

AGENDA SESSION  
July 15, 2020 4:30 p.m.  
Meeting Minutes

Vice Chairman Pemrick called the meeting to order and welcomed those in attendance.

Roll call was taken. PRESENT – Eric Connolly, Alan Grattidge, Philip C. Barrett, Jonathon Schopf, Preston Allen, Jean Raymond, Michael Smith, Daniel Pemrick, Arthur Wright, Kevin Tollisen, Darren O'Connor, Theodore Kusnierz, Benny Zlotnick, Willard H. Peck, Sandra Winney, Thomas N. Wood, III, Tara N. Gaston, Matthew Veitch, Edward D. Kinowski – 19. ABSENT - Richard Lucia, Thomas Richardson, John Lawler, John Lant – 4.

On a motion by Mr. Kusnierz, seconded by Mr. Kinowski the minutes of the June 10, 2020 meeting were unanimously approved.

Mr. Pemrick asked for a motion to accept the agenda for the July 21, 2020 Board meeting as presented and approved by the Law and Finance Committee prior to this meeting. The motion was made by Mr. Grattidge and seconded by Mr. Peck. Unanimous.

Mr. Peck said the ribbon cutting ceremony is scheduled for August 20, 2020 at 10:00 a.m. Details are being worked on but wanted to mention this to get it on the Supervisors' calendars.

Mr. Pemrick announced the meeting was adjourned.

Respectfully submitted,

Pamela Wright, Clerk of the Board

#### PROPOSED RESOLUTIONS

##### HEALTH & SOCIAL SERVICES

Authorize an agreement with Health Research, Inc. to accept New York State Department of Health Emergency Funding Coronavirus Response Grants in the amount of \$234,991, and amending the 2020 County budget in relation thereto.

##### HUMAN RESOURCES & INSURANCE

Approving a revised Standard Work Day Reporting Resolution for Elected and Appointed County Officials for Retirement Purposes.

Amending the 2020 Compensation Schedule to revise election inspector rates under the Board of Elections.

Amending Resolution #84-2020 to adopt and define the measures required under the Families First Coronavirus Response Act (FFCRA) for paid leave for employees required to quarantine due to the Covid-19 pandemic.

##### PUBLIC SAFETY

Authorizing the Chairman to enter into an amended agreement with the New York State Office of Indigent Legal Services for Year 2 services related to the statewide expansion of the Hurrell-Harring Settlement and amending the budget in relation thereto.

Authorizing a renewal contract with Albany Medical Center to perform forensic autopsies at a cost of \$2,000 per autopsy in addition to x-ray and lab services costs.

Authorize a contract with Cellco Partnership d/b/a Verizon Wireless in the amount of \$26,400 per year to co-locate wireless communications equipment on the County's radio monopole in the Town of Luzerne.

##### PUBLIC WORKS

Approval for the Hudson River Valley Greenway to have Empire State Trail Signage installed by New York State on CR 86 (Upper Newtown Road) in the Town of Halfmoon.

Authorizing implementation and funding for construction and construction inspection services for CR28 (South Glens Falls - Fort Edward Road) Pavement Preservation Project in the Town of Moreau for the amount of \$950,779.

Authorizing Chairman to enter into amended agreement with Greenman-Pedersen, Inc. to include construction inspection for the CR 28 (South Glens Falls – Fort Edward Road) Pavement Preservation Project Part 1 in the Town of Moreau for the amount of \$64,293.

Authorizing Chairman to enter into amended agreement with Greenman-Pedersen, Inc. to include construction inspection for the CR 28 (South Glens Falls – Fort Edward Road) Pavement Preservation Project Part 2 in the Town of Moreau for the amount of \$52,354.

#### BUILDINGS & GROUNDS

Authorizing an Intermunicipal agreement with the City of Saratoga Springs to allow the temporary public use of the County parking lots on Woodlawn Avenue.

Authorizing a lease renewal agreement effective August 1st 2020 with 2144 Doubleday Ave LLC for the Veterans Service Agency at a cost of \$24,284.64 with an annual increase of 3% for years 2 and 3.

#### ECONOMIC DEVELOPMENT

Issuance of tax-exempt bonds by the Saratoga County Capital Resource Corporation to refinance Skidmore College's existing bonds as well as issue \$30 million in new funds to facilitate new construction phases for the Center for Integrated Sciences project.

Accepting \$239,346 in Federal Aid for the TANF Summer Youth Employment Program (SYEP).

#### LAW & FINANCE

Authorize the acceptance of \$2,500 from the New York State Environmental Facilities Corporation as part of the septic system rehabilitation program, authorize payment to a recipient in the Town of Clifton Park, and amend the budget in relation thereto.

Authorizing the acceptance of a grant from the NYS Board of Elections in the amount of \$128,891.50 for security improvements.

Authorize a contract with Quadrant Biosciences for testing wastewater for the presence of COVID-19 at a cost of \$200 per sample with a not-to-exceed amount of \$90,000.

Authorize an appropriation of fund balance in the amount of \$500,000 to cover the cost of emergency repairs and amend the budget in relation thereto.

Authorize a contract with WCA Roofing and Sheetmetal Co., Inc. for work associated with roof replacement of the administration building in the amount of \$279,000, appropriating fund balance in the amount of \$279,000 and amending the budget in relation thereto.

Authorize a contract with Bond, Schoeneck and King PLLC for bond counsel services related to Sewer District capital projects.

Amend Resolution 170 of 2018 to increase the total Saratoga County cost of the joint biosolids facility project from \$24,250,000 to \$28,000,000.

Amend Resolution 171 of 2018 to increase the amount of the bond necessary for the joint biosolids facility from \$24,250,000 to \$28,000,000.

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

Chairman Allen called the meeting to order and asked for the roll call.

Roll call was taken by Mrs. Connolly. PRESENT – Eric Connolly, Alan Grattidge, 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 - 23.

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

Mr. Wood, Chaplain, said "Let Us Pray. Our Heavenly Father: As we go through the intensely hot, humid, summer season, we offer thanks for the great abundance that you give us. May we never take for granted the bountiful harvest and the many blessings that you make possible. Let us remember our recent July 4<sup>th</sup> celebration of independence and let us pray for the well being of all people in the county. May we never lose focus of the really important things in life such as good health, friends, and family. May we remember to make time to take a walk, listen to the birds and smell the fragrances of summer. In the month of July we are one half way through the year. Let us re-examine our goals, determine how we are progressing, and modify and adjust if needed. Time is the one resource that is limited, that we do not know how much of it we have, and therefore must embrace the gift of time, do things now rather than later, and live every moment to the maximum. Time is more valuable than money and is the greatest gift that we can give. Let us give thanks to the years of hard work and the dedication and commitment of our retiring Public Health Director Cathy Duncan. As a result of her hard work she has made the county a much safer place in which to work and live. Let us also give special recognition and thanks to recently deceased congressman and civil rights leader John Lewis of Georgia. As a result of his efforts and hard work much progress has been made in protecting and expanding the civil rights of all our citizens. Let us all commit to continuing his work and seeing that the civil rights of everyone are protected. In closing Lord we thank all of the brave men and women of our armed forces that protect our country and ask that you keep them safe and out of harm's way. We pray this in your name. Amen.

PRESENTATIONS:

Special Presentation – Proclamation to Catherine Duncan. Mr. Allen asked Mr. Wood to accompany him at the podium. Mr. Allen said Mr. Wood as Vice Chairman of the Health and Social Services Committee will be reading the proclamation.

Mr. Wood said: "This afternoon it's my pleasure to join in with our Chairman in making this special proclamation. I would ask Cathi Duncan our Director of Public Health to please come forward."

HONORING SARATOGA COUNTY PUBLIC HEALTH SERVICES DIRECTOR CATHERINE S. DUNCAN  
UPON HER RETIREMENT

WHEREAS, a major factor in the superior quality of life in Saratoga County is the delivery of high quality municipal services to County residents by the various departments of Saratoga County government; and

WHEREAS, it is the efficiency, expertise, dedication and hard work of the employees of Saratoga County that is responsible for the smooth, efficient and effective delivery of municipal services in Saratoga County; and

WHEREAS, it is appropriate to recognize, honor and thank our employees who have served the County and is residents for many years; and

WHEREAS, CATHERINE S. "CATHI" DUNCAN has worked for Saratoga County Public Health Services for over 26 years, commencing her employment in the position of Public Health Nurse on January 3, 1994; and

WHEREAS, after later serving in the capacities of Acting Director of Public Health and Director of Patient Services, CATHI was appointed Director of Saratoga County Public Health Services by the Saratoga County Board of Supervisors commencing February 27, 2015; and

WHEREAS, while working full-time as Director of Public Health, CATHI thereafter obtained a Master's Degree in Public Health from the State University of New York at Albany in 2018; and

WHEREAS, under CATHI's administration, Public Health Services has continued and/or expanded critical public health programs in such areas as Communicable Disease, Children and Youth with Special Health Care Needs, Early Intervention, Emergency Preparedness, Immunizations, Maternal Child Health, Rabies, Tick-Borne Diseases, Tuberculosis, and Healthy Families New York; eliminated the duplicative and costly Certified Home Health Agency program; applied for and was granted status as a Licensed Home Care Services Agency by the New York State Department of Health; implemented a critical electronic medical records system; and served as a key public health partner of such outside organizations as the Suicide Prevention Coalition of Saratoga County and the Saratoga Medical Reserve Corps; and

WHEREAS, since late 2017, CATHI has been actively involved in the relocation of Saratoga County Public Health Services from its current site at 81 Woodlawn Avenue in Saratoga Springs to its new offices in the soon to be opened Saratoga County Public Safety Facilities building at 6012 County Farm Road in the Town of Milton; providing input on the design of the new office space, applying for and obtaining a certificate of need from the State Department of Health to relocate Public Health Services' Diagnostic and Treatment Center to the new building, and obtaining necessary equipment, medical supplies, office furniture, and the technology needed to provide essential and high quality medical care to the clients of Public Health Services; and

WHEREAS, this year, CATHI has faithfully navigated Saratoga County through the most challenging public health crisis of our time, the COVID-19 pandemic, by working tirelessly with her staff to keep themselves informed of the latest up to date science on the COVID virus as well as the ever changing directives of the Governor and the State Department of Health; imparting that information to emergency responders and the public; ensuring proper 7 day a week staffing of the County's COVID-19 Command Center; establishing and staffing a COVID-19 contact tracing program for the County; and responding to constant inquiries, complaints and demands regarding the County's response to the pandemic, and the compliance or non-compliance of members of the public members, local organizations and area businesses impacted by the Governor's Executive Orders directed to curb the virus's spread; and

WHEREAS, CATHERINE S. DUNCAN is retiring as Director of Saratoga County Public Health Services on July 24, 2020, and her departure necessitates an expression of regret as well as gratitude for her outstanding and exemplary service; now, therefore, be it

PROCLAIMED, that the Saratoga County Board of Supervisors hereby recognizes, honors and commends CATHERINE S. DUNCAN, for her over 26 years of outstanding and faithful service to the County, and further expresses its own deep gratitude and that of the residents of Saratoga County to CATHI for her loyalty, dedication, and hard work, which have had such a positive impact on Saratoga County government and on the lives of County residents.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Saratoga County Board of Supervisors this 21st day of July, 2020. PRESTON ALLEN, Sr. CHAIRMAN

Ms. Duncan said "Thank you so much. Thank you Chairman Allen and thank you Supervisor Wood. I appreciate all the kindness and words. I can't thank enough the Board of Supervisors and all of your support that you have given me through everything that we've gone through. It is unprecedented times and it has been so difficult to wade through these wild waters of a pandemic. But I have never lost sight of the fact that I have felt very blessed that you have been so supportive of us in Public Health that you've listened to us and have had the belief and faith in us in knowing that we were doing the right things to help you through this tough time. I can't thank my administration enough for all of that support and for all the department heads that have supported us through the years. I really felt that we were in it together and that is the most important part, that we weren't alone. And I know that you are in good hands. I have a very well equipped staff that will continue the fight with COVID and I wish you all the best. Thank you so much."

Mr. Hellwig said he wanted to add to some of the things that were said in the proclamation to recognize a long successful career here at the County, representing the County's interest and serving the residents of the County. "For the past 26 years, you have worked day in and day out to protect and improve the health of others. Your work affected the lives of our entire community in countless ways, from treating and preventing disease outbreaks, to preparing us for an assortment of disasters, to ensuring our residents had access to quality public health services. I want to personally say thank you for your skilled, dedicated and compassionate approach that you and your staff have taken to deliver such a wide array of public health services. And, how you always were thinking ahead and routinely going above and beyond to ensure that Saratoga County residents received both the very best care and an outstanding patient experience. Despite the hurdles your department faced this year, you continued to support all of us and the effort to help others cope with all the challenges the COVID-19 pandemic has created. For your

sacrifices, your generosity, your expertise and your talents, you have our deepest gratitude. I am so proud to have had a professional like you representing our County and providing selfless service to those who rely on public health to meet their essential health care needs. In times of great change and adversity, we really discover who we are and what we are capable of accomplishing. Thank you for all that you have done during this challenging period, and for all that I am sure you will continue to do going forward.”

