

REGULAR MEETING
TUESDAY, June 15, 2021
AT 4:00 p.m., E.S.T.

Board called to order by Chairman Kusnierz.

Roll call was taken. PRESENT – Eric Connolly, Joseph Grasso, Philip C. Barrett, Jonathon Schopf, Richard Lucia, Preston Allen, Jean Raymond, Daniel Pemrick, Kevin Tollisen, Darren O’Connor, Benny Zlotnick, Thomas Richardson, Theodore Kusnierz, Willard H. Peck, Sandra Winney, Thomas N. Wood, III, Tara Gaston, Matthew E. Veitch, Edward D. Kinowski, John Lawler, John Lant - 21. ABSENT –Michael Smith, Arthur M. Wright - 2.

The invocation was given by Thomas N. Wood, III, Chaplain.

There were no requests for public input.

On a motion by Mr. Lucia, seconded by Mr. Barrett the minutes of the May 18, 2021 Board meeting was unanimously approved.

Mr. Kusnierz announced that Governor Cuomo has just lifted many of the State’s restrictions on COVID-19. Dr. Kuhles will be sending out a press release with additional details and posting it to the County’s website. Mr. Kusnierz thanked Dr. Kuhles for all of the work he has done to get Saratoga County to a position where it can be part of the Governors directive where restrictions have been lifted.

The Clerk presented the following correspondence:

Letter from County Attorney Michael Hartnett appointing Nicholas M. Martin as Assistant County Attorney effective May 28, 2021 with a term expiration of December 31, 2021

Received and Filed.

Letter from Clerk of the Board Therese Connolly appointing Bridget Rider as Deputy Clerk of the Board effective May 28, 2021.

Received and Filed.

Letter from J. Wes Carr resigning as STOP DWI Coordinator effective May 27, 2021 and requesting re-appointment effective June 11, 2021.

Received and Filed.

Mr. Kusnierz welcomed Nicholas M. Martin, Bridget Rider in their new positions. Mr. Kusnierz welcomed Mr. Ridge Harris as Deputy County Administrator.

Mr. Kusnierz said that he received correspondence in his capacity as Secretary for the Saratoga County Prosperity Partnership from Shelby Schneider informing the Chairman, Secretary and Treasurer of SCPP of her resignation as President and CEO effective July 9, 2021. Mr. Kusnierz thanked Ms. Schneider for all of her work in the area of economic development in Saratoga County.

Ms. Gaston had copies of a letter from the Saratoga Springs City Center Authority distributed to all Supervisors and requested that the letter be included as correspondence sent to the Board. The letter is regarding the City Center’s lost revenue throughout the Covid 19 pandemic and consideration of assistance once the County has decided what to do with the Federal stimulus funds received.

There were no reports of Committees.

Mr. Kusnierz congratulated County Historian Lauren Roberts. Lauren co-hosts a podcast with the New York State Historian Devin Lander, and the podcast called the New York minute in history won two prestigious awards last month. The first award was an Edward R. Murrow regional award for best podcast. The region includes New York, New Jersey and Pennsylvania, and the podcast will now be reviewed at the national level. The second award was a New York State Broadcasters Association Award for outstanding podcast. The podcast tells the unique tales of New Yorkers throughout American history and can be accessed via www.wamcpodcasts.org.

On a motion by Mr. Veitch, seconded by Mr. Kinowski, Resolutions 170 through 189 with the exception of Resolution #'s 186 and 188 were adopted by a unanimous vote.

RESOLUTION 170 - 2021

Introduced by Supervisors O'Connor, Grasso, Lant, Richardson, Schopf, Veitch and Wood

AMENDING THE 2021 COMPENSATION SCHEDULE UNDER THE PURCHASING DEPARTMENT

WHEREAS, the Human Resources and Insurance Committee, the Director of Human Resources and the Director of Purchasing have recommended that the 2021 Saratoga County Compensation Schedule be amended under the Purchasing Department to reclassify the position of Part Time Clerk to Part Time Facilities Distribution Coordinator in the Purchasing Department at the hourly rate of \$21.80 in order to better serve the needs of the Purchasing Department; and

WHEREAS, the reclassification from Part Time Clerk to Part Time Facilities Distribution Coordinator better reflects the responsibilities of the position; now, therefore, be it

RESOLVED, that the 2021 Saratoga County Compensation Schedule is amended effective as of June 15, 2021 as follows:

UNDER PURCHASING:

Reclassify (1) Part Time Clerk to (1) Part Time Facilities Distribution Coordinator, \$21.80 per hour.

BUDGET IMPACT STATEMENT: None. There are sufficient funds within the 2021 budget to cover the increased pay rate.

RESOLUTION 171 – 2021

Introduced by Supervisors O'Connor, Grasso, Lant, Richardson, Schopf, Veitch and Wood

AMENDING THE POLICIES AND PROCEDURES MANUAL UNDER VACANCY REVIEW POLICY AND PROCESS

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

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

WHEREAS, the annual review of the Manual, mandated by Section 104-b of the General Municipal Law, has disclosed the appropriateness of revisions proposed by the Board's Human Resources and Insurance Committee to the County's Vacancy Review Process; and

WHEREAS, a copy of the Human Resources and Insurance Committee's proposed revised Vacancy Review Policy was provided to each member of this Board; and

WHEREAS, the Human Resources and Insurance Committee, the Government Review and Efficiency Committee, and the Law and Finance Committee have recommended that the Vacancy Review Policy be amended as proposed; and

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

RESOLVED, that the following section of the Saratoga County Policies and Procedures Manual is amended to revise the Vacancy Review Process, as more particularly described in the Human Resources and Insurance Committee’s proposal:

<u>CHAP/SECTION</u>	<u>TITLE</u>	<u>ORIGINALLY ADOPTED</u>	<u>RESOL.</u>
3 D	Vacancy Review Policy and Process	November 1974	279 of 1974

and, be it further

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

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 172 - 2021

Introduced by Supervisors Gaston, Barrett, Connolly, Grasso, Lant, O’Connor and Wood

AUTHORIZING AGREEMENTS WITH LOCAL AMBULANCE SERVICE PROVIDERS FOR THE PROVISION OF AMBULANCE SERVICES TO ADMINISTER COVID-19 VACCINES

WHEREAS, the County entered into existing minor contracts with eleven (11) ambulance service providers for ambulance services to facilitate administering COVID-19 vaccines to eligible Saratoga County residents who are homebound or cannot otherwise travel to a traditional vaccine Point of Distribution (“POD”); and

WHEREAS, said ambulance services providers are as follows: Ballston Lake Emergency Squad, Community Emergency Corps, Clifton Park & Halfmoon Ambulance Corps, Town of Corinth EMS, Edinburg Volunteer Ambulance Service, Galway EMS, Malta-Stillwater EMS, Saratoga Springs Fire Department, Moreau Emergency Squad, Waterford Rescue Squad, Wilton Emergency Squad; and

WHEREAS, due to the ongoing COVID-19 pandemic, it is imperative to maintain the services of ambulance service providers to provide EMS standby at County vaccination sites and the administration of vaccines to the homebound and individuals who are otherwise unable to travel to a POD; and

WHEREAS, it is anticipated that FEMA reimbursement will be secured to cover total expenses for these services, including (a) Paramedic ambulance with 2-person crew at the cost of \$150 per hour; (b) EMT ambulance with 2-person crew at the cost of \$125 per hour; (c) Paramedic fly car with 1-person crew at the cost of \$75 per hour; and (d) EMT fly car with 1-person crew at the cost of \$55 per hour

