

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.

The invocation was given by Thomas N. Wood, III, Chaplain.

PUBLIC INPUT

Mr. Allen said there were 29 emails received for the public comment period. These have been forwarded to each supervisor as well as hard copies handed out today. They 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 Statement Department of State confirming the filing of Local Law #1 of 2020.

Received and Filed.

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

Received and Filed.

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 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.

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
Healthcare				

General, Professional & Umbr. Allied	\$1M/\$3M	None	<u>\$113,150</u>
TOTAL			\$847,429

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
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Revenues:

Increase Acct.: #A.65-1554 Donations	\$7,000
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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 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 is working. So, whether there is a union that is taking a different tactic than the other at this point is irrelevant. The time and one-half payment issue has not been resolved and until it is resolved we need to conduct more research and have additional discussion 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 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, 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 negotiating about other items that the Sheriff needs to do to deal with the crisis. For that reason, although he is disappointed it didn't go through the normal course, and on the understanding that the extremely important time and one-half issue is separate and will be addressed separate from this, he is willing to vote in favor of this resolution.

Ms. Gaston said 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 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 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 fortunate but it will be discussed at another time and he thinks everything that has been accomplished to date has been accomplished accordingly and normally.

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 14th. That has severely limited the opportunity to submit it 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.

Mr. Schopf said the agreement was signed on April 14th. Under the normal course of business this board would have held a Law & Finance meeting on April 15th. 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 would have been conducted. He said it would have been difficult to do.

Mr. Kusnierz 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 the County is dealing with we would have erred on the side of additional time for proper vetting of this agreement 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. He is voting no 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.

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 14th we are well into this pandemic. I guess these emergency items weren't resolved until April 14th.

Mr. Connolly said he has gone back and forth a couple times in his mind on this issue. 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 made 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 (154,051) 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 (51,433): Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Theodore Kusnierz (14728).

ABSENT (4133) Alan Grattidge (4133)

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 reimbursing 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. 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 and is looking for the Board’s approval to move forward with setting this agreement. She said she would ask 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.

Mr. Peck asked Mr. Cooke if he had anything to add as he knows Mr. Cooke has been working with City officials on this. Mr. Cooke 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. The County would enter into an agreement with the City. The City would bill the County, the County would be the applicant and send it along to FEMA indicating the application for funding. The only question is that of eligibility and those details will be worked out. Part of the agreement will be subject to any other funding streams the Shelter of Saratoga has will exclude that line of funding. Ms. Gaston added between herself, Supervisor Veitch, the City Council, Mr. Cooke and the Shelters of Saratoga Director, it has been made clear that if the application is put forth it does not place an obligation on the County to then provide it. FEMA will be the determinate of what funding will be

provided. Mr. Dorsey asked what the agreement would be. Mr. Cooke said the agreement would be between the County and 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 the Chairman will be authorized to sign a contract with the City for this application and confirmed there was no budget impact. Mr. Cooke said at this time that is correct. If funding is awarded through FEMA, at that time a resolution would be requested to amend the budget.

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. Kinowski said there are two individuals here from Public Health and wanted to take the time to publicly thank them for what they are doing, efforts and everything you're doing. He doesn't know how other than to publicly thank you at a board meeting.

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 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 expect they should be paid and based upon that promise. 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 and issues around it. Since it involves 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 sides to this. One is the facts, what happened and that should be determined under some 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 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; however, based on what was heard earlier in executive session and what is being heard now who is going to determine what is allowed to be talked about in open session versus executive session.

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. 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. 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. 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.

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 it, the essential workers that got paid the 4 hours overtime pay as comp time would be paid also. Ms. Gaston seconded this motion for discussion.

Mr. Tollisen said 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 16th and at the March meeting it was going to be reviewed weekly. The meeting was March 17th but the agreed date was March 16th for starting to pay time and one half. Mr. Tollisen said the question then comes was it clearly, unequivocally told that this would end on March the 20th through emails, phone calls, discussions with department managers 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 2nd. Whether that is true or not, he does not 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 20th. He thinks the best thing for Saratoga County, 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 question is what is fair to the employees that were promised this. And those people need to be paid what was promised.

Mr. Kinowski said he concurs wholeheartedly and would like to know budgetarily to Supervisor Connolly's earlier question regarding costs for this. The cost of what would be paid out would be good to know. Secondly, it might be noted from our administration if they would like to add anything to this or the committee that was appointed. We need to hear from them.

