

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, MAY 19, 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 10:02 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Smith.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Driscoll, Frasier, Geraci, Smith, Dickinson, Merlino, Strough, Wild, Magowan, Beaty, Stec, Thomas, Runyon and Geraghty 18; Absent 2- Supervisors Braymer and Bruno.

Motion was made by Supervisor Smith, seconded by Supervisor Runyon and carried by a unanimous vote of those present (*Supervisors Braymer and Bruno absent*) to approve the minutes of the April 21, 2023 Board Meeting and May 11, 2023 Special Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Minnow Affinito, *Director, Victim Assistance Program, District Attorney's Office*.

Chairman Geraghty called for privilege of the floor/public comment:

Jennifer House-Byrne, *President of Warren County SPCA*, provided an overview of their organization and the services they provided. Next, she requested that the County consider extending the deadline for the RFP (*Request for Proposal*) for animal control services in Warren County to allow them time to complete the application.

Linda Clark, *City of Glens Falls Resident*, voiced her concerns with the possibility of the State transporting migrants to the area which would overwhelm the welfare system and the communities within the County and she urged the Board of Supervisors to develop a plan to stop or mitigate this before it occurs.

Kate Rearson, *City of Glens Falls Resident*, urged the Board of Supervisors to form a Committee for the purpose of reviewing the crisis involving migrants and develop a plan that responded in a respectable manner to allow these individuals to become prosperous members of the community.

Paul Hancock, *City of Glens Falls Resident*, provided a brief summary of the benefits from integrating these migrants into the community and he distributed a copy of a handout outlining how the City of Utica had been successful in growing their community by doing so; a copy of the handout is on file with the items distributed at the May 19th Board Meeting.

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Lisa Doster, *Warren County Resident*, implored with the County to develop a plan regarding the migrants because it concerned the health and safety of the County residents, as well as burdening the healthcare system and County resources.

Diane Collins, *City of Glens Falls Resident*, voiced her support of welcoming the migrants to Warren County which she believed would be beneficial for the region. She indicated she would like to volunteer to assist the County in developing a plan for migrants, noting she believed it was their civic responsibility to accept them.

The following individual was recognized for completing their Leadership Badge Training in Senior Management which was offered to Department Heads and individuals in Senior Management positions: Jessica Burnham, *Self-Insurance Department*.

Continuing with the Agenda review, Chair declared the Public Hearing open on Warren County's current Community Development Block Grant (CDBG) Project (Grant No. 1197PF6-20, Warren County Countryside Adult Home and Grant No. 1197CVPF12-21, Warren County HVAC MERV-13), open at 10:30 a.m. and requested the Clerk of the Board read the Notice of Public Hearing aloud. Chair called for public comment.

Wayne LaMothe, *Director, Planning & Community Development*, provided an overview of the two grant awards the Public Hearing concerned, the first of which pertained to 2020 fiscal funding and the other involved fiscal funding for 2021, both of which were awarded in 2022 and concerned Countryside Adult Home.

Chairman Geraghty advised he would keep the Public Hearing open and proceeded with the Agenda review.

Privilege of the Floor was extended to Jim Lieberum, *District Manager, Warren County Soil & Water Conservation District*, who addressed the Board regarding the closing of the public comment period on the draft 2022-23 MS4 (*Municipal Separate Storm Sewer System*) Annual Report. Mr. Lieberum provided a brief overview of the Annual Report and answered questions posed.

Chairman Geraghty once again called for public comments on Warren County's current Community Development Block Grant (CDBG) Project (Grant No. 1197PF6-20, Warren County Countryside Adult Home and Grant No. 1197CVPF12-21, Warren County HVAC MERV-13); there being no one else wishing to speak, he closed the Public Hearing at 10:46 a.m.

Report by the Chairman of the Board was given.

