

Law and Finance Committee Minutes  
October 9, 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, Jack Lawler, Dick Lucia, Bill Peck, Jean Raymond, Tom Richardson, Mike Smith, Matt Veitch, Sandra Winney, 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; Karen Heggen, District Attorney; Carl Zeilman, Ed Tremblay, Emergency Services; Marcy McNamara, Human Resources; Steve Bayle, Probation; Keith Manz, Public Works; Dan Rourke, Sewer; Michael Zurlo, Sheriff; Andrew Jarosh, Treasurer; Mary Beth Walsh, NYS Assembly; Ridge Harris, Gramercy Communications; Barbara Thomas, League of Women Voters; Steve Mittler; Press.

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

**On a motion made by Mr. Schopf, seconded by Mr. Pemrick, the minutes of the September 11, 2019 meeting were approved unanimously.**

Mr. Hayner said that it has been four months since the greenlight law was passed. On August 2<sup>nd</sup>, the New York State Association of County Clerks wrote a letter to the DMV Commissioner listing approximately 50 questions on how this will be implemented and regulated. The Commissioner did come to speak to the Association last week but did not have any updates on how it will happen. Across the State, County Clerks are wondering how they are going to take on this huge task. They are very concerned since the State DMV has a reputation of bringing out information at the last minute. As an Association, and as individual County Clerks, they are doing all they can do at this point. Mr. Schopf asked Mr. Hayner if the Association or other County Clerks were planning on filing any type of brief. Mr. Hayner said that at this point other counties are considering amicus briefs. There are four counties that have law suits pending, Monroe, Niagara, Erie and Rensselaer. The Erie case is taking place October 23. The Rensselaer case will be tried after Erie.

**A motion was made by Mr. Schopf, seconded by Mr. Szczepaniak requesting Mr. Dorsey to reach out to local and regional law firms to obtain quotes to pay for an amicus briefs.**

Mr. Schopf said that this would be for quotation purposes only to have figures in line if it is felt necessary to file papers in this action. The results of the Erie case could dictate what happens in the Rensselaer case. Mr. Tollisen said that it is unknown what will happen at these hearings and that at some point, the ball can be moved forward. The other issue is if the Federal government will take action on this also, at which point there may be no action at the county level. Mr. Tollisen commended the efforts of the County Clerk. This is a tremendous task for him as one way or this other there is no guidance on the implementation of this.

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

- Appointing Amy Standaert and Opel Hinds to the Capital District Regional Planning Commission.

Mr. Hellwig said that this is an add on item. There are currently two vacancies.

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

### **HUMAN RESOURCES & INSURANCE**

- Authorizing a renewal dental health insurance contract with Metlife for 2020 in the amount of \$802,592.52.

Mr. Hellwig said that the cost is the same amount as the expiring premium.

**A motion made by Mr. Schopf, seconded by Mr. Szczepaniak, to amend the wording of the second Economic Development item to remove the portion “*and submitting the contract to the ABO for their advisory opinion of compliance*”.**

Mr. Schopf said that he read over the recommendations of County Attorney Dorsey and his efforts to secure an opinion and guidance from the ABO. It appears to him that the ABO are not willing to render an opinion on a hypothetical, which seems to be a theme with the ABO. Mr. Schopf believes that an option will never be received from the ABO on something that is not yet in place. Mr. Schopf believes that the County Attorney should work with the Economic Development Committee, pull up all of the other economic development and tourism contracts and try to put together the best contract that is best going to comply with the guidance already received from the ABO, move forward with the Unity Committee, execute and begin these agreements. At that point, the ABO will look at it and will make a determination at that time whether or not SEDC has to comply. At that point, SEDC would have the option to pursue litigation or comply with the ABO’s guidance, or the ABO may take the position that they are not required. Mr. Kinowski believes that this is a minor item to comply with for the best visibility and transparency for the Board of Supervisors. Mr. Kinowski said that everything they have on hand as to what SEDC plan to do based on the unity agreement, MOU etc. is indicating that they do Economic Development, and if they get county or IDA funding, this would require ABO oversight. It was agreed that if a contract is drafted, the contract would need to come back through Economic Development, Law & Finance and the full board. Mr. Wright expressed concern over going against the advice of the County Attorney. Mr. Dorsey said that in his memo, they have rendered an opinion even though they don’t want it call it that. They are aware of the proposal to fund SEDC at \$150K next year, and indicated that this level of finding would require compliance with the Public Authorities Law. Mr. Dorsey said that there are thresholds however, and if this funding was reduced such that the funding from private sources was a

certain percentage, they may excuse compliance with the Public Authorities Law. They indicated that SEDC could also have opportunities to seek waivers of compliance with certain provisions that they would deem too burdensome to comply with. Mr. Dorsey said that in his opinion, SEDC and the ABO need to settle their differences and come to a determination. Mr. Wright expressed concern in funding SEDC prior to getting an ABO opinion. Mr. Dorsey suggested possibly delaying payment to SEDC to July 1 to give an opportunity to come to a resolution.

