

ORGANIZATIONAL MEETING
THURSDAY, January 6, 2021
AT 4:00 p.m., E.S.T.

Board called to order by the Clerk.

Roll call was taken. PRESENT – Eric Connolly, Alan Grattidge, Philip C. Barrett, Jonathon Schopf, Richard Lucia, Preston Allen, Jean Raymond, Michael Smith, Daniel Pemrick, Arthur M. Wright, 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 - 23. ABSENT – 0.

The invocation was given by Thomas N. Wood, III, Chaplain. “Let us pray. Our heavenly father today we write the first page of a new chapter in the 2021 proceedings book. As we begin the new year let us resolve to be better people, to work harder, to always try to help others who are in need, and to always do the right thing. Let us always recognize how fortunate we are to be supervisors in the best county in New York State with dedicated, hardworking employees and how generous you have been in providing us the bountiful life that we enjoy. Over the course of the coming year we know we will have to deal with many difficult and challenging issues. Let us act with caution and thoughtfulness knowing that we have an experienced and knowledgeable board of supervisors and county staff members that are prepared to deal with any and all issues that will come before us. Grant us all humility and give us the skills so that we can all work together in a spirit of cooperation. May we always be understanding of each other and act with dignity in a courteous and supportive manner. Today we extend a warm welcome to our new supervisor from the Town of Charlton, Joe Grasso. Joe we look forward to working with you. Let us believe in a better 2021. May we always have hope and see the beauty around us, enjoy the little things, take nothing for granted, and enjoy the journey of life. And let us remember we still live in America, the greatest country in the world the land of opportunity where everything is possible. With hard work and God’s help we will make our destination and achieve our goals. We ask this in your name. Amen.”

Mr. Schopf said he would nominate his colleague Tara Gaston from the City of Saratoga Springs as Chairman.

On a motion by Mr. Schopf, seconded by Mr. Barrett, Tara N. Gaston was named Temporary Chairman by the following vote:

AYES (145615): Eric Connolly (9776), Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Jean Raymond (1214), Kevin Tollisen (21535), Darren O'Connor (14765), Theodore Kusnierz (14728), Tara N. Gaston (13293), Matthew E. Veitch (13293), John Lant (16173).

NOES (73992): Preston Allen (856), Richard Lucia (6531), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), 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).

Ms. Gaston said “thank you to my colleagues on the Board of Supervisors for the honor of this position for however long or short the time may be here. The purpose of the temporary Chair at the Organizational meeting is to direct the election of one of our colleagues as Chair of the Board for the year 2021. After consultation with both the County Attorney and the Clerk of the Board it was determined that, the Rules passed by the Board on January 2, 2020 are still in effect at this time. As my role is intended to be short and procedural I intend to strictly follow the rules requiring recognition by the Chair in order to speak and will be limiting comments by any one Supervisor to a total of five (5) minutes. I appreciate the Clerk’s assistance in monitoring the timing of comments. If any Supervisor has spoken for a total of five (5) minutes, they will not be recognized again in the process at least so long as I hold the gavel. Additionally, comments will not be accepted during a vote itself with responses and the roll call vote limited to an aye, nay, abstention or refusal. I have faith that all of us as colleagues and adults can work together under these rules to get me out of this chair as quickly as possible. The process will move forward as follows: first, I will accept from the floor any nominations for the position of Chair of the Board of Supervisors. After any such nomination and following a second, I will ask the individual being nominated whether they accept such a nomination. For purposes of efficiency, I would ask that any other comments be saved until after nominations themselves are closed. After there are no more nominations, I will list the names of the individuals who have been nominated to the position of Chair and who have accepted such nomination and will open discussion. Again all Supervisors will receive five (5) minutes in total for any comments. Additionally all

Supervisors are requested to wait for recognition until speaking. As someone who has felt the sting of not being recognized as a colleague to speak I can assure you I will make certain that no one will have their voice silenced in this process. After comments are complete, a roll call vote will be taken for each individual nominated to the position of Chair. Individuals under nomination may request to be excused per the Rules during the vote or the discussion. Their absence during the vote will be considered an abstention or no vote under the Rules of the Board. After all the votes are taken which shall be weighted as per the Rules the Clerk will report to me the results and I will announce the Supervisor chosen as Chair of the Board of Supervisors for the year 2021 who will then be sworn in as Chair and will make remarks prior to taking the gavel. Thank you. I will now accept any nominations from the floor for the position of Chair of the Board of Supervisors for Saratoga County for the calendar year 2021. Are there any such nominations?"

Mr. Lant said he would like to nominate Moreau Supervisor Theodore Kusnierz for Chairman of the Board for 2021. Ms. Gaston thanked Mr. Lant and asked for a second. Mr. Barrett said he would wholeheartedly second that. Ms. Gaston thanked Mr. Barrett and asked Supervisor Kusnierz if he accepted the nomination. Mr. Kusnierz said he does accept the nomination for Chairman. Ms. Gaston said his name would be submitted for a vote and asked if there were any other nominations.

Mr. Peck said he would like to nominate Greenfield Supervisor Dan Pemrick for Chair. Mr. Smith seconded the nomination. Ms. Gaston asked Mr. Pemrick if he accepted the nomination. Mr. Pemrick said he did. Ms. Gaston said his name would be submitted for a vote and asked if there were any other nominations.

Ms. Gaston asked the Clerk to list the names. Mrs. Wright said Supervisor Kusnierz nominated by Mr. Lant, seconded by Mr. Barrett and Supervisor Pemrick nominated by Mr. Peck and seconded by Mr. Smith.

Ms. Gaston said she will now take comment and asked Supervisors to engage their light if they wanted to speak and turn it off when done.

Mr. Zlotnick said to be clear would the Supervisors be voting for a candidate. Ms. Gaston said that there would be a weighted vote on each candidate. She said the Clerk will read the name and the Deputy Clerk will call the roll vote for each candidate.

Mr. Kinowski asked if Ms. Gaston was looking for comments now or during the vote. Ms. Gaston said now as during the vote the only comment should be ayes, nays, abstentions or recusals.

Mr. Lawler said welcomed Mr. Grasso to the team and said he was sorry this was his first meeting as it won't leave him with a positive impression. He said a couple of points, in his opinion, the election of Supervisor Kusnierz as Chairman would be a travesty to the residents and taxpayers of Saratoga County. He believes that abandoning 50 years of tradition by which chairmen and chairwomen have been elected to lead this Board. It is a terrible mistake. We have been able to select our chairman without the political in-fighting, the power play, the stroking of egos. Everyone here that has been a chairman knows how the process works. The people who are on the Law & Finance Committee know how it works. What we have here is another bash, another power play. I have the votes. I've decided I'll be chairman. I certainly don't meet any of the qualifications that Chairmen have traditionally met in terms of length of service and the number of committees served upon; but, because I have the votes I'm going to be Chairman. In the process of that we deny a perfectly good man, a highly qualified man, Dan Pemrick, his opportunity to serve as Chairman in the same manner and same tradition as so many people have served before. This will not serve the taxpayers well. This kind of political fighting only leads to more political fighting. He is sure the Board will hear words of how Supervisor Kusnierz wants to work with everyone. Mr. Lawler said the fact of the matter is the actions going to be taken today prove that untrue. This is not the example. These are not the actions of someone who wants to work with everybody. He said he suspects Supervisor Kusnierz will be elected Chairman but he will be elected by a minority of the members of the Board of Supervisors. He will in effect be the Chairman of a minority of the members of this Board. He doesn't see how that will bode well for the Board for the rest of the year. He reserves his remarks if there is an opportunity to speak a second time. Ms. Gaston said right now he is just shy of three (3) minutes.

Mr. Kinowski said he recently sent a letter out and placed a copy in front of each Supervisor. He addressed a memo to the Board, certainly to the Chairman, making it the date of today about his feelings and expressing them

to the residents of his town and hopefully to everyone else that he represents at the County as well. The process that has been used for the eleven (11) years he has been Town Supervisor bring known expectations to this Board. As far as he knows, he has received a package that was written by a ghost. He has no clue where they came from. In the past, we would have had them provided to us through the chain that was developed and the processes that were known to be true at least for the last eleven years. He has no idea who wrote them and no idea who processed them for legal sufficiency. He said they were received from the Clerk and beyond that maybe the attorney but he wasn't sure the attorney wrote them. He would like to find that out. He said to Mr. Pemrick, that he was an outstanding candidate to address this Board. Mr. Kinowski added that Mr. Pemrick was the Chairman of Law & Finance and did a fabulous job. What we have experienced among ourselves, our residents see a snippet of what Supervisors do, just a snippet. He sees what is happening today with the nomination of Mr. Kusnierz is nothing less than self-gratification, nothing less than a power play, and nothing less for self-gain. That is an important thing to look at, what the future will hold for each of the people that make these changes.

Mr. Barrett said there isn't anybody on the is Board of Supervisor more ready to be Chairman of this Board of Supervisors, taking into account experience, knowledge, skill set. He would say there is nobody on this Board of Supervisors more prepared to be the Chairman than Supervisor Kusnierz. He has many years of experience on various governmental levels, private sector experience, small business person and somebody with very deep roots in Saratoga County. One thing Supervisor Kusnierz had expressed to Mr. Barrett is that he will be moving forward aggressively to expand transparency on the Board of Supervisors as well as the first order of business to improve our Covid response in Saratoga County. He thinks a simple democratic vote of a legislative body, something that is done every meeting throughout the year, is a good step to expand transparency regarding the vote for Chairman. Apparently a simple democratic vote of a legislative body is somehow being called into question. He thinks that is a problem. He thinks that shows that we do need to expand and improve transparency on the Board of Supervisors. We will take a simple democratic vote like we do every meeting, like the rest of the civilized world that has similar legislative structure. Now whoever is successful today whether it be Mr. Kusnierz or Mr. Pemrick, they will represent a majority of the residents of the Board of Supervisors. Make no mistake about that. That is absolutely the case and again follows all the practice that occurs here with every democratic vote of this legislative body, following the same rules, the same way votes are tabulated in how we determine the majority of the vote. In short, this vote certainly follows all the Rules of the Board and is a great step in the right direction under what he expects will be superior leadership in our colleague, Mr. Kusnierz from the Town of Moreau.

Mr. Lawler said he was curious if Supervisor Kusnierz's commitment to greater transparency and more open government, should the Board assume that the secret negotiations on the offer of employment to Mr. Bulger, which is an item on the agenda today that no one he knows was involved in, knows. He doesn't know how that came to be and said it could be discussed more under that resolution. But since Supervisor Barrett mentioned a commitment to transparency, is that the first example of the kind of transparency the Board members can look forward to. Where there are secret negotiations to engage someone in the highest office in County government and an offer of employment is made and no one knows who did the negotiations or who else was interviewed. He asked if this was the first example of transparency.

