

REGULAR MEETING  
TUESDAY, April 21, 2020  
AT 4:00 p.m., E.S.T.

Chairman Allen called the meeting to order. Mr. Allen stated the following:

“Now that we have all adjusted to the new normal of virtual meetings, I expect that all committee meetings will resume in May on the normal meeting schedule. To comply with the Covid 19 restrictions on gatherings of more than 10 people, all committee and full board meetings will be virtual meetings until such time as the Governor relaxes the Covid regulations. This will allow members of the public, our elected officials, county employees and press to safely attend.

Also, the Governor’s directives for Covid 19 will have severe negative impacts on Saratoga County’s economy. This will require carefully thought out adjustments to our 2020 adopted budget. These adjustments need to be the result of collaboration between the administration and the Board of Supervisors.

To that end, I have directed the County Administrator to prepare an analysis of potential impacts on County revenues in 2020 and to identify potential cuts in operating expenses and capital projects for the Board’s consideration. I have requested that the analysis be provided to members of the Law & Finance Committee a week prior to the next scheduled Law & Finance Committee. I expect that the Law & Finance Committee will review the recommendations and then forward their recommendations to the full Board at our May meeting.

I am anticipating that as we receive more real time data on the revenue impact that additional adjustments to the operating budget may be necessary, and those changes will also be considered by the Law & Finance Committee as circumstances require.”

Roll call was taken. PRESENT – Eric Connolly, Philip C. Barrett, Jonathon Schopf, Richard Lucia, Preston Allen, Jean Raymond, Michael Smith, Daniel Pemrick, Arthur M. Wright, Kevin Tollisen, Darren O’Connor, Thomas Richardson, Benny Zlotnick, Theodore Kusnierz, Willard H. Peck, Sandra Winney, Thomas N. Wood, III, Matthew E. Veitch, Tara Gaston, Edward D. Kinowski, John Lawler, John Lant - 22. ABSENT - Alan Grattidge - 1.

Mr. Allen asked everyone to stand for the attention to the flag and remain standing for the Chaplain.

Mr. Thomas N. Wood, III, Chaplain said “Let us Pray. Our Heavenly Father, in this very challenging and difficult COVID-19 pandemic period, we thank you for making possible this meeting in which we will act upon the issues facing the residents of our County. Over the past several weeks, the essential employees of the County have given their all, working extremely hard over long hours, seven days a week delivering services under often hazardous conditions and working to come up with solutions to the COVID-19 pandemic crisis. We are thankful for these employees and their dedication. Only time and history will be the judge and evaluate the decisions that we have made and the success that we have achieved. No one can ever fault the sincerity, dedication and positive motivation of everyone. As in the past, let all of us Supervisors continue to work cooperatively together serving all of the residents of Saratoga County taking actions and making good decisions that will improve the health of our residents and minimize the financial impacts of this pandemic. The decisions and actions that we will take will not be easy but with your guidance and wisdom we will move forward continuing to make Saratoga County a role model and the best County in the State. It is with great sadness and sorrow that we recently learned of the untimely death of a friend and fellow supervisor, Mindy Shepard. Mindy was a friend to all. She deeply loved and was dedicated to her children and grandchild. She had a deep love for animals and under her leadership the new animal shelter became a reality. She was a hard worker and dedicated to serving her community and County. She loved life, always had a warm smile on her face, was a genuine and true person, always greeting you with enthusiasm and a can-do attitude. She left us way too early and had much more to give. We will never forget her and have fond memories of meetings, conferences and social gatherings. Mindy’s suffering in pain are now over and may you rest in peace. Let this Board pause for a moment of silence in memory of Mindy. Thank you. We pray these things in your name. Amen.

PUBLIC INPUT

Mr. Allen said there were 29 email communications received. Each have been distributed to each board member. They will be filed with the minutes and uploaded to the website. These comments are considered received and filed.

**On a motion by Mr. Smith, seconded by Mr. Lawler the minutes of the March 17, 2020 meeting was unanimously approved.**

The Clerk presented the following:

Letters from 2 West Bar & Grille, Beer Wine Pizza, The Olde Bryan Inn & Longfellows, Wheatfields Bistro Wine Bar and Wheatfields Restaurant, Palette Stone Corp and the Saratoga Regional YMCA providing notice in accordance with the Workers Adjustment and Retraining Notification Act.

Received and Filed.

Letter from the New York State Department of State confirming the filing of Local Law #1 of 2020.

Received and Filed.

Letter from the New York State Department of State confirming the filing of Local Law #2 of 2020.

Received and Filed.

Mr. Allen asked for a motion to go in to Executive Session. Mr. Kinowski made the motion. Mr. Pemrick seconded the motion. Mr. Kusnierz asked what the purpose was to go into Executive Session and said it needs to be stated. Mr. Allen said for collective bargaining unit negotiations.

Mr. Schopf asked for a roll call vote.

**On a motion by Mr. Kinowski, seconded by Mr. Pemrick the Board went into Executive Session for the purpose of discussions on collective bargaining union negotiations by the following vote:**

AYES: Richard Lucia, Preston Allen, Jean Raymond, Michael Smith, Daniel Pemrick, Arthur M. Wright, Kevin Tollisen, Thomas Richardson, Benny Zlotnick, Willard H. Peck, Sandra Winney, Thomas N. Wood, III, Matthew E. Veitch, Edward D. Kinowski, John Lawler.

NOES: Eric Connolly, Philip C. Barrett, Jonathon Schopf, Darren O'Connor, Theodore Kusnierz, Tara Gaston, John Lant.

ABSENT: Alan Grattidge.

Mr. Lawler said he is voting yes. It is completely inappropriate to have a discussion if the intent is to move this to a resolution.

Mr. Schopf said his is voting no. This needs to be moved through the regular course of business. It should go through Law & Finance and noted the memorandum of agreement that he has appears to have already been executed outside of the Law & Finance process. He wants to see it moving through that process and then coming to the board for a full vote. There is certainly opportunity to have executive session in both Law & Finance and at the subsequent board meeting. Apparently, this agreement is to modify the terms of the 2019 agreement and pay for 2019. There is no urgency for that and he doesn't think in this point in time in Saratoga County it's appropriate to have an executive session to discuss compensation of any kind before it goes through that process. So, he would vote no.

**On a motion by Mr. Lawler, seconded by Mr. Kinowski the Board returned to open session by a unanimous vote. There was no action taken.**

**On a motion by Mr. Kinowski, seconded by Mr. Veitch, Resolutions 85 through 89, were adopted by a unanimous vote. A call was made for a separate vote on Resolution #90.**

RESOLUTION 85 - 2020

Introduced by Chairman Allen

AUTHORIZING THE COUNTY'S INSURANCE COVERAGES THROUGH MAY 8, 2021

WHEREAS, Resolution 101-2019 authorized the award of several insurance coverages for the County through May 8, 2019; and

WHEREAS, the County's insurance agent, Cool Insuring Agency, Inc., and the County's insurance broker, Marshall & Sterling, Inc., have recommended that the County continue its coverages with its current insurance carriers for property and inland marine coverages through May 8, 2021 on the basis that said carriers are providing the most competitive rates for the insurance coverages required by the County; now, therefore, be it

RESOLVED, that the Chairman of the Board accept the proposals of Cool Insuring Agency, Inc. and Marshall & Sterling, Inc. for the County's insurance coverages by the carriers listed below, through May 8, 2021, at a cost of \$847,429:

Coverage	Company	Limits	Deductible	Premium
Property	Chubb	\$283,406,272	\$25,000	\$197,534
Boiler/Machinery	Chubb	\$283,406,272	\$25,000	Included-Prop
Inland Marine	Chubb	\$ 19,830,771	\$5,000	\$ 23,805
General Liability	Travelers	\$1M/\$3M	\$50,000	\$229,044
OCP	Travelers	\$1M/\$2M	None	\$ 750
Airport Liability	Ace	\$20,000,000	None	\$ 10,100
Law Enforcement Liability	Travelers	\$1M/\$1M	\$100,000	Included-GL
Public Officials Liability	Travelers	\$1M/\$1M	\$100,000	Included-GL
Cyber Liability	Axis	\$1M	\$25,000	\$ 20,089
Crime	Travelers	\$1,000,000	\$10,000	\$ 5,196
Automobile	Travelers	\$1,000,000	\$50,000	\$146,483
Umbrella	Travelers	\$10M/\$20M	10,000	\$ 97,000
Drone	Global Aerospace	\$1M	0%	\$ 4,278
<i>Healthcare</i>				
General, Professional & Umbr.	Allied	\$1M/\$3M	None	<u>\$113,150</u>
<b>TOTAL</b>				<b>\$847,429</b>

and, be it further

RESOLVED, that an additional premium allowance in the amount of \$5,000 is hereby authorized to cover aggregate premium charges resulting from changes to covered inventories, such as County vehicles and equipment, occurring prior to the policy renewal date of May 8, 2021; and, be it further

RESOLVED, that pursuant to Public Officers Law §11(2) this Board approves the form and sufficiency of the foregoing Crime policy issued as Policy Number 106291261 by Travelers Insurance Company in the amount of \$1,000,000 coverage for all County officers and employees, providing employee dishonesty coverage and faithful performance of duty coverage for said officers and employees as required by Public Officers Law §11, including those County Officers required to execute and file undertakings pursuant to the County Law of the State of New York; and, be it further

RESOLVED, that a certified copy of this Resolution be attached to a copy of said Crime policy (Travelers Policy #106291261) and filed in the Office of the County Clerk.

**BUDGET IMPACT STATEMENT:** The renewal represents an 11% increase from the expiring policies due primarily to the payment of the County's claims resulting from last year's kitchen fire at the Saratoga County Jail.