Mr. Allen said they met the following Tuesday and had a discussion because of what was going on. He said this has to end now.

Mr. Kusnierz said he would ask the Director of Human Resources to enlighten the Board on the details of what was promised.

Mr. Hellwig said he has a time line that was prepared for the Board. March 16 through March 19th, 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 20th through April 2nd 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 3rd and going through April 16th, employees working on the Emergency Preparedness Team were receiving 4 hours personal time for each day they worked in the office. April 17th through this date (April 21st) 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 that is primarily child protective services and some social workers.

Mr. Tollisen said he understands 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 can come back. 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 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 24th. So how can you tell someone that their compensation ended on the 19th when the conversation didn't even happen until the 24th. 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 16th to April 2nd and then from April 3rd onward the people that were critical in the command center that limited number would get the personal 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. She would wholeheartedly support this 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 handling this going forward. It was not acceptable how this was handled.

Mr. Pemrick said if indeed people were not notified in the stopping of this pay he would agree and would be happy to support Supervisor Tollisen's motion. But let's find out from Mrs. McNamara. He said as Chairman of the compensation group they told Mrs. McNamara that the time and one half ended on the 19th.

Mrs. McNamara said on March 17th the Board passed a resolution. On March 18th conference calls were held regarding staff. Human Resources started tracking all Department's restructuring and the Covid Command Center began. On March 19th Human Resources sends additional staff to the Command Center. 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. There is CSEA, Corrections, Sheriff's and Management. CSEA without a doubt understood what was going on as well as Corrections. PBA there are issues and are in negotiations now. That leaves the deputies and the Department Heads. Yes, there were mistakes made with the Department Heads and deputies. Right now, we are talking about 29 Department Heads and 16 deputies we have total. What happened was, say there were a department with 2 deputies; 1 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, who were never in it because they are in negotiations 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 were the ones that had that money removed. Unintentionally. Inadvertently. Some didn't want it some wanted it. She was asked why it was in their check. She set up a Covid 19 benefit. She was asked if their name would appear in the paper. She said any dialog in that system would be confidential because you are asking about a benefit. The only thing if it was Foiled on a monthly basis, the increase would show. She said if the Board promised that and you are entitled to that to let her 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. Mr. Pemrick asked how the information was distributed. Mrs. McNamara said she had a department head meeting that set up the benefits group that asked anyone that had any question were told to email. Mr. Pemrick said the email said their that time and one half ended on the 19th. Mrs. McNamara said there is not a department head or a deputy that had a question that did not get their question answered. Never once did she say that their name would be in the paper. 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 because of the public health center. There are changes every day.

Mr. Tollisen said 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. 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. One time 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, how it 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 2nd then let's all agree that that date is April 2nd. Mrs. McNamara said the date is March 19th 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. There should not be an issue with the time and one half only with the deputies 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. Mr. Tollisen said with all due respect he doesn't care about the negotiations all he cares about is what was promised to the department heads at the March 16th 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 24th and then there is an email with something else on April 2nd. This does not make sense to Mr. Tollisen. Mrs. McNamara said she just read 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. Mrs. McNamara said at another department head meeting is when she set up the Covid 19 benefit email to deal with this and there should be no issue with anyone except the deputy sheriffs and that was on March 19th.

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

Mr. Schopf said he would like to note that the Chairman made a post on March 31st that's now been deleted on the County's website that addressed this whole issue. The timeline doesn't matter. The only thing that matters is the date that Mr. Tollisen is asking for.

Mr. Peck said 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 whether we want to pay during the second pay period. He said 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 any way we want to go. And we take a vote up or down. Do want to do this or not.

Mr. Barrett said he didn't think anyone was chastising anyone that he heard. Mrs. McNamara said she has a document. 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 mentioned that they're in negotiations negotiating this time right now. What exactly does this mean. Mrs. McNamara said it means they are not receiving it right now but the time has been recorded because there is a system in the 400 that recorded this time and when its negotiated it will be brought up. Mr. Barrett said if they were told by you on the 19th and it seems that you superseded the Chairman who said on the 24th of March he said that's enough. You said it was the 19th. Whichever date it was, the Chairman also made a post on the 30th or 31st as well so is this part of negotiations then. So, you are negotiating whether the union is entitled to this or not. Mrs. McNamara said they are not negotiating it. Mr. Barrett said he just heard at least 3 times that they are negotiating it and he is trying to understand.

Mr. Schopf asked if anyone could say the date that the time and one half was cancelled.