Mr. Barrett said that will be another example of democratic legislative vote again as there is at every meeting at the Board. It is interesting to hear about secret negotiations because that is how the Board ended up with a lot of the issues that occurred last year in 2020 with the Covid response in the beginning, in March, with the time and a half issues. He thinks that is how that all started was secret negotiations. This is a vote here at the Board of Supervisors and all Supervisors will have a say in that. The secret negotiations regarding time and a half those were truly secret and there was no vote on that here at the Board.

Mr. Kinowski said that was discussed quite openly at the Board. If he recalls correctly, Mr. Kusnierz said that Mr. Lawler joined the smart group by moving down this way. Mr. Lawler presented a path forward for such that 50% raise. It was discussed and concurred as a Board. It was passed along. He said whether that met all the legal sufficiency it is a matter of record and whether that was correct or not is a matter of record. He said moving forward to be adjudicated at some point in time. To fluff it off as the Board didn't know is not true. He said all board members knew. Mr. Kinowski said the supervisors were all given an email to that effect. He said to Mr. Grasso that perhaps he didn't have the full background on this and wanted to be sure he had it. He said Mr. Barrett portrays this as the Board didn't know and the Board did know. The Board did discuss this in this room.

Ms. Gaston reminded the Board that the comments are supposed to be about the election of the Chair of the Board. She said the members may use their time as they see fit. She would like to escape her seat as soon as possible so her preference would be for the Supervisors to stick to the subject at hand. She asked for any other comments from Supervisors in the room and the Supervisors on the phone.

Mr. Lawler said he thought he had a few seconds left. Ms. Gaston said he has about one minute, fifty seconds. He said he would like to point out that everyone voted to give the Covid Response Committee the authority to take the actions they took. He doesn't think that is arguable. The other point he wanted to make in Mr. Barrett's response to his question regarding his previous remarks about Supervisor Kusnierz's pledge of transparency, Mr. Barrett completely ignored all the comments and all the observations that he had made. There has been no transparency in this. It's been completely ignored and questions have not been answered about who negotiated this, who made the offer and who else was interviewed. He said that discussion can come back when the resolution for a County Administrator comes up later. He wanted to point out for the record that Mr. Barrett had not addressed a single thing that he pointed out.

Ms. Gaston thanked Mr. Lawler and asked if there were any other comments. She said with all comments being complete, the vote will now take place for Chairman of the Board separately for each nomination. Ms. Gaston announced that the first nomination for Chairman of the Saratoga County Board of Supervisors for the year 2021 is Supervisor Kusnierz. She asked for a roll call vote and was as follows:

AYES (145615): Eric Connolly (9776), Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Kevin Tollisen (21535), Darren O'Connor (14765), Theodore Kusnierz (14728), Tara N. Gaston (13293), Matthew E. Veitch (13293), John Lant (16173).

NOES (73992): Preston Allen (856), Richard Lucia (6531), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), 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).

ABSTAIN (1214) Jean Raymond (1214).

Ms. Gaston announced the second nomination for Chairman of the Saratoga County Board of Supervisors for the year 2021 is Supervisor Pemrick. She asked for a roll call vote and was as follows:

NOES (145615): Eric Connolly (9776), Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Kevin Tollisen (21535), Darren O'Connor (14765), Theodore Kusnierz (14728), Tara N. Gaston (13293), Matthew E. Veitch (13293), John Lant (16173).

AYES (73992): Preston Allen (856), Richard Lucia (6531), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), 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).

ABSTAIN (1214) Jean Raymond (1214).

Ms. Gaston said based on the weighted vote of all duly elected members of the Saratoga County Board of Supervisors the Chair of the Board for the year 2021 shall be Supervisor Theodore Thomas Kusnierz from the Town of Moreau. She congratulated Supervisor Kusnierz and invited him to take his oath of office administered by Saratoga County Clerk Craig Hayner.

Mr. Kusnierz said he would like to start by thanking Supervisor Gaston for her willingness to accept the role as Temporary Chair for our organizational meeting and Supervisor Lant and Barrett for the nomination. Equally as important he thanked his fellow Supervisors for the opportunity to represent Saratoga County during these challenging times as well as the residents from the Town of Moreau who placed their trust in him to represent them as their Supervisor. But most importantly he would like to thank his wife, Mary Ellen and his family for all they have done to ensure that he would be successful during his 31 years in State and local government. He said he would be remiss if he didn't recognize and congratulate Supervisor Grasso who is joining us for 2021. He would also like to thank Supervisor Allen and Supervisor Pemrick for their commitment and service to the residents of Saratoga County in their capacity as Chair and Vice Chair of the Board of Supervisors during these unprecedented times here in the County. At this time he would like recognize the County Elected Officials that are present: Saratoga County Clerk Craig Hayner; District Attorney Karen Heggen; County Treasurer Andrew Jarosh; and Sheriff Michael Zurlo. He thanked them for attending. Mr. Kusnierz said anecdotally it's amazing how government is always in a state of transition. We are seeing it in Washington, the Federal level, it happens everywhere, State and local level. Whether it's happening in our back yard or in Washington it is inevitable.

There is going to be change. A prime example of that is back in 1968 when this Board established the weighted voting system here at the County the Town of Moreau was the largest vote in the County at 9,460 votes. And, boy have times changed because now the biggest dog in the room is Supervisor Tollisen from the Town of Halfmoon. Change is inevitable. There is no question that the events of the past nine (9) months have over-taxed our Public Health system and those individuals on the front lines. Saratoga County Board of Supervisors will hone our focus on the Covid pandemic crisis by putting forth an action plan that mobilized all aspects of our County government. The action plan will focus on four (4) key areas as we work to reduce infection rates, and we protect County residents particularly our most vulnerable such as those with compromised immune systems and our seniors. All County departments and staff will immediately be directed to make our response to Covid-19 the highest priority for our residents. Many of our employees have been working around the clock to meet the public health needs of our residents and they are clearly our greatest asset as the County works to help combat this devastating virus. Further, he will ask the Board of Supervisors' Committees to include their already specified duties a focus on policies and recommendations that incorporate assistance with our Covid response. First, our highest priority will be on vaccine distribution throughout the County. This will involve expanding resources available to the County Health Department, led by Dr. Daniel Kuhles who has done a phenomenal job in the short time he has been here. Whether it be manpower, financial assistance or ensuring the availability of supplies such as personal protection equipment Saratoga County will do our utmost to coordinate and maximize vaccination distribution while following State regulations and guidance. To assist in the effort the County will set aside \$400,000 and more if necessary to help achieve these goals. Saratoga County will also partner with the private sector businesses and organizations that can assist the County and our residents with managing this health crisis and global pandemic. We already have a great ally here in our own County, right in our back yard, GlobalFoundries which is the largest employer in Saratoga County. As a matter of fact, Supervisor O'Connor and other Supervisors have already been engaged with GlobalFoundries' representatives in Malta. With 15,000 employees worldwide they have the international experience in dealing with and managing the pandemic's impact on the employees and their families. They are willing to help on the local level as well. Particularly when it comes to facilitating the kind of large scale vaccination program that will help us reach the end of this long pandemic. He thanked them in advance for all the assistance that GlobalFoundries will be providing to the County. The second key area of the Covid response will focus on testing and notification. Expanding comprehensive testing of our residents will continue to be the top priority throughout the County followed by rapid contact tracing to limit the spread of the virus. He said we will ensure that the use of the County's recently purchased Covid testing machine is maximized by providing the necessary staffing, the supplies and notification procedures that get testing results in the hands of our residents as quickly as possible. The County will also expand the MOU that is currently in place with our twelve school districts to assist wherever possible with student and staff testing and will continue to expand the number and effectiveness of contact tracing team members. The third component of the County's Action Plan for Covid response will provide direct assistance to the residents of Saratoga County. He will request the Governor Cuomo issue an extension of the 21 days beyond the final due date for paying real property taxes without penalty which is provided for under the State's Real Property Tax Law. He will also the Saratoga County Water Authority and the Saratoga County Sewer District Commission to review the possibility of waiving all late fees and penalties to residential and commercial customers. In addition, we will move to adopt a local law that will cap delivery, marketing and other fees charged by third party food delivery companies at a maximum of 15%. This will help level the playing field for the struggling restaurants and food service industries throughout the County. Saratoga County will also increase as necessary for the County's behavioral and mental health programs. As we all know, the pandemic has unfortunately resulted in an increased demand for these services. On a more solemn note, we will create a task force to research plans for a memorial that will pay tribute to each resident in the County that has lost his or her struggle with the Covid virus. Finally, the fourth component of the Saratoga County Covid Response Action Plan is communication. Communication with our citizens and communication with the County's workforce. The County's adopted 2021 budget provided funding for the modernization of existing technology in order to improve government transparency to the public. This will be an ongoing process for the first half of 2021 and we expect steady progress towards our goals throughout the year. At a minimum, we will hold weekly press conferences with multi-platform virtual capabilities that will feature County leaders updating our residents with the latest relevant information and describe the actions County Government is taking on their behalf. Of course, if there is breaking news, there will be press conferences as needed. We will also work with adjacent counties and their respective leadership to assist with regional initiatives and participate in multi-county updates on the pandemic. We will conduct bi-weekly or as needed email communications with all County employees keeping them informed as to what the County government is doing to help our employees meet the challenges presented by this crisis. Hand in hand with that communication, County

employees will be encouraged to think creatively on what their departments may be able to do to help our fellow residents. To that end, he will be establishing a Board of Supervisors Recognition Program for a County Employee of the Month that will be named at the beginning of each regular Board of Supervisors meeting. Mr. Kusnierz asked that a listing of the Committee assignments be handed out. He said he won't be running down them as part of his presentation as there is a lot of business to conduct. He would like to note that collectively the Committee Chair appointments are arguably the most diverse, bi-partisan, gender balanced committee assignments that have ever been presented to this Board. In closing there is exception talent in the room on the Board of Supervisors and in the surrounding County offices with all of the employees where they carry out the day to day business of County government. That combination will allow the Board to put forth the best ideas and provide for sound County policy that will be responsive to the resident's need as we navigate uncharted waters in the year ahead. He thanked everyone for attending and for those who called in he thanked them for listening.

Mr. Kusnierz said at this time he would take nominations for Vice Chair of the County Board of Supervisors. Mr. Barrett said he was honored to nominate his colleague from the Town of Clifton Park, Supervisor Jonathon Schopf. Supervisor Schopf has been a tremendous Supervisor and has done a great job at the County. Mr. Barrett said he has had a significant impact on their town. He said just this year alone during the Covid pandemic Mr. Schopf came up with brand new innovative programs on a very quick basis to help the small businesses throughout Clifton Park, just one example of the great work Mr. Schopf has done. Mr. Barrett said it is something that he thought was so far reaching and meaningful to so many people in our Town and County that it should be noted. He does place the name of Supervisor Schopf as Vice Chairman. Mr. Lant seconded the nomination.