Congresswoman Elise Stefanik provided a Federal Update. Ms. Stefanik said “First of all I want to echo the statements regarding Cathi’s years of service. IT has been a true privilege to work with all of our counties’ public health officials and particularly during this very challenging time. During this pandemic Cathi has been just an incredible lead for all of the citizens of Saratoga County. And, I want to echo both the proclamation from the Board of Supervisors as well as the kind comments on behalf of the federal representative and certainly all of the constituents that I represent who reside in Saratoga County and are incredible grateful for her years of service. So, well deserved and best of luck on the next chapter. I thought that today I would provide a federal update as to the negotiations on the next COVID package. You are reading about this in the news. We are likely to have significant funding for school districts. Right now, the bill has \$105B for schools to help them safely reopen this fall. I know, based upon my discussion with superintendents that people are working very hard to put forth proposals as to how we can safely reopen schools to insure that our kids are able to continue their learning as well as protecting the public health of our students, teachers and staff. In addition, in the COVID package, more than likely there is going to be another round of stimulus checks. This will be focused and targeted more directly to lower income levels. We are looking at the income brackets for individuals making \$40,000 or less or jointly if you file taxes jointly \$80,000 or below. Additionally this bill will have paycheck protection program funding for small businesses who have been hit the hardest. So, particularly, the tourist industry, hospitality, retail and very significant for Saratoga County. In addition, we want to make sure those businesses who are continuing to feel a significant revenue loss are able to potentially apply for a second forgivable loan. But again that is targeted toward the businesses on main street that really need it. In addition, we are looking at liability protection for health care workers, schools, businesses, non-profits to ensure that all of our businesses and operations are able to reopen. We also are looking at tax credit for businesses for expenses such as PPE, cleaning supplies or other changes that are made to update work places. There will be additional funding for COVID testing and vaccine research and development. There are 176 viable vaccines in vials right now and this will be the fastest vaccination development in world history. So very promising (*inaudible*) In addition, we are looking at more funding for hospitals and health care providers. That has been very important. I have announced several millions of dollars for Saratoga Hospital as well as specific telehealth funding at the federal level. I continue to advocate for funding, as I know how important that is to deliver it right to the counties. We know that our counties need this across the State of New York including Saratoga County. We are seeing good news with some of the incremental progress regarding some of the revenue that you guys are seeing. I have heard from several supervisors. Clearly, it is a significant fiscal hole that there needs to be some federal support. This morning I was able to participate in the virtual kick off for Saratoga County Fair. So I wanted to congratulate all the leaders of the Saratoga County Fair Organization for their creativity and continuing to recognize the importance of that fair. While we are not going to have it traditionally, it is still important to our community to highlight the importance of agriculture as such an important economic driver. And with that I’ll ask if there are any questions you folks have.” Mr. Allen asked if there were any questions. There were none so Mr. Allen thanked Ms. Stefanik for the update.

On a motion by Mr. Veitch, seconded by Mr. Grattidge the minutes of the June 16, 2020 meeting were unanimously approved.

The Clerk presented the following:

Letter from Delaware North providing notice in accordance with the Workers Adjustment Retraining and Notification Act.

Received and Filed.

Letter from Carol Hotaling asking the Board to support a nationwide Yellow Ribbon Day.

Copy to all Supervisors.

Letter from the Adirondack Park Agency thanking the Board for forwarding Resolution #123 of 2020.

Received and Filed.

Letter from Andrew Blumenberg, Public Defender, appointing Nicholas D’Alessandro as Assistant Public Defender until December 31, 2020.

Received and Filed.

REPORTS OF COMMITTEE

Mr. Peck said from Public Safety he will mention again as he did last week for everyone that August 20<sup>th</sup>, it’s a Thursday, at 10am will be the ribbon cutting of the Saratoga County Public Safety Facility.

On a motion by Mr. Grattidge, seconded by Mr. Kinowski Resolutions 140 thru 159 were unanimously approved with the exception of Resolution #146. Mr. Veitch recused himself from the vote on Resolution #146. Resolutions 160, 161 and 162 were tabled.

RESOLUTION 140 - 2020

Introduced by Supervisors Lucia, Connolly, Kusnierz, O’Connor, Winney, Wood and Zlotnick

AUTHORIZING AN AGREEMENT WITH HEALTH RESEARCH, INC. TO ACCEPT NEW YORK STATE DEPARTMENT OF HEALTH EMERGENCY FUNDING CORONAVIRUS RESPONSE GRANTS, AND AMENDING THE 2020 COUNTY BUDGET IN RELATION THERETO

WHEREAS, emergency funding is available from the New York State Department of Health (“NYS DOH”) through Health Research, Inc. in the amount of \$234,991 for local health department’s (LHD) Coronavirus (COVID-19) response activities for the period March 16, 2020 through March 15, 2021; the first award being in the amount of \$166,290 and the second award being in the amount of \$68,701, which funding is available to Saratoga County Public Health Services (SCPHS) for reimbursement of expenditures related to COVID-19 activities; and

WHEREAS, allowable expenses organized under six (6) Domain categories allow for the purchase of i) personal protection equipment (PPE) such as gloves, masks and face shields; and medical materials such as thermometers, alcohol prep pads, and hand sanitizers to restock LHD supplies and prepare for a second wave of the virus; ii) scanners, a projector, recorder for meeting minutes, extra monitors, wireless mice, additional MiFi’s for internet service offsite and a cell phone for the EPP coordinator, iPads and I-Pad stands; iii) fees for the attendance of two employees at the National Emergency Preparedness Summit for Education and Training ; iv) necessary costs related to the improvement of information shared with those having language, hearing or vision barriers and costs to translate documents into different languages and pay for the services for oral translations ; v) new trailers, hand carts, pallet jack, wheelchairs ;vi) additional staffing and a badging system for volunteers and community partners in response to a possible emergency surge; vii) an ESRI Enterprise ARC GIS system for data management with disease monitoring and contact tracing capabilities, including surveillance and real time reporting; and viii) a Rhoenix COVID-19 MDx Assay machine which will increase and expedite COVID-19 testing; and

WHEREAS, a resolution of this Board and an amendment to the 2020 County Budget is required to accept these funds; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute all documents and agreements necessary with Health Research, Inc. to accept New York State Department of Health Public Health Coronavirus Response grant funds in an amount of \$234,991 for the term March 16, 2020 through March 15, 2021, with the form and content of such documents and agreements to be subject to the approval of the County Attorney; and, be it further

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

PUBLIC HEALTH SERVICES

Appropriations:

Increase Acct.: #A.40.410-6000 Regular Wages	\$ 23,000
Increase Acct.: #A.40.410-7020 Office Equipment	\$ 1,500
Increase Acct.: #A.40.410-7033 Personal Computers	\$ 6,000
Increase Acct.: #A.40.410-7045 Trailer	\$ 15,750

Increase Acct.: #A.40.410-7051	Communication Equipment	\$ 300
Increase Acct.: #A.40.410-7053	Medical Equipment	\$ 72,000
Increase Acct.: #A.40.410-8192	Software	\$ 1,300
Increase Acct.: #A.40.410-8242	Consumable Medical Supplies	\$ 8,241
Increase Acct.: #A.40.410-8243	Minor Medical Equipment	\$ 12,000
Increase Acct.: #A.40.410-8299	Misc. Equipment Supplies	\$ 4,000
Increase Acct.: #A.40.410-8512	Conference	\$ 5,000
Increase Acct.: #A.40.410-8514	Publications	\$ 200
Increase Acct.: #A.40.410-8519	Personal Safe Supplies	\$ 11,000
Increase Acct.: #A.40.410-8520	Software	\$ 66,000
Increase Acct.: #A.40.410-8521	Minor IT Equipment	<u>\$ 8,700</u>
		\$234,991

Revenues:

Increase Acct.: #A.40-4487	PHEP Federal Aid	\$234,991
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BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 141 - 2020

Introduced by Supervisors Wood, Grattidge, Lawler, Lucia, Peck, Winney and Wright

AMENDING RESOLUTION 141-2018, AS LAST AMENDED BY RESOLUTION 156-2019, AND ESTABLISHING OR REVISING A STANDARD WORK DAY REPORTING RESOLUTION FOR ELECTED AND APPOINTED COUNTY OFFICIALS FOR RETIREMENT PURPOSES

WHEREAS, this Board adopted Resolution 141-2018, as last amended by Resolution 156-2019, establishing standard work days for certain elected and appointed County Officials for retirement reporting purposes pursuant to regulations of the New York State and Local Employees Retirement System;

WHEREAS, said regulations of the New York State and Local Employees' Retirement System require that municipalities continually update their standard workday resolutions to reflect changes in the employment status of individual employees, and accordingly Resolution 141-2018 was subsequently amended by Resolution 280-2018 and Resolution 156-2019; now, therefore, be it

RESOLVED, that this Board of Supervisors hereby amends Resolution 141-2018, and establishes the following as standard work days for the elected and appointed officials named hereafter, and will report the following days to the New York State and Local Employees' Retirement System based on the timekeeping system records or the records of activities maintained and submitted by these

Supervisor to Ballston	Eric Connolly	1/1/2020-12/31/2021	2.4
Supervisor to Charlton	Alan Grattidge	1/1/2020-12/31/2021	15
Supervisor to City of Mechanicville	Thomas Richardson	1/1/2020-12/31/2021	11.82
Supervisor to City of Saratoga Springs	Tara N. Gaston	1/1/2020-12/31/2021	5.03
Supervisor to Milton	Benny Zlotnick	1/1/2020-12/31/2021	2.14

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 142 - 2020

Introduced by Supervisors Wood, Grattidge, Lawler, Lucia, Peck, Winney and Wright

AMENDING THE 2020 COMPENSATION SCHEDULE UNDER ELECTION BOARD

WHEREAS, Chapters 55 and 441 of the Laws of 2019 of the State of New York amended Election Law §8-100(2) of the State of New York to increase the hours for voting in a primary election to 6:00 am to 9:00 pm, from the previous 12:00 pm to 9:00 pm, commencing January 1, 2020; and

WHEREAS, under the current 2020 Compensation Schedule, Election Inspectors are paid \$110 for working a nine (9) hour primary election, while Election Inspectors working a general election are paid \$190 for a fifteen (15) hour day; and

WHEREAS, our Human Resources and Insurance Committee, the Director of Human Resources and the Saratoga County Commissioners of Election have recommended that the 2020 Saratoga County Compensation Schedule be amended under "Election Board" to pay Election Inspectors working primary and general elections the same rate of \$190 per day, effective June 23, 2020; now, therefore, be it

RESOLVED, that the 2020 Saratoga County Compensation Schedule is amended effective June 23, 2020 as follows:

UNDER ELECTION BOARD:

Abolish (860) Election Inspector, \$110/primary

Abolish (860) Election Inspector, \$110/presidential

Abolish (860) Election Inspector, \$190/general

Create (860) Election Inspector, \$190 per day/election days

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 143 - 2020

Introduced by Supervisors Wood, Grattidge, Lawler, Lucia, Peck, Winney, and Wright

AMENDING RESOLUTION 84-2020 TO DELETE PAID LEAVE PROVISIONS WHICH HAVE BEEN SUPERSEDED BY FEDERAL AND STATE LEGISLATION, AND GOVERNOR CUOMO'S EXECUTIVE ORDER 202.45

WHEREAS, Resolution 84-2020 provided in its third, fourth, fifth and sixth RESOLVED paragraphs for the provision of paid leave for County employees subject to mandatory quarantine as a result of the COVID-19 pandemic; and

WHEREAS, the subsequent passage into law of the federal Families First Coronavirus Response Act and Chapter 25 of the 2020 Laws of the State of New York enacted superseding provisions for paid leave for public employees subject to mandatory or precautionary quarantine; and

WHEREAS, on June 26, 2020, Governor Cuomo issued Executive Order 202.45 which temporarily precludes employees from receiving paid leave benefits under Chapter 25 of the 2020 Laws of the State of New York if they voluntarily travel on a non-work related trip to a state with a high percentage of positive COVID-19 test results and are subsequently subject to quarantine upon their return to New York pursuant to Governor Cuomo's Executive Order 205; now, therefore, be it