RESOLUTION 86 - 2020

Introduced by Chairman Allen

CORRECTING A 2020 TAX BILL IN THE TOWN OF MALTA AND AUTHORIZING A TAX CREDIT

WHEREAS, Real Property Tax Law §554 provides the procedure for the correction of errors on the tax rolls, and Real Property Tax Law §556 authorizes the provision of a credit against outstanding tax owed on a corrected tax bill; and

WHEREAS, Real Property Tax Law §550 (2)(c) defines a “clerical error” as an incorrect entry of assessed valuation on an assessment roll or on a tax roll for a parcel which, except for a failure on the part of the assessor to act on a partial exemption, would be eligible for such partial exemption; and

WHEREAS, the owner of the following property has timely submitted proof of an error in its 2020 tax bill, to wit: The property is a 135.12-acre medical office park owned by Saratoga Hospital, and includes a hospital building with medical facilities and offices. The entire property has a full taxable assessed value on the Town of Malta’s 2020 tax rolls in the amount of \$5,000,000. The property owner had previously entered into an agreement with the Town of Malta to pay fire district charges only on the assessed value of \$508,600 for the hospital building. A partial exemption was not properly entered into the Town Assessor’s files, and the fire district charges for the parcel were calculated on the full assessed value of \$5,000,000 for the entire parcel in error; and

WHEREAS, our Director of Real Property Tax Services recommends that the error be corrected, that a credit be authorized equal to the savings of calculating the fire district charges for the parcel solely on the taxable assessed value of \$508,600 for the hospital building, and that a new 2020 tax bill be generated for the property and mailed to the property owner; now, therefore, be it

RESOLVED, that the application of the following property owner for correction of the 2020 tax rolls be approved, and the tax rolls are so corrected:

<u>PROPERTY OWNER</u>	<u>TOWN</u>	<u>S/B/L C</u>	<u>ORR. TAX</u>
Saratoga Hospital	Malta	229.-2-102	\$4,491.25

and, be it further

RESOLVED, that the County Treasurer is authorized to apply a tax credit in the amount of \$3,657.08 to the 2020 Town and County tax bill of the property owner Saratoga Hospital; and, be it further

RESOLVED, that the property owner shall have eight (8) days from the date a corrected 2020 tax bill is mailed to the property owner to pay the corrected tax without additional penalties and interest; and, be it further

RESOLVED, that the Clerk of this Board of Supervisors shall forward a copy of this Resolution to the Town Tax Collector for the Town of Malta and to the Saratoga County Treasurer.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 87 - 2020

Introduced by Chairman Allen

CANCELING 2020 TAXES IN THE TOWN OF SARATOGA AND AUTHORIZING THE ISSUANCE OF CORRECTED TAX BILLS

WHEREAS, Real Property Tax Law §558(1) authorizes a county’s legislative body to direct the cancellation of any unpaid tax levied or imposed by such county against property of the United States where the lien of such tax cannot be enforced; and

WHEREAS, by a Final Order of Forfeiture issued by the Honorable Glenn T. Suddaby of the United State District Court for the Northern District of New York, dated February 6, 2020, title to Tax Parcels #194.-2-3.1, #194.-2-3.21 and #194.-2-4 in the Town of Saratoga, owned by Ryan Matthew Jones, was ordered to be forfeited to the United States of America; and

WHEREAS, the United States Department of Justice has invoked the doctrine of sovereign immunity with respect to said three Tax Parcels, which precludes the United States’ payment of state and local taxes on said parcels from the date of forfeiture; and

WHEREAS, United State Department of Justice policy requires the federal government to pay standard ad valorem property taxes up to the date of a Final Order of Forfeiture; and

WHEREAS, our Director of Real Property Tax Services recommends that the taxes on Tax Parcels #194.-2-3.1, #194.-2-3.21 and #194.-2-4 be canceled effective as of February 6, 2020, being the date of forfeiture of title to said parcels to the United States of America; that the tax rolls for the Town of Saratoga be accordingly corrected; and that new 2020 tax bills be generated for the three parcels through the date of forfeiture and mailed to the property owner United States of America; now, therefore, be it

RESOLVED, that the 2020 county, town and special district tax liens on the following parcels are hereby canceled effective as of February 6, 2020, and the tax rolls are corrected as follows:

<u>PROPERTY OWNER</u>	<u>TOWN</u>	<u>S/B/L</u>	<u>CORR. TAX</u>
United States of America	Saratoga	194.-2-3.1	\$81.41
United States of America	Saratoga	194.-2-3.21	\$33.47
United States of America	Saratoga	194.-2-4	\$63.07

and, be it further

RESOLVED, that corrected 2020 tax bills for the foregoing three parcels be mailed to the United States Department of Justice – United States Marshall Service, c/o Colliers International, 16830 Ventura Boulevard, Suite J, Encino, CA, 91436; and, be it further

RESOLVED, that the Clerk of this Board of Supervisors shall forward a copy of this Resolution to the Town Tax Collector for the Town of Saratoga and to the Saratoga County Treasurer.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 88 - 2020

Introduced by Chairman Allen

AUTHORIZING DISBURSEMENTS FROM THE VETERANS TRUST AND AGENCY FUND AND AMENDING THE BUDGET IN RELATION THERETO

WHEREAS, pursuant to Resolution 206-11, the Saratoga County Board of Supervisors established the Saratoga County Veterans Trust and Agency Fund for the purpose of receiving financial donations for the benefit and use of Saratoga County veterans and veterans’ organizations, and adopted rules and regulations for the administration of the Fund; and

WHEREAS, in accordance with Resolution 206-11, disbursements from the Fund are made upon the review and approval of appropriate applications made to the Veterans Affairs Committee of this Board; and

WHEREAS, while there are no current applications requesting the disbursement of funds from the Veterans Trust and Agency Fund pending before the Veterans Committee, the Director of the Saratoga County Veterans Agency has requested that this Board of Supervisors authorize two disbursements from the Veterans Trust and Agency Account for purposes of addressing the needs of Saratoga County veterans impacted by the COVID-19 pandemic; and

WHEREAS, the first disbursement requested by the Director of the Saratoga County Veterans Agency is for a grant in the amount of \$2,000 to the Veterans and Community Housing Coalition specifically directed to support the Coalition’s emergency food distribution efforts to needy veterans in Saratoga County; and

WHEREAS, the second disbursement requested by the Director is in an amount up to \$5,000 to the Saratoga County Veterans Service Agency to support emergency relief efforts for vulnerable and lower income Saratoga County veterans and their families impacted by the COVID-19 crisis, which relief efforts will include, but not be limited to, procuring and distributing food and needed household items such as paper products and cleaning supplies; and

WHEREAS, the Chairman of this Board’s Veterans Affairs Committee has recommended that the foregoing request of the Director of the Saratoga County Veterans Agency for the two disbursements from the Veterans Trust and Agency Fund be approved; and

WHEREAS, an amendment to the 2020 Saratoga County Budget is needed to effect this transfer; now, therefore, be it

RESOLVED, that the request of the Director of the Saratoga County Veterans Agency for the disbursement of the following amounts from the Saratoga County Veterans Trust and Agency Fund for the following purposes is hereby approved:

- 1) A grant in the amount of \$2,000 to the Veterans and Community Housing Coalition for the restricted purpose of supporting the Coalition’s emergency food distribution efforts to Saratoga County veterans in need; and
- 2) A distribution of up to \$5,000 to the Saratoga County Veterans Service Agency to support the Agency’s emergency relief efforts to vulnerable and lower income Saratoga County veterans and their families impacted by the COVID-19 crisis, which relief efforts shall include, but not be limited to,

procuring and distributing food and needed household items such as paper products and cleaning supplies;

and; be it further

RESOLVED, that the Saratoga County Treasurer is hereby authorized to disburse from the Saratoga County Trust and Agency Fund the foregoing amounts of \$2,000 to the Veterans and Community Housing Coalition and of up to \$5,000 to the Saratoga County Veterans Service Agency for the foregoing stated purposes; and, be it further

RESOLVED, that the 2020 Saratoga County Budget is hereby amended as follows:

VETERANS AGENCY:

Appropriations:

Increase Acct.: #A.65.000-8190 Other Professional Services \$7,000

Revenues:

Increase Acct.: #A.65-1554 Donations \$7,000

BUDGET IMPACT STATEMENT: This transfer will reduce the balance in the Trust and Agency Fund to \$78,244.61.

RESOLUTION 89 - 2020

Introduced by Chairman Allen

AMENDING RESOLUTION 84-2020

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that Resolution 84-2020 is hereby amended to delete the eighth RESOLVED paragraph of said Resolution that authorized the Chair of the Board, the Chair of the Law and Finance Committee, the Chair of the Human Resources and Insurance Committee, the County Administrator and the Director of Human Resources to jointly determine appropriate County employee staffing levels and rates of compensation that were consistent and in compliance with the current directives of any Executive Order issued by the Governor of the State of New York relative to local government staffing levels.

BUDGET IMPACT STATEMENT: No budget impact.

Discussion on Resolution #90

Mr. Barrett said he is voting no on this resolution because he believes it is important to resolve all the outstanding issues with the unions at the same time if at all practical. He thinks the discretion needed in the department for personnel is in place. It is viable and it's working. So, whether there is a union that is taking a different tactic than the other at this point, at this juncture in time, is irrelevant. The time and one-half payment issue has not been resolved and thinks until it is resolved we need to conduct more research and have additional discussions with the unions again trying to resolve that issue and any others that have come forward. I prefer that we tackle the issues head on as a group with the unions.

Mr. Lawler said this proposed resolution he believes is a well thought out, well negotiated agreement between our county administration/management of the county and the corrections officer's union. This agreement has been endorsed by the Saratoga County Sheriff. It provides the Sheriff with the flexibility he needs to schedule, to make certain there are adequate number of corrections officers working at the correctional facility during the pandemic. It provides him with what he needs to keep his staff safe and the inmates safe. The agreement has been ratified and endorsed with an 85% vote by the members of the union. The agreement has been endorsed by our own negotiating committee. It is consistent with past practices. And gives us everything we need to give our corrections officers the hard earned 2% cost of living raise that they deserve, in his opinion, for 2019. To deny them that 2% cost of living raise on an issue that we are going to address separately, we have agreed to address it separately, this memorandum has nothing to do with the time and one half. It's a good resolution. Everyone

supports it that's been involved with it. He thinks it's a disservice to the corrections officers and the members of that union to not move forward and settle this today and endorse this memorandum of understanding.