On a motion by Mr. Barrett, seconded by Mr. Lant, Mr. Schopf was elected Vice Chairman of the Board by the following vote:

AYES (145615): Eric Connolly (9776), Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Kevin Tollisen (21535), Darren O'Connor (14765), Theodore Kusnierz (14728), Tara N. Gaston (13293), Matthew E. Veitch (13293), John Lant (16173).

NOES (73992): Preston Allen (856), Richard Lucia (6531), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), 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).

ABSTAIN (1214) Jean Raymond (1214).

Mr. Kusnierz asked the County Clerk to step forward to administer the oath for Mr. Schopf.

On a motion by Mr. Barrett, seconded by Ms. Gaston Resolutions 2, 3, 5, 6, 7, 8, 9, 11, 13, 15 were adopted by a unanimous vote.

Mr. Veitch made the motion, seconded by Ms. Gaston to move Resolution #1 for discussion.

Ms. Gaston thanked County staff and anyone who worked on the Rules. She said the Rules are an exceptional model for openness and transparency. Of particular interest to her is the removal of the twenty-four hour notice requirement for comment before the Board of Supervisors. She thinks that was a rule that existed for too long and this will allow the public to communicate as needed, in a timely fashion. She appreciates those who worked on this.

Mr. Peck said in the Rule #2, the definition of a quorum, he wanted clarification. The language used "the majority of the Board of Supervisors weighted vote shall constitute a quorum as defined by County Law Section 153". He asked if the interpretation that it is twelve members with a majority vote or a majority vote of the weighted Board that make a quorum. Mr. Kusnierz asked Mr. Burke to respond. Mr. Peck restated his question and said the way it is worded violates Section 153 of County Law. He said it could result in seven members of this Board constituting a quorum. He isn't sure that is the intention but wanted to be sure what this was saying. Mr. Burke said the old rule said the quorum shall be defined as being at least twelve members present representing over one half of the Board's weighted vote. He believed the question was has that been changed to a weighted vote and the answer is yes. Mr. Peck asked if it was still requiring a quorum of twelve then constituting a majority of the weighted vote on top of the twelve or a weighted vote in and of itself constitutes a quorum. He said if that is the case and the top seven towns are added up that would constitute a quorum and he thinks that violates County Law.

Mr. Peck said it is a majority of the Board meaning twelve members in conjunction with a majority of the weighted vote or is it that the majority of the weighted vote of the Board which could be seven people. Mr. Kusnierz said the intention is that the definition of a quorum is the majority of the weighted vote. It is not uncommon in other surrounding counties to utilize that definition at their organizational meeting with adoption of the rules and we are making a similar change. Mr. Peck said to be clear that term the majority of the weighted vote of the Board which could consist of seven largest towns could constitute a quorum. Mr. Kusnierz asked the Clerk to verify what a majority was and the answer was 109,804. Mr. Peck wanted to be sure that's what the interpretation was. He said that definition is in violation of County Law 153, which we work under. Section 2 under County Law 153 is a majority of the whole number of the members of the Board of Supervisors shall constitute a quorum for the transaction of business but a less number may adjourn. He highlighted the "whole number of the members". Mr. Kusnierz asked if he had a question or if that was a statement. Mr. Peck said a statement, re-stating County Law which we work under. Mr. Kusnierz thanked Mr. Peck and called on Mr. Veitch.

Mr. Veitch said he did receive the question and appreciates it. He said one of the things he did when he got that question was to look at some of the surrounding counties and both of our nearest counties, Warren and Washington, use a weighted vote for their definition of a quorum and it is in their rules. He said it is worded differently and said he might want to offer an amendment. He said Mr. Peck is right. County Law Section 153 doesn't really say that a weighted vote is the majority. He said even if we had a majority plus one in numerical number but did not have a majority of our vote, we couldn't conduct business anyway. Mr. Peck said that is the rule that the Board has worked under. Mr. Veitch said it is a tricky question and Warren County's rule captures it the best and read "a total of 109,804 weighted votes as allocated among the elected supervisors pursuant to Local Law No. 5 of 2011(Mr. Veitch put in Saratoga County's Local Law #) shall constitute a quorum for transacting business". He said it would take County Law 153 out of it and put the County's Local Law in for conformance. He understands where Mr. Peck is coming from in terms of 7 members could constitute a quorum; but, it could be any combination of Supervisors that could also be a quorum. Any combination of Supervisors with a weighted vote of 109,804 would constitute a quorum. He thinks that is fair.

Mr. Kinowski said if we are going to move to amend this wouldn't that be a local law and County Law. Mr. Kusnierz said if there was an amendment to a local law then there would be a process. Mr. Kinowski said this change can't be done because it's a local law. Mr. Kusnierz said not to a local law. Ms. Gaston asked for a point of clarification, as the amendment being proposed is not a local law amendment. She asked Mr. Veitch to explain.

Mr. Veitch said we already have a local law that defines the weighted vote. We don't have to amend the local law to redefine the majority. The Local Law No. 5 of 2011 defines what the majority is. All Mr. Veitch is asking is to amend section 2A of the Rules to define what a quorum is, a total of 109,804 weighted vote as allocated among the elected Supervisors by Local Law No. 5 of 2011 shall constitute a quorum for transition of business. Mr. Kusnierz told Mr. Veitch his time has expired on commenting.

Mr. Kinowski said he didn't want to be short sighted here and understood what was being said. He said let's look to the future. A perfect example was given that Moreau was once the top and now Halfmoon was the top. If we look at the numbers we could have three Supervisors constitute a quorum. It's not really cool to do that. We are a democracy here and are supposed to be voting around the room. Based on numbers there may be another supervisor added at some point to a township. He doesn't think this is the best.

Mr. Lawler asked what the rationale was for changing the rule. Mr. Kusnierz said it's not uncommon to modify rules annually here at the Board of Supervisors. He said this change would provide for greater representation of County residents. Mr. Lawler said the current rules calls for a majority of the weighted vote as well, is that true. Mr. Kusnierz said it was a combination of number of supervisors and weighted vote. Mr. Lawler said there is the same opportunity for representation. He asked Mr. Burke if he agreed with Supervisor Peck's reading of County Law 153. Mr. Burke said he reads 153 as majority of the whole number of the members of the Board of Supervisors shall constitute a quorum for the transaction of business, a less number may adjourn. Mr. Lawler said he doesn't know the legal phrase for it but he knows there is a phrase out there that says it speaks for itself. The language is unambiguous. The County Law is unambiguous. It defines clearly what a quorum must be. It must be a majority of the members. There is no reference to weighted vote in County Law. The adoption of this Resolution, this Rule, directly contradicts and fails to meet the standard prescribed in our own County Law. He asked if this Board had the authority to ignore County Law. Can we just say we aren't going to pay any attention

to that law. Mr. Burke said he always advises his clients to obey the law and he hopes that answers his questions. Mr. Lawler said it does and if he is allowed to interpret Mr. Burke's comment to always obey the County Law doesn't that require that this motion not move forward because it directly contradicts the County Law. Mr. Burke said he can give advice but he can't tell him what's required. Mr. Lawler said the law speaks for itself. It is unambiguous. We are being asked to amend the rules in the way that is contradictory and in violation of our own County Law. He said there is no way that this rule change should pass because it begs a legal challenge.

Mr. Peck asked if he could make one correction for his colleagues. He said the County Law is not Saratoga County's County Law. It is State passed legislative law that dictates the County law. It is not a law that the Board has passed but a State law that passed under the County Law.

Mr. O'Connor said when he got Mr. Peck's email, it peaked his interest and he looked into it a little. He said it is a very interesting legal question. He has two points. One is to Mr. Lawler's point if the one that is proposed violates County Law 153(2) then our current violates 153(2). Our current one also requires a majority in addition to a numeric majority. 153(2) only requires a numeric majority. Under Mr. Lawler's interpretation the current rule violates 153(2). He said second; you have to look at 153(2) in the context of the judicial interpretations and challenges under the one person one vote rule which is a constitutional requirement. He point to case in front of Judge Cook before he became a judge for the Court of Appeals and it is clear that the court was considering the constitutionality of section 150, section 153(2) and section 153(4). The Court held that is was unconstitutional under the one person one vote to the extent that it gave residents of certain towns more power than residents of another town. That is forbidden under the democratic principle under the constitution one person one vote. He said he thinks to the extent that 153(2) contradicts the current plan, it violates the constitution. Mr. Kusnierz thanked Mr. O'Connor.

Ms. Gaston said regrettably Supervisor O'Connor got there first and said the points she was going to make. She thinks the major issue for her over the course of the past year with individuals representing more than the majority of the population of the County sought to work together to take any action. No business can be conducted without a weighted majority of the Board. This particular definition is already in use in other counties. It stands. Case Law supports it. She said practically speaking she doesn't think it changes a lot except it does mean the Board continues to move forward so that everyone has representation in any combination of 109,804 votes can meet that. That could include Supervisor Veitch and her or not and she thinks the important part is that it allows any group of Supervisors any group of individuals representing residents of our County to work together for the benefit for the County.

Mr. Schopf said he looked into this and had spoken with Supervisor O'Connor. He does agree with the case cited that found Section 153 to be unconstitutional and of no effect. He said there are a series of cases some recent that really dictate that the Board of Supervisors are responsible for management of its own rules. The courts don't really like to get involved into how we conduct business here as long it's not a constitutional issue. He thinks this is a perfectly valid revision and coincides with several other counties in the area.

Mr. Peck said to Mr. O'Connor that he looked at the case as well and it goes to the issue of one person one vote. He's not sure when the second line was added in to the Rules and may have been done because of the one person one vote. We are following Section 153 with a number of the majority being 12 and then, he doesn't know what year, but added to the weighted vote to give that the majority. To make sure that 12 didn't make a minority on the weighted vote and that would satisfy he believes the one person one vote. The other thing he pointed out is there are 19 towns and 2 cities in Saratoga County. What this change in Rules allows for is basically 7 Supervisors representing 5 towns and 1 city in some regard. What this will lead us to is a County Legislature, which he does not think is a good thing, so that every member has equal balance. Instead of representing the municipalities, we would be representing population numbers. He said one reason, he has been told by neighboring Counties is as Town and County Supervisors when there is a problem we look in the mirror and solve it, we don't point the finger. He thinks that is a beneficial thing as to why Saratoga County has been so successful. He thinks this step will lead the County down that path that is not a good one.

Mr. Pemrick said typically in this situation we refer a concern, discussion of Law to our County Attorney. He researches it and brings it back to the Board. While this legal discussion has been very interesting, we probably don't want to get in the habit of writing our own law here. Rather than suffering through each member's

interpretation of this, let's set the pattern, refer it to the County Attorney and ask him to come back with an opinion we can all support.

