

Law and Finance Committee Minutes
January 13, 2021 – 4:00 p.m.

Present: Chairman Jonathan Schopf; Committee members Phil Barrett, Tara Gaston, Kevin Tollisen, Matthew Veitch, Sandra Winney, Tom Wood; Supervisors Ed Kinowski, John Lant, Dick Lucia, Bill Peck, Jean Raymond, Mike Smith, Benny Zlotnick and Chairman of the Board Theodore Kusnierz; Steve Bulger, Matt Rose, Audra Hedden, County Administrator; Jason Kemper, Planning; Hugh Burke, County Attorney; Pamela Wright, Clerk of the Board; Karen Heggen, District Attorney; Carl Zeilman, Emergency Services; Adam Kinowski, Human Resources; Michael Prezioso, Mental Health & Addiction; Dan Kuhles, Public Health; Chad Cooke, Public Works; Anna Stanko, Real Property Tax; Dan Rourke, Sewer; Michael Zurlo, Sheriff; Andrew Jarosh, Treasurer; Scott Brackett, CSEA; Ryan McMahon, City Center Authority.

Chairman Schopf called the meeting to order and welcomed all in attendance. Mr. Schopf said that under the new rules adopted at this year's organizational meeting, the Law & Finance monthly meeting will now constitute our meeting for the setting of the monthly agenda for the monthly Board meeting. This is a new process in place. Due to the compressed timeline we had this month, Mr. Schopf thanked all of the Department Heads that were involved in this, especially Mr. Kemper for stepping in and assisting with putting together the agenda for this meeting. Mr. Schopf also thanked all of the Committee chairs, County Administrator Bulger, and Board of Supervisors staff. Mr. Schopf said that due to the recently emergent issues with Covid-19 and the vaccination effort, Mr. Bulger has been involved with this on pretty much an all-day basis, coordinating the effort and also settling into the new position. Mr. Kemper will be presenting the agenda items for discussion at this meeting. Mr. Schopf said that after this meeting, he would like the opportunity for any Supervisors in attendance to be able to ask Mr. Bulger, Supervisor Gaston, or Dr. Kuhles, any questions or updates regarding the vaccine issue or any other Public Health issues.

On a motion made by Mr. Tollisen, seconded by Mr. Veitch, the minutes of the December 9, 2020 meeting were approved. Mr. Wood and Mr. Barrett abstained from voting.

Mr. Schopf announced the appointment of Phil Barrett as committee vice chair.

On a motion made by Mr. Barrett, seconded by Mr. Veitch, the following resolutions were approved unanimously.

PUBLIC WORKS

- Authorizing the implementation and funding in the first instance 100% of approved federal funding reimbursements through the "Marchiselli" program and New York State Department of Transportation (NYSDOT) for the second supplemental agreement totaling \$2,185,000 for the Ashdown Rd. Bridge project in the town of Clifton Park and amending the 2021 budget in relation thereto.

- Authorizing the chair to enter into a Grade Separation Agreement with CP Rail for the Ashdown Road over CP Rail Bridge Superstructure Replacement in the Town of Clifton Park.
- Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and reallocating \$18,111 from the ROW Incidental Phase to the Preliminary Design Phase related to the Replacement of the County Road 31 (Fortsville Road) over North Branch Creek Culvert in the Town of Moreau, LIN 250, PIN 1761.40.
- Authorizing the chair to enter into inter-municipal agreements with the Towns of Clifton Park, Corinth, Moreau and the City of Saratoga Springs for the purpose of managing the collection of recyclables at the County Recycling Centers located in their respective municipalities for the amount of \$35,000 per municipality per year, for a term of 2 years with the option to extend for 2 two year renewals.

