

Law and Finance Committee Minutes
June 12, 2019 – 4:00 p.m.

Present: Chairman Preston Allen; Committee members Ed Kinowski, Scott Ostrander, Dan Pemrick, Jonathan Schopf, Tim Szczepaniak, Mo Wright; Supervisors Phil Barrett, Tara Gaston, Alan Grattidge, Todd Kusnierz, Jean Raymond, Tom Richardson, Michael Smith, Matthew Veitch, Tom Wood and Chairman of the Board Kevin Tollisen; Spencer Hellwig, Chad Cooke, Brian O’Conor, County Administrator; Steve Dorsey, County Attorney; Chris Schall, Auditor; Craig Hayner, County Clerk; Susan Hayes-Masa, Coroner; Adam Kinowski, Human Resources; Tom Speziale, Public Works; Dan Rourke, Sewer; Michael Zurlo, Sheriff; Tina Potter, Social Services; Andrew Jarosh, Treasurer; Shelby Schneider, SCPP; Dennis Brobston, SEDC; Jon Zilka, Jon Crimmins, North American Flight Services; Ridge Harris, Gramercy Communications; Barbara Thomas, League of Women Voters; John Munter, Munter Enterprises; Scotty Parillo, Student; Frank Parillo, Saratoga Prime Properties; Theresa Skaine, Skaine & Associates; Press.

Chairman Allen called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Szczepaniak, seconded by Mr. Pemrick, the minutes of the May 15, 2019 meeting were approved unanimously.

On a motion made by Mr. Kinowski, seconded by Mr. Pemrick, the following resolutions were approved unanimously.

HUMAN RESOURCES & INSURANCE

- Authorizing an amendment to the County's Policies and Procedures Manual for the creation of a Volunteer Emergency Responders Policy.
- Authorizing an amendment to the County's Policies and Procedures Manual for the creation of an Election Day Voting Policy.
- Authorizing an amendment to the County’s 2019 compensation schedule to create (2) Child Protective Services Caseworker positions in the Department of Social Services beginning July 1, 2019.
- Authorizing an amendment to the County’s 2019 compensation schedule to create (1) Child Welfare Caseworker in the Foster Care Unit in the Department of Social Services, approving a contract with Berkshire Farms Center and Services for Youth, acceptance of state aid for the Raise the Age initiative, and amending the budget in relation thereto.

Mr. Hellwig said that for the first item, the policy will detail the criteria and procedures necessary for volunteer emergency responders to seek paid time off for absences related to emergencies that will follow a declaration of an emergency. A policy was in place several years ago however it was taken out due to issues that came up. At this point the policy is being

introduced with the support of the Union and Human Resources. For the second item, this item was buried in the State's budget bill and it was recently discovered that employees are entitled, based on proper notification, to take time off to work to vote if they don't have time during the 9 days of early voting as well as election day. The employees will be given up to 3 hours off based on notifying the County at least 2 days in advance of the election. For the third item, Mr. Hellwig said that the positions are being created based on the increase in cases over the past few years. 92% of the cost associated with these positions will be covered by State Aid. County share is the remaining 8%. For the final item, Mr. Hellwig said that there has been some unprecedented growth in caseloads under the Raise the Age statute. The costs for this position will be fully reimbursable.

ECONOMIC DEVELOPMENT

- Supporting a proposed unity agreement between the Saratoga County Prosperity Partnership and the Saratoga Economic Development Corporation.

Mr. Hellwig said that this agreement will detail a framework for establishing roles and responsibilities for each organization and a path forward for a more coordinated approach to address the various economic development initiatives within the county.

