

Law and Finance Committee Minutes  
October 14, 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, Darren O'Connor, Bill Peck, Jean Raymond, Mike Smith and Chairman of the Board Preston Allen; Spencer Hellwig, Chad Cooke, Brian O'Connor, Matt Rose, County Administrator; Steve Dorsey, County Attorney; Craig Hayner, County Clerk; Karen Heggen, District Attorney; Roger Schiera, Bill Fruci, Elections; Marcy McNamara, Adam Kinowski, Jessica Poe, Human Resources; Eileen Bennett, Chris DuBois, Information Technology; Michael Prezioso, Mental Health & Addiction; Jason Kemper, Planning; Cathleen Medic, Public Health; Keith Manz, Public Works; Anna Stanko, Real Property Tax; Dan Rourke, Sewer District; Tina Potter, Social Services; 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 September 9, 2020 meeting were approved unanimously.**

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

**HEALTH & SOCIAL SERVICES**

- Authorizing an amendment to Resolution 163 of 2020 to revise rate of pay for transportation services with Rejha Group from per child to per bus.
- Authorizing Community Mental Health renewal contracts for 2021.
- Authorizing the acceptance of a grant from Health Research, Inc. in the amount of \$1,520,735 for enhanced COVID detection and amending the budget in relation thereto.
- Authorizing an amendment to Resolution 109 of 2018 to accept additional NYSDOH funding in the amount of \$49,601 for Year 3 of the 5-year grant funding agreement to enhance influenza outreach, promotion and vaccination activities for the 2020-2021 flu season.
- Authorizing advance funding in the amount of \$20,000 to the Shelters of Saratoga to be used for the provision of shelter and shelter services to the homeless during inclement winter weather conditions.

Mr. Hellwig said that for the first item, when the original resolution was adopted there was a discussion regarding the possibility of revisiting the rate structure once the details associated with the school openings were sorted out. The vendor has reached out to the County and

requested a rate restructure that uses a per bus per day as opposed to per child per day rate. This will allow for social distancing and fewer children riding the bus. The current rate is \$65.29 per child per day and only allows for 4-5 children per bus depending on the bus size. The proposed rate change is \$390 per bus per day which translates into approximately \$90 per child per day. The change would remain in effect until after the COVID limitation are lifted. Savings could be realized as the rate would reduce to \$45 per day if capacities of the bus are doubled. There is also an increase in parental transportation of students from 12% to 37%. In addition, there were no transportation costs from March through the opening of the school year, therefore the increase is within the budget. For the second item, these are annual housekeeping agreements. The agencies and the rates are unchanged from 2020. For the third item, of the total amount, \$1M is restricted by the Department of Health for use in the event of a public health emergency. The remaining funds will cover the costs of temporary and contracted employees hired exclusively for COVID response efforts. In addition, the grant will be used to pay for PPE, software, hardware and office supplies for the Command Center. Mr. Hellwig said that Health Research Inc. is an organization that the State processes these grants through. For the final item, the payments made to cover these costs are normally not made until the County is vouchered by SOS for reimbursement with appropriate expense documentation that is consistent with the State approved plan. In this case, \$20K will be fronted to account for start-up expenses related to operating two facilities in the City, one on Adelphi Street and one in the Woodlawn Avenue Office Building.

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

### **HUMAN RESOURCES & INSURANCE**

- Authorizing an amendment to the 2020 Compensation Schedule to add (2) Deputy Coroner positions, and appointing (2) Deputy Coroners.
- Authorizing an amendment to the 2020 Compensation Schedule to add (1) Conflict Defender attorney position in the Conflict Defender's Office at the base salary of \$90,530 and (1) Confidential Secretary position in the Conflict Defender's Office at the base salary of Grade 9 (\$46,716) and amend the budget in relation thereto.
- Authorizing an amendment to the 2020 Compensation Schedule to reclassify (1) Employment Program Supervisor to (1) Senior Social Welfare Examiner under Social Services.
- Authorizing a 1-year renewal agreement with MVP for retiree health insurance coverage in the amount of \$3,620,561.16.
- Authorizing a renewal dental health insurance contract with MetLife for 2020 in the amount of \$880,884.24.