Mr. Schopf said with all due respect to Mr. Lawler, he disagrees. He said it is a disservice to not treat all the county employees the same. He values all their employees, essential and non-essential, corrections, no matter what. He thinks we should be negotiating this agreement globally. It seems to have disparity treatment to go back to 2019 to back door in some compensation for the 2020 deal that is not even in place. Additionally, as was said in the beginning, he believes its proper and in the Rules of the Board that this resolution pass through the Law & Finance Committee for review prior to coming before the full Board. He is very disappointed today that the time and one-half issue is not on the table in the form of a resolution as he was believed it would be. For that reason, he is voting no.

Mr. O'Connor said he agrees with the comments made by Supervisors Schopf and Barrett. He thinks this would have been better to do through the normal course through Law & Finance. However, as he looked through the draft MOA he is satisfied it has absolutely nothing to do with the time and one-half issue. It's only a negotiation about other items, outside employment, whatever, that the Sheriff needs to do to deal with the crisis. For that reason, although he is very disappointed it didn't go through the normal course, and on the understanding that the extremely important time and one-half issue is separate from and will be addressed separate from this, he is willing to vote in favor of this resolution.

Ms. Gaston said she is very disappointed, and sorry Supervisor Lawler, she would argue that it, perhaps, was not as well negotiated as she would like. If not all the issues were taken under consideration. But she believes that the consideration provided in here for secondary employment is well done. She also thinks consideration needs to be given to move forward. She is very disappointed and frustrated with the fact the agreement was signed and agreed to outside the normal process. Now the Board has been put on a time limit that she believes is inappropriate but need to consider going forward how to make sure that does not occur so that supervisors may appropriately review this and discuss the issues without having to be on a time limit and potentially increasing the risk of litigation.

Mr. Kinowski said he is happy to hear that it appears this may move forward properly. Quite frankly, he is happy with everything that has been done to date because it has been a normal procedure. More information could come out of that if it was requested. But procedures have been followed right up to date. He has full faith in the negotiating committee that did an outstanding job. The fact that the time and one half came up may or may not have been unfortunate but it will be discussed at another time and he thinks everything that has been accomplished to date has been accomplished accordingly and normally. So, thank you very much.

Mr. Lawler asked for the date the agreement was executed. The date the clock started. The response was April 14, 2020. Mr. Lawler said it is important to note for the record that the County labor attorney has advised the Board of Supervisors that this resolution has to be acted upon with 15 days of the date it was signed, April 14<sup>th</sup>. That has severely limited the opportunity to present this to the various committees that people would have normally hoped it would have gone to. We are free to vote it down or vote it up but on the advice of our labor attorney to avoid the possibility of an unfair labor practice the Board has to take a vote today. So, with that he said thank you all.

Mr. Schopf said he would like one following up on that comment. The agreement was signed on April 14<sup>th</sup>. Under the normal course of business this board would have held a Law & Finance meeting on April 15<sup>th</sup>. It could have been considered and could have gone through the process. As everyone in the room is aware, no meetings were held this month despite the legal requirement that they be done. And now here we are. He is very disappointed in the process.

Mr. Kinowski said under this pandemic we didn't know who was doing what, when, where and how meetings could have been conducted. He said it would have been difficult to do.

Mr. Pemrick said to the Chairman that he would like to call the motion.

Mr. Kusnierz said he would like to comment. He said the Board heard many things from the labor attorney in executive session. There is more to the story when the question was asked regarding the time period that was established, we were on, was on the shorter side, 14 or 15 days. It is not uncommon to have a window of 30 days.

He would think under the circumstances and the issues that the County is dealing with we would have erred on the side of additional time for proper vetting of this agreement, as his colleague from Clifton Park indicated, for it to go through the proper committee process. He also heard it said that this agreement needs to be in place so that the Sheriff has authority to make sure he is maintaining safety here in the County due to scheduling. He already has that authority. It's disingenuous to indicate this has to be in place so that he can maintain proper staffing down there. Finally, he said he is voting no on this resolution mainly because in addition to those comments, we have labor agreements, we have payroll issues, all these things have to be looked at globally. We all know the economic issues we all will be facing are not going to be a pleasant situation so we have to look at these all together, collectively, and not piecemeal them out. He said he will be voting on this resolution.

Mr. Barrett said we are asked to suspend belief. Based on the process as it was just stated. We could have shown up last week at the Law & Finance meeting and talked about this before the board meeting today. But that didn't happen. Some of us were here. But the reality that the stated issues of the emergency did not get resolved until April 14<sup>th</sup> we are well into this pandemic. I guess these emergency items weren't resolved until April 14<sup>th</sup>.

Mr. Connolly said he has gone back and forth a couple times in his mind on this issue a couple times now. Supervisor Kusnierz brings up a pretty valid point. We don't know what we are dealing with as far as our overall finances for the County. We can make estimations but the target is constantly moving. To go ahead and to pass such a resolution that allocates another \$1,500 per employee when we really don't know where we are at, he didn't know if that does make sense. He is still deciding on how he is going to vote.

**On a motion by Mr. Wright, seconded by Mr. Pemrick Resolution #90 was adopted by the following vote:**

AYES (164,041): Eric Connolly (9776), Richard Lucia (6531), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), Kevin Tollisen (21535), Darren O'Connor (14765), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Tara Gaston (13293), Matthew E. Veitch (13293), Edward D. Kinowski (8287), John Lawler (8423), John Lant (16173).

NOES (55,566): Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Theodore Kusnierz (14728).  
ABSENT (4133) Alan Grattidge (4133) (Absent votes are counted with the No votes)

RESOLUTION 90 - 2020

Introduced by Chairman Allen

RATIFYING 2019 COLLECTIVE BARGAINING AGREEMENT WITH THE UNITED PUBLIC SERVICE EMPLOYEES UNION, AMENDING THE 2019 AND 2020 COMPENSATION SCHEDULES, AND AMENDING THE 2020 BUDGET

WHEREAS, Resolution 45-2017 approved the current four year Collective Bargaining Agreement with the Saratoga County Sheriff's Officers Association, Inc., which Collective Bargaining Agreement expired on December 31, 2018; and

WHEREAS, since the expiration of said Collective Bargaining Agreement, the United Public Service Employees Union (UPSEU) has replaced the Saratoga County Sheriff Officers Association, Inc. as the bargaining agent for those employees previously represented by the Saratoga County Sheriff Officers Association, Inc.; and

WHEREAS, our Negotiating Committee has engaged in collective bargaining contract negotiations with the UPSEU, and a Memorandum of Agreement extending the expired Collective Bargaining Agreement for an additional year was approved by our Negotiating Committee and executed by the County Administrator, Sheriff Zurlo and UPSEU COPS Division Coordinator Paul Iachetta on April 14, 2020; and

WHEREAS, the Memorandum of Agreement for a one year extension of the Collective Bargaining Agreement through December 31, 2019 was approved by the UPSEU's membership on April 16, 2020; and

WHEREAS, our Negotiating Committee, the Saratoga County Sheriff and the County's Director of Human Resources have recommended that the Memorandum of Agreement with the UPSEU be ratified, and that the Sheriff Compensation Schedule in the 2019 and 2020 Saratoga County Compensation Schedules be accordingly amended to incorporate the agreed upon compensation matrix and salary rates; now, therefore, be it

RESOLVED, that this Board of Supervisors hereby approves the Memorandum of Agreement with the United Public Service Employees Union providing for a one-year extension of the previously expired Collective Bargaining Agreement through December 31, 2019; and, be it further

RESOLVED, that the Chairman of this Board of Supervisors is authorized to execute the 2019 Collective Bargaining Agreement with the United Public Service Employees Union subject only to final agreement on, and the approval of, its language in final form by this Board’s Negotiating Committee and the County’s Labor Counsel, Goldberg Segalla; and be it further

RESOLVED, the Sheriff Compensation Schedule in the 2019 and 2020 Saratoga County Compensation Schedules are accordingly amended to incorporate the United Public Service Employees Union compensation matrix and salary rates as set forth in the 2019 Collective Bargaining Agreement with the UPSEU; and be it further

RESOLVED, that the 2020 County Budget is amended as follows:

SHERIFF’S DEPARTMENT:

Appropriations:

Increase Acct.: #A.30.301.6000 Regular Wages \$372,500

Revenues:

Increase Acct.: #A.0599.B Appropriated Fund Balance \$372,500

BUDGET IMPACT STATEMENT: The funding for contract year 2019 and the resulting increase in the 2020 Sheriff Compensation Schedule will be appropriated from the County’s fund balance.

Ms. Gaston said an item has been brought to her and Supervisor Veitch’s attention that the City of Saratoga Springs would like to enter into a contract for the purpose of the County being able to apply for FEMA reimbursement for non-congregate housing for homeless individuals. They have been moved from a congregate housing to a hotel and the City would like to apply for reimbursement funding from that. It would imply no obligation on the part of the County but as the legal public health entity the County would have to be the applicant in this process. She has been in conversations with Deputy Administrator Cooke who has assured her the County can do this and set forth an agreement that would not obligate the County in any way. It would be pass-through money that we have done before and is looking for the Board’s approval to move forward with setting such an agreement. She said this would obviously be looked at by County Attorney Dorsey to review the agreement to be sure there is no obligation on the County and is just seeking pass-through FEMA reimbursement. She moved this as a motion. Mr. Kinowski said he would second the motion for the purposes of being reviewed. Mr. Veitch said he was going to second the motion. Mr. Kinowski said that was a mistake and withdrew his seconding of the motion. Mr. Veitch, seconded the motion. Mr. Veitch said Chad has done a yeoman’s, working with the City in what can be in some ways a difficult situation. The City and the County are ready to move forward on this and really again it doesn’t obligate the County in to any funding or any money. It’s just to get a 75% reimbursement from FEMA for the non-congregate shelters we have in Saratoga right now. It does require Public Health to make an order but other than that that’s all we really need. We are looking for your support on that today and he appreciates that. Thank you.

