

Warren County Board of Supervisors

BOARD MEETING
FRIDAY NOVEMBER 15, 2024



Please note that the following is a summarization of the Board Meeting; the meeting, in its entirety, can be viewed using the following links on the Warren County website:

<https://warrencountyny.gov/mma>

Part 1 - <https://www.youtube.com/watch?v=zkKOG4VZAcc>

Part 2 - <https://www.youtube.com/watch?v=t3DkvfTnTvw>

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 10:01 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Merlino

Roll called, the following members present:

Supervisors Conover, Maday, Diamond, Gilligan, Turner, Bruno, Driscoll, Patchett, Geraci, Crocitto, Bean, Merlino, Strough, Wild, Strainer, Etu, Thomas, Runyon and Geraghty; Absent - 1. Supervisor Magowan

Motion was made by Supervisor Etu, seconded by Supervisor Merlino and carried by a unanimous vote of those present (*Supervisor Magowan absent*) to approve the minutes of the October 18, 2024 Board Meeting and November 1, 2024 Special Board Meeting.

Supervisor Magowan entered the meeting at 10:03 a.m.

Privilege of the floor was extended to John Bowe, *Executive Director of Cornell Cooperative Extension Warren County*, who was in attendance to present the first ever Warren County Conservation Council Conservationist of the Year award to Erica Patten, *Town of Johnsburg Resident*. Mr. Bowe indicated that Ms. Patten was unable to attend the meeting due to a prior family obligation and he proceeded to provide an overview of the achievements that earned her this recognition, which were considerable.

Chairman Geraghty declared the Public Hearing on proposed Local Law No. 7 of 2024 entitled "*A Local Law Repealing Local Law No. 4 of 2008, 'A Local Law Adopting and Ratifying Certain Employee Benefits for County Employees Outside Various Bargaining Units'*," open at 10:07 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 apprised he would keep the Public Hearing open for a bit.

Continuing with the Agenda review, Chair declared the Public Hearing open on Warren County Sewer District (Industrial Park) Assessment Roll open at 10:08 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.

Chairman Geraghty once again called for public comment on proposed Local Law No. 7 of 2024 entitled *A Local Law Repealing Local Law No. 4 of 2008, 'A Local Law Adopting and Ratifying Certain Employee Benefits for County Employees Outside Various Bargaining Units'*, and Warren County Sewer District

(Industrial Park) Assessment; there being no one wishing to speak, he closed both public hearings at 10:09 a.m.

Proceeding with the Agenda review, Chair declared the Public Hearing on 2025 Tentative Budget open at 10:10 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment; there being no one wishing to comment he closed the Public Hearing on 2025 Tentative Budget at 10:12 a.m.

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

Lori Rehm, *Town of Bolton Resident and co-owner of ADK Excursions, LLC*, spoke regarding proposed Resolution No. 432, *Authorizing ARPA Funds Disbursement to Adk Excursions, LLC; and Amending Warren County Budget for 2024*, outlining the reason she believed the Board should move forward with the proposed Resolution. She noted they had submitted all of the invoices required which met the guidelines required for ARPA funding, complied with all of the request for additional information, honored all of the application and filing requirements and would have everything completed by the end of the year.

Diane Collins, *City of Glens Falls Resident and Co-Founder of North Country Climate Action*, advised their organization would like to work collaboratively with Warren County through the Environmental Concerns & Real Property Tax Services Committee to align their concerns and partner with Committee members on climate issues and actions.

Lisa Adamson, *Town of Queensbury Resident and Co-Founder of North Country Climate Action*, provided an overview of her experience, indicating she was looking forward to working with the Environmental Concerns & Real Property Tax Services Committee regarding the climate crisis.

Supervisor Conover commended Ms. Collins and Ms. Adamson for the assistance they had provided the County with regard to municipal waste and recycling services which would result in significant savings to the local municipalities while also being environmentally conscious. He stated there was a working group consisting of employees of the Department of Public Works, as well as a private sector members who were reviewing improved marketing efforts for recyclables which was not only important to generate revenue, but also the environment. He added they were also working on developing a method to remove green waste which would result in significant savings to County residents.

Supervisor Magowan echoed Supervisor Conover's comments regarding the assistance provided to the County by Ms. Collins and Ms. Adamson. He then read aloud a prepared statement regarding the salary increases proposed for the Supervisors in the 2025 Tentative County Budget which he would be voting in opposition of.

During Supervisor Magowan's comments, Chairman Geraghty requested he refrain from mentioning another Supervisor by name. Supervisor Magowan asked whether he was permitted to mention another Supervisor by name and Larry Elmen, *County Attorney*, responded any Supervisor was permitted to speak during the privilege of the floor/public comment portion of the meeting, adding he would defer to Robert's Rules of Order regarding whether a Supervisor could mention another Supervisor by name. Supervisor Magowan questioned why the public was permitted to speak regarding a specific Supervisor, but he could not and Mr. Elmen replied it related to the fact that the Supervisor was speaking as a Supervisor representing the Town of Queensbury under privilege of the floor.