RESOLVED, that Resolution 84-2020 is hereby amended to delete the third, fourth, fifth and sixth RESOLVED paragraphs of said Resolution that provided for paid leave for employees subject to mandatory quarantine, which paid leave provisions have been superseded by the federal Families First Coronavirus Response Act, Chapter 25 of the 2020 Laws of the State of New York, and Governor Cuomo's Executive Order 202.45.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 144 - 2020

Introduced by Supervisors Peck, Lant, Lawler, O'Connor, Raymond, Veitch and Wright

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AMENDED AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES RELATED TO THE STATEWIDE EXPANSION OF THE HURRELL-HARRING SETTLEMENT, AND AMENDING THE COUNTY BUDGET IN RELATION THERETO

WHEREAS, pursuant to Resolution 132-2019, the Chair of the Board was authorized to execute all necessary documents with the New York State Office of Indigent Legal Services to accept a \$7,110,185.25 grant



pursuant to the Statewide Expansion of the Hurrell-Harring Settlement for improving the quality of indigent legal services in Saratoga County for the period April 1, 2018 through March 31, 2023; and

WHEREAS, the Saratoga County Public Defender used a portion of said grant funds in 2019 to hire additional staff including two (2) full time Assistant Public Defenders, a Legal Assistant, and an Assigned Counsel Administrator/Data Officer, and retained the services of additional Article 18-B attorneys to represent indigent clients at first arraignment; and

WHEREAS, the Saratoga County Public Defender has requested that the County enter into an amended agreement with the New York State Office of Indigent Legal Services approving the County’s use of Year 2 funding in the amount of \$948,024.70, for the period April 1, 2019 through March 31, 2020 to fund additional positions in the Public Defender’s Office, the Conflict Defender’s Office and a full-time 18B Administrator position for the Assigned Counsel Program; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an amended agreement with the New York State Office of Indigent Legal Services approving Year 2 expenses related to the Statewide Expansion of the Hurrell-Harring Settlement for improving the quality of indigent legal services in Saratoga County; and

WHEREAS, the 2020 County budget is amended as follows:

CONFLICT DEFENDER

Appropriations

Increase Acct.: #A.28.000-8110	Attorney’s Fees	\$23,635
Increase Acct.: #A.28.000-8111	Litigation Consultants	<u>\$ 6,773</u>
		\$30,408

Revenues

Increase Acct.: #A.28-3313	Indigent Legal Services	\$30,408
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HUMAN RESOURCES

Appropriations

Increase Acct.: #A.21.214-6000	Regular Wages	\$45,265
Increase Acct.: #A.21.214-6910	Retirement	\$ 6,790
Increase Acct.: #A.21.214-6930	Social Security	\$ 3,463
Increase Acct.: #A.21.214-6960	Health Insurance	\$16,906
Increase Acct.: #A.21.214-8111	Litigation Consultants	\$10,000
Increase Acct.: #A.21.214-8512	Conference Fees	<u>\$ 5,000</u>
		\$87,424

Revenues

Increase Acct.: #A.21-3313	Indigent Legal Services	\$87,424
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BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 145 - 2020

Introduced by Supervisors Peck, Lant, Lawler, O’Connor, Raymond, Veitch and Wright

**AUTHORIZING THE CHAIRMAN TO ENTER INTO A RENEWAL AGREEMENT WITH ALBANY MEDICAL CENTER FOR THE USE OF LABORATORY AND MORGUE FACILITIES NEEDED BY THE COUNTY CORONERS WHEN PERFORMING AUTOPSIES AND OTHER POST-MORTEM ACTIVITIES**

WHEREAS, pursuant to Resolution 259-2018, the County entered into an agreement with Albany Medical Center (“AMC”) for the use of the Medical Center’s morgue and laboratory facilities by our County Coroners when performing autopsies and other post-mortem activities, and for the provision of laboratory services related thereto, for the term December 1, 2018 through December 31, 2019 at the rates for services set forth in AMC’s Morgue and Laboratory Fee Schedule for said stated term, at a cost not to exceed \$30,000; and

WHEREAS, our Public Safety Committee and the County Coroners have recommended that the County enter into a renewal agreement with Albany Medical Center for the continued use of the Medical Center’s morgue facilities, X-Ray and laboratory services for the term January 1, 2020 through December 31, 2020 at the rates for services set forth in AMC’s Morgue and Laboratory Fee Schedule effective January 1, 2020, which Fee Schedule includes a fee of \$2,000 per case for morgue facility use, at a cost not to exceed \$30,000; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a renewal agreement with Albany Medical Center of Albany, New York, for the use of the Medical Center's morgue facilities, X-ray and laboratory services by our County Coroners for the term January 1, 2020 through December 31, 2020 at the rates for services set forth in AMC's Morgue and Laboratory Fee Schedule effective January 1, 2020, which Fee Schedule includes a fee of \$2,000 per case for morgue facility use, at a cost not to exceed \$30,000; with the form and content of such agreement being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

#### RESOLUTION 146 - 2020

Introduced by Supervisors Peck, Lant, Lawler, O'Connor, Raymond, and Wright

AUTHORIZING THE CHAIR TO EXECUTE A TOWER LICENSE AGREEMENT WITH CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS, FOR THE PLACEMENT OF COMMUNICATIONS EQUIPMENT ON THE COUNTY'S LUZERNE RADIO COMMUNICATIONS TOWER IN THE TOWN OF LAKE LUZERNE

WHEREAS, as part of the County's Emergency Radio System, the County constructed a radio communications tower on lands located at 466 Lake Avenue, in the Town of Lake Luzerne, County of Warren, owned by the Town of Lake Luzerne through its Luzerne Water District; and

WHEREAS, said radio communications tower is commonly known as the Lake Luzerne Tower; and

WHEREAS, the County does not own the parcel upon which the radio communications tower was constructed in the Town of Lake Luzerne, but instead was granted an easement by the Town of Lake Luzerne, acting on behalf of the Luzerne Water District, to construct, operate and maintain the radio communications tower on said site; and

WHEREAS, Cellco Partnership, d/b/a Verizon Wireless, ("Verizon Wireless") is interested in licensing space on the County's Communications Tower in the Town of Lake Luzerne for the placement, operation and maintenance of communications equipment in support of the operation of Verizon Wireless's communications network; and

WHEREAS, the County's easement agreement with the Town of Lake Luzerne dated April 26, 2010, provides that if the County co-locates antennas or other communications equipment on the tower for non-governmental or commercial purposes, the County shall pay to the Town of Lake Luzerne fifty per cent (50%) of any rental or license fee received from the owners of such antennas or other communications equipment; and

WHEREAS, our Public Safety Committee and the Commissioner of the County's Office of Emergency Services have recommended that the County enter into a license agreement with Verizon Wireless for the placement of its communications equipment on the County's Lake Luzerne Communications Tower in the Town of Lake Luzerne, County of Warren, for a term of five (5) years commencing on August 1, 2020, subject to renewal for up to eight (8) additional terms of five (5) years each, at a rental cost to Verizon Wireless of \$26,400 per year during the initial five (5) year term, subject to a ten per cent (10%) increase for each renewal term of five (5) years over the annual rental amount for each year of the preceding five (5) year term; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute a Tower License Agreement with Cellco Partnership, d/b/a Verizon Wireless, of Bedminster, New Jersey, granting a license to Cellco Partnership, d/b/a Verizon Wireless, authorizing the placement, operation and maintenance of communications equipment on the County's Luzerne Communications Tower in the Town of Lake Luzerne, Warren County, for a term of five (5) years commencing on August 1, 2020, subject to renewal for up to eight (8) additional terms of five (5) years each, at a rental cost to Verizon Wireless of \$26,400 per year during the initial five (5) year term, subject to a ten per cent (10%) increase for each renewal term of five (5) years over the annual rental amount for each year of the preceding five (5) year term; and, be it further

RESOLVED, that pursuant to its Agreement with the Town of Lake Luzerne dated April 26, 2010, the County shall pay fifty percent (50%) of the rent received from Cellco Partnership, d/b/a Verizon Wireless, its successors or assigns, to the Town of Lake Luzerne, acting on behalf of the Luzerne Water District; and, be it further

RESOLVED, that the form and content of such Tower License Agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

## RESOLUTION 147 - 2020

Introduced by Supervisors Grattidge, Barrett, Lucia, O'Connor, Raymond, Smith and Tollisen

AUTHORIZING THE CHAIRMAN TO EXECUTE A LETTER OF UNDERSTANDING WITH THE HUDSON RIVER VALLEY GREENWAY FOR THE PLACEMENT OF "EMPIRE STATE TRAIL" AND "BICYCLE IN LANE" SIGNS ALONG COUNTY ROUTE 86 IN THE TOWN OF HALFMOON

WHEREAS, the State of New York is creating the Empire State Trail, a 750-mile trail for pedestrians and bicyclists across New York State that will connect New York City to Canada through the Hudson and Champlain Valleys, and Buffalo to Albany along the Erie Canalway Trail; and

WHEREAS, the Hudson River Valley Greenway of the State of New York is working with the Town of Halfmoon on the design and construction of a new off-road trail section that will run from County Route 86 (Upper Newtown Road) north to U.S. Route 4; and

WHEREAS, as part of the Empire State Trail initiative, the Hudson River Valley Greenway and the State desire to install at least two (2) "Bicycle in Lane" signs and five (5) "Empire State Trail" blaze signs with directional arrows along County Road 86 directing trail users to U.S. Route 4 until the new off-road trail in the Town of Halfmoon is constructed; and

WHEREAS, the Hudson River Valley Greenway has requested the County's authorization to install said "Bicycle in Lane" and "Empire State Trail" signs, with posts, along County Route 86; and

WHEREAS, pursuant to a proposed Letter of Understanding prepared by the Hudson River Valley Greenway for the County's execution, the State will be solely responsible for all costs incurred in fabricating and installing the signs, as well as for fulfilling the requirements of SEQRA, and the Hudson River Valley Greenway will be responsible for all future maintenance and replacement of the signs; and

WHEREAS, our Public Works Committee has recommended that the County authorize the Hudson River Valley Greenway and the State to install at least two (2) "Bicycle in Lane" signs and five (5) "Empire State Trail" blaze signs with directional arrows along County Route 86 directing users of the Empire State Trail to U.S. Route 4 until a new off-road trail is constructed from County Route 86 to U.S. Route 4; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute a Letter of Understanding with the Hudson River Valley Greenway authorizing the Hudson River Valley Greenway and the State of New York to install at least two (2) "Bicycle in Lane" signs and five (5) "Empire State Trail" blaze signs with directional arrows along County Route 86 in the Town of Halfmoon, which signs shall direct users of the Empire State Trail to U.S. Route 4 and shall remain in place until a new off-road trail is constructed from County Route 86 to U.S. Route 4; and, be it further

RESOLVED, that the form and content of such Letter of Understanding shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

## RESOLUTION 148 - 2020

Introduced by Supervisors Grattidge, Barrett, Lucia, O'Connor, Raymond, Smith and Tollisen

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR

WHEREAS, a Project CR 28 Pavement Corrective Maintenance Part 1- CR 27 to Reservoir Road and Part 2- Reservoir Road to Route 197, Town of Moreau, Saratoga County, PIN 1760.98 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds.

WHEREAS, the County of Saratoga desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Construction/Construction Inspection work;

NOW, THEREFORE, the Saratoga County Board of Supervisors duly convened does hereby

RESOLVE, that the Saratoga County Board of Supervisors hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Saratoga County Board of Supervisors hereby authorizes the County of Saratoga to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, that pursuant to Resolution 33-2019 of the Saratoga County Board of Supervisors, the sum of \$53,903.00 was previously appropriated from the County's Highway Fund and made available to cover the cost of participation in the Design phase of the Project; and it is further

RESOLVED, that the additional sum of \$950,779.00 is hereby appropriated from the County's Highway Fund and made available to cover the cost of participation in the Design and Construction/Construction Inspection phases of the Project; and, be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Saratoga County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Chairman of the Saratoga County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Saratoga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: None. The \$47,539 County share for this project is available within the 2020 budget.