Mr. Peck said Chad I know you’ve been working on this with the Supervisors from Saratoga Springs for some time and asked if he had any other insight. Mr. Cooke said he would be brief. He said the FEMA guidance suggests the County has the legal responsibility from a Public Health perspective so the City can not be an advocate for the non-congregate shelter services. As Supervisor Gaston and Veitch indicated the County would enter into an agreement with the City. The City would bill the County as they provided the funding to the Shelters of Saratoga, they would send us a bill and we would then be the applicant; and we would then send it along to FEMA and say hey here’s our application for funding so the only question is terms of eligibility. We are going to have to work those details will be worked out. The Shelter has been moving forward with some fundraising activities and FEMA may view that as they have to exhaust their pot of money before they can seek reimbursement for this non-congregate shelter. So, we are going to work out those details but he thinks part of the agreement will be a caveat that subject to any other funding streams that Shelter may have, it may mean those funds are ineligible and there will be language in the contract about that. Ms. Gaston said we have also between Chad, herself, Supervisor Veitch and the City Council as well as the Executive Director of Shelters have made it clear that if we put forth the application the decision of how funding happens or how much of it, that’s on FEMA. That would not provide us an obligation, as a County to then provide it. But we can apply for it and we will do our best to make sure the funding happens but just the process of applying would not make the County responsible for that and that FEMA would be the determinate on how much was able to be reimbursed.

Mr. Dorsey said Chad, we would be authorizing the Chairman to sign an application to FEMA. Mr. Cooke said, no it would be authorizing an agreement with the City in order to allow the County to apply for reimbursement

from FEMA as the applicant for non-congregate shelters, specifically. Mr. Dorsey said so you are authorizing the Chairman to sign a contract with the City of Saratoga Springs for that purpose. Mr. Cooke said correct. Mr. Dorsey said there is no money coming in to the County to pass through so you don't need a budget amendment. Mr. Cooke said if and when we do receive funding from FEMA, we would then amend the budget and then authorize. Mr. Dorsey said that would be a second resolution. Mr. Cooke said yes, that would be a separate resolution. Mr. Dorsey said so we just need a resolution for the Chairman to sign a contract with the City of Saratoga Springs. Mr. Cooke said right, and I guess authorizing the County to apply for FEMA reimbursement for non-congregate sheltering in accordance with that agreement. Mr. Dorsey said alright it does sound like you need a resolution. Mr. Allen said will this be a voice vote or roll call vote. Mr. Dorsey said it should be a roll call vote.

**Ms. Gaston made a motion to move this request. Mr. Veitch seconded the motion adding the Mr. Cooke has done a yeoman's job with this working with the City. The City and the County are moving forward and this does not obligate the county to any funding and is really to get a 75% FEMA reimbursement for the non-congregate housing. This does require Public Health to make an order but other than that this agreement is all that is needed. The motion passed by a unanimous vote.** Mr. Schopf added to his yes vote that he thanks everyone that worked on this. He knows this whole issue has been lingering now for quite some time and this is a step in the right direction towards resolving this issue in the future with the City. Ms. Gaston thanked the Board members adding she appreciated it.

Mr. Kinowski said one other thing, separate subject matter. He said there are two individuals here from Public Health in here and wanted to take the time to publicly thank them for what they are doing, your hard efforts and everything you're doing. He doesn't know how other than to publicly thank you at a board meeting. Thank you very much. (applause)

Mr. Tollisen said one resolution that was not on the agenda today but still needs to be resolved is something that he believes he has spoken to the Chairman about in detail, Mr. Pemrick, Mr. Peck and the administration is about addressing the compensation issue. He doesn't want to go another month without getting this thing to bed. So, he wants to address the compensation issue that has been outstanding that the Town of Halfmoon has been getting pummeled with emails from and phone calls from all that. Respectfully if we owe our employees based on time and one half promises then we should be expected to pay them that for whatever period we expected they should be paid and based upon that promise. I think we need to address that issue today and get it put to bed.

Mr. Lawler said Mr. Tollisen raises an excellent point. This is an issue that has been lingering. There has been a lot of controversy, a lot of issues about it. Since it does involve discussion of compensation and it may very well turn into a discussion of potential litigation and potential contracts issue with some of our unionized employees, he made a motion to move into executive session to have that conversation there.

Mr. Schopf said with all due respect this discussion that needs to happen in the open. We aren't talking about any particular employee's salary. This is compensation for the County as a whole. To the extent that we discuss any litigation that can be separately moved but this is clearly an issue that needs to be discussed in the public. It's been in the public and needs to be resolved in the public. He is vehemently opposed to this going in to executive session.

Mr. O'Connor said he agrees with Mr. Schopf on this. There are two separate side issues in this. One is the facts, what happened and that should be determined under some sort investigatory process which this board could do or a committee could do. The other is what kind of litigation consequences are raised by that fact. This is an issue that has been very much in the public and the public wants to hear about it. He is opposed to going into executive session to discuss the facts underlying this. He would be in favor of discussing any potential litigation of course but discussing that aspect of it the facts he is against going into executive session.

Ms. Gaston said she agrees. At the last meeting that was held, she requested going into executive session in order for the purpose of discussing this exact issue. That motion was denied and deemed not necessary by the County Attorney. She assumes the similar process stands. This discussion has taken place in the public. We are all responsible for this and believes to the extent that any of it does not include discussion of litigation it needs to be held in open forum.

Mr. Kinowski said who will determine that it's possible litigation for discussion. He is in agreement with Mr. Tollisen by all means; but seems to be basked on what we heard earlier in executive session and what we are hearing now, he needs to know who is going to determine, ut-oh can't talk about that now and that's a litigation issue so who is going to determine that would be his question. Thank you.

Mr. Kusnierz said his question is for the County Attorney; which of the eight exceptions allow you to go into executive session would this fall under. Mr. Dorsey said the only one would deal with collective bargaining negotiations if you are going to talk about ongoing negotiations that are going on with any union. Mr. Kusnierz said correct. Mr. Dorsey said there is no pending litigation that he is aware of. Mr. Kusnierz said specifically it's collective negotiations pursuant to Article 14 of the Civil Service Law and he believes the Board's conversations will not be in relation to that section of law, am I correct. Mr. Dorsey said he is not familiar with that law. Mr. Kusnierz said we are not talking about union labor negotiations; we are talking about management confidential. Mr. Dorsey said if that's the conversation, yeah.

Mr. Lawler withdrew his motion. If his colleagues are comfortable saying that there will be no executive session issues raised that is fine but he would ask that we agree that should the conversation veer in to those waters that the County Attorney will step in and tell the Board they are having conversations that should not be in open session. He thinks that's his job as County Attorney so he will withdraw that. He asked if there was a motion on the floor. Normally when we have a discussion, we have a discussion after there is a motion.

**Mr. Tollisen made a motion that the County pay the essential employees that the Board promised to pay, for the time period that was promised, at the rate that was promised at time and one half and upon the date that they were told they were no longer getting time and one half, the essential workers that got paid the 4 hours overtime pay as comp time would be paid also. He said he would throw that on the floor even though it may be amended twelve times but for this purpose he would make that motion so we can have that discussion because it is a relevant discussion. Ms. Gaston seconded this motion for discussion.**

Mr. Tollisen said, if I may Mr. Chairman, since it's my motion, I'll start the conversation. He said he thought at the last Board meeting he doesn't think there was any doubt that the County started paying time and one half on the date of March the 16<sup>th</sup> and then at that meeting, the March 16<sup>th</sup> meeting or whatever date the meeting was it was going to be reviewed weekly. We all agreed on that at that time. Mr. Pemrick said the meeting was March 17<sup>th</sup>. Mr. Tollisen said ok but he believed the time and a half started on March 16<sup>th</sup>. Mr. Tollisen said the question then comes is there a discussion that it was clearly, unequivocally told that this would end on March the 20<sup>th</sup>, ok, through emails, phone calls, discussions with department managers who have called him directly and employees who have called him directly, that does not seem to be the case. It seems to be the case to him that that promise was made through April the 2<sup>nd</sup>. Whether that is true or not, he does not really know. But in the discussion that he has had with the Chairman, Mr. Peck and Mr. Pemrick and administration, he does not believe there is anything in writing concrete that says that this date ended on the 20<sup>th</sup> like it has been said. He thinks the best thing for Saratoga County, is whether we agree or not to pay that over time/time and one half for that time period we can debate that all day. The issue is, is what is fair to the employees that were promised this. And those people need to be paid what was is fair.

Mr. Kinowski said Mr. Chairman if I could. He said to Mr. Tollisen's point, he concurs wholeheartedly and think we would like to know budgetarily to Eric Connolly's earlier question about what is the ultimate cost of this going to be so I guess the stated cost of what we are going to pay out would be nice to know. And, secondly, it might be noted from our administration if they would like to add anything to this or the committee that was appointed as to what their feelings are on this. Generally, we need to hear from them. Thank you.

Mr. Allen said I can tell you we met the following Tuesday. I'm not sure of the date. I cannot tell you the date. We met the following Tuesday and had a discussion because of what was going on; and said this has to end now. Where it went from there, I'm not sure who Marcy notified or where it went but that was said. This has to end now. Mr. Conolly said that was the 24<sup>th</sup> Chairman. Mr. Allen said whatever the next Tuesday was, yes, that's when it was.

Mr. Kusnierz said if he may ask the Director of HR maybe she could enlighten us on the details that was promised. Mr. Lucia (on the phone) said someone is breaking up terrible. Ms. Raymond (on the phone) said yes, it's hard to hear.

