

AGENDA SESSION
November 12, 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, Philip C. Barrett, Jonathon Schopf, Preston Allen, Jean Raymond, Michael Smith, Daniel Pemrick, Arthur Wright, Kevin Tollisen, Darren O'Connor, Thomas Richardson, Benny Zlotnick, Theodore Kusnierz, Willard H. Peck, Sandra Winney, Thomas N. Wood, III, Tara N. Gaston, Matthew Veitch, John Lawler, John Lant – 20. ABSENT - Alan Grattidge, Edward D. Kinowski, Richard Lucia – 3.

On a motion by Mr. Zlotnick, seconded by Mr. Smith the minutes of the October 14, 2020 meeting were unanimously approved.

Mr. Pemrick asked for a motion to accept the agenda for the November 16, 2020 Board meeting as presented and approved by the Law and Finance Committee prior to this meeting. The motion was made by Mr. Richardson and seconded by Mr. Kusnierz. Unanimous.

Ms. Gaston introduced, Lilly, an intern that will be working with her to learn how the Board functions.

On a motion by Mr. Allen, seconded by Mr. Richardson, the meeting was unanimously adjourned.

Respectfully submitted,

Pamela Wright
Clerk of the Board

PROPOSED RESOLUTIONS

HEALTH & SOCIAL SERVICES

Authorizing the Youth Bureau's 2020 Funding Applications and Contracts.

Accepting a donation from the Light Rain Foundation in Stillwater in the amount of \$1,000 and amending the budget in relation thereto.

Authorizing 2021 subcontracts for the Office for the Aging.

Authorizing a major contract with Shelby Farrelly for contact tracing services in an amount not to exceed \$52,000.

HUMAN RESOURCES & INSURANCE

Authorizing an amendment to the County's property insurance coverages for the new Public Safety Building and a premium increase totaling \$10,905.78.

Authorizing an amendment to the County's 2020 Compensation Schedule to reclassify (1) Computer Programmer to (1) PC Network Technician, Create (1) PC Technical Network Specialist in the IT Department.

Authorizing ratification of the 2020 Collective Bargaining Agreement with the United Public Service Employees Union, amending the 2020 Compensation Schedule, and amending the 2020 budget and the 2021 Tentative County Budget.

Authorizing a flexible schedule policy be included in the Policies and Procedures Manual.

Authorizing the temporary appointment of Thomas Speziale to the position of Commissioner of Public Works.

PUBLIC SAFETY

Authorizing an amendment to the contract with Pittsfield Communications, Inc. in the amount of \$4,077.45 for 800 MHz radio installation and programming services.

REAL PROPERTY TAX

Authorize the acceptance of \$95,549.17 in pre-auction tender offers from the Towns of Corinth, Greenfield, Malta and Stillwater.

BUILDINGS & GROUNDS

Introducing a Local Law identified as A Local Law Establishing Rules and Regulations covering Parking on County owned and County Leased Property, and repealing Local Law No. 6 of 1978, and setting a public hearing for Wednesday, December 9, 2020 at 4:25pm.

Authorizing an Intermunicipal Agreement with the Village of Ballston Spa allowing public parking in the County's West High Street Parking Lots after business hours and on weekends.

ECONOMIC DEVELOPMENT

Granting an easement to the Clifton Park Water Authority to construct, operate and maintain a pump station on lands of Saratoga County adjacent to the Zim Smith Trail.

LAW & FINANCE

Amending the Policies and Procedures Manual to revise the County's Purchasing Procedures, and regulations for contracts and spending.

Adopting the 2021 County Budget (TO BE TABLED).

Appropriating amounts finally set forth in the 2021 Saratoga County Budget (TO BE TABLED).

Setting December 2, 2020 at 4:30 pm in the County Board Room as the date, time and place for the public hearing on the 2021 tentative Saratoga County Budget as amended.

Approving the 2021 Tax Bill Flyer, pursuant Local Law introductory #1, Print #1 of 2012, establishing Truth in Taxation in Saratoga County.

Authorizing an amendment to the contract with Chazen Companies in the amount of \$83,500 for additional design and construction services related to the Riverside pump station upgrade project.

Authorizing the construction of a capital project that consists of rehabilitating 14.04 miles of the Saratoga County Sewer District's interceptor.

Authorizing a contract with Weston and Sampson in the amount of \$305,300 for design and construction services associated with upgrades to the Saratoga Springs forcemain and pump station.

Authorizing ratification of the Collective Bargaining Agreement with the Saratoga County Deputy Sheriffs' Police Benevolent Association, and amending the 2020 budget and the 2021 Tentative County Budget.

Appointing Daniel Kuhles, M.D. as Saratoga County Commissioner of Health.

CHAIRMAN'S ITEM

Appointment of Stephen Obermayer to the Saratoga County Prosperity Partnership.

REGULAR MEETING
TUESDAY, November 17, 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, Kevin Tollisen, Darren O’Connor, Thomas Richardson, Benny Zlotnick, Theodore Kusnierz, Willard H. Peck, Sandra Winney, Thomas N. Wood, III, Tara Gaston, Matthew E. Veitch, - Edward D. Kinowski, John Lawler, John Lant - 22. ABSENT – Arthur M. Wright - 1.

Mr. Wood, Chaplain, said “Let Us Pray, Our Heavenly Father, As we prepare for the Thanksgiving Holiday let us reflect on our bountiful life and give thanks for all of the blessings that you have provided us. Each and every day, not just at Thanksgiving time, let us make a conscious effort to remember the less fortunate and do everything in our power to help those in need and improve their life. We are thankful for all of the employees of Saratoga County and the outstanding work that they do every day, we are thankful for all of the residents of Saratoga county that make our county the best in the state, and we are thankful to our fellow supervisors and staff that make all of our achievements possible. Thank you for our veterans and the opportunity to recognize and celebrate all of them during this month. We ask for your protection of all Americans serving in the Armed forces. Their sacrifices make it possible for us to enjoy the freedoms and liberties that we all too often take for granted. In your name we pray, Amen.”

On a motion by Mr. Kinowski, seconded by Mr. Grattidge the minutes of the October 20, 2020 meeting were unanimously approved.

The Clerk presented the following:

Letter from Kevin Hedley resigning from the Saratoga County Prosperity Partnership

Received and Filed.

Letter from Sky Solar, Inc. regarding a proposed solar project in the Town of Northumberland.

Copy to Real Property Tax

Mr. Zlotnick asked to read correspondence. Mr. Allen and Mr. Dorsey said that reading would be better read under other business.

Report No. 3 – Mortgage Tax Report

To the Honorable Board of Supervisors of Saratoga County:

The following is a report of the Mortgage Tax collected and to be distributed to Cities, Towns and Villages; and the County Treasurer is hereby authorized and directed to pay such amounts.

Amount in the hands of the County Treasurer for distribution in County after adjustments, deduction of expenses and payments of State's share is \$5,478,248.49 distributed to Cities, Towns and Villages as follows:

BALLSTON	\$ 312,781.99
BALLSTON SPA (BALL)	\$ 10,666.82
MILTON	\$ 264,004.15
BALLSTON SPA (MILTON)	\$ 29,453.87
CHARLTON	\$ 112,019.69
CLIFTON PARK	\$1,184,389.25
CORINTH	\$ 50,384.24
CORINTH (VILLAGE)	\$ 17,328.71

DAY	\$ 21,157.10
EDINBURG	\$ 46,335.14
GALWAY	\$ 70,065.97
GALWAY (VILLAGE)	\$ 1,007.75
GREENFIELD	\$ 152,851.20
HADLEY	\$ 18,382.16
HALFMOON	\$ 598,393.81
MALTA	\$ 420,873.46
ROUND LAKE (VILLAGE)	\$ 9,583.76
MECHANICVILLE	\$ 41,327.47
MOREAU	\$ 192,311.35
SO. GLENS FALLS (VILLAGE)	\$ 20,732.65
NORTHUMBERLAND	\$ 71,947.56
PROVIDENCE	\$ 29,076.74
SARATOGA	\$ 126,388.64
SCHUYLERVILLE (VILLAGE)	\$ 9,206.84
VICTORY (VILLAGE)	\$ 3,220.84
SARATOGA SPRINGS	\$ 904,703.72
STILLWATER	\$ 168,037.37
STILLWATER (VILLAGE)	\$ 9,914.91
WATERFORD	\$ 104,820.19
WATERFORD (VILLAGE)	\$ 6,258.32
WILTON	\$ 470,622.82
TOTAL	\$5,478,248.49

On a motion by Mr. Veitch, seconded by Mr. Peck, Report No. 3 was unanimously approved.

Cash Statement for Taxes Collected Pursuant to Article 11

Basic Tax Distributed

Months	Taxes Collected	Interest Received by Recording	Recording Officer's Expense	Refunds	Amount Paid Treasurer
2020 Apr	710,259.78	5.84	5,109.56		705,155.06
May	703,922.00	7.03	5,189.09		698,739.94
Jun	910,441.50	7.26	5,320.56		905,128.20
Jul	1,007,707.84	8.26	5,145.72		1,002,570.38
Aug	860,755.31	7.91	5,226.79		855,536.43
Sep	1,316,110.11	8.52	5,139.39		1,310,979.24
TOTALS	5,509,195.54	44.82	31,131.11		5,478,109.25

Treasurer

All Other Taxes Distributed

	Interest Received by Treasurer	Tax Districts Share	Additional Tax	Special Additional Tax
2020 Apr	36.23	705,191.29	338,128.22	279,286.34

May	25.57	698,765.51	333,329.51	258,380.73
Jun	8.26	905,136.46	430,850.35	294,331.04
Jul	14.86	1,002,585.24	480,415.41	384,191.88
Aug	23.67	855,560.10	407,860.56	305,231.79
Sep	30.65	1,311,009.89	632,804.59	500,781.24
TOTALS	139.24	5,076,918.00	2,623,388.64	2,022,203.02

On a motion by Mr. Veitch, seconded by Mr. Peck Report #3 was unanimously approved.

On a motion by Mr. Kinowski, seconded by Mr. Peck Resolutions 225 through 249 were adopted by a unanimous vote with the exception of Resolutions 240, 241 and 249.

RESOLUTION 225 - 2020

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

AUTHORIZING THE YOUTH BUREAU'S 2020 FUNDING APPLICATIONS AND CONTRACTS

WHEREAS, the Youth Bureau's Director has proposed a 2020 Resources Allocation for programs and agencies participating in its Youth Development Program (YDP) and its Runaway Homeless Youth Act (RHYA) program to include County sponsorship, administration and payment responsibility for up to one-half of the programs' costs; and

WHEREAS, this proposal also includes matching funds for the Cooperative Extension 4-H Youth Service Project not to exceed \$22,500; and

WHEREAS, certain YDP programs held in 2019 were cancelled in 2020 due to the COVID-19 pandemic; and

WHEREAS, all other agencies or municipalities listed in the proposed YDP allocation will provide, from their current or prospective budgets, the other half of the program expenditures; and

WHEREAS, the State Office of Children and Family Services (OCFS) offers 60% state funding, 40% local share, for qualified local services or agencies participating in its Runaway Homeless Youth Act (RHYA) program; and

WHEREAS, these applications for possible State funds require authorized signatures of the Chair and Clerk of this Board and of our Youth Bureau Director; now, therefore, be it

RESOLVED, that the County of Saratoga will operate a Youth Bureau in 2020; and, be it further

RESOLVED, that the County confirms that it has appropriated \$22,500 in matching funds for the Cooperative Extension 4-H Youth Service Project in the 2020 County Budget; and, be it further

RESOLVED, that the Chair and Clerk of this Board and the Youth Bureau Director execute all documents required by the State OCFS for approval, reimbursement and implementation of the actual 2020 Youth Bureau Resources Allocation for the County and its local governments; and, be it further

RESOLVED, that the Chair of the Board execute all subcontracts for acceptance of the following 2020 YDP funds by the following agencies:

<u>AGENCY</u>	<u>2020 YDP</u>
4-H Youth Service Project	\$ 5,471
Ballston Area Recreation Commission - BARC	\$ 4,787
CAPTAIN CAPteens (Clifton Park)	\$ 4,719
CAPTAIN CAPteens (Halfmoon)	\$ 1,273
Cool Out of School (Prevention Council)	\$ 6,620
Family Enrichment Services (Catholic Charities)	\$ 14,564
Job Assist – Ballston Spa (CAPTAIN Community Human Services)	\$ 3,361
Job Assist – Burnt Hills (CAPTAIN Community Human Services)	\$ 3,462