#### RESOLUTION 149 - 2020

Introduced by Supervisors Grattidge, Barrett, Lucia, O'Connor, Raymond, Smith and Tollisen

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AMENDED AGREEMENT WITH GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION INSPECTION SERVICES RELATED TO THE CR 28 (SOUTH GLENS FALLS-FORT EDWARD ROAD) PAVEMENT PRESERVATION PROJECT, PART 1

WHEREAS, pursuant to Resolutions 33-2019, this Board appropriated County Highway Funds for the cost of design services for the County Road 28 (South Glens Falls-Fort Edward Road) Pavement Preservation Project, P.I.N. 1760.98, in the Town of Moreau; and

WHEREAS, the County has an existing contract with Greenman-Pedersen, Inc. authorized pursuant to Resolution 34-2019 to provide design services for this project at a cost not to exceed \$53,903; and

WHEREAS, pursuant to Resolution 148-2020, this Board appropriated additional County Highway Funds in the amount of \$950,779 for the next phase of this project: construction and construction inspection services; and

WHEREAS, our Public Works Committee and the County Commissioner of Public Works have recommended that the County's agreement with Greenman-Pedersen, Inc. be amended to add the provision of construction/construction inspection services required in connection with Part 1 of the pavement preservation project of CR 28 (South Glens Falls-Fort Edward Road) at an additional cost not to exceed \$64,293; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute an amendment to the agreement with Greenman-Pedersen, Inc. of Albany, New York, requiring the provision of construction/construction inspection services related to the CR 28 (South Glens Falls-Fort Edward Road) Pavement Preservation Project, Part 1, in the Town of Moreau, at a cost not to exceed \$64,293; with the form and content of such amendment being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

## RESOLUTION 150 - 2020

Introduced by Supervisors Grattidge, Barrett, Lucia, O'Connor, Raymond, Smith and Tollisen

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AMENDED AGREEMENT WITH GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION INSPECTION SERVICES RELATED TO THE CR 28 (SOUTH GLENS FALLS-FORT EDWARD ROAD) PAVEMENT PRESERVATION PROJECT, PART 2

WHEREAS, pursuant to Resolutions 251-2019, this Board appropriated County Highway Funds for the cost of design services for the County Road 28 (South Glens Falls-Fort Edward Road) Reservoir Road to NYS 197 Pavement Preservation Project, Part 2, P.I.N. 1761.39, in the Town of Moreau; and

WHEREAS, the County has an existing contract with Greenman-Pedersen, Inc. authorized pursuant to Resolution 252-2019 to provide design services for this project at a cost not to exceed \$47,958; and

WHEREAS, pursuant to Resolution 148-2020, this Board appropriated additional County Highway Funds in the amount of \$950,779 for the next phase of this project: construction and construction inspection services; and

WHEREAS, our Public Works Committee and the County Commissioner of Public Works have recommended that the County's agreement with Greenman-Pedersen, Inc. be amended to add the provision of construction/construction inspection services required in connection with Part 2 of the pavement preservation project of CR 28 (South Glens Falls-Fort Edward Road) Reservoir Road to NYS 197 at an additional cost not to exceed \$52,354; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute an amendment to the agreement with Greenman-Pedersen, Inc. of Albany, New York, requiring the provision of construction/construction inspection services related to the CR 28 (South Glens Falls-Fort Edward Road) Reservoir Road to NYS 197 Pavement Preservation Project, Part 2, in the Town of Moreau, at a cost not to exceed \$52,354; with the form and content of such amendment being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

## RESOLUTION 151 - 2020

Introduced by Supervisors Veitch, Grattidge, Kinowski, Peck, Smith, Wood, and Zlotnick

AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE CITY OF SARATOGA SPRINGS ALLOWING THE CITY'S EMPLOYEES TO PARK IN THE COUNTY'S WOODLAWN AVENUE PARKING LOT

WHEREAS, the County's new Public Safety Facilities Building has been issued a temporary certificate of occupancy, and employees of Saratoga County Public Health Services will soon be vacating their offices at 31 Woodlawn Avenue in Saratoga Springs to move into the new building; and

WHEREAS, employees of the City of Saratoga Springs are experiencing a parking shortage due to the construction of a new parking garage on a former City parking lot located on High Rock Avenue behind City Hall; and

WHEREAS, Saratoga Springs Commissioner of Public Safety Robin Dalton appeared before our Building and Grounds Committee on July 14, 2020 and presented a request on behalf of the City of Saratoga Springs for the County's authorization to allow City employees to temporarily park in Public Health Services' parking lot after Public Health Services' employees relocate to the new Public Safety Facilities Building, and continuing until such time as the new parking garage on High Rock Avenue is completed; and

WHEREAS, County Law §215(11) authorizes a board of supervisors, by resolution, to adopt rules and regulations covering the use of and parking on county-owned property; and

WHEREAS, General Municipal Law §119-o authorizes municipal corporations to enter into cooperative agreements for the performance of one or both of their respective functions, powers and duties on a cooperative basis; and

WHEREAS, our Buildings and Grounds Committee has recommended that employees of the City of Saratoga Springs, and no one else, be authorized to park in the County's parking lot at 31 Woodlawn Avenue in

the City of Saratoga Springs on weekdays from 8:00 am until 6:00 pm, commencing on the day after Saratoga County Public Health Services employees vacate the building adjacent to the parking lot and continuing until the earlier of December 31, 2020 or the day the County closes the sale of the property at 31 Woodlawn Avenue, subject to the County and the City of Saratoga Springs (the "City") entering into an intermunicipal cooperative agreement providing as follows:

1. The City shall name the County as an additional insured on the City's general liability policy, and shall provide the County with appropriate documentation of its additional insured status.
2. The City shall at all times indemnify and save harmless the County from and against any and all claims and demands whatsoever, including costs, litigation, expenses, counsel fees and liabilities in connection therewith arising out of injury or death of any person whomsoever or damage to any property of any kind by whomsoever, caused in whole or in part, directly or indirectly, by the acts or omissions of any City employee driving through, parking on, or walking through the County's parking lot at 31 Woodlawn Avenue during the following days and times that said parking lots are open for use by City employees: Weekdays from 8:00 am until 6:00 pm, commencing on the day after Saratoga County Public Health Services employees vacate the building adjacent to the parking lot, and continuing until the earlier of December 31, 2020 or the day the County closes the sale of its property at 31 Woodlawn Avenue.
3. The City shall reimburse the County for any insurance deductibles paid by the County in defending any claim that is made against the County resulting from the use of the parking lot at 31 Woodlawn Avenue by City employees on the days and times that said parking lot is open for their use as designated above;

now, therefore, be it

RESOLVED, that employees of the City of Saratoga Springs, and no one else, are hereby authorized to park in the County's parking lot at 31 Woodlawn Avenue in City of Saratoga Springs on weekdays from 8:00 am until 6:00 pm, commencing on the day after Saratoga County Public Health Services employees vacate the building adjacent to the parking lot and continuing until the earlier of December 31, 2020 or the day the County closes the sale of the property at 31 Woodlawn Avenue, subject to the County and the City entering into an intermunicipal cooperative agreement providing as follows:

1. The City shall name the County as an additional insured on the City's general liability policy, and shall provide the County with appropriate documentation of its additional insured status.
2. The City shall at all times indemnify and save harmless the County from and against any and all claims and demands whatsoever, including costs, litigation, expenses, counsel fees and liabilities in connection therewith arising out of injury or death of any person whomsoever or damage to any property of any kind by whomsoever, caused in whole or in part, directly or indirectly, by the acts or omissions of any City employee driving through, parking on, or walking through the County's parking lot at 31 Woodlawn Avenue during the following days and times that said parking lots are open for use by City employees: Weekdays from 8:00 am until 6:00 pm, commencing on the day after Saratoga County Public Health Services employees vacate the building adjacent to the parking lot, and continuing until the earlier of December 31, 2020 or the day the County closes the sale of its property at 31 Woodlawn Avenue.
3. The City shall reimburse the County for any insurance deductibles paid by the County in defending any claim that is made against the County resulting from the use of the parking lot at 31 Woodlawn Avenue by City employees on the days and times that said parking lot is open for their use as designated above;

and, be it further

RESOLVED, that the Chair of the Board is authorized to execute an intermunicipal cooperative agreement with the City of Saratoga Springs pursuant to General Municipal Law §119-o which shall include the above terms and conditions, with the form and content of such agreement being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 152 - 2020

Introduced by Supervisors Veitch, Grattidge, Kinowski, Peck, Smith, Wood and Zlotnick

AUTHORIZING A LEASE RENEWAL AGREEMENT WITH 2144 DOUBLEDAY AVENUE, LLC FOR THE LEASE OF OFFICE SPACE FOR THE SARATOGA COUNTY VETERANS SERVICES AGENCY FOR A TERM OF THREE YEARS

WHEREAS, pursuant to Resolution 121-2017, the County entered into a lease agreement with 2144 Doubleday Avenue, LLC for the lease of 1,980 square feet of office space for the Saratoga County Veterans Services Agency at 2144 Doubleday Avenue in Ballston Spa, for a term of three (3) years to commence upon occupancy, at a rental rate of \$1,800 per month, inclusive of real property taxes, garbage removal services, snow plowing and winter/summer maintenance, with electric and gas service to be metered in the County's name, with the annual rent to be subject to a rental increase of 2% of the prior year's rent for the second and third year; and

WHEREAS, the County's lease with 2144 Doubleday Avenue, LLC for the lease of office space for the Saratoga County Veterans Services Agency at 2144 Doubleday Avenue, Ballston Spa, is set to expire on August 7, 2020; and

WHEREAS, the owner of 2144 Doubleday Avenue, LLC has agreed to make improvements to the property such as paving the parking lot leading to the leased building, replacing the rear door of the building, and installing new signage in front of the building, and has proposed renewing the County's lease for an additional three (3) years; and

WHEREAS, the owner of 2144 Doubleday Avenue, LLC wishes to increase the monthly rent in the first year of the new lease by \$151 per month in order to pay for a portion of the costs of said planned improvements, thereby making the monthly rent for the first year of the three year lease \$2,023.72; and

WHEREAS, the owner of 2144 Doubleday Avenue, LLC has already installed the new signage directing individuals to the Saratoga County Veterans Agency; and

WHEREAS, our Buildings and Grounds Committee, the Commissioner of Public Works and the Director of the Saratoga County Veterans Agency have recommended that the County enter into a renewal agreement with 2144 Doubleday Avenue, LLC for the lease of 1,980 square feet of office space at 2144 Doubleday Avenue, Ballston Spa, for a term of three years commencing August 8, 2020, at a rent of \$2,023.72 per month, inclusive of real property taxes, garbage removal services, snow plowing and winter/summer maintenance, with electric and gas service to be separately metered in the County's name, subject to a rent increase of 3% of the prior year's rent for the second and third year; and conditioned upon 2144 Doubleday Avenue, LLC paving the parking lot and installing the new rear door to the building by no later than November 1, 2020; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute a lease renewal agreement with 2144 Doubleday Avenue, LLC for the lease of 1,980 square feet of office space at 2144 Doubleday Avenue, Ballston Spa, for a term of three years commencing August 8, 2020, at a rent of \$2,023.72 per month, inclusive of real property taxes, garbage removal services, snow plowing and winter/summer maintenance, with electric and gas service to be separately metered in the County's name, subject to a rent increase of 3% of the prior year's rent for the second and third year; and conditioned upon 2144 Doubleday Avenue, LLC paving the parking lot and installing the new rear door to the building by no later than November 1, 2020; and, be it further

RESOLVED, that said lease renewal agreement shall provide that the County of Saratoga shall have the right to terminate the lease agreement upon the County's provision of at least 90 days written notice to the landlord before such termination; and, be it further

RESOLVED, that the form and content of such lease renewal agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 153 - 2020

Introduced by Supervisors Lawler, Kinowski, Pemrick, Raymond, Richardson, and Tollisen

APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY SARATOGA COUNTY CAPITAL RESOURCE CORPORATION TO FINANCE A CERTAIN PROJECT FOR SKIDMORE COLLEGE

BE IT ENACTED by the Board of Supervisors of Saratoga County, New York (the "Board of Supervisors"), as follows:

