

Law and Finance Committee Minutes
February 10, 2021 – 4:00 p.m.

Present: Chairman Jonathan Schopf; Committee members Phil Barrett, Tara Gaston, Kevin Tollisen, Matthew Veitch, Sandra Winney, Tom Wood; Supervisors Preston Allen, Ed Kinowski, Dick Lucia, Darren O'Connor, Bill Peck, Mike Smith, Tom Wood, Benny Zlotnick and Chairman of the Board Theodore Kusnierz; Steve Bulger, Audra Hedden, Matt Rose, Brian O'Connor, County Administrator; Mike Hartnett, County Attorney; Craig Hayner, County Clerk; Marcy McNamara, Adam Kinowski, Human Resources; Eileen Bennett, Information Technology; Michael Prezioso, Mental Health and Addiction; Jason Kemper, Planning; Daniel Kuhles, Public Health; Dan Rourke, Sewer District; Michael Zurlo, Sheriff; Tina Potter, Social Services; Andrew Jarosh, Treasurer; J. Wes Carr, Youth Bureau; Scott Brackett, CSEA; Shelby Schneider, Saratoga County Prosperity Partnership.

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

On a motion made by Mr. Tollisen, seconded by Mr. Wood, the minutes of the January 13, 2021 meeting were approved unanimously.

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

HUMAN RESOURCES & INSURANCE

- Authorizing an amendment to the 2021 Compensation Schedule to create (2) Public Health Epidemiologist, Grade 15, Step 1A (Base) \$73,127, (1) Supervising Public Health Epidemiologist, Grade 17, Step 1A (Base) \$83,444, and (1) Senior Public Health Educator, Base \$59,522 under the Public Health Department and amending the 2021 budget.

Mr. Kemper said that these positions are being added in response to the ongoing COVID-19 response efforts at Saratoga County, as well as in preparation for a full service Public Health Agency. Salary and fringe for these four positions totals \$462,751. It will be appropriated from fund balance.

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

HEALTH & HUMAN SERVICES

- Authorizing the acceptance of \$34,000 from NYS Office of Children and Family Services to continue participation in the Safe Harbour NY program during the 2021 calendar year, Authorizing an renewal agreement with Saratoga Center for the Family (CFF) in the amount of \$29,000 effective February 1, 2021 and will expire on December 31, 2021 for

the development and implementation of the NY Safe Harbour program, and amending the budget in relation thereto.

- Authorizing the acceptance of additional grant funding from the NYS Office of Children and Family Services (OCFS) for the 2020 calendar year and amending the corresponding Youth Program Contracts.

Mr. Kemper said that for the first item, the first part of the resolution accepts additional funding from the New York State Safe Harbor Program and authorizes a renewal agreement for these funds. This program is targeted to protect sexually exploited children. The original five year grant for this program initiated in 2016 and totaled \$483,600 via Resolution 46 of 2016. The additional funds were not included or anticipated in the 2021 budget, and as such a budget amendment will be necessary. The second part of the resolution offers a renewal agreement with Saratoga Center for the Family originally offered in resolution 79 of 2017. Future funding of this program has not been determined so this agreement will cover from February 2021 to December 2021. For the second item, the resolution will accept an additional \$29,341 from the New York State Office of Children and Family Services. \$16,047 of this will be devoted to the Youth Development Program, and \$13,294 will be devoted to the Runaway Home Youth Program. Resolution 225 of 2020, and the contracts that authorize will be amended to authorize this additional funding for the Youth Program contracts as a result of this increased funding.

On a motion made by Mr. Barrett, seconded by Mr. Veitch, the following resolution was approved unanimously.

TECHNOLOGY & RESILIENCY

- Authorizing a refresh of the county's IT Data Center and/or an additional remote work solution that was implemented in 2015 and amend the 2021 budget accordingly.

Mr. Kemper said that this will include replacing the five host servers with six new servers, a new storage device doubling the county's current storage, replacing and upgrading the data center switches, replacing building number five core switch, replacing the firewall with a new device capable of higher levels of security. In addition, support will be ending in 2022 for many of the current devices currently in use. This is the first substantial upgrade since 2015 to the data center. The estimated cost for these upgrades is \$607,538 and will be acquired from fund balance.

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

BUILDINGS & GROUNDS

- Introducing a proposed Local Law authorizing the leasing of real property of the County of Saratoga to Gateway House of Peace, Inc. and setting a date for a public hearing on March 10, 2021 at 3:30pm.

- Authorizing an agreement with Auctions International, Inc. for online auction services associated with the sale of County owned property at 31 Woodlawn Avenue in the City of Saratoga Springs.

For the first item, Mr. Kemper said that the current lease and the extension originally approved in 2011 expires on May 14 2021. The new local law will cover the same terms as the original agreement with a five year lease with a one-time five year renewal option as requested by Gateway House. For the second item, four proposals were received, following review of qualifications, references, proposed plan, and cost proposals by the Department of Public Works in consultation with the Director of Purchasing is recommended award to Auctions International, the auctioneers premium will be 6% consistent with past county online auction services.