WHEREAS, our Health and Human Services Committee, the Commissioner of Public Health Services and the County EMS Coordinator have recommended that the County enter into major contracts with said ambulance services providers, for a term that terminates on December 31, 2021; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute agreements with Ballston Lake Emergency Squad, Community Emergency Corps, Clifton Park & Halfmoon Ambulance Corps, Town of Corinth EMS, Edinburg Volunteer Ambulance Service, Galway EMS, Malta-Stillwater EMS, Saratoga Springs Fire Department, Moreau Emergency Squad, Waterford Rescue Squad, and Wilton Emergency Squad for a term that terminates on

December 31, 2021 at the rates of \$150 per hour for Paramedic ambulance with 2-person crew; \$125 per hour for EMT ambulance with 2-person crew; \$75 for Paramedic fly car with 1-person crew; and \$55 per hour for EMT fly car with 1-person crew; and, be it further

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

BUDGET IMPACT STATEMENT: None. Funds for these contracts have been allocated in the 2021 budget.

RESOLUTION 173 - 2021

Introduced by Supervisors Gaston, Barrett, Connolly, Grasso, Lant, O'Connor and Wood

AUTHORIZING THE ACCEPTANCE OF A \$500 GIFT FROM GERALD AND CAROLYN CRAWMER FOR THE SARATOGA COUNTY OFFICE FOR THE AGING AND AMENDING THE 2021 COUNTY BUDGET IN RELATION THERETO

WHEREAS, the Saratoga County Office for the Aging has received a gift in the amount of \$500 from Gerald and Carolyn Crawmer; and

WHEREAS, the gift was accompanied by a letter from Mr. & Mrs. Crawmer expressing their gratitude to the Director of the Office for the Aging and her staff for planning and orchestrating a COVID-19 vaccination clinic at St. Edwards Catholic Church in the Town of Clifton Park; and

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

WHEREAS, an amendment to the 2021 Saratoga County Budget is necessary to accept this generous gift; now, therefore, be it

RESOLVED, that this Board of Supervisors accepts and acknowledges the generous gift of \$500 from Gerald and Carolyn Crawmer that will be used for the Office for the Aging's Senior Nutrition Program; and be it further

RESOLVED, that the 2021 County Budget is amended as follows:

OFFICE FOR THE AGING

Appropriations:

Increase Acct. #A.76.761-7761 Senior Nutrition Program	\$500
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Revenues:

Increase Acct. #A.76-1554 Donations	\$500
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and, be it further

RESOLVED, that the Director of the Saratoga County Office for the Aging take the appropriate steps to express to Gerald and Carolyn Crawmer the gratitude of this Board for its generous gift.

BUDGET IMPACT STATEMENT: The donation of \$500 will be used to supplement the funding for the Senior Nutrition Program.

RESOLUTION 174 - 2021

Introduced by Supervisors Gaston, Barrett, Connolly, Grasso, Lant, O'Connor and Wood

AUTHORIZING THE CHAIRMAN TO EXECUTE ANNUAL UPDATES TO THE 2020-2024 FOUR YEAR PLAN FOR OFFICE FOR THE AGING

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

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

WHEREAS, the Office for the Aging has submitted its proposed 2020-2024 Four Year Service Plan for approval; and

WHEREAS, due to the COVID-19 Pandemic, New York State Office for the Aging amended the requirements of the program to eliminate the need for submission of the 2021-2022 Annual Update and thereafter reversed the amended requirements to reinstate the need for submission of the 2021-2022 Annual Update; and

WHEREAS, pursuant to Resolution 235-2019, the 2020-2024 Service Plan for our Office for the Aging, as detailed in the document entitled "Four Year Plan for Older Americans Act, 4/1/20 - 3/31/24" was approved and executed by the Chair of the Board; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to sign the Annual Updates to the 2020-2024 Four Year Service Plan.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 175 - 2021

Introduced by Supervisors Gaston, Barrett, Connolly, Grasso, Lant, O'Connor and Wood

AUTHORIZING THE ACCEPTANCE OF AN EXPANDING ACCESS TO COVID-19 VACCINES VIA THE AGING NETWORK GRANT ADMINISTERED THROUGH THE NEW YORK STATE OFFICE FOR THE AGING, AND AMENDING THE 2021 COUNTY BUDGET IN RELATION THERETO

WHEREAS, federal legislation passed in response to the ongoing COVID-19 pandemic provides supplemental funding for COVID-19 vaccine activities through the Expanding Access to COVID-19 Vaccines via the Aging Network (VAC5) grant program to help increase vaccinations among older adults and people with disabilities; and

WHEREAS, the Office for the Aging is eligible to receive VAC5 funding through the New York State Office for the Aging in the amount of \$25,333 for the grant period April 1, 2021 through September 30, 2022, which will be used to provide transportation for Saratoga County seniors to travel to vaccine appointments; and

WHEREAS, the approval of this Board of Supervisors and an amendment to the 2021 Saratoga County Budget is needed to accept these VAC5 funds through the New York State Office for the Aging; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby accepts VAC5 funding in the amount of \$25,333; and, be it further

RESOLVED, that the Chair of the Board and/or the Director of the Office for the Aging is hereby authorized to execute any and all agreements and documents needed to accept Expanding Access to COVID-19 Vaccines via the Aging Network funding for the grant period April 1, 2021 through September 30, 2022 from the New York

State Office for the Aging; with the form and content of such agreements and documents to be subject to the approval of the County Attorney; and be it further

RESOLVED, that the 2021 Saratoga County Budget is hereby amended as follows:

OFFICE FOR THE AGING:

Appropriations:

Increase Acct.: #A.76.000-8350 Client Transportation \$25,333

Revenues:

Increase Acct.: #A.76-4484 Federal Aid – COVID-19 Stimulus \$25,333

BUDGET IMPACT STATEMENT: None. 100% Federal Aid.

RESOLUTION 176 - 2021

Introduced by Supervisors Gaston, Barrett, Connolly, Grasso, Lant, O'Connor and Wood

AUTHORIZING THE ACCEPTANCE OF AN AGING AND DISABILITY RESOURCE CENTERS/NO WRONG DOOR SYSTEMS GRANT ADMINISTERED THROUGH THE NEW YORK STATE OFFICE FOR THE AGING, AND AMENDING THE 2021 COUNTY BUDGET IN RELATION THERETO

WHEREAS, the Office for the Aging is eligible to receive Aging and Disability Resource Centers/No Wrong Door Systems Vaccine Access supplemental funding in the amount of \$22,037 for the grant period April 1, 2021 through September 30, 2022, which will be used to offset the cost of salaries; and

WHEREAS, approval of this Board is necessary to accept these grant funds and an amendment to the 2021 Saratoga County Budget is needed; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby accepts ADRC/NWD COVID-19 Vaccine Access Supplemental funding in the amount of \$22,037; and, be it further

RESOLVED, that the Chair of the Board and the Director of the Office for the Aging is hereby authorized to execute any and all agreements and documents needed to accept Aging and Disability Resource Centers/No Wrong Door Systems program funding for the grant period April 1, 2021 through September 30, 2022 from the New York State Office for the Aging; with the form and content of such agreements and documents to be subject to the approval of the County Attorney; and be it further

RESOLVED, that the 2021 Saratoga County Budget is hereby amended as follows:

OFFICE FOR THE AGING:

Appropriations:

Increase Acct.: #A.76.000-6000 Regular Wages \$22,037

Revenues:

Increase Acct.: #A.76-4484 Federal Aid – COVID-19 Stimulus \$22,037

BUDGET IMPACT STATEMENT: None. 100% State Aid. An amendment to the 2021 budget will be needed to accept the grant funding.

