

REGULAR MEETING  
TUESDAY, January 17, 2023  
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, Eric Butler, Michael Smith, Kevin Veitch, Kevin Tollisen, Mark Hammond, Theodore Kusnierz, Sandra Winney, Matthew E. Veitch, John Lant – 12.

ABSENT – Jonathon Schopf, Diana Edwards, Jean Raymond, Arthur M. Wright, Thomas Richardson, Scott Ostrander, Willard H. Peck, Thomas N. Wood, III, Tara Gaston, Edward D. Kinowski, John Lawler – 11.

The invocation was given by County Clerk Craig Hayner, Chaplain.

PRESENTATION

Congressman Paul Tonko addressed the Board and gave an update on his goals for 2023.

On a motion by Mr. M. Veitch, seconded by Mr. Butler, the minutes of the January 4, 2023 Board meeting was unanimously approved.

The Clerk presented the following:

CORRESPONDENCE

Letter from County Attorney Michelle W. Granger informing the Board of the following appointments:

Maribeth A. Hunt – First Assistant County Attorney

Michael P. Naughton, Nicholas M. Martin, Andrew J. Proler, Jacqueline C. Lombardo and Ann Flower E. Stitt as Assistant County Attorneys

All effective January 1, 2023 to December 31, 2023

Received and Filed

Letter from Public Defender Andrew Blumenburg informing the Board of the following appointments:

Joseph W. Hammer – First Assistant Public Defender

Heather N. Brondi, Michael J. Carola, Yannick Clayton, Nicholas D'Allesandro, James Davis, John Delong, Michael DiPresso, Matthew A. Maiello, William A. Nowack and Elizabeth A. Parizh, as Assistant Public Defenders

All effective January 1, 2023 to December 31, 2023

Received and Filed

Thank you correspondence from Operation Adopt A Soldier, Inc. for the Covid Relief Grant Funding.

Received and Filed

REPORTS OF COMMITTEES

There were no reports of Committees.

On a motion by Mr. Hammond, seconded by Mr. Lant, Resolutions 15 through 22 were adopted by a unanimous vote.

RESOLUTION 15 - 2023

Introduced by Law and Finance: Supervisors Schopf, Barrett, Edwards, Grasso, Lant, Tollisen and M. Veitch

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 4, PRINT NO. 1 OF 2022 ENTITLED "A LOCAL LAW AMENDING THE 2023 SARATOGA COUNTY COMPENSATION SCHEDULE TO PROVIDE SALARY AND COST-OF-LIVING INCREASES FOR CERTAIN COUNTY OFFICIALS"

WHEREAS, Resolution 354-2022 introduced and presented a proposed Local Law identified as Introductory No. 4, Print No. 1 of 2022, to this Board of Supervisors and scheduled a public hearing thereon for January 11, 2023 at 4:30P.M. in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

WHEREAS, notice of that 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 have been heard by this Board; now, therefore, be it

RESOLVED, that this Board of Supervisors, on this 17<sup>th</sup> day of January, 2023 hereby adopts a Local Law identified as Introductory No. 4, Print No. 1 of 2022, as set forth in the annexed Schedule A; and it is further

RESOLVED, that this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No Budget Impact.

INTRODUCTORY NO. 4

PRINT NO. 1

INTRODUCED BY SUPERVISORS: Schopf, Barrett, Grasso, Lant, Raymond, Tollisen and M. Veitch

COUNTY OF SARATOGA  
LOCAL LAW - 2023

A LOCAL LAW AMENDING THE 2023 COUNTY COMPENSATION

SCHEDULE TO PROVIDE A SALARY AND COST-OF-LIVING INCREASE FOR CERTAIN COUNTY OFFICIALS

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

SECTION 1. The 2023 compensation for the following County officials shall be increased to the following levels, effective January 1, 2023:

ELECTED OFFICIALS

Susan Hayes-Masa, Coroner	\$ 40,290
David DeCelle, Coroner	\$ 40,290
Craig Hayner, County Clerk	\$ 128,357
Michael Zurlo, Sheriff	\$ 147,493

APPOINTED OFFICIALS

Roger Scheira, Commissioner of Elections	\$ 91,800
William Fruci, Commissioner of Elections	\$ 91,800
D’Arcy Plummer, Auditor	\$ 107,472
Lauren Roberts, Historian	\$ 70,654
George Conway, Conflict Defender	\$ 113,073
Michelle Granger, County Attorney	\$ 151,041
John Warnt, Director of Purchasing	\$ 100,549
Scot Chamberlain, Director of Human Resources	\$ 134,128
Daniel Kuhles, Commissioner of Public Health	\$ 210,768
Andrew Blumenberg, Public Defender	\$ 143,926
Anna Stanko, Director of Real Property Tax Services	\$ 95,040
Tina Potter, Commissioner of Social Services	\$ 162,150

SECTION 2. This Local Law is subject to a permissive referendum as provided in Municipal Home Rule Law §24.