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

PUBLIC SAFETY

- Authorizing an agreement with the Prevention Council of Saratoga County for a Certified Peer Recovery Advocate to be assigned to the Saratoga County Correctional Facility at a cost not to Facility at a cost not to exceed \$35,000 for the 2021 calendar year.
- Authorizing an Agreement with the Town of Wilton for specialized Law Enforcement.
- Introducing the Executive Order 203 Compliance Group Report and scheduling a public comment period for community feedback on the report/plan prior to adoption or ratification of the plan by Resolution of the Board of Supervisors.

For the first item, Mr. Kemper said that funds for this agreement were included in the 2021 budget. This is for a part time individual to provide assistance to the inmate population suffering from addiction problems. For the second item, this will formalize an agreement between the sheriff and the Town of Wilton. The agreement will include a prorated amount of \$74,093.75 for 2021, and a 2% increase annually for two years equating to a charge of \$99,896.76 for 2022 and \$101,023.96 for 2023. A budget amendment will be necessary to recognize that additional revenue and associated expenses. For the third item, Executive order 203 was issued in July of 2020 and requires all municipalities with police agencies to form a committee to collect community input and review policing strategies, policies and deployments. Members of the Executive Order Compliance group include Dr. Prezioso, Commissioner of Mental Health and Addiction Services, Chair, Undersheriff Rick Castle, Vice Chair, Supervisor Darren O'Connor, Supervisor Tom Richardson, District Attorney Karen Heggen, Public Defender Andrew Blumenberg, Opal Hinds, and Michael Hartnett, serving as legal advisor. The draft plan prepared by the committee will be released to the full Board of Supervisors and open a public comment period that will conclude on March 5, 2021. After consideration of public comments, the Board is required to formally adopt or ratify the recommendation by April 1 2021.

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

ECONOMIC DEVELOPMENT

- Amending the boundaries of Consolidated Agriculture District #2.
- Authorizing a major contract extension with Cornell Cooperative Extension for the management of the Saratoga County MS4 Stormwater Program for \$188,737 during the 2021 calendar year.
- Authorizing first quarter 2021 payment to the Saratoga County Prosperity Partnership.
- Authorizing first quarter 2021 payment to the Saratoga Economic Development Corporation.

For the first item, Mr. Kemper said that the inclusions include a 23.3 acre parcel on Hermance Road into Town of Galway used to cultivate garlic, and two parcels on Route 9N in the Town of Corinth, totaling 32.22 acres used for garlic cultivation, syrup production honey, plants and vegetables and the sale of eggs. The resolution will also issue a negative declaration pursuant to the SEQRA. A public hearing was held prior to this meeting and no comments were received in regards to this issue. The amendments were previously approved by the Saratoga County Agricultural and Farmland Protection Board. Mr. Kemper said that the second item is an annual housekeeping item with Cornell Cooperative Extension for the services associated with a stormwater compliance across numerous municipalities. The previous agreement was for three years with an annual increase. Cornell cooperative extension have requested to keep the rate the same as 2020 for a term of one year from January 1 2021 to December 31 2021. For the third item, the amount payable to SCPP is \$112,500. For the fourth item, the amount payable to SEDC is \$37,500.

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

RACING & GAMING

- Supporting Saratoga Casino Hotel request to return to their original hours of operation.
- Urging Governor Cuomo and the State Legislature to restore VLT Impact Aid to the County of Saratoga and the City of Saratoga Springs.

For the first item, Mr. Kemper said that this will request Governor Cuomo to consider allowing casinos to remain open back to their normal operating hours of 9am to 5am. The Saratoga Casino Hotel does not seek an unfair advantage over local restaurants and will therefore comply with the original 10pm food and beverage restriction. For the second item, the County of Saratoga and the

City of Saratoga Springs jointly cover the costs associated with public safety services in order to provide a venue for video lottery terminals. The county and the city rely on VLT aid to offset these costs. This item was included in the past legislative and research priorities and will be included this year as well.

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

GOVERNMENT REVIEW & EFFICIENCY

- Amending Resolution 1 of 2021 – Rules of the Saratoga County Board of Supervisors.

Mr. Kemper said that this is essentially correcting a typo. The name of the Government Review and Efficiency committee is listed incorrectly in the definition of the committee. It is listed as a Government Efficiency and Reform committee.