Mr. Schopf said that there is a standard clause in the County's contract that they must comply with all State and Federal laws and regulations. Mr. Schopf said that the contract needs to be drafted and moved forward to execution and implementation, and at that point the ABO will make a determination. Mr. Dorsey quoted Director Pearlman from his email "If SEDC is not being funded and used by Saratoga County as an economic development entity, then it would not be considered a local authority" Mr. Kinowski said that it is clear that SEDC are requesting funds to provide economic development.

Mr. Schopf reiterated that that he is requesting that the contract be moved forward through committee, without submission to the ABO. Mr. Peck suggested moving forward with the contract and possibly making funding contingent upon ABO decision. Mr. Lawler said that the MOU clearly spells out the duties and responsibilities. The funding proposal is for a fixed amount of money. From Mr. Dorsey's opinion and the correspondence, what hinges on compliance requirements is the funding amount and the duties for which they are being contracted. Mr. Lawler said that one of the suggestions he brought up at committee was a claw back provision in the contract, and in conjunction with Supervisor Peck's suggestion, should the ABO step in at any time and say that SEDC must comply, and they do not, then SEDC must return the funding. Mr. Lawler said that this claw back provision would be immediate, payable within a certain amount of time after the notification. This contract would have the protection for the taxpayer. Mr. Schopf said that he believes that the contract could be worked out. He expressed concern with a claw back if SEDC has already rendered services and looking for expectation of payment for those services. Mr. Barrett said that he and Mr. Kusnierz voted against the resolution that came out of the Economic Development Committee. Mr. Barrett said that dialogue was opened up with the ABO and he suggested to take some time to study and research the other public services the county has for promotion, tourism and marketing. Also, Mr. Barrett said that he would like to have the specific services provided by SEDC worked out and researched. Simply attaching the MOU that was worked out by two other organizations is not the way to go about to ask an opinion from the ABO, hypothetical or not. Mr. Kinowski said that at the end of the day, a contract is needed to start off with, and the contract will come back through committee and full board prior to approval.

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

### **ECONOMIC DEVELOPMENT**

- Designating the Saratoga County Chamber of Commerce as the County's Tourism Promotion Agency and Authorizing the Saratoga County Chamber of Commerce to apply for an "I Love New York" grant in 2020.

- Authorize drafting a proposed contract with Saratoga Economic Development Corporation.

Mr. Hellwig said that the first item is a housekeeping item and will allow the Chamber to apply for funding. The maximum amount of funding available in this grant is \$420K however they typically get around \$60K. The match is gained through the \$375K in funding provided for various tourism promotion activities.

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

### **REAL PROPERTY TAX**

- Authorize the cancellation of 2019 taxes on a parcel in the Town of Moreau.

Mr. Hellwig said that the property in question was purchased in 2018 by the State of New York and is exempt from the taxes. The amount is \$170.73 and includes penalties and interest.

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

### **PUBLIC SAFETY**

- Authorize a transfer from the Animal Shelter Trust Fund and amending the budget in relation thereto.

Mr. Hellwig said that the funds will be used to cover the costs of an assortment of shelter improvements recommended by the Cornell Shelter Medicine Program. The amount is \$43,906 which is within the threshold of not exceeding 80% of the previous year's donations.

- Authorize an agreement for the use and operation of the Capital District Juvenile Secure Detention Facility effective January 1, 2020.

Mr. Hellwig said that this is a renewal of the existing agreement and the consolidation of other associated agreements with CDYCI into a single document.

- Authorize the acceptance of a Raise the Age grant in the amount of \$155,952 and amending the budget.

Mr. Hellwig said that the county plan was approved by the State to include this funding for raise the age activities in the Probation Department. 75% of the funding will go toward this year's budget and 25% toward next years.

- Accepting an Aid to Prosecution Grant for the District Attorney's Office.

Mr. Hellwig said that this is an annual agreement to offset a portion of the costs that the office incurs in the prosecution of violent felony cases. The amount is \$57,820.

- Authorize the acceptance of a domestic violence prosecution grant from the NYS Division of Criminal Justice Services in the amount of \$35,600.

Mr. Hellwig said that the funds are used to offset the costs associated with the prosecution of Domestic Violence cases.

- Accepting an Aid to Defense grant in the amount of \$14,234 for the Public Defender's Office.

Mr. Hellwig said that the funds are used to cover costs associated with the defending individuals who have been charged with violent felonies.

- Authorize acceptance of grant distribution No. 8 from NYS Office of Indigent Legal Services in the amount of \$423,201 for Conflict Defender services.