Mr. Kemper said that the first three items are related to road construction projects involving State and Federal aid. For the first item, Mr. Kemper said that the project is located in the Town of Clifton Park. The original agreement was for \$1,680,000 and will be increased with this supplemental agreement by \$505K to \$2,185,000. \$5% of this increase is County funded and available in the 2021 Budget. Mr. Kemper said that the second item is also related to Ashdown Road/ CP Rail Bridge and will authorize the Chairman to enter into an agreement with CP Rail for the cost of flaggers and temporary rail shutdowns associated with the project. The estimated cost of this agreement is \$334,064 and is included in the Federal and State share for this project. For the third item, Mr. Kemper said that this will require a transfer of \$18,111 originally allocated for the Right of Way Incidental Phase to transferred to the Preliminary Design Phase. No right of way was required to complete this project, therefore the funds originally set aside for the right of way will be used to cover additional geotechnical investigations. For the final item, Mr. Kemper said that in the past, this was a 1 year agreement. The Public Works Committee agreed to extend it to a 2-year agreement with a term of January 1, 2021 – December 31, 2022 with two 2-year extensions. These funds are included in the 2021 budget. Ms. Gaston asked if there was any anticipation that these recycling agreements will be any different from last year. Mr. Barrett said no, it will be the same agreement.

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

REAL PROPERTY TAX

- Authorizing the County Auditor to approve corrections, tax refunds, and credits in the amounts not to exceed \$2,500.
- Authorizing the acceptance of tender offers totaling to the amount of \$3,298.76.

Mr. Kemper said that the first item an annual housekeeping item. A quarterly report of these actions are provided to the Real Property Tax Committee. For the second item, Mr. Kemper said

that these are tender offers for two parcels in the Town of Milton and cover back taxes from 2017-2020.

On a motion made by Mr. Veitch, seconded by Ms. Gaston, the following resolutions were approved unanimously.

PUBLIC SAFETY

- Amending Resolution 284-2019 authorizing a continuation of an annual contract for Law Enforcement Services with the Town of Halfmoon from \$221,898.59 to \$221,850.
- Authorizing a 2021 Contract for Police Services in the Town of Halfmoon.
- Accepting an Aid to Prosecution Grant for the District Attorney's Office.
- Authorizing the Chairman to enter into an agreement with the NYS Division of Criminal Justice Services to accept a 2020-2021 District Attorney Salary Aid Program Grant.
- Authorizing a major contract with NMS Labs to cover increased fee prices coupled with an increased amount of fatalities in the county related to the COVID-19 pandemic.
- Authorizing a major contract with Tim Godlewski for morgue assistant services.
- Authorize an amendment to the 2021 budget to reappropriate unspent Statewide Interoperable Communications grant funds in the amount \$808,871.53.

Mr. Kemper said that the first two items are from the Sheriff's Department. For the first item, the modification was agreed upon between the Sheriff and the Town of Halfmoon and is consistent with the amount paid by the Town of Halfmoon. Mr. Kemper said that the second item is for the Sheriff to provide specialized law enforcement services to the Town of Halfmoon. The negotiated contract for 2021 will be \$226,336.56 and is subject to approval by County Attorney and Sheriff. For the third item, the resolution authorizes acceptance of an Aid to Prosecution Grant that the District Attorney receives annually from NYS to offset a portion of the costs the office incurs in the prosecution of violent felony cases. The grant will be extended for another 6-month period from 10/1/20 to 3/31/21, for \$28,910. The total grant funding will be \$86,730 for the period of 10/1/19 to 3/30/21. It is anticipated an annual contract will resume on 4/1/21 and go from 4/1/2021 to 3/31/22 to align with the State fiscal year. For the fourth item, Mr. Kemper said this is a housekeeping resolution to authorize the acceptance of a grant from the NYS Division of Criminal Justice in the amount of \$57,751 to offset County DA salary costs incurred during the State's fiscal year between April 2020 to March 2021. This amount reflects an 80% disbursement of what the County has historically received to offset the DA's salary. As with other State aid this year, due to COVID, the state is withholding 20%, or \$14,438, pending further decisions by the NYS Division of Budget. For the fifth item, the contract with NMS Labs will authorize contract overages for the costs incurred in 2020 and amending the 2020 contract accordingly. Secondly, the resolution will adopt the 2021 fee schedule from NMS Laboratories and authorize a contract in an amount not to exceed \$75K. The overages from 2020 contract exceeded the budgeted amount by

\$22,372.50. The 2020 charges will be used as basis for increasing the 2021 proposed contract. A budget amendment from the Contingency Fund will need to occur to cover the 2020 overages and the 2021 increased contract amount. For the sixth item, traditionally these services were handled by a minor contract not to exceed \$15K. The Coroner has requested the change to a major contract with approval of County Attorney in the amount not to exceed \$30K. A budget amendment from Contingency fund will be necessary. For the final item, Mr. Kemper said that this will re-allocate unused grant funds from 2020 budget into the 2021 budget. The majority of these funds have already been expended.