RESOLUTION 177 - 2021

Introduced by Supervisors Gaston, Barrett, Connolly, Grasso, Lant, O’Connor and Wood

AUTHORIZING THE ACCEPTANCE OF AN AMERICAN RESCUE PLAN ACT OF 2021 GRANT ADMINISTERED THROUGH THE NEW YORK STATE OFFICE FOR THE AGING, AND AMENDING THE 2021 COUNTY BUDGET IN RELATION THERETO

WHEREAS, federal legislation passed in response to the ongoing COVID-19 pandemic, known as the American Rescue Plan of 2021 (ARP), provides states, local, tribal, and US territory governments with aid that will significantly improve access to health care and increase economic security for older adults during the pandemic; and

WHEREAS, the Office for the Aging is eligible to receive ARP funding through the New York State Office for the Aging in the amount of \$697,838 for the grant period April 1, 2021 through September 30, 2024, which will be used for the Home Delivered Meals program, Congregate Meal program, Transportation and any other eligible services that will improve the lives of adults, 60 years of age and over in Saratoga County; and

WHEREAS, the approval of this Board of Supervisors and an amendment to the 2021 Saratoga County Budget is needed to accept these ARP funds through the New York State Office for the Aging; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby accepts ARP funding in the amount of \$697,838; and, be it further

RESOLVED, that the Chair of the Board and the Director of the Office for the Aging are hereby authorized to execute any and all agreements and documents needed to accept American Rescue Plan funding for the grant period April 1, 2021 through September 30, 2024 from the New York State Office for the Aging; with the form and content of such agreements and documents to be subject to the approval of the County Attorney; and be it further

RESOLVED, that the 2021 Saratoga County Budget is hereby amended as follows:

OFFICE FOR THE AGING:

Appropriations:

Increase Acct.: #A.76.000-8350 Client Transportation	\$232,205
Increase Acct.: #A.76.761-7761 Senior Nutrition Program	\$379,383
Increase Acct.: #A.76.763-7762 Community Services Program	\$ 8,899
Increase Acct.: #A.76.769-8362 Day Care	<u>\$ 77,351</u>
	<u>\$697,838</u>

Revenues:

Increase Acct.: #A.76.4484 Federal Aid – COVID-19 Stimulus	\$697,838
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BUDGET IMPACT STATEMENT: No budget impact. 100% Federal Aid.

RESOLUTION 178 - 2021

Introduced by Supervisors Lant, Allen, Connolly, Lucia, Raymond, Schopf and Smith

AUTHORIZING THE CHAIRMAN TO ENTER INTO A RENEWAL AGREEMENT WITH ALBANY MEDICAL CENTER FOR THE USE OF LABORATORY AND MORGUE FACILITIES NEEDED BY THE COUNTY CORONERS WHEN PERFORMING AUTOPSIES AND OTHER POST-MORTEM ACTIVITIES

WHEREAS, pursuant to Resolution 145-2020, the County entered into a renewal agreement with Albany Medical Center (“AMC”) for the use of the Medical Center’s morgue and laboratory facilities by our County Coroners when performing autopsies and other post-mortem activities, and for the provision of laboratory services related thereto, for the term January 1, 2020 through December 31, 2020 at the rates for services set forth in AMC’s Morgue and Laboratory Fee Schedule for said stated term, at a cost not to exceed \$30,000; and

WHEREAS, our Public Safety Committee and the County Coroners have recommended that the County enter into a renewal agreement with Albany Medical Center for the continued use of the Medical Center’s morgue facilities, X-Ray and laboratory services for the term January 1, 2021 through December 31, 2021 at the rates for services set forth in AMC’s Morgue and Laboratory Fee Schedule effective January 1, 2021, which Fee Schedule includes a fee of \$2,000 per case for morgue facility use, at a cost not to exceed \$30,000; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a renewal agreement with Albany Medical Center of Albany, New York, for the use of the Medical Center’s morgue facilities, X-ray and laboratory services by our County Coroners for the term January 1, 2021 through December 31, 2021 at the rates for services set forth in AMC’s Morgue and Laboratory Fee Schedule effective January 1, 2021, which Fee Schedule includes a fee of \$2,000 per case for morgue facility use, at a cost not to exceed \$30,000; with the form and content of such agreement being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. Funds for this service have been allocated in the 2021 budget.

RESOLUTION 179 - 2021

Introduced by Supervisors Lant, Allen, Connolly, Lucia, Raymond, Schopf and Smith

AUTHORIZING THE CHAIR TO ENTER INTO AN AGREEMENT WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK TO ACCEPT GRANT FUNDS UNDER THE STATE AND MUNICIPAL FACILITIES PROGRAM GRANT PROGRAM FOR THE PURCHASE OF A MOBILE COMMUNICATIONS COMMAND VEHICLE AND AMENDING THE 2021 COUNTY BUDGET IN RELATION THERETO

WHEREAS, New York State and Municipal Facilities Grant Program grant funds in the amount of \$250,000 are available from the Dormitory Authority of the State of New York for the purchase of a new Mobile Communications Command vehicle to be utilized by the Saratoga County Sheriff’s Department and the Saratoga County Office of Emergency Services; and

WHEREAS, the acceptance of this grant requires our approval; now therefore, be it

RESOLVED, that the Chair of the Board and/or the County Administrator are hereby authorized to execute all documents necessary to apply for and accept a New York State and Municipal Facilities Grant Program grant in the amount of \$250,000 from the Dormitory Authority of the State of New York for the purchase of a new Mobile Communications Command vehicle to be utilized by the Saratoga County Sheriff’s Department and the Saratoga County Office of Emergency Services, with the form and substance of such documents being subject to the approval of the County Attorney; and, be it further

RESOLVED, that the 2021 Saratoga County Budget is hereby amended as follows:

EMERGENCY SERVICES:

Appropriations:

Increase Acct.: #A.36.366-7041 Cars & Light Trucks	\$250,000
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Revenues:

Increase Acct.: #A.36-3086 State/Legislative Grant	\$250,000
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BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 180 - 2021

Introduced by Supervisors Lant, Allen, Connolly, Lucia, Raymond, Schopf and Smith

AUTHORIZING THE TRANSFER OF FUNDS FROM THE STOP-DWI PROGRAM RESERVE, AND AMENDING THE 2021 COUNTY BUDGET IN RELATION THERETO

WHEREAS, unexpended County STOP-DWI Program funds roll over into the County’s Reserve for the DWI Program at the end of each fiscal year; and

WHEREAS, the STOP DWI Coordinator, in order to mitigate the impact of reduced revenue, wishes to make use of the Reserve for the DWI Program to augment the 2021 STOP DWI revenues; and

WHEREAS, the Sheriff and the STOP-DWI Coordinator wish to provide funding for two Saratoga County Sheriff’s deputies to attend the Drug Recognition Expert Training program at the 2021 International Association of Chiefs of Police Annual Conference on Drugs, Alcohol, and Impaired Driving in Orlando, Florida; and

