

Law and Finance Committee Minutes
_____August 12, 2020 – 4:00 p.m.

Present: Chairman Daniel Pemrick; Committee members Ed Kinowski, Todd Kusnierz, Jonathan Schopf, Kevin Tollisen, Sandra Winney, Mo Wright; Supervisors Phil Barrett, Eric Connolly, Tara Gaston, John Lant, Jack Lawler, Dick Lucia, Darren O'Connor, Bill Peck, Jean Raymond, Michael Smith, Matt Veitch, Tom Wood, Benny Zlotnick and Chairman of the Board Preston Allen; Spencer Hellwig, Chad Cooke, Brian O'Connor, Matt Rose, County Administrator; Steve Dorsey, County Attorney; Sandi Cross, Office for the Aging; Chris Schall, Auditor; Lauren Roberts, Historian; Marcy McNamara, Adam Kinowski, Stephanie Monaco, Lisa Masten, Human Resources; Michael Prezioso, Mental Health & Addiction; Jason Kemper, Planning, Cathleen Medick, Public Health; Anna Stanko, Real Property Tax; Dan Rourke, Sewer; J. Wes Carr, Youth Bureau; Scott Brackett, CSEA.

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

On a motion made by Mr. Kinowski, seconded by Mrs. Winney, the minutes of the July 15, 2020 meeting were approved unanimously.

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

HEALTH & SOCIAL SERVICES

- Authorizing the Chairman to enter into a contract with Rejha Group LLC to provide transportation services for preschool children with special needs.
- Authorizing the Chairman to enter into agreement(s) with Greater Adirondack Home Aides Queensbury NY and NEC Care, Inc. Gansevoort NY for In-Home Respite Care at an hourly rate of \$24.00 beginning September 1, 2020 through December 3, 2020.
- Authorizing the Chairman to accept funds from the Aging and Disability Resource Center (ADRC) COVID—19 program funded under the Coronavirus Preparedness and Response Supplemental Appropriations and amending the budget in relation thereto.
- Authorizing a contract renewal with Northeast Dining and Lodging d/b/a Golden Corral to provide meals for the Home Delivered Meal Program and the Congregate Meal Program at a cost of \$7.88 per meal for the term January 1, 2021 to December 31, 2024.
- Authorizing an agreement with Health Research, Inc. to accept a New York State Department of Health Public Health Emergency Preparedness Program Grant.

Mr. Hellwig said that for the first item, this is a 3 year agreement and the rates for the children and aides will increase in the first year by 9.4% and 10.2% respectively. For years 2 and 3 the

rates for both groups will increase by 7%. For the second item, Aging is expanding the number of agencies they contract with due to a national shortage of caregivers. This will allow them to expand the pool of providers. For the third item, the grant funds will be used for seniors aged 60+ to access safety supplies for COVID-19. For the fourth item, the RFPs went out in June of this year and only one proposal was received. The rate will increase from \$7.61 to \$7.88 per meal. The increases in years 2-4 will be based on the consumer price index. For the final item, the grant amount is \$384,972. \$184,972 is used to offset the salaries in the Public Health Department that are involved in emergency preparedness. The remaining \$200K is kept in a reserve by the State and released for emergency events as determined by the NYS DOH.

On a motion made by Mr. Wright, seconded by Mrs. Winney, the following resolutions were approved. Mr. Kusnierz was opposed to the first resolution.

HUMAN RESOURCES & INSURANCE

- Authorizing a temporary increase in the rate of pay for Cathleen Medick, Director of Patient Services, to \$60.5427/ hour until such time a Public Health Commissioner is hired.
- Authorizing an amendment to the 2020 Compensation Schedule to reclassify (1) Records Management Clerk to (1) Civil Clerk in the Sheriff's Department.