Mr. Hellwig said he has a time line that was prepared for the benefit of the Board. March 16 through March 19<sup>th</sup>, all essential employees receive time and one half plus straight time except for elected officials and upper level managers, department heads and deputy department heads. Total number of employees receiving this benefit was approximately 300. From March 20<sup>th</sup> through April 2<sup>nd</sup> CSEA essential employees were receiving 4 hours of personal time for every day they worked in the office. Management and confidential staff excluding elected officials, department heads and deputy department heads receive 4 hours of personal time for every day worked in the office. Members of the PBA and Corrections received normal pay but their time was recorded and will be discussed as part of negotiations. Employees working on the Emergency Preparedness Team received time and one half plus straight time. That number was approximately 30 to 40 employees. Effective April 3<sup>rd</sup> and going through April 16<sup>th</sup>, employees working on the Emergency Preparedness Team were receiving 4 hours personal time for each day they worked in the office. Mr. Schopf asked what was that time period Spencer. Spencer said, I'm sorry. Mr. Schopf said April 2<sup>nd</sup> to when for the last category. Mr. Hellwig said April 3<sup>rd</sup> through April 16<sup>th</sup> or March 20<sup>th</sup> through April 2<sup>nd</sup>. Mr. Schopf said April 3<sup>rd</sup> through the 16<sup>th</sup>. Mr. Hellwig said from the 3<sup>rd</sup> through the 16<sup>th</sup> employees working on the Emergency Preparedness Team were receiving 4 hours of personal time for each day worked in the office. From April 17<sup>th</sup> through this date (April 21<sup>st</sup>) employees working on the Emergency Preparedness Team were receiving 4 hours personal time for each day they worked in the office. There have been a few caseworkers in DSS that are receiving 4 hours of personal time for each day worked in the office due to direct contact with clients. And those are primarily child protective services and as well as some social workers.

Mr. Tollisen said Mr. Chairman may I speak on this issue again. So, I understand the timeline. He also understands that employees were paid money and then it was taken out of their pay the very next payroll. I understand the employees were told that they can keep the money or it'll come back to us. If the employee kept the money, they were told it could be subject to being in the newspaper. Again, he doesn't care about the timeline except to the point of when were these people notified that they were not getting time and one half any more. This is a very simple question and a very simple answer it requires. When were they notified that they were no longer getting time and one half in writing and then the discussion is over and we can all go home tonight.

Mr. Lawler said he concurs with Mr. Tollisen. He said he asked this very question three weeks ago. And we made a promise to pay people, it was understood that it could be terminated within a week. If a decision was made to terminate it, that's fine. If the decision was communicated to staff that it was terminated, that's fine. If it wasn't, that's not fine.

Mr. Tollisen said we just heard the Chairman say that that discussion didn't take place until the 24<sup>th</sup>. So how can you tell someone that their compensation ended on the 19<sup>th</sup> when the conversation didn't even happen until the 24<sup>th</sup>. That makes no sense. Again, it's a very simple answer and a very simple way to move forward. He said he knows this is a budgetary issue and he didn't agree with it in the first place but what we promised is what we need to deliver on. So, my understanding is the date is March 16<sup>th</sup> to April 2<sup>nd</sup> and then from April 3<sup>rd</sup> onward the people that were critical in the command center that limited number would get the 4 hours additional time. And that's what they deserve and that's what they should get. **He is moving to amend his resolution to include those dates. Mr. Schopf seconded the motion.**

Ms. Gaston said she agrees with Supervisor Tollisen. The idea that the Board would make any sort of representation to our staff and to the public and then walk back on that is 100% unacceptable to her. She would wholeheartedly support Supervisor Tollisen's motion. The timeline and how we are paying people and taking it back does not work. The timeline that Supervisor Tollisen has recommended is appropriate and we need to make considerations and changes in how, we are aware emergencies happen and we are aware that things will take place that require faster movement maybe then we are used to normally. But this was not acceptably handled in her opinion.

Mr. Pemrick said if indeed people were not communicated to regarding to the stopping of this pay, he would agree with everybody and would be happy to support Supervisor Tollisen's motion. But let's find out. Let's give Marcy the opportunity. At that meeting as Chairman of that group, we told Marcy or our administration that the time and a half ended on the 19<sup>th</sup>. Now let's find out what happened after that.

Mrs. McNamara said 3/17 Board passes resolution. 3/18 inform technology (*it should be noted it is very difficult to hear her speaking*) Mr. Lawler said I'm sorry can you move to a microphone or something. Mrs. McNamara said on March 17<sup>th</sup> the Board passed a resolution. On March 18<sup>th</sup> conference calls were held regarding staff working remotely (*it should be noted she is still not speaking into a microphone and hard to hear/others speaking*).

3/18 HR started tracking all Department's restructuring. 3/18 the Covid Command Center began. 3/19 HR sends additional staff to the Command Center. 3/19 Covid oversight group advises only continue time and one-half compensation structure for approximately 40 employees working on the team. There are categories in how Saratoga County views their workforce. Mr. Lawler asks Mrs. McNamara to get closer to the microphone. There is CSEA. There is Probation. I mean there is CSEA, Corrections, Sheriff's and Management. CSEA without a doubt understood what was going on. Corrections as well did too. PBA there are issues and are in negotiations now. They are discussing that. That's why she can't really get into it because it's part of the negotiations. So, that leaves the deputies and the department heads. Yes, there were mistakes made with the department heads and the deputies. Right now, we are talking about 29 department heads and 16 deputies we have total. What happened was, say there were departments with 2 deputies; one deputy wanted the time and one half and one didn't. So, when it was taken out of the system it was very complicated. You are talking about the PBA, and you are talking about the PBA who were never in this, who were never in it, always understood it and is in negotiations, currently, right now and then you have 16 deputies and although we have 29 department heads only 15 conceded because the other 14 are on a local law and we wouldn't have the authority. If there were any miscommunications it was to the deputies because some of them, department head deputies not deputy sheriffs were the ones that had that money removed. Unintentionally. Inadvertently. Some didn't want it some wanted it. Same with department heads. Why am I getting this in my check? Why am I not. She set up a Covid 19 benefit. And, yes, that question was asked if my name would be in the paper and she said no, any dialog in that system is confidential because you are asking about your benefits. The only thing if it was Foiled on a monthly basis, somebody would be able to see that you received extra funds. The County, the Board, if you were promised that you are entitled to that, please let me know. Mr. Pemrick asked if he understood correctly that they had a separate email to respond to. Mrs. McNamara said yes and all of them have been addressed that came in. Mr. Pemrick asked what was the communication method that you used. Mrs. McNamara said she had a department head meeting that set up this benefits group that asked all, anybody that had questions with their payroll, some people were paid higher, some people lower, there were adjustments with department heads and deputies. And they were said to email this and they were all answered. Mr. Pemrick said and they emailed the fact that their time and a half ended on the 19<sup>th</sup>. Mrs. McNamara said there was only one, I don't know if it's confidential, I can't read the email but I can tell you that there is not a department head who had a question or a deputy that did not get their questions answered. And never once did she ever say that their name would be in the paper, so be careful. She said she agrees that the County's intent was to pay the time and one half. We also have to make sure that it is going to the correct people. She did what she could and there are still changes and there are still changes because of the public health center. There are changes every day. There are people being added to the payroll.

Mr. Tollisen said may I ask the question then, if you had a department manager meeting and everyone was present then why would there be a discrepancy with the Deputy Sheriff's Association. Mrs. McNamara said it's not deputy sheriff's she is referring to it's deputy department heads. She said the deputy sheriff's is the only other issue. Mr. Tollisen said he is still confused. When was it put in writing that you are no longer getting this pay; as of what date? Let me summarize as he has asked this question three times to Mrs. McNamara and he has gotten different answers. At one point he was told there was such a document then he was told there wasn't a document. He doesn't care. He doesn't care how this has happened, what happened or what date it happened he just wants to be fair to the good working employees of our county. If that date is April 2<sup>nd</sup> then let's just all agree that that date is April 2<sup>nd</sup>. Mrs. McNamara said the date is March 19<sup>th</sup> and said there is nothing in writing. All she has in writing is the unions all saying, just CSEA is in writing but it's not the date you are looking for but they all agreed that they knew exactly what was going on. The unions agreed and I know I'm in a public meeting, Scott Brackett and the union president for corrections and the union president for the PBA and the PBA is in negotiations negotiating this item now for the MOU to come whenever they agree to the terms. There should not be an issue with the time and one half only on the deputy department heads and the department heads that are entitled to it and again she will do whatever she can to make that right. The deputy sheriffs are in negotiations and the attorney is on the phone and maybe he can explain a little bit more about what's going on with negotiations. He can also explain to you why (*cannot hear what she says*). Mr. Tollisen said he doesn't care about the negotiations with all due respect all he cares about is what was promised to the department heads at the March 16<sup>th</sup> meeting to whatever date. It is a simple answer. Mrs. McNamara said it was 3/19. Mr. Tollisen said how was that communicated when the Chairman said you had a meeting on the 24<sup>th</sup> and then there is an email with something else on April 2<sup>nd</sup>. This does not make sense to Mr. Tollisen. Mrs. McNamara said she just read him the timeline from the HR office. Mr. Tollisen said he gets the payroll part of this and he's not saying he agrees with the payroll part of this because again there are people that got paid and it got taken away. Mr. Tollisen said surprisingly, why did I get less money in my pay this time. Mrs. McNamara said right, and that's when I said at another department head meeting because that's when I was made aware of those few deputy department heads and she said look anyone

that has any questions, there should be no issue on pay. That should be just the deputy sheriffs. And that was on March 19<sup>th</sup>.

Mr. O'Connor said he doesn't understand that if it was on March 19<sup>th</sup> that everyone understood via email that this had ended.... Mrs. McNamara said she didn't say it was in an email, she said it was a department head meeting. Mr. O'Connor said ok then everyone understood it was over on March 19<sup>th</sup> then why did we receive an email on March 24<sup>th</sup> that this salary structure was ended.

Mr. Schopf said he would like to note that the Chairman made a post on March 31<sup>st</sup> that's now been deleted on the Saratoga County website that addressed this whole issue. On the 31<sup>st</sup> of March. The timeline here, all that matters is the date that Kevin is asking for.