WHEREAS, the use of funds in the County’s Reserve for the DWI Program to pay for two deputies to attend said Drug Recognition Expert Training program is an appropriate use of the Reserve’s funds; now, therefore, be it

RESOLVED, that the Saratoga County Treasurer is hereby authorized to disburse a sum not to exceed \$15,000 from the Reserve for the DWI Program to mitigate the impact of reduced revenue and to pay for two (2) Saratoga County Sheriff’s deputies to attend the Drug Recognition Expert training program at the 2021 International Association of Chiefs of Police Annual Conference on Drugs, Alcohol, and Impaired Driving in Orlando, Florida; and, be it further

RESOLVED, that the 2021 County Budget is amended as follows:

STOP-DWI

Appropriations:

Increase Acct.: #A.33.000-7330.I DWI Grants Internal	\$ 9,000
Increase Acct.: #A.33.000-7330 DWI Grants	<u>\$ 6,000</u>
	\$15,000

Revenues:

Increase Acct.: #A.33.2615 STOP DWI Fines and Forfeitures	\$15,000
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BUDGET IMPACT STATEMENT: This transfer will reduce the balance in the DWI Reserve to \$93,074.87.

RESOLUTION 181 - 2021

Introduced by Supervisors Lant, Allen, Connolly, Lucia, Raymond, Schopf and Smith

ACCEPTING AN AID TO DEFENSE GRANT FOR THE PUBLIC DEFENDER’S OFFICE

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded an Aid to Defense Grant to the Public Defender’s Office to provide salary support for attorneys in the Public Defender’s Office defending individuals charged with felonies; and

WHEREAS, DCJS requests County approval and acceptance of this grant for the contract period April 1, 2021 through March 31, 2022; now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisors and/or the County Administrator and/or Public Defender is authorized, on behalf of the Office of the Public Defender, to execute all necessary documents with the State Division of Criminal Justice Services for the acceptance of a 2021-2022 Aid to Defense grant in the amount of \$14,656; with the form and content of such documents being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 182 - 2021

Introduced by Supervisors Veitch, Lant, Lucia, O'Connor, Richardson, Tollisen and Winney

AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH MORTON BUILDINGS, INC. FOR THE CONSTRUCTION OF A PRE-ENGINEERED COVERED BUILDING – ANIMAL SHELTER RUN-IN AT 6010 COUNTY FARM ROAD

WHEREAS, the County has entered a contract with Morton Buildings, Inc. to provide services for the construction of a pre-engineered covered building – Animal Shelter Run-In at a cost of \$111,957; and

WHEREAS, the Director of the Animal Shelter, within her authority to authorize change orders not to exceed 10% of the cost of a contract, has authorized a change order in the amount of \$11,195 for the addition of a Dutch door and the relocation of two other doors for the pre-engineered building in preparation for the installation of a vinyl curtain ventilation system, increasing the total contract cost to \$123,152; and

WHEREAS, the addition of a vinyl curtain ventilation system for the animal run-in building in the amount of \$16,652 is necessary to complete the project; and

WHEREAS, it is necessary for this Board to authorize a change order and/or amendment to the contract with Morton Buildings, Inc. in order to compensate said contractor for the addition of the vinyl curtain ventilation system for the project; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute any change order and/or amendment to the contract with Morton Buildings, Inc. to authorize and pay for the addition of a vinyl curtain ventilation system to be installed in the animal run-in pre-engineered covered building at the Saratoga County Animal Shelter, at an additional cost of \$16,652, thereby increasing the total contract cost to an amount not to exceed \$139,804; and further be it

RESOLVED, that the form and content of said change orders and/or contract amendment shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. Funds are allocated within the 2021 budget.

RESOLUTION 183 - 2021

Introduced by Supervisors Barrett, Gaston, Grasso, Schopf, Tollisen, Winney and Wood

DESIGNATING THE SARATOGA COUNTY CHAMBER OF COMMERCE AS THE COUNTY'S TOURISM PROMOTION AGENCY AND AUTHORIZING THE SARATOGA COUNTY CHAMBER OF COMMERCE TO APPLY FOR AN "I LOVE NEW YORK" GRANT FOR 2021

WHEREAS, Article 5-A of the Economic Development Law authorizes matching funds for tourism promotion to be administered through a County's Tourism Promotion Agency; and

WHEREAS, approval of any application for such State funds requires the designation of a Tourism Promotion Agency and a local commitment for an amount at least equal to the grant request; and

WHEREAS, due to the COVID-19 pandemic, New York State has not accepted Tourism Matching Funds grant applications for the first and second quarters of 2021; and

WHEREAS, grant funds for the third and fourth quarters of 2021 in the estimated amount of \$28,862 will be issued directly to the Saratoga County Chamber of Commerce upon the approval of their application and marketing plan; and

WHEREAS, the County's 2021 Budget for tourism promotion includes a sufficient amount for the required local commitment for that maximum grant request with a total possible program expenditure of \$403,862; and

WHEREAS, tourism promotion has long been a commitment of the Board of Supervisors of Saratoga County; and

WHEREAS, the Saratoga Chamber of Commerce has been successful in the promotion of tourism for Saratoga County for many years, and is well suited to be designated as Tourism Promotion Agency for Saratoga County; now, therefore, be it

RESOLVED, that the Saratoga County Chamber of Commerce is hereby designated as Tourism Promotion Agency for Saratoga County for 2021; and, be it further

RESOLVED, that the Chairman of this Board of Supervisors is authorized to execute and file necessary applications, acceptance and subrecipient documents required by the New York State Empire State Development for the maximum award of tourism promotion matching funds for 2021 with a possible total program expenditure of \$403,862.

BUDGET IMPACT STATEMENT: None. Funds are allocated in the 2021 budget.

RESOLUTION 184 - 2021

Introduced by Supervisors Barrett, Lant, Lucia, O'Connor, Pemrick, Raymond and Zlotnick

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE, AND AMENDING THE 2021 BUDGET IN RELATION THERETO

WHEREAS, a Project CR 31 (Fortsville Rd) over North Branch Creek, Replacement of Culvert, Town of Moreau, Saratoga County, PIN 1761.40, (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds.

WHEREAS, the County of Saratoga desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Construction/Construction Support and Construction Inspection services;

NOW, THEREFORE, the Saratoga County Board of Supervisors duly convened does hereby

RESOLVE, that the Saratoga County Board of Supervisors hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Saratoga County Board of Supervisors hereby authorizes the County of Saratoga to pay in the first instance 100% of the federal and non-federal share of the cost of Construction/Construction Support and Construction Inspection services for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$142,987 has previously been appropriated from the County’s Highway Fund and made available to cover the cost of participation in the Design phase of the Project; and, be it further

RESOLVED, that the additional sum of \$950,056 is hereby appropriated from the County’s Highway Fund and made available to cover the cost of participation in the Construction/Construction Support and Construction Inspection phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Saratoga County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Chairman of the Saratoga County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Saratoga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately; and, it is further

RESOLVED, that the 2021 County Budget is amended as follows:

PUBLIC WORKS

Appropriations:

Increase Acct.: #D.50.510-7502 Contracted Highway Services	\$ 252,056
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Revenues:

Increase Acct.: #D.50-3590 State Aid – Transportation (15%)	\$ 37,808
Increase Acct.: #D.50-4590 Federal Aid – Transportation (80%)	\$ 201,645
Increase Acct.: #D-50-5031 Transfer from General Fund (5%)	<u>\$ 12,603</u>
	\$ 252,056

BUDGET IMPACT STATEMENT: The County’s 5% share totaling \$12,603 will require a transfer from the General Fund.