- Authorizing a renewal contract with CDPHP to administer the County's medical and prescription insurance services, including stop loss insurance, in the amount of \$23,563,986.12.
- Authorizing a flexible schedule policy be included in the Policies and Procedures Manual.

For the first item, Mr. Hellwig said that this will provide a larger pool of Deputies to accommodate the necessary coverage throughout the County and avoid any potential limitations due to COVID quarantines or isolations. The resolution will also appoint Robert Ball and Danielle Jourdan as Deputy Coroners. For the second item, these positions are related to the Statewide expansion of the Hurrell-Harring settlement. The Board previously accepted a 5 year grant from NYS ILS which included provisions for establishing these new positions. These position requests were held off due to the office renovations that needed to occur. That renovation is now complete. For the third item, there has been welfare reform within the Department and State, and many of the duties intended for an Employment Program Supervisor has now been streamlined through a new computerized employment system program. As a result of the change in duties, the position can now be managed through a Senior Social Welfare Examiner. The change will result in a savings of approximately \$3,200. For the fourth, fifth and sixth items, the renewal rates per insured remain the same as the expiring coverage. For the final item, the policy will be in effect for 30 days before being brought back to the Board of Supervisors for review and possible modification. The effective date of the policy will be November 21<sup>st</sup>. Mr. Kinowski thanked the HR team and everyone else involved to keep the insurance contracts at 0% increase. Mr. Kusnierz said that regarding the alternative work arrangement policy, for the record he wholeheartedly supports such a policy. Mr. Kusnierz said that he had the opportunity to do a cursory read once the proposed policy language was received this afternoon. Mr. Kusnierz said that he has some concerns regarding contradictory language, for example “the alternative work policy shall apply to all employees” and further on “no employee is entitled to or guaranteed...” Mr. Kusnierz said that he believes there is a lot of verbiage that can be cleaned up and make it more general that the Department Heads have discretion in implementing the policy. Mr. Kusnierz said that he does not know if it’s the Board’s intention to be adopting this policy as written next week, but asked that additional review of the language be completed. Mr. Kinowski suggested that any recommendations be forwarded on to HR.

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

**PUBLIC SAFETY**

- Authorizing a temporary amendment to the administration of the Animal Shelter Trust and Agency Fund.
- Authorizing renewal municipal contracts for animal shelter services.

- Authorizing the Chairman to enter into an amended agreement with Forensic Medical Services to increase professional services fees for various autopsy related services effective January 1, 2021.

For the first item, Mr. Hellwig said that in 2017, Resolution 254 adopted revisions to the administration of the Animal Shelter Trust Fund which included a limit on disbursements to 80% of the donations received in the prior fiscal year. The Animal Shelter Director is seeking a temporary change to the disbursements policy to allow for the transfer of 80% of the donations from 2019 and 2020 in 2021 to support the construction of an outdoor covered dog walking structure that can be used in inclement weather. The shelter is foregoing a disbursement this year in the hope of combining it with next year's disbursement to cover the cost of the structure. For the second item, this is an annual housekeeping item. These contracts detail the procedures and fees charged for shelter calls, emergency issues, rabies, related incidents and intake fees as well as cremation fees. For the final item, the last amendment to this agreement was effective January of 2017 when the autopsy fee was increased from \$900 to \$1,000. Dr. Sikirika has requested that the contract fees be increased as follows: Autopsies with a death certificate from \$1,000 to \$1,200; Death Certificate from \$25 to \$80; Scene investigation from \$75 to \$100, and assistant fee remains unchanged at \$150.