A motion was made by Mr. Schopf, seconded by Mr. Szczepaniak, to amend the above resolution to include the following language: All due diligence with regard to all potential agreements to be reached under the proposed unity plan be performed by the Board of Supervisors or its designee prior to the Board of Supervisors approving any contracts or committing to a funding level in the upcoming budget. Further amended both the Saratoga Economic Development Corporation and Saratoga County Prosperity Partnership shall provide to the Board of Supervisors a current year's budget and also proposed budget with financial statements and compensation schedules under the proposed unity plan to the Board of Supervisors prior to approving any final commitments on this plan. **Motion Passed. Mr. Kinowski was opposed.**

Mr. Schopf said that during the Economic Development meeting there was quite a discussion on this matter. Mr. Szczepaniak said that it makes sense to do due diligence for both entities. Mr. Szczepaniak said that there was a positive editorial in the Daily Gazette discussing the merger, and they have also received numerous letters of support regarding the new reformed proposal. Mr. Schopf said that there was discussions regarding the Authority Budget Office and them issuing an opinion regarding SEDC and what, if any, reporting requirements they are required to meet. Mr. Barrett has also requested the County Attorney to secure an opinion. Mr. Schopf said that he would like to see the current budgets from both organizations, current and proposed financial statements and spending plan, as well as their compensation schedules. Mr. Schopf said that he also reviewed the contract that was in place with SEDC prior to the County severing ties with the organization, and the general legal responsibility requirements are included in that contract, to comply with all applicable laws, ordinances and regulations as well as the reporting requirements listed for the items proposed. Mr. Kinowski said that if it comes out in the legal opinion that they are required to comply with ABO requirement, Mr. Brobston specifically said that he will fight it. Mr. Kinowski said that if this board is going to endorse a plan where one

organization has stated its intent to fight compliance with state laws, it is premature to be considering this now when we don't have an opinion from the County Attorney or the ABO. Mr. Schopf said that it is a decision they would need to make at that time. He would not to foreclose SEDC's or any organizations ability to challenge anything they do not feel is appropriate or applies to them, once a court makes a determination on that, they obviously would then abide by a court determination. Mr. Kinowski that he has nothing against SEDC, they have done a lot of great work, however he voiced his concern regarding the Board of Supervisors not having input on SEDC's organization other than perfunctory meetings at Economic Development meetings, and not at their board meetings which directs overall actions. Mr. Kinowski said that a merger is necessary but he does not want to create the same organization that was censured by the ABO. Mr. Szczepaniak commended the Unity Committee that worked hard on this. Mr. Schopf said that a lot of effort was put into this by both Mr. Vanags and Mr. Brobston and the Unity Committee led by Mr. Kusnierz. He believes this is something that should be moved forward on and if it works, great, if not they can work on it in the next cycle. Mr. Wright said that the biggest problem he has with the proposal is that it specifically states the County is spending funds, he cannot support the proposal with the funding included and does not want to bind the County to funding. Mr. Schopf said that his amendment is that they would perform the due diligence and examine the proposal and the proposed contracts with the framework, prior to the Board of Supervisors committing any money. Mr. Schopf said that this is a proposed funding level within the framework and in no way binds the Board of Supervisors. Mr. Kusnierz said that from the Unity Committee's perspective and the agreement agreed to by both SCPP and SEDC, it was clearly understood that the Board of Supervisors would establish any funding. Mr. Dorsey said that it looks like this will all come back through the committees to revisit whether or not funding should be included. Mr. Wright said that as long as funding is contingent upon being part of the amendment he is fine with it. Mr. Kinowski said that he believes that the unity committee has predicted how they are going to move forward with the funding requirements and has a hard time passing a resolution that has it included. Mr. Kinowski said that they should do the due diligence now, figure out what the agreement details are, give them time on how to operate on the funding levels they will have, and then move forward from there.

On a motion made by Mr. Schopf, seconded by Mr. Szczepaniak, the following resolution was approved. Motion Passed. Mr. Kinowski was opposed.

- Supporting a proposed unity agreement between the Saratoga County Prosperity Partnership and the Saratoga Economic Development Corporation (which would include the above approved amendment wording).

