

CONDENSED MINUTES  
SPECIAL BOARD MEETING  
APRIL 1, 2020

Fort Edward, New York, Friday, April 1, 2020.

The Board of Supervisors convened in special session at 10:00 AM via teleconference.

CHAIRMAN HALL called the meeting to order and presided.

Mr. O'Brien led the Pledge of Allegiance to the Flag.

Mrs. Clary offered the prayer.

The Clerk called the roll:

PRESENT: (17) Henke, Fedler, Ferguson, Shaw, Hall, Losaw\*, Hicks, Ward\*, O'Brien, Haff, Campbell, Skellie, Hogan\*, Wilson Clary, Griffith, Rozell (\*No response during roll call but teleconference indicated they were online and participated in meeting.)

ABSENT: None.

The Clerk read the notice of the Special Meeting.

Update on County Operations – Tim Hardy, Deputy Director of Public Safety, stated Public Health, Public Safety and County Administration developed the Washington County Coronavirus information site on the County website. The statistics on the site are updated daily and there is a community newsletter that residents can sign up for. They also conduct briefings for local officials and first responders. Provided an update on the statistics, slides presented: 87 Mandatory persons under investigation – requires daily home visits, Precautionary persons under investigation 29 – contacted daily by phone, COVID-19 persons under investigations 11, released 122 – previously under supervision and total tested with results received 265. Public Health is very busy.

Introduction of Resolution – A motion to set aside the rules for Resolution No. 132 was moved by Mr. Shaw, seconded by Mrs. Clary and Messrs. Campbell, Ferguson and Rozell and adopted on the following roll call vote: AYES (3456) Henke, Fedler, Ferguson, Shaw, Hall, Hicks, O'Brien, Haff, Campbell, Skellie, Hogan, Wilson, Clary, Griffith, Rozell, NOES (0), ABSENT (804) Losaw, Ward, ABSTAIN (0).

The Clerk read the resolves only for Resolution No. 132 – To Temporarily Suspend Washington County Procurement Policy with Regard to Purchases Made in Response to

the COVID-19 Pandemic. Resolution No. 132 was moved by Mr. Hall, seconded by Mrs. Clary and adopted on the following roll call vote: AYES (3812) Henke, Fedler, Ferguson, Shaw, Hall, Hicks, Ward, O'Brien, Haff, Campbell, Skellie, Hogan, Wilson, Clary, Griffith, Rozell, NOES (0), ABSENT (448) Losaw, ABSTAIN (0).

Discussion of the Audit Process – Chris DeBolt, County Administrator, stated despite the fact the County is operating under an emergency closure there are still regular bills that have to be paid. What he wanted to discuss with the Board today was the best way to get those bills paid with regard to the Audit Committee. Presented an option put together by the County Administrator, Treasurer and Clerk of the Board. Bills would be submitted to the Clerk of the Board's Office as usual, the Senior Audit Clerk would audit and enter the bills, the Treasurer's Office could assist with data entry if needed, and once all the bills are entered an accounts payable report can be generated in the system and emailed to all the Audit Committee members and/or all Board members if desired. The Audit Committee could review the accounts payable report and email their approval to the Board Chairman and Clerk of the Board. The Chairman would then authorize the Treasurer to pay under his emergency authority. The Treasurer would issue payment as usual and the vouchers would be set aside for the Audit Committee's signature at a later date, once we are passed the emergency closure. The Audit Report would be forwarded to the Board for their approval with the understanding that the bills had already been paid. He stated this was offered as an alternative for the Audit Committee coming in to audit the bills and would like the feedback of the Board on whether or not that is acceptable. There is no resolution to vote on today just requesting feedback/comments on this proposal. Supervisors expressed faith and confidence in the staff and felt this was the best solution right now. Mr. Haff would like this to have a sunset provision. The County Attorney stated the meeting today was to update the Board and make sure the County can pay the bills this month. There is no resolution today just discussing how we can get through to the April 17<sup>th</sup> monthly Board meeting. There is no intent to go past April 17<sup>th</sup> it is just for this month's audit cycle.

#### OTHER BUSINESS:

Mr. Shaw stated he talked to the County Administrator about this idea; is it wise for us since we have so many unknowns and we have a large revenue stream that comes in from other sources besides taxes that could be impacted by what we are going through should we consider cease and desist on all new purchases of anything the County Administrator and Board Chairman deem unnecessary to allow the County to function during this period of time.