WHEREAS, Saratoga County Capital Resource Corporation (the "Issuer") is authorized and empowered by the provisions of Section 1411 of the New York State Not-For-Profit Corporation Law (the "NFPCL") to take steps to relieve and reduce unemployment, promote and provide for additional and maximum employment, better

and maintain job opportunities, instruct or train individuals to improve or develop their capabilities for such jobs, carry on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, lessening the burdens of government and acting in the public interest; and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the NFPCL and its certificate of incorporation (the "Certificate of Incorporation") to issue its revenue bonds to finance the cost of the acquisition, construction, reconstruction and installation of one or more "projects" (as described in the NFPCL and the Certificate of Incorporation), to acquire, construct, reconstruct and install said projects or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Skidmore College, a New York not-for-profit education corporation (the "College"), presented an application (the "Application") to the Issuer, which Application requested that the Issuer consider undertaking a project (the "Project") for the benefit of the College, said Project to consist of the following: (A) the refinancing of the Dormitory Authority of the State of New York Skidmore College Revenue Bonds, Series 2011A issued on February 4, 2011 in the aggregate principal amount of \$32,425,000 (the "Series 2011A Bonds"), which Series 2011A Bonds were issued to finance (1) (a) the construction of residential apartment units (the "Series 2011 Facility") on the College's campus (the "Campus") located at 815 North Broadway in the City of Saratoga Springs, Saratoga County, New York (the "Series 2011 Land") and (b) the acquisition and installation of various machinery and equipment therein and thereon (the "Series 2011 Equipment") (the Series 2011 Land, the Series 2011 Facility and the Series 2011 Equipment collectively referred to hereinafter as the "Series 2011 Project Facility") and (2) the refinancing of the Dormitory Authority of the State of New York Skidmore College Insured Revenue Bonds, Series 1998 issued on November 12, 1998 in the aggregate principal amount of \$14,625,000 (the "Series 1998 Bonds"), which Series 1998 Bonds were used to finance (a) (i) renovations of Palamountain Hall, including modifications to the mechanical and electrical support systems; (ii) construction of an addition to and renovations of Starbuck Center, including modifications to the mechanical and electrical support systems; (iii) construction of an addition on the southwest side of Case Center; (iv) construction of an addition on the southeast side of Case Center; (v) construction of an addition to the Filene Music Building and modifications to the main entrance way to the campus; (vi) construction of the Tang Teaching Museum/Gallery, museum and art gallery; (vii) pedestrian improvements in the vicinity of the Scribner Library and the Tang Teaching Museum/Gallery; (viii) removal and replacement of the existing water tower; (ix) renovations of Moore Hall, including modifications to the mechanical and electrical support systems; and (x) exterior renovations to the Field House (collectively, the "Series 1998 Facility") located on the Campus (the "Series 1998 Land"); and (b) the acquisition and installation of various machinery and equipment therein and thereon (the "Series 1998 Equipment") (the Series 1998 Land, the Series 1998 Facility and the Series 1998 Equipment collectively referred to hereinafter as the "Series 1998 Project Facility"); (B) (1) the construction and acquisition of the construction, improvement and equipping of approximately 145,000 square feet of additions and renovations to the Center for Integrated Sciences (comprising the East Wing addition, New Dana renovations, and Old Dana renovations) (collectively, the "Series 2020 Facility" and together with the Series 2011 Facility and the Series 1998 Facility, the "Facility") located on the Campus (the "Series 2020 Land" and together with the Series 2011 Land and the Series 1998 Land, the "Land") and (2) the acquisition and installation of various machinery and equipment therein and thereon (the "Series 2020 Equipment" and together with the Series 2011 Equipment and the Series 1998 Equipment, the "Equipment") (the Land, the Facility and the Equipment collectively referred to hereinafter as the "Project Facility"), all of the foregoing to constitute an educational facility and other directly and indirectly related activities for use by the College; (C) the financing of all or a portion of the costs of the foregoing by the issuance of revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, in an amount then estimated to be approximately \$60,000,000, but in any event not to exceed \$70,000,000 (the "Bonds"); and (D) paying a portion of the costs incidental to the issuance of the Bonds, including issuance costs of the Bonds and any reserve funds as may be necessary to secure the Bonds; and

WHEREAS, a portion of the Bonds is intended to be issued as federally tax-exempt obligations (the "Tax-Exempt Bonds"); and

WHEREAS, the College has requested that interest on the Tax-Exempt Bonds be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 103 and Section 142 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Board of Supervisors has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Tax-Exempt Bonds from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project; and



WHEREAS, interest on the Tax-Exempt Bonds will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the Code, the issuance of the Tax-Exempt Bonds is approved by the “applicable elected representative” of Saratoga County, New York after the Issuer has held a public hearing (the “Public Hearing”) on the nature of the Project and the issuance of the Tax-Exempt Bonds; and

WHEREAS, in accordance with the requirements set forth in Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), the Chief Executive Officer of the Issuer (A) caused notice of the Public Hearing to be published on June 19, 2020 in The Daily Gazette, a newspaper of general circulation available to the residents of Saratoga County, New York, (B) caused notice of the Public Hearing to be posted on June 18, 2020 on the Issuer’s website, (C) pursuant to Executive Order 202.1 and the suspension of the Open Meetings Law relating to public hearings pursuant to Executive Order 202.15, as supplemented by subsequent Executive Orders, each as issued by Governor Cuomo, and Revenue Procedure 2020-21 issued by the Internal Revenue Service on May 4, 2020, all in response to the novel Coronavirus (COVID-19) pandemic, conducted the Public Hearing on June 30, 2020 at 4:00 p.m., local time via conference call rather than in person; and (D) prepared a report of the Public Hearing which fairly summarized the views presented at said Public Hearing and distributed same to the directors of the Issuer and to the Board of Supervisors; and

WHEREAS, pursuant to Section 147(f) of the Code, the Board of Supervisors desires to allow the interest on the Tax-Exempt Bonds to be treated as excludable from gross income for federal income tax purposes; and

WHEREAS, the Certificate of Incorporation specifically provides that neither the Tax-Exempt Bonds nor any other obligation of the Issuer shall be a debt of Saratoga County, New York, nor shall Saratoga County, New York be liable thereon;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Saratoga, New York as follows:

Section 1. For the sole purpose of qualifying the interest payable on the Tax-Exempt Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 145(a) of the Code, the Board of Supervisors, as the elected legislative body of Saratoga County, New York, hereby approves the issuance by the Issuer of the Tax-Exempt Bonds, provided that the Tax-Exempt Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York, Saratoga County, New York or any political subdivision thereof (other than the Issuer), and neither the State of New York, Saratoga County, New York nor any political subdivision thereof (other than the Issuer) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No budget impact.

#### RESOLUTION 154 - 2020

Introduced by Supervisors Lawler, Kinowski, Pemrick, Raymond, Richardson, Schopf and Tollisen

#### ACCEPTING \$239,346 FOR THE TANF SUMMER YOUTH EMPLOYMENT PROGRAM

WHEREAS, our Department of Employment and Training administers the TANF Summer Youth Employment Program in Saratoga County to provide employment opportunities for eligible youth ages 14-20; and

WHEREAS, funds in the amount of \$239,346 are available from the New York State Office of Temporary Disability Assistance to assist the Department of Employment and Training in delivering this service; and

WHEREAS, the acceptance of these funds requires this Board’s approval; now, therefore, be it

RESOLVED, that the County of Saratoga hereby accepts funding from the New York State Office of Temporary Disability Assistance in the amount of \$239,346 to assist in the administration of the TANF Summer Youth Employment Program.

BUDGET IMPACT STATEMENT: None. 100% Federal Aid.

#### RESOLUTION 155 - 2020

Introduced by Supervisors Pemrick, Kinowski, Kusnierz, Schopf, Tollisen, Winney and Wright

AUTHORIZING THE ACCEPTANCE AND DISBURSEMENT OF NEW YORK STATE SEPTIC SYSTEM REPLACEMENT PROGRAM GRANT FUNDS, AND AMENDING THE 2020 COUNTY BUDGET IN RELATION THERETO

WHEREAS, the New York State Clean Water Infrastructure Act of 2017 established the Septic System Replacement Fund (“the Fund”) to provide property owners a source of funding for the replacement of failing cesspools and septic systems servicing residences and small businesses in New York State; and

WHEREAS, the Septic System Replacement Program (“the Program”) is a grant program that seeks to reduce the environmental and public health impacts associated with the discharge of effluent from cesspools and septic systems on groundwater used as drinking water, as well as threatened or impaired waterbodies; and

WHEREAS, pursuant to Resolution 79-2018, this board authorized the County to participate in the New York State Environmental Facilities Corporation (“EFC”) Septic System Replacement Program (“the Program”) for the term March 1, 2018 through December 31, 2022, and authorized the execution of a County Participation Agreement with the EFC; and

WHEREAS, the Program is being administered for the County by the Saratoga County Soil and Water Conservation District; and

WHEREAS, property owners in the Town of Clifton Park submitted a grant application to the Saratoga County Soil and Water Conservation District requesting an award of Program funds for the replacement of the aging septic system on their property; and

WHEREAS, the Saratoga County Soil and Water Conservation District determined that said proposed septic system project would significantly and quantifiably reduce potential environmental and/or public health impacts that could result from the aging septic system, and issued an award letter to the applicants notifying them of the award of Program funds for the reimbursement of their eligible project costs; and

WHEREAS, the property owners have completed their septic system replacement project, and have submitted an application to the Saratoga County Soil and Water Conservation District for the disbursement of their grant award of Program funds; and

WHEREAS, the Saratoga County Soil and Water Conservation District made an application to the EFC for disbursement of the Septic System Replacement Program funds awarded for this septic system project, and EFC has distributed total funds in the amount of \$2,500 to the County in reimbursement of the eligible costs of said project; and

WHEREAS, the acceptance and disbursement of these Septic System Replacement Program grant funds requires this Board’s approval, and an amendment to the 2020 Saratoga County Budget; now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisors is hereby authorized to execute all necessary documents with the New York State Environmental Facilities Corporation for the acceptance of Septic System Replacement Program grant funds in the amount of \$2,500, with the form and content of such documents being subject to the approval of the County Attorney; and, be it further

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

NON-DEPARTMENTAL

Appropriations

Increase Acct. # A.90.000-8762 Septic System Replacement Fund Program \$2,500

Revenues

Increase Acct. # A.90-3904 State Aid – Septic System Replacement Fund Program \$2,500

and, be it further

RESOLVED, that the Saratoga County Treasurer is hereby authorized to disburse payment of said Septic System Replacement Program grant funds to the following property owners in the following amount in reimbursement of their respective eligible septic system project costs incurred:

<u>Property Owner</u>	<u>Amount</u>
Amanda and Jeremy Lasky 729 Plank Road Clifton Park, NY, 12065	\$2,500.00

BUDGET IMPACT STATEMENT: None. 100% State Aid.

Introduced by Supervisors Pemrick, Kinowski, Kusnierz, Schopf, Tollisen, Winney and Wright

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE NEW YORK STATE BOARD OF ELECTIONS FOR ELECTION SECURITY IMPROVEMENTS

WHEREAS, during 2019, the New York State Board of Elections conducted security assessment reviews of county boards of elections including a security assessment of the operations of the Saratoga County Board of Elections; and

WHEREAS, as a result, the State's Security Assessment Report outlined potential security vulnerabilities that are present in the operations of the Saratoga County Board of Elections and have suggested prioritized measures to address them; and

WHEREAS, the New York State Board of Elections has advised our County Election Commissioners that the County is eligible to receive grant funding in the amount of \$128,891.50 for the grant period December 21, 2019 through December 31, 2021 for the purpose of funding security improvements to enhance physical security and access to election systems; software improvements such as operating system upgrades to provide greater cyber security; hardware upgrades such as intrusion detection devices and encrypted portable media for the enhancement of cyber security; and

WHEREAS, the acceptance of these funds requires the approval of this Board; now, therefore, be it

RESOLVED, that this Board of Supervisors hereby accepts \$128,891.50 in funding from the New York State Board of Elections for the reimbursement of expenses related to security improvement measures undertaken by the County Board of Elections as recommended by the Security Assessment Report conducted by the New York State Board of Elections; and, be it further

RESOLVED, that the Chair of the Board is hereby authorized to execute any and all agreements and documents needed to accept from the New York State Board of Elections said \$128,891.50 in funding for the grant period from December 21, 2019 through December 31, 2021 for the reimbursement of expenses incurred relative to the implementation of security improvements undertaken by the Saratoga County Board of Elections; with the form and content of such agreements and documents to be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 157 - 2020

Introduced by Supervisors Pemrick, Kinowski, Kusnierz, Schopf, Tollisen, Winney and Wright

AUTHORIZING AN AGREEMENT WITH QUADRANT BIOSCIENCES, INC. TO CONDUCT TESTING OF WASTEWATER FOR THE PRESENCE OF COVID-19 RNA

WHEREAS, Saratoga County Sewer District No. 1 ("SCSD1") wishes to take proactive steps to identify and contain the spread of COVID-19 through wastewater sampling to test for the presence of COVID-19 RNA in various areas around the County; and

WHEREAS, under a minor contract, Arcadis of New York, Inc. is providing professional engineering services to SCSD1 in a cooperative effort with the SUNY College of Environmental Science and Forestry and Syracuse University to develop a wastewater sampling, analysis and data sharing protocol for municipalities in New York State which will benefit from County COVID-19 contact tracing efforts; and

WHEREAS, SCSD1 proposes to collect wastewater samples from nine catchment areas around the County utilizing SCSD1 personnel, and to submit said samples to Quadrant Biosciences, Inc. for testing for the presence of COVID-19 RNA in order to obtain quantifiable results on any increase of COVID-19 RNA in the wastewater stream in each of the nine catchment areas that would help assess the number of COVID-19 cases within the County and assist the County with contact tracing; and

WHEREAS, the Saratoga County Sewer District Commission and the Sewer District's Executive Director have recommended that the County execute a contract with Quadrant Biosciences, Inc. for the provision of wastewater sample testing for the presence of COVID-19 RNA, at a cost of \$200 per sample tested, with the total contract amount not to exceed \$90,000; now, therefore, be it

RESOLVED, that the Chair of this Board is hereby authorized to execute an agreement with Quadrant Biosciences, Inc. of Syracuse, New York to provide lab testing of wastewater

samples collected by Saratoga County Sewer District No. 1 for the presence of COVID-19 RNA, at a cost of \$200 per sample tested, with the total contract amount not to exceed \$90,000; and be it further

RESOLVED, that the form and content of such agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. Costs associated with this agreement are included in the Sewer District’s 2020 budget.