On a motion made by Ms. Gaston, seconded by Mr. Barrett, the following resolutions were approved unanimously.

HEALTH & HUMAN SERVICES

- Authorizing the Chairman of the Board to enter into an agreement with Blue-Raster in the amount of \$25,000 for technical/training support with the ESRI Arc GIS enterprise system software and appropriating funds from the 2020 budget to amend the 2021 budget accordingly.
- Authorizing an amendment to the 2021 budget to reappropriate remaining COVID-19 response funds from 2020.
- Authorizing a contract with the Saratoga Springs City Center to be used as a COVID-19 vaccination site.

There was an item listed on the Law & Finance agenda to authorize the acceptance of State aid increases from the Office of Addiction Services and Supports in the amount of \$3,527 and amending the 2021 budget, however Supervisor Gaston reported that Dr. Prezioso has confirmed this item is not necessary and can be withdrawn.

For the first item, Mr. Kemper said that the majority of these expenses will be associated with the COVID Dashboard. Funds were approved via Resolution 140-2020 and need to be re-appropriated from the 2020 budget to the 2021 budget for this contract. For the second item, Mr. Kemper said that the resolution will authorize to re-appropriate the funds authorized in Resolution 84-2020 for the County's Covid Response. The original resolution authorized \$1M for Covid response. To date, approximately \$410K of the original allotment has been spent leaving a balance of \$568K to be rolled into 2021. Approximately \$212K of the \$568K are 2020 purchase orders being rolled over to 2021. Therefore, at this point in time, there is approximately \$378K of the original appropriation for future expenses. For the final item, Mr. Kemper said that the resolution will authorize, if deemed necessary, the County to enter into a major contract with the Saratoga Springs City Center for the location of a Point of Distribution Facility (POD facility) for Covid Vaccinations. The County is currently working to execute a minor contract in an amount not to exceed \$12K to cover weekly expenses, up to 6 weeks at \$2K per week, associated with holding this facility in preparation for a mass vaccination site if vaccinations become available. Once the site becomes activated, there will be charge of \$49,328 per month. If the site is activated in the first six weeks the County will be paying \$51,328 on a pro-rated basis. The funds for this will be