Mr. Tollisen said it was told from two different sources that it was announced on payroll period starting April 3rd and that's the period. He said that is why he is stressing they pay through April 2nd and then April 3rd 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, don't have it documented and we are wearing all this.

Mr. Schopf said he agrees with everything that Supervisor Tollisen has 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 2nd pay period so he would second Mr.

Tollisen's motion. He said let's just put this to bed and pay people the money someone told them they would get for some time.

Mr. Barrett said but who.

Mr. Lawler asked for a point of clarification. We have been giving people 4 hours of personal time and that policy was adopted and 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?

Mr. Tollisen said the intent of his resolution is to pay people from March 16th through April 2nd the time and one-half excluding administration and elected officials. Secondly from April 3rd through today's date we pay as promised the 4 hours of personal time and from this day forward it goes to Law & Finance to determination going forward then to the Board.

Mr. Lawler said to make sure this isn't happening; are there any people who have gotten the 4 hours personal time prior to April 2nd in lieu of time and one half. March 20th to April 2nd they were receiving 4 hours personal time. Mr. Tollisen said his resolution was to be more simple that whatever and however we agreed to pay these people whether time and one half or comp time it be done appropriately. Mr. Lawler said they would not receive both. Mr. Tollisen said it is not his intention to give them time and one half and the 4 hours personal time. Mr. Lawler said this resolution would revoke the 4 hours personal time and give them the time and a half, is that correct.

Mr. Tollisen said the issue is, is that this issue is so confusing and there is so much miscommunication that he can't parse out what the truth and what is not the truth and its 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. If there is any confusion it would be coming from that group. Mrs. McNamara distributed a handout. It would cause a problem for CSEA if you went back and revoked what's been done.

Ms. Gaston said she would like to amend the motion to say from March 16th to March 19th all essential employees receive time and one half. From March 20th to April 2nd, 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. Mr. Lawler seconded that motion.

Mr. Zlotnick asked Mr. Hellwig just read that March 20th CSEA would begin receiving 4 hours personal. He asked how were they notified of that, who told the CSEA employees. Mrs. McNamara said she told them and added it was told to all three unions. Mr. Zlotnick said that as of that date the over time was done. Mrs. McNamara said yes that as of that date, the 19th it was done at that meeting. She said the only issues now are with the deputies and the department heads. Mr. Zlotnick said all the regular, excuse his use of that word, employees were aware that as of March 20th they were no longer getting overtime. Mrs. McNamara said yes. Mr. Zlotnick said there is the answer. As of March 20th every employee knew they weren't going to get overtime anymore.

Ms. Gaston said then why were there public statements made after that time indicating that we were now reducing the number. 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 so the public could see that it had stopped. 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 answers as to who was under it and what was going on.

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 for him to notify down. He said he thinks that is important because there has been poor communication across many areas going on. The normal practice is that we are contacting the union bosses who then they talk to their members.

Mrs. Gaston said at the March 17th 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 the additional pay. Mrs. McNamara said they knew it would come to an end. Mrs. McNamara asked Matt to address Board. Matt said here is something to think about; when you increase someone's rate of pay you increase their overtime rate of pay for a two-week period the overtime rate, it would be a premium increase on top of their regular pay.

Mr. Lawler said he would like to clarify with Mrs. McNamara that on March 19th she and other members of the Administration that they met with the 3 union presidents and they told those 3 presidents that the time and one-half compensation program was ending as of March 19th. He asked if she had that meeting with the 3 union presidents on March 19th and you told them that. Mrs. McNamara said yes, she did. He said if the union presidents were notified on March 19th he's not sure why the union presidents didn't tell their membership. He said he's not sure it's the board's responsibility if the union presidents didn't pass the information along to their membership.

Mr. Schopf said he has documentation that shows the compensation committee met on April 2nd and issued all the decrees. He is at the point in this that 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 reiterated her amendment to Mr. Tollisen's motion. Mr. Tollisen said yes as it appears, she has documentation that he does not have that has the April 2nd date. He still does not understand how you have a meeting on March 19th that you are no longer going to be compensated when you didn't even meet until the 24th. It makes no sense. And it will never make sense.

Mr. Barrett said other than union employees who exactly would be covered by this motion. Ms. Gaston said she doesn't think it would be anyone. It was just from the 16th to the 19th it would be the 3 unions and from the 20th to the 2nd it would be the non CSEA essential staff. Mr. Barrett said who is that. Who is essential and who isn't? She said she doesn't know exactly. She said this needs to be better going forward and that information should be written into an emergency plan. She said it is her understanding that the three unions including the deputies were considered essential. 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 he thinks what 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.