Report by Committee Chairs were given during which a motion was made by Supervisor Wild and seconded by Supervisor Dickinson to table proposed Resolution No. 265, *Rescinding Resolution No. 177 of 2023, Which Authorized a Settlement Agreement and Payment to Ilana Morgan and Authorizing the Chairman of the Board to Sign Any Documentation Necessary for Said Settlement Amount*, until the June 14th Board Meeting. Supervisor Beaty requested a roll call vote on the motion to table. Chairman Geraghty called the question and the motion to table proposed Resolution No. 265 as outlined above was carried by majority vote, with 671 voting in favor (*Supervisors Smith, Dickinson, Merlino, Strough, Wild, Magowan, Stec, McDevitt, Driscoll, Frasier, Geraci and Chairman Geraghty*); and 224 opposed (*Supervisors Beaty, Thomas, Conover, Leggett and Diamond*); 90 absent (*Supervisors Braymer and Bruno*); and 17 abstaining (*Supervisor Runyon*).

Returning to the draft 2022-23 MS4 Annual Report, Chairman Geraghty closed the public comment period at 11:17 a.m. and called for a motion approving draft 2022-23 MS4 Annual Report. The necessary

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motion was made by Supervisor Dickinson, seconded by Supervisor Strough and carried by a unanimous vote of those present (*Supervisors Braymer and Bruno absent*).

Report by the County Administrator was given during which he noted he had formed a task force comprised of members from the Department of Social Services, Public Health, Sheriff's Office, County Attorney, Planning & Community Development Department and others who may have a roll with regard to the possibility of migrants being relocated to the region for the purpose of developing a plan to address the many concerns associated with this issue to be brought before the Board at their June 14th Board Meeting unless a situation occurred which required action sooner.

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

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

1. Warren County Auditor - Real Property Tax Corrections Reports for March and April of 2023
2. Capital District OTB Corp - November 30, 2022 Financial Report
3. Capital District OTB Corp - Audited Financial Statements for Years ended December 31, 2022 and 2021

Minutes from:

1. Warren County Commissioner of Jurors - Minutes of Annual Meeting of the Warren County Jury Board dated April 19, 2023

Letters/emails from:

1. Fitzgerald Morris Baker Firth - Notice of Public Hearing - Yankee Marine, LLC project
2. AC Power, LLC - Copy of countersigned PILOT agreement between Warren County and AC Power 31, LLC

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

Resolution Nos. 234-275, as well as two Proclamations, a Certificate of Appointment and eight Floor Resolutions were distributed to the members of the Board of Supervisors on Tuesday May 16, 2023, which met the distribution deadline specified in the Rules of the Board. The two Proclamations were:

- No. 19 - Lyme Disease Awareness Month; and
No. 20 - Physical Fitness Sports Month.

Floor Resolution Nos. 1-8, included in the Board packet, were outlined individually and motions were requested to bring each to the floor.

Motion was made by Supervisor Frasier, seconded by Supervisor Strough and carried by a unanimous vote of those present (*Supervisors Braymer and Bruno 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 Amending Resolution No. 22 of 2023, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to Fill a Vacancy Due to Resignation*, to the floor.

Motion was made by Supervisor Leggett, seconded by Supervisor Wild and carried by a unanimous vote of those present (*Supervisors Braymer and Bruno absent*) to bring proposed Floor Resolution No. 2, *Amending Resolution No. 22 of 2023, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to Fill a Vacancy Due to Resignation*, to the

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floor.

Motion was made by Supervisor Frasier, seconded by Supervisor Driscoll and carried by a unanimous vote of those present (*Supervisors Braymer and Bruno 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 Appointing Frank E. Thomas to the Lake Champlain-Lake George Regional Planning Board of Directors*, to the floor.

Motion was made by Supervisor Merlino, seconded by Supervisor Dickinson and carried by a unanimous vote of those present (*Supervisors Braymer and Bruno absent*) to bring proposed Floor Resolution No. 4, *Appointing Frank E. Thomas to the Lake Champlain-Lake George Regional Planning Board of Directors*, to the floor.

Motion was made by Supervisor Driscoll, seconded by Supervisor Geraci and carried by majority vote of those present (*Supervisors Braymer and Bruno absent*), with Supervisor Thomas voting in opposition, 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 Recognizing "Juneteenth" as an Official Paid Holiday for All County Employees and Authorizing the Chairman of the Board to Execute Memorandums of Agreement with All of the County's Collective Bargaining Units to Include Same in the Listing of Paid Holidays*, to the floor.