On a motion made by Mr. Ostrander, seconded by Mr. Szczepaniak, the following resolutions were approved unanimously.

PUBLIC SAFETY

- Authorize a 5-year renewal agreement with NYS Department of Correctional Services and Community Supervision Office of Nutritional Services to supply food to the County's correctional facility.

- Authorize a 1-year agreement with Motorola Corporation in the amount of \$285,912.60 for maintenance services associated with the County's public safety radio system.
- Amend Resolution 248-2017 to revise pricing for NMS Labs associated with post-mortem toxicological services.

Mr. Hellwig said that for the first item the original agreement was entered into in 2014. For the second item, the 800MHz system was replaced recently and included a 1-year maintenance agreement for warranty services. That agreement has now expired. For the final item, Albany Med contacted a number of counties in the region that they would no longer be performing a number of post mortem laboratory services and as a result of that a number of counties submitted a group proposal to NMS for those services at a lower rate.

On a motion made by Mr. Szczepaniak, seconded by Mr. Pemrick, the following resolution was approved unanimously.

PUBLIC WORKS

- Authorizing revenue sharing of \$420,000 with Cities and Towns and amending the county budget in relation thereto.

Mr. Hellwig said that under the existing resolution there was a distribution of 50% of the landfill revenues to the County and the other 50% to the towns, villages and cities in the county. In addition to those disbursements, the County will be distributing \$420K of their share to the towns and cities in the County in the amount of \$20K each, the funds can be used as they see fit. Mr. Szczepaniak said that a press conference was held yesterday and ultimately this will result in \$8.4M in additional funds to the 19 towns and 2 cities within the county over a 20 year period.

On a motion made by Mr. Wright, seconded by Mr. Kinowski, the following resolutions were approved unanimously.

BUILDINGS & GROUNDS

- Authorizing acceptance of a NYSDOT Aviation Snow Removal Equipment Building Grant and amending the budget in relation thereto.
- Authorizing a license agreement for a shooting range in the Town of Corinth.
- Authorizing the acceptance of the conveyance of North American Flight Services, Inc.'s Hangar Building at the County Airport subject to certain terms and conditions.

Mr. Hellwig said that for the first item, the county applied for the funding in December 2018 and was awarded in February 2019. They will be storing equipment such as snowblower, loaders and mowers that currently have to be transported back and forth from County Farm Road. For the second item, the Town is granting the Sheriff's department exclusive use of the Town

property and structure located on that site. This will be a 10 year agreement ending in 2029 and will have the option for a 10 year renewal. For the final item, the county will accept the conveyance by June 28, 2019. North American Flight Services will continue to be responsible for the maintenance and utility costs of the structure.

On a motion made by Mr. Wright, seconded by Mr. Szczepaniak, the following resolution was approved unanimously.

CHAIRMAN'S ITEMS

- Re-appointing Donald McPherson & Edwin Vopelak, Jr. to the Saratoga County Planning Board.

Mr. Hellwig said that both 5- year terms expired at the end of May.

On a motion made by Mr. Kinowski, seconded by Mr. Pemrick, the following resolutions were approved. Mr. Schopf recused from voting on the Arcadis item.

LAW & FINANCE

- Authorizing an amendment to the agreement with Arcadis in the amount of \$14,800 for additional engineering services associated with ammonia compliance requirements.
- Authorizing an agreement with Nationwide Legal Services, LLC for the provision of service of legal papers in court proceedings for various county departments.

Mr. Hellwig said that for the first item, they have been working with the district for testing of the Hudson river and develop new models related to the discharge of ammonia from the plant. Those models will ultimately be part of the discussions with NYS DEC on their review of proposed discharge limits. For the second item, the contract was initially a minor contract but based on legal papers and services provided to a number of county departments, the contract needs to be increased to an amount not to exceed \$35K.

On a motion made by Mr. Szczepaniak, seconded by Mr. Pemrick, the meeting was adjourned unanimously.

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board