Supervisor Wild apprised for the record he had never filed an ethics complaint with the Warren

County Board of Ethics.

The Agenda review resumed with the Report by the Committee Chairs (including the Chairman of the Board's Report).

Report by the County Administrator was given.

Report by the County Attorney was given.

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

Reports from:

1. County Auditor - October 2024 Real Property Tax Corrections;
2. Drescher & Malecki LLP - Basic Financial Statements, Required Supplementary Information, Supplemental Information and Federal Awards Information for the Year Ended December 31, 2021 and Independent Auditors' Reports.

Letters/emails from:

1. Warren County Attorney's Office - resignation letter from Ann Marie Scheidegger (resigning from Board of Ethics).
2. Town of Lake George - Notice of Public Hearing for several Site Plan Review matters - to be held November 12, 2024 at 5:00 p.m.
3. FitzGerald Morris Baker Firth - Notice of Public Hearing for North Creek, NY Resort OpCo LLC (Weekender Hospitality) Project.
4. FitzGerald Morris Baker Firth - Application for real property tax exemption - Glens Falls Ventures I LLC (as assigned from Spring City Development Group LLC)
5. FitzGerald Morris Baker Firth - Application for real property tax exemption - Adirondack Radiology Associates PC

Other:

1. Family Service Association of Glens Falls, Inc. - October Newsletter

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

Resolution Nos. 399-448, the Estimate of Sales Tax, and Mortgage Tax Report were distributed to the Board and posted to the Warren County website on Wednesday, November 6, 2024. Five Proclamations, revised Resolution No. 437 and Floor Resolution Nos. 1 and 2 were distributed on Tuesday, November 12, 2024 which met the deadline specified in the Rules of the Board. The five Proclamations were:

- Proclamation No. 40 - Apprenticeship Week
- Proclamation No. 41 - Alzheimer's Awareness Month
- Proclamation No. 42 - Diabetes Awareness Month
- Proclamation No. 43 - Home Care and Hospice Month
- Proclamation No. 44 - Pancreatic Cancer Awareness Month

Amanda Allen, *Clerk of the Board*, indicated motions were needed to bring proposed Floor Resolution Nos. 1 and 2 to the floor.

Motion was made by Supervisor Merlino, seconded by Supervisor Runyon and carried unanimously to bring proposed Floor Resolution No. 1 entitled "*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 Awarding Bid and Authorizing Agreement with the Lowest Responsible Bidder for Municipal Center Chimney Demolition and Rood Repair (WC 71-24)*",

to the floor. Mrs. Allen announced proposed Floor Resolution No. 1 would now be known as proposed Resolution No. 449.

Motion was made by Supervisor Runyon, seconded by Supervisor Bean and carried unanimously to bring proposed Floor Resolution No. 2 entitled "*Awarding Bid and Authorizing Agreement with the Lowest Responsible Bidder for Municipal Center Chimney Demolition and Rood Repair (WC 71-24)*", to the floor. Mrs. Allen stated proposed Floor Resolution No. 2 would now be referred to as proposed Resolution No. 450.

Discussion and public comment on proposed resolutions was called for:

Supervisor Wild spoke regarding proposed Resolution Nos. 422, *Amending Resolution No. 573 of 2023, Which Authorized Agreements with Certain Applicants for the Disbursement of 2024 Occupancy Tax Revenues, to Authorize Agreements and Funding to the Village of Lake George*, and 441, *Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget; and Amending 2024 Warren County Budget to Fund Agreement with the Village of Lake George for Lease of Light Displays*, indicating he would like to propose amending them to indicate that the contract would not go into effect and the funding would not be awarded until the Committee was provided with a layout of plans for the event, as well as what the anticipated return on investment would be. A discussion ensued during which Chairman Geraghty queried whether anyone would like to second Supervisor's Wild's motion to amend proposed Resolution Nos. 422 and 441 as outlined above, but no second was made.

Supervisor Strough asked for clarification on proposed Resolution Nos. 431, *Rescinding Resolution No. 513 of 2022, Which Authorized ARPA Funds Disbursement to Adk Excursions, LLC; and Amended the Warren County Budget for 2022*, 432, *Authorizing ARPA Funds Disbursement to ADK Excursions, LLC; and Amending Warren County Budget for 2024*, and 433, *Rescinding Resolution No. 595 of 2022, Which Authorized ARPA Funds Disbursement to ADK Excursions, LLC; and Amended the Warren County Budget for 2022*, indicating he believed proposed Resolution Nos. 431 and 433 rescinded action they had taken in 2022 while also affirming Resolution No. 300 of 2024 which voided the Resolutions adopted in 2022. He stated he interpreted proposed Resolution No. 432 as re-awarding the ARPA funding to ADK Excursions, LLC., in the amount of \$30,000 which could be construed as providing a special accommodation to a County employee. Mr. Elmen responded without the commentary the core of his understanding was correct.