Motion was made by Supervisor Driscoll, seconded by Supervisor Geraci, and carried by a majority vote of those present (*Supervisors Braymer and Bruno absent*), with Supervisors Dickinson and Thomas voting in opposition, to bring proposed Floor Resolution No. 6, *Recognizing "Juneteenth" as an Official Paid Holiday for All County Employees and Authorizing the Chairman of the Board to Execute Memorandums of Agreement with All of the County's Collective Bargaining Units to Include Same in the Listing of Paid Holidays*, to the floor. Opposed Dickinson & Thomas

Motion was made by Supervisor Frasier, seconded by Supervisor Geraci and carried by a unanimous vote of those present (*Supervisors Braymer and Bruno 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 Amending Table of Organization and Warren County Salary and Compensation Plan for 2023 to Create a Position Within the Sheriff's Office*, to the floor.

Motion was made by Supervisor Smith and seconded by Supervisor Geraci to bring proposed Floor Resolution No. 8, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2023 to Create a Position Within the Sheriff's Office*, to the floor. A discussion ensued during which motion was made by Supervisor Beaty and seconded by Supervisor Diamond to table the request to bring Floor Resolution No. 8 to the floor and refer it to the June 1st meeting of the Personnel, Administration & Higher Education Committee for further discussion following which it was noted that it was not permissible to table a proposed Resolution that had not been brought to the floor. Supervisor Beaty requested a roll call vote on the motion to bring proposed Floor Resolution No. 8, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2023 to Create a Position Within the Sheriff's Office*, to the floor. Chairman Geraghty called the question and the motion to bring proposed Floor Resolution No. 8 to the floor as outlined above was carried by majority vote, with 541 voting in favor (*Supervisors Smith, Dickinson, Merlino, Strough, Wild, Runyon, Conover, McDevitt, Driscoll, Frasier, Geraci and Smith*); 371 voting in opposition (*Supervisors Magowan, Beaty, Stec, Thomas, Leggett and Diamond*); and 90 absent (*Supervisors Braymer and Bruno*).

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A discussion ensued regarding Floor Resolution No. 8, now known as proposed Resolution No. 283, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2023 to Create a Position Within the Sheriff's Office*, during which Patricia Nenninger, *Personnel Officer*, and Undersheriff Comeau provided clarification the purpose was to create a new position that would be in place to prevent any overlapping in certain situations.

Sarah McLenithan, *Deputy Clerk of the Board*, announced Floor Resolution No. 1-8 would now be known as proposed Resolution Nos. 276-283.

Discussion and public comment on proposed resolutions was called for.

Motion was made by Supervisor Dickinson and seconded by Supervisor Strough to amend proposed Resolution No. 257, *Amending Resolution No. 37 of 2023, Which Authorized Agreements with Certain Applicants for the Disbursement of 2023 Occupancy Tax Revenues, to Authorize Agreements and Funding to F. Cavone Productions; the Warren County Historical Society; and the Town of Lake George*, to include awarding municipal occupancy tax funding in the amount of \$50,000 to the Town of Lake George for the Adirondack Region Winter Lights Experience event for Winter 2023-24.

A lengthy discussion ensued during which Vincent Crocitto, *Deputy Supervisor, Councilman, Lake George Town Board*, provided an overview of the request for funding for the Adirondack Region Winter Lights Experience event and answered questions posed by the Board members.

Chairman Geraghty apprised a roll call vote would be taken on the motion to amend proposed Resolution No. 257, *Amending Resolution No. 37 of 2023, Which Authorized Agreements with Certain Applicants for the Disbursement of 2023 Occupancy Tax Revenues, to Authorize Agreements and Funding to F. Cavone Productions; the Warren County Historical Society; and the Town of Lake George*, as outlined above. He called the question and the motion was carried by majority vote, with 912 voting in favor (*Supervisors Smith, Dickinson, Merlino, Strough, Wild, Magowan, Beaty, Stec, Thomas, Runyon, Conover, Leggett, Diamond, McDevitt, Driscoll, Frasier, Geraci and Geraghty*); and 90 absent (*Supervisors Braymer and Bruno*).

Supervisor Smith requested roll call votes on proposed Resolution Nos. 276. *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. 22 of 2023, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to Fill a Vacancy Due to Resignation*, and 277, *Amending Resolution No. 22 of 2023, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to Fill a Vacancy Due to Resignation*, which he would be abstaining from.

