature.

With regard to ARPA funding, Supervisor Merlino suggested the remaining funding be divided up amongst all of the municipalities located in the County.

Supervisor Braymer apprised a meeting of the ARPA Advisory Committee would be scheduled within the next few weeks.

Report by the County Attorney was given during which the consensus of the Board was to waive attorney/client privilege and allow the following to be discussed in open session: the procedure for the creation and filling of positions within the County; and the difference between a recusal and an abstention. During the discussion motion was made by Supervisor Beaty, seconded by Supervisor McDevitt and carried by a unanimous vote of those present (*Supervisors Conover and Runyon absent*) to waive attorney/client privilege with regard to the written opinions of the County Attorney's Office pertaining to recusing and the creation of positions within the County Budget to allow them to be posted on the County website. Also during the discussion Mr. Elmen requested an executive session to address the following: matters under Section 108(3) of the Public Officer's Law which were confidential by Federal or State Law concerning rehiring retired County employees, holding a position as a Supervisor and a County employee at the same time, as well as addressing any questions regarding FOIL (*Freedom of Information Law*) and occupancy tax returns; personnel matters under the Harassment and Discrimination Policy regarding a complaint the County has received; and potential litigation that may be forthcoming against the County which fell under Section 105 (1)(d) of the Public Officer's Law.

Motion was made by Supervisor Bruno, seconded by Supervisor Strough and carried by a unanimous vote of those present (*Supervisors Runyon and Conover absent*) to enter into an executive session pursuant to Sections 108(3) and 105 (1)(d) of the Public Officer's Law as outlined above.

Executive session was held from 12:50 p.m. until 1:19 p.m.; Supervisors Wild, McDevitt, Frasier, Diamond, Merlino and Dickinson exited the meeting during the executive session.

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

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Strough, seconded by Supervisor Magowan and carried by a majority vote of those present (*Supervisors Runyon, Conover, Wild, McDevitt, Frasier, Diamond, Merlino and Dickinson absent*), with Supervisor Seeber abstaining, Chairman Geraghty adjourned the Board Meeting at 1:22 p.m.