Supervisor Magowan indicated he would abstain from voting on proposed Resolution Nos. 431-433. Chairman Geraghty questioned whether Supervisor Magowan would be recusing from voting on them, as abstaining was not permitted and Supervisor Magowan replied in the negative. A discussion ensued regarding the ARPA funding awarded to ADK Excursions, LLC.

Supervisor Magowan voiced his opposition to proposed Resolution No. 424, *Rescinding Resolution No. 597 of 2019, Which Adopted the Department Head Evaluation Policy*, following which he made a motion to table the proposed Resolution until the January 17, 2025 Board Meeting, but when Chairman Geraghty inquired whether anyone wanted to second the motion there was no response.

In regard to proposed Resolution No. 444, *Adopting Budget for Fiscal Year 2025*, Supervisor Runyon commended Supervisor Thomas for his efforts compiling the proposed Budget, adding while everyone had voted in opposition of a salary increase for the Supervisors in 2024, she was fully supportive of the proposed salary increases this year which she believed was justified.

Supervisor Magowan voiced his opposition to proposed Resolution No. 425, *Rescinding Resolution No. 535 of 2022, Which Required all Warren County Employees to Complete an Annual Diversity*,

Equality and Inclusion Training, noting the County had been recognized by NACo (*National Association of Counties*) for the policies that were being rescinded by proposed Resolution No. 424, *Rescinding Resolution No. 597 of 2019, Which Adopted the Department Head Evaluation Policy*, and 425.

Supervisor Patchett asked for clarification that if proposed Resolution Nos. 431-433 were all adopted it would result in a \$19,000 reduction in the amount of ARPA funding awarded to ADK Excursions, LLC; Mr. Elmen replied in the negative, explaining due to a matter of law the findings by this Board that a Supervisor had an interest in the contract voided the contracts authorized by Resolutions adopted in 2022. He stated should proposed Resolution Nos. 431 (*Rescinding Resolution No. 513 of 2022, Authorizing ARPA Funds Disbursement to Adk Excursions, LLC; and Amending Warren County Budget for 2022*); 432 (*Authorizing ARPA Funds Disbursement to ADK Excursions, LLC; and Amending Warren County Budget for 2024*); and 433 (*Rescinding Resolution No. 595 of 2022, Authorizing ARPA Funds Disbursement to ADK Excursions, LLC; and Amending Warren County Budget for 2022*) be adopted this could “clear the books” with the concept that the Board could now consider whether to re-issue the \$30,000 as noted in proposed Resolution No. 432 with the contract being retroactive to 2022. He added because State law interpreted the contract as never being entered into, the Board was not taking away what the law required in New York State which was the voiding of the contract that resulted from the two Resolutions adopted in 2022. A discussion ensued during which it was noted the majority vote of the Finance & Budget Committee was for the Board not to move forward a proposed Resolution reconsidering the re-issuance of the contract and \$19,000 ARPA funding award.

Supervisor Wild requested roll call votes on proposed Resolution Nos. 422, *Amending Resolution No. 573 of 2023, Which Authorized Agreements with Certain Applicants for the Disbursement of 2024 Occupancy Tax Revenues, to Authorize Agreements and Funding to the Village of Lake George*, and 441, *Authorizing the Appropriation of Funds from the Occupancy Tax Reserve to the Tourism Budget; and Amending 2024 Warren County Budget to Fund Agreement with the Village of Lake George for Lease of Light Displays*. He then spoke regarding proposed Resolution Nos. 431-433, indicating he had been a member of the ARPA Committee when the original requests went before the Committee in 2022. He apprised the funding request was heavily debated, noting since then it had been brought to the Board’s attention a Supervisor who was a member of the ARPA Committee at that time was a personal friend of the applicant. Supervisor Magowan called for point of ordering, noting he was not a member of the ARPA Committee. Chairman Geraghty advised Supervisor Wild had the floor and asked him to proceed with his comments. Supervisor Wild continued, advising he had voted in opposition to awarding ARPA funding to ADK Excursions, LLC in 2022 due to some unanswered questions and concerns regarding the contract and he would likely be voting in opposition of proposed Resolution No. 432, *Authorizing ARPA Funds Disbursement to ADK Excursions, LLC; and Amending Warren County Budget for 2024*, and 433, *Rescinding Resolution No. 595 of 2022, Which Authorized ARPA Funds Disbursement to ADK Excursions, LLC*, today.