Mr. Peck said can I ask that rather than public chastising let's go to the motion. It is all relevant but obviously it was during very difficult times with a pandemic going on and everyone is working hard and fast to try to accomplish things. The real question is do we want to pay during the second pay period. He said I will offer up that the outside labor council would not recommend while we are in negotiations with current unions. That is a recommendation we as a Board can decide which way we want to go. And we take a vote up or down. Do want to do this or not. But he thinks the idea of public chastising isn't relevant here.

Mr. Barrett said he didn't think anyone was chastising anyone that he heard. Mrs. McNamara said she has a document that addresses time and a half. Mr. Barrett said can he just ask whoever wants to answer, when Spencer was going through the timeline, you said at one-point Deputy PBA and Corrections their time is being logged and will be part of negotiations and Marcy you just mentioned that they're in negotiations negotiating this time right now. What exactly does this mean. Mrs. McNamara said it means they are not entitled to it but received it just to record it because there is a new system in the 400, that they made, so that recorded during this time and when Johnathon negotiates the PBA – Did they bring it up Johnathan, I'm not sure. But if they brought it up then it will be negotiated through the MOA. Mr. Barrett said if they were told by you on the 19<sup>th</sup> and it seems that you superseded the Chairman who said on the 24<sup>th</sup> of March he said that's enough. You said it was the 19<sup>th</sup>. But whichever date it was, the Chairman also made a post on the 30<sup>th</sup> or 31<sup>st</sup> as well so is this part of negotiations then this time and a half, they're not entitled to. So, we are going to negotiate something that the unions that's not entitled to? Mrs. McNamara said Johnathon can you kind of elaborate on this subject. Mr. Barrett said that's very giving. Mrs. McNamara said no, they're not negotiating it, they're not. Mr. Barrett said he just heard 33 times that they are negotiating it; so, he's just trying to get a straight answer here. Mrs. McNamara said are they bringing it up, Johnathon. Johnathon said he had to pop off for a moment and asked if they were in executive session. Mr. Hellwig replied they were not. He said he can not answer the question if they are not in executive session.

Mr. Schopf asked if anyone could just answer the question of when the date is where it was cancelled. He doesn't see why, this....

Mr. Tollisen said it was told from two different sources that it was announced on payroll period starting April 3<sup>rd</sup> and that's the period. He said that is why he is stressing they pay through April 2<sup>nd</sup> and then April 3<sup>rd</sup> on the 4 hours personal time through today or whenever it is. Any further compensation issues any further matters pertaining to this go to Law & Finance and to the full Board thereafter. He doesn't know how else to deal with it. He doesn't want to spend any money that we don't have to but under the same token clearly if we don't have it in writing, we don't have it documented and we are wearing all this.

Mr. Schopf said he agrees with everything that Supervisor Tollisen just said. He has delved into this very deeply. He has discussed this with Department Heads and staff and he firmly believes a representation was made at some point to pay people time and one half on some basis through the April 2<sup>nd</sup> pay period so he would second Mr. Tollisen's motion. He said let's just put this to bed and pay people the money somebody told them they would get for some time.

Mr. Barrett said but who. Who is involved?

Mr. Lawler asked for a point of clarification for Supervisor Tollisen and it might be for the Administrator. We have been giving people 4 hours of personal time and that policy was adopted and he's just wondering how will your resolution of paying people time and one half. Would you envision people losing the four hours of personal time and then getting the time and one half? How do you see that? What is the intent with your resolution?

Mr. Tollisen thanked Mr. Lawler and said the intent of his resolution is to pay them from March 16<sup>th</sup> through April 2<sup>nd</sup> the time and one-half excluding administration and excluding elected officials. Secondly from April 3<sup>rd</sup> through today's date we pay as promised the 4 hours of personal time and from this day forward it goes to Law & Finance for determination on, I'm not saying these people aren't due it going forward, what I'm saying is that determination going forward is made by Law & Finance and the Board of Supervisors during our regular meeting next time.

Mr. Lawler said he isn't sure what's happening and wants to give thorough direction here; are there any people who have gotten the 4 hours personal time prior to April 2<sup>nd</sup> in lieu of time and one half. Mr. Peck said CSEA. He made a clarification to Mr. Tollisen because it has to do with dollars. What is currently going on is personal time not comp time. He wanted to make that clear. Mr. Lawler wants to be clear. Mr. Hellwig said on March 20<sup>th</sup> to April 2<sup>nd</sup> CSEA essential employees were receiving 4 hours personal time for every day worked in the office. Mr. Lawler asked if part of his resolution, is that revoked; because if you're going to be paying them time and a half. Mr. Tollisen said his resolution was to be more simple that whatever we agreed to pay these people and however we agreed to pay them whether time and one half or comp time that it be done appropriately. Mr. Lawler said we would be doing both under his resolution. We've already credited them for the 4 hours personal time so by your resolution we will retroactively pay them for the time and a half through April 2<sup>nd</sup>. That is the intent of your resolution. He's just asking that for those people who received 4 hours personal time prior to April 2<sup>nd</sup>, they are now going to be getting time and a half and asked Mr. Tollisen if it was his intention to give them time and a half and 4 hours personal time. Mr. Tollisen said no. Mr. Lawler said does this resolution revoke the 4 hours of personal time that these people have already been credited.

Ms. Gaston said a friendly amendment to – Mr. Lawler said he wants an answer to his question from Mr. Tollisen.

Mr. Tollisen said you know what, Jack, I think the issue is, is that this issue is so confusing and there is so much, he doesn't want to say mis-information but so much confusing information that at this point he can't parse out what the truth and what is not the truth and its actually really disturbing to him that it has come down to this. But regardless he would just like to fix it and move on. Mrs. McNamara said it would just be the deputies and the department heads. Ms. Gaston said what would be. Mrs. McNamara said the compensation if there is any confusion it would be coming from the department heads and the deputy department heads. Mrs. McNamara said she just gave everyone a sheet. If they turn it over that's the CSEA president stating if you go back and reverse it, it causes more problems for CSEA. I know the whole intent is to try to make communications flow better so on the 3<sup>rd</sup> page from Scott Brackett that from today. Ms. Gaston said that's why she is trying to make a friendly amendment. Mr. Barrett said well if he doesn't want it.

**Ms. Gaston said she would like to amend the motion to say from March 13<sup>th</sup> to March 19<sup>th</sup> all essential employees receive time and one half. From March 20<sup>th</sup> to April 2<sup>nd</sup>, CSEA members that are already covered by the 4 hours receive that and the others get time and one half. If you've already negotiated with CSEA that's fine but there are other essential employees who are not part of that who did not have their time and one half revoked. She understands that's desperate. She doesn't like it but here we are but it was negotiated with CSEA to do the 4 hours instead. She asked if that can be done and asked if it was acceptable to Mr. Tollisen. Mr. Lawler seconded that motion. She asked if she was making sense as she is confused by this whole thing. Mr. Tollisen said that sounds great to him.**

Mr. Zlotnick asked Mr. Hellwig just read that March 20<sup>th</sup> CSEA would begin receiving 4 hours personal time. He asked how were they notified of that, who told the CSEA employees that as of the 19<sup>th</sup> they would not be getting over time any more that they would be getting personal time. Mrs. McNamara said it was me. Mr. Zlotnick said it was you, ok, was that only communicated to them or to anyone else. Mrs. McNamara said it was communicated to all three union presidents. Mr. Zlotnick said that as of the 19<sup>th</sup> the over time was done. Mrs. McNamara said yes that as of that date, of that meeting that we met, the 19<sup>th</sup> is when they were informed. She said the only issues now are with the deputy department heads of the county. Mr. Zlotnick said all the regular, excuse his use of that word, employees were aware that as of March 20<sup>th</sup> they were no longer getting overtime. Mrs. McNamara said yes. Mr. Zlotnick said there is the answer. As of March 20<sup>th</sup>, every employee knew they weren't going to get overtime anymore. Mr. Zlotnick asked if he was correct in that statement.

Ms. Gaston said then why were there public statements made after that time indicating that we were now reducing the number of people. The letter was signed by the Chairman and she didn't care who put it on the website. The letter went out and was on the website. Mrs. McNamara said it was sent by Mr. Cooke to the publication firm to

put out because there were so many newspaper articles so that was a way to try to stop the public from thinking that people were getting over time. So that's why that happened. Ms. Gaston said to be clear it wasn't just the public that had questions. Supervisors including herself had asked what the heck is going on. And that was her first understanding of that. So, this was not just a note to the public. This was also Supervisors were finding out what was happening with the pay. Whether it was intentional or not that it was delayed due to media we also had been asking and not been getting explanations as to who was under it and what was going on. Mrs. McNamara said she didn't remember when she sent the email kind of explaining it.

Mr. Peck said he wants to make sure one thing is clear for Mr. Zlotnick. Mr. Peck said to Mrs. McNamara when you say you notified them; you're not talking about the 700 employees directly. You are talking about the union boss who then, the normal practice is for him to then notify down. He said he thinks that is important because there has been poor communication and lack of communication across many areas going on. The normal practice is, what his expectation is, is that we are contacting or HR isn't contacting every employee she's working the union bosses who then they talk to their members.

Mrs. Gaston said at the March 17<sup>th</sup> meeting there were 3 separate employees from different unions who were thanking us for this step forward in providing the additional pay would it be an expectation that one union would change that compensation and the other two would waive all additional compensation. Mrs. McNamara said they were saying thank you for the time and a half and even there was a person from the Auditor's office and they all knew that it was, there's FLSA, Matt can you talk about if you get time and a half for a two week period rather than a four or five day period, what that does. Matt said the issue for you all to think about is when you increase someone's rate of pay you increase their overtime rate of pay so if you were going to be paying employees 150% of their regular rate is for a two week period let's just say the over time rate under the law would require that their rate be a 1.5 times that increased rate. So rather than just getting an additional payment they would be getting a premium increase in overtime on top of their raised rate so I would expect it would be a significant sum of money over a two-week period for the employees we are talking about. If you to be considering this, I heard someone say this is something we want for us to decide whether we want to do it or don't want to do it but you should realize that the ramifications are beyond just how this might impact other bargaining units but also impact these other things. With regard to the details of this it would probably be better to discuss in executive session but those are the legal concepts that anyone would know about and be aware of. Mrs. Gaston said she does have a question in executive session regarding this and she is not saying or moving that we need to go now but she is saying she will have a question.