RESOLUTION 158 - 2020

Introduced by Supervisors Pemrick, Kinowski, Kusnierz, Schopf, Tollisen, Winney and Wright

AMENDING THE 2020 COUNTY BUDGET TO APPROPRIATE FUNDS FROM THE SARATOGA COUNTY SEWER DISTRICT NO. 1 FUND BALANCE TO PAY FOR AN EMERGENCY REPAIR TO A FORCEMAIN IN THE TOWN OF HALFMOON

WHEREAS, a 1,100 foot section of Saratoga County Sewer District No. 1’s 18” forcemain serving the Grooms Road Pump Station in the vicinity of Route 236 in the Town of Halfmoon unexpectedly failed due to hydrogen sulfide gas erosion causing significant degradation to the ductile iron pipe; and

WHEREAS, emergency repairs were performed to repair and replace said section of badly deteriorated pipe serving the Grooms Road Pump Station in the Town of Halfmoon; and

WHEREAS, the Saratoga County Sewer District Commission has adopted a resolution requesting that this Board approve and authorize a transfer of funds in the amount of \$500,000 from the Sewer District’s fund balance to cover the costs of repairing the deteriorated portion of the Sewer District’s forcemain serving the Grooms Road Pump Station in the vicinity of Route 236; and

WHEREAS, an amendment to the 2020 Saratoga County Budget is needed to transfer funds from the Sewer District’s fund balance in order to pay for these emergency repairs; now, therefore, be it

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

SEWER DISTRICT:

Appropriations:

Increase Acct.: #ES.81.812-8280 Sewer Components \$500,000

Revenue:

Increase Acct.: # ES-0599.B Unappropriated Fund Balance \$500,000

BUDGET IMPACT STATEMENT: The appropriation will reduce the Sewer District’s unappropriated fund balance by \$500,000.

RESOLUTION 159 - 2020

Introduced by Supervisors Pemrick, Kinowski, Kusnierz, Schopf, Tollisen, Winney and Wright

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH WCA ROOFING AND SHEETMETAL CO., INC. FOR THE REPLACEMENT OF THE ROOF OF THE ADMINISTRATION BUILDING AT SARATOGA COUNTY SEWER DISTRICT NO. 1’S WASTEWATER TREATMENT PLANT, AND AMENDING THE 2020 COUNTY BUDGET IN RELATION THERETO

WHEREAS, the roof on the Administration Building at the Saratoga County Sewer District No. 1’s Wastewater Treatment Plant leaks badly during a significant rain event and is in need of replacement; and

WHEREAS, the Saratoga County Sewer District Commission and the Sewer District’s Executive Director solicited bids for the provision of services to demolish the existing roof and install a new replacement roof on the Administration Building; and

WHEREAS, our Law and Finance Committee, the Sewer District Commission and the Executive Director of the Sewer District have recommended that the bid of WCA Roofing and Sheetmetal Co., Inc. in the amount of \$279,000, the lowest bid received, be accepted; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute an agreement with WCA Roofing and Sheetmetal Co., Inc. of Syracuse, New York, for the demolition and replacement of the roof on the Administration Building at Saratoga County Sewer District No.1’s Wastewater Treatment Plant at a cost not to exceed \$279,000; with the form and content of said agreement to be subject to the approval of the County Attorney; and be it further

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

SEWER DISTRICT:

Appropriations:

Increase Acct.: #ES.81.813-7095 Capital Equipment \$279,000

Revenue:

Increase Acct.: # ES-0599.B Unappropriated Fund Balance \$279,000

BUDGET IMPACT STATEMENT: The appropriation will reduce the Sewer District’s unappropriated fund balance by \$279,000.

Mr. Pemrick said “it has been brought to the attention of the Law & Finance Committee that Resolutions 160, 161, and 162 need to be tabled as they relate to the increased cost to a construction project so a public hearing will be required before they can be voted on. So I would like to move that those three resolutions 160, 161 and 162 be tabled.”

On a motion by Mr. Pemrick, seconded by Mr. Wright Resolutions 160, 161 and 162 were TABLED by a unanimous vote.

RESOLUTION 160 – 2020 (TABLED)

Introduced by Supervisors Pemrick, Kinowski, Kusnierz, Schopf, Tollisen, Winney, and Wright

AMENDING RESOLUTION 170-2018 TO INCREASE THE AUTHORIZED PROJECT COSTS FOR THE CONSTRUCTION OF THE REGIONAL BIOSOLIDS DIGESTER FACILITY WITH THE ALBANY COUNTY WATER PURIFICATION DISTRICT

WHEREAS, pursuant to Resolution 170-2018, the Saratoga County Board of Supervisors authorized the joint construction of a regional biosolids digester facility by Saratoga County Sewer District No. 1 (“SCSD1”) and the Albany County Water Purification District (“ACWPD”) at a maximum estimated cost of \$48,500,000, with SCSD1 and ACWPD to each be responsible for payment of fifty percent (50%) of the project’s maximum estimated cost; and

WHEREAS, the Saratoga County Sewer District Commission and the ACWPD’s Board of Commissioners have recommended that the County of Saratoga and the County of Albany authorize an increase in the maximum estimated cost of the project to \$56,000,000 in order to add the installation of a thermal dryer for purposes of reducing the moisture content of any undigested sludge after the anaerobic digestion process is completed, thereby decreasing the cost of transporting the total amount of tons of remaining sludge that have to be disposed of or utilized beneficially; and

WHEREAS, the proposed increase in the project’s maximum estimated cost to \$56,000,000 will make SCSD1 and ACWPD eligible for an increase in State funding for the project from the previous \$5,000,000 to \$12,500,000; and

WHEREAS, the County’s and SCSD1’s plan of finance for its \$28,000,000 portion of the proposed increased project costs continues to be a combination of grant funding from the State of New York and the issuance of bonds by the County of Saratoga on behalf of SCSD1 with the expense for principal and interest on the bonds to be apportioned in accordance with SCSD1’s annual scale of charges for the collection, conveyance, treatment and disposal of sewage and wastewater from public corporations, improvement districts, commercial and industrial users and individuals, as such scale of charges currently exists and will be amended and adopted on an annual basis; and

WHEREAS, pursuant to Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the expenditure of funds for said increase and improvement because the increase in the net cost thereof to the Typical Property (as defined in the County Law) from \$3.93 to \$4.39 does not exceed the applicable threshold for Average Estimated Cost for County Districts on

similar types of expenditures, which was computed by the State Comptroller to be \$8.00 for calendar year 2020; and

WHEREAS, our Law and Finance Committee and the Saratoga County Sewer District Commission have recommend that Resolution 170-2018 be amended to increase the maximum estimated cost for the construction of the regional biosolids digester facility by SCSD1 and ACWPD from \$48,500,000 to \$56,000,000, with SCSD1's fifty percent (50%) share of said maximum estimated cost to be increased from \$24,250,000 to \$28,000,000; now, therefore be it

RESOLVED, that Resolution 170-2018 is hereby amended to increase the maximum estimated cost for the construction of the regional biosolids digester facility by Saratoga County Sewer District No. 1 and the Albany County Water Purification District from \$48,500,000 to \$56,000,000, with SCSD1's fifty percent (50%) share of said maximum estimated cost to be increased from \$24,250,000 to \$28,000,000; and be it further

RESOLVED, that the expense of said increase and improvement of facilities shall be financed by the issuance of bonds in an amount not to exceed \$28,000,000 of the County of Saratoga, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be apportioned in accordance with Saratoga County Sewer District No.1's annual scale of charges for the collection, conveyance, treatment and disposal of sewage and wastewater from public corporations, improvement districts, commercial and industrial users and individuals, as such scale of charges currently exists and will be amended and adopted on an annual basis, with the expectation that any funds received by Saratoga County Sewer District No. 1 from New York State grants shall be used to pay a part of the cost of the project or to pay debt service on bonds issued to finance the project or shall be budgeted as an offset to such assessments to be levied and collected.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 161 – 2020 (TABLED)

Introduced by Supervisors Pemrick, Kinowski, Kusnierz, Schopf, Tollisen, Winney and Wright

AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$3,750,000 SERIAL BONDS OF THE COUNTY OF SARATOGA, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S 50% SHARE OF THE COST OF CONSTRUCTION OF A REGIONAL BIOSOLIDS DIGESTER FACILITY BY SARATOGA COUNTY SEWER DISTRICT NO. 1 IN COOPERATION WITH THE ALBANY COUNTY WATER PURIFICATION DISTRICT

WHEREAS, the County Board of Supervisors of the County of Saratoga, New York on July 17, 2018 adopted a Bond Resolution (the "Prior Bond Resolution") entitled "RESOLUTION 171 – 2018. Introduced by Supervisors Tollisen, Allen, DeLucia, Pemrick, Szczepaniak, and Wright AUTHORIZING THE ISSUANCE OF \$24,250,000 BONDS OF THE COUNTY OF SARATOGA, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S 50% SHARE OF THE COST OF CONSTRUCTION OF A REGIONAL BIOSOLIDS DIGESTER FACILITY BY SARATOGA COUNTY SEWER DISTRICT NO. 1 IN COOPERATION WITH THE ALBANY COUNTY WATER PURIFICATION DISTRICT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$24,250,000, STATING THE PLAN OF FINANCING; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY SARATOGA COUNTY SEWER DISTRICT NO. 1 TO SAID COUNTY"; and

WHEREAS, the County Board of Supervisors wishes to (i) authorize the expenditure and appropriation of additional funds in connection with the construction of a Regional Biosolids Digester Facility by Saratoga County Sewer District No. 1 in cooperation with the Albany County Water Purification District (the "Project"); and (ii) authorize the issuance of additional serial bonds of the County to finance such additional appropriation;

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Board of Supervisors of the County of Saratoga, New York as follows:

Section 1. The County of Saratoga, New York (herein called "County"), is hereby authorized to undertake the Project at an estimated maximum cost to the County not to exceed \$28,000,000, representing the County's 50% share of the total estimated maximum cost, constituting an increase of \$3,750,000 over the amount previously authorized in the Prior Bond Resolution.

Section 2. The plan for financing such new maximum authorized cost of \$28,000,000 shall be as follows:

- (a) By the issuance of \$24,250,000 of Serial Bonds of the County heretofore authorized to be issued pursuant to the Prior Bond Resolution; and
- (b) By the issuance of an additional \$3,750,000 of Serial Bonds (the "Bonds") of the County authorized to be issued pursuant to this Resolution

Section 3. It is hereby determined that the period of probable usefulness for the specific object or purpose is forty (40) years pursuant to paragraph 4 of Section 11.00(a) of the Local Finance Law; provided, however, that the maximum maturity of the Bonds authorized shall be computed from the date of issuance of the bonds or the first bond anticipation note issued in anticipation of the bonds or the serial bonds or the bond anticipation notes authorized pursuant to the Prior Bond Ordinance, whichever date is earlier.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be assessed and levied upon the real property of users connected to the District's sewer system, in accordance with the District's annual scale of charges for the collection, conveyance, treatment and disposal of sewage and wastewater from public corporations, improvement districts, commercial and industrial users and individuals, as such scale of charges currently exists and as it will be amended and adopted on an annual basis, an amount sufficient to pay the principal of and interest on such obligations as the same become due and payable, but if not paid from such source, all the taxable real property in the County shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the County Treasurer, the Chief Fiscal Officer of the County.

Section 8. This resolution is intended to constitute the declaration of the County's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this resolution, no moneys are reasonably expected to be, received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the County Treasurer, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the Board of Supervisors of the County for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the use of electronic bidding, the consolidation of the serial bonds and the bond

anticipation notes with other issues of the County and the serial maturities of the bonds are hereby delegated to the County Treasurer, the Chief Fiscal Officer of the County.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The County Treasurer, as Chief Fiscal Officer of the County, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the County to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12, as amended.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the County for such purpose, together with a notice of the Clerk of the County in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to a mandatory or permissive referendum.

Section 14. The Board of Supervisors of the County hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. This resolution shall take effect immediately upon its adoption.