Supervisor Magowan requested roll call votes on the following proposed Resolution Nos: 424, *Rescinding Resolution No. 597 of 2019, Which Adopted the Department Head Evaluation Policy*; 425, *Rescinding Resolution No. 535 of 2022, Which Required All Warren County Employees to Complete an Annual Diversity, Equality and Inclusion Training*; 433, *Rescinding Resolution No. 595 of 2022, Which Authorized ARPA Funds Disbursement to ADK Excursions, LLC; and Amended the Warren County Budget for 2022*; 446, *Adopting Salary and Compensation Plan for 2025*; and 447, *Introducing Proposed Local Law No. 1 of 2025, Entitled “A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County”*, and *Authorizing Public Hearing Thereon*.

It was noted proposed Resolution No. 446, *Adopting Salary and Compensation Plan for 2025*, was already a roll call vote.

Supervisor Driscoll requested a roll call vote on proposed Resolution No. 419, *Authorizing Agreement with the Adirondack Civic Center Coalition, Inc. for Tourism Promotion and Tourist and Convention Development Services*, noting he would be recusing from voting on the proposed Resolution.

Supervisor Magowan exited the meeting at 11:30 a.m.

Chairman Geraghty announced the Board would have a brief recess to allow time to prepare the roll call votes outlined above. The Board recessed from 11:31 a.m. until 11:42 a.m.

Chairman Geraghty inquired whether anyone was opposed to combining the roll call votes on proposed Resolution Nos. 424, 425, 433 and 447 and no one objected.

Voting on resolutions occurred during which Supervisor Driscoll exited the meeting during the vote on proposed Resolution No. 419, *Authorizing Agreement with the Adirondack Civic Center Coalition, Inc. for Tourism Promotion and Tourist and Convention Development Services*, at 11:44 a.m. and re-entered at 11:45 a.m. It was noted the combined roll call vote on proposed Resolution Nos. 424, *Rescinding Resolution No. 597 of 2019, Which Adopted the Department Head Evaluation Policy*; 425, *Rescinding Resolution No. 535 of 2022, Which Required All Warren County Employees to Complete an Annual Diversity, Equality and Inclusion Training*; 433, *Rescinding Resolution No. 595 of 2022, Which Authorized ARPA Funds Disbursement to ADK Excursions, LLC; and Amended the Warren County Budget for 2022*; and 447, *Introducing Proposed Local Law No. 1 of 2025, Entitled "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County"*, and *Authorizing Public Hearing Thereon*, had failed. A discussion ensued regarding a re-vote on the aforementioned Resolutions during which the County Attorney advised the Board would need to Waive the Rules in order to re-vote on any of the resolutions that had failed.

Motion was made by Supervisor Runyon, seconded by Supervisor Conover and carried by a unanimous vote of those present (*Supervisor Magowan absent*) to waive the Rules of the Board to allow for separate re-votes on Resolution Nos. 424, 425, 433 and 447.

Motion was made by Supervisor Thomas, seconded by Supervisor Etu and carried by a unanimous vote of those present (*Supervisor Magowan absent*) to allow for separate re-votes on proposed Resolution Nos. 424, 425, 433 and 447.

Following the re-votes, Resolution Nos. 399-450 were approved as presented, with the exception of proposed Resolution No. 431 which failed.

Chairman Geraghty offered privilege of the floor, but there was no one wishing to speak.

Announcements were called for:

Supervisor Strainer recognized Liam Davidson, *Queensbury Union Free High School Student*, for winning his second Class B Cross Country Championship. He noted the Queensbury Union Free High School would be hosting the State Cross Country Tournament this weekend which would be attracting a significant amount of individuals to the area resulting in reservations at local hotels and patronizing of local businesses. He also congratulated the Queensbury Union Free High School Cross Country Team for placing second in the Class B Cross Country Tournament. He concluded by advising the Adirondack Thunder had home games this Friday, Saturday and Sunday and he

encouraged all to attend.

Supervisor Driscoll advised there were a number of organizations in the region providing food and gifts to the less fortunate this year, indicating he would like to recognize the County employees who were adopting children, families and seniors throughout the County for the holiday season. Next, he spoke about the Tri County United Way's VITA (*Voluntary Income Tax Assistance*) Program which assisted those who met the income requirements with tax preparation for free and was beneficial to the local economy. He noted the VITA Program was also seeking volunteers to not only assist in tax preparation, but also make appointments.

Chairman Geraghty stated the Salvation Army had kicked off their Red Kettle Drive and he encouraged all to donate to the program. He then wished everyone a safe and happy Thanksgiving.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Strainer, Chairman Geraghty adjourned the Board Meeting at 12:08 p.m.