SECTION 3. This Local Law shall become effective as provided in Municipal Home Rule Law §27.

RESOLUTION 16 - 2023

Introduced by Law and Finance: Supervisors Schopf, Barrett, Edwards, Grasso, Lant, Tollisen and M. Veitch

AUTHORIZING AN AMENDMENT TO THE 2022 AGREEMENT WITH NATIONAL MEDICAL SERVICES, INC. D/B/A NMS LABS TO PROVIDE ADDITIONAL POSTMORTEM TOXICOLOGICAL SERVICES

WHEREAS, in connection with their duties in determining causes of death of persons dying within the County of Saratoga, our County Coroners require the toxicological services of qualified medical laboratories; and

WHEREAS, as a result of the COVID-19 pandemic, there has been a significant increase in mortality in Saratoga County; and

WHEREAS, pursuant to Resolution 326-2021, this Board of Supervisors authorized a renewal of the agreement with National Medical Services, Inc. d/b/a NMS Labs (“NMS Labs”), to provide post-mortem toxicological services to the County Coroners for the term January 1, 2022 through December 31, 2022, with a total contract cost not to exceed \$75,000; and

WHEREAS, the services rendered by NMS Labs to the County Coroners pursuant to said agreement in 2022 exceeded the authorized contract amount of \$75,000; and

WHEREAS, it is necessary to amend Resolution 326-2021 to increase the contract limit with NMS Labs for laboratory services provided in 2022 from \$75,000 to \$110,000 in order to pay for the increase in costs, and to authorize an amendment to the 2022 contract with NMS Labs; and

WHEREAS, our Law and Finance Committee and the County Coroners have recommended that the contract for post-mortem toxicology services with NMS Labs for the term January 1, 2022 through December 31, 2022 be amended to increase the authorized contract amount by \$35,000 for a total contract amount of \$110,000 for 2022; now, therefore it is

RESOLVED, that the Chair of the Board of Supervisors is authorized to execute an amended agreement with National Medical Services, Inc. d/b/a NMS Labs to provide post-mortem toxicological services for the Saratoga County Coroners’ Office for a term of one year commencing on January 1, 2022 through December 31, 2022 at NMS Labs’ prevailing 2022 Fee Schedule rates charged for routine Postmortem Toxicology panels, as same may be amended from time to time, and at its prevailing 2022 rates for special pricing panels as listed in its Pricing Summary for Toxicology Laboratory Services, as same may be amended from time to time, provided each such test has been ordered by the Coroner’s Physician or his assistant, with total contract costs not to exceed \$110,000; and, be it further

RESOLVED, that Resolution 326-2021 is hereby amended accordingly. and it is further

RESOLVED, that this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No budget impact. Funds are included in the Department Budget

#### RESOLUTION 17 - 2023

Introduced by Law and Finance: Supervisors Schopf, Barrett, Edwards, Grasso, Lant, Tollisen and M. Veitch

#### AUTHORIZING AN AMENDMENT TO THE 2022 AGREEMENT WITH SARATOGA HOSPITAL TO PROVIDE FOR ADDITIONAL USE OF LABORATORY AND MORGUE FACILITIES

WHEREAS, pursuant to Resolution 180-2019, as amended by Resolution 30-2022, this Board authorized an agreement with Saratoga Hospital to provide for the use of the Hospital’s morgue and laboratory facilities and services by our County Coroners when performing autopsies and other post-mortem activities, for a three year term commencing on January 1, 2020 and terminating on December

31, 2022 at the rates set forth in Saratoga Hospital's published fee schedules for each of the years 2020, 2021 and 2022, with the annual cost not to exceed \$65,000 for the years 2021 and 2022; and

WHEREAS, due to increasing numbers of cases handled by the County Coroners at Saratoga Hospital in 2022, it is necessary to amend the agreement to increase the contract limit from \$65,000 to \$75,000 for the year 2022; and

WHEREAS, our Law and Finance Committee and the County Coroners have recommended that the contract with Saratoga Hospital be amended to increase the contract limit from \$65,000 to \$75,000 for the year 2022; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an amended agreement with Saratoga Hospital of Saratoga Springs, New York, to provide morgue and laboratory facilities and services for the Saratoga County Coroners' Office for the year 2022 at the rates set forth in Saratoga Hospital's published fee schedules for the year 2022, with the total cost not to exceed \$75,000; and it is further

RESOLVED, that the form and content of such amended agreement shall be subject to the approval of the County Attorney; and it is further

RESOLVED, that this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No budget impact. Funds are included in the Department Budget.