Chris DeBolt, County Administrator, provided a County update. The Governor extended the emergency closure through April 16<sup>th</sup> and he has heard it is likely going to be through Memorial Day. The County is averaging just under two hundred employees a day reporting and by in large they are the same employees except departments working as usual like the Sheriff's Department/Jail and Public Safety. He stated all the purchasing coming through his department is being triaged like Mr. Shaw suggested. If there are purchases that they can delay or avoid they are doing so. At this point we do have a pretty

significant amount of financial uncertainty going forward. The economic models he is working on right now are forecasting between a \$683,000 and \$1.8M reduction in sales tax revenue for our fiscal year ending December 31<sup>st</sup>. Waiting to see what comes out of the final State budget but almost certain the Governor is going to retain unilateral authority to reduce local payments quarterly throughout the year based on his revenue. The State is going to be experiencing an extreme cash crunch. Normally, the State receives income tax receipts by April 15<sup>th</sup> and that date has been moved to July. There is a significant amount of financial uncertainty in our State funding. He does feel it is prudent to follow the Budget Officer's recommendation to enter an austerity posture when it comes to purchases. He does feel there are some significant purchases that do need to be made to facilitate our response to COVID-19 and he thanked the Board for adopting Resolution No. 132 to allow that to proceed as efficiently as possible. He stated Department Heads will be notified today that the County closure will remain in effect through the end of next week.

Chairman Hall stated the County Administrator is developing several back to work plans.

Briefing held with FEMA and received good guidance on the reimbursement request process, are going to get the County set up in the FEMA portal and compiling information for first submission. The County Administrator will have the cost of this shutdown given the time and a half hazard pay and will have details on the cost for the April 17<sup>th</sup> meeting.

Supervisor comments on the County update. Mr. Henke stated we are in uncharted territory right now. He stated stay in touch the best way we can. Mrs. Fedler, Mr. Ferguson, Mr. Hall and Mr. Losaw agreed. Mr. Shaw had no comment. Mr. Hicks agreed but recommended keeping the Board updated on the process as we go along possibly daily or a few times a week by email. The more the Supervisors are kept updated the better off they will be. Mr. Haff would like DPW declared an essential service and have the workers come back to work. The weather right now is conducive to construction. He would like to see them out maintaining the public roads for public safety and in the interest of public service. He does not think if DPW workers come back that they need to be paid hazard pay and would like that changed. Mr. Campbell agreed with Mr. Hicks on being kept updated. He felt the leadership during this emergency closure is doing a good job and Mr. Skellie agreed. Mr. Skellie also feels the loss of sales tax revenue will probably be more than the County Administrator projected and need to think down the road on the County budget. Mr. Hogan agrees with the austerity budget approach and allowing the County Administrator to make those decisions. Regarding sending DPW back to work, he stated that the medical experts are not recommending sending people back to work yet. Mr. Wilson agrees with austerity and limiting purchases and as far as DPW need to take a look at that during the next few weeks with guidance from County Administration on infrastructure projects. Mrs. Clary thanked the County Administrator and others involved with the COVID-19 response team for the jobs they are doing. Mr. Griffith would also like more updates. Mr. Rozell agrees with austerity budget and need to give it a few more weeks before employees are sent back to work.

Chairman Hall addressed the communication concerns. He stated they have been doing the two COVID-19 briefing a week. He stated their intent is to keep the Supervisors updated and provide accurate information. He gave credit to the response team members: Public Health Director and Deputy Director, County Administrator, County Attorney, Public Safety Director and Deputy Director, Treasurer, Sheriff, County Clerk and all the other Department Heads that are here when needed. Also working with the Economic Development Director and Superintendent of Public Works. No decisions are made in a vacuum. He appreciates the Boards patience, understands the need for the communication and will do their best to meet that requirement.

Roger Wickes, County Attorney and Public Information Officer for COVID-19, stated when checking our COVID-19 statistics, the number of cases will not go down; it is the total number of cases we have had in the County since day one. Another column that states released and those two numbers should not be added together. There are also precautionary and mandatory quarantine numbers. He stated stay home and stop the spread. Public Health has added three additional RNs and they are working ten hour shifts six days a week rotations. The number of cases are taxing the department and we are not testing. We find out if they are positive by them going to the hospital and being admitted. Doctors are not advising Public Health of patients they have advised to stay home due to COVID-19 symptoms. The way the COVID-19 leave was done by the State you must have an order from Public Health stating that you are quarantined to receive those benefits from your employer. Public Health needs to know if your doctor has ordered you to stay home and urged everyone to spread that message.

Chris DeBolt, County Administrator, stated the County does not release the location of positive cases because of HIPAA and due to not testing residents it might make them feel they are safe because there are no positives in their location; false sense of security. People should assume everyone in every community has the virus because it is significantly more widespread.

Chairman Hall thanked the Supervisors for the job they are doing to protect the residents within their jurisdictions.

Al Nolette, County Treasurer, stated the investment interest rate has dropped down to 1%. Also, the Board has previously authorized him to borrow new money for DPW equipment and the new roof at Burgoyne but unfortunately the bond market did not respond well to what is going on and our bond bid came back at 2.35% so he made the decision not to borrow the new money until such time as the market can stabilize so if need be we can always go out to borrow that money later in the year. He had told the Board we were borrowing at 1% and when it came in at 2.35%, he could not justify borrowing that money at that time and at that rate.

