

Law and Finance Committee Minutes
September 9, 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, Alan Grattidge, John Lant, Jack Lawler, Dick Lucia, Darren O'Connor, Bill Peck, Jean Raymond, Tom Richardson, Mike Smith, Matt Veitch, Benny Zlotnick and Chairman of the Board Preston Allen; Spencer Hellwig, Chad Cooke, Brian O'Connor, Matt Rose, County Administrator; Steve Dorsey, County Attorney; Chris Schall, Auditor; Jennifer McCloskey, Employment & Training; Marcy McNamara, Adam Kinowski, Lisa Masten, Stephanie Monaco, Human Resources; Eileen Bennett, Chris Dubois, IT; Michael Prezioso, Mental Health & Addiction; Jason Kemper, Planning; Steve Bayle, Probation; Cathleen Medic, Public Health; Keith Manz, Public Works; Anna Stanko, Real Property Tax; Dan Rourke, Sewer; Michael Zurlo, Sheriff; Tina Potter, Social Services; Terri Wrisley, Treasurer.

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

On a motion made by Mr. Tollisen, seconded by Mr. Kinowski, the minutes of the August 12, 2020 meeting were approved unanimously.

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

REAL PROPERTY TAX

- Authorize the acceptance of a tender offer for a parcel in the Town of Day in the amount of \$5,624.27 and a parcel in the Town of Clifton Park in the amount of \$21,130.17.

Mr. Hellwig said that the amount for the Town of Day covers the 2017, 2019 and 2020 taxes, and the amount for the Town of Clifton Park covers the 2016, 2017 and 2019 taxes.

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

HEALTH & SOCIAL SERVICES

- Authorizing the acceptance of a 5-year Children and Youth with Special Health Care Needs program grant in the amount of \$161,915.

Mr. Hellwig said that the funds will be used for various resource materials and to offset the salary of a part time outreach worker.

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

PUBLIC SAFETY

- Proclaiming October as Domestic Violence Awareness Month in Saratoga County.
- Authorizing the acceptance of a NYS Homeland Security State Law Enforcement Terrorism Prevention grant in the amount of \$69,500 and amending the budget in relation thereto.
- Authorize a 1-year agreement with the Department of the Navy in the amount of \$4,500 for the Sheriff's use of night vision equipment.
- Authorizing a contract with the Saratoga Springs City School District for the provision of a Deputy Sheriff to serve as a School Resource Officer for the 2020-2021 School Year.
- 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 \$85,844.
- Authorize an amendment to the agreement with Kyran Nigro in the amount of \$23,645 for administrative assistant costs associated with Conflict Defender services from April 1, 2019 through December 31, 2019.
- Authorizing a transfer from the DWI Reserve in the amount of \$1,700 and amending the budget in relation thereto.

For the first item, Mr. Hellwig said that this is intended to increase awareness for the victims, and the emotional as well as physical damage that these individuals sustain. For the second item, the funds will be used to purchase night vision equipment, policy development and training program software, unmanned aerial systems equipment, and cover the costs of some overtime. Of the grant total the budget amendment for this year will be \$14K, the remainder will be placed in the 2021 tentative budget. For the third item, the use of the equipment and associated costs are covered through a NYS Department of Homeland Security grant that the Board accepted in 2018. For the fourth item, the renewal agreement includes a yearly cost to the School of \$73,861.61 and there is language in this year's renewal regarding closure of schools due to COVID and a related 4% discount for the School District for every 10 consecutive school days closed. For the fifth item, this is a 3 year grant and the funds will be used to offset expenses related to the County's 800 MHz communication system. For the sixth item, the County previously accepted a grant from Indigent Legal Services for Mr. Nigro's work covered under the Hurell Harring settlement. A portion of the grant funds were directed to offset administrative assistant expenses for the Conflict Defender. The budget amendment was amended previously as part of the acceptance of the grant funds. For the final item, the DWI program funding will be used as part of work that will be done painting a school bus to convert it into a Sheriff's mobile

education vehicle. A portion of the funds to cover the project are included in the STOP DWI budget but an additional \$1,700 is needed to fund the material costs.

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

BUILDINGS & GROUNDS

- Lease Agreement with Shelters of Saratoga for temporary use of 31 Woodlawn Avenue as a Homeless Resource Center and Code Blue Facility.