Job Assist – Clifton Park (T/Clifton Park)	\$ 2,995
Lively Library Learning (Southern Adirondack Library System)	\$ 1,120
Mentoring (Big Brothers/Big Sisters of Capital Region)	\$ 3,871
Moreau Community Center – Kids Korner	\$ 2,444
Outreach in the Park (CAPTAIN Community Human Services)	\$ 2,647
Parent and Child Support Services – Saratoga Center for the Family	\$ 7,232
Project LIFT – Franklin Area Community Center, Inc.	\$ 10,694
Project LIFT Volunteers – Franklin Area Community Center, Inc.	\$ 2,851
Saratoga Mentoring Program (Catholic Charities)	\$ 10,042
Schuylerville Youth Program (Greater Schuylerville Youth Center)	\$ 7,741
Support Treatment Groups for Children – Saratoga Center for the Family	\$ 1,221
Youth Development Program (Mechanicville Area Community Services Center)	\$ 7,129
Youth Enrichment Program (T/Clifton Park)	\$ 3,667
SACC Teen Nights (Stillwater Area Community Center)	\$ 2,036
Youth Referral Service (T/Galway)	\$ 254
Youth Social Recreation (Ballston Area Community Center)	\$ 7,944
Drop-In Program – T/Wilton	\$ 3,668
Galway Recreation Program	\$ 2,571
Greenfield Summer Recreation	\$ 3,158
Saratoga Springs Recreation Commission	\$ 6,927
Town of Malta Summer Recreation Program	\$ 2,546
Town of Moreau Recreation Youth Program	<u>\$ 3,140</u>
	\$140,155

and, be it further

RESOLVED, that the Chair of the Board execute the following subcontract for acceptance of the 2020 RHYA funds by the following agency:

	2020
<u>AGENCY</u>	<u>RHYA</u>
CAPTAIN/Youth Shelter	\$12,446

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 226 - 2020

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

AUTHORIZING THE ACCEPTANCE OF A \$1,000 DONATION FROM THE LIGHT RAIN FOUNDATION FOR THE SARATOGA COUNTY OFFICE FOR THE AGING AND AMENDING THE 2020 COUNTY BUDGET IN RELATION THERETO

WHEREAS, the Saratoga County Office for the Aging has received a donation in the amount of \$1,000 from The Light Rain Foundation of Stillwater, New York with a letter thanking the Office for the valuable work that it is doing in the community; and

WHEREAS, the Office for the Aging plans to utilize said gift to supplement funding for its Senior Nutrition Program; and

WHEREAS, an amendment to the 2020 Saratoga County Budget is necessary to implement the acceptance of this generous donation; now, therefore, be it

RESOLVED, that this Board of Supervisors accepts and acknowledges the generous gift of \$1,000 from The Light Rain Foundation that will be used to supplement funding for the Office for the Aging’s Senior Nutrition Program; and be it further

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

OFFICE FOR THE AGING

Appropriations:

Increase Acct. #A.76.761-7761 Senior Nutrition Program \$1,000

Revenues:

Increase Acct. #A.76-1554 Donations \$1,000

and, be it further

RESOLVED, that the Director of the Saratoga County Office for the Aging take the appropriate steps to express to The Light Rain Foundation the gratitude of this Board for its generous gift.

BUDGET IMPACT STATEMENT: None. 100% local aid.

RESOLUTION 227 - 2020

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

AUTHORIZING 2021 SUBCONTRACTS FOR THE OFFICE FOR THE AGING PURSUANT TO THE 2020-2021 ANNUAL IMPLEMENTATION PLAN

WHEREAS, the Saratoga County Office for the Aging, provides programs to some elderly County residents under Title III of the Federal Older Americans Act of 1965, as amended, and the State Community Services Act of 1979 (Executive Law, Article 19-J); and

WHEREAS, the Federal Act requires the preparation of a Four-Year Service Plan, annual updates and funding applications for the provision of listed services; and

WHEREAS, the State Act requires the submission of an Annual Plan for the delivery of community services, which Plan also serves as the Federal annual update; and

WHEREAS, the New York State Office for the Aging has determined that there will not be a need for an annual update at this time as the 2020 plan was not followed through with due to the COVID-19 pandemic and is being rolled over for 2021; and

WHEREAS, pursuant to Resolution 234-2019, this Board approved the 2020-2021 Annual Implementation Plan proposed by our Office for the Aging for the provision of community services to the County’s elderly population; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute the following 2021 subcontracts, with the form and content thereof being subject to the approval of the County Attorney, namely:

<u>PROVIDER</u>	<u>FUNDING</u>	<u>SERVICE</u>	<u>TERM</u>	<u>AMOUNT</u>
A & H Services 5 Thompson View Ballston Spa, NY 12020	IIIB and AAA Transportation & Community Services for the Elderly (CSE)	Transportation (City of Saratoga Springs)	1/1/21-12/31/21 Contributions Match Reimbursement	\$ 450.00/day \$ 1,500.00 \$ 0.00 \$112,500.00
A & H Services 5 Thompson View Ballston Spa, NY 12020	IIIB and AAA Transportation & Community Service for the Elderly (CSE)	Transportation (6 Towns)	1/1/21-12/31/21 Contributions Match Reimbursement	\$ 450.00/day \$ 1,500.00 \$ 0.00 \$112,500.00
A&H Services 5 Thompson View Ballston Spa, NY 12020	WIN, AAA Transportation & Community Services for the Elderly (CSE)	Transportation (5 Towns)	4/1/21-3/31/22 Contributions Match Reimbursement	\$ 250.00/day \$ 0.00 \$ 0.00 \$50,250.00
Town of Corinth 600 Palmer Ave. Corinth, NY 12822	Community Services for the Elderly (CSE)	Transportation	4/1/21-3/31/22 Contributions Match Reimbursement	\$ 30,200.00 \$ 200.00 \$ 7,500.00 \$ 22,500.00
City of Mechanicville 36 North Main Street	Community Services for	Transportation	4/1/21-3/31/22 Contributions	\$ 8,640.00 \$ 3,000.00

PROCEEDINGS OF THE BOARD OF SUPERVISORS

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Mechanicville, NY 12118	the Elderly (CSE)		Match	\$ 1,440.00
			Reimbursement	\$ 4,200.00
Captain Community Human Services 543 Saratoga Road Glenville, NY 12302	Community Services for the Elderly (CSE)	Care Links Program	4/1/21-3/31/22	\$ 40,000.00
			Contributions	\$ 0.00
			Match	\$ 10,000.00
			Reimbursement	\$ 30,000.00
Town of Clifton Park 1 Town Hall Plaza Clifton Park, NY 12065	Community Services for the Elderly (CSE)	Senior Center Recreation & Education	4/1/21-3/31/22	\$ 13,334.00
			Contributions	\$ 0.00
			Match	\$ 3,334.00
			Reimbursement	\$ 10,000.00
O’Connell and Aronowitz 1 Court Street Saratoga Springs, NY 12866	IIIB	Legal Services	1/1/21-12/31/21	\$ 34,334.00
			Contributions	\$ 1,000.00
			Match	\$ 3,334.00
			Reimbursement	\$ 30,000.00
Christine Kudlacik, RD 79 Louden Road Saratoga Springs, NY 12866	Title IIIC WIN	Dietician Services	1/1/21-12/31/21	\$ 45.00/hour
			4/1/21-3/31/22	\$ 45.00/hour
Greater Adirondack Home Aides 25 Willowbrook Rd, #4 Queensbury, NY 12804	IIIE & EISEP	In-Home Respite Care	1/1/21-12/31/21	\$24.00/hour
NEC Care, Inc. Home Instead Senior Care 12 Mountain Ledge Dr., #3 Gansevoort, NY 12831	IIIE & EISEP	In-Home Respite Care	1/1/21-12/31/21	\$24.00/hour
Wesley Senior Solutions 396 Louden Road Saratoga Springs, NY 12866	IIIE & EISEP	In-Home Respite Care	1/1/21-12/31/21	\$24.00/hour
Mechanicville Area Community Services Center PO Box 30, 6 South Main St. Mechanicville, NY 12118	Community Services for the Elderly (CSE)	Elder Care Services	4/1/21-3/31/22	\$ 56,000.00
			Contributions	\$ 0.00
			Match	\$ 14,000.00
			Reimbursement	\$ 42,000.00
Lena’s Adult Day Services, Inc. 230 Bluebird Road South Glens Falls, NY 12803	EISEP	Social Adult Day Care	4/1/21-3/31/22	\$ 33,334.00
			Contributions	\$ 0.00
			Match	\$ 8,334.00
			Reimbursement	\$ 25,000.00
GTL, Incorporated d/b/a Link to Life 27475 Meadowbrook Road Novi, MI 48377	EISEP	Personal Emergency Response Systems (PERS)	1/1/21-12/31/21	\$ 24,000.00
			Contributions	\$ 0.00
			Match	\$ 0.00
			Reimbursement	\$ 24,000.00

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 228 - 2020

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

AUTHORIZING A CONTRACT WITH SHELBY FARRELLY FOR CONTACT TRACING SERVICES

WHEREAS, pursuant to Resolution 111-2020, this Board authorized the County Administrator to execute up to fifty (50) minor contracts with individuals identified by Saratoga County Public Health Services as willing to serve and complete the required training to work as contact tracers on an as needed basis, at a rate of compensation of \$25.00 per hour; and

WHEREAS, the County entered into an existing minor contract with Shelby Farrelly dated July 31, 2020 for contact tracer services to rapidly interview positive COVID-19 patients; identify their close contacts; interview and alert those contacts to the risk of infection; instruct the contacts to quarantine or isolate for 14 days and monitor those in quarantine or isolation to ensure their compliance and to ascertain if they are showing any symptoms of COVID-19 and

WHEREAS, Shelby Farrelly has been a dependable contact tracer and her work has proven to be superior, and as she is a nursing student who is doing her studies online she is available to perform contact tracing services full time; and

WHEREAS, it is anticipated that the cost of services performed by Shelby will meet or exceed the minor contract limit of \$15,000 before the end of November, 2020; and

WHEREAS, our Health and Social Services Committee and Acting Director of Public Health have recommended that the County enter into a new agreement with Shelby Farrelly for contact tracing services for a term of one year, commencing at the signing of said agreement, at the rate of \$25.00 per hour, with the total contract not to exceed the sum of \$52,000; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with Shelby Farrelly of Saratoga Springs, New York for contact tracing services for a term of one year, commencing at the signing of said agreement, at the rate of \$25.00 per hour, with the total contract not to exceed the sum of \$52,000; 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 contract will be covered by a Health Research, Inc. grant.

RESOLUTION 229 - 2020

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

AMENDING RESOLUTION 85-2020 TO AUTHORIZE AN ADDITIONAL INSURANCE PREMIUM OF \$10,905.78 FOR PROPERTY INSURANCE COVERAGE FOR THE NEW PUBLIC SAFETY BUILDING

WHEREAS, pursuant to Resolution 85-2020, this Board authorized the award of the County's insurance coverages for the policy period May 8, 2020 through May 8, 2021, which included an award of the County's Property liability coverage to Chubb Insurance Company ("Chubb") at a premium of \$197,534; and

WHEREAS, our insurance agent, Cool Insuring Agency, Inc. ("Cool") has procured additional property insurance coverage through Chubb for the new Public Safety Building at 6012 County Farm Road, Ballston Spa, effective as of August 20, 2020, for an additional premium of \$10,905.78 and has provided an amended Property insurance policy to the County for said additional coverage; and

WHEREAS, it is necessary to amend Resolution 85-2020 to increase the County's premium payment for Property insurance coverage with Chubb by an additional \$10,905.78, thereby increasing the total insurance premium to \$208,439.78, and to authorize payment to Cool for the additional premium of \$10,905.78; now, therefore, be it

RESOLVED, that Resolution 85-2020 is hereby amended to increase the County's premium payment to Chubb for property insurance coverage by \$10,905.78 to \$208,439.78 for additional property insurance coverage for the new Public Safety Building; and, be it further

RESOLVED, that payment to Cool Insuring Agency, Inc. of the additional premium amount of \$10,905.78 is hereby authorized.

BUDGET IMPACT STATEMENT: None. Funds are available in the 2020 County Budget.