Mr. Kinowski said for the future for the Rules of the Board is put out a request for rule changes prior to this meeting. He suggested that may alleviate this discussion at future meetings.

Mr. Veitch made a motion to amend the wording to "a total of 109,804 weighted vote as allocated among the elected Supervisors pursuant Local Law No. 5 of 2011 shall constitute a quorum for the transaction of business". Ms. Gaston seconded the motion.

Mr. Lawler said he doesn't see a distinction. We end up at the same place. He doesn't see the difference between what is on the page and what Mr. Veitch as proposed. Mr. Veitch said the difference is he didn't want anyone to have any reference to County Law 153 in there because he may agree to some extent with Supervisor Peck that the wording may mean the whole number. But if there is case law that says it could be the weighted vote then he guesses it doesn't matter. Mr. Lawler said his concern is there appears to be a contradiction. We have a County Law that Supervisor Peck said is a State Law that defines a quorum as a majority of the members and then we have a County Rule that defines it differently. He is concerned about rule changes. There are different opinions here and that is why we have a County Attorney. He said Supervisor Pemrick made a good point. He doesn't think there should be a County Law that we ignore even if we try to get around it in some way with an amendment. He offered a motion to table this pending a legal review and written opinion. He would like the attorney's opinion on this before it's voted on. He said this could be done next month if the change is recommended by the attorney. He said he would be more comfortable with a legal opinion from Mr. Burke.

Mr. Kusnierz said the discussion is on the motion to amend.

Mr. Lawler said he would make the motion to table the amendment and a motion to table is not debatable.

Ms. Gaston said there are laws on the books in all fifty states. Some prohibiting same sex marriage, some prohibiting inter-racial relationships, and in Alabama where she grew up in remains on the books that it is illegal to drive your vehicle in the evening without your slave traveling in front of it. She would suggest if case law indicates that the law is inappropriate and violates the principles of the Constitution of the United States, irrespective of the fact that it exists, if the amendment here or the Rules as a whole are closer to the principles than that's where we should lie. She for one as a Supervisor would be willing to defend a change even if it ignores a law that exists if that law that does exist does not comply with the Constitution of the one person one vote.

Mr. Lawler asked for point of order. He drew to the Chairman's attention two items. He said a motion to table is not debatable and it appears we just had a debate. That was the ruling by our previous County Attorney last month. The Rules state the Chairman is the Parliamentarian but a motion to table under Roberts Rules of Order is not debatable. He said to Supervisor Gaston that he was not a Constitutional lawyer. He doesn't know anyone who is. He is uncomfortable adopting the Rules without the advice of counsel that that Rule does not violate County Law. That, seems to him, is a simple premise as people who are given the right, the privilege and the obligation to make laws. We don't make laws and when they become an inconvenience say they are then unconstitutional so we aren't going to pay any attention to it. Maybe it is unconstitutional. Maybe the Supreme Court or some NY Court has ruled that. This is something that Mr. Burke should discuss, in his opinion.

Mr. Kusnierz thanked Mr. Lawler. He said this Board in last year's adoption of the Rules never adopted Robert Rules of Order and what Mr. Lawler is referring to is tangentially related to that but it is not accurate so the motion to table does not stand. Mr. Lawler said he is going by precedent which we established just last month in which our then County Attorney announced that a motion to table was not debatable. Mr. Kusnierz thanked Mr. Lawler and told him his time on this subject has expired.

On a motion by Mr. Veitch, seconded by Ms. Gaston Resolution #1 was amended by the following vote:
AYES (140268): Eric Connolly (9776), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Kevin Tollisen (21535), Darren O'Connor (14765), Theodore Kusnierz (14728), Tara N. Gaston (13293), Matthew E. Veitch (13293), John Lant (16173).

NOES (79339): Joseph Grasso (4133), Richard Lucia (6531), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), 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).

On a motion by Mr. Veitch, seconded by Ms. Gaston Resolution #1 was adopted by the following vote as amended: AYES (130492): Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Kevin Tollisen (21535), Darren O'Connor (14765), Theodore Kusnierz (14728), Tara N. Gaston (13293), Matthew E. Veitch (13293), John Lant (16173).

NOES (89115): Eric Connolly (9776), Joseph Grasso (4133), Richard Lucia (6531), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), 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).

RESOLUTION 1 - 2021

Introduced by Chair of the Board

ADOPTING THE RULES OF THE SARATOGA COUNTY BOARD OF SUPERVISORS

WHEREAS, County Law Section 153 refers to the Rules of Procedure of the Board of Supervisors; and WHEREAS, the Board of Supervisors has voted upon and approved the "Rules of The Saratoga County Board of Supervisors", attached hereto; now, therefore, be it

RESOLVED, that the attached "Rules of The Saratoga County Board of Supervisors" are designated as the adopted Rules for this Board of Supervisors effective January 6, 2021 and operative until this Board of Supervisors votes to amend or repeal said rules.

BUDGET IMPACT STATEMENT: No budget impact.

Rules of the Saratoga County Board of Supervisors

I. Meetings

a. The Board of Supervisors shall convene no later than the 8th day of January each year to conduct its Organizational meeting. The place of the meeting will be the Saratoga County Board of Supervisors Meeting Room at 40 McMaster Street, Ballston Spa, NY 12020.

b. The Board shall convene for its Regular Meeting at 4:00pm on the Third Tuesday of every month. The Board's Regular Meeting in February shall convene at 4:00pm on the Fourth Tuesday.

c. Special meetings of the Board of Supervisors will be called upon the following conditions:

i. Upon the Direction of the Chairman of the Board of Supervisors;

ii. Upon the direction of the Vice-Chairman, provided that a weighted majority of Board members ratify the meeting when called;

iii. Upon a written appeal to the Chairman, signed by a majority of the whole number of Board members;

iv. Upon a written appeal to the Chairman, signed by a weighted majority of the Board members;

v. Notice to Board members for Special meetings shall be prepared by the Clerk of the Board of Supervisors not less than 48 hours before the date for holding a Special meeting; and

vi. No business shall be transacted at a Special meeting other than that specified in the notice of meeting.

II. Definition of a Quorum

a. A total of 109,804 weighted vote as allocated among the elected Supervisors by Local Law #5 of 2011 shall constitute a quorum for business. No business can be conducted at the Organizational, Regular, or Special session without a quorum being present.

III. Selection of a Chairman

a. At the Organizational meeting of the Board, held in accordance with the provisions of Section 151 of the County Law, the Board shall select a Chair and a Vice-Chair. Prior to the Chair being selected, the Board of Supervisors shall select a Temporary Chair, upon a motion and second, with weighted majority vote selecting the Temporary Chair. The Chair and Vice-Chair shall be selected upon a vote of a weighted majority of the members of the Board of Supervisors.

IV. Chair and Vice-Chair

- a. The role of Chair of the Board shall be defined per the provisions of NYS County Law. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.
- b. The Chair shall serve as the Parliamentarian to the Board of Supervisors.
- c. The Chair shall have the power, and is hereby delegated the authority, to issue proclamations on behalf of this Board and the County including but not limited to, Proclamations of Congratulations and Condolences, and Citations of Citizens or Groups.
- d. The duties to be performed by the Vice-Chair shall be as follows:
- i. Have and exercise all the powers and duties of the Chair at any meeting over which the Vice-Chair is called to preside or which the Chair is not present;
 - ii. Execute as Acting Chair all documents and agreements authorized to be executed by the Chair of the Board of Supervisors; and
 - iii. Have and exercise those additional powers and duties authorized by Resolution of the Board, provided such Resolution shall specify:
 1. the dates during which such Vice-Chair may exercise those powers and duties; and
 2. that the powers and duties authorized to such Vice-Chair shall not be exercised by the Chair during that designated time period

V. Order of Business

- a. The order of business at Regular meetings shall be as follows:
- i. Regular Meetings:
 1. Calling of the roll of members
 2. Attention to the Flag
 3. Chaplain
 4. Public Input
 5. Approval of minutes of prior meetings
 6. Correspondence
 7. Reports of Committees
 8. Resolutions
 9. Request for Separate Votes
 10. Motion and Adoption of all Resolutions
 11. Unfinished Business and New Proposals
 12. Other Business
 13. Adjournment
 - b. The Board shall be called to order by the Chair at Regular meetings and the roll called.
 - i. Any member who enters the room after the roll call shall be entitled to take a seat, and the Chair shall instruct the Clerk to note the member's presence in the minutes.
 - ii. No member shall withdraw from the session without leave being granted by the Chair.
 - iii. No member shall be allowed to debate upon any report, resolution or notice, or amendment or subsidiary motions thereto, or otherwise hold the floor at a Board meeting, for a longer period than five (5) minutes without the consent of the weighted vote of the members present.
 1. Any member desiring to speak or present any subject matter shall address the Chair and shall not further proceed until recognized by the Chair and granted the floor.
 2. No member shall be allowed a second opportunity to speak on an item until all other Board members have had an opportunity to speak on that item.
 - iv. Any motion to adjourn, having been duly seconded shall require a roll call vote of the majority of the weighted vote of the Board voting in the affirmative before the session is adjourned.

VI. Public Input

- a. Each Regular meeting will have fifteen (15) minutes set aside for public input, to allow members of the public to address the board on matters relating to Saratoga County business. The Chair shall have discretion as to extending the 15 minute time limit if there is a large number of people wishing to address the board in attendance.
- b. Any person wishing to speak during Public Input must sign their name and address on a sign-up sheet for speakers.
- c. Speakers will be limited to three (3) minutes unless their time is extended by the Chairman.
- d. Speakers will be called by the Clerk in the order in which they sign up.
- e. Speaking time may not be transferred from one speaker to another.
- f. Commercial solicitations to the Board as public input shall be prohibited.
- g. All written comments sent by mail or electronic mail will be accepted and filed with the meeting minutes.
- h. The Chair of the Board shall have the right to establish other rules and reasonable time limits governing the appearance of persons before the Board.

VII. Public Hearings

- a. Any person wishing to speak at a Public Hearing held by the Board must sign their name and address on a sign-up sheet for speakers on the date and at the time of the scheduled public hearing.
- b. Speakers will be limited to three (3) minutes unless their time is extended by the Chairman.
- c. Speakers will be called in the order in which they sign up.
- d. Speaking time may not be transferred from one speaker to another.
- e. All written comments sent by mail or electronic mail will be accepted and included in the minutes of the hearing.
- f. The Chair of the Board shall have the right to establish other rules and reasonable time limits governing the appearance of persons before the Board.