available in the 2021 budget with the re-allocation of Covid Relief Funds mentioned in the previous item. Mr. Tollisen confirmed that the costs will be covered from the remaining funds from last year's allocation, and asked if any of the costs will for this item will be reimbursable by the Federal Government. Mr. Kemper said that they are tracking all of these expenses for hope of future reimbursement. Ms. Winney asked if the City Center will be the focal point for everyone within the County to get their vaccine. Ms. Gaston said that it will not be the focus, but will be the primary mass vaccination location. There are still points of distribution throughout the County. In addition, Public Health normally takes vaccines to be distributed in congregate living facilities and other directions. This is only to secure a mass vaccination center, since it appears that the State is rolling in that direction, we want to make sure that we are prepared. Ms. Winney said that her concern is the rural towns, a lot of the older people cannot make it to Saratoga Springs. Ms. Gaston said that this will not be in lieu of that. Mr. Schopf said that they will only utilize the City Center if and when a large allotment of vaccines comes in to where it would make sense to have a central point of distribution to put as many people through as possible in a central point. Mr. Kusnierz said that for clarification for his colleagues on the line and specifically for the question that was just posed, we already have over a dozen and a half locations throughout the County that will provide for POD locations. All of them have been approved, so there will be availability for vaccinations at those sites when we receive our measured allotments. Mr. Kusnierz said that to Supervisor Gaston's point, this particular resolution is specifically for that point in time when we get a mass allotment of vaccines, so that we are ready to go immediately, dispensing the vaccine. Ms. Gaston said that regarding Ms. Winney's question, earlier today, on behalf of the Health Committee, the Clerk of the Board sent out an email requesting any concerns in certain municipalities, to make sure that these are compiled so that Public Health can look and make sure where populations have concerns with already existing PODs. Mr. Schopf added that should Supervisors learn of the location of the PODs, these locations are being kept confidential at this point until there are vaccines to distribute. There has been some issues in surrounding counties and here in Saratoga County, with residents finding out a potential location and incorrectly thinking that there are vaccines available there. Mr. Schopf re-iterated that until the roll outs are ready, anyone that learns of the locations, should keep them confidential. Mr. Winney asked if the Supervisors will be notified of the locations. Mr. Schopf said yes, but is unaware of the timeline of the notification. Ms. Gaston said that she will work to make sure to see what information can be presented to the Board by the next Board meeting on the 19th. Mr. Schopf said that in discussions with Dr. Kuhles and others today, there is a large concern from the elderly population in the County and probably Statewide about getting the vaccine. They are working on ways to get information out on that as well as the State point of contact number for seniors that do not have internet access for electronic scheduling. A lot of issues came out of the State today, and at this juncture that is being handled at the State, however we will do everything we can to keep pushing that information out to people so they have the latest up to date information. Ms. Winney said that she is getting a lot of calls from her elderly residents that they are calling the numbers given to them, the phone is not being answered, they are on hold for several hours. Mr. Schopf said that it is his understanding this is happening Statewide, and it has overwhelmed the County's phone system at times. Mr. Schopf said that he spoke with Administrator Bulger today and they are going to put an informational message on the County lines first, rather than going directly to a live operator. They will also be pushing out information on social media and the website that will hopefully answer some questions. Mr. Tollisen said that his Town Hall is also being inundated with calls also. The State seems to be giving advice that people are in certain eligible groups, and

as soon as people hear this they are ready to go. Mr. Tollisen said that we need to do a better job communicating because we are the ones that look like the bad guys, that we are not doing what we are supposed to, which is clearly not the case, but when you have the State saying one thing in a press conference, and then the Counties are not getting vaccines, that is the problem. Mr. Tollisen suggested doing a robocall, as has been done in the past, to send Saratoga County information out. This may alleviate some of the concerns of the residents. Dr. Kuhles said that he has recorded the reverse 911 and it is being deployed now. Some Supervisors reported that they already got the call. Dr. Kuhles said that the vaccines are being distributed on a per capita basis. Dr. Kuhles said that if you look at the numbers as part of the Regional Vaccination Network, over 10K of Saratoga County residents have received the first dose of the vaccine and 600-700 have received the complete series. Dr. Kuhles said that when you listen to the Governor, in the past those entities that are vaccinated successfully will continue to receive the vaccine. Dr. Kuhles said that vaccinations is the weapon that will defeat the pandemic, and it also gets us back open for business. Mr. Tollisen said that what he is hearing at his Town Hall is the panic because they cannot get through, that they will not be able to get signed up for the vaccine. For some of these people, they want the vaccine yesterday. One positive note was from a resident that went to the complex today, got their shot, it was smooth and efficient and kudos to all in Public Health. Dr. Kuhles said that they are going into smaller settings where there are vulnerable people who may have access issues. Dr. Kuhles said that he is open to anything that can be done to get the word out to Seniors and those eligible for the vaccine. Ms. Gaston said that one thing that is under discussion is to see what assistance can be provided for callers, both to take off the Public Health Staff and also general County and Town staff. Ms. Gaston said that she believes quotes are being obtained for this. Ms. Gaston said that it's important to note that they have been doing such a good job that they have distributed over 100% of the NYS allotment. Earlier, when supply was not as short as it is now, when other facilities were not able to vaccinate and had doses that were going to expire, Public Health was able to accept them, find eligible individuals and get them vaccinated. Dr. Kuhles said that the Sheriff and Emergency Services staff did the last minute transport for them right away when unused vaccines became available, they set up smaller PODs and this is why they will hopefully continue to receive the vaccine from the State because they have proven that they can put it in arms quickly. Mr. Barrett said that it is also important to note that Doctors and medical offices are also getting inundated with calls. A lot of the opportunities for mass delivery of information over electronic means does not get to the audience that is calling, they are not email or social medial. Ms. Winney said that everyone is doing a terrific job but it is important to keep momentum going to get this done. It worries her that we are not getting enough vaccines here. Mr. Schopf said that he believes it is everyone's goal here to have Saratoga County with the leading rate of vaccinations and speed.