RESOLUTION 230 - 2020

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

AMENDING THE 2020 COMPENSATION SCHEDULE UNDER INFORMATION TECHNOLOGY

WHEREAS, the Information Technology Department has experienced an increase in Help Desk tickets submitted both during the standard workday and after hours from County departments, such as Public Health Services, to support COVID-19 operations, as well as from the Sheriff's Department which requires 24/7 support; and

WHEREAS, the Human Resources and Insurance Committee, the Director of Human Resources and the Director of Information Technology have recommended that the 2020 Saratoga County Compensation Schedule be amended under Information Technology to reclassify one (1) position of Computer Programmer to one (1) PC Network Technician with a base salary of \$53,898, and to create one (1) position of PC Technical Network Specialist with a base salary of \$64,106 in order to properly meet the increased information technology needs of County departments during standard work hours and after hours; now, therefore, be it

RESOLVED, that the 2020 Saratoga County Compensation Schedule is amended effective as of November 27, 2020 as follows:

UNDER INFORMATION TECHNOLOGY:

Reclassify (1) Computer Programmer to (1) PC Network Technician, Base Salary \$53,898
Create (1) PC Technical Network Specialist, Base Salary \$64,106

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 231 - 2020

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

RATIFYING 2020-2022 COLLECTIVE BARGAINING AGREEMENT WITH THE UNITED PUBLIC SERVICE EMPLOYEES UNION, AMENDING THE 2020 COMPENSATION SCHEDULE, AND AMENDING THE 2020 BUDGET

WHEREAS, Resolution 45-2017 approved a four year Collective Bargaining Agreement with the Saratoga County Sheriff's Officers Association, Inc., which Collective Bargaining Agreement expired on December 31, 2018; and

WHEREAS, subsequent to the expiration of said Collective Bargaining Agreement, the United Public Service Employees Union (UPSEU) replaced the Saratoga County Sheriff Officers Association, Inc. as the bargaining agent for those employees previously represented by the Saratoga County Sheriff Officers Association, Inc.; and

WHEREAS, Resolution 90-2020 approved a one year extension of the previously expired Collective Bargaining Agreement with the UPSEU through December 31, 2019; and

WHEREAS, our Negotiating Committee has engaged in collective bargaining contract negotiations with the UPSEU, and a Memorandum of Agreement extending the expired Collective Bargaining Agreement for an additional three (3) years from January 1, 2020 through December 31, 2022 was approved by our Negotiating Committee and executed by the County Administrator, Sheriff Zurlo and UPSEU Labor Relations Representative Paul Iachetta; and

WHEREAS, the Tentative Agreement for a three year extension of the Collective Bargaining Agreement through December 31, 2022 was approved by the UPSEU's membership on November 3, 2020; and

WHEREAS, our Negotiating Committee, the Saratoga County Sheriff and the County's Director of Human Resources have recommended that the Memorandum of Agreement with the UPSEU be ratified, and that the Sheriff Compensation Schedule for the year 2020 in the Saratoga County Compensation Schedule be

accordingly amended to incorporate the agreed upon compensation matrix and salary rates; now, therefore, be it

RESOLVED, that this Board of Supervisors hereby approves the Tentative 2020-2022 Agreement with the United Public Service Employees Union providing for a three year extension of the previously expired Collective Bargaining Agreement for the term from January 1, 2020 through December 31, 2022; and, be it further

RESOLVED, the Sheriff Compensation Schedule in the 2020 Saratoga County Compensation Schedules are accordingly amended to incorporate the United Public Service Employees Union compensation matrix and salary rates as set forth in the 2020-2022 Collective Bargaining Agreement with the UPSEU; and be it further

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

SHERIFF’S DEPARTMENT:

Appropriations:

Increase Acct.: A.30.301.6000 Regular Wages	\$150,309
Increase Acct.: A.30.301.6930 Social Security	\$ 11,498

Revenues:

Increase Acct.: A.0599.B Appropriated Fund Balance	\$161,807
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BUDGET IMPACT STATEMENT: Ratification of the agreement will require an appropriation from fund balance in the amount of \$161,807.

RESOLUTION 232 - 2020

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

EXTENDING THE ALTERNATIVE WORK ARRANGEMENT POLICY TO ALL COUNTY DEPARTMENTS ON A TRIAL BASIS

WHEREAS, pursuant to Resolution 210-2020, this Board of Supervisors authorized on a trial basis an Alternative Work Arrangement Policy for County employees in the County Auditor’s Office and the Department of Social Services whose duties are capable of being performed outside of the normal work hours of 8:00 am to 4:00 pm or 9:00 am to 5:00 pm; and

WHEREAS, our Human Resources and Insurance Committee has recommended that: 1) the Alternative Work Arrangement Policy be extended to all County Departments on a trial basis; and 2) that Department heads that implement the Alternative Work Arrangement Policy in their departments shall provide periodic feedback to the Director of Human Resources or her designee relative to the results experienced in implementing the Policy; and 3) the Director of Human Resources shall report monthly to the Human Resources and Insurance Committee on the feedback received from departments that implemented the Policy; now, therefore, be it

RESOLVED, that the Alternative Work Arrangement Policy as approved by this Board pursuant to Resolution 210-2020, a copy of which is attached hereto, is hereby extended to all County Departments on a trial basis commencing November 18, 2020; and be it further

RESOLVED, that Department heads that implement the Alternative Work Arrangement Policy in their departments shall provide periodic feedback to the Director of Human Resources or her designee relative to the results experienced in implementing the Policy; and be it further

RESOLVED, that the Director of Human Resources shall report monthly to the Human Resources and Insurance Committee on the feedback received from departments that implemented the Alternative Work Arrangement Policy.

BUDGET IMPACT STATEMENT: No budget impact.

Saratoga County - Alternative Work Arrangement Policy

Purpose:

To establish a policy and procedure to facilitate, where appropriate, the use of an alternative work arrangement in order to attract and retain a diverse and talented work force, reduce costs, and improve productivity among employees. Saratoga County supports alternative work arrangements and gives authority to department heads to implement a flex schedule arrangement, where appropriate, for eligible employees.

Policy Statement:

Applicable to all Saratoga County departments where an alternative work arrangement is feasible and appropriate; where an employee's standard work day may be flexed due to employee needs and/or the operational efficiency of a department.

Policy and Procedure:

An alternate work arrangement means flexible schedule. This arrangement has been agreed to by the department head and the employee when an employee's schedule is shifted to start or end outside an employee's standard hours of operation. The total number of work hours in the work week and the compensation remain the same.

Alternative Work arrangements may be implemented where appropriate and approved by the department head for eligible employees. Alternative Work arrangements may be made when organizational impacts of such arrangements do not have negative impacts on the department's operation. Negative impact means that the mission of the department is impeded by a flexible work schedule or schedules causing a decrease in services, productivity, production or work quality.

Alternative Work arrangements are not appropriate for all departments. No employee is entitled to, nor guaranteed the opportunity to have an Alternative Work schedule. Offering the opportunity for an Alternative Work arrangement is based on the discretion of the employee's department head. An employee's participation is strictly voluntary. Department heads have the authority to either approve or deny the request. All Alternative Work arrangements must meet the criteria in this policy and may be terminated at any time by the department head or the employee. The department head and/or the employee shall endeavor to give 5 days' notice when terminating an Alternative Work arrangement. By participating in this voluntary arrangement, employees agree to the terms of this policy and waive their rights to a grievance process.

An employee wishing to request an Alternative Work arrangement shall submit a written request to his/her department head one week from the desired start date. An Alternative Work arrangement must be mutually agreed upon in writing by the employee and department head. Any changes, other than termination of the arrangement, to the written agreement must also be documented in writing and approved by the employee and the department head.

Alternative Work agreements must expire on a routine basis, up to a maximum 3-month period. At the expiration of an Alternative Work agreement, the employee may request renewal of the arrangement one week from the desired end date. The request to renew the arrangement must be made in writing.

The department head will evaluate and adjust Alternative Work arrangements as needed to meet their organizational and workload needs. Adjustments may be made at any time during the agreement, subject to department head approval.

After an employee begins an Alternative Work arrangement, supervisors must conduct periodic reviews with the employee to evaluate the success of the arrangement. The initial Alternative Work agreement shall be reviewed and evaluated during the first 30 days. Subsequent Alternative Work agreements shall be reviewed no less than every 3 months.

Work hours, overtime compensation, and annual leave schedule must conform to state and federal law and the County policies.

Employees must record and report all of their time accurately.

Employees are expected to be working during their Alternative Work schedule without the availability of a direct supervisor and to the extent possible employees must follow all departmental and county policies and procedures during non-standard hours of operation.

The Alternate Work Arrangement Policy is not a substitute for requests for accommodation due to disability, a serious medical condition, or for some other statutorily proscribed reason. Those requests must be made separately in accordance with County policy and procedure.

Alternative Work Arrangement Eligibility:

Characteristics of the employee will include a demonstrated conscientiousness about work time and productivity, self-motivation and the ability to work well alone. The employee communicates effectively with supervisors, co-workers, support staff and public.

PROCEDURE:

- Action By Action
- Employee o Makes a written request and submits it to Department Head.
- Department Head o Reviews request. May request a written analysis of work tasks from employee, or other information needed to evaluate the feasibility of the Alternative Work arrangement.
- o Informs employee in writing of denial or granting of request for a flex schedule and service expenses, if applicable, including date the arrangement will be implemented and date it will end. If denied, provides the employee with a written explanation of why the request has been denied.

Alternative Work Agreement

Employee Name

Department Head Name

Union (If applicable)

The parameters of this Alternative Work Agreement are valid for the following period of time, unless terminated early by the Department Head:

<input type="checkbox"/> Initial Trial Period	____/____/____ to ____/____/____
<input type="checkbox"/> Renewal	____/____/____ to ____/____/____

Alternative Work Schedule

It is understood that Alternative Work days must be scheduled in advance and approved by the department head. At certain times, it may be necessary for the Alternative Work schedule to be revised to ensure critical deadlines are met or to attend meetings. Any changes by the employee in the agreed upon schedule must be pre-approved, and when permanent, documented and appended to this Agreement.

This arrangement must be reviewed and renewed to ensure the standards for participation are being followed.

The following Alternative Work schedule is being established:

Alternative Work Days of Week/Month	<input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday
_____ days of the month	
Monday	From: _____ To: _____
Tuesday	From: _____ To: _____
Wednesday	From: _____ To: _____
Thursday	From: _____ To: _____
Friday	From: _____ To: _____
Saturday	From: _____ To: _____
Sunday	From: _____ To: _____

The employee agrees to complete assignments during the Alternative Work Schedule by the agreed upon delivery dates. The employee further agrees to report all time spent working honestly and accurately. The department head/supervisor will provide the alternative worker/ employee with all work assignments.

Additional Departmental Terms

I have reviewed the terms and conditions of the Alternative Work Policy and this Agreement with my department head and voluntarily agree to comply with all of the terms and conditions. The terms of this Agreement will remain in effect until the Agreement is terminated by either of the parties or amended in writing, or the approved remote working period ends.

Department	Date
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County Office Address	County Telephone Number

Employee Signature	Department Head Signature
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RESOLUTION 234 - 2020

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

AMENDING RESOLUTION 247-2017, AS AMENDED BY RESOLUTION 216-2019, TO AUTHORIZE THE CHAIRMAN TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH PITTSFIELD COMMUNICATIONS SYSTEMS, INC. FOR THE INSTALLATION AND PROGRAMMING OF ADDITIONAL 800 MHZ RADIO EQUIPMENT

WHEREAS, pursuant to Resolution 247-2017, this Board authorized an agreement with Pittsfield Communications Systems, Inc. for the removal, installation, programming and maintenance of the County's public safety radio equipment maintained by the Office of Emergency Services, the Department of Public Works and the Sheriff's Department, for a term of three years commencing September 1, 2017 and terminating August 31, 2020, subject to renewal for a term of one year, at an annual cost not to exceed \$20,200; and

WHEREAS, pursuant to Resolution 216-2019, this Board authorized an amendment to the agreement with Pittsfield Communications Systems, Inc. for the installation and programming of additional 800 MHZ radio equipment for 12 new Sheriff vehicles, the additional school resource officers, and one vehicle for the Department of Public Works at an additional cost of \$7,961.03, thereby increasing the total contract amount to \$28,161.03; and

WHEREAS, the County and Pittsfield Communications Systems, Inc. exercised the one year renewal of their agreement authorized by Resolution 247-2017 for the term September 1, 2020 through August 31, 2021; and

WHEREAS, the County has recently purchased additional Sheriff’s Department, County Highway and Office of Emergency Services vehicles in which 800 MHZ radio equipment must be installed and programmed; and

WHEREAS, Pittsfield Communications Systems, Inc. has provided a quote for the installation and programming of the additional 800 MHZ radio equipment in the amount of \$4,077.45, which if accepted would increase the total contract amount with Pittsfield Communications Systems, Inc. to \$32,238.48; and

WHEREAS, it is appropriate to amend the agreement with Pittsfield Communications Systems, Inc. to include the installation and programming of the additional 800 MHZ radios at the added cost of \$4,077.45; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute an amendment to the agreement with Pittsfield Communications Systems, Inc. of Pittsfield, Massachusetts, for the installation and programming of additional 800MHZ radio equipment for recently purchased Sheriff’s Department, County Highway and Office of Emergency Services vehicles, at an additional cost not to exceed \$4,077.45, thereby increasing the total contract amount to \$32,238.48; and, be it further

RESOLVED, that Resolution 247-2017, as amended by Resolution 216-2019, is hereby amended accordingly; and

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

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 235 - 2020

Introduced by Supervisors Winney, Connolly, Gaston, Lant, Schopf, Wood and Zlotnick

AUTHORIZING CONVEYANCE OF TAX-ACQUIRED LANDS

WHEREAS, unpaid taxes resulted in the County's acquisition of certain lands in various towns; and

WHEREAS, certain former owners have requested the pre-auction conveyance of one or more of said parcels in consideration of the payment of an amount equal to the unpaid taxes, penalties, interest and charges; and

WHEREAS, our Real Property Tax Committee recommends the approval of these requests; now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisors convey by quitclaim deed to the following parties or their designee, the lands described below, upon payment of the indicated amount, which includes penalties, interest and charges:

<u>CONVEY TO:</u>	<u>TAX YEAR</u>	<u>TOWN</u>	<u>S/B/L</u>	<u>AMOUNT</u>
Tuckahoe Capital Group LLC PO Box 1916 Quogue, NY 11959	2017	Clifton Park	269.19-1-26.1	\$ 5,656.88
Raffaele Petruzzo 611 Main Street Corinth, NY 12822	2017	Corinth	74.-1-41.212	\$42,988.56
Raffaele Petruzzo 611 Main Street Corinth, NY 12822	2017	Corinth	74.-1-86	\$ 1,981.55
Raffaele Petruzzo 611 Main Street Corinth, NY 12822	2017	Corinth	74.-1-87	\$ 786.37

Rick DeMarsh & Laurie DeMarsh 3049 Galway Road Ballston Spa, NY 12020	2017	Galway	200.-1-36.122	\$18,372.39
Frank E. Mihalek 223 Spier Falls Rd. Greenfield, NY 12833	2017	Greenfield	112.-2-7.2	\$23,537.91
Frank E. Mihalek 223 Spier Falls Rd. Greenfield, NY 12833	2017	Greenfield	112.-2-7.12	\$15,504.10
Lawrence G. Sweeney 396 Route 67 Mechanicville, NY 12118	2017	Malta	251.-1-98	\$ 522.04
Lawrence Sweeney, subject to the Exclusive Life Use and Tenancy of Leona Sweeney 396 Route 67 Mechanicville, NY 12118	2017	Malta	251.-1-17.1	\$ 494.16
Lawrence Sweeney, subject to the Exclusive Life Use and Tenancy of Leona Sweeney 396 Route 67 Mechanicville, NY 12118	2017	Stillwater	251.-1-15.1	\$ 4,077.60
Lawrence G. Sweeney 386 Route 67 Mechanicville, NY 12118	2017	Stillwater	251.-1-13.1	\$ 6,918.41

BUDGET IMPACT STATEMENT: The above amounts include all penalties and interest.