#### RESOLUTION 18 - 2023

Introduced by Law and Finance: Supervisors Schopf, Barrett, Edwards, Grasso, Lant, Tollisen and M. Veitch

#### AUTHORIZING THE COUNTY AUDITOR TO APPROVE TAX REFUNDS, CORRECTIONS AND CREDITS IN AMOUNTS NOT TO EXCEED \$2,500

WHEREAS, Real Property Tax Law §554, §556 and §556(8) authorize delegation to the County Auditor of legislative duties relative to the correction, refund and credit of certain taxes; and

WHEREAS, upon the recommendation of our Law and Finance Committee, and upon the joint recommendations of the Director of the Real Property Tax Service Agency and the County Treasurer; now, therefore, it is

RESOLVED, that the County Auditor is authorized pursuant to §556 of the Real Property Tax Law to approve for payment tax bill refunds in amounts not to exceed \$2,500, and it is further

RESOLVED, that the County Auditor is authorized pursuant to §554 of the Real Property Tax Law to approve corrections of errors on tax rolls in amounts not to exceed \$2,500, and it is further

RESOLVED, that the County Auditor is authorized pursuant to §556(8) of the Real Property Tax Law to approve tax credits in amounts not to exceed \$2,500, and it is further

RESOLVED, that the County Auditor shall report to the Real Property Tax Committee all refunds, corrections and credits made pursuant to the authority delegated by this Resolution; and it is further

RESOLVED, that this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No budget impact.

#### RESOLUTION 19 - 2023

Introduced by Law and Finance: Supervisors Schopf, Barrett, Edwards, Grasso, Lant, Tollisen and M. Veitch

#### GRANTING THE STATE OF NEW YORK AUTHORITY TO HEIGHT ADJUST SEWER MANHOLES FOR THE SARATOGA COUNTY SEWER DISTRICT NO. 1 AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT

WHEREAS, the New York State Department of Transportation proposes a Pavement Corrective Maintenance 23B project for Saratoga County Sewer District No. 1 (“SCSD No. 1”), including part of Route 67 in the Town of Stillwater, PIN 1811.44; and

WHEREAS, the Saratoga County Board of Supervisors approves of such project and the State of New York will include as part of the construction of the above mentioned project, height adjustment of existing sanitary sewer manholes as needed, pursuant to Article II, Section 10, Subdivision 24 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of SCSD No. 1; and

WHEREAS, SCSD No. 1 maintains sewer facilities on Route 67 within the project limits; and

WHEREAS, the service life of the adjusted utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project and at no cost to the County; now, therefore it is

RESOLVED, the Saratoga County Board of Supervisors grants permission to the State of New York to complete the above-mentioned work performed on the above-mentioned project and that the County will continue to maintain or cause to be maintained, at its own expense, the adjusted facilities performed by the State as shown on the contract plans; and it is further

RESOLVED, the Chair of the Board, Theodore T. Kusnierz, Jr., is authorized to sign, with the concurrence of the Saratoga County Board of Supervisors and the County Attorney, any and all documents that may become necessary as a result of this project; and it is further

RESOLVED, that the Saratoga County Clerk is hereby directed to electronically transmit signed, sealed, certified, notarized, and stamped copy of the foregoing resolution to the New York State Department of Transportation; and it is further

RESOLVED, that this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No Budget Impact.

RESOLUTION 20 - 2023

Introduced by Chair of the Board

APPOINTING COMMISSIONERS 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 terms of three Commissioners have expired; now, therefore, be it

RESOLVED, that the following individuals are appointed as Commissioners of the Saratoga Lake Protection and Improvement District for the stated terms:

<u>NAME AND ADDRESS</u>	<u>MUNICIPALITY</u>	<u>Term Expires</u>
Walter Borisenok 1136 Route 9P Saratoga Springs, NY 12866	Town of Saratoga	12/31/2025
Peter Scalici 4150 Silver Beach Road Malta, NY 12020	Town of Malta	12/31/2025
Kathleen Simmonds 19 Tomahawk Lane Saratoga Springs, NY 12866	City of Saratoga Springs	12/31/2023