For the first item, Mr. Hellwig said that the increase will be effective 8/1/2020 and will be in place until such time a Public Health Commissioner is hired. Mr. Hellwig said that the search committee is currently in the process of identifying potential candidates for that position. Mr. Kusnierz asked for the rationale for the August 1st effective date. Mr. Adam Kinowski said that it was due to the fact that Cathi Duncan retired on 7/31/2020.

For the second item, Mr. Hellwig said that the Records Management position was created in response to the reforms to the Discovery Law to address a 15 day turnaround to produce various records. That Law has since been amended which allows for additional time in producing those records. The Sheriff has indicated that this can now be handled through a Civil Clerk position.

On a motion made by Mr. Tollisen, seconded by Mr. Kusnierz, the following resolution was approved unanimously.

PUBLIC SAFETY

- Authorizing the acceptance of an Emergency Management Performance Grant from FEMA on behalf of the NYS Division of Homeland Security and Emergency Services in the amount of \$48,009.

Mr. Hellwig said that the funds will be used to offset the purchase of PPE as part of the COVID response effort.

On a motion made by Mrs. Winney, seconded by Mr. Tollisen, the following resolution was approved unanimously.

REAL PROPERTY TAX

- Temporary amendment to Resolution 166 of 1996 Establishing Auction and Conveyance Policies for County Lands.

Mr. Hellwig said that due to the September 2019 and March 2020 auctions being cancelled, all pull requests for the scheduled November auction will be considered second pulls unless a second pull was previously authorized by the committee. Part of the rationale is that these are 2017, 2018 and 2019 taxes and that these property owners have already had an extraordinary amount of time to pay the back taxes. Mr. Dorsey said that there were 11 pulls exercised before the auction was postponed in March. These people who were still on the list have an additional 8 months to pay their taxes and in order to treat them the same as those who got an extension by requesting a first pull, Mr. Dorsey said that they will be requiring the payment of 2020 taxes so they don't fall further behind. At the Spring 2021 auction, they would be required to pay the taxes in full to remove the parcel from the auction list.

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

VETERANS

- Resolution supporting the Commitment to Veterans Support and Outreach Act.

Mr. Hellwig said that the Outreach Act proposes to provide \$250M in Federal Funds over a 5 year period for local County Veterans Service agencies.

On a motion made by Mr. Tollisen, seconded by Mrs. Winney, the following resolution was approved unanimously.

RACING & GAMING

- Resolution supporting the Saratoga Casino re-opening plan and urging the Governor to allow the Casino to reopen.

Mr. Hellwig said that the resolution is to support the Saratoga Casino to reopen while following all the necessary safety protocols as detailed in their Safe Bet Plan. The plan includes a well thought out approach to cleaning and disinfecting, social distancing, employee PPE and other efforts such as guest screening and modifications to the air handling systems. Mr. Hellwig said that the conversations in the Control Room all talk about casinos being a high touch venue. They are trying to come up with guidance where they can address individuals playing on the machines and moving around the casino and how to provide some level of comfort in protecting the patrons.

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

ECONOMIC DEVELOPMENT

- Authorizing the chair to enter into the necessary agreements to apply for, accept and administer a New York State snowmobile grant-in-aid program grant.
- Amending the Zim Smith Trail Capital Account to indicate proper grant funding awarded from NYS Parks Recreation and Historic Preservation.
- Setting a Public Hearing for Agricultural District #1 8 year review per Ag. and Markets Law 25-AA section 303a.

Mr. Hellwig said that the first item is a housekeeping item, the funding is passed through to the Snowmobile Clubs in the County for trail maintenance, equipment and other items. A portion of registration fees is used to fund this program. For the second item, the resolution will recognize an additional \$250K in trail grant funds that will be used for trail repairs and future studies to expand the trail. There were previous resolutions in 2018 where \$250K was accepted and placed in the budget, they have since determined that the grand total was \$500K. For the final item, the public hearing will be set for September 9, 2020 at 4:20pm. The Ag. and Markets Law requires a review of the Agricultural Districts every 8 years to determine whether or not they should be continued, terminated or modified. Part of the review process requires a public hearing.