VIII. Resolutions

- a. All resolutions to be presented for consideration of the Board shall be delivered to the Clerk by 12:00 o'clock Noon on the Monday preceding the Board meeting.
- b. The Clerk will prepare an agenda of resolutions and share the agenda with the Supervisors as soon as is practicable either by mail or through electronic mail. A copy of the agenda of resolutions will be placed on each Supervisor's desk prior to the opening of the meeting.
- c. Any resolution not so presented by the time stated above may be considered during the Unfinished Business and New Proposals portion of the Board's meeting agenda upon the motion of any Supervisor, which is duly seconded, and approved for addition to the agenda by a majority of the weighted vote of the Board.
- d. Resolutions not so presented by the time stated above, and not taken up during the Unfinished Business and New Proposals portion of the Board's meeting agenda, shall be moved to the next scheduled Board meeting.
- e. Motions for new items to be considered as New Proposals by the Board of Supervisors will be entertained in the Unfinished Business and New Proposals portion of the Board's Regular meeting agenda.
 - i. Items introduced during this time may be done so upon the motion of any Supervisor, which is duly seconded.
 - ii. Items introduced in this way will be referred by the Chair to the appropriate Standing Committee for review and action at a future meeting. No further Board action is required to refer an item to the Standing Committee for review.
- f. If a New Proposal is requested to be acted on immediately during the Unfinished Business and New Proposals portion of the meeting agenda, and it is so moved and duly seconded, a vote consisting of a weighted majority vote must be obtained to add the item to the agenda during the current meeting.
 - i. Any item so added, before being voted upon shall be reduced to writing with the appropriate WHEREAS and RESOLVED sections included in the item
 - ii. Once drafted, the item shall be duly moved and seconded, with a majority of weighted vote necessary to pass the item.
 - iii. Provisions (f) (g) and (h) below must be adhered to for any new item added to an agenda and voted on in this way.
- g. All resolutions presented to the Board shall be in writing with the name of the Supervisors from the Standing Committee presenting and voting in favor of such resolution appearing thereon. If a resolution is not

introduced through the Standing Committee process, the Supervisor introducing the item (and co-Sponsors) shall be listed on the resolution.

h. All resolutions and reports of Committees shall be numbered consecutively by the Clerk as presented. With respect to each resolution, the Clerk shall read the name of the Committee or Supervisor introducing the resolution, the title of the resolution, all Resolved paragraphs, and the budget impact statement. The reading by the Clerk of the Resolved paragraphs of a resolution or resolutions may be waived on motion of any member, duly seconded, and approved by voice vote of a majority of the members present.

i. The Clerk shall enter the names of the moving members in the minutes.

j. The ayes and noes shall be recorded on all resolutions and reports of committees, and on any question, the ayes and noes shall be recorded if requested by any member. Such votes shall be recorded in accordance with Local Law 2-68, as amended, which establishes the weighted vote of each member.

k. Any member may request a separate vote on any resolution. A request for a separate vote shall not require a second. Separate votes shall be required in instances where a Supervisor needs to recuse themselves or abstain on an individual resolution.

l. Final action shall not be taken on the annual budget until at least ten (10) days shall have elapsed after a typewritten, printed, or electronic copy thereof shall have been placed on the desk of each Supervisor, or sent to each Supervisor via electronic mail.

IX. Other Business

a. During the Other Business portion of the meeting agenda, there is opportunity for an open discussion where any items can be brought up by the Supervisors for comment. Questions may be asked of County staff, and/or comments, remarks, or announcements on any item relevant to Saratoga County can be discussed. The Chair shall decide whether a Supervisor’s topic is relevant to Saratoga County. All members must ask permission of the Chair to speak during the Other Business portion of the meeting and shall be limited to no more than five (5) minutes on any given topic.

X. Standing Committees

a. The following Standing Committees shall be appointed by the Chair of the Board:

<u>Committee Name</u>	<u>Numbers of Members</u>
Buildings & Grounds	7
Economic Development	7
Health & Human Services	7
Human Resources & Insurance	7
Government Review & Efficiency	7
Law & Finance	7
Legislative	7
Public Safety	7
Public Works	7
Racing & Gaming	7
Real Property Tax	7
Technology and Resiliency	7
Trails & Open Space	7
Veteran’s Affairs	7

b. The Chair of each Standing Committee shall be selected by the Board Chair at the Organizational meeting each year.

c. Vice-Chairs of each Standing Committee shall be selected by the Chair of the Committee.

d. Committee Chairs shall confer with the Clerk of the Board of Supervisors to schedule the committee meeting schedule for the year as soon as practicable following the Organizational Meeting, but meeting schedules shall be finalized no later than January 10th of each year for all Standing Committees.

i. The Law & Finance Committee meeting shall be scheduled on the 2nd Wednesday of every month.

ii. Items approved by the Law & Finance committee at its monthly meeting shall constitute the Board agenda for the Regular meeting each month.

- e. The Chair of the Board shall be a member ex-officio of all Committees. With respect to all standing Committees, a quorum shall consist of a simple majority of its members.
- f. All Standing committee actions shall not be approved unless a majority of its constituted members vote in the affirmative on an action.
- g. Committee Chairs, in consultation with the County Attorney and if necessary, the respective affected Department Heads and the County Administrator, shall have agenda items prepared for each monthly meeting no later than five (5) calendar days before the scheduled Committee meeting.
- h. The Clerk of the Board will distribute each Committee agenda of proposed items and supporting materials to the Committee members as soon as is practicable, but no less than forty-eight (48) hours prior to the scheduled Committee meeting by electronic mail and in the member's mailbox receptacle.
- i. No person, other than a member of the Board of Supervisors shall be permitted to address any Standing Committee unless twenty-four (24) hours' prior notice is given to the Clerk of the Board or Committee Chair setting forth the identity of such person or organization and the nature of the subject matter to be presented to the Committee.
 - i. Notice can be in writing, by telephone or electronic mail communication
 - j. Regardless of the provisions set forth herein relating to twenty-four (24) hours' prior notice, any person shall be permitted to address a meeting of a Standing Committee with the approval of a majority of the members of the Committee in attendance.
 - k. Speakers will be limited to three (3) minutes unless their time is extended by the Chairman.

XI. Standing Committee Definition and Scope

- a. **BUILDINGS & GROUNDS COMMITTEE:** To have charge of all County property, its use, maintenance, renovation, space allocation, repairs and replacement, including maintenance operation or development of the Saratoga County Airport; to oversee and approve all lease agreements involving the County of Saratoga; to oversee parking regulations and facilities; and supervise the provision of construction, technical, engineering and legal services necessary or appropriate for construction of County facilities.
- b. **ECONOMIC DEVELOPMENT COMMITTEE:** To have supervision over County planning matters and activities as provided under Section 220 of the County Law and Article 12(b) of the General Municipal Law; to meet periodically with the County Planning Board for the purpose of correlating its activities and objectives; generally managing and dealing with all matters of transportation, excluding those assigned to the Public Works Committee; to act as liaison with the Capital District Transportation Authority; to handle matters under the Mass Transportation Act; to develop, as the need arises, long range plans affecting any forms of transportation within the County; to work in conjunction with various County publicity and promotion committees in fostering continuous publicity for the County and to formulate a County promotion program; to consult with industrial and business firms regarding matters of mutual interest and concern; to assist local efforts to attract new business and industry to the County in a continuous effort to improve the commercial and industrial climate of the area; to have general supervision over the operations of the County's Office of Employment and Training; to meet periodically with and to maintain liaison with appropriate economic development organizations and to make such recommendations to the Board of Supervisors as it deems in the best interests of the County; to have general cognizance of all matters relating to preservation and improvement of agriculture and husbandry; and maintain liaison with Boards of Directors of the County Extension Association, the County Fair and the Saratoga County Prosperity Partnership.
- c. **GOVERNMENT EFFICIENCY & REFORM COMMITTEE:** To promote, chart and improve the scope, efficiency, effectiveness, and economy of County government and to recommend means of improving the coordination of the entire County operation and of its various departments with each other. To annually review and make additions, modifications, and deletions to the Rules of the Board of Supervisors and to County's Policies and Procedures, and the Saratoga County Code; to review and ensure that the County Appointment book contains the most relevant and appropriate statutory Committees and Individual appointments.
- d. **HEALTH & HUMAN SERVICES:** To oversee generally all County health programs, including the Physically Handicapped Children's program; to consult with the County Community Services Board; and to have general supervision over the operations and programs of Saratoga County Public Health Services and Saratoga County Mental Health and Addiction Services. To have general supervision over the operations of all agencies and departments now or hereafter involved with social programs, including the Social Services department, Office for the Aging and Youth Bureau; to maintain liaison with federal and state agencies in connection with such programs; to recommend any changes in personnel or appropriations required for the efficient operation of the said County departments; to hear any member's recommendations to the Board of Supervisors in connection

therewith; to explore all federal and/or state social programs applicable to the County, its departments or municipalities; to make recommendations to the Board of Supervisors as to the advisability of County participation and to forward pertinent data thereon to other interested County municipalities.

e. **HUMAN RESOURCES & INSURANCE COMMITTEE:** To have general supervision over all county personnel matters; to have charge of safety concerns regarding county personnel and property; to have charge of a County Risk Management Program; to have jurisdiction over all county liability insurance; to supervise county compliance with the Occupational Safety and Health Act; to have jurisdiction over the Saratoga County Workers' Compensation Plan and to advise and assist the Workers' Compensation Administrator in the management of the Workers' Compensation Plan; to oversee and make recommendations regarding the creation, abolishment and reclassification of job descriptions and regarding the functions, staffing and salaries for county departments; and to review and evaluate compensation and performance of county employees who are not members of collective bargaining units, including county officials and department heads.

f. **LAW AND FINANCE COMMITTEE:** To have general supervision over all matters where County funds or laws are concerned; to review the tentative Annual Budget for the consideration of the Board; to have general supervision over matters pertaining to the offices of County Auditor, Budget Officer, County Treasurer, County Clerk and County Attorney; to have general oversight over matters related to the operation of Saratoga County Sewer District No. 1 and matters referred to the Board of Supervisors by the Saratoga County Sewer District Commission; to supervise negotiations with employees organizations; to coordinate Committee programs and to make recommendations relative to office management, equipment and personnel; to have jurisdiction over all referred matters from any ad hoc or special Committee created by either the Chairman or the Board; to have initial jurisdiction over all referred matters not specifically within the jurisdiction of another Committee, and to confer with the Chair and members of a Committee when a matter overlaps or infringes on the functions of such Committee.

g. **LEGISLATIVE & RESEARCH COMMITTEE:** To confer with members of other legislative bodies; to urge such bodies to approve or disapprove legislation affecting the County of Saratoga; to attend sessions of other legislative bodies, particularly the State Legislature; to examine all proposed legislation affecting the County or any of its subdivisions; to report to the Board for its approval or disapproval of such legislation; to maintain liaison with Boards of Supervisors of other counties.