RESOLUTION 185 - 2021

Introduced by Supervisors Barrett, Lant, Lucia, O’Connor, Pemrick, Raymond and Zlotnick

AUTHORIZING AN AMENDED AGREEMENT WITH CLARK PATTERSON ENGINEERS, SURVEYORS, ARCHITECTS AND LANDSCAPE ARCHITECT, D.P.C. FOR ADDITIONAL ENGINEERING SERVICES RELATED TO THE REPLACEMENT OF A CULVERT ON COUNTY ROAD 31 IN THE TOWN OF MOREAU

WHEREAS, pursuant to Resolution 274-2017, this Board adopted the 2018-2022 Saratoga County Capital Plan which included among its capital projects the replacement of a culvert on CR 31 (Fortsville Road) over North Branch Creek, in the Town of Moreau; and

WHEREAS, pursuant to Resolution 18-2021, this Board of Supervisors appropriated the sum of \$142,987 from the County's Highway Fund and made said monies available to cover the cost of participation in the Design phase of said project to replace the CR 31 culvert; and

WHEREAS, the County entered into a professional services contract with Clark Patterson Engineers, Surveyors, Architects and Landscape Architect, D.P.C. on November 27, 2019 to provide necessary engineering consultant services for the Design phase of the replacement of the CR 31 Culvert at a cost not to exceed \$142,987; and

WHEREAS, pursuant to Resolution 184-2021, this Board appropriated an additional \$950,056 from the County's Highway Fund to cover the cost of participation in the Construction phase of this project; and

WHEREAS, Clark Patterson Engineers, Surveyors, Architects and Landscape Architect, D.P.C. has submitted a proposal for the provision of engineering services for the Construction/Construction Support and Construction Inspection phase of the replacement of the CR 31 Culvert at a cost not to exceed \$98,746; and

WHEREAS, our Public Works Committee and the Commissioner of Public Works have recommended that the County's agreement with Clark Patterson Engineers, Surveyors, Architects and Landscape Architect, D.P.C. be amended to include the provision of Construction/Construction Support and Construction Inspection services in connection with the replacement of the CR 31 Culvert at an additional cost not to exceed \$98,746; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an amendment to the agreement with Clark Patterson Engineers, Surveyors, Architects and Landscape Architect, D.P.C. of Rochester, New York, to include the provision of Construction/Construction Support and Construction Inspection Services related to the replacement of the CR 31 (Fortsville Road) Culvert over North Branch Creek in the Town of Moreau, at an additional cost not to exceed \$98,746; with the form and content of said amendment being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 187 - 2021

Introduced by Supervisors Barrett, Lant, Lucia, O'Connor, Pemrick, Raymond and Zlotnick

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 4 OF 2021, PRINT NO. 1, ENTITLED "A LOCAL LAW AUTHORIZING THE SALE OF PROPERTY OF THE COUNTY OF SARATOGA TO SYNERGY PARK, LLC"

WHEREAS, Resolution 159-2021 introduced and presented a proposed Local Law identified as Introductory No. 4, Print No. 1 of 2021, entitled "A Local Law Authorizing the Sale of Property of The County of Saratoga to Synergy Park, LLC" to this Board of Supervisors and scheduled a public hearing thereon for June 15, 2021 at 3:45 PM in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

WHEREAS, notice of the public hearing was duly published and posted as required by law; and

WHEREAS, the scheduled public hearing was held and all persons desiring to be heard submitted written comments by email or written correspondence to this Board; now, therefore, be it

RESOLVED, that this Board of Supervisors, on this 15th day of June, 2021, hereby adopts a Local Law identified as Introductory No. 4, Print No. 1 of 2021, entitled "A Local Law Authorizing the Sale of Property of The County of Saratoga to Synergy Park, LLC", as set forth in the annexed Schedule A.

BUDGET IMPACT STATEMENT: No budget impact.

SCHEDULE A

INTRODUCTORY NO. 4 OF 2021

PRINT NO. 1

INTRODUCED BY: Supervisors Barrett, Lant, Lucia, O'Connor, Pemrick,
Raymond and ZlotnickCOUNTY OF SARATOGA
LOCAL LAW No. [4] OF 2021A LOCAL LAW AUTHORIZING THE SALE OF REAL PROPERTY
OF THE COUNTY OF SARATOGA TO SYNERGY PARK, LLC

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

SECTION 1. TITLE

This Local Law shall be known as "A Local Law Authorizing the Sale of Real Property of the County of Saratoga to Synergy Park, LLC".

SECTION 2. LEGISLATIVE FINDINGS AND INTENT

- a. The County of Saratoga is the owner of real property located in the Town of Halfmoon which is known as the "Robert's Lane Bridge" which consists of a 30 foot clear-span aluminum arch bridge over the Dwaas Kill, and is also known as the "County Bridge 2202580-260" located on the former Town of Halfmoon roadway "Robert's Lane;"
- b. Pursuant to Highway Law §231, County ownership of Robert's Lane Bridge was formalized by Saratoga County Board of Supervisors Resolution 76-1999.
- c. Robert's Lane Bridge is situated on privately owned property and is entirely encompassed by property owned by Synergy Park, LLC.
- d. The Town of Halfmoon abandoned Robert's Lane by resolution in 2020.
- e. Synergy Park, LLC desires to purchase Robert's Lane Bridge which consists of a 30 foot clear-span aluminum arch bridge over the Dwaas Kill, and is also known as the "County Bridge 2202580-260" located on the former Town of Halfmoon roadway "Robert's Lane."
- f. The Commissioner of Public Works has determined that the Robert's Lane Bridge is no longer needed for any public use and does not serve any public interest.
- g. The Saratoga County Board of Supervisors hereby finds and determines that said Robert's Lane Bridge, which is more fully described in Section 3 below, is no longer needed for the County's public use.
- h. The Commissioner of Public Works has determined the fair market value of the Bridge to be of negative value (\$0.00) based on an assessment of liabilities and access restrictions.
- i. The Saratoga County Board of Supervisors hereby finds and determines that the agreed upon sale value of \$1000.00 is fair and adequate consideration for the sale and conveyance of the Robert's Lane Bridge.

SECTION 3. LEGAL DESCRIPTION OF PARCEL TO BE CONVEYED

The property to be conveyed by the County of Saratoga to Synergy Park, LLC is more particularly described as follows:

All that property situate in the Town of Halfmoon, Saratoga County, NY, described as follows:

"Robert's Lane Bridge which consists of a 30 foot clear-span aluminum arch bridge over the Dwaas Kill, and is also known as the "County Bridge 2202580-260" located on the former Town of Halfmoon roadway

“Robert’s Lane” located on property owned by Synergy Park, LLC depicted by Saratoga County tax map parcel #260.-1-49”

SECTION 4. AUTHORIZATION TO SELL AND CONVEY COUNTY REAL PROPERTY TO SYNERGY PARK, LLC

Notwithstanding the provisions of Section two hundred fifteen of the County Law, or any other law of the State of New York, the Saratoga County Board of Supervisors hereby authorizes the sale of the property of the County of Saratoga described in Section 3 of this Local Law to Synergy Park, LLC for the sum of \$1,000, and further hereby authorizes the Chairman of the Saratoga County Board of Supervisors to execute a contract, deed and any other required documents needed to convey a fee interest in said property to Synergy Park, LLC. Said contract, deed and related documents are to be subject to the approval of the County Attorney.