He also stated certain counties in the State are entertaining the suspension of the 1% interest on delinquent taxes. He needs to know if that is anything that will be discussed here and if so, how does the Board want to proceed with that conversation. The Treasurer stated right now taxpayers can send in tax payments by check and he is processing those

because staff is out due to the emergency closure. However, the credit card process is a very manual process and he unfortunately had to shut that portal down until his staffing returns to normal. On April 1<sup>st</sup>, the towns turn over to him their 2020 tax collections and for that process this year he only needs them to return their book and will complete the remainder of the process remotely to settle with them. As of April 1<sup>st</sup>, the law requires an additional 1% interest and a 5% penalty is added to the base tax. The 5% penalty cannot be removed but could discuss the additional 1% interest. Mr. Campbell believes three quarters of the people had already paid their taxes before this hit and from a fairness point, he thinks if we do this, not charge the interest for people that waited to the last minute, it does not look very fair and what about going forward with 2021 taxes.

Chairman Hall stated he would entertain a motion to adjourn and allow Board members to comment. A motion to adjourn was moved by Mr. Shaw and seconded by Mrs. Clary. Discussion. Mr. Henke agrees with Mr. Campbell that waiving the interest is unfair and he would have to think about that for a while before making a decision. Roger Wickes, County Attorney, stated we are raising issues now for possible consideration at the April 17<sup>th</sup> Board meeting. The Treasurer stated he would need action today if the County was going to waive the interest because it starts today and if there is no action today, the interest penalty is going on. Mrs. Fedler is not in favor of waiving the interest at this time. The crisis is probably not the reason for the nonpayment. Mr. Ferguson not in favor of waiving interest penalty. Mr. Shaw concurs and does not have enough information especially on the budget impact of doing this. Chairman Hall does not support and should leave the process as it currently stands. Mr. Losaw commented. Mr. Hicks stated the COVID team does a great job updating everyone, he would like more direct information from the Chairman and County Administrator to the Supervisors on day-to-day and nuts and bolts of things going on, what is happening at the County that they have to deal with, and to keep them updated in that regard. Mr. Ward does not want to waive the interest. He also stated his Assessor asked about the April 15<sup>th</sup> due date for files into the County regarding the tax roll. The County Administrator has been inquiring at the State and hopes there will be an executive order guidance to delay that. As soon as he gets clarity on that, he will provide that information. Mr. O'Brien feels we have no choice but to go forward with the interest. As far as communications, he feels the meeting has worked well today and suggested maybe having one or two of these a week. Regarding waiving the interest, Mr. Haff stated the 5% penalty is enough. The County collects 1% per month interest and that is way too much and should be reduced from 12% per annum to .25% per month to 3% per annum. Mr. Campbell stated if the Board wants to look at the interest for next year but it is not fair now to make a change for this year. Mr. Skellie is against waiving the interest at this time. Mr. Hogan does not have enough information on waiving the interest and agrees the interest does need to be adjusted downward and looked at in the future. Mr. Wilson does not believe we should waive the interest at this time and agrees that perhaps we need to look at the percent of interest in the future. He would like to leave the door open for those who are suffering and think about case by case perhaps those that cannot pay the aggregate 12% if it was to come to a full year. Mrs. Clary is in favor of waiving the interest and penalty due to COVID and stated people are being laid off. The County needs to look at what we charge. Mr. Griffith is not in favor of waiving the interest/penalties but is in favor of reviewing for next year. Mr. Rozell commented.

Al Nolette, Treasurer, stated as a point of clarity, he wanted to bring the issue of waiving the interest forward because an article in the Post Star mentioned a neighboring county was waiving the interest. He wanted to be clear on why he presented this today.

Mr. Rozell expressed his concern for small businesses and a concern with a Vermont business that was installing a roof and stopped working because they were going to be fined \$4,000. The County Administrator believes the \$4,000 is coming from the Vermont Governor and was in his stay at home order.

The County Administrator stated the Governor had designated that Empire State Development would classify what businesses were essential/non-essential and with a reduction in their workforce are completely overwhelmed and pushed the enforcement down to the local level. He is reviewing the guidance and going to have a meeting of the Incident Management Team. Mr. Haff expressed concern that this team would be making a decision about enforcement without democratic input from the Board of Supervisors. The County Administrator stated they are just trying to determine the scope of this and parameters. The County Attorney stated until we have clear guidance, the County will not take any action because this is not the County's executive order but the Governor's and the State has the responsibility to provide not only the mechanism of which it will be enforced and the authority under which it would be enforced.

The motion to adjourn was unanimously adopted: AYES (4260) Henke, Fedler, Ferguson, Shaw, Hall, Losaw, Hicks, Ward, O'Brien, Haff, Campbell, Skellie, Hogan, Wilson, Clary, Griffith, Rozell, NOES (0), ABSENT (0), ABSTAIN (0).

The meeting adjourned at 11:12 A.M.