h. **PUBLIC SAFETY COMMITTEE:** To have supervision over County matters pertaining to the courts, law enforcement and emergency services agencies, including the Sheriff's department, District Attorney, Public Defender, Probation Department, Commissioner of Jurors, Civil Defense, Office of Emergency Services, the County's emergency radio communications system, the operation of the County Animal Shelter and the facilities and operations of the Supreme, County, Surrogate and Family Courts, and Supreme Court Law Library.

i. **PUBLIC WORKS COMMITTEE:** To consider all requests and recommendations made by the County Commissioner of Public Works as to order and type of roads to be constructed, programs and projects for road construction, reconstruction or maintenance; snow and ice control; purchase of machinery; acquisition of rights of way for State and County highways; to confer with State officials with reference to location of proposed State highways within the County; to provide requested engineering services to other County departments; and to supervise the privatization of the County's recycling program.

j. **RACING & GAMING COMMITTEE:** To consider matters related to the horse racing and electronic gaming industries in Saratoga County and to oversee and develop County policies and activities in support of the racing and electronic gaming industries in Saratoga County; and to make such recommendations to the Board of Supervisors as it deems in the best interests of the County.

k. **REAL PROPERTY TAX COMMITTEE:** To have general oversight of the County's real property tax enforcement proceedings, including setting the dates of the County's real property auctions, reviewing tax delinquent parcels that may be acquired through the tax foreclosure process, approving requested second pulls of parcels from the County's real property auction, approving repurchase offers for tax acquired properties, approving the results of the County's real property auction, approving the pre-auction conveyance of a tax acquired parcel to an authorized municipal or public entity which is not the former owner of such parcel, and, when appropriate, recommending to the Board alternatives to the disposition of tax acquired parcels other than sale at public auction; recommending to the Board the retention of a tax acquired parcel or parcels for municipal purposes; review the reports of the County Auditor as to all tax refunds paid by the County Auditor in amounts up to \$2,500; recommending to the Board the approval of any requested tax bill corrections, tax refunds, or tax credits over the amount of \$2,500; recommending to the Board the denial of any requested tax bill corrections, tax refunds or tax credits, regardless of the amount at issue; recommending to the Board the cancellation of taxes, when appropriate; recommending to the Board the appropriate action to be taken relative to any new tax

exemptions or changes in current tax exemptions; and maintaining a Manual of Policies and Procedures of the Committee relative to the various real property tax services provided by the Committee and the County.

l. TECHNOLOGY & RESILIENCY COMMITTEE: To oversee all aspects of County Internet Technology (IT) and Information Systems; to oversee the County’s IT infrastructure; to evaluate and recommend potential software solutions requested by Department Heads for the purpose of making County operations more efficient and/or cost effective; to consider recommendations of the IT Director; and to review and propose initiatives that enhance generally the public’s access to the workings of County Government, programs and services as well as to the improved access to Internet Technology in Saratoga County; to examine the County’s flexibility and responsiveness through social and economic resilience, sustainability, and disaster management; and to coordinate with other standing committees and County departments to accomplish those goals.

m. TRAILS AND OPEN SPACE COMMITTEE: To administer the County’s Trails and Open Space Grant programs; to oversee and work with the Planning Department on the management of the County Forest trails; to oversee the management, development and improvement of County parks; to have general cognizance of all matters relating to the preservation and improvement of the environment; to maintain liaison with the Environmental Management Council; to have general cognizance of all matters relating to propagation of fish and game birds, reforestation projects and care of trees, forest fires, bounties, soil conservation; and to meet periodically and maintain liaison with Boards of Directors of the Soil Conservation District, Saratoga PLAN and other similar organizations.

n. VETERANS AFFAIRS COMMITTEE: To oversee all programs for military veterans throughout the County; to confer with members of other legislative bodies on appropriate benefits for military veterans; to conduct suitable events to honor and memorialize veterans.

XII. Roberts Rules of Order

a. Except as otherwise provided in the Rules of this Board, Robert’s Rules of Order shall be deemed to govern the conduct of Regular and Special Meetings of the Board.

XIII. Amendments to the Rules

a. These Rules may not be amended or rescinded except upon the affirmative vote of 2/3 weighted majority of the Board, after the proposed amendment has been submitted in writing and referred to the Government Reform & Efficiency Committee.

b. Rule amendments shall not be acted upon until laid over to the next meeting of the Board of Supervisors.

c. Any Rule may be suspended for a single meeting upon a vote of the weighted majority of the Board members.

d. Amendments to the rules shall be notated and recorded by the Clerk of the Board of Supervisors listed on the working document as established.

RESOLUTION 2 - 2021

Introduced by Chair of the Board

DESIGNATING OFFICIAL COUNTY NEWSPAPERS

WHEREAS, County Law Section 214, subdivision 2, requires annual designation of at least two newspapers published within the County for the publication of all local laws, notices and other matters required by Law to be published; now, therefore be it

RESOLVED, that

"THE SARATOGIAN", published in the City of Saratoga Springs, County of Saratoga, New York,

and

"THE DAILY GAZETTE", published in the City of Schenectady and the County of Saratoga, New York,

and

“THE POST STAR”, published in the City of Glens Falls, County of Warren, New York

and

“SARATOGA TODAY”, published in the City of Saratoga Springs, County of Saratoga, New York

are designated as the official County newspapers for the publication of Local Laws, notices and all other matters required by law to be published.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 3 - 2021

Introduced by Chair of the Board

AUTHORIZING BLANKET OFFICIAL UNDERTAKING FOR COUNTY OFFICERS REQUIRED BY LAW TO EXECUTE AND FILE OFFICIAL UNDERTAKINGS

WHEREAS, certain County Officers are required to execute and file undertakings by reason of certain provisions of the County Law; and

WHEREAS, Public Officers Law §11 allows for the substitution of a blanket undertaking for such individual undertakings; and

WHEREAS, the County of Saratoga has in effect a blanket undertaking for all County Officers required by law to execute and file undertakings; and

WHEREAS, said blanket undertaking provides coverage for the failure of said officers to faithfully perform their duties or to account for all moneys or property received by them by virtue of their positions, and for their fraudulent or dishonest acts; and

WHEREAS, Public Officers Law §11 requires this Board to approve the blanket undertaking as to form and sufficiency of coverage; now, therefore, be it

RESOLVED, that the Board approves a blanket undertaking issued as Policy Number 106291261 by Travelers Insurance Company in the amount of \$1,000,000.00 (One Million and 00/100) coverage for all County officers and employees, and providing employee dishonesty coverage and faithful performance of duty coverage for said officers and employees as required by Public Officers Law §11, with an appropriate deductible established at the time of the purchase of the policy in accordance with the usual practice of the County; and, be it further

RESOLVED, that a certified copy of this Resolution be attached to said blanket undertaking and a copy thereof be filed in the Office of the County Clerk.

BUDGET IMPACT STATEMENT: No budget impact.

Mr. Grasso made a motion, seconded by Mr. Lant to adopt Resolution No. 4.

Mr. Peck said he is wondering who the drafter of the resolution could explain their basis for this replacement of our County Administrator. He didn't know who drafted this.

Mr. Kusnierz said the County Attorney is charged with drafting resolutions. Mr. Peck said the proposed resolution was introduced by the Chair of the Board and asked if he had an explanation as to why it was before the Board today. Mr. Kusnierz said most of the resolutions are Chairman's and it is customary for the Chairman to be listed as sponsor. Mr. Peck said on this one, someone must have proposed this for the County Attorney to draft. He is looking for the sponsor or proposal person is to give a basis. Mr. Kusnierz said the motion is being introduced to make a change in the County Administrator's position which is an at will appointment of this Board. Mr. Peck said that someone must have drafted it. Mr. Kusnierz said that the County Attorney drafted it. Mr. Peck said someone must have proposed it to the County Attorney for him to draft as he doesn't just make this stuff up.

Mr. Zlotnick said you wish to let someone go because it is at will employment; yet, no one in this room is willing to stand up and say which one of you instructed the County Attorney to write this resolution. He is quite certain the County Attorney doesn't have the power to sit around thinking who we can get rid of this week. He said you want transparency. Last month we didn't make appointment because we needed to do exhaustive research because of what could be happening. He would like to know what exhaustive research was done between January 1 and today to come up with an individual without any public knowledge of his replacement. Meanwhile we have spent

thousands of dollars for an external review of what happened. We had a committee put together to find some type of recourse for individuals who may or may not have done something wrong and before that has even come to a conclusion, we are letting someone go. At will. So the money that we spent on that report, from the external group, which by the way was wrong from the very first day it was presented and that's what this is based on. No one can stand up and say I instructed the attorney to write this; but you stand there and talk about transparency and open and new government. Show some spine. Somebody here, stand up and say I had the attorney write that report.

Mr. Lawler said he is kind of embarrassed to be a part of a Board, but he said he should expect to have that reaction quite a bit this year, that has a resolution before us and that Mr. Burke nods his head and said yes he wrote it. Perhaps the Board should ask Mr. Burke who asked him to write it. Mr. Lawler said he would not do that because it would put Mr. Burke in an awkward position. As Mr. Peck and Mr. Zlotnick just said, has no one in the room the courage to stand up and say that they are the architect for firing a 33 year employee without so much as telling him why. He is wondering if anyone had the courtesy or decency to tell Mr. Hellwig he was fired effective January 5th. Did anyone have that decency; he is guessing no. Here we have people who are ready to vote on a resolution that no one will admit they wrote; it's that embarrassing. He asked who conducted the interviews for this position, who met with Mr. Bulger, who met with other candidates if there were others, who negotiated with Mr. Bulger, and on what authority. If we are going to replace the County Administrator, the most important position in County government, why was there no search done. If you're that set on getting rid of Spencer Hellwig, even though no one will put their hand up and take responsibility, why was there no search done. What a disgrace and disservice to the taxpayers of this County that no search was done to replace the most important person. He said maybe Mr. Bulger, who he thought he did an admiral job as Regional Director for the SPA, is the best candidate. He suggested a disservice was done to Mr. Bulger by not at least going through a search process. And the fact that Mr. Bulger is the former Saratoga County Republican Chairman is terrible optics for this Board. Surely this can be seen. Maybe he is the best candidate but how does this look to the taxpayers in Saratoga County. No search, no one taking responsibility for this resolution, it is beyond belief.

Mr. Kinowski said a lot was said earlier on in the Chairman's remarks; yet, here we are ready to replace somebody who has the most knowledge about what's been happening with Covid in our County. He doesn't know how many of his colleagues know that this Board represents Department of Health for Saratoga County. We all do. The number one priority in this County has been to get rid of Covid. In his Town he sent a letter a year and a half ago to ask for a doctor to be added to the Town's Department of Health. He got an answer three weeks ago. Mr. Kinowski spoke about needing a doctor for his town's health board. He knows there were good intention in the Chairman's goal sets and we have been here since this all happened. Here we are about to replace someone and the Board has zero information on his skillsets.