SECTION 5. PERMISSIVE REFERENDUM

This Local Law is subject to a permissive referendum as provided in Section 24 of the Municipal Home Rule Law.

SECTION 6. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its specific application.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect after it is filed as provided in Section 27 of the Municipal Home Rule Law.

RESOLUTION 189 - 2021

Introduced by Schopf, Barrett, Gaston, Tollisen, Veitch, Winney and Wood

AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH GREENMAN PEDERSEN, INC. TO PROVIDE ADDITIONAL CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES FOR UPGRADES TO THE ROOFING SYSTEMS, HVAC SYSTEMS AND THE CONSTRUCTION OF A NEW 10,000 SQ. FT. STORAGE BUILDING AT THE SARATOGA COUNTY SEWER DISTRICT NO. 1’S WASTEWATER TREATMENT PLANT

WHEREAS, pursuant to Resolution 110-2020, this Board authorized an agreement with Greenman Pedersen, Inc. (GPI) for the provision of design, construction administration and construction inspection services for upgrades to the roofing systems, HVAC systems and the construction of a new 10,000 square foot storage building at the Saratoga County Sewer District No. 1’s Wastewater Treatment Plant, at a cost not to exceed \$228,627; and

WHEREAS, the Executive Director of Saratoga County Sewer District No. 1, within his authority to authorize change orders not to exceed 10% of the cost of a Public Works contract, has authorized a change order in the amount of \$11,488 for additional professional services, increasing the total contract cost to \$240,115; and

WHEREAS, GPI has submitted a proposal for supplemental professional services to include site survey, stormwater management design, wetland permitting and associated construction administrative services that were not included in the original proposal and contract; and

WHEREAS, the Law and Finance Committee, Saratoga County Sewer District Commission and the Sewer District’s Executive Director have recommended that the County’s contract with Greenman Pedersen, Inc. be amended to authorize the provision of these additional professional services, with said services to be provided at the additional cost not to exceed \$37,250; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute an amendment to the agreement with Greenman Pedersen, Inc. of Albany, New York for the provision of additional design, construction administration and construction inspection services for upgrades to the roofing systems, HVAC systems and the construction of a new 10,000 square foot storage building at the Saratoga County Sewer District No. 1’s Wastewater Treatment Plant, at an additional cost of \$37,250, thereby increasing the total contract cost to the not to exceed amount of \$277,365; and, be it further

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

BUDGET IMPACT STATEMENT: No budget impact. Funds are available in the Sewer District’s 2021 budget.

Mr. Kinowski requested a separate vote on Resolution 186.

Mr. Kinowski said that in the Rules of the Board, he believes the portion addressing the presentation of new Resolutions is could presented in a much more clear fashion. Additionally, Mr. Kinowski suggested that process during emergency situations be addressed. Ms. Gaston said that Commissioners Zeilman, Kuhles and Laurie Prock in Public Health are in discussions currently to recognize some of the after action report items that need to be improved upon. Mr. Veitch said that he would be happy to entertain any additional suggested changes to the Rules of the Board in the Government Review Committee. Mr. Veitch gave a brief overview of the current process in the unfinished business and new proposal section of the rules. Mr. Kusnierz pointed out that this portion of the Rules of the Board is not one of the changes being proposed today.

On a motion by Ms. Gaston, seconded by Mr. Kinowski, Resolution # 186 was adopted by a unanimous vote.

RESOLUTION 186 - 2021

Introduced by Supervisors Veitch, Connolly, Gaston, Grasso, Raymond, Schopf and Tollisen

AMENDING RESOLUTION 1-2021, AS LAST AMENDED BY RESOLUTION 53-2021, TO AMEND THE RULES OF THE SARATOGA COUNTY BOARD OF SUPERVISORS

WHEREAS, pursuant to Resolution 1-2021, this board adopted the Rules of The Saratoga County Board of Supervisors, effective January 6, 2021; and

WHEREAS, pursuant to Resolution 53-2021, this board adopted an amendment to the Rules of the County Board of Supervisors, effective February 23, 2021; and

WHEREAS, the Government Review and Efficiency Committee has recommended amendments to the Rules of the Board and any amendment requires board approval by a two-thirds majority vote; now, therefore be it

RESOLVED, that subsection “i” under subheading “a” of section “V. Order of Business” shall be amended to read as follows, with changes notated in bold and strikethrough text:

- “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. **Presentations**
- 5. Public Input
- 6. Approval of Minutes of prior meetings
- 7. Correspondence
- 8. Reports of Committees
- 9. **Reports**
- 10. Resolutions
- 11. Requests for Separate Votes
- 12. Motion and Adoption of all Resolutions
- 13. Unfinished Business and New Proposals
- 14. Other Business
- 15. Adjournment

and, be it further

RESOLVED, that subheading “h” under section “VIII. Resolutions” shall be amended to read as follows, with changes notated in bold and strikethrough text:

VII. Resolutions

- 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. **Any member of the Board of Supervisors may request of the Chair of the Board to read the Whereas and Resolved paragraphs of a resolution or resolutions. Granting of such requests shall be at the discretion of the Chair of the Board.**

and, be it further

RESOLVED, that a subheading “m” under section “VIII. Resolutions” be added to read as follows, with changes notated in bold and strikethrough text:

VII. Resolutions

- m. **Minor informalities: A minor informality is a matter of form rather than substance based on the content of a proposed resolution, such as a typographical error that can be corrected promptly. If a minor informality is identified during the discussion on a resolution that has been duly moved and seconded, the Chair of the Board may direct the Clerk of the Board to correct the minor informality without need for a motion to amend the resolution. Substantive amendments to any resolution that has been duly moved and seconded shall require a weighted majority vote to pass. Any proposed amendment with a budget impact shall be considered a substantive amendment. The Chair of the Board in consultation with the County Attorney shall determine if any other identified error in a proposed resolution is to be considered a minor informality or a substantive amendment.**

and, be it further

RESOLVED, that a subheading “g” under section “X. Standing Committees” be amended to read as follows, with changes notated in bold and strikethrough text:

X. Standing Committees

- 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 **four (4) County business** days before the scheduled Committee meeting.

and, be it further

RESOLVED, that a subheading “h” under section “X. Standing Committees” be amended to read as follows, with changes notated in bold and strikethrough text:

X. Standing Committees

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 **two (2) County business days** prior to the scheduled Committee meeting by electronic mail and in the member's mailbox receptacle.

and, be it further

RESOLVED, that all other parts of the "Rules of The Saratoga County Board of Supervisors" effective January 6, 2021, as last amended by Resolution 53-2021, remain unchanged; and it is further

RESOLVED, that this resolution shall take effect immediately, and pursuant to Rules of the Board Section XIII(b), such amendments shall be laid over to the next meeting of the Board of Supervisors.

BUDGET IMPACT STATEMENT: No budget impact.

Ms. Gaston requested a separate vote on Resolution 188. Ms. Gaston said that with all due respect to the work of Judge Nolan in our community, she does not believe that government buildings should be named after living persons.