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

LAW & FINANCE

- Authorizing an agreement with Franklin County (NY) for the sale of the Saratoga County Sewer District's Vac/Jet truck for \$180,000.
- Authorizing the Chairman of the Board to sign an implementation task order with Niagara Mohawk Power Corporation d/b/a National Grid for implementation/installation of Saratoga County Sewer District no. 1's LED Lighting replacement at the Waste Water Treatment Plant and Milton Pump Station.
- Authorizing the Chairman of the Board to execute an agreement with Wright-Pierce Engineering Consultants PC. for work related to evaluation and design of upgrades to the Sewer District's secondary clarifiers, gates, motor control centers and 4160V transformers at the Waste Water Treatment Plant.
- Authorize the transfer and reappropriation of funds from the 2020 budget to the 2021 budget in the amount of \$8,163,891.80 for ongoing capital projects.
- Introducing a proposed Local Law limiting third-party food delivery service fees during a declared emergency and setting a date for a public hearing on March 10, 2021 at 3:35pm.
- Amending Resolution 31 of 2021 – Agreement with Saratoga Springs City Center Authority for lease of the Saratoga Springs City Center for COVID-19 Vaccine.

For the first item, Mr. Kemper said that this will give the Chairman the authority to enter into an MOA with Franklin County. For the second item, this will authorize the Chairman to enter into a task order under the current utility master agreement with National Grid to provide materials and services to replace all the lighting at the wastewater treatment plant and the Milton pump station with LED lighting. Total project cost is approximately \$326,845.94. Funds are included in both the 2020 re-appropriations and the 2021 budget. For the third item, the total cost will be \$454,180 and is included in the 2021 budget. For the fourth item, the reappropriation spreadsheet was provided with a backup to this agenda. The projects include the pump stations upgrade at Knox woods and Riverside one, engineering work for the Saratoga Springs pump station upgrade, interceptor rehabilitation design and construction admin and inspection, construction of a new storage building, HVAC upgrades at the wastewater treatment plant, installation of a solar array at the wastewater treatment plant, secondary clarifier motor control centers and gate upgrades at the wastewater treatment plant and engineering costs related to the joint regional bio solids facility. For the fourth item, the proposed local law is aimed at assisting restaurants and industry which has been hard hit by the pandemic. Currently third party delivery service services such as grubhub, doordash, Uber eats, charge restaurants fees for delivery services and listing fees for the restaurant to have their menu listed by the third party delivery service. These fees are tacked onto the online orders, and the cost is usually not passed on to the consumer, but paid by the restaurant. Restaurants have been severely affected during the pandemic by both the inability to have customers dine in due to the restrictions from COVID and forcing reliance on third party delivery apps. These fees can be charged upwards of 30% of the total order. This proposed legislation does four things: 1, it is only in effect during the New York State or County declared emergency plus 90 days after the declared emergency; 2, it caps the delivery fee at 15% of the total online order; 3, it caps the other fees such as marketing fees at 5% of the total order for a total of 20% max; 4, provides the ability for recourse by demanding a refund and then authorizing the lawsuit with an award of attorney's fees if they are successful in showing noncompliance with this law. This law also prohibits the reduction of compensation or gratuities to delivery drivers to make up any difference. This legislation is supported by the New York State Restaurant Association and mirrors the laws passed by New York City, Albany, Westchester and other counties. Mr. Barrett thanked Chairman Kusnierz and Supervisor Schopf for bringing this item forward. Mr. Barrett said that he has letters and emails of support from the NYS Restaurant Association, Ballston Spa Business Professional Association and individual restaurants. For the final item, the prior resolution spelled out that a minor contract was signed with the City Center for a weekly rate of \$2,000. This resolution will be amended to include the original weekly rate beginning at the expiration date of the minor contract, which will be February 23, 2021, and combining that into the major contract with the City Center. Mr. Schopf said that Mr. Bulger and other County staff toured the City Center with representatives from the State Department of Health as a potential State site. It is his understanding that they were very impressed with the facility, covered external waiting areas, parking, configuration etc.

Mr. Kusnierz thanked Chairman Schopf and the committee for moving forward on the cap on food delivery fees. Mr. Kusnierz said that the intent is twofold, one is to level the playing field for our retail food businesses, and the other is to protect our residents as consumers. Mr. Kusnierz said that he believes it's important to move as quickly as possible, while the State has taken this issue up and has draft legislation under review, until the State takes action our struggling food businesses and consumers still have exposure.

On a motion made by Mr. Wood, seconded by Mr. Veitch, the following resolutions were approved. Mr. Schopf recused himself from voting on the Board of Ethics appointment.

CHAIRMAN'S ITEM

- Appointing Jonathan Schopf to the Board of Ethics.
- Appointing Nicole Tremblay, M.D. to the Community Services Board
- Appointing Darren O'Connor to the Ethics Advisory Council
- Re-appointing Ronald Rybicki, and appointing David Friedman and Garth Ellms to the Fish and Wildlife Management Board - Region 5.
- Re-appointing Daniel Keegan and Richard Loewenstein as Commissioners of Saratoga County Sewer District No. 1.
- Appointing members of the Tourism Advisory Board.
- Appointing Margaret McNamara as the Workers' Compensation Administrator

On a motion made by Mr. Barrett, seconded by Ms. Gaston, the Board Meeting Agenda for February 23, 2021 was approved unanimously.

On a motion made by Mr. Wood, seconded by Mr. Barrett, the meeting was adjourned unanimously.

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board