Mr. Schopf asked if the animal shelter contracts rates are the same as last year or if they are being modified regarding the email discussions that were sent around. Mr. Peck said that there is a separate schedule for fees and as the discussions regarding Supervisor O'Connor's request went around, the redemption fee keeping the Towns budget neutral is being incorporated into the fee schedule effective 1/1/2021. Mr. Kinowski said that if this fee change becomes a hardship, or if additional animals end up staying at the shelter, it may behoove the Shelter to review this fee schedule again after a trial period.

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

### **BUILDINGS & GROUNDS**

- Authorizing an amendment to Resolution 191 of 2020 that authorized a lease with Shelters of Saratoga for use of the County's former Public Health Offices located on Woodlawn Avenue in the City of Saratoga Springs.

Mr. Hellwig said that the amendment will add language that the County will be bearing the cost associated with natural gas charges retroactive to October 1<sup>st</sup>.

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

### **ECONOMIC DEVELOPMENT**

- Approving the proposed modification and continuation of Saratoga County Consolidated Ag. District No. 1 and issuing a Negative Declaration under SEQR.

- Authorizing 2020 Trails Grants.

For the first item, Mr. Hellwig said that every 8 years NYS Ag. & Markets Law requires that the district be reviewed and recommended for continuation, modification or termination. That process is essentially complete. A public hearing took place and the comments that were received have been included in the final report to be submitted to NYS Ag. & Markets. For the second item, Mr. Hellwig said that the Trails Committee received and approved 11 applications for funding totaling \$98,201.50. The budget this year only contains \$75K in funding. At the Economic Development Committee meeting earlier today, the committee approved a resolution to support the approved applications as well as amend the budget for \$23,201.50 from the surplus in the Open Space account to cover the budget shortfall.

**On a motion made by Mr. Kinowski, seconded by Mrs. Winney, the following resolutions were approved. Mr. Schopf said that he was in favor of all but opposed to the \$100K for the Sewer Covid testing and opposed to the tax relief for the selected restaurants. Mr. Kusnierz said that he supports all the resolutions but would like it noted for the record that his support is so that the last resolution regarding restaurants may be further discussed by the full Board at the next meeting and we may have additional information and potentially more answers on how to help serve a broader number of businesses in the county.**

## **LAW & FINANCE**

- Authorizing inter-agency transfers necessary to close out 2020 County budget.
- Authorizing the creation of a Trust Custodial (TC) Fund and a Department Cash (DC) Fund in accordance with GASB 84 rules.
- Authorizing a contract with Bond Schoeneck and King PLLC for bond counsel services in connection with the Sewer District's Interceptor Relining project.
- Authorizing a contract with Arcadis of New York, Inc. in the amount of \$96,700 for sampling and data analysis services associated with wastewater COVID testing.
- Adopting Records Retention and Disposition Schedule.
- Authorizing the acceptance of a Grant from Center for Tech & Civic Life in the amount of \$86,170.
- Authorizing an agreement with SageSmith Consulting, LLC for election results reporting software.
- Requesting the Sewer Commission to revise the current approved scale of charges to include a provision reducing the Sewer rates by 50% for all restaurants who directly receive a tax bill and/or are the anchor tenant of a property.