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 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 it 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. He 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.

Mr. Kinowski said to Supervisor Smith's comments, you have made a lot of sense. He thinks this is not a straight run resolution and is complicated due to multiple issues. The compensation will create problems. This is a serious thing to consider on top of the cost. He agrees with Mr. Smith. Mr. Kinowski added that the Human Resources Department has labor attorney's that can do the investigating. 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 19th 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 said 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. She believes the people would be ok if we took our time to figure out what the facts are and do the right thing.

The motion failed by the following vote:

AYES (86,261): Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Theodore Kusnierz (14728), Tara Gaston (13293), Kevin Tollisen (21535).

NOES (129,213) 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), Matthew E. Veitch (13293), Edward D. Kinowski (8287), John Lawler (8423), John Lant (16173).

ABSENT (4133) Alan Grattidge (4133)

Mr. Tollisen withdrew his original 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 (101,155) 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)

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 with nothing to report.

Mr. Smith made a motion to take the compensation question back to the Human Resources Committee to following the committee progression and request that committee to engage its own investigation. Seconded by Mr. Kinowski.

Mr. O'Connor asked for clarification. The Board voted to retain outside council to investigate and this motion is to have the Human Resources Committee also investigate, so we would do both. Mr. Allen said yes, that was correct.

Ms. Gaston said that wouldn't be proper practice to send it back if there was going to be an outside investigation.

Mr. Kinowski said in all the lawyers in the room, to our attorney, when was the last time we did an independent investigation in to our staff. Mr. Dorsey said the Board to his knowledge never has. Mr. Kinowski said who would determine the criteria for that investigation. Mr. Dorsey said we are in unchartered waters here. Mr. Kinowski addressed Mr. Schopf in saying this started with a pandemic and he has been there before. He has been in charge of a ton of stuff, bombs dropping and chemicals being thrown. We, as a Board, didn't have anything in

place that would approach rules and regulations that would govern us under a pandemic. There were no plans in place. To get information out there is no button to push. This is a difficult time with no plans or guideline. There was a resolution that delegated a group to work on this that passed unanimously. Now you want to investigate how you did it and how the staff reacted. That's a pretty profound statement to make. Now to go down the path Supervisor Smith said to do an investigation internally go get the job done, that's important to do. He said he doesn't think there is anything wrong with doing both.

Mr. Schopf said he wants answers as simple as Mr. Tollisen is asking for which is a date. He said a meeting that has gone on this long is unprecedented. The first day this started he emailed the whole 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 pandemic. 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. This is a mess. A public mess with public funds.

Mr. Lawler agreed with Mr. Schopf. There is general consensus with Mr. Tollisen's original resolution request that he withdrawn. 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. Lawler told Mr. Schopf that he is not the only supervisor that didn't get answers. He has many emails that have gone unanswered. He understood people were making decisions on the fly. He is willing to accept imperfection on the part of the people that are dealing with a pandemic health crisis. That doesn't mean we can't fix mistakes. Mr. Lawler said we are looking at people who we work with that you are asking to be investigated. These are our colleagues, friends. He doesn't know where it starts, where it ends. There is a general consensus that this was broken and needs to be fixed. He said Mr. Schopf, Mr. Kusnierz, and Mr. Tollisen are on Law & Finance. That committee could take that on. Mr. Lawler said there are a lot of questions on payments and time earned. Mr. Schopf said in this County to address this there needs to be a Technology Committee, Transparency Committee and a Social Engagement Committee or put all three there to effectively communicate with our resident.

Ms. Gaston called for a point of order. A resolution has already passed to retain outside council to do a private investigation. The motion on the floor is to send this situation back to committee in addition to the retention of outside council.

The motion was reiterated. **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.

Mr. Allen asked Mr. Wood to call a meeting of the Human Resources & Insurance Committee next week.

Ms. Gaston said this Board by not acting quick enough puts us at increased 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 made a motion that the Board meet next week. Mr. Allen said the Board will be meeting in two weeks. Ms. Gaston requested at that time, HR present to the Board 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 16th to March 19th and then for the non CSEA employees from March 20th to April 2nd so that we can openly discuss that and everyone has all the information that they need.

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

Respectfully submitted,

Pamela A. Wright, Clerk