Mr. Hellwig said that this is a 3 year grant cycle from January 2018 through December 2020.

- Adopt the County's updated Multi-Jurisdictional All Hazard Mitigation Plan.

Mr. Hellwig said that in 2017 the board accepted funding from FEMA to update this plan. A consultant was hired to prepare the update and it has been completed and submitted with approval from FEMA pending adoption from this Board.

- Authorize the acceptance of a grant from the NYS Department of Homeland Security in the amount of \$217,437 and amending the budget in relation thereto.

Mr. Hellwig said that this grant will be used for a variety of items including new furnishings in the public safety facility, portable lighting, training services.

- Authorize a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives regarding use of a County facility located at 8 Taddeo Road in the Town of Malta.

Mr. Hellwig said that in exchange for the use, ATF agrees to provide training to the Sheriff's office and Emergency Services on technical operations including fire and explosive scene investigations.

- Authorize an amendment to Resolution 247 of 2017 to increase the contract amount with Pittsfield Communications from \$20,200 to \$28,161.03 for additional installation and programming services.

Mr. Hellwig said that the increase is for additional installation for programming services primarily for the vehicles of the SRO's

- Authorize a 1-year agreement with the Department of the Navy in the amount of \$4,500 for the Sheriff's use of thermal and night vision equipment.

Mr. Hellwig said that use of the equipment and associated costs are covered through a NYS Homeland Security Grant.

- Authorize the acceptance of a Governor's Traffic Safety grant in the amount of \$12,000 and amending the budget in relation thereto.

Mr. Hellwig said that the grant will be used to offset overtime expenses related to traffic safety enforcement activities.

- Authorize the acceptance of a grant from NYS Department of Homeland Security State PSAP Operations in the amount of \$164,959.

Mr. Hellwig said that this is a housekeeping grant. Funds are applied toward the salaries and fringe of those working in the 911 center.

- Authorize the acceptance of a grant from the NYS Department of Homeland Security State Law Enforcement Explosives Detection Canine Team in the amount of \$50,000.

Mr. Hellwig said that the grant will be used to replace an aging canine vehicle as well as purchase additional equipment and explosive storage cabinet.

- Authorize the acceptance of a grant from the NYS Department of Homeland Security State Law Enforcement Terrorism Prevention Program in the amount of \$72,479.

Mr. Hellwig said that the funds will be used in part for policy development training and the purchase of dive, night vision and crime scene investigation equipment.

Mr. Szczepaniak commended all of the various departments and agencies that have applied for and received all of the above grants.

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

### **PUBLIC WORKS**

- Adopt the final Saratoga County Local Solid Waste Management Plan.
- Authorize the acceptance of a Dormitory Authority of the State of New York, State and Municipal Facilities Program (SAM) grant in the amount of \$250,000.

Mr. Hellwig said that for the first item, the County received comments from DEC in February 2018, it was re-submitted and comments received in September 2018 and August 2019. The DEC have now deemed that the plan is approvable. Mr. Szczepaniak said that the Local Solid Waste Management Plan was tied up with DEC since 2012.

For the second item, Mr. Hellwig said that the County was awarded the grant to purchase a road grader. The cost of the grader is a little over \$265K and the difference is available within this year's budget.

**On a motion made by Mr. Kinowski, seconded by Mr. Wright, the following resolutions were approved. Mr. Schopf recused himself from voting on the third item.**

### **LAW & FINANCE**

- Authorizing inter-agency transfers necessary to close out 2019 County budget.
- Authorizing an easement on County-owned property to a resident in the Town of Halfmoon for the installation of a sewer lateral.

- Accepting and approving a NYSDEC Order on Consent regarding ammonia loadings and authorizing payment of a civil penalty in the amount of \$30,000.
- Adopting the “Think Differently” initiative to assist individuals with special needs and their families.

Mr. Hellwig said that the first item will allow the Administrator to move funds from Departments where there is a surplus to Departments where there is a deficit. For the second item, the easement will cross the Zim smith trail. For the third item, the funds are available in the District’s budget. For the final item, the initiative is promoting awareness and acceptance of all people and advocating for the inclusion of all individuals living on the autism spectrum and/or with special needs.

Assemblywoman Walsh said that 1 in 59 children are diagnosed with Autism each year and 1 in 6 children have some form of developmental disability. The fact of the matter is that in years past children would be removed from their homes and institutionalized. Thankfully, this is no longer the case and children are raised to adulthood in their own communities. This resolution brings awareness to that and supports and inclusive environment for children and adults with special needs living in our communities.

Mr. Tollisen commended Assemblywoman Walsh on the Think Differently initiative. She set aside a special day with a movie program, renting out an entire theater at her own expense.

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

Respectfully submitted,  
Therese Connolly  
Deputy Clerk of the Board