RESOLUTION 236 - 2020

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

INTRODUCING A PROPOSED LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 2 OF 2020, PRINT NO. 1, ENTITLED “A LOCAL LAW ESTABLISHING RULES AND REGULATIONS COVERING PARKING ON COUNTY-OWNED AND COUNTY-LEASED PROPERTY, AND REPEALING LOCAL LAW NO. 6 OF 1978”, AND SETTING A DATE FOR A PUBLIC HEARING THEREON

WHEREAS, a proposed Local Law, identified as Introductory No. 2 of 2020, Print No. 1, entitled “A Local Law Establishing Rules and Regulations Covering Parking on County-Owned and County-Leased Property, and Repealing Local Law No. 6 of 1978” is being introduced before this Board and is attached hereto as SCHEDULE A, which if adopted will, among other things, enact parking rules and regulations for all currently owned and leased County properties; enact winter parking rules and regulations; revise the penalties for violations to eliminate imprisonment and to increase the amount of the maximum fine; and to repeal the existing and outdated 42 year old parking rules and regulations set forth in Local Law No. 6 of 1978; and

WHEREAS, Municipal Home Rule Law §20(5) requires this Board of Supervisors to hold a public hearing on said proposed Local Law; now, therefore, be it

RESOLVED, that a proposed Local Law, identified as Introductory No. 2 of 2020, Print No. 1, entitled “A Local Law Establishing Rules and Regulations Covering Parking on County-Owned and County-Leased Property, and Repealing Local Law No. 6 of 1978”, which is attached hereto as SCHEDULE A, is hereby

introduced before the Saratoga County Board of Supervisors, and the Board of Supervisors shall hold a Public Hearing on December 9, 2020 at 4:25 p.m., or as soon thereafter as the Board can convene, in the Meeting Room of the Saratoga County Board of Supervisors at 40 McMaster Street, Ballston Spa, New York 12020, on the matter of the adoption of such proposed Local Law; and be it further

RESOLVED, due to public health and safety concerns related to COVID-19, and in accordance with Governor Cuomo's Executive Order 202.1, as last extended by Executive Order 202.72, public comment will be received via email to: publiccomment@saratogacountyny.gov, or by written correspondence addressed to: Clerk of the Board, Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, NY, 12020, which public comment must be received by December 9, 2020 at 4:30 pm; and, be it further

RESOLVED, that the Clerk of the Board shall publish a notice of this public hearing in the official County newspapers; and, be it further

RESOLVED, that the Clerk of the Board shall post the notice of this public hearing on the home page of the County of Saratoga's website.

BUDGET IMPACT STATEMENT: No budget impact.

SCHEDULE A

INTRODUCTORY NO. 2 OF 2020

PRINT NO. 1

INTRODUCED BY: Supervisors Veitch, Grattidge, Kinowski, Peck, Smith, Wood and Zlotnick

COUNTY OF SARATOGA - LOCAL LAW NO. OF 2020

A LOCAL LAW ESTABLISHING RULES AND REGULATIONS COVERING PARKING ON COUNTY-OWNED AND COUNTY-LEASED PROPERTY, AND REPEALING LOCAL LAW NO. 6 OF 1978

BE IT ENACTED by the Board of Supervisors of the County of Saratoga as follows:

SECTION 1. Title. This Local Law shall be known as "A Local Law Establishing Rules and Regulations Covering Parking on County-Owned and County-Leased Property, and Repealing Local Law No. 6 of 1978".

SECTION 2. Definitions.

A. The following words when used in this local law, shall have the meanings ascribed to them except in those instances where the context clearly indicated otherwise:

- a. The word "vehicle" shall mean any device in, upon or which a person or property is or may be transported upon a highway.
- b. The word "person" shall mean and include every natural person, firm, co-partnership, association or corporation.
- c. The word "operator" shall mean and include every person who shall operate a vehicle as the owner thereof or as the agent, employee or permittee of the owner, or the person in actual physical control of the vehicle.
- d. The word "park" shall mean and include the permitting of any vehicle to be parked or put in place and let remain or leave standing in or upon county-owned or county-leased property hereafter described in Section 3 of this local law.
- e. The word "area" shall mean and include the county-owned and county-leased property hereafter described in Section 3 of this local law.
- f. The word "Sheriff" shall mean and include the Sheriff of the County of Saratoga and any and all deputies, designees or subordinates as designated by him from time to time in and about the operation and policing of the parking areas hereafter described.

B. Unless otherwise indicated above or by the context in which they might be used, all words used herein shall have the meanings ascribed to them by the General Construction Law of the State of New York.

SECTION 3. Restricted Parking Areas. The following county-owned or county-leased lands and areas are designated as restricted parking areas to be used and controlled as follows:

- A. Parking of motor vehicles on the following driving lanes and driveways of county-owned parking lots in the Village of Ballston Spa, Town of Milton, and City of Saratoga Springs, New York is hereby strictly prohibited:
- i. The driving lane throughout the parking lot at the Motor Vehicle Parking Lot abutting on Remsen Street.
 - ii. The driving lane throughout the parking lot on the south side of West High Street with ingress and egress onto West High Street.
 - iii. The driving lane throughout the parking lot lying on the west side of Church Avenue and which exits onto McMaster Street.
 - iv. The driveway leading from the Church Avenue parking lot which exits onto McMaster Street.
 - v. The driving lane through the Supervisors and Administration parking lot to the east of the Building 1 at 40 McMaster Street with ingress and egress onto McMaster Street.
 - vi. The driving lane throughout the parking lot on the north side of West High Street servicing the first floor level of Building 5 at 50 West High Street, with ingress and egress onto West High Street and Science Street.
 - vii. The driving lane throughout the parking lot on the south side of Building 5 with ingress and egress onto Bath Street and Science Street.
 - viii. With regard to the building at 152 West High Street, the driving lanes throughout all four parking lots surrounding the building, and the driveway providing ingress and egress to the building from West High Street.
 - ix. With regard to the Department of Public Works Administration building at 3654 Galway Road, the driving lane through the interior of the parking lot in front of the building, and the driving lanes leading to the building and parking lot from Galway Road and County Farm Road.
 - x. With regard to the Fire Training Center at 6010 County Farm Road, the driving lane through the interior of the parking lot and the driveway to the parking lot from County Farm Road.
 - xi. With regard to the Animal Shelter building at 6010 County Farm Road, the driving lanes through the three parking lots to the east, north and south of the building and the driveways to the parking lots from County Farm Road.
 - xii. With regard to the Saratoga County Jail building at 6010 County Farm Road, the driving lanes throughout the parking lot in front of/to the east of the building and the driveway to the parking lot from County Farm Road.
 - xiii. With regard to the Paul E. Lent Public Safety Building at 6012 County Farm Road and the three unrestricted access parking lots to the northeast, east and south of the building, the driving lanes throughout the parking lots and the driveway leading in from County Farm Road.
 - xiv. With regard to the 60 space public parking lot at the Saratoga County Airport, the driving lanes throughout the parking lot.
 - xv. With regard to the leased premises for Saratoga County Mental Health and Addiction Services at 135 South Broadway in the City of Saratoga Springs, the driving lanes throughout the two parking lots around the building, and the driveways providing ingress and egress to each lot from South Broadway and Adelphi Street respectively.
- B. Parking of motor vehicles on the following driving lanes and driveways of county-owned parking lots in the Town of Milton is hereby strictly prohibited:
- i. The four hundred and thirty (430') foot driveway leading from the Greenfield Avenue extension to the hanger and ramp area of the Saratoga County Airport.
 - ii. The entrance road and loop driveway at the Saratoga County Airport.

SECTION 4. Posting. No parking shall be permitted in the described restricted areas, which shall be posted by the County of Saratoga.

SECTION 5. Winter Parking Restrictions. Commencing this date and hereafter on the first day of November of each year, parking of vehicles shall be prohibited in County parking lots between the hours of 12:00 midnight and 6:00 a.m. This restriction on parking shall continue until May 1 of each year and shall be in effect each year hereafter during the period of November 1 at 12:00 midnight and the following May 1 at 6:00 a.m.

SECTION 6. Signs. The Public Works Department shall erect and maintain at such parking lots suitable signs which will give adequate notice of the limitations of the hours of parking thereon.

SECTION 7. Enforcement; removal and storage of vehicles. The Sheriff and other municipal police officers shall police the area and issue a summons in the name of the county to a person or operator unlawfully parking a vehicle contrary to the provision of this local law. Such unlawful parking is hereby made an offense contrary to this local law and the Penal Law of the State of New York. Whenever any vehicle shall be found parked in violation of this law, such vehicle in the discretion of the Sheriff, may be removed and transported by and under the direction of the Sheriff by means of towing the same or otherwise to some suitable place of storage and such removal and storage shall be at the risk and expense of the owner of such vehicle. Before the owner or person in charge of said vehicle shall be permitted to remove the same from the custody of the Sheriff, he shall furnish evidence of his identity and ownership or right to possession, pay the proper charges, and sign a receipt for such vehicle.

SECTION 8. Summons. Whenever any vehicle shall be found parked in violation of this law, the Sheriff or other municipal police officers shall thereupon issue a summons to such owner to appear at a time indicated before the local Justice Court having jurisdiction to answer for such violation in accordance with this law. Jurisdiction is hereby conferred upon and granted to such courts of special sessions to hear, try and determine all questions of law or fact herein provided.

SECTION 9. Penalties for Offenses. Any person, whether a principal or his agent violating or assisting in the violation of any provisions of this local law, may upon conviction thereof, be punished by a fine not exceeding Fifty and 00/100 (\$50.00) Dollars.

SECTION 10. Disposition of Fines. All fines paid to a Justice Court shall be the property of the municipality in which the court is established and has jurisdiction.

SECTION 11. Designated Parking Spaces. The Saratoga County Board of Supervisors may by resolution designate parking spaces in any County-owned or County-leased parking lot for the exclusive use of County officials, County employees, and/or customers or clients of specific County services.

SECTION 12. Repeal of Local Law No. 6 of 1978. Local Law No. 6 of 1978 is hereby repealed.

SECTION 13. Severability. In the event any section, part of section, sentence, clause or phrase of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment will not affect the validity of any other provision of this local law.