For the first item, this allows the Administrator to move funds from departments where there is a surplus to cover deficits in other departments. For the second item, the Trust Custodial Fund requires the segregation of fiduciary funds held in custodial accounts from other non-custodial accounts. The Department Cash Fund will be used for certain departmental cash holdings that will be non-reporting. The creation of both accounting funds is based on new rules from the Government Accounting Standing Board and is recommended by the County's external auditors. For the fourth item, this is a growing science across the County and it can help the County identify potential COVID hot spots through the viral loading that is measured within the wastewater. This will also assist Public Health with focused contact tracing to help control the spread. Arcadis has been operating under a minor contract for these services, and this request is to move the services to a major contract. For the fifth item, the County has received notice from the NYS Archives who have issued a revised schedule for local governments, and require these governments to adopt a revised schedule no later than 1/1/2021. For the sixth item, the funds will be used for the 2020 election administration services. The budget amendment will provide the funding for additional election inspectors as well as for the purchase of software. For the seventh item, this is a 4 year agreement in the amount of \$61,700. The Board of Elections will utilize this software to provide election results to the public as well as helping to canvas votes and compile necessary reports to certify the elections. For the final item, the resolution will reduce the Sewer District scale of charges by 50% for 89 stand-alone restaurants in the County. In total the estimated savings for these businesses will be approximately \$178K. Mr. Hellwig said that Supervisor Richardson has had conversations with the Sewer District Executive Director regarding this proposal. Mr. Richardson said that a lot of restaurants are in trouble due to the pandemic. Many were closed for months and many are limited to 25% capacity. In the next month or so outdoor dining will probably close due to weather. Mr. Richardson said that this is an opportunity for the Sewer District to alleviate some of the pain. The restaurants would all have a reduction averaging \$2K. Mr. Richardson said that he has had conversations with Mr. Rourke as well as the Sewer Commission and they are all on board with the idea to help 89 businesses in the County. A handout identifying the number of restaurants in each community that would be affected was distributed. The handout is attached to these minutes. Mr. Schopf said that he received a call earlier today from Mr. Richardson. Mr. Schopf said that he is not necessarily opposed to providing relief in some sort to businesses however, he has a problem with the fact that it is only targeting certain businesses and not giving an opportunity for all businesses. Mr. Schopf said that restaurants are at least operating, there are other sectors that are still completely shut down. Mr. Schopf said that he doesn't know if it's necessarily a fair allocation. Mr. Schopf also said that this is a fairly big hit to the Sewer District and without knowing the revenue side of things going into the budget, he believes it makes sense to table this for further consideration and perhaps incorporate it into the 2021 budget as a form of tax relief, if we are financially able to do it. Mr. Kusnierz thanked Mr. Richardson for bringing this forward for discussion. He believes it is a noble endeavor to do everything we can to assist our businesses. Mr. Kusnierz said that he echoes some of the concerns that Supervisor Schopf has indicated. One of the things he believes could be done to make this more broad and therefore more fair to many of the struggling businesses is to perhaps look at it from the standpoint of EDU's. Mr. Kusnierz said that we have a record, he believes Mr. Rourke could provide it, of the businesses across the County that have been negatively impacted, have parameters put in place, assign a figure to those EDU's and therefore we could have a broader spectrum of businesses that would benefit from this effort on the part of the County. Mr. Kusnierz said that he would