BUDGET IMPACT STATEMENT: None. This project will be entirely underwritten by the Sewer District.

RESOLUTION 162 – 2020 (TABLED)

Introduced by Supervisors Pemrick, Kinowski, Kusnierz, Schopf, Tollisen, Winney, and Wright

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH BOND, SCHOENECK & KING, PLLC FOR PROFESSIONAL LEGAL SERVICES RELATIVE TO THE ISSUANCE OF SERIAL BONDS IN AN AMOUNT NOT TO EXCEED \$28,000,000 TO FINANCE THE COUNTY'S 50% SHARE OF THE COSTS OF CONSTRUCTION OF A REGIONAL BIOSOLIDS DIGESTER FACILITY

WHEREAS, pursuant to Resolution 265-2019, this Board authorized an agreement with Fiscal Advisors & Marketing, Inc. to act as fiscal advisor in connection with the planned issuance of serial bonds to finance the construction of various Saratoga County Sewer District No. 1 capital projects, including the construction of the joint Regional Biosolids Digester Facility with the Albany County Water Purification District; and

WHEREAS, Fiscal Advisors & Marketing, Inc. has recommended that the County retain the services of the law firm of Bond, Schoeneck & King, PLLC of Syracuse, New York, as bond counsel in connection with the County's upcoming issuance of serial bonds in an amount up to \$28,000,000 to finance Saratoga County Sewer District No.1's 50% share of the costs of constructing the Regional Biosolids Digester Facility, as authorized by Resolution 161-2020; and

WHEREAS, Bond, Schoeneck & King, PLLC has submitted a proposal to serve as bond counsel and to provide professional legal services to the County in connection with said upcoming issuance of said serial bonds at a cost of \$.60 (sixty cents) per thousand dollars of the principal amount of the bonds issued, subject to a minimum fee of \$10,000 and a maximum fee of \$15,000, \$950 for preparation of the bond resolution, plus any out-of-pocket disbursements; with any other necessary legal services provided to be compensated at the hourly rate of the staff member(s) providing such services; and

WHEREAS, our Law and Finance Committee has recommended that the proposal of Bond, Schoeneck & King, PLLC be accepted; now, therefore, be it



RESOLVED, that the Chair of the Board is hereby authorized to execute a retainer agreement with Bond, Schoeneck & King, PLLC of Syracuse, New York, for the provision of professional legal services as bond counsel in connection with the upcoming issuance of serial bonds in the amount of \$28,000,000 to finance the County's 50% share of the estimated \$56,000,000 construction costs of the Regional Biosolids Digester Facility being jointly constructed by Saratoga County Sewer District No. 1 and the Albany County Water Purification District, with said legal services to be provided at a cost of \$.60 (sixty cents) per thousand dollars of the principal amount of the bonds issued, subject to a minimum fee of \$10,000 and a maximum fee of \$15,000, \$950 for preparation of the bond resolution, plus any out-of-pocket disbursements; with any other necessary legal services provided to be compensated at the hourly rate of the staff member(s) providing such services; and, be it further

RESOLVED, that the form and content of such retainer agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact. The anticipated costs for legal services will be paid by bond counsel proceeds at the closing of the sale of the bonds.

Mr. Kinowski said "Dick and Jack, I just wanted to let you know we had a little discussion at Law & Finance to look at procuring some face masks for the County. And it appears after even more research actually came to me unsolicited about 6 more firms saying hey we have this and we have that and it seems to be there is a glut of masks out there for about \$.20 a piece. The same thing that we all appear to be wearing or close to it. So I believe there is plenty of time after discussions with a local distributor out of Schenectady who has them in stock at \$.20 a piece and they will do the 30 day PO and able to purchase it after the order is received by the County if they want to do so. So I talked to our Emergency folks, Carl Zeilman, and it appears to be plenty of time to discuss for next month and to bring it up, Dick, through committee and do a proper resolution and quantity of purchasing as we have all discussed and to see if we need to keep some on our shelves for future emergencies. Some of the towns already have. So thank you and I can forward you all the information if each town is willing or wanting to purchase some at \$.20 a piece cause they are available locally. Alright, thank you."

Mr. Veitch said "Thank you Mr. Chairman. I just wanted to quickly thank the Board for Resolution #153, which was the approval of the CRC financing for Skidmore College. As a Board member of that organization, I appreciate your support in helping us do that mission for the County. And that's it. Thank you."

Mr. Grattidge said "what about the parking, Matt? Didn't you want to say something about that. Come on. I want to hear it." Mr. Veitch said "Thank you Supervisor Grattidge for the parking." Mr. Grattidge said "Thank you." Ms. Gaston said "I'll second that."

Mr. Lant said "Ed, I appreciate you doing all that work on those masks. But I'd like to see them made in America. If there is a choice. I don't think we should be supporting China. My own personal opinion."

Mr. Barrett said "I wanted to discuss the internal review of the County leadership's response to the COVID-19 response. There were many of us not involved in that process so I guess this is the only opportunity for us to talk about what is in the report and fix any of the facts as they are displayed here in the report. And I use facts rather lightly. But I know some of us are mentioned in the report multiple times. It's not surprising. It's always those that call out and question dubious decisions that become the target of one sided, circle the wagons processes that lead to a report like the internal review that County leadership has provided. I did want to ask is the internal report, I guess it was accepted by the HR Committee, is it to be accepted by this Board as well?"

Mr. Hellwig said "that was a decision made by the Committee to accept the recommendations that were made. Beyond that I don't, the Board's request was to have an investigation conducted. A subcommittee was appointed and they completed the report and made their recommendations. The committee can't speak for the entire board but that was the action that was taken when it was presented to the Committee."

Mr. Barrett said "so it won't be presented for acceptance by the full Board." Mr. Hellwig said "that's not my decision. That's up to the supervisors and the committee."

Mr. Barrett said "alright. Well it was just a question myself and I'm sure others had. There were just some things I'd like to go over here on an individual basis. One was involving myself, Supervisors Kusnierz and Schopf where it related to a meeting that we had with the Public Health Director which did occur early on in the COVID-19

situation. It mentions that we were attempting to, well we requested names and addresses of confirmed COVID-19 patients. Which anybody with any modicum of understanding of HIPPA and sensitive information related to anything medical obviously that cannot occur, did not occur and should never occur. I don't even know what we would do with that information if we had it. But there was no request for names and addresses of positive COVID-19 patients. What we did ask for is for some statistical information that that be kept on a regular basis regarding cases as this pandemic as it turned out to be progressed. We also had discussions with administration about that same topic. We were told on a few occasions that there was no way to do that. We shouldn't do that. We can't do that. Finally it did start to happen albeit at a very moderate level. But at least it did start and we were able to start to get information related to cases in the County on a regular basis. The other question, one other question I had, it mentions on 3/19 that the Northway Corridor Public Task Force Supervisors demand 1 ½ compensation end immediately as public outrage over the plan grows. I was wondering what the backup was for that demand. We did have a public letter on the 24<sup>th</sup> asking for more information because I did notice in the time line but I didn't see in the minutes and if I missed it please correct me, but I didn't see it in the minutes that during the discussion at the meeting on the 17<sup>th</sup> when the COVID Committee was approved the Chairman, Chairman Allen through my request gave a commitment that we would have an update on any policy decision made by the COVID Committee, County leadership within 5 days. That didn't happen. So when that didn't happen it became concerning whether this information would be forthcoming, would we receive updates and information as far as policy decision that were made and we did have a public letter on the 24<sup>th</sup>. I'm very glad that we did have public statements and public letters to Chairman Allen because at least that way everybody knew where some of us stood, the concerns that we had and there was no question about where we stood. And, those documents are available for anybody to see. Also, there is an entry on 3/23 presumably unaware that the, and this is good, I laughed at this one, I got to say, presumably unaware that the time and one half compensation plan had been halted on 3/19 Supervisors Barrett, Gaston, Schopf and Kusnierz again criticize the compensation plan in a TU newspaper article. So that was on 3/23. I don't know how the hell we would have known that somehow this time and a half compensation plan had been halted. As a matter of fact if you look at our public statement on the 24<sup>th</sup> we are asking for information related to that subject. Also, we keep hearing that there was some meeting late, well late for some, 5:30pm on the 19<sup>th</sup> I guess it was supposedly, that ended the time and a half. Although we continue to see evidence that it was much later than that that any final decision were made to end the time and a half compensation. And of course we know a lot of employees, not sure exactly who, but a lot of employees had the pay taken back retroactively. So if it was eliminated or if the decision was made to eliminate it on the 19<sup>th</sup> then why is there an entry on Thursday 4/2 that relates to the decision still being talked about and made. You can look through the report and some of the time frames do not add up. Also, later I had a note, there was talk of the meeting on 3/17 and just to say there was no mention of the Chair's commitment to report back within 5 days of any policy decision that were being made by the COVID Committee or the County leadership. There's also talk in here, very brief, about the meeting on 3/27. I believe the people that are identified in the report as attending that meeting is correct. From what I remember. Let me be clear, then again this is all public information, public statements, the position of myself and other supervisors that were asked to be at the meeting was that the County should live up to its commitments. Obviously the County had promised time and a half compensation, additional compensation, for a large number of employees. And if that commitment was made the County should live up to it. And if pay was promised, they should follow through. And I know there have been other supervisors that have brought up resolutions to that effect. We also said that if the time and a half was continuing at that point on 3/27 it should be stopped. Let's reset. And stop negotiating with the unions because at that point we didn't see where there would be any need to negotiate with the unions if we are following through with the original commitments. So again there's public statements to that effect. I don't know. That's about it I guess. At least on the surface. There were certainly some areas of concern in this report. We talked about that publicly when the report came out but at least in this venue we can talk about specifics and details related to certain areas that are certainly lacking in context and others that are lacking in candor completely. That' all I have right now, Mr. Chairman."

Ms. Gaston said "I'm not going to speak any further about this one but do we know when the external report is anticipated?" Mr. Allen said "I have not heard anything more on it." Ms. Gaston said "Is Supervisor Lawler still on the phone?" Mr. Lawler said "Yes I am." Ms. Gaston said "Do you happen to know when the external report may be issued?" Mr. Lawler said "No, I'm sorry I can't. Based on objections of some of the supervisors...I was contacted by the attorney who is conducting the external audit. He was looking for a contact in county government. The administration was scheduled to be interviewed. The Board leadership was scheduled to be interviewed. Mr. Neidl contacted me and asked if I would serve as his liaison with county government. I agreed to that. But based on comments made publicly last week, a number of supervisors have taken exception to my involvement and so I am not going to be further involved in providing any information about it because I don't want people to come to the conclusion that I am somehow controlling the law firm of E. Stewart Jones and making

them produce work product to my satisfaction. So, no, I'm sorry, I'm not going to be able to update anybody on that. The report will be done when it's done and when it's done it will be made available." Ms. Gaston asked "so is there an alternative liaison to the County other than yourself or are you still the liaison and just not providing an update on the report?" Mr. Lawler said "I'll defer that question to the Chairman." Mr. Allen said "I have not been notified. I have not heard anything from them." Ms. Gaston said "so, the members of the Board of Supervisors are not going to be made aware of who the liaison is between the external audit and the Board." Mr. Allen said "when we are aware of something I will tell you." Mr. Lawler said "a number of Supervisors have made it very clear that the impartial objectivity of the external audit should not be compromised or could be perceivably compromised by further involvement of supervisors, myself specifically or perhaps some of you as well. To avoid even an appearance of an issue like that, I personally will not be further involved to answer your question and I will defer to the Chairman to decide how he wants to deal with it going forward. My personal integrity has been questioned once. I don't see any reason to put it out for another cheap shot." Ms. Gaston said "I don't really know where to go with that except I would like to state an objection on the record that if authority and transmission of a record is going through one individual and that's being changed when the Board authorized this, then we really should have an idea of what the heck is going on. And thus far that has been seriously problematic. If that's what is to happen that's fine, I'll wait for the attorney to present the report. I spoke to the attorney myself so I'm familiar with what he is doing. I think he is doing a good job as far as I can tell. I have no reason to doubt that. But this throwing it back and forth and playing ball is not government as I expect it to be."

Mr. Schopf said "I would suggest simply that all supervisors get provided a copy of the report by email at its inclusion.

Mr. Allen said "when I am informed I will inform you all. I can't inform you on something I don't know."

Mr. Hellwig said "I'll just add, when I was interviewed they made it clear to me that the client is the Board of Supervisors. Nobody else. So when that report is done, you're going to be the first ones to see it."

