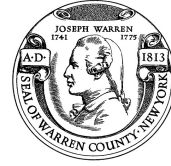


Warren County Board of Supervisors

BOARD MEETING
FRIDAY, APRIL 21, 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 Frasier.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Bruno, Driscoll, Frasier, Geraci, Smith, Dickinson, Merlino, Strough, Wild, Magowan, Beaty, Stec, Thomas, Runyon and Geraghty 19; Absent 1- Supervisor Braymer.

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 Frasier and carried by a unanimous vote of those present (*Supervisor Braymer absent*) to approve the minutes of the March 17, 2023 Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Amy Turcotte, *Legal Office Coordinator*, County Attorney's Office.

Continuing with the Agenda review, Chair declared the Public Hearing open on proposed Local Law No. 3 of 2023, Entitled "*A Local Law Providing that no Exemption under Real Property Tax Law Section 487 be Applicable within the Jurisdiction of the County of Warren with Respect to any Solar or Wind Energy System or Farm Waste Energy System*", at 10:08 a.m. and requested the Clerk of the Board read Notice of Public Hearing aloud. Chair called for public comment.

A discussion ensued regarding proposed Local Law No. 3 during which Supervisors Leggett, Magowan, Beaty, Strough, McDevitt commented.

Nicholas Collins, *City of Glens Falls Resident*, voiced his concerns regarding the impact this Local Law would have on the exemptions provided to residential solar customers following which Larry Elmen, *County Attorney*, noted the proposed Local Law would have no impact on the benefits allotted to residential solar customers.

A lengthy discussion ensued with regard the proposed Local Law and the confusion associated with whether it was permissible to proceed with negotiations with solar companies if the proposed Local Law was adopted during which Mr. Elmen affirmed if the Local Law moved forward the impacted property would be taxed for the County at the full assessed value, noting negotiations were not permissible.

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During the discussion, Supervisor Braymer entered the meeting at 10:38 a.m.

Chairman Geraghty once again called for public comments on proposed Local Law No. 3 of 2023, Entitled “*A Local Law Providing that no Exemption under Real Property Tax Law Section 487 be Applicable within the Jurisdiction of the County of Warren with Respect to any Solar or Wind Energy System or Farm Waste Energy System*”; there being no one else wishing to speak, Chairman Geraghty closed the Public Hearing at 10:43 a.m.

Report by the Chairman of the Board was given.

Report by Committee Chairs were given.

Report by the County Administrator was given. *Provided by the Assistant to the County Administrator in the County Administrator’s absence.*

Supervisor Strough exited the meeting at 11:10 a.m.

The Report by the County Attorney was deferred until the end of the meeting.

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

Reports from:

1. Warren County Commissioner of Jurors - Annual Report for 2022.

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

Resolution Nos. 178-227, as well as seven Proclamations were distributed to the members of the Board of Supervisors on Tuesday April 18, 2023, which met the distribution deadline specified in the Rules of the Board. The seven Proclamations were:

No. 12 - National Public Safety Telecommunicators Week;

No. 13 - Crime Victims’ Rights Week;

No. 14 - Sexual Assault Awareness Month;

No. 15 - Mental Health Awareness Month;

No. 16 - Donate Life Month;

No. 17 - Law Day; and

No. 18 - Saga City Day

Floor Resolution Nos. 1-4, included in the Board packet, were outlined individually and motions were requested to bring each to the floor.

Motion was made by Supervisor Driscoll, seconded by Supervisor Smith and carried by a unanimous vote of those present (*Supervisors Strough 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 Appointing Heather D. Bagshaw as Director of Tourism*, to the floor.

Amanda Allen, *Clerk of the Board*, announced Floor Resolution No. 1 would now be proposed Resolution No. 228.

Motion was made by Supervisor Wild, seconded by Supervisor Runyon and carried by a unanimous vote of those present (*Supervisors Strough absent*) to bring proposed Floor Resolution No. 2, *Appointing Heather D. Bagshaw as Director of Tourism*, to the floor.

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Mrs. Allen advised Floor Resolution No. 2 would now be referred to as proposed Resolution No. 229.

Supervisor Strough re-entered the meeting at 11:13 a.m.

Motion was made by Supervisor Braymer, seconded by Supervisor Bruno and carried unanimously 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 Requiring AC Power, LLC to Enter into an Agreement for Payments in Lieu of Taxes upon Certain Property Located off of River Street, Town of Queensbury*, to the floor.

Mrs. Allen stated Floor Resolution No. 3 would now be proposed Resolution No. 230.

Motion was made by Supervisor Bruno, seconded by Supervisor Smith and carried unanimously to bring proposed Floor Resolution No. 4, *Resolution Requiring AC Power, LLC to Enter into an Agreement for Payments in Lieu of Taxes upon Certain Property Located off of River Street, Town of Queensbury*, to the floor.