; and it is further

RESOLVED, that this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 21 - 2023

Introduced by Law and Finance: Supervisors Schopf, Barrett, Edwards, Grasso, Lant, Tollisen and M. Veitch

AUTHORIZING THE ACCEPTANCE OF NEW YORK STATE HEALTHCARE WORKER BONUS PROGRAM FUNDS, DISBURSEMENT OF PROGRAM FUNDS TO ELIGIBLE SARATOGA COUNTY EMPLOYEES, AND AMENDING THE 2023 COUNTY BUDGET IN RELATION THERETO

WHEREAS, as part of the 2022 -2023 enacted New York State Budget, the State Legislature allocated \$1.2 billion in funding to the New York State Health Care Worker Bonus (“HWB”) program for the payment of bonuses for certain frontline health care workers; and

WHEREAS, the HWB provision allows for the payment of bonuses to “recruit, retain, and reward health care and mental hygiene workers” meeting certain eligibility requirements as determined and approved by New York State; and

WHEREAS, the HWB program requires distribution of funds within 30 days of receipt of those funds thereby requiring the Saratoga County Board of Supervisors to approve receipt of those funds at the January 2023 board meeting; and

WHEREAS, the HWB program has determined an amount of \$273,431; and

WHEREAS, the Law and Finance Committee and the Director of Human Resources have recommended the acceptance of these funds; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute all documents and agreements necessary to accept the New York State Health Care Worker Bonus program funds in the final amount as determined by New York State, with the form and content of such documents and agreements to be subject to the approval of the County Attorney; and it is further

RESOLVED, that the 2023 County Budget is amended as follows:

UNDER SHERIFF’S OFFICE

Increase Revenue

Acct #: A.30-3086	State/Legislative Grant	\$ 29,065.50
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Increase Expenses

Acct #: A.30.301-6000	Regular Wages	\$ 27,000.00
Acct #: A.30.301-6930	Social Security	\$ 2,065.50

UNDER DEPARTMENT OF HEALTH

Increase Revenue

Acct #: A.40-3086	State/Legislative Grant	\$ 103,344.00
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Increase Expenses

Acct #: A.40.000-6000	Regular Wages	\$ 96,000.00
Acct #: A.40.000-6930	Social Security	\$ 7,344.00

UNDER MENTAL HEALTH AND ADDICTION SERVICES

Increase Revenue

Acct #: A.43-3086	State/Legislative Grant	\$ 141,021.50
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Increase Expenses

Acct #: A.43.431-6000	Regular Wages	\$ 131,000.00
Acct #: A.43.431-6930	Social Security	\$ 10,021.50

\$ 273,431.00

; and it is further



RESOLVED, that this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: The budget will be amended to accept these funds and authorize the related expenses.

#### RESOLUTION 22 - 2023

Introduced by Law and Finance: Supervisors Schopf, Barrett, Edwards, Grasso, Lant, Tollisen and M. Veitch

#### AUTHORIZING A SETTLEMENT WITH TEVA PHARMACEUTICAL INDUSTRIES, LTD. AND TEVA PHARMACEUTICALS USA, INC. (COLLECTIVELY TEVA) NAMED IN AN ACTION TO RECOVER DAMAGES IN COMBATTING AND TREATING OPIOID ABUSE

WHEREAS, pursuant to Resolution 203-2017, this Board authorized the commencement of litigation against the manufacturers, distributors, and certain prescribing physicians of opioid pharmaceuticals to recover damages resulting from the County combatting and treating opioid abuse, and further authorized the retention of Napoli Shkolnik, PLLC to serve as special counsel with respect to the initiation and prosecution of such litigation; and

WHEREAS, the County of Saratoga and many other municipalities are a member of a lawsuit commenced in Suffolk County against manufacturers, distributors, and certain prescribing physicians of opioid pharmaceuticals; and

WHEREAS, an action was commenced against defendants Teva Pharmaceutical Industries, Ltd., and all of its respective past and present direct or indirect parents, subsidiaries, division affiliates, joint ventures, predecessors, successors, assigns including but not limited to Teva Pharmaceuticals USA, Inc., the Actavis Generic Entities, and Adna, (collectively "Teva"), based on claims that Teva contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and through various 'front groups' and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its product, all of which contributed to a public health crisis; and

WHEREAS, Teva will pay up to \$550 million dollars depending on the level of participation in New York State, and specific amounts to be paid to 'direct share subdivisions' will be subject to various scenarios; and