Mr. Kusnierz said "If I may, I feel compelled to offer some comments based on this document that is now available for public consumption. It was approved by the HR Committee. So, therefore, whether this Board adopts it or discusses it, it is a document required to be contained by Saratoga County. And as such, I feel compelled further to point out my name was mentioned over 15 times in that report. Not sure who was being investigated. But I can tell you that is twice as much as any other supervisor that are like minded; that have concerns about this issue on time and a half. And I further add that members of the compensation committee Allen, Supervisor Pemrick, Wood not even close to being mentioned that many times in this report. And I would hope after serving almost three years on the Board of Supervisors and to have my name mentioned 15 times that it would be properly spelled in the document. I would appreciate that to be noted for the record. Also if there was ever an artful attempt of misdirection on the part of some elected officials and senior county staff, this is quite frankly on its face a clear effort to bamboozle the public and more offensively the taxpayers of Saratoga County. We ask for and hopefully in our next investigation when the results come through wanting to know what were the facts as it pertains to the time and a half issue debacle. And quite honestly the public doesn't have a clear picture of that yet. Not even close to that. And if you read through the document, and I presume every supervisor has, in the time line you're missing important meetings that took place. The first one that stood out for me was March 10<sup>th</sup>. That was the first department meeting in the Board of Supervisors Room on COVID-19. Not even contained in this document. That's a pretty important meeting. I would think. And then we go through and we see accounts of the COVID Committee Compensation Committee meeting and this question is for the County Attorney; is that committee subject to the Open Meeting Law?"

Mr. Dorsey asked "the COVID Committee?" Mr. Kusnierz said "the Compensation Committee. Three supervisors. Two county staff." Mr. Dorsey said "I've been asked this before and my response was that the County has had several committees; change order committees, vacancy review committee; that deal with compensation issues, staffing issues that their meetings aren't publically noticed, not subject to the open meetings law. There was no real reference to these five individuals as being a committee. They aren't referred to as a committee in any resolution. The Chairman alone had the authority to make those decisions on compensation. And certainly he can do that in consultation with the other four individuals named to assist him. It was not necessary. It certainly could have been done. It was not necessary."

Mr. Kusnierz said "If I am understanding you correctly the committee that was created by this legislative body is not subject to open meetings law. Is that what you are saying?" Mr. Dorsey said "it's not a committee. It's not referred to as a committee." Mr. Kusnierz said "It's not a committee? The compensation committee is not a committee?" Mr. Dorsey said "it's not a committee. It's not referred to as a committee. The word committee does not appear in the resolution." Mr. Kusnierz said "But they provided representation on behalf of this entire board." Mr. Dorsey said "they were given a duty. As I said the resolution alone, the Chairman alone had the authority under his executive authority as supplemented by the resolution itself to make those determinations. And he does that in consultation with four individuals named. And he did that."

Mr. Kusnierz said "If I may continue, another quote in here that is inaccurate, it's actually false, the second half of the sentence. Page 6 of the document there is reference to the Board of Supervisors meeting on March 17<sup>th</sup> regarding the compensation portion of the resolution. My colleague from Clifton Park, Supervisor Schopf has some questions about additional staffing, this is when the Chairman of the Board had the authority for 30 days to review the compensation. This full board discussed that. We wanted a shorter period of time. There is an agreement to have it be revisited in five days. There is a quote in here. I guess it's a quote. There is only one parenthesis in it. That's attributed to me. And it says Mr. Kusnierz said he whole heartedly supports this period. His concerns have been addressed end quote. There is no beginning quote. I would like to add for the record what I actually said so it is taken in context. And the second half, his concerns have been addressed. I don't know who interpreted that. I didn't say that. The record will reflect that. So I would like it included in the record that what I actually said, if you listen to the audio is, I just want to add for the record. That is something I can wholeheartedly support. As I intimated earlier in my comments my concern was because sole authority to declare an emergency rests with the Chairman. The way this has been structured language wise as long as the emergency continues to be in place that would continue on in to perpetuity. So I think it is an excellent compromise my colleague on my right just mentioned regarding the 30 days. The fact that there is a commitment to review this within a week, I'm okay with that. It had nothing to do with my support of the time and one half. It was in changing the time period for review. So it's disingenuous to cherry pick comments to try to portray a story that is totally inaccurate. I'm not going to go through the entire document. I am hoping that when the independent report comes out this will actually be of no value to anybody. So I will reserve comment any further on this report."

Mr. Peck said "first I will apologize that that quote is wrong. It was taken directly from the minutes from either the Board meeting. I didn't bring my notebook with me today to address all the issues, the backup substantiating. I think misdirection and bamboozle the public is a mischaracterization and is a direct attack on me. I take that personally. I've got a variety of stuff I can go through with you after, I didn't bring it with me today as I rushed out. I'm not going to go through this line by line. I think that's aggressive in that form, not aggressive, but raw. The Board passed a resolution asking for an external, asking for an internal. We were assigned a job. I'm going to tell you it was very time consuming. We spent more than a month. I apologize that it's not to your liking. We did the best job we could looking at the emails, the minutes, the interview we thought were involved. At a later date I can go through that. I didn't bring it with me and I apologize."

Mr. Barrett said "Bill if I could ask a question. Why didn't you interview any of us? What was the decision making there." Mr. Peck said "We were going through the COVID Committee, the folks that were assigned from the resolution. We tried to look at the timeline of those meetings that were pertinent to. There are a variety of things that weren't put in there that we didn't think was pertinent to the compensation itself, which I would have loved to put in. From a general sense so the public could get a grand view of what was going on. But we wanted this to be objective, impartial and that's what we attempted to do. So I apologize if you aren't viewing it that way. We did put out, I think the Chairman as Chair of the Subcommittee Lawler did ask department heads to be interviewed and then we thought it would be appropriate to open it to everyone. I guess it didn't come up. It would have been good. In hindsight, Supervisor Barrett it would have been good to interview you if you were interested. Anyone that contacted, there was one person from Public Health that contacted and it was different issues, it didn't have to do with this but it did have to do with compensation. We were willing and weren't going to deny anyone." Mr. Barrett said "Well if your goal was to be fair and impartial, and I'll take you at your word, it would seem to me that when our names are mentioned so many times as far as different parts of this. Our names should be mentioned; certainly, we are very vocal about questioning some of the decision that were made. And vehemently asking for information throughout the process. But you would think if we were mentioned so many time we would certainly be an important part of an internal review of what occurred. And at the very least the public statement should have been the report as well. So neither was done. And only you know why." Mr. Peck said "I think the direction of the resolution that left the Board was to investigate the decision making policy that

went into place. The timeline and the decisions that were made by who. We as the Board I don't think were making those decision. We as the Board were interjecting and offering outside viewpoints on times. We went to those folks that were in the decision making positions and then to address the department heads to get a better understanding of the pay itself." Mr. Barrett said "well again it would seem to me if you want to be fair and impartial it would have been prudent to interview at least a couple of us that are mentioned in this report so often. And by the way I don't shy away from that. I'm fine with my being mentioned because I'm comfortable with the fact my name is in there. Now some of the information is completely false as I mentioned. But as far as my involvement personally, I wouldn't change a thing." Mr. Peck said "Note taken."

Mr. Lawler said "I just want to be clear. The direction we received from the committee was to investigate the decision making and some extent communications of those decisions. In order to do that we dealt specifically with the decision makers. The people who made the decisions. The people responsible for the decisions. We didn't expand to the Board of Supervisors because our mandate was to examine the decision making process and to establish a timeline of when those decisions were made. And then further expand that timeline to define how and when employees were communicated regarding those decisions because those were the questions that were most asked by the Board of Supervisors. So given the mandate we had, it was perfectly appropriate to limit our conversations to the people who made the decisions. And that would be the COVID Committee, primarily. We also wanted to hear from the employees because there was legitimate concern regarding what did the employees know and when did they know it. In order to get those answers it was best to go directly to the employees. We also expanded our conversations, or at least tried to, to discuss with the Union representatives because they were involved in these discussions all along and to find out what they knew and when they knew it. So based on the mandate we spoke to the people who could answers the questions that were asked. We didn't invite any of the supervisors regardless of their personal opinions and there are no personal opinions of any of the committee or subcommittee included in the document as to whether or not the decision were right or wrong."

Mr. Kusnierz said "Mr. Chairman if I could follow up cause I just heard it said by two separate supervisors. Basically, this whole process review revolved around the decision making process. If that is accurate, why would there be an exhibit included, exhibit 6, an email from the Director of HR to all Supervisors complaining about how she was questioned here in different meetings. That has no relevance on the time and a half. At all. At all. And also the members of the Health Committee that voted to approve this, I'm not sure if you are aware that Exhibit 12 is not contained in this document. For the record I want to point that out."

Mr. Wright asked the Chairman to be excused. Mr. Allen excused him.

Ms. Gaston said "I have a question for the County Attorney. What is the distinction between a committee and a subcommittee with regards to open meetings law. My understanding is that there are ways to keep information from the public when appropriate. Especially regarding union negotiations and compensation. But my understanding is that has to go to executive session not that the meetings are simply not noticed to the public. Could you provide some clarification to that?" Mr. Dorsey said "I don't know if the meetings were noticed or not. I don't know when they happened. I don't know if there were meeting minutes. I don't know. I wasn't involved." Ms. Gaston said "I'm not asking about the specifics of this. I'm asking for our purposes as a Board. Because there seems to be some confusion." Mr. Dorsey said "Certainly, they could have gone in to executive session and had that discussion as soon as they did have a notice of meeting. They could have made a motion to go into executive session to discuss these issues." Ms. Gaston said "Yes. At what point do groups of supervisors assign with certain authority or representation of the Board of Supervisors meeting to do County business under a particular mandate not fall under open meetings laws and therefore are not in violation by not noticing the meetings whether they go in to executive session or not." Mr. Dorsey said "In general, when a committee is less than quorum like in this instance there was not a quorum of any particular committee, four or more members of a certain committee, where basically you're having a committee act in form of a subcommittee. And this was a combination of County Administration Officials and Supervisors. There's no hard and fast rule. I know you're looking for one. But I would have to give it some thought before I try to carve out some hard and fast rules for you." Ms. Gaston said "Ok. Going forward because I know that was one of the concerns I brought up to Supervisor Lawler when the investigation was presented. I would appreciate some guidance." Mr. Dorsey said "He incorporated your recommendations into his findings that future meetings should be noticed and meeting minutes taken." Ms. Gaston said "And I very much appreciate that. But I do not serve as the County Attorney. So I would like your recommendation regarding that. Thank you."

Mr. Schopf said “I would like to follow up on Supervisor Barrett’s comments earlier. I’d just like to note that I was in attendance on that March 9<sup>th</sup> meeting with the County Health Director and at no time did I request the name or address of any person in relation to COVID-19. In fact, at that meeting and other occasions that I was accused in some substance of building a database of infected persons, I had expressly declined to even want to know names of persons. The only information we were requesting at that time, and I think the record is patently clear, was statistical analysis of infection rates within our separate municipalities, which was certainly entirely appropriate then as it is now. I have serious concerns regarding, what I view as the massive over reach on the part of state and local governments nationwide during this pandemic about infringing on people’s rights, privacy rights with regards to how this COVID epidemic has unfolded. So that’s certainly not an action I would ever take. Furthermore, the timeline is really is almost an attack on myself and fellow supervisors who at the time responded to requests for interviews from reporters of the Times Union and elsewhere. I don’t create Times Union articles. I don’t go to the press. But when the press calls, I answer their questions. I try to answer them as straightforward and honestly as I can. I’ve been criticized by the press. I’ve been criticized by the Times Union. I’ve been criticized by Wendy Liberatore. I still take her calls. I answer her questions the best I can and the article falls how it does. So there seems to be an underlying theme in this report that this was somehow the Times Union’s fault and all of our faults for talking to the Times Union. This couldn’t be further from the truth. On page 5 and 6, pay attention to the timeline. Go through the various times when people discuss the time and a half and passively approve it. It’s well before the Board voted on this. It was either Law & Finance or the Board. I regret no vote I’ve ever taken here more than that vote to authorize that committee. I will publicly say that if I could pull that vote back now I would. Seeing this report, taking the truth of what those statements are on that page I just can’t believe it was put forward the way it was to us without any input or consideration. I, too, await the external report and we will see what further information comes from that. Thank you.”

Mr. Barrett said “One more thing real quick Mr. Chairman, just a follow up on Supervisor Gaston’s question, I started to count, there are several times within this report, Steve, that COVID Committee members, COVID Committee, I mean, COVID Committee is used many, many times in this document. Certainly there has been other opinions that absolutely should have been, that Committee should have been meeting in open, and minutes should have been kept. And actually, if that did occur, there would be a record of the meeting that supposedly happened at 5:30 on the 19<sup>th</sup>. And that would have gone a long way in solving that issue I guess, of the time line.”

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

Respectfully Submitted,

Pamela Wright  
Clerk of the Board