SECTION 14. Effective Date. This local law shall take effect upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

RESOLUTION 237 - 2020

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

AUTHORIZING THE RENEWAL OF THE INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF BALLSTON SPA ALLOWING PUBLIC PARKING IN THE COUNTY'S WEST HIGH STREET PARKING LOTS AFTER BUSINESS HOURS AND ON WEEKENDS THROUGH DECEMBER 1, 2021

WHEREAS, pursuant to Resolution 132-2020, this Board authorized an intermunicipal agreement with the Village of Ballston permitting the public's use of the County's parking lots at 25 West High Street and 50 West High Street on Thursdays and Fridays from 5:00 pm until 11:00 pm, and on weekends from 8:00 am to 11:00 pm, commencing on June 18, 2020 and continuing through November 1, 2020 subject to certain terms and conditions; and

WHEREAS, Mayor Larry Woolbright of the Village of Ballston Spa has requested that said intermunicipal agreement between the County and the Village be extended upon such terms and conditions and for such duration as the County shall agree; and

WHEREAS, our Buildings and Grounds Committee has recommended that the County’s parking lots at 25 West High Street and 50 West High Street be opened up for public use on Monday through Friday from 5:00 pm until 11:00 pm, and on weekends and County holidays from 8:00 am to 11:00 pm, commencing on December 1, 2020 and continuing through December 1, 2021, subject to the County and the Village of Ballston Spa (the “Village”) entering into an intermunicipal cooperative agreement providing as follows:

1. The Village shall name the County as an additional insured on the Village’s general liability policy, and shall provide the County with appropriate documentation of its additional insured status.
2. The Village 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 person driving through, parking on, or walking through the 25 West High Street and 50 West High Street parking lots during the following days and times that said parking lots are open for public use: Monday through Friday from 5:00 pm until 11:00 pm, and on weekends and County holidays from 8:00 am to 11:00 pm, commencing on December 1, 2020 and continuing through December 1, 2021.
3. The Village 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 public’s use of the 25 West High Street and 50 West High Street parking lots on the days and times that said parking lots are open to the public as designated above;

now, therefore, be it

RESOLVED, that the County’s parking lots at 25 West High Street and 50 West High Street shall be open for public use from Monday through Friday from 5:00 pm until 11:00 pm, and on weekends and County holidays from 8:00 am to 11:00 pm, commencing on December 1, 2020 and continuing through December 1, 2021, subject to the County and the Village of Ballston Spa (the “Village”) entering into an intermunicipal cooperative agreement providing as follows:

1. The Village shall name the County as an additional insured on the Village’s general liability policy, and shall provide the County with appropriate documentation of its additional insured status.
2. The Village 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 person driving through, parking on, or walking through the 25 West High Street and 50 West High Street parking lots during the following days and times that said parking lots are open for public use: Monday through Friday from 5:00 pm until 11:00 pm, and on weekends and County holidays from 8:00 am to 11:00 pm, commencing on December 1, 2020 and continuing through December 1, 2021.
3. The Village 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 public’s use of the 25 West High Street and 50 West High Street parking lots on the days and times that said parking lots are open to the public as designated above;

and, be it further

RESOLVED, that the Chair of the Board is authorized to execute an intermunicipal cooperative agreement with the Village of Ballston Spa 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 238 - 2020

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

AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE CLIFTON PARK WATER AUTHORITY FOR THE INSTALLATION OF A PUMP STATION AND WATER MAIN CONNECTING TO THE SARATOGA COUNTY WATER AUTHORITY’S WATER SYSTEM

WHEREAS, the Clifton Park Water Authority (“CPWA”) is undertaking a project to increase its water supply capacity from the Saratoga County Water Authority (“SCWA”); and

WHEREAS, said project includes the construction of a pump station, water main and associated infrastructure connecting to SCWA’s water transmission main on County lands along the Zim Smith Trail west of its intersection with East Line Road in the Town of Ballston; and

WHEREAS, the CPWA has requested the conveyance of a permanent easement from the County authorizing the CPWA to construct, maintain and operate the new water pump station on said County lands; and

WHEREAS, the proposed construction of the pump station, water main, associated infrastructure and site work will not impact the use of the County’s adjoining Zim Smith Trail; and

WHEREAS, our Economic Development Committee and Director of Planning have recommended that the requested permanent easement be approved and granted by this Board; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized and directed to execute a deed of easement and any and all other documents needed to convey to the Clifton Park Water Authority a permanent easement over County lands west of Eastline Road near its intersection with NYS Route 67 in the Town of Ballston for the construction, operation and maintenance of a pump station, water main and associated infrastructure providing the Clifton Park Water Authority with an additional connection to the Saratoga County Water Authority’s water system; and be it further

RESOLVED, that the form and content of such permanent easement and related documents shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 239 - 2020

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

AMENDING THE POLICIES AND PROCEDURES MANUAL TO REVISE THE COUNTY’S PURCHASING PROCEDURES, AND REGULATIONS FOR CONTRACTS AND SPENDING

WHEREAS, Resolution 330-82 adopted a manual of Policies and Procedures for the conduct of Saratoga County government; and

WHEREAS, since adoption, the Board of Supervisors has enacted numerous amendments to the Manual; and

WHEREAS, the annual review of the Manual, mandated by General Municipal Law Section 104-b, has disclosed the appropriateness of revisions proposed by the Director of Purchasing, in consultation with the County Administrator, County Attorney and County Auditor, to the County’s Purchasing Procedures and Regulations for Contracts and Spending to provide additional guidance to County Departments: on competitive and noncompetitive procurement; to match current thresholds for the creation of a purchase order; and the use of Federal contracts for certain Information Technology, law enforcement, and disaster recovery purchases; and

WHEREAS, copies of the proposed revised Purchasing Procedures and Regulations for Contracts and Spending policies were provided to each member of this Board; and

WHEREAS, the implementation of legislative revisions to the Manual requires the approval of this Board; now, therefore, be it

RESOLVED, that the following sections of the Saratoga County Policies and Procedures Manual are hereby amended as set forth in the policy revisions distributed to this Board:

<u>CHAPTER</u>	<u>SECTION</u>	<u>TITLE</u>	<u>ORIGINALLY ADOPTED</u>	<u>LAST REVISED</u>
2	C	Purchasing Procedures	8/17/82	11/19/2019
2	H	Regulations for Contracts	9/20/94	7/16/2019

and Spending

and, be it further

RESOLVED, that the Human Resources Department shall distribute copies of these amendments to all County departments and agencies.

BUDGET IMPACT STATEMENT: No budget impact.

On a motion by Mr. Pemrick, seconded by Mr. Smith Resolutions 240 and Resolution 241 were TABLED by a unanimous vote.

RESOLUTION 240 - 2020 (TABLED)

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

ADOPTING 2021 SARATOGA COUNTY BUDGET

BE IT RESOLVED, that the tentative 2021 Saratoga County Budget, submitted by the Budget Officer on November 5, 2020, with amendments, if any, be, and the same hereby is, adopted.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 241 – 2020 (TABLED)

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

APPROPRIATING AMOUNTS FINALLY SET FORTH IN 2021 SARATOGA COUNTY BUDGET

WHEREAS, Resolution 240 -2020 adopts, with certain amendments, the revised tentative 2021 Budget previously submitted by the Budget Officer; now, therefore, be it

RESOLVED, that the several amounts specified in the tentative 2021 Saratoga County Budget in the column entitled "Law and Finance Recommendations", with amendments, if any, be inserted by the Clerk of this Board in the column entitled "Adopted", and that the total amounts as listed under each department heading be carried into the column entitled "Total"; and, be it further

RESOLVED, that, effective January 1, 2021, these total amounts are appropriated for the objects and purposes specified in the now-adopted 2021 Budget for the County of Saratoga.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 242 - 2020

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

SETTING DECEMBER 2, 2020 FOR PUBLIC HEARING ON REVISED TENTATIVE 2021 SARATOGA COUNTY BUDGET

WHEREAS, the Budget Officer timely submitted the tentative 2021 Budget on November 5, 2020 to this Board; and

WHEREAS, pursuant to Local Law 1-50, our Law and Finance Committee has reviewed and revised the tentative Budget; and

WHEREAS, on November 16, 2020 the entire Board reviewed and made revisions to the tentative Budget; and

WHEREAS, County Law Section 359 requires the conduct of a public hearing on the revised tentative budget before its adoption; now, therefore, be it

RESOLVED, that this Board of Supervisors shall hold a public hearing on the revised tentative 2021 Saratoga County Budget on December 2, 2020, at 4:30 P.M. at the Saratoga County Board of Supervisors Chambers, 40 McMaster Street, Ballston Spa, New York 12020; and, be it further

RESOLVED, that the Clerk of this Board give the required notice of this hearing by publication in The Saratogian and The Daily Gazette.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 243 - 2020

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

APPROVING THE 2021 TAX BILL FLYER IN ACCORDANCE WITH LOCAL LAW NO. 1 OF 2012 ESTABLISHING TRUTH IN TAXATION IN SARATOGA COUNTY

WHEREAS, pursuant to Resolution 151-12 this Board adopted Local Law No. 1 of 2012 establishing Truth in Taxation in Saratoga County in an effort to provide a legal mechanism by which Saratoga County property owners would receive accurate County property tax bill information and County budget information on an annual basis; and

WHEREAS, Section 3 of Local Law No. 1 of 2012 directs the County Administrator and County Director of Real Property Tax Services to prepare a Tax Bill Flyer summarizing financial information regarding the portion of each annual County property tax bill resulting from State and Federal mandates, and to present said Tax Bill Flyer to the Board of Supervisors concurrently with the presentation of the tentative budget for the following year; and

WHEREAS, Section 3 of Local Law No. 1 of 2012 further requires this Board of Supervisors to annually approve the contents of said Tax Bill Flyer at the Board’s regular meeting during the month of November, and to authorize by resolution the manner by which said Tax Bill Flyer will be disseminated to Saratoga County property owners and the public; and

WHEREAS, the County Administrator and County Director of Real Property Tax Services have submitted to this Board for approval the Tax Bill Flyer for 2021 attached hereto as SCHEDULE A; and

WHEREAS, our Law and Finance Committee has recommended the approval of the attached 2021 Tax Bill Flyer; now, therefore, be it

RESOLVED, in accordance with Local Law No. 1 of 2012, this Board of Supervisors hereby approves the 2021 Tax Bill Flyer attached hereto as SCHEDULE A; and, be it further

RESOLVED, that said 2021 Tax Bill Flyer shall be included as an enclosure with each 2021 Saratoga County property tax bill when mailed, and shall be posted on the County of Saratoga’s website at www.saratogacountyny.gov by no later than January 1, 2021.

BUDGET IMPACT STATEMENT: No budget impact.

SCHEDULE A



YOUR PROPERTY TAXES...

The Saratoga County Board of Supervisors is providing this information to all property taxpayers in Saratoga County to inform them about how State & Federal mandates affect their annual property tax bills.

- The 2021 County General Fund Budget totals \$282,909,246. Of that amount, \$103,987,292 is for programs mandated by New York State Government with a net cost of \$65,952,730 to the taxpayers of Saratoga County. County government has little or no control over these costs.

“Mandates” are Federal or State created programs that are required to be operated by lower level governments. In New York State, most of these mandates are not accompanied by State money to pay for them

or are only partially paid for. Because County government relies upon property taxes to operate, expensive State mandates become expensive property taxes on local taxpayers.

New York State Unfunded Mandates	
Medicaid	\$23,600,000
Pensions	10,839,372
Community Colleges	8,914,000
Early Intervention & Pre-School	8,509,467
Social Services	9,114,319
Probation	2,470,494
Legal Defense	1,725,477
Public Health Early Intervention	<u>779,601</u>
	\$65,952,730

- In 2021, these Unfunded Mandates will consume 100% of the \$65,027,000 Property Tax Levy. This means that all County property taxes and an additional \$925,730 from sales tax revenue will be spent covering these State mandates.

STATE & FEDERAL REPRESENTATIVES

NYS Governor:

Andrew M. Cuomo
Executive Chamber
NYS Capitol Building
Albany, NY 12224
(518) 474-8390
governor.ny.gov

NYS Senator Dist. 43

Daphne Jordan
Legislative Office Building, Room 508
Albany, NY 12247
(518) 455-2381
jordan@nysenate.gov

NYS Senator Dist. 49

James Tedisco
Legislative Office Building, Room 515
Albany, NY 12247
(518) 455-2181
tedisco@nysenate.gov

NYS Assemblyman:

District 108

John T. McDonald, III
Legislative Office Building, Room 417
Albany, NY, 12248
(518) 455-4474
McDonaldJ@nyassembly.gov

District 112

Mary Beth Walsh
Legislative Office Building, Room 635
Albany, NY 12248
(518) 455-5772
walshm@nyassembly.gov

District 113

Carrie Woerner
Legislative Office Building, Room 502
Albany, NY 12248
(518) 455-5404

woernerc@nyassembly.gov

District 114

Matthew Simpson
Legislative Office Building
Albany, NY, 12248

United States Senators:

Charles Schumer
Leo O'Brien Building
Room 827
Albany, NY 12207
(518) 431-4070
Website: Schumer.senate.gov

Kirsten Gillibrand
Leo O'Brien Building
Room 821
Albany, NY 12207
(518) 431-0120
Website: gillibrand.senate.gov

United States Congressmen:

Paul Tonko
19 Dove Street, Suite 302
Albany, NY 12210
(518) 465-0700
Website: Tonko.house.gov

Elise Stefanik
5 Warren Street, Suite 4
Glens Falls, NY 12801
(315) 743-0964
Website: Stefanik.house.gov

RESOLUTION 244 - 2020

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

AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE CHAZEN COMPANIES ENGINEERING D.P.C. FOR EVALUATION AND DESIGN SERVICES FOR INFLOW AND INFILTRATION PROJECTS RELATED TO PLANNED UPGRADES TO SARATOGA COUNTY SEWER DISTRICT NO. 1'S RIVERSIDE #1 PUMP STATION IN THE TOWN OF STILLWATER

WHEREAS, pursuant to Resolution 139-2019, the County entered into an agreement with Chazen Engineering, Land Surveying & Landscape Architecture Co. DPC ("Chazen") to provide design, construction administration and construction inspection services relative to the planned upgrades to Saratoga County Sewer District No. 1's Knox Woods and Riverside #1 pump stations, at a cost not to exceed \$110,000; and

WHEREAS, the Riverside #1 pump station was built as part of the original County sewer system installed in the 1970s, and incorporated existing pipe in the area that pre-dated the construction of the pump station, which pipe is composed of vitrified clay pipe and is susceptible to multiple failures; and

WHEREAS, the New York State Department of Environmental Conservation ("NYSDEC") has included in its comments on the Riverside pump station upgrades a directive that the Sewer District begin evaluating and designing inflow and infiltration projects for the Riverside area so as to protect the pump station; and

WHEREAS, as the NYSDEC has requested these upgrades be completed in their pump station project review letter, the Sewer District Commission and the Executive Director of the Sewer District have recommended that the County execute an amendment to the existing agreement with The Chazen Companies

Engineering D.P.C. for the provision of evaluation and design services for inflow and infiltration projects for the Riverside area at an additional a cost of \$83,500; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute an amendment to the agreement with The Chazen Companies Engineering D.P.C. of Poughkeepsie, New York, for the provision of evaluation and design services for inflow and infiltration projects for the Riverside #1 pump station area in the Town of Stillwater, at an additional cost of \$83,500, thereby increasing the total contract to the not to exceed amount of \$193,500; with the form and content of such amendment to be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. Funds are available in the Sewer District's 2020 budget.