Mr. Hellwig said that the lease term will be from October 1, 2020 to March 31, 2021. The space will be utilized as both a resource center for homeless outreach efforts as well as an overflow housing for Code Blue.

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

LAW & FINANCE

- Directing E. Stewart Jones, Hacker, Murphy, LLP to issue an amended external investigation report to correct an acknowledged error and associated conclusions.
- 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.
- 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.
- 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.
- Setting a public hearing on the construction of the Interceptor Rehabilitation project.
- Amending the contract with Adirondack Environmental Services, Inc. from \$65,000 to \$74,500 for additional sampling as part of the District's ammonia upgrade project.

- Authoring a contract with General Control Systems, Inc. in the amount of \$24,095 for professional services related to programming the District's SCADA System at the treatment plant.

For the first item, Mr. Hellwig said that this is based on the report author Ben Neidl's 8/18 email to the Board of Supervisors, and his statements at the Board Meeting on 8/18, that the report contains errors. Mr. Neidl is requiring a Resolution from the Board to complete and issue an amended report. Mr. Kusnierz asked if we know what the anticipated cost of this revision will be. Mr. Hellwig said that an exact number was not given, based on the information he was given was that depending on the amount of work involved, it could be as little as nothing, or possibly more. Mr. Kusnierz asked the Chairman if he could share what the cost has been so far for the professional services. Mr. Pemrick said he did not know that number. Mr. Hellwig said he believes it's approximately \$23K. Mr. Kinowski agreed. For the second item, a public hearing will be held today at 4:25pm regarding the project increased cost. The County share is 50% of this project, and that share will increase from \$24.25M to \$28M in order to accommodate a sludge dryer into the project. For the third item, the costs associated with the legal fees will be paid by the bond proceeds at the closing of the sale of the bonds. The fourth item is related to the third item. For the fifth item, the public hearing will be set for October 14, 2020 at 4:25pm. The project is slated to begin in 2021. For the sixth item, the amendment was approved by the Sewer Commission and will address some unforeseen additional sampling that will be required as part of the District's ammonia upgrade project to address findings in the consent order. For the final item, this is amending an existing minor contract to a major contract not to exceed \$24,095. The District recently upgraded the SCADA System at the treatment plant and General Control Services are engaged to assist in the necessary programming of the system upgrade.

Mr. Hellwig said that a few Supervisors and Department Heads have been asked by employees about working remotely from home. Currently we have approximately 12 employees working from home in accordance with the Family's First Coronavirus Response Act, which allows for paid expanded family and medical service leaves at 2/3's of the employees regular rate of pay, where an employee is unable to work due to a need to care for a child, or if a childcare service provider is closed or unavailable due to reasons related to COVID-19. There is no other approved policy for working from home within the County, and to offer anything beyond FFCRA would require the Board to approve the additional benefits, which would then need to be negotiated with the various unions. In addition, the Information Technology Department does have some concerns about configuring a network to allow this to happen. Mr. Hellwig said that this was brought to him by some Board Members and he told them he would bring it up in this meeting so that if there is any additional feedback, questions or concerns from the Board, they could be voiced here. Mr. Kinowski asked if there was any timeframe that this would need to be enacted by. Mr. Hellwig said that he is sharing this information second hand but in some cases the sense of urgency was tied to the school re-openings. Mr. Zlotnick said that this was brought up to him by someone from his town that works for the County and their concern was that with school coming up, and not knowing how their children were going to be schooled at this time, that when they were going to be home for the day, or few days, they were wondering if it would be possible to work from home on those days when their children were also home, and would physically come to work at the County on the days their children were in school. Mr. Kinowski