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

CHAIRMAN'S ITEM

- Appointing a commissioner of the Saratoga Lake Protection and Improvement District.

Mr. Hellwig said that this will be a resolution appointing Victor Mazzotti of Stillwater to the Saratoga Lake Protection and Improvement District. The At-Large member Cristina Connolly has resigned. SLPID conducted interviews and sent a letter to the Chairman requesting that Mr. Mazzotti be appointed to fill the vacancy.

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

LAW & FINANCE

- Authorize the acceptance of a grant from the William G. Pomeroy Foundation in amount of \$1,100 and amend the budget in relation thereto.
- Setting a public hearing on September 9, 2020 at 4:25 pm for the purpose of considering the proposed increase in the maximum estimated cost of the Regional Biosolids Digester

Facility to be constructed by Saratoga County Sewer District No. 1 in cooperation with the Albany County Water Purification District.

For the first item, Mr. Hellwig said that the funds will be used to purchase and place a historic marker on the LaRue Family Farm in the Town of Charlton. Mr. LaRue was one of the first Justices appointed to Saratoga County in 1792. For the second item, Mr. Hellwig said that the County's share is 50% of the total project. There was a resolution last month that increased the bonding authority from \$24.25M to \$28M and as a result of that, a public hearing is necessary.

A motion was made by Mr. Kusnierz, seconded by Mr. Schopf, to recommend that the Board of Supervisors release the confidential report of the investigation regarding the increased compensation for physically present workers and action by the COVID 19 Oversight Group to the public.

Mr. Kinowski said that if this item is being moved to release, he believes that the Committee should move into Executive Session for discussion. Mr. Kusnierz said that there already is a motion on the table to be acted upon. Mr. Pemrick asked Mr. Kusnierz if he was willing to table the motion and allow the committee to go into executive session. Mr. Kinowski retracted his request. Mr. Peck asked if it is as it sits or as Counsel has referred in the document a version that does not open up to legal exposure. Mr. Kusnierz said that in the interest of transparency, he is asking that the motion be approved by the Law & Finance Committee adding to the Board of Supervisors agenda, a recommendation that the report be released to the public. Mr. Kinowski said that he was under the impression that this would be discussed under Executive Session and until that is done, it would not be necessary to move forward. Mr. Pemrick said that they have all reviewed the external report and there is clearly statements in there recommending that a redacted version be prepared before, if indeed, the Board of Supervisors decides to release that to the general public. Mr. Pemrick said that this is a consideration he would like people to understand when we get to voting on this proposed resolution. Mr. Tollisen said that they have had discussion after discussion about this issue. There has been multiple opportunities to make this right. The taxpayers have now paid for this report. The taxpayers are entitled to the report. Mr. Tollisen agrees with Mr. Kusnierz and the motion to release the report. Ms. Gaston asked if the Counsel who prepared the report was on the phone, or if there was access to them. The answer was no. Ms. Gaston said that she does not see any mention in the report of recommendation over any other. The note is simply that if the Board would like to act in a certain way, the Counsel would be happy to provide us with that. In lieu of the Counsel being on the phone, and being able to make any other statement, that's how she would read that, not necessarily as a recommendation one way or the other, because they are Counsel acting on the Boards behalf according to the Board's wishes.

**Roll call was taken: Ayes: Kusnierz, Schopf, Tollisen
Nays: Kinowski, Winney, Wright, Pemrick**

Motion Failed.

A motion was made by Mr. Wright, seconded by Mrs. Winney, to adjourn the meeting to Executive Session to discuss the Attorney-Client Privileged report of External Investigation.

**Roll call was taken: Ayes: Kinowski, Winney, Wright, Pemrick
Nays: Kusnierz, Schopf, Tollisen**

Motion Passed.

A motion was made by Mr. Schopf, seconded by Mr. Kusnierz, to reopen the meeting to Regular Sessions. Unanimous

No action was taken in Executive Session.

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

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board