Mrs. Allen informed Floor Resolution No. 4 would now be known as proposed Resolution No. 231.

Mrs. Allen noted proposed Resolution No. 185 was inadvertently labeled incorrectly on the Resolution Index as a roll call vote which was not required unless otherwise requested by someone.

Discussion and public comment on proposed resolutions was called for.

Supervisor Beaty requested a roll call vote on proposed Resolution No. 204, *Resolution Altering the Standing Rules of the Board of Supervisors, as Adopted by Resolution No. 1 of 2023 and Subsequently Amended by Resolution No. 119 of 2023, to Delete Section E(7) Relating to the Filling of Vacancies and the Creation of New Positions and to Re-number Former Section E(8) as New Section E(7)*, and outlined the reasons he would be voting in opposition of the proposed Resolution.

A discussion ensued regarding proposed Resolution No. 204 during which Mr. Elmen advised the requirement for a two-thirds majority vote had been removed because it was determined the State did not permit a governing body to increase the vote to a two thirds majority by resolution which is in essence what the Rules of the Board were. He further explained the only legal manner in which a two-thirds majority vote could be required was to adopt a Local Law by referendum in the County, adding this process was not followed when the two thirds majority vote requirement was enacted several years ago for instances when new positions were being created.

A discussion ensued regarding proposed Resolution No. 194, *Enacting Local Law No. 3 of 2023, Entitled "A Local Law Providing that no Exemption under Real Property Tax Law Section 487 be Applicable within the Jurisdiction of the County of Warren with Respect to any Solar or Wind Energy System or Farm Waste Energy System"*, following which motion was made by Supervisor Wild, and seconded by Supervisor Strough to table proposed Resolution No. 194 and send it back to Committee. Chairman Geraghty called for a roll call vote; he called the question and the motion to table proposed Resolution No. 194 as outlined above and failed to obtain the majority vote, with 359 voting in favor (*Supervisors Strough, Wild, Magowan, Leggett and McDevitt*); and 643 voting in opposition (*Supervisors Frasier, Geraci, Smith, Dickinson, Merlino, Beaty, Stec, Thomas, Runyon, Conover, Diamond, Braymer, Bruno, Driscoll and Geraghty*).

Further discussion occurred on proposed Resolution No. 194, *Enacting Local Law No. 3 of 2023, Entitled "A Local Law Providing that no Exemption under Real Property Tax Law Section 487 be*

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Applicable within the Jurisdiction of the County of Warren with Respect to any Solar or Wind Energy System or Farm Waste Energy System”, during which several Supervisors spoke in favor of the proposed Resolution while others voiced their opposition.

Supervisor Braymer requested a roll call vote on proposed Resolution No. 209, *Authorizing Intermunicipal Agreement with the Village of Lake George and the Town of Lake George to Provide Funding for the Lake George Event Manager Position*, which she would be voting in opposition of.

Voting on resolutions occurred; Resolution Nos. 178-231 were approved as presented.

Supervisor Geraci exited the meeting at 11:57 a.m.

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

Kevin Hajos, *Superintendent of Public Works*, announced a Household Hazardous Waste collection event would be held in Warrensburg tomorrow and the next event would be held in the Town of Queensbury in August.

Returning to the Report by the County Attorney, Chairman Geraghty called for a motion to enter into an executive session. The necessary motion was made by Supervisor Frasier and seconded by Supervisor Stec. Mr. Elmen noted the purpose of the executive session was to address a recommendation from the Board of Ethics regarding ethics complaint No. 2023-1 Under Section 105(1)(f) of the Public Officer’s Law pertaining to a matter that may lead to the promotion, employment, demotion, discipline, suspension, dismissal or removal of a particular person. Chairman Geraghty called the question and the motion to enter into an executive session as outlined above was carried by a unanimous vote of those present (*Supervisor Geraci absent*).

Executive session was held from 11:58 a.m. until 12:31 p.m.; Supervisors Diamond and McDevitt exited the meeting during the executive session.

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

Announcements were called for.

Chairman Geraghty reminded the Board members the Crime Victims’ Ceremony would be held this coming Monday morning at 9:30 a.m.

Supervisor Braymer announced the City of Glens Falls would be holding an Earth Day event tomorrow from 11:00 a.m. until 2:00 p.m. in the City Park.

Supervisor Driscoll advised the there were hockey playoff games scheduled for this evening and again tomorrow at 5:00 p.m. at the Cool Insuring Arena and he encouraged all to attend to support the Adirondack Thunder.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Driscoll and carried by a unanimous vote of those present (*Supervisors Diamond, McDevitt and Geraci absent*), Chairman Geraghty adjourned the Board Meeting at 12:32 p.m.