RESOLUTION 245 - 2020

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

APPROVING THE PROPOSED REHABILITATION AND IMPROVEMENT OF THE SARATOGA COUNTY SEWER DISTRICT SEWER INTERCEPTOR AND RELATED FACILITIES

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the Board of Supervisors of Saratoga County, New York (the "Board of Supervisors"), established a county sewer district designated and known as Saratoga County Sewer District No. 1, in said County (the "District"); and

WHEREAS, a 14.04 mile section of the District's sewer interceptor and related facilities serving properties in the District are in need of rehabilitation and improvement, as described in the report prepared by M.J. Engineering & Land Surveying, P.C. dated January 2020 (the "Engineer's Report"); and

WHEREAS, the estimated maximum cost of the rehabilitation and improvement of said section of sewer interceptor and related facilities, including acquisition and installation of equipment, machinery or apparatus required in connection therewith (the "Project"), is \$29,800,000; and

WHEREAS, the cost of the Project is proposed to be financed through the issuance of bonds by Saratoga County on behalf of the District; and

WHEREAS, the annual net cost to the typical property in the District as a result of such costs has been estimated to be \$22.46; and

WHEREAS, the Sewer District and their consulting engineers have previously determined that the Project is a "Type II Action" under the State Environmental Quality Review Act, requiring no further review thereunder; and

WHEREAS, on September 15, 2020, the Board of Supervisors duly adopted Resolution 196-2020, calling a meeting of the Board of Supervisors for the purpose of holding a public hearing regarding the proposed project; and

WHEREAS, such Resolution authorized and directed the Clerk of the Board of Supervisors to publish the notice of public hearing; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said Board of Supervisors; and

WHEREAS, said public hearing was duly held at the Chambers of the Saratoga County Board of Supervisors, 40 McMaster Street, in the Village of Ballston Spa, New York, in said County, on October 14, 2020 at 4:25 p.m.; and

NOW, THEREFORE BE IT

RESOLVED, that upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest of the people of the County of Saratoga residing within the boundaries of the District to undertake the rehabilitation and improvement of the deteriorating 14.04 mile section of sewer interceptor and related facilities serving properties in the District, including acquisition and installation of equipment, machinery or apparatus required in connection therewith, as described in the Engineer's Report, at a maximum estimated cost of \$29,800,000; and be it further

RESOLVED, the cost of the Project shall be financed by the issuance of bonds of the County in an amount not to exceed \$29,800,000 and the costs of the Project including payment of principal and interest on said bonds, shall be apportioned 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 will be amended and adopted on an annual basis; and be it further

RESOLVED, that no expenditure for the Project shall be made or contract let until the New York State Comptroller has provided its consent in accordance with County Law Section 268. Appropriate County officers and staff are hereby directed to prepare an application to the New York State Comptroller in the manner provided by law; and be it further

RESOLVED, that the financing of the Project shall not occur until the Board of Supervisors has adopted a Bond Resolution in accordance with the New York Local Finance Law; and be it further

RESOLVED, that this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No budget impact on the 2020 Saratoga County Budget.

RESOLUTION 246 - 2020

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

AUTHORIZING AN AGREEMENT WITH WESTON AND SAMPSON PE, LS, LA, PC FOR EVALUATION, DESIGN, CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES RELATIVE TO THE REHABILITATION OF SARATOGA COUNTY SEWER DISTRICT NO. 1'S SARATOGA SPRINGS PUMP STATION AND FORCEMAIN

WHEREAS, the 2020 Capital Budget approved by this Board for Saratoga County Sewer District No. 1 includes the evaluation and design of upgrades to the Sewer District's Saratoga Springs pump station and forcemain; and

WHEREAS, said evaluation and design work includes performing pump hydraulic testing, vibration testing, seal water system analysis, forcemain condition analysis, forcemain repair or replacement design, as well as construction administration and construction inspection services; and

WHEREAS, the Saratoga County Sewer District Commission solicited and reviewed proposals from qualified professional engineering firms to provide the desired engineering consulting services for the review, evaluation, design, construction administration and construction inspection services for the Sewer District's Saratoga Springs pump station and forcemain upgrades project; and

WHEREAS, the Sewer District Commission has recommended that a contract for such evaluation, design, construction administration and construction inspection services be awarded to Weston & Sampson, PE, LS, LA, PC, the proposal deemed best suited to the project's requirements; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a contract with Weston & Sampson, PE, LS, LA, PC of Albany, New York, for the provision of evaluation, design, construction administration and construction inspection services for Saratoga County Sewer District's No. 1's rehabilitation of its Saratoga Springs pump station and forcemain, at a cost not to exceed \$305,300, with the form and content of said contract to be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. Funds are included in the Sewer District's 2020 budget and 2021 tentative budget.

RESOLUTION 247 - 2020

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

RATIFYING 2019-2022 COLLECTIVE BARGAINING AGREEMENT WITH THE SARATOGA COUNTY DEPUTY SHERIFF'S POLICE BENEVOLENT ASSOCIATION, AMENDING THE 2019 AND 2020 COMPENSATION SCHEDULES, AND AMENDING THE 2020 BUDGET

WHEREAS, Resolution 215-2014 approved a seven year Collective Bargaining Agreement with the Saratoga County Deputy Sheriff's Police Benevolent Association ("DSPBA"), which Collective Bargaining Agreement expired on December 31, 2018; and

WHEREAS, our Negotiating Committee has engaged in collective bargaining contract negotiations with the DSPBA, and a Memorandum of Agreement extending the expired Collective Bargaining Agreement for an additional four (4) years from January 1, 2019 through December 31, 2022 was approved by our Negotiating Committee and executed by the County Administrator, Sheriff Zurlo and DSPBA Union President Ryan Mahan on November 5, 2020; and

WHEREAS, the Tentative Agreement for a four year extension of the Collective Bargaining Agreement through December 31, 2022 was approved by the DSPBA’s membership on November 11, 2020; and

WHEREAS, our Negotiating Committee, the Saratoga County Sheriff and the County’s Director of Human Resources have recommended that the Memorandum of Agreement with the DSPBA be ratified, and that the Sheriff Compensation Schedules for the years 2019 and 2020 in the Saratoga County Compensation Schedule be accordingly amended to incorporate the agreed upon compensation matrix and salary rates; now, therefore, be it

RESOLVED, that this Board of Supervisors hereby approves the Tentative 2019-2022 Agreement with the Saratoga County Deputy Sheriff’s Police Benevolent Association providing for a four year extension of the previously expired Collective Bargaining Agreement for the term from January 1, 2019 through December 31, 2022; and, be it further

RESOLVED, the Sheriff Compensation Schedules in the 2019 and 2020 Saratoga County Compensation Schedules are accordingly amended to incorporate the Saratoga County Deputy Sheriff’s Police Benevolent Association’s compensation matrix and salary rates as set forth in the 2019-2022 Collective Bargaining Agreement with the DSPBA; and be it further

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

SHERIFF’S DEPARTMENT:

Appropriations:

Increase Acct.: A.30.000.6000 Regular Wages	\$353,066
Increase Acct.: A.30.000.6890 General Salary	\$113,400
Increase Acct.: A.30.000.6930 Social Security	\$ 27,010

Revenues:

Increase Acct.: A.0599.B Appropriated Fund Balance	\$493,476
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BUDGET IMPACT STATEMENT: Ratification of the agreement will require an appropriation from fund balance in the amount of \$493,476.

RESOLUTION 248 - 2020

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

APPOINTING DANIEL J. KUHLES, M.D. AS COMMISSIONER OF HEALTH

WHEREAS, our former Director of Public Health, Catherine Duncan, retired from her position with Saratoga County Public Health Services on 7/31/20; and

WHEREAS, the New York State Department of Health (“DOH”) has advised the County that it will no longer provide environmental health services in the County effective as of January 1, 2022; and

WHEREAS, pursuant to Resolution 117-2020, this Board amended the 2020 Saratoga County Management Compensation Schedule to create the position of Commissioner of Health, at Grade 24 with a base salary of \$132,446; and

WHEREAS, pursuant to New York State regulation 11 NYCRR 11.11(a), a commissioner of health of a county shall be a physician who is currently registered to practice medicine in New York State and possesses two years of experience in administrative practice that demonstrates that the candidate possesses the knowledge and skills to administer public health programs; and

WHEREAS, pursuant to New York State regulation 11 NYCRR 11.11(b), all appointments to the position of Commissioner of Health must be approved by the State Commissioner of Health; and

WHEREAS, qualified applicants for the position of Commissioner of Health were solicited and interviewed, and our Human Resources and Insurance Committee and the Director of Human Resources have

recommended that Daniel J. Kuhles, M.D. of the City of Saratoga Springs be appointed Saratoga County Commissioner of Health effective November 24, 2020; now, therefore, be it

RESOLVED, that Daniel J. Kuhles, M.D. of the City of Saratoga Springs is hereby appointed Commissioner of Health effective November 24, 2020 at Grade 24 in the Saratoga County Management Compensation Schedule, with a Base Salary of \$132,446; and, be it further

RESOLVED, that pursuant to Public Health Law §351(5), the appointment of Daniel J. Kuhles, M.D. as Commissioner of Health shall be for a term of six (6) years, expiring on November 23, 2026.

BUDGET IMPACT STATEMENT: No budget impact.

Mr. Dorsey advised the Board that a motion to table a resolution could not be discussed. He said there would need to be a second on the motion and then go right to the vote.

On a motion by Mr. Kusnierz, seconded by Mr. Lant, Resolution 249 was TABLED by the following vote:

AYES (146799): Eric Connolly (9776), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Richard Lucia (6531), Kevin Tollisen (21535), Darren O'Connor (14765), Theodore Kusnierz (14728), Tara Gaston (13293), Matthew E. Veitch (13293), John Lant (16173)

NOES (70760): Alan Grattidge (4133), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Edward D. Kinowski (8287), John Lawler (8423)

ABSENT (2048): Arthur M. Wright (2048)

RESOLUTION 249 – 2020 (TABLED)

Introduced by Chairman Allen

APPOINTING A DIRECTOR OF THE SARATOGA COUNTY PROSPERITY PARTNERSHIP, INC.
LOCAL DEVELOPMENT CORPORATION

WHEREAS, pursuant to Resolution 106-2014, this Board of Supervisors authorized the formation of the Saratoga County Prosperity Partnership, Inc., an economic development local development corporation in accordance with Not-For-Profit Corporation Law §1411; and

WHEREAS, the Certificate of Incorporation of Saratoga County Prosperity Partnership, Inc. was duly executed by the Chair of this Board, and filed in the New York State Department of State on May 29, 2014; and

WHEREAS, pursuant to the provisions of the corporation's Certificate of Incorporation, the corporation shall be managed by a Board of Directors consisting of not less than seven (7) nor more than fifteen (15) Directors appointed by and serving at the pleasure of the Saratoga County Board of Supervisors; and

WHEREAS, pursuant to Resolution 9-2020, this Board of Supervisors appointed the fourteen (14) Directors of the corporation's Board of Directors for terms that expire on December 31, 2021; and

WHEREAS, Kevin Hedley resigned from the corporation's Board of Directors on or about October 9, 2020; and

WHEREAS, the Chair of the Board has proposed a candidate to fill one of the two existing vacancies on the corporation's Board of Directors; now, therefore, be it

RESOLVED, that the following person is appointed as a Director of the Board of Directors of the Saratoga County Prosperity Partnership, Inc. for the stated term:

NAME AND ADDRESS:

Stephen J. Obermayer, 6 Berkshire Drive, Ballston Spa, NY, 12020

TERM EXPIRES:

December 31, 2021

BUDGET IMPACT STATEMENT: No budget impact.