support looking at this a little more carefully and would ask the committee to be willing to do the same. Mr. Richardson asked Mr. Rourke to give an overview of what they had already discussed. Mr. Rourke said that they went through the scale of charges at their 2021 budget discussion with the commission on Thursday. Mr. Rourke said that he has a financial model that he can input all revenues and expenses into. They calculated a worst case scenario of \$500K into the model not knowing where the program would land, and that \$500K was able to be taken out of cash reserves without an impact to any of the construction projects planned for the next 5 years. Mr. Richardson said that he wishes he or someone else had thought about this 2-3 months ago. Part of the problem we have is that the tax bills are currently being put together and if we don't do something relatively shortly, it will not be able to be on the tax bill. Another point Mr. Richardson wanted to make is that this is the largest group of businesses that we can impact at this particular time. His thought process after hearing the comments is to help these 89 businesses for now, and if someone has an idea how to move forward into next year, take a look at those. Mr. Richardson said that these businesses are independently owned and impact homes, children, possibly higher education costs. Mr. Richardson said that these businesses can be helped now and then continue to look at others as we move forward. Ms. Gaston asked what if any problem may be caused to benefit one sector vs. another, and also asked if any consideration was given to municipalities that pay their bill in total. For example, Saratoga Springs getting billed that would allow the City Government to benefit their restaurants. Mr. Rourke said that the City of Saratoga Springs is billed based on flow from July to July. In the past, all Towns were billed on flow and that got changed at some point, however the City of Saratoga Springs is still billed based on flow. The bills going into 2021 for the City are approximately \$300K less than they were for 2020, so there are savings being recognized and the City has those numbers. In 2020 the cost was approximately \$3.9M and 2021 is approximately \$3.6M. Ms. Gaston expressed concern with opening up a problem if we are treating businesses and municipalities differently. Mr. Dorsey said that the resolution is to send the matter back to the Sewer Commission for evaluation. The Sewer Commission has already approved a proposed scale of charges for 2021 and they have sent a notice of publication to the official newspapers. They have withdrawn this notice of publication for the moment and the plan would be for the Board to adopt the resolution with whatever instructions to be sent to the Sewer Commission, then a special meeting would be held to re-evaluate the scale of charges for 2021, adopt any revisions, and send a notice of publication so that the public hearing can stay on schedule for November 5<sup>th</sup>. Eventually the scale of charges comes back to the Board of Supervisors for approval in December. Mr. Dorsey said that the Board can still modify the scale of charges in December. Mr. Rourke requested that for any future project, he would ask that he be given the opportunity to check the budget to evaluate any decrease in revenue prior to taking any action on it. Mr. Hellwig said that regarding the tax bills, Real Property needs to have firm numbers by the end of this month. Mr. Pemrick said that the only way to do that is to act in time for the Sewer Commission to have a special meeting next week. Mr. Pemrick said that it does not preclude what Mr. Kusnierz has suggested, taking a different look at it and then maybe do something in next year's budget. Mr. Kinowski said the original idea as it sits has been thoroughly researched with the Sewer Commission and would propose that we continue with this idea now, and then bring other suggestions through with another analysis. Mr. Kusnierz said that according to the handout there is a total of 161 restaurants in the County that are located in Plaza type properties and 89 stand alone. Mr. Kusnierz asked if the people that own the Plaza would get a reduction. Mr. Rourke said that as it stands now, they would only reduce the units that are stand alone. Mr.

Kusnierz clarified that under this proposal, the 161 restaurants would not get the benefits. Mr. Schopf suggested that instead of an absolute tax abatement, that a program be implemented whereby a business could apply for a tax deferral based upon a hardship they are experiencing. This would be open to any eligible business within the county, within the sewer district, and they could apply for the deferral to allow them to scale back their tax payments. This would allow for the taxes to still be collected and would be an open program to apply for all businesses. The tax bills could still be printed out, the taxes are not due until the end of January which would give enough time to roll out a deferral program and take all considerations into account. The taxes would be deferred for a period of time, either during the declared emergency, or even go as far as setting up a penalty free payment plan of that portion of the tax bill. This would help the business by deferring the payment but also keep the county's tax revenues secure by collection options that can be pursued. Any business that is paying a tax bill could apply for the deferral. Mr. Richardson said that the problem with a tax deferral is that it still needs to be paid, and if they don't have the revenue, they are still in the same boat. Mr. Richardson said that if we do this now, at this time, and if people want to put their heads together and figure out how they want to help other businesses in the County, it's a great idea that he would support. Mr. Richardson said that right now they are in a position, with a time frame to work with. Mr. Richardson said that he has discussed this with Mr. Rourke for a few weeks and a lot of research was done. The approximate \$180K is not going to be that detrimental to the Sewer District, in fact calculations were done that up to \$500K was not going to be detrimental. Therefore there is additional leeway if there is another idea to move other businesses forward as we go into next year. Mr. Richardson said that he is in support of helping additional businesses, however right now on the table there are 89 businesses that can be helped right now. There is a time constraint and Mr. Richardson believes it is imperative to move forward. Mr. Richardson said that the taxes are due in January 2021 but if something is not done now, the tax bills cannot be altered as they are being prepared now. Mr. Richardson said that if these restaurants don't have outside dining in January and February they will be in dire straits financially, this will give them an opportunity to alleviate some of their expenses. Mr. Richardson said that he took restaurants as he believes they are the largest group of small businesses that are being hurt the most. Mr. Richardson agreed that there are other businesses that need help, and he does not have a problem with that moving forward if someone can come up with an idea. Mr. Lawler said that both ideas have merit and are not mutually exclusive. Mr. Lawler said that he would have some logistical concerns about the deferral, some type of criteria, maximum amount of deferral set, and who would administer and deal with the program. Mr. Lawler said that anything that can be done to help businesses is a good idea as long as it does not have long term negative consequences to the tax payers, a deferral would not, nor would waiving sewer charges for this small group of restaurants to a maximum of \$300K. Mr. Lawler said that both have merit, one is doable right now and the other is worthy of a lot of consideration, and if the logistical details can be worked out, it's not a bad idea at all to try to do that. Mr. Kusnierz said that in hearing these conversations between his colleagues and staff, he believes that they can all agree that every business has been negatively impacted by Covid, except probably janitorial services. Mr. Kusnierz said that he believes that a wider net of assistance can be provided if we focus on helping all our businesses. Considering the timeframe we are up against, probably one of the easiest ways to do this is to have a figure assigned to the EDU and based on that, with a maximum cap of up to \$500K, could provide a lot of assistance to a greater number of businesses in the County. Mr. Kusnierz said that we have the numbers and believes it can be done within the confines of the limited time. Mr. Rourke