WHEREAS, the cornerstone of the proposed settlement is a full resolution of all governmental claims filed in the State against Teva which will maximize the recovery and incentive scenarios which are built into the agreement to secure and achieve a full \$550 million value of the settlement; and

WHEREAS, to join the proposed settlement, this Board needs to authorize the County becoming a party to the Teva Settlement Term Sheet and the New York Opioid Settlement Sharing Agreement and become a "direct share subdivision"; and

WHEREAS, pursuant to the terms of the proposed settlement, all counsel fees, costs and expenses will be paid directly by Teva from a separate fund; and

WHEREAS, Napoli Shkolnik, PLLC and the County Attorney have recommended settlement of the lawsuit against Teva as recommended to avoid protracted litigation and to maximize the recovery of damages for the County; now, therefore, be it

RESOLVED, that it is in the best interests of the County to resolve and settle the litigation against Teva in the manner proposed by Napoli Shkolnik, PLLC, and this Board authorizes settlement of all claims and demands made by the County of Saratoga against Teva Pharmaceutical Industries, Ltd. and Teva Pharmaceuticals, USA (collectively "TEVA") in the manner proposed by Napoli Shkolnik, PLLC; and it is further

RESOLVED, that the Chair of the Board and/or special counsel Napoli Shkolnik, PLLC, and/or the County Attorney are hereby authorized to execute the Teva New York Sharing Agreement and the New York Teva Term Sheet and any other releases or documents necessary to settle and conclude the litigation commenced by the County of Saratoga against Teva; and it is further

RESOLVED, that the form and content of such documents and releases shall be subject to the approval of the County Attorney; and it is further

RESOLVED, that this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No Budget Impact.

Mr. Kusnierz reported that the Deceased Veterans Ceremony recognized Ronald E. Baker from the Town of Greenfield earlier today.

Mr. Kusnierz reported that the standing committee assignments were announced on January 11<sup>th</sup>, 2023 and distributed to all members of the Board. The assignments are available on the County website.

2023 Standing Committees

**Buildings & Grounds**

Matt Veitch \*  
 Phil Barrett  
 Eric Connolly  
 Diana Edwards  
 John Lant  
 Scott Ostrander  
 Mike Smith

**Economic Development**

Mark Hammond \*  
 Eric Butler  
 Joe Grasso  
 Jean Raymond  
 Kevin Tollisen  
 Kevin Veitch  
 Sandra Winney

**Health & Human Services**

Phil Barrett \*  
 John Lant  
 Scott Ostrander  
 Tom Richardson  
 Jonathan Schopf  
 Tom Wood  
 Arthur "Mo" Wright

**Human Resources & Insurance**

Kevin Tollisen \*  
 C. Eric Butler  
 Joe Grasso  
 John Lant  
 Bill Peck  
 Jean Raymond  
 Sandra Winney

**Law & Finance**

Jonathan Schopf \*  
 Philip Barrett  
 Diana Edwards  
 Joe Grasso  
 John Lant  
 Kevin Tollisen  
 Matthew Veitch

**Legislative & Government Affairs**

Eric Butler \*  
 Mark Hammond  
 John Lant  
 Kevin Veitch  
 Sandra Winney

**Public Safety**

John Lant \*  
C. Eric Butler  
Joe Grasso  
Mark Hammond  
Jean Raymond  
Kevin Tollisen  
Kevin Veitch

**Public Works**

Philip Barrett \*  
Diana Edwards  
Jack Lawler  
Jonathan Schopf  
Mike Smith  
Matthew Veitch  
Tom Wood

**Real Property Tax**

Scott Ostrander \*  
Philip Barrett  
Diana Edwards  
Jack Lawler  
Arthur "Mo" Wright

**Trails & Open Space**

Joe Grasso \*  
Eric Connolly  
Tara Gaston  
Ed Kinowski  
Matthew Veitch

**Veterans' Affairs**

Mike Smith \*  
Scott Ostrander  
Tom Richardson  
Tom Wood  
Arthur "Mo" Wright

**Airport Improvement**

Theodore T. Kusnierz, Jr. \*  
Philip Barrett  
Scott Ostrander  
Kevin Veitch  
Matthew Veitch

\* Denotes Chair

**PUBLIC INPUT**

There were no requests for public input.

On a motion by Mr. Barrett, seconded by Mr. Smith, the meeting was adjourned by a unanimous vote.

Respectfully submitted,

Therese M. Connolly  
Clerk of the Board