Mr. Lawler said he has a quick question for Marcy to be sure he understood because there is so much information flying around and he's sorry but he is not following all of it. To clarify, on March 19<sup>th</sup> Marcy and other members of the Administration met with the 3 union presidents and told the union presidents that the time and one-half compensation program was ending as of March 19<sup>th</sup>. He asked if she had that meeting with the 3 union presidents on March 19<sup>th</sup> and you told them that. Mrs. McNamara said yes, and she has had several meetings with them. He said he only wants to know about the one on March 19<sup>th</sup> because that's the critical date here, March 19<sup>th</sup>. He said if the union presidents were informed on March 19<sup>th</sup>, he's not sure why the union presidents didn't tell their own members something that important. He said he's not sure why it's the board's responsibility if the union presidents didn't pass the information along to their membership. Mr. Lawler asked if that's what happened.

Mr. Schopf said to Mr. Lawler that he has information here that shows, I don't even know what date the compensation committee met, but apparently it met on or about April 2<sup>nd</sup> and issued all the decrees. He is at the point in this where he will ask the Board to retain an attorney to investigate this entire situation. This is insane. He can not get answers on this. He said he has been trying for 5 weeks to resolve this. We can either pay these people some sum of money that they were promised for the work they have done. We can resolve the work going forward for the nurses and the command center who frankly don't need the extra stress of this. I know Ms. Medick has spoken to this before. He said he doesn't need the stress of this. The public doesn't need the stress of this. He said he has received 50 emails today in addition to the hundreds of calls and email on this issue. This has risen to the point of an investigation.

Ms. Gaston said for the purposes of this motion she had requested a friendly amendment for all essential employees to get paid time and a half from March 16<sup>th</sup> to March 19<sup>th</sup> and then all essential employees not covered under the CSEA agreement from March the 20<sup>th</sup> to April the 2<sup>nd</sup> obviously excepting any employees that are covered under local law, no elected official etcetera, etcetera is that acceptable. Mr. Tollisen said yes as it appears, she has actual documentation that is missing from other documentation that says April 2<sup>nd</sup>. He still does not

understand how you have a meeting with union leaders on March 19<sup>th</sup> that you are no longer going to be compensated when the committee didn't even meet until the 24<sup>th</sup>. It makes no sense to me. And it will never make sense to me.

Mr. Barrett said other than union employees who exactly would be covered by your motion, your amendment or your resolution, whatever it is. Ms. Gaston said she doesn't think it would be anyone. It was just from the 16<sup>th</sup> to the 19<sup>th</sup> it would be the 3 unions and from the 20<sup>th</sup> to the 2<sup>nd</sup> it would be the non CSEA essential staff. Mr. Barrett said what is that time line again. Ms. Gaston said March 20<sup>th</sup> to April 2<sup>nd</sup>. Mr. Barrett said who is that. It was said administration and officials weren't included; so, who is essential and who isn't at that point and who would it involved? She said that's a whole other ball game as she doesn't know exactly. She said one thing is we need to come out as board and do a better job planning forward and that information should be written into an emergency plan who is essential and at what stage so we don't have to have these meeting and figure it out going forward. She said it is her understanding that the representation that was made by the employees who came and spoke to us that members of all three unions had been classified as essential workers to include the deputies, to including public health staff etcetera. Her amendment to her motion would cover any employee who was classified essential and not otherwise exempt so it would not be persons covered by local law or elected officials.

Mr. Peck said let's be precise here. He said what he thinks she is trying to say is people who did not receive it in the first week which were elected officials, administration, department heads and deputy department heads. These would be excluded. Ms. Gaston said yes, that's what she meant.

Mr. Barrett said those individuals would be excluded from the two-week period that was mentioned. Ms. Gaston said yes.

Mr. Smith asked if it made any sense to kick this back to the Human Resources Committee and bring it down through the chain to Law & Finance so this is organized, we can understand it and we know how much we are spending and who is affected and who isn't. This is like a disaster here. Let the Human Resources Committee investigate whatever they need to do and bring it to Law & Finance. All the questions will get answered. He doesn't think there is anyone in the room that is out to not give compensation to employees who may be entitled to it. He has no idea who that is right now and they can't get answers on that today. Why can't we kick this back to Human Resources, bring this through the usual chain of events, to Law & Finance and we address it when we know what the heck we are talking about.

Mr. Kinowski said Mr. Smith, I gotta tell you, for the first non-supervisor to speak that makes the most sense. And thank you very much, excuse me Phil you were absolutely right, you said the same thing he really thinks this is not a straight run resolution. It involves tremendous complication from a part of multiple issues. We heard the one and half percent is going to create problems and he thinks that is a serious thing to consider on top of the over cost it's going to drive. So, he agrees with you, Mike. Mr. Smith said this addresses Supervisor Schopf's desire for an investigation. Let the Human Resource Committee do their job and bring it to Law & Finance and then to the Board so we can all see what we are talking about. He has no idea, and has gone round and round. Mr. Kinowski said to Mr. Schopf's point, he agrees with him in a lot of respects; but we can actually have our own Human Resources involved labor attorneys in this and get the appropriate investigation done. Mr. Schopf said he is not in favor of that and feels the need for a complete outside investigation of this at this point. He has been asking for answers for five weeks. This has all been done in the dark. In closed meetings. Quite frankly, communications he has had with people, he doesn't believe this March 19<sup>th</sup> meeting happened. He has serious, serious concerns as a representative of the public of Saratoga County. He made a motion, right now, on the floor, for an independent investigation to be had into this.

Ms. Gaston said there is a motion on the floor which is the outstanding motion which is the amended motion of Mr. Tollisen's that she made.

Ms. Raymond (on the phone) said she hopes she understands what's going on because being home on the phone and not in the meeting room she is becoming more and more confused and whoever made the motion to take it back to Committee whether it be Human Resources Committee or the Law & Finance, she doesn't care, she would like to see something in writing that shows how many people are involved. She totally agrees that if people were promised something, even if we did something we shouldn't have done, we are obligated to those people. She said she agrees with Mr. Tollisen. She also has concerns that people don't get the time and one half and the 4 hours. She would like to see something in writing that was carefully researched. She doesn't expect names but

the employees can be numbered and we need to know what the cost is in order to make the right decision and understand what we are doing. She believes the people would be ok if we took our time to figure out what the facts are and do the right thing. Let's not put ourselves in the situation where we think we took care of it and then someone comes forward and says what about me. She said that's her two sense.

Mr. Smith said he thinks they are trying to do something, today that they can't do.

Ms. Gaston said she calls the motion and will defer if there is a supervisor on the phone who was unable to be recognized otherwise she requests the vote.

**The motion failed by the following vote:**

AYES (99,554): Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Theodore Kusnierz (14728), Tara Gaston (13293), Matthew E. Veitch (13293), Kevin Tollisen (21535).

NOES (120,053): Eric Connolly (9776), Richard Lucia (6531), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), Darren O'Connor (14765), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Edward D. Kinowski (8287), John Lawler (8423), John Lant (16173).

ABSENT (4133) Alan Grattidge (4133) (Absent are counted in with the No votes)

Ms. Gaston asked the Chairman if she could move to go into executive session. Mr. O'Connor said there is a motion on the floor. Mr. Schopf said his motion is on the floor. Ms. Gaston said I'm sorry.

Mr. Smith said can I make a motion to kick this back to Human Resources and then follow the chain of command down through. Mr. Chairman said there is already a motion on the floor.

Mr. Schopf said that he has a motion on the floor for the Board of Supervisors to retain private council to do an investigation into the situation to see what occurred here.

Mr. Lawler said point of order, Mr. Chairman. The original motion is from Supervisor Tollisen. Supervisor Gaston offered a resolution to amend that. That resolution was defeated which means I believe we are back to Supervisor Tollisen's original resolution which was offered and seconded and was being discussed when Supervisor Gaston offered the amendment. I think we need to deal with one resolution at a time and maybe take one vote at a time. That would probably be a more efficient way for us to operate. I would just to your resolution, Kevin. Mr. Tollisen withdrew his resolution motion.

**Mr. Schopf made a motion, seconded by Mr. Tollisen to retain private council to do an investigation into this situation to see what occurred here. Motion passed by the following vote:**

AYES (114,319): Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Kevin Tollisen (21535), Darren O'Connor (14765), Theodore Kusnierz (14728), Tara Gaston (13293), Matthew E. Veitch (13293).

NOES (105,288): Eric Connolly (9776), Richard Lucia (6531), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Edward D. Kinowski (8287), John Lawler (8423), John Lant (16173).

ABSENT (4133) Alan Grattidge (4133) (Absent votes are counted with the No votes)

It should be noted Mr. Connolly said no, he would like to see this go back to the HR Committee. Mr. Peck said he would agree with Mr. Connolly that it should go back to HR and voted no.

Ms. Gaston asked if they could go into executive session now. Mr. Allen asked for what purpose. Ms. Gaston said to discuss potential litigation. Mr. Pemrick said he didn't think that was legal. Ms. Gaston asked what. Ms. Gaston asked if she could ask the labor attorney a question. Mr. Peck said if you have a question, ask the attorney what it's about and if there is a need for executive session. Ms. Gaston asked the labor attorney, if any member of the Board of Supervisors who is authorized to make decision or representations on behalf of the County government, does so indicating that individuals will be paid time and a half for a period of time and that is not done do we open ourselves up to litigation on the basis of that. Mr. Peck said that is clearly a question for executive session. Mr. O'Connor agreed that is a question for executive session.