On a motion by Mr. Veitch, seconded by Mr. Barrett Resolution #188 was adopted by the following vote:

AYES (219607): Eric Connolly (9776), Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Richard Lucia (6531), Preston Allen (856), Jean Raymond (1214), Daniel Pemrick (7775), Kevin Tollisen (21535), Darren O'Connor (14765), Thomas Richardson (5196), Benny Zlotnick (18575), Theodore Kusnierz (14728), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Matthew E. Veitch (13293), Edward D. Kinowski (8287), John Lawler (8423), John Lant (16173).

NOES (13,293): Tara N. Gaston (13293)

ABSENT (5,593): Michael Smith (3545), Arthur M. Wright (2048).

RESOLUTION 188 - 2021

Introduced by Supervisors Schopf, Barrett, Tollisen, Veitch, Winney and Wood

REQUESTING HOME RULE LEGISLATION TO AMEND SECTION 813 OF THE JUDICIARY LAW TO DESIGNATE THE SARATOGA COUNTY SUPREME COURT LAW LIBRARY TO THE THOMAS D. NOLAN JR. LAW LIBRARY AT BALLSTON SPA

WHEREAS, Judiciary Law §814 provides that each county of the state shall have a court law library which shall be open to the public; and

WHEREAS, the Saratoga County Supreme Court Law Library was previously situated in the City of Saratoga Springs and relocated to Ballston Spa in 2019; and

WHEREAS, the Saratoga County Supreme Court Law Library Board of Trustees has recommended that this Board consider a resolution requesting municipal home rule legislation to rename the Saratoga County Supreme Court Law Library to the Thomas D. Nolan Jr. Law Library at Ballston Spa; and

WHEREAS, Hon. Thomas D. Nolan Jr. is a lifelong resident of Saratoga County having graduated from Mechanicville High School in 1967, and thereafter attended Sorbonne Paris (I.P.F.E.) and Hamilton College. Judge Nolan graduated from Albany Law School, *Cum Laude*, in 1976; and

WHEREAS, prior to being elected to the bench, Hon. Thomas D. Nolan Jr., has served as a Law Clerk to the Saratoga County Family Court in 1981 and again from 1990 to 1995; and

WHEREAS, Hon. Thomas D. Nolan Jr., previously served as counsel to the Clifton Park Industrial Development Agency and the Saratoga County Industrial Development Agency; and

WHEREAS, Hon. Thomas D. Nolan Jr., served as Village Attorney for the Village of Schuylerville in 1978, Assistant Town Attorney for the Town of Charlton from 1978 through 1981, Town Attorney for the Town of Clifton Park from 1980 through 1992, and Assistant Town Attorney for the Town of Clifton Park in 1992; and

WHEREAS, Hon. Thomas D. Nolan Jr., served as Family Court Judge in Saratoga County from June 1995 until December 1999; and

WHEREAS, Hon. Thomas D. Nolan Jr., was elected to the New York State Supreme Court in January 2000 and served with distinction until his retirement in December 2020; and

WHEREAS, Hon. Thomas D. Nolan, Jr., was a stalwart member of the Saratoga County Supreme Court Law Library Board of Trustees and his dedicated efforts played an integral role in the successful relocation of the Law Library in 2019; and

WHEREAS, Judge Nolan served the citizens of Saratoga County for over forty years as a highly respected lawyer and jurist who is known for administering justice to all those who came before him with respect and fairness; and

WHEREAS, based on the recommendation of the Saratoga County Law Library Board of Trustees and the Law and Finance Committee of this Board; now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Saratoga hereby requests the enactment of state legislation amending Section 813 of the Judiciary Law to designate the Saratoga County Supreme Court Law Library as the Thomas D. Nolan Jr Law Library at Ballston Spa; and be it further

RESOLVED, that the Clerk of the Board is directed to forward certified copies of this Resolution to our local State legislators.

BUDGET IMPACT STATEMENT: No Budget Impact.

Mr. Barrett presented a proposed Resolution #190 to the Clerk and Mr. Kusnierz requested that the Clerk provide hard copy and electronic copy to all Supervisors. Mr. Kinowski said that he has not seen responses to Mrs. McNamara's letter to all Supervisors and believes there is merit written into the letter. Mr. Kusnierz said that this vote is to add the item to the agenda and should not be a discussion individuals. Mr. Lawler said that he believes it would have been more transparent to have had this item dealt with as an agenda item rather than an addition the agenda.

On a motion made by Mr. Barrett, seconded by Mr. Lant. The vote to add Resolution #190 to the agenda was approved by the following vote:

AYES (160569): Eric Connolly (9776), Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Richard Lucia (6531), Jean Raymond (1214), Kevin Tollisen (21535), Darren O'Connor (14765), Theodore Kusnierz (14728), Tara N. Gaston (13293), Matthew E. Veitch (13293), John Lawler (8423), John Lant (16173).

NOES (53,445): Preston Allen (856), Daniel Pemrick (7775), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Edward D. Kinowski (8287)

ABSENT (5,593): Michael Smith (3545), Arthur M. Wright (2048).

Copies of Resolution 190 were distributed to all Supervisors and read into the record by the Clerk of the Board.

Mr. Hartnett advised that any discussion regarding employment history of a particular person or matters leading to the appointment or removal of a particular persons be discussed in Executive Session. Mrs. Winney said that a portion of the proposed resolution mentions that Mr. Scot Chamberlain's name was forwarded to the Law & Finance Committee and she did not receive anything as a member of that Committee. Mr. Kusnierz advised that the County Administrator emailed all County Supervisors. Following policy, this is an advisory that is made to

Law and Finance and the recommendation is made directly to the Board of Supervisors. Mr. Kinowski said that he believes the process could be flawed. Mr. Kinowski said that he would like to read a statement on behalf of Supervisor Peck. Mr. Kusnierz said that comments should not include discussions on individual current or former employee. Mr. Hartnett advised that discussion about employment history leading to appointment can be done in Executive Session. Mr. Kinowski said that the letter sent by the HR Director is very FOIL-able. Mr. Kusnierz said that Mr. Kinowski is talking about an individual not named in the Resolution. The discussion is on the merits of the Resolution. Discussions regarding an individual's work performance will require Executive Session. Mr. Kinowski read the following statement on behalf of Supervisor Peck:

Saratoga County has a serious employee morale problem. The backbone of Saratoga County has always been our employees. Elected Supervisors may come and go, but it's the long standing dedicated employees who continue to serve the residents of Saratoga County. We have individuals currently in charge at Saratoga County who believe in managing employees through fear and intimidation. But just as bad are those that sit quietly and enable the actions. The past several months I have had many employees from numerous County departments tell me they are counting the days until their retirement date, just trying to get there under the radar, so they don't cross or wrong the wrong Supervisor and get fired, losing everything they have worked so hard for long to achieve. These are people who have said previously that they were so proud to work for Saratoga County. New York State Retirement System has always been an asset to hiring good people. Now it's become a weapon to silence our employees for fear that it will be ripped out from underneath them. Having seen the effects of the this Board. The term hit list has been brought to my attention several times by employees fearful that their names may be on it, if they don't give in to the wishes of those in charge. What has been described to me, through many voices is a horrible place to work. To work in constant fear and strain on the mind, body, as the Board of Supervisors, we should see to it that no employee has to go through this and absolutely not to be the cause. You may think this is only being said as it relates to a former position in any attempt to preserve the job. But it's just being highlighted as the individual before us today and is culminating the events that transpired back to August 12 2020. When I asked Supervisor Kusnierz about the agenda meeting, what was what he was doing? His reply says it all, they are going after me, so I'm going after them. (*Mr. Kusnierz - I can't state the following*) These events mentioned, the previous events mentioned have resulted in a systematic process of instilling fear by the County employees, a systematic abuse of power, being exhibited by those in charge upon the workforce who have played such an important role in serving the residents of the County. When I hear the term, it's just politics, or in the process of all this nonsense. The same individual, his voice elevated says, I showed you politics, I'm disgusted. This is the politics of destruction. Divide and conquer. The politics I grew up, learned from Jasper Nolan, we're about public service and standing with high regard for the needs of our fellow human being, and working as a team to achieve this success. Politics and Saratoga County now looks nothing like more than a friends and family benefit plan.