Mr. Lawler said he would like to point out that the Board has not been given the resume of Mr. Bulger. None of us knew about this appointment until the last four or five days. He didn't expect any answers to his questions about who asked for this resolution, who else was interviewed, who made the offer, who directed the County Attorney and by what authority was all this done. He thinks the people that are responsible are too embarrassed to say so. Having said that again this to him is a disservice to taxpayers of this county and a tremendous tragedy to Mr. Hellwig. The resolution thanks Mr. Hellwig for his service and then says by the way you're fired, you can read about it in the paper and we aren't going to tell you why you are fired.

Mr. Richardson said he believed it was reported at the last Board meeting that Supervisor Connolly was going to be having conversations with Mr. Hellwig and he would be reporting back to the Board his findings so it could be looked at and move forward. He doesn't believe that hasn't taken place, and asked what happened with this.

Mr. Kusnierz said he is unaware of where Supervisor Connolly is in his conversations with the employee.

Mr. Schopf said he didn't think this conversation should be occurring in open session.

Mr. Kusnierz reminded Mr. Connolly that any discussion in relation to personnel matters may not be conducted in the public domain. If it doesn't violate that, go ahead.

Mr. Connolly said the date that was stated came from the County Administrator.

Mr. Lawler read a section of a resolution from December, 2020 “RESOLVED, that Special Committee Chair Eric Connolly is hereby authorized to decide and facilitate what, if any, action should be taken to any personnel as a result of the findings in the report of investigation of the law firm of E. Stewart Jones Hacker Murphy, LLP; and be it further, Resolved, that Special Committee Chair Connolly is directed to continue to work in conjunction with labor counsel Goldberg Segalla and members of the special committee as needed; and be it further, Resolved, that Special Committee Chair Connolly or his designee is authorized to retain oversight of any recommended course of action as to any employee to ensure the employee’s compliance”. Mr. Lawler said his question to Mr. Connolly would be if Mr. Connolly had informed Mr. Hellwig that his employment was terminated. He also asked if Mr. Hellwig had an opportunity to speak with Mr. Connolly to see what if any a course of action would be.

Mr. Burke cautioned the Board that matters that are currently in litigation or may be subject to litigation should not be discussed in open session. Mr. Lawler said for the record all he did was read a resolution and had intended to ask Supervisor Connolly Mr. Kusnierz told Mr. Lawler his time on this subject had expired.

Mr. Kinowski said he appreciates the attorney making that statement. However the Board is here appointing somebody and relieving somebody. The question that was asked was if the person who was charged with that talk with him. He doesn’t see how that is in violation. Mr. Burke said his comments were in anticipation of the next question, what was talked about and that is why he made the statement. Mr. Kinowski said Mr. Connolly’s response could have been a simple yes or no.

Ms. Gaston said she would like to reiterate the statements of Supervisor Schopf that any discussion pursuant to that resolution or connected to it is not an appropriate discussion for open session.

Mr. Pemrick said the discussion has gotten off track again. The question was how this resolution came about, who proposed it, who said what to whom, whose idea was it, and we have determined counsel wrote the resolution. We don’t know at whose direction. His concern goes back to one of the initial goals that was mentioned during the Chairman’s remarks about transparency. He said within an hour it seems to have gone array in terms of the direction of perception of this Board. It doesn’t have to be that way. We need someone to step up and explain. The longer someone remains silent the deeper the wound becomes.

Mr. Allen said he’s having a hard time understanding the reason we are letting Spencer go without any justification or reasoning. And asking him to vote on someone he hasn’t even seen a resume on and asked if he was even qualified. Does anyone know. He thinks the Board is going down the wrong road.

Ms. Winney said she thinks the question on the floor is that the Chairman proposed the new Rules and these resolutions to come forward. She said she assumes that this started with him and that he wrote this up to give to the Attorney. She added no one wants to take the hit for this and she will assume that the Chairman did this. She asked if she was correct. Mr. Kusnierz said he did not write the resolution. Ms. Winney said someone needs to come forward as this is supposed to be clear and transparent and this is starting on the wrong foot. She said this could have been done if both sides worked together and she feels the small towns are going to get hurt. She doesn’t think the people in this County are going to like this. She would like to know who wrote this and she asked Mr. Connolly if he spoke with Mr. Hellwig and if he received an answer.

On a motion by Mr. Grasso, seconded by Mr. Lant Resolution #4 was adopted by the following vote:

AYES (134625): Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Kevin Tollisen (21535), Darren O’Connor (14765), Theodore Kusnierz (14728), Tara N. Gaston (13293), Matthew E. Veitch (13293), John Lant (16173).

NOES (73992): Richard Lucia (6531), Preston Allen (856), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), 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).

ABSTAIN (10990): Eric Connolly (9776), Jean Raymond (1214).

RESOLUTION 4 - 2021

Introduced by Chair of the Board

APPOINTING STEVEN J. BULGER AS COUNTY ADMINISTRATOR

WHEREAS, by Local law No. 7 for the year 1979, entitled "A Local Law Establishing the Position of County Administrator for the County of Saratoga" which in section three (3) Appointment; Qualifications establishes that the County Administrator shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board, and, duly enacted by this Board of Supervisors on 20th day of November, 1979, and duly filed in the Office of Secretary of State, the position of County Administrator was created for the County of Saratoga; and

WHEREAS, by reason of the January 10, 2021 cessation of employment of Spencer Hellwig, a vacancy will be created in the position of County Administrator; now, therefore, be it

RESOLVED, that Steven J. Bulger of Clifton Park, New York, be and he hereby is appointed to the position of County Administrator as of January 11, 2021 at the base annual rate of \$156,064.09; and be it further

RESOLVED, that the Board of Supervisors wishes to express its gratitude for Mr. Hellwig's 33 years of dedicated service to the County, and wishes him all good intentions with regard to his future endeavors; and, be it further

RESOLVED, that this Resolution shall take effect January 11, 2021.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 5 - 2021

Introduced by Chair of the Board

APPOINTING COUNTY'S COMMISSIONERS OF ELECTIONS

WHEREAS, Election Law §3-204 outlines the appointment procedure for County Commissioners of Elections; and

WHEREAS, Resolution 2-2017 appointed William Fruci and Roger J. Schiera respectively as the County's Commissioners of Election for terms that ended on December 31, 2020; and

WHEREAS, Resolution 2-97 established a Commissioner's term of office at four (4) years; and

WHEREAS, the Chairs of the County Committees of the Republican and Democratic parties have filed certificates with our Clerk of the Board recommending the Commissioners' reappointments; now, therefore, be it

RESOLVED, that William Fruci of the City of Mechanicville and Roger J. Schiera of the Town of Malta are hereby appointed Commissioners of Elections for the County of Saratoga for terms ending December 31, 2024.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 6 - 2021

Introduced by Chair of the Board

APPOINTING MEMBERS OF THE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, General Municipal Law Section 890-h established the County of Saratoga Industrial Development Agency; and

WHEREAS, the terms of certain members of the County Industrial Development Agency have expired and additional members are being appointed

RESOLVED, that the following persons are appointed members of the County Industrial Development Agency for the stated terms:

<u>Name</u>	<u>Prior Resolution</u>	<u>Term Expires</u>
Tom L. Lewis	7-2019	12/31/2022

Philip Klein	n/a	12/31/2022
Michael Mooney	7-2019	12/31/2022
Rod Sutton, Jr.	7-2019	12/31/2022

RESOLVED, that the proper certificates of appointment be filed with the Secretary of State.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 7 - 2021

Introduced by Chair of the Board

APPOINTING MEMBERS TO THE COUNTY PLANNING BOARD

WHEREAS, Resolution 48-61, as amended by Resolutions 74-65 and 56-73, established the County Planning Board; and

WHEREAS, the terms of certain members of the Planning Board have expired and additional members are being appointed; now, therefore, be it

RESOLVED, that the following people are appointed as members of the County Planning Board for the stated terms:

<u>Name</u>	<u>Term Expires</u>
Davin Dal Pos	5/31/2025
Ian Murray	5/31/2025
Cynthia Young	5/31/2025

BUDET IMPACT STATEMENT: No budget impact.

RESOLUTION 8 - 2021

Introduced by Chair of the Board

APPOINTING A COMMISSIONER OF THE SARATOGA LAKE PROTECTION AND IMPROVEMENT DISTRICT

WHEREAS, pursuant to Chapter 460 of the Laws of 1986, the five Commissioners of the Saratoga Lake Protection and Improvement District are appointed by the Board of Supervisors; and

WHEREAS, the term of one member has expired; now, therefore, be it

RESOLVED, that the following individual is appointed as Commissioner of the Saratoga Lake Protection and Improvement District for the stated term:

<u>Name</u>	<u>Municipality</u>	<u>Term Expires</u>
Kathleen Simmonds 19 Tomahawk Lane Saratoga Springs, NY 12866	City of Saratoga Springs	12/31/22

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 9 - 2021

Introduced by Chair of the Board

APPOINTING DIRECTORS OF SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, pursuant to Resolution 59-47 and §5 of the Soil and Water Conservation Districts Law, our County is a Soil and Water Conservation District; and

WHEREAS, pursuant to §6 of said Law and Resolution 15-92, the District's seven Directors are appointed by the Board of Supervisors; and

WHEREAS, the terms of certain members of the Soil and Water Conservation District have expired and additional members are being appointed; now, therefore, be it

RESOLVED, that the following persons are appointed Directors of the County Soil and Water Conservation District for the stated terms:

<u>NAME</u>		<u>TERM EXPIRES</u>
Darren O'Connor Malta Town Hall 2450 Route 9 Malta, NY 12020	Supervisor	12/31/2021
Joseph Grasso Town Hall 758 Charlton Road Charlton, NY 12019	Supervisor	12/31/2021
Jennifer Koval 108 Sweet Road Stillwater, NY 12170	Farm Bureau	12/31/2023
Jay Matthews 2192 Cook Road Ballston Lake, NY 12822	At-Large	12/31/2023

BUDGET IMPACT STATEMENT: No budget impact.

Ms. Gaston made a motion, seconded by Mr. Tollisen to move Resolution #10 to discuss.

Mr. Tollisen said Mr. Waldron is a sitting town justice in the Town of Stillwater and no longer the chief of police. He said Mr. William Rabbitt should be named in the resolution if the intention is to appoint the chief of police. Mr. Richardson said Mr. Tollisen was correct.

Mr. O'Connor asked if the resolution could read appointed and not reappointed. Mr. Kusnierz said that was a typo and would be corrected.

On a motion by Mr. Tollisen, seconded by Mr. Richardson, Resolution #10 was amended unanimously to Mr. Waldron's name was removed and replaced with Mr. William Rabbitt. This will also correct the word re-appoint to appoint.