**On a motion by Mr. Gaston, seconded by Mr. Peck the Board went into executive session for the discussion of personnel matter/potential litigation. Unanimous.**

**On a motion by Mr. Pemrick, seconded by Mr. Wright the Board returned to open session by a unanimous vote with nothing to report.**

Mr. Allen said Mr. Smith you asked to have a motion at one point in time.

Mr. Smith made a motion to kick this entire thing back to the Human Resources Committee to follow the progression meetings through the Law & Finance to the Board, yes. I made that. Seconded by Mr. Kinowski. Mr. Schopf said this motion he believes is superseded by his motion and vote. Mr. Kinowski said not necessarily.

Mr. O'Connor said he has a question. The Board decided to have this independent investigation by that last motion, right? There were "yesses" from the room. And now this motion is to also send it to HR, is that is what we are doing, we do both? Is that what we are deciding, to do both?

Ms. Gaston said wait, there was a motion and a second so now we are discussing it. There were 'yesses' from the room. She said she would think that that would not be proper practice to send it back especially if there was going to be having an independent investigation.

Mr. Kinowski said if I may, Darren, in all the lawyers in the room, as this is important to me as a layman I guess and to Mike, to our attorney, when was the last time we ever did an independent investigation of our staff. Ms. Gaston said to be fair that doesn't mean one was not called for. Mr. Kinowski said, no, no because I need to know determine. Mr. Dorsey said the Board to his knowledge it never has. Mr. Kinowski said who would determine the criteria for that investigation. What group, what number of people in a room, I mean who determines it. Mr. Dorsey said we are in uncharted waters here. Mr. Kinowski addressed Mr. Schopf that is what has occurred all the way back to we had a pandemic and he has been there before and forgive me but in more recent. He has been in charge of a ton of stuff, bombs dropping, chemicals being thrown and all this stuff. We didn't have in place anything that would approach the rules and regulations that would govern us under a pandemic. He said he wasn't trying to throw out excuses for anybody but imagine being placed in that environment and our full-time staff and our full-time staff having to act on that. (Mr. Lucia can be heard on the phone saying he cannot hear; people are cutting in and out. Ms. Raymond said she is so confused and doesn't know what we are doing at this point. Ms. Winney said she doesn't know what motion is on the floor.) Mr. Kinowski said they can't hear us. Mr. Hellwig said its still on. Ms. Winney asked what motion was on the floor. Ms. Raymond said she didn't think the Board members in the room could hear them. Mr. Kinowski said, if I may, finish his point. When you are under what is called the fog and friction of war and it's a 500-page book if you want to read it, of how to approach these things. Usually there are plans in place. We don't have a plan yet. We have emergency management ... (Ms. Raymond on the phone said they were cut off and asked where the discussion was at) Ms. Gaston said we are discussing a motion to send the pay discussion back to HR. Mr. Kinowski said we are discussing the Fog and Friction of War, and so at any rate, bottom line, we don't have that. So, emergency management know how to operate, Public Health did a great job and they are continuing that. Us, we don't have those plans in place. So, to get all that information out to all the people we need to, there is no button to push. Maybe in your own Town, I know I do in mine to hit every employee. But this many and we have to go through unions. That is a very difficult thing to do and so since it all started at the beginning and we all approved by resolution, 23 people approved, to delegate an authority to work on this because of the situation, they did an outstanding job and now what you want to do is investigate how they did it. And our how our staff reacted under it. That's a pretty profound statement to make. Now to go down Mike's path of let's look at ourselves internally to get the job done, that's important to do. He said now back to a lawyer's perspective which he doesn't happen to have to all the lawyers in the room I don't think there is anything to prevent us from doing both. To Mike's, I second it and I think we ought to vote on it and Jonathon we already did yours, so what, there's nothing here stopping it.

Mr. Schopf said I think we need answers. We've been here, Supervisor Tollisen asked a question 4 or 5 times that could not be answer about a date. I mean if an investigation is unprecedented when is the last time, we had a Board of Supervisors meeting that run this, what has it been 5 hours. Mr. Kinowski said we haven't had another pandemic. Mr. Schopf said quite frankly at the beginning of this, the first day, we had the first diagnosis, he emailed this entire board. He asked for a committee to be established. He thought it was lengthy and a thought-out approach at how we could go about this entire pandemic situation. He was rebuffed and ignored. He has been rebuffed and ignored throughout this pay scandal and this process. It ends now and wants answers now. Ms.

Raymond asked who was speaking now. Mr. Schopf said, Supervisor Schopf from Clifton Park. He said this is a mess. A public mess with public funds.

Mr. Lawler said I agree with you Jonathan, it is a mess and I don't think you'll get any debate about it being a mess. I think we have general consensus, perhaps not unanimous, with Kevin's original resolution request that he withdrawn that if there were employees here who were not treated fairly. He said he believes there is a general consensus here that no one wants to mistreat employees. Everyone wants to do it fairly. Mr. Schopf said he's not looking to prosecute people. He's looking to get answers. Mr. Lawler told him an investigation has that tone. Mr. Schopf said he is looking to get answers for the public money that he has been entrusted with. Mr. Lawler said you want answers and told Mr. Schopf that he is not the only supervisor that didn't get answers. He said he fired off a lot of emails to the black hole. He didn't get a lot of answers to his emails either. He understood people were making decisions on the fly and some of the questions he asked there weren't answers to the moment he asked them. He is willing to accept imperfection on the part of the people who are dealing with a pandemic health crisis. That doesn't mean we shouldn't fix mistakes. Mr. Lawler said but when we talk about an investigation, we are talking about people who have dedicated their lives to this, to this County. Mr. Schopf said we tried to fix the mistakes here but the resolution didn't pass. Mr. Lawler asked Mr. Schopf to hear him out, he won't go on long he promises. He said we have people who work for us who you're saying should be investigated. He said he was sorry; he was not comfortable with that. These are our colleagues, friends. He doesn't know where it starts, he not sure who does it and as Ed said he's not sure what the criteria is. There is a general consensus that this was broken and that we need to fix it. He said Mr. Schopf, Mr. Kusnierz, and Mr. Tollisen are on Law & Finance. He said he is happy of Law & Finance takes on a roll as Mike said, you guys look into this and come back to us and say hey here's what Law & Finance thinks we should do. He said he trusts them to do that and said he doesn't think they are trying to screw people over here. Nobody is trying to do that. We don't know who we're are going to pay, how many days we are going to pay them cause it's all different people, we don't know how we are going to handle the personal time issue cause we have a lot of people who got 4 hours personal time in lieu of the time and a half. So how are we going to address that. We have the issue of time and a half on top of time and a half for anyone that worked over time; if you change their base pay to 150% when they get time and a half on 150%. He doesn't think that was the intention; and he doesn't think that was the intention of the people there today. All he is asking, suggesting that those are questions we need to get answers to and rather than embarrass this County and really he thinks unfairly treat the employees who worked long and hard for this County and in the last month under difficult circumstances, let's just send it back to Law & Finance, you guys hammer it out and we will go from there. He asked what the heck are we going to vote on today.

Mr. Schopf said to maintain credibility we need an outside person to look into this to find out what happened and at what point and what was promised and then we can move forward and we can pay people the things that were promised. In this County, the committee we need frankly, very frankly, we need a Technology Committee, Transparency Committee and a Social Engagement Committee or put all three together in to one committee so we can effectively communicate with our residents. Mr. Schopf said to Mr. Lawler he was sorry for the difference in opinion on that but he is firm in that. Mr. Lawler said then what is your resolution, you want to go out and hire someone to go investigate someone, is that your resolution. Mr. Schopf said to obtain independent council to conduct an investigation.

Ms. Gaston called for a point of order. She said we already passed a resolution to authorizing an outside investigation, correct. The motion that is on the floor, she assumes because we have already authorized that, send and request that HR engage in its own investigation; is she correct, Supervisor Smith. Mr. Smith said yes. She said thank you.

**Mr. Smith made a motion to take the compensation question back to the Human Resources Committee to follow the committee progression and request that committee to engage its own investigation. Seconded by Mr. Kinowski. Unanimous.** Mr. Kusnierz asked for the investigation results to be given to each supervisor in writing as he was told by HR that he would not get information from that office.

Mr. Lawler said motion to adjourn. Mr. Allen said wait moment and asked Mr. Wood to call a meeting of the Human Resources & Insurance Committee next week. Mr. Wood asked Mr. Allen to repeat his statement. Mr. Hellwig said to Mr. Wood we would like to have a meeting of the HR Committee called next week. Mr. Wood said yes, can do. (It should be noted the supervisors on the phone thought the meeting had adjourned and began hanging up.)

Ms. Gaston asked if we were adjourned. Mr. Lawler said he was adjourned. Mr. Kinowski said he was adjourned. Ms. Gaston said she will make her statement regardless, as she stated earlier, she believes by this Board not acting more quickly puts us at increased risk both in the media, financially, practically and legally and she believes the Board of Supervisors needs to meet sooner than one month from this period of time. She said her motion was going to be, maybe it will get a second and maybe it will not, that the Board meet next week so that we can. Mr. Connolly said second. Mr. Allen said the Board will be meeting in two weeks as he has discussed today with certain individuals to meet. Ms. Gaston asked at what point was the Board going to be notified. Mr. Allen said it was going to be sent out, yes. Ms. Gaston said she would like that to take place as soon as possible and would also like at that time to HR be able to present to the Board the number of employees, not the name or personal identification, but the number of employees and the cost that would be required if we paid the time and one half for those eligible employees from March 16<sup>th</sup> to March 19<sup>th</sup> and then for the non CSEA employees from March 20<sup>th</sup> to April 2<sup>nd</sup> so that we can openly discuss that and everyone has all the information that they need at that time. Mr. Barrett said here, here. Ms. Gaston asked if she had to move that. Mr. Barrett said no. Ms. Gaston said she just requested that happens. Mr. Pemrick said we need to ask Marcy if it's possible to produce that information in that time period. Ms. Gaston said in two weeks.

On a motion by Mr. Lawler, seconded by Mr. Kinowski the meeting was unanimously adjourned.

Respectfully submitted,

Pamela A. Wright, Clerk