explained that an EDU is an Equivalent Dwelling Unit, theoretically an EDU discharges approximately 200 gallons a day, a single family residence is one EDU, an apartment is one EDU, a restaurant may be 10 EDU's because theoretically they discharge more water than a single family residence. Mr. Kinowski asked who would do the analysis of this, present it, and how will it come back to the group for discussion. Mr. Kinowski expressed concern over other criteria that may come into play with an EDU approach, types of businesses, loans, and how well the businesses are doing. If time allowed, a sub-committee could be formed, pull all the details together and bring it back to present it to the committee. Mr. Kinowski said that this something that could be done for next year. Mr. Kinowski said that restaurants are being lost now, and Mr. Richardson's option is already at Law & Finance. Mr. Peck asked if Mr. Rourke could do an analysis between now and next week to look at the EDU's and business structure, an analysis of how many businesses could be impacted and at what the dollar amount would be. Mr. Rourke said that for the restaurants, the individual SBL numbers and additional information would still need to be researched for the original proposal. The numbers in savings are average at this point, some restaurants could see \$200 in savings and others could have \$4,000 in savings. Mr. Rourke said that he can do a similar analysis for businesses that people believe were hit by the pandemic, such as beauty salons, nail salons, hairdressers, gyms. It is a lot of work but he would be willing to try to do it. Mr. Schopf said that he does not know why we are in a rush to forgive taxes that are not even due yet that could be easily deferred in January, or a program be established. Mr. Schopf said that it could be run like that IDA program which was very successful in Clifton Park and the County. A simple application, run it through, defer out the taxes based on what the taxpayer is able to do. As businesses start to recover, it may be surprising to find out that people don't want or don't need to defer taxes. Mr. Schopf said that he was shocked to see how few IDA Grant applications they have actually received. Mr. Barrett asked Mr. Rourke what the current fund balance of the Sewer District is, and what the plan is for rates this year. Mr. Rourke said currently \$17.2M and no rate increase is planned for 2021. Mr. Barrett said that Clifton Park and County IDA grant programs have been very successful and asked if the 89 businesses have been referred to the program because the amount of money going to the businesses, many of which were restaurants, was much larger in most cases than the money currently being discussed. This would be a way to make a real difference as there are funds remaining in the Clifton Park IDA fund, and Supervisor Tollisen has given an update on the County program.

**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

# Restaurant Breakdown

Total Restaurants in a "Plaza" - 161

Total "Standalone" restaurants - 89

## Breakdown by Town

Ballston Spa - 27

Clifton Park - 30

Halfmoon - 9

Malta/Round Lake - 8

Mechanicville - 9

Stillwater -1

Wilton -5