On a motion made by Mr. Tollisen, seconded by Mr. Barrett, the following resolutions were approved. Mr. Schopf recused himself from voting on the item related to the SPDES permit application.

LAW & FINANCE

- Amending the boundaries of Consolidated Agricultural District #2.

- Authorizing an agreement with Adirondack Environmental Services, Inc. for an amount not to exceed \$70,000 for lab testing relating to NYSDEC SPDES permit and compliance with effluent limits.
- Authorizing an agreement with Tom Kubricky Company Inc. for an amount not to exceed \$500,000 from April 19, 2020 to April 20, 2021 to ensure the vendor is able to receive payment for work done in 2020 despite postponements due to the COVID-19 pandemic.
- Adopting a Local Law to provide for a cost of living increase for certain County officials.
- Authorizing the County Administrator to secure a County Credit Card from Adirondack Trust Bank with a credit limit not to exceed \$50,000.

Mr. Kemper said that for the first item, this resolution will to set a date and time for a public hearing for amendments to Ag District #2 to be held February 10, 2020 at 3:45pm. The amendments include a 23.38 acre garlic farm in the Town of Galway, and two adjacent parcels in the Town of Corinth totaling 32.22 acres, for growing garlic and offering other agricultural products. These amendments were approved by the Saratoga County Agricultural Farmland Protection Board and are part of the annual review of agricultural districts. For the second item, Mr. Kemper said that the resolution is needed to maintain compliance with monthly State mandated reporting requirements. Funds are included within the sewer district budget. For the third item, Mr. Kemper said that this for emergency repair work for the term of April 2020 to April 2021. This will allow for the contractor to be paid for the work done in 2020 despite postponements due to the Covid-19 Pandemic. The pricing was mutually extended by both parties during the pandemic, and this agreement will memorialize the price hold until 2021 and allow for the contractor to be paid for the work done in 2020, which amounts to approximately \$384,478.25, and allowing funds for any potential repairs until April 2021. These amounts are available in the Sewer District budget. For the fourth item, the resolution amends the compensation schedule in reference to 256-2020 and extends the terms of the CSEA agreement to any County officers currently serving in a term. This group can only receive a cost of living increase through adoption of a Local Law. The Local Law was introduced in December and the public hearing will be held after today's Law & Finance meeting. The officers included in this Local Law are the Coroner, Sheriff, County Clerk, Treasurer, Auditor, Public Defender, Director of Human Resources, Real Property Director and DSS Commissioner. For the final item, per Resolution 84-2020 the County increased the credit card limit from \$15K to \$50K. Adirondack Trust Company requires that a resolution be passed to place the new County Administrators name on the credit card.

Mr. Schopf reminded everyone that there will be a public hearing immediately following this Law & Finance meeting regarding the cost of living increase for certain County Officials. Supervisors and the public can remain on the line and the public hearing will commence immediately after this meeting. Mr. Schopf said that per the new rules of the Board, he is asking for a motion to consolidate all of the resolutions from Public Works, Real Property Tax, Public Safety, Health & Human Services as well as Law & Finance, and have those resolutions be adopted as the agenda for this month's Board meeting.

On a motion made by Mr. Veitch, seconded by Ms. Gaston, the Board Meeting Agenda for January 19, 2021 was approved unanimously.

On a motion made by Ms. Gaston, seconded by Mr. Veitch, the meeting was adjourned unanimously.

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board