Supervisor Beaty requested a roll call vote on proposed Resolution No. 275, *Supporting Local Share Contribution Plan for SUNY Adirondack to Achieve Thirty-three Percent (33%) Rate by Fiscal Year 2028-29*.

Supervisor Magowan requested a roll call vote on proposed Resolution No. 259, *Authorizing Agreement with SUNY Adirondack for Occupancy Tax Funding for Reimbursement of Monies Expended for the Construction and Installation of a Synthetic Turf Recreational Complex*, and 272, *Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget to Make an Award to SUNY Adirondack; and Amending 2023 Warren County Budget*. It was noted proposed Resolution No. 272 already required a roll call vote.

A discussion ensued regarding proposed Resolution No. 272, *Authorizing the Appropriation of Funds*

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from the Occupancy Tax Reserve to the Tourism Budget to Make an Award to SUNY Adirondack; and Amending 2023 Warren County Budget, during which Supervisors Dickinson and Leggett voiced their support for the proposed Resolution while Supervisor Magowan voiced his concerns.

Supervisor Smith noted there was a typographical error in proposed Resolution No. 271, *Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget to Make Awards to F. Cavone Productions and the Warren County Historical Society; and Amending 2023 Warren County Budget*, which indicated the funding award was \$116,000 when it should be \$16,000. Larry Elmen, *County Attorney*, apprised this would be handled through a Clerk's correction.

A discussion ensued regarding proposed Resolution No. 248, *Resolution of the County of Warren Requesting That Governor Hochul Supports Legislation That Will Allow the Towns in the County the Option to Assess All Newly Constructed Condominiums in a Manner That Reflects the Most Current Market Value*, during which motion was made by Supervisor Beaty and seconded by Supervisor Magowan to amend the proposed Resolution to include properties that were grandfathered in. Following further discussion Supervisors Beaty and Magowan withdrew their motions.

Supervisor Thomas requested a roll call vote on proposed Resolution No. 281, *Recognizing "Juneteenth" as an Official Paid Holiday for All County Employees and Authorizing the Chairman of the Board to Execute Memorandums of Agreement with All of the County's Collective Bargaining Units to Include Same in the Listing of Paid Holidays*, indicating his concern was associated with the expense of paying employees for the holiday and not the holiday itself.

With regard to proposed Resolution No. 283, *Amending Table of Organization and Warren County Salary and Compensation Plan for 2023 to Create a Position Within the Sheriff's Office*, Supervisor Thomas apprised he believed the Contingent Patrol Officer position should be a standing positions as long as the restrictions were included. John Taflan, *County Administrator*, indicated a resolution would be brought forward in the future. A brief discussion ensued.

Supervisor Merlino exited the meeting at 12:51 p.m.

Voting on resolutions occurred; during the voting on resolutions; Resolution Nos. 275-283 were approved as presented, with the exception of proposed Resolution No. 265 which was tabled until the June 14th Board Meeting and proposed Resolution No. 257 which was amended from the floor.

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

Supervisor Conover spoke regarding the capital plan that was put into place several years ago for Countryside Adult Home which had required a tremendous amount of work and he commended those involved in the process.

Supervisors Dickinson, Wild and Thomas exited the meeting at 1:02 p.m.

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 Runyon and seconded by Supervisor Frasier. Mr. Elmen noted the purpose of the executive session was to address matters relating to Section 105(1)(d) of the Public Officer's Law which concerned current, pending or potential litigation. Chairman Geraghty called the question and the motion was carried by a unanimous vote of those present (*Supervisors Braymer, Bruno, Dickinson, Merlino, Wild and Thomas absent*).

Executive session was held from 1:03 p.m. until 1:32 p.m.; Supervisors Wild and Thomas re-entered the meeting during the executive session and Supervisors Leggett, Frasier, Strough and Magowan exited the

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meeting.

Upon reconvening, Chairman Geraghty noted 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 Stec, seconded by Supervisor Beaty and carried by a unanimous vote of those present (*Supervisors Leggett, Braymer, Bruno, Frasier, Dickinson, Merlino, Strough and Magowan absent*), Chairman Geraghty adjourned the Board Meeting at 1:33 p.m.