On a motion by Mr. Zlotnick, seconded by Mr. Kinowski the Board went into Executive Session by the following vote:

AYES (202605): Eric Connolly (9776), Alan Grattidge (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Kevin

Tollisen (21535), Darren O'Connor (14765), Thomas Richardson (5196), Benny Zlotnick (18575), Theodore Kusnierz (14728), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Tara Gaston (13293), Matthew E. Veitch (13293), Edward D. Kinowski (8287), John Lant (16173)
NOES (14954): Richard Lucia (6531), John Lawler (8423)
ABSENT (2048): Arthur M. Wright (2048)

On a motion by Mr. Lawler, seconded by Mr. Pemrick the Board came back to open session by the following vote:

AYES (204266): Eric Connolly (9776), Alan Grattidge (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Richard Lucia (6531), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Kevin Tollisen (21535), Darren O'Connor (14765), Thomas Richardson (5196), Benny Zlotnick (18575), Theodore Kusnierz (14728), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Matthew E. Veitch (13293), Edward D. Kinowski (8287), John Lawler (8423), John Lant (16173)

NOES (13293): Tara Gaston (13293)

ABSENT (2048): Arthur M. Wright (2048)

Mr. Kinowski asked if those who do call in to the next meeting how they would get the confidential documents. Mr. Kinowski was reminded the Board was back in open session. He said the Supervisors calling in should have the documents well in advance as they should have. He asked if that could be done. Mr. Connolly said it could. If he knows in advance, they could be sent from Attorney Bernstein and they would be protected by attorney client privilege. Mr. Kinowski recommended that occur.

Ms. Gaston asked given that the process for today was discussed for a particular reason would it be correct for the attorney's to advise us not to discuss any of the information that was in any of the documentation that was passed out and collected prior to the next meeting since that was intended to give immediately prior to any discussion and vote and that is not what is taking place now. Mr. Connolly said yes, that was extremely confidential and should not be breached or shared outside of the Supervisor's circle. Ms. Gaston thanked Mr. Connolly as she wanted that reminder for everyone.

Mr. Allen asked Mr. Connolly and the attorney's on the phone if they had a date in mind that worked for the next meeting. Mr. Connolly said he heard December 3rd at 4:00 p.m. Mr. Peck said there was some concern about having a meeting on a date that Supervisors aren't there for business. He said December 9th is the agenda session and that may work better. Mr. Dorsey reminded the Board that December 9th was the meeting to adopt the budget. Ms. Raymond said Economic Development also meets on the 9th. Mr. Peck said it would have to be post the 9th.

Mr. Lawler said he wants to be sure his remarks aren't inappropriate for the confidential nature of the discussion. He asked the County Attorney to interrupt him if he goes down an inappropriate path. He said he would like to have for the meeting being discussed an in person presentation from the labor attorney. He thinks his commentary and answers are too important to have a repeat of what happened today. He thinks Mr. Bernstein needs to be in the room so everyone can ask questions and clearly hear the answers. He doesn't know how his colleagues feel about that. He realizes there is travel time that may increase the cost but thinks the importance of this issue makes that cost well worth it. He would like to go on the record that Mr. Bernstein be here, in the room. He asked Supervisor Connolly, in regards to the question that he asked, and he wouldn't repeat it because it was discussed in Executive Session, but he will email him later and re-state the question. Mr. Lawler said Mr. Connolly had tried to answer. Mr. Lawler would still like to get a complete answer to that question. He said he would follow up directly with Mr. Connolly by email, restate his question so that Mr. Connolly could provide the answer. Mr. Lawler said in the interest of transparency with his colleagues he wanted everyone to know that he did not return the documents that were passed out today. He said those documents were handed to them two minutes before this meeting. The documents contain extremely important information, and he personally would like time to read, what he thinks will be one of the most important votes, the subject matter/the issues at hand, and to have an opportunity to ask questions about it before the meeting with the Chairman of the committee. He wants everyone to know that he did not feel he was under any obligation, as a fully and duly elected supervisor, that he has access to the most confidential information that the County has. He said he could be trusted with the documents. So he can do his job as well as he believes he needs to and wants to. He did not return the documents so it doesn't come as a surprise.

Ms. Gaston asked Attorney Bernstein if it was his recommendation that any Supervisor discuss the content of the executive session and email outside of privileged attorney/client confidentiality. Mr. Bernstein said it was his recommendation that all the documents come back and the next meeting they can be reviewed at that time. Ms. Gaston asked if it was also his recommendation that the process that took place in executive session for the External Review Committee not be discussed over Supervisor email without the confidentiality or the attorney client privilege attached to it. Mr. Bernstein said it should go through him.

Mr. Kusnierz said this might be a question for the attorney on the line does that information now subject, because it is no longer in the custody of the attorney, to FOIL. Mr. Bernstein said the documents went through him so they are privileged documents. Mr. Kusnierz said they are not back in his custody. He said there is an agent of his that would be returning them but we have a Board member that will retain them. He asked if that was subject to FOIL now. Mr. Bernstein asked if the Board was in open session. Many supervisors answered yes. He said he could not give a legal opinion in open session and added he would give legal opinions in executive session.

Mr. Lawler said to Supervisor Kusnierz that he knew the documents were confidential and they are subject to attorney client privilege. He said there have been multiple times when members of this Board, and we can look back to the various investigative reports that the Supervisors had that were subject to attorney client privilege. Those reports remained in the hands of the Supervisors up until the time they were made public by a resolution of this Board. This is not without precedent in any way. Mr. Lawler said to Ms. Gaston that he agreed with her relative to the importance of email confidentiality. He said he would be happy to copy Mr. Bernstein in any of the communications he has with the Chairman to maintain attorney client confidentiality.

Mr. Kinowski said he had asked Mr. Connolly if he was going to provide documents to people on the phone that may call in at the next meeting so they have access to those documents as Supervisor Lawler now has. No other supervisor has them. Comprehending, digesting, pulling apart the documents have to be in front of you for a while for that to happen. Otherwise the Board is going to be there until everyone fully digests the meaning of each and every word that's in the document.

Mr. Schopf made a motion as he doesn't feel, he doesn't disagree with Supervisor Lawler, it's right for one Supervisor to have the documents and the rest not to, that the documents be disseminated back to all the Supervisors. Mr. Lawler seconded the motion. He added everyone here could be trusted because no one in this room would call the Times Union and talk about confidential information. Mr. Schopf said he agreed.

Mr. Connolly said it was not good enough to copy Mr. Bernstein in any email if it pertains to these documents. Any email would have to have Mr. Bernstein in the "to" section of the email for attorney client privilege. He said he would not be addressing any email that does not have Mr. Bernstein in the "to" area of an email. Mr. Lawler thanked Mr. Connolly for the clarification and said any email he sends regarding these documents will be sent with Mr. Bernstein in the "to" area.

Mr. O'Connor said he knows that Mr. Bernstein cannot give legal advice in an open session but he could say in his judgement the documents would not be foible whether the Supervisors have them or not. He said that is his view. These documents relate to an internal matter and are not final just to name one of a ton of exemptions.

Mr. Allen said there is a motion and a second, the motion to disseminate the documents back to all the Supervisors was approved by a unanimous vote.

Ms. Gaston said as Mr. Zlotnick is passing out the documents, she wanted to state the process was developed in consultation and on the advice of attorneys, the attorneys the County is paying for this process. She said that is why it was developed the way it was. Whether we agreed on it or not, all of us on the Committee came out and acted accordingly.

Mr. Allen asked if a date has been agreed upon for a special meeting on this. Mr. Dorsey suggested December 15th. Mr. Pemrick asked if a decision could be made. Mr. Allen asked if Mr. Pemrick would like to make the motion to add the item to the December 15th Board meeting agenda. On a motion by Mr. Pemrick, seconded

by Mr. Kinowski the executive session item will be added to the December 15, 2020 Board meeting agenda. Unanimous.

Ms. Gaston made a motion to amend Resolution 231 of 2019. This resolution amended the compensation schedule for the Election Board and created Election Inspector positions for early voting. The rate for Election Inspectors for Early Voting is \$125 a day for the extent of early voting. She would move that that compensation for the 2020 General Election Early Voting session be raised to \$190 a day, which is equivalent to the current Election Day pay. She asked the County Attorney if this was the correct way to present this. The County Attorney said it was. The motion was seconded by Mr. Veitch.

Ms. Gaston said for the benefit of all the Supervisors, this request is made in recognition of the extended hours that were outside the compensation that was previously set and considered. In addition, 2019 early voting we had a total of 3,000 County residents vote. This year we had over 28,000. This means that our early voting staff did not have access to breaks including bathroom breaks and meal breaks. They worked much longer hours and harder than was anticipated when their compensation was set. She has already requested the Election Commissioners consider that before the next election cycle and bring that forward themselves. She thinks it is important to recognize the extended hours and time that was spent this particular year for those election workers. She said it would be retroactive just for the 2020 early voting dates of this year.

Mr. Lawler said he doesn't have a problem with the contents of the resolution. He thinks it's appropriate. His question is more a matter of information. Can a municipality legally retroactively increase an employee's compensation? He asked if it was legal after they have been paid to go back and pay them more. Just want to make sure there isn't a legal issue with this. He said he doesn't have a problem with raising the compensation itself. Mr. Dorsey asked if they have been paid. Mr. Lawler said he assumed they had been paid but doesn't know. Ms. Gaston said to be honest she wasn't sure. She had sent an email to the full Board asking for information and opinions on this to see if it could be done ahead of time. She said she regrettably got very few responses so that is why she is bringing it up here. Mr. Dorsey said he assumed they have to submit a voucher to the Board of Elections that has to be processed. He doesn't know where they are in that process. Mr. Allen said he thought early election workers have already been paid.

Mr. Kusnierz said as a matter of practice through the bargaining agreements that we retroactively pay County employees. Ms. Gaston asked if this was the same. Mr. Lawler said he didn't know as that was an entirely different labor law. He said he didn't want to make a mistake that will get the County caught in an audit. He said it would be nice to know we are on firm ground to do it.

Ms. Raymond said she has no problem with people working early voting to get equal pay versus the polls. The people who work the polls work from 5:30 in the morning until around 9:30 at night. We need to know what the hours are comparatively so that we don't end up paying people who worked early voting more than we pay the people who worked all day. If it's legal to pay them this month than it will be legal to pay them retroactively next month. She suggested that we should get more information and input from both Election Commissioners. We should get the information in the next week or two and bring it through the normal Law & Finance process. She thinks everyone feels the same way but doesn't feel there is enough information yet.

Ms. Gaston said she respects Ms. Raymond's concerns and said she did request that it be moved forward. That's why she is bringing it up now. Ms. Raymond said she doesn't want her election workers to find out that the people who worked for early voting for 8 or 10 hours and got the same pay as them for working 15 or 16 hours. She said that is her concern.

Mr. Pemrick said he agreed with Ms. Raymond. He thinks the Board of Elections staff should have the opportunity to flush this out and provide detail. He said he thought if it were understood fully the Board would be happy to do this.

Mr. Schopf said based on legal review and the form and substance approved by the County Attorney and we can call it a bonus if we need to. He said to Ms. Gaston that he thought the Election Commissioners were both on board with this. Ms. Gaston said she had spoken with both Election Commissioners on this yes. She said did so before the original email was sent to the full Board of Supervisors to make sure. In fact the Election Commissioners were copied on the email to make sure they knew she was moving forward on behalf of their

workers. Mr. Lawler asked why the Election Commissioner weren't there. He said he doesn't have any problem with the resolution but normally something like this would come from a department head who would come and make a presentation. He said he doesn't have a problem with this and would be happy to vote for it. He is a little concerned we set a precedent where Supervisors can simply bring up departments or individual employees for compensation changes without going through some kind of a process where those requests come through the department head in a normal Committee function process. He would be more comfortable in handling this in the way we usually do things. The requests originates with the Election Commissioners, they aren't here. It would be nice to have them here and make the request to the Board. He is not comfortable with how this is being handled. He is concerned that Supervisors could come in and suggest more money for employees. He's not saying it would happen, but hoped we would follow the process as it does work.

Ms. Gaston said she does not have a problem with this going through the regular Committee channels if in fact that will happen. All supervisors were given notice. She requested it. She does not sit on that Committee. She is regularly denied the opportunity to bring up things when requested. She chose to use this opportunity. If she can get a firm commitment that in fact the pay for election inspectors will go forward at the Law and Finance meeting in December she is happy to defer to that. She would like that to take place.