Mr. Kusnierz added that characterization of his comments are false. Mr. Lawler brought up the letter that was received, and said that her letter is FOIL-able public document. Mr. Hartnett said that he would be unable to render opinion on FOIL-ability of any given document off the cuff without doing research on it and again urged the members of the Board to consider the opportunity afforded by the Public Officers Law to discuss this in Executive Session. Mr. Lawler said that going back to transparency, he thanked the Administrator for providing Mr. Chamberlain's resume to all Supervisors, however he has serious concerns about the process involved here. Mr. Lawler said that this is twice now that senior members of the Administration are not being reappointed without providing any rationale for the failure to do so. One such actions has already involved the County in a lawsuit. Mr. Lawler said that his concern is not whether or not Mr. Chamberlain is qualified for this job, or more qualified or less qualified than the previous individual who held that position. His concern is process and he believes this process is flawed. Mr. Lucia said that he believes the HR office should have a male and a female representative. Mr. Kusnierz reiterated that Saratoga County is an equal opportunity employer regardless of sex, race or creed. Mr. Barrett asked Mr. Kinowski to re-read the last few lines in his statement. Mr. Peck clarified that those were his words. Mr. Barrett said that when mentioning friends and family, Mr. Kinowski's child was appointed to a high level position in the same Department when he was Chairman. Mr. Kusnierz reminded all Supervisors to not discuss the abilities on an individual. Mr. Barrett said that the process of stacking Committees started a few years ago, which was the exclusion of large town Supervisors. At that time Mr. Barrett had mentioned that it would lead to division on this body, and it certainly, unfortunately has happened. Mr. Kusnierz asked that everyone keep their comments germane to the Resolution.

A motion was made by Mr. Wood, seconded by Mr. Zlotnick to amend proposed Resolution 190 by striking the name of Scot Chamberlain and inserting the name of Margaret McNamara. Ms. Gaston questioned if the amendment was only in the third whereas. Mr. Wood said that his intent was in both the third paragraph and fourth resolved where Mr. Chamberlain's name is listed. Mr. Kusnierz informed Mr. Wood that his motion as offered would actually be a false statement in the amended Resolution. Mr. Wood withdrew his motion.

A motion was made by Mr. Zlotnick, seconded by Mr. Lucia to amend proposed Resolution 190 to substitute names through the entire resolution, taking care of paragraphs three, four and the name of the original Resolution. Mr. Schopf said that as a member of the search committee, he does not recall Marcy McNamara's name being forwarded to the Law and Finance Committee for informational purposes. Mr. Connolly confirmed that Mr. Zlotnick's proposed amendment does not remove paragraph three.

The motion failed by the following vote:

AYES (60,112): Richard Lucia (6531), Preston Allen (856), Daniel Pemrick (7775), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), John Lawler (8423).

NOES (139,137): Eric Connolly (9776), Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Jean Raymond (1214), Kevin Tollisen (21535), Theodore Kusnierz (14728), Tara N. Gaston (13293), Matthew E. Veitch (13293), Edward D. Kinowski (8287), John Lant (16173).

ABSTAIN (14,765): Darren O'Connor (14765).

ABSENT (5,593): Michael Smith (3545), Arthur M. Wright (2048).

Mr. Connolly and Ms. Gaston said that they voted no due to the fact that it would not be factual. Mr. Schopf said that it was not the recommendation of the committee.

A motion was made by Mr. Lawler, seconded by Mr. Wood to amend proposed Resolution 190. Mr. Lawler offered the amendment to strike the second and third whereas completely, and proposed the following: Appointing Margaret C. McNamara from the Town of Milton to the position of Director of Personnel Human Resources Director of the County of Saratoga for a six year term to expire on May 22, 2027 at the base level salary grade of 23 on the Saratoga County Management Compensation Schedule.

The motion failed by the following vote:

AYES (68,399): Richard Lucia (6531), Preston Allen (856), Daniel Pemrick (7775), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Edward D. Kinowski (8287), John Lawler (8423).

NOES (107,781): Joseph Grasso (4133), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Jean Raymond (1214), Kevin Tollisen (21535), Theodore Kusnierz (14728), Matthew E. Veitch (13293), John Lant (16173).

ABSTAIN (37,834): Eric Connolly (9776), Darren O'Connor (14765), Tara N. Gaston (13293).

ABSENT (5,593): Michael Smith (3545), Arthur M. Wright (2048).

On a motion made by Mr. Grasso, seconded by Mr. Veitch, Resolution #190 was adopted by the following vote:

AYES (122,546): 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), Matthew E. Veitch (13293), John Lant (16173).

NOES (91,468): Eric Connolly (9776), Richard Lucia (6531), Preston Allen (856), Daniel Pemrick (7775), Thomas Richardson (5196), Benny Zlotnick (18575), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), Tara N. Gaston (13293), Edward D. Kinowski (8287), John Lawler (8423).

ABSENT (5,593): Michael Smith (3545), Arthur M. Wright (2048).

RESOLUTION 190 - 2021

Introduced by Supervisor(s) Barrett and Lant

APPOINTING SCOT E. CHAMBERLAIN AS DIRECTOR OF PERSONNEL / HUMAN RESOURCES DIRECTOR

WHEREAS, as a result of the expiration of the term of appointment of Margaret C. McNamara on May 22, 2021, pursuant to Public Officers Law §5, the position of Director of Personnel / Human Resources Director is currently vacant for the purposes of appointing a successor; and

WHEREAS, pursuant to County Policy Chapter 4, Section U, titled "Appointment of Department Heads" a search committee was formed; and

WHEREAS, the search committee has selected Scot E. Chamberlain and forwarded his name to the Law and Finance Committee for informational purposes and to the full Board for final approval; now, therefore, be it

RESOLVED, that effective August 2, 2021, Scot E. Chamberlain of the Town of Halfmoon, Saratoga County, New York, is hereby appointed Director of Personnel / Human Resources Director of the County of Saratoga for a six year term to expire on May 22, 2027, at the base level of Salary Grade No. 23 on the Saratoga County Management Compensation Schedule.

BUDGET IMPACT STATEMENT: No budget impact.

Chairman Kusnierz announced the following appointments:

STOP DWI COORDINATOR
J. Wes Carr Effective: June 11, 2021

Saratoga County Public Health Advisory Task Force
Supervisor Phil Barrett, Chairman of the Task Force

On a motion by Mr. Richardson, seconded by Mr. Schopf the meeting was adjourned by a unanimous vote.

Respectfully submitted,

Therese Connolly
Clerk of the Board