RESOLUTION 10 - 2021

Introduced by Chair of the Board

APPOINTING MEMBERS TO SARATOGA COUNTY TRAFFIC SAFETY BOARD

WHEREAS, pursuant to Vehicle and Traffic Law, Article 43, Local Law 3-68 established a County Traffic Safety Board to perform those functions set forth in said Article; and

WHEREAS, Local Law 2-78 amended §2 of 3-68 to increase the authorized number of members to twenty (20); and

WHEREAS, the terms of several members have expired; now, therefore, be it

RESOLVED, that the following persons are appointed members of the Saratoga County Traffic Safety Board for the stated terms:

<u>Name</u>	<u>Municipality</u>	<u>Term Expires</u>
Karen A. Heggen District Attorney 25 West High Street Ballston Spa, NY 12020	County	12/31/23
William Rabbitt Mechanicville Police Dept. 36 North Main Street Mechanicville, NY 12118	Mechanicville PD	12/31/23
David Bush, Chief Ballston Spa Police Dept. Bath Street Ballston Spa, NY 12020	Ballston Spa PD	12/31/23
Lt. John Digman New York State Police 301 Ballard Road Gansevoort, NY 12831	New York State Police	12/31/23

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 11 - 2021

Introduced by Chair of the Board

APPOINTING DIRECTORS OF THE SARATOGA COUNTY CAPITAL RESOURCE CORPORATION

WHEREAS, pursuant to Resolution 164-12, this Board of Supervisors authorized the formation of a capital resource corporation in accordance with Not-For-Profit Corporation Law §1411, to be known as the Saratoga County Capital Resource Corporation; and

WHEREAS, pursuant to the provisions of the Corporation’s Certificate of Incorporation, the Directors of the Corporation are appointed by this Board of Supervisor for staggered three year terms; and

WHEREAS, the terms of two Directors have expired; now, therefore, be it

RESOLVED, that the following persons are appointed as a Director of the Saratoga County Capital Resource Corporation for the stated term:

<u>NAME AND ADDRESS:</u>	<u>TERM EXPIRES:</u>
Valerie Muratori 288 Caroline Street Saratoga Springs, NY 12866	12/31/23
Mark Hillman, Ph.D. 51 Sonat Road Clifton Park, NY 12065	12/31/23

BUDGET IMPACT STATEMENT: No budget impact.

Ms. Gaston made a motion, seconded by Mr. Schopf to move Resolution #12.

Mr. Kinowski asked what towns the appointments represents. Mr. Kusnierz said he did not have a list. Mr. Kinowski asked if anyone in the room had the information. Mr. Lant said Maria Moran is from the Town of Wilton and is the Town controller. He said she is a very knowledgeable woman. Mr. Kinowski said the Board usually gets more information on the people being appointed. There is nothing. He asked if anyone from the SCPP interviewed these individuals and asked if the President knew about this. Mr. Kusnierz said to Mr. Kinowski that these are not Partnership Board appointments. These are Board of Supervisors appointments. Mr. Kinowski said he knew that but it would be nice to know.

Mr. Richardson asked if these individuals were additions to the Board or are they replacing other people. Mr. Kusnierz said it was his understanding that it was a combination of both. Mr. Richardson asked if we knew who was being replaced. Mr. Kusnierz said the resolution indicates that those that are being replaced are as a result of resignations and include: Kevin Hedley, John Lant, Darren O’Connor and Charles Wait.

On a motion by Ms. Gaston, seconded by Mr. Schopf, resolution No. 12 was adopted by the following vote:
 AYES (147610): Eric Connolly (9776), Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Jean Raymond (1214), Kevin Tollisen (21535), Darren O’Connor (14765), Theodore Kusnierz (14728), , Sandra Winney (1995), Tara N. Gaston (13293), Matthew E. Veitch (13293), John Lant (16173).
 NOES (71997): Richard Lucia (6531), Preston Allen (856), Michael Smith (3545), Daniel Pemrick (7775), Arthur M. Wright (2048), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Thomas N. Wood, III (5674), Edward D. Kinowski (8287), John Lawler (8423).

RESOLUTION 12 - 2021

Introduced by Chair of the Board

APPOINTING DIRECTORS 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 current thirteen (13) Directors of the corporation’s Board of Directors for terms that expire on December 31, 2021; and

WHEREAS, by reason of the resignations of Kevin Hedley, John Lant, Darren O’Connor and Charles Wait, and one existing vacancy, five vacancies exist on the corporation’s Board of Directors; and

WHEREAS, the Chair of the Board has proposed five candidates to fill said vacancies on the corporation’s Board of Directors; now, therefore, be it

RESOLVED, that the following persons are appointed as Directors of the Board of Directors of the Saratoga County Prosperity Partnership, Inc. for the stated term:

<u>NAME:</u>	<u>TERM EXPIRES:</u>
Maria Moran	December 31, 2021
Philip Barrett	December 31, 2022
Justin Baker	December 31, 2022
Tim Dunn	December 31, 2022
Jeffrey Jones	December 31, 2022

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 13 - 2021

Introduced by Chair of the Board

APPOINTING MEMBERS TO THE SARATOGA COUNTY WATER AUTHORITY BOARD

WHEREAS, Chapter 678 of the Laws of 1990 enacted the “Saratoga County Water Authority Act” as Title 8-F of Article 5 of the Public Authorities Law; and

WHEREAS, the terms of certain members of the Board of the Saratoga County Water Authority have expired and additional members are being appointed; now, therefore, be it

RESOLVED, that the following persons are appointed as members of the Board of the Saratoga County Water Authority effective January 1, 2021 for the stated terms:

<u>NAME</u>	<u>TERM EXPIRES</u>
Arthur Johnson	12/31/2022
Timothy Szczepaniak	12/31/2022
Robert Wilcox	12/31/2022

BUDGET IMPACT STATEMENT: No budget impact.

On a motion by Ms. Gaston, seconded by Mr. Barrett Resolution #14 was tabled by a unanimous vote. It should be noted there was discussion prior to the vote that changes to the appointments were not reflected in this resolution so the Supervisors tabled this until it could be sorted out.

RESOLUTION 14 – 2021- (TABLED)

Introduced by Chair of the Board

APPOINTING MEMBERS OF THE COUNTY FIRE ADVISORY BOARD

WHEREAS, pursuant to County Law §225-a, the Board of Supervisors created the County Fire Advisory Board; and

WHEREAS, the terms of the present board members have expired; now, therefore, be it

RESOLVED, that the following individuals be appointed as members of the County Fire Advisory Board for terms expiring on December 31, 2022:

<u>MUNICIPALITY</u>	<u>NAME</u>
Town of Ballston	William A. Crawford, 12 Charlton Road, Ballston Spa, NY 12020
Town of Charlton	Aaron Dyer, 123 Jenkins Road, Burnt Hills, NY 12027
Town of Clifton Park	Patrick Champagne, P.O. Box 1272, Clifton Park, NY 12065
Town of Corinth	Andy Kelly, 35 Hummell Dr., Porter Corners, NY 12859
Town of Edinburg	Alex A. Rockwell, 8 Rockwell Lane, Edinburg, NY 12134
Town of Galway	Kevin L. Barkley, 1822 Hermance Rd., Galway, NY 12074
Town of Greenfield	Brandon Ray, 65 Barney Road, Middle Grove, NY 12850
Town of Hadley	Douglas A. Dutcher, 41 Woodard Ave., Hadley, NY 12835
Town of Halfmoon	Arthur T. Hunsinger, 5 North Pointe 8S, Halfmoon, NY 12065
Town of Malta	Joseph V. Plewinski, Jr. 19 Gleneagles Blvd., Ballston Lake, NY 12019-1015
City of Mechanicville	Matt Dunn, 510 Park Ave., Mechanicville, NY 12188
Town of Milton	Joseph Spofford, 59 Rip Van Lane, Saratoga Springs, NY 12866
Town of Moreau	John E. Smith, Jr., 26 Sisson Road, Moreau, NY 12828
Town of Northumberland	Thomas E. Wood, 13 Peach Lane, Gansevoort, NY 12831
Town of Providence	David Houston, 7471 Wileytown Road, Middle Grove, NY 12850
City of Saratoga Springs	Peter F. Shaw, 60 Lake Avenue, Saratoga Springs, NY 12866

Town of Saratoga	Brian Myers, 25 Chestnut St., Schuylerville NY 12871
Town of Stillwater	Thomas J. Rinaldi, 8 County Route 76, Stillwater, NY 12170
Town of Waterford	David P. Gardner, 72 Third Street, Waterford, NY 12188
Town of Wilton	William Morgan, 712 Wilton-Gansevoort Rd., Gansevoort, NY 12831

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 15 - 2021

Introduced by Chair of the Board

APPOINTING MEMBERS TO THE FISH AND WILDLIFE MANAGEMENT BOARD-REGION 5

WHEREAS, pursuant to Environmental Conservation Law §11-0501, the Board of Supervisors created the Fish and Wildlife Management Board-Region 5; and

WHEREAS, a term of one member has expired; now, therefore, be it

RESOLVED, that the following individual is appointed as a member of the Fish and Wildlife Management Board-Region 5 for the stated term:

<u>NAME</u>	<u>Representing</u>	<u>Term Expires</u>
Jason Kemper 50 West High Street Ballston Spa, NY 12020	Landowner	12/31/2022

BUDGET IMPACT STATEMENT: No budget impact.

Chairman Kusnierz announced the following appointment:

Commissioner of Emergency Services
Carl Zeilman
Term Expiring: December 31, 2021

Mr. Kinowski asked about the weighted vote card and if at any time the Board would be looking at the number. He asked if we had heard any results from the 2020 Census.

Ms. Raymond said her understanding is that they were supposed to release the numbers by the end of December but has heard more recently that it will be mid-February.

Mr. Cooke said he had not heard or seen anything.

Mr. Veitch said he seemed to recall that in 2011 there was a special committee appointed for weighted vote reapportionment. He suggest once the numbers are received a committee like that be appointed. Mr. Kusnierz said thank you.

Mr. Zlotnick asked the Chairman with regard to committee appointments he submitted a rather respectful letter that said he would serve on any committee that the Chairman of the Board thought he would be of help. He did ask rather politely to remain on Buildings and Grounds as the County Airport is in his Town. It is a major concern for many of his residents. He would like to offer his services if anyone on that committee would be willing to step down so he could report to his constituents any happenings at the airport. That is a committee he would like to be on.

Mr. Kusnierz said he was just informed and has no reason to believe it is inaccurate that if the airport is in your town you can be a voting member on the committee for any business that involves the airport. Mr. Zlotnick thanked Mr. Kusnierz.

On a motion by Mr. Veitch, seconded by Mr. Grasso the meeting adjourned by a unanimous vote.

Respectfully submitted,

Pamela A. Wright, Clerk