Mr. Kusnierz just heard it asked twice from his colleague, Supervisor Lawler, while the department heads aren't here; I don't see the department heads here. The reason they aren't here is the County Administrator's Office said department heads were not to attend. Mr. Lawler asked if they were told they couldn't call in. Mr. Kusnierz said no, you said where are they, they aren't here. He said they were told not to attend in person. Mr. Lawler said they aren't here personally, or they are not here virtually. Mr. Lawler amended his statement. He said if they felt this was an issue that needed the Board's attention then they certainly could call in. There is nothing to stop that and wished they would. He said it is a good resolution that should be done the right way. No one is fighting over the content of the resolution.

Mr. Dorsey said there is a motion and a second on the floor. Unless Supervisor Gaston removes her motion there will be a roll call vote.

Mr. Lawler said his only question is could the Board get Mr. Dorsey's opinion that a municipal employee's salary can be raised retroactively. Mr. Dorsey said he doesn't have that opinion. Mr. Lawler said if we don't know if it's legal it might not be a great idea to do it.

Mr. Veitch moved to table this motion to move the discussion to the appropriate committee that being Law & Finance. Mr. Peck seconded.

AYES (152833): Eric Connolly (9776), Alan Grattidge (4133), Richard Lucia (6531), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Kevin Tollisen (21535), Darren O'Connor (14765), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Matthew E. Veitch (13293), Edward D. Kinowski (8287), John Lawler (8423), John Lant (16173)

NOES (64726): Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Theodore Kusnierz (14728), Tara Gaston (13293)

ABSENT (2048): Arthur M. Wright (2048)

Mr. Zlotnick said that a few months back the Board had heard a Unity report. He read the following from the former President of the Partnership:

“Statement from Kevin Hedley, Chair, Board of Directors Saratoga County Prosperity Partnership

“This comprehensive and thorough Compliance Assessment, conducted by the law firm of Harris Beach at my request, makes it crystal clear: no laws were broken, there was no hacking nor other malicious action taken, and any suggestion that members of the Saratoga Partnership staff did anything illegal or improper is without merit and categorically untrue.”

“The Saratoga Partnership has been, and remains, fully committed to unifying economic development efforts in Saratoga County. It is both disappointing and disheartening that the leadership of the Saratoga Economic Development Corporation has chosen to make baseless, unsubstantiated, and misguided allegations that have no basis in fact. It would be far more productive to put our collective energy and effort into working collaboratively to provide programs and services that create and retain jobs and businesses in Saratoga County.

That mission remains our focus, and we intend to pursue it with vigor, transparency, and a continued commitment to ethical behavior."

"The board of directors of the Saratoga Partnership accepts the facts and findings in this report, which are summarized below, and looks forward to getting back to business on behalf of Saratoga County."

Key findings in the Compliance Assessment conducted by Harris Beach:

- The Saratoga Partnership is the sole owner of the Zoom license, and as such, all video recordings are in its custody and control.
- There is no written agreement between the Saratoga Partnership and Saratoga Economic Development Corporation (SEDC) regarding shared use of the Zoom license.
- As a public entity, the Saratoga Partnership is governed by all applicable New York State laws, including the Freedom of Information Law (FOIL), and SEDC was advised and on notice of the public nature of a coexisting relationship.
- SEDC was aware of the deletion feature on Zoom, and had used it prior to the meeting in question.
- SEDC was aware its meetings were being recorded, and at the meeting in question, an SEDC staff member indicated they had no concern about disclosure of the content.
- The inadvertent discovery of the video content occurred as Saratoga Partnership staff sought to delete items to remain below the capacity threshold under terms of the Zoom license. As such, the viewing of the video was not contemporaneous with the meeting, and therefore neither intentional nor malicious.
- The suggestion that SEDC had a "reasonable expectation of privacy" rings hollow.
- Given the apparent subversion of the unity effort by some SEDC staff, the sharing of the video with the Saratoga Partnership chair and an SEDC board member was reasonable and proper.
- As a record held and kept by the Saratoga Partnership within the meaning of FOIL, the video contains no trade secret information, records of private developers, or other information upon which to obstruct the transparency laws of the state and is available to any member of the public that requests it.

Mr. Kusnierz said at a previous Board of Supervisors meeting, actually specifically on September 15th, Supervisor Lawler made a statement and I'll quote his comment. Mr. Kusnierz read "At a recent meeting Supervisor Kusnierz was kind enough to read into the record a letter from SEDC legal counsel alleging potential illegal activity on the part of the Saratoga County Partnership." He said Supervisor Lawler also stated "it is important to state for the record that the Saratoga County Partnership commissioned an independent investigation of these allegations by SEDC by outside counsel." He said he would like to note that that is false. It was not an independent investigation. He did not state for the record any letter or anything close to it. He gave a synopsis of what had transpired based on the notes from the meetings he attended. No direct letter from anyone was read by him. His point is, there was not an independent investigation. It was an in house investigation commenced by the Chair. There was no vote by the Prosperity Partnership Board of Directors. That report, which has been referred to by Supervisor Zlotnick, is entitled "The Saratoga County Prosperity Partnership compliance assessment". It is about a 20-page document. He knows that it cost over \$17,000 to produce to this point. He thinks it's going to be higher. He said it's about \$1,000 per page. But it was not an independent report and he wanted the record to state that.

Mr. Lawler asked Supervisor Kusnierz if his comments were contemporaneous notes taken from the meeting. He asked if that was Mr. Kusnierz's statement is. Mr. Kusnierz said it was notes taken from documents he had seen and paraphrased them. He wasn't accusatory. He was just stating what was presented. Mr. Lawler said but he believes his comments were accurate or he wouldn't have made them. He asked if he wanted to disallow them now. Mr. Kusnierz said there you go again, twisting his words around. Disallowing. You are giving a hint of something that he said was illegal, improper, false. He is not the one stating anything false on the record, Mr. Supervisor. Mr. Lawler said he was asking about his remarks. Mr. Kusnierz said his remarks stand. Mr. Lawler said then your remarks are accurate. Mr. Kusnierz said he was inaccurately characterizing him as he reading from a letter. Mr. Lawler said the way Mr. Kusnierz was holding the paper it did look like a letter. His apologies if that was not the case. He thinks that is a matter of form over substance. If your remarks were accurate, it's the remarks that are important. Rather than whether or not they were a letter. If they were your best interpretation of what happened at the meetings that these charges were made, he will take his word for it. That those were the charges that were made. Mr. Kusnierz said that is accurate. He said Mr. Lawler had stated on the record that Supervisor Kusnierz read, and he quotes "a letter from SEDC legal counsel". Mr. Kusnierz said that was completely false. Mr. Lawler said ok; but the fact is everything you have said is true, right. Mr. Kusnierz said everything to the best of his knowledge that he states on the record is accurate. Mr. Lawler said right, so to the best of his knowledge those statements that you attributed to SEDC

in your remarks, he is assuming are accurate statements. Mr. Kusnierz said his statements are, yes. Mr. Lawler said in your statement you referenced SEDC based on your recollections, research, etc. that SEDC accused the Partnership of illegal activity. That criminal acts may have been done. Mr. Kusnierz said that is accurate, yes. Mr. Lawler said he thinks that nobody has been arrested. Nobody has been sued. Unfortunately nobody has apologized either for making those remarks. Mr. Lawler asked Mr. Kusnierz if he could say who made them from his notes. He said no one has apologized and said they were sorry for accusing people of being potentially criminals, of being unethical and unprofessional. He said the report that was commissioned perhaps not the independent report as Mr. Kusnierz puts it with that the counsel to SEDC that conducted the report, the investigation. Mr. Kusnierz said the report he just referred to was done by Harris Beach, which is the attorney for the Partnership. Mr. Lawler said that's what he was asking and thanked him for the information. He said the fact is Mr. Kusnierz's comments were true. Those allegations remain. Those allegations to the best of everybody's knowledge at this point are baseless. If not outright slanderous. Unprofessional behavior. Unethical behavior. Potentially criminal behavior. That's the language that is being strung around here. We are going to be taking legal action. We may not have people arrested yet but he was quoting these from some press releases that have been made. He said actually maybe the unprofessional, unethical behavior might have been in the tape SEDC was so concerned about. He said he's seen the tape and there is a lot of unprofessional/unethical behavior on that. Mr. Lawler said if you want to debate about that, let's schedule a playing of the tape. Mr. Kusnierz said he would be happy to debate him on that but he had not seen the tape because there is a high probability that it was obtained unlawfully. He has no interest in seeing it. He would strongly encourage his colleagues if there is an effort here to play the tape that they walk out of the room just so they aren't subjected to any legal ramifications. That's their prerogative. But again, he doesn't understand why Mr. Lawler would want to play the video that did not break any laws. He said it was not illegal to call people names; it's not illegal to talk about people in a negative fashion. It happens in this room every day. Mr. Lawler said he didn't say it was illegal. He said it was unprofessional and unethical; and that happens in this room often too. He said so if you are telling me that the tape was obtained via a Freedom of Information Act there is no one who got that tape acted unethically, unprofessionally, or illegally. That tape was distributed under the Freedom of Information Act quite some time ago. There has been no effort to hold the Partnership accountable for that. He distributed copies of that tape to members of this Board. He would be happy to give Mr. Kusnierz a copy. He realizes Mr. Kusnierz won't look at it. He thinks he knows why he wouldn't look at it. Mr. Lawler said he thought it would be great to play it in the Board Rooms and if people want to walk out, ok walk out. He said it still should be played here. If this is an organization, and you picked this argument today, we give \$150,000 a year to, he thinks it would be great for everybody in this room and for that matter the taxpayers of Saratoga County to see what your \$150,000 bought. To see the level of professionalism exhibited by this organization as expressed for in that meeting. Mr. Lawler said if we want to go down that road bring it on. Mr. Kusnierz said that Mr. Lawler had inaccurately again stated for the record that he picked this fight, all Mr. Kusnierz was doing was stating for the record that remarks were falsely attributed to him and actions were falsely attributed to him at the September 15th meeting. He's not sure how we got from his comments for the record to picking a fight this afternoon. Mr. Kusnierz said that was Mr. Lawler's characterization. Mr. Lawler said that was fine and still made his offer to play the tape having he and Mr. Kusnierz debate the contents. Mr. Lawler said they could watch it together. Mr. Kusnierz said he could sit there in this room and watch among Supervisors if he wants to see people calling each other names and things. (Both Supervisors speaking at the same time.) Mr. Lawler said you don't hear language like that in this room and you don't see people talking about prominent business officials in this County. He said you don't hear people calling names like on the tape. He said you don't hear the language or vulgarity that's on that tape in this room.

Mr. Barrett asked if this was a private meeting or a public meeting that Mr. Lawler is referring to. Mr. Lawler said he is referring to the tape of the SEDC. Mr. Barrett asked if that was a public meeting or a private meeting. Mr. Lawler said it was a public meeting. Mr. Barrett said oh it was, it was a public meeting. Mr. Lawler said it was released under FOIL. Mr. Barrett said really. (Both Supervisors speaking at the same time.) Mr. Barrett said talk about mischaracterization; that was obviously a private meeting, not intended to be broadcast. Mr. Lawler said no, SEDC is regulated by the ABO, SEDC even agrees that they are regulated by the ABO, therefore, they are subject to the open meetings laws like every other government organization in the State of New York. He said it was not a private meeting. Mr. Barrett said we just had an executive session so we have private meetings. He said we are certainly subject to public FOIL. Mr. Lawler said there is not a single motion for executive session in there and had they made a motion for executive session then he would agree with Mr. Barrett it would not be a public meeting. He said there is no motion for executive session and it is a completely

public meeting under the law. He said the FOIL document was upheld and reviewed by counsel. Mr. Barrett asked reviewed by whose counsel; the same counsel for the internal white one. He said we had an internal white wash done here and he thought it was led by Mr. Lawler. Mr. Lawler said to Mr. Barrett just keep going down the road of deflection. Mr. Barrett said that was not a deflection. He said that was a private meeting. Mr. Lawler said you can't have a private meeting if you are a public organization unless you go into executive session. (Both Supervisors speaking at once.) Mr. Barrett said let me tell you what happened a few years ago. He said he was sitting at home minding his own business it was pretty late and all of a sudden his phone starts going off. He was thinking he didn't have anything scheduled. He said it was a group text that he was added to and suddenly there were some not so nice things said about him in this group text as he was catching up reading it. He was wondering what this group text was about, who was on it and everything else. He said there was some not so nice things said about him on there, which he is sure, happens all the time around here and frankly who cares. He doesn't make any decisions on public policy based on who might say nice things or bad things about him. He could care less. He said the person who was saying some not so nice things is in this room and the only input he had to the group text was he told him he could go fornicate himself. Mr. Kinowski said no, not quite, you can say it right. He said I am right here. Ms. Gaston said she would not recommend using that language at the Board meeting.
(Many Supervisors speaking at the same time.)

Ms. Gaston said she has been trying to get the attention of the Chair.

(Many Supervisors speaking at the same time.) The Chairman bangs his gavel to try to get order in the room.

On a motion by Mr. Peck, seconded by Mr. Kusnierz, the Chairman adjourned the meeting to December 9, 2020.

Respectfully Submitted,

Pamela Wright
Clerk of the Board