asked what the anticipated timeline that the unions would need to negotiate this with HR, as he believes this could be a concern. Ms. Gaston asked if the County has any policy that strictly prohibits flexible schedule or prohibits a Department Head from allowing that. Mr. Hellwig said that we have a 9-5 workday or in some cases 8-4, but beyond that he is not aware of any additional other than the shift workers in the Sheriff's department. Mr. Tollisen said that he is not opposed to this in theory, the school district issue is a huge issue where kids are working remotely some days, and other days going to school and who knows what will happen in the coming months. Mr. Tollisen asked if we were looking at a policy that Department Heads would have flexibility or is this being brought up for discussion now. Mr. Pemrick said that it is just being brought up for discussion, it's the first anyone has heard of it, and there has not been a discussion regarding policy. We only know what currently exists which has been described as the Family's First Coronavirus Response Act. Mr. Kusnierz said that whatever we do, his position would be that there needs to be a uniform policy county wide, and within that it should be at the discretion of the Department Heads to make necessary staffing changes based on the framework of that policy. Mr. Kinowski expressed concern over the timeline and any discussions that would be needed for the unions input, and suggested bringing it back through HR and the HR Committee to get an answer. Mr. Kusnierz said that he understands and appreciates the distinction between a union employee vs. non-union, that is something that would probably need to be negotiated through labor agreements, however we do have the ability to have a policy in place for non-union and can begin to move forward on that. Mr. Pemrick said that he appreciates everyone's desire to help and to come up with a perfect solution to something like this, but the schools have been dealing with it for 3 months and it is difficult to satisfy and please every family in this particular situation. Mr. Pemrick said that he is wondering why we don't just stay with the Family's First Coronavirus Response Act that currently exists and allows any person to stay home, use personal time, when that is used up, go to 2/3 salary to be home with their children. It's uniform and everyone has the same opportunity for it as opposed to spending time negotiating with 3 different unions and management confidential and having several different organizational structures or rules and regulations for each of the Departments or Unions. Ms. Gaston asked Ms. McNamara if it would be possible by the time of next week's Board Meeting to present to the Board what would be necessary for each classification of employee, if union negotiations are required, can the Board develop a policy, what is required to adjust any hours as they stand. Ms. Gaston said that while she understands the Chairman's position, there is a policy in the Family First Cares Act, that also does not allow for the flexibility of work, it allows for the flexibility of time off. If we have employees who are willing to work and do their job from home, full time, and simply due to the pandemic are unable to do so full time in the office, she believes that something should be set up that is slightly more flexible given the unprecedented times. Ms. Gaston asked if it would be possible for Ms. McNamara to present to the Board by Tuesday. Ms. McNamara said that she can, but said that IT is where there could be some issues, not HR. Ms. McNamara said that HR would need to deal with each Department Head, and it would have to be the Department Head tell them how they can best function and operate for both the public purposes and employees. It would also require negotiation with the unions because there are standard work days in the contract. Ms. Gaston asked Ms. Bennett if she could present the IT concerns by Tuesday. Ms. Bennett expressed concern over publicly announcing IT concerns. Ms. Gaston asked if Ms. Bennett could present the concerns to a representative of the Board so that they know enough to make a decision. Ms. Bennett agreed. Ms. Gaston said that if they can do this, it would perhaps allow the Board to

move a little bit faster, and if it needs to be the HR Committee that handles it, that's fine. Ms. Gaston said that as a parent of 3 children who are starting school tomorrow, she understands for parents who are working for the County this is actually a pretty timely issue. Mr. Kinowski said that as complicated as it may be, the HR Committee should look into it and address it overall for the County because if things get worse, there will be additional personnel issues to deal with. Mr. Kusnierz asked if the Chairman of the Board would be willing to call a special meeting of the Board to facilitate this discussion. Mr. Pemrick said that in his opinion it should go through the committee first to gather data and information. Mr. Kusnierz requested if the Chairman would call a special meeting of the HR Committee to get it done in a timely fashion. Mr. Wright said that the Chairman of that committee is not present today. Mr. Kusnierz said that he believes the Chairman of the Board of Supervisors has the authority under the Rules of the Board. Mr. Dorsey said that the Vice Chair of the Committee, Mr. Peck can act in the Chairman's absence. Mr. Peck said that in the Chairman's absence, pending information that is given next week at the Board Meeting, in the absence of Supervisor Wood, they could call a special HR meeting to try to facilitate this quickly. **A motion was made by Mr. Kinowski, seconded by Mr. Wright, to refer the issue to the HR Committee. Unanimous.**

Mr. Hellwig said that three candidates have been identified for the position of Public Health Commissioner. They will be interviewed at the end of September. Mr. Hellwig also noted that the Department of Health has signed off and approved Cathy Medick as the interim Director and ultimately once the Board makes a decision on appointing a Public Health Commissioner, that will also need to go to the State Department of Health for their final approval. Ms. Gaston asked who was on the hiring committee. Mr. Hellwig said that it is the Chairman of the Board, Chairman of Law & Finance, Chairman of Human Resources, County Administrator and the HR Director. Mr. Hellwig said that to be clear, they are not the hiring committee, they make a recommendation to the Board based on the interviews.

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

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board