

GOVERNMENT OPERATIONS COMMITTEE MEETING MINUTES  
MAY 25, 2021

GOVERNMENT OPERATIONS COMMITTEE MEMBERS PRESENT: O'Brien, Rozell, Haff, Hicks, Fedler, Ferguson, Losaw

GOVERNMENT OPERATIONS COMMITTEE MEMBERS ABSENT: None.

SUPERVISORS: Hall, Henke, Shaw, Ward, Wilson, Clary

Debra Prehoda, Clerk of the Board

Roger Wickes, County Attorney

Al Nolette, County Treasurer

Melissa Fitch, County Administrator

AGENDA AS PRESENTED IN COMMITTEE NOTICE:

- 1) Call to Order
- 2) Accept Minutes – April 20, 2021
- 3) Department Requests/Reports
  - A. Buildings & Grounds
    1. Updates
  - B. County Administrator
    1. Policy Review – Smoke Free Workplace Policy
- 4) Other Business
- 5) Adjournment

Chairman O'Brien called the meeting to order at 10:00 A.M. via teleconference.

A motion to approve the minutes of the April 20, 2021 meeting was moved by Mr. Ferguson, seconded by Mr. Losaw, and adopted.

DEPARTMENT REPORTS REQUESTS:

BUILDINGS & GROUNDS – Matt Jones, Superintendent of Buildings and Grounds, addressed the following items:

- Updates:
  - Burgoyne Avenue complex roof is 99% done and just a small punch list left. The warranty company was out and they did a full inspection last week and everything is looking good.
  - Approved hiring the Engineer/Architect to do the architectural survey for the application to relocate Public Health to Burgoyne Ave. The NYS Department of Health is way behind on their application process and waiting for a meeting with them.
- Beaches – The restrictions have loosened up some and the only thing they have done is limit the pavilion rental to only one party whereas they previously divided it up in quarters and you could rent space for 50, 100, 150 or 200 people.

COUNTY ADMINISTRATION - Melissa Fitch, County Administrator, addressed the following item:

- Smoke Free Workplace Policy Review – The policy was adopted in August 2003 and revised in March 2006. The policy defines smoking as burning of a lighted cigar, cigarette, pipe or tobacco product and it is in adherence with the New York State Public Health Law. Smoking is not allowed in the building and in county vehicles but is allowed on the Washington County Municipal campus in certain designated areas. With the legalization of cannabis, the subject came up of making this a smoke free campus or designate areas where smoking is allowed. Anywhere that tobacco is allowed to be smoked so is cannabis. Employees have to follow the Employee Handbook which includes the drug-free workplace policy and are not allowed to smoke cannabis during regular business hours. Chairman O'Brien stated anyone not an employee can smoke, vaping, etc. on campus. Discussion ensued on whether or not to make the campus smoke free. The County Attorney stated someone will have to enforce the regulations. Mrs. Fedler would like to eliminate smoking out in front of the building by the entrances. People smoke hemp and it does not meet the state definition of cannabis and Mr.

Haff stated the only way to avoid those issues is to go smoke free for the employees and the public is a different matter. Mr. Hicks asked if this was just for the Municipal Center campus or all County buildings and the County Attorney stated it would have to be done by local law and in the local law define where smoking is allowed in certain areas. The County Attorney stated the way the law is written if you are okay with cigarette smoking and not with cannabis for the public you cannot do that because it is all or nothing because as far as the smoking regulations are concerned they are intertwined. If the goal is not having anybody smoke anything that is a smoke free campus and if your goal is not to smoke cannabis you cannot do just that. Employees are not allowed to smoke cannabis during business hours because it is a drug-free workplace just like they are not allowed to have a beer during working hours. The County Administrator stated adopting a smoke free campus has come up before and it would need to be enforced and employees would have to go out to the sidewalk in front of the Municipal Center or across the street to smoke and that has been a deterrent to changing the policy in the past. Mr. Haff would like vaping included in a smoke free campus. Chairman O'Brien stated County campuses can be smoke free or smoke free campus with the exception that employees are allowed to smoke in designated areas. The County Attorney stated the County would probably have to bargain the impact of a smoke-free workplace but that would not be discriminating against the public that could not smoke on campus. Mr. Haff recommends amending the Employee Handbook where it states the word cannabis and replace with adult use cannabis is not allowed. The smoke-free workplace deals with everybody and the Employee Handbooks addresses only employees. The County Attorney stated the Glens Falls Hospital and Public Health have approached the County several times in the past proposing that we become a smoke-free workplace and there has been no will to enforce such a decision. Mr. Haff stated too hard to determine what is being smoked so you need to go to a smoke free campus. Mr. Henke recommends smoke free but designate an area for employees to smoke. The County Attorney suggested if the committee is leaning in the direction of a local law creating a smoke-free workplace to set up a presentation by Public Health and/or Glens Falls Hospital to talk to us about what that involves and experiences of other places. County campuses include the County parks which currently does not allow smoking on the beach but is allowed in the picnic area. Schools and medical facilities are regulated by the State. Chairman O'Brien proposed having Public Health/Glens Falls Hospital representatives come back to next meeting, the County Attorney, County Administrator and Superintendent of Buildings and Grounds figure out options and where it should be smoke free and the County Attorney should start drafting a local law for consideration. Mr. Haff stated everyone works better with a deadline and suggested a smoke free campus by January 1, 2022. A motion to have a smoke-free campus by January 1, 2022 and between now and then figure out how to do that was moved by Mr. Haff, seconded by Messrs. Hicks and Ferguson, and adopted. Mr. Rozell opposed.

#### OTHER BUSINESS:

Meetings – Chairman O'Brien stated things are opening up and gatherings are more accepted and opened discussion on having Supervisors/people coming back in for live meetings. He understands there are some people who may not be able to get here and zoom is easier. Suggesting more live meetings to get more interaction and also permitting hybrid meetings on zoom. Mrs. Fedler stated that is what we are doing now, hybrid, and continue as is. Mr. Haff believes the hybrid model works very well. Mr. Hicks would like to promote getting back in person as much as possible. Mr. Shaw stated more involved and more participation in person and makes for better government but understands the need to for the zoom option. Chairman Hall stated CDC guidance must be complied with. The County Attorney stated the zoom method has always been allowed even pre-pandemic as long as the Supervisor can be fully heard and seen by all participants in the meeting. Used zoom to broadcast because public was not allowed in during the pandemic to comply with the Governor's executive orders and that may expire at some time. At

some point, the building will need to open and allow public attendance at meetings. He asked do you want to continue to broadcast live or post at a later date? When the building is open and in person public participation is allowed will the public also be allowed to speak via zoom or just watch on you tube because you don't have to allow comment. Right now, we are subject to the Chairman's decision on reopening the building because the guidelines would permit that. Supervisors can appear remotely that is an option. The only choice to make as a group is when you are going to start public attendance in person to be allowed and under the current structure that is still the Chairman's choice.

Argyle Water Line – Mr. Shaw asked for an update on the water line from Summit Lake to Centers Nursing Home. The easements have been delivered to Centers for review. Also asked if there has been any discussion with the Village/Town of Argyle on the property that the wells are on. If Centers takes the pipe we are going to give them an easement to the pipe and then whoever we sell the property with the well on it is subject to that easement. Put this parcel with the wells out to auction by January 1, 2022 was moved by Mr. Haff but did not receive a second. Mr. Shaw asked what the harm is of sending a letter to Argyle to find out if they are interested in the parcel because the County is going to divest ourselves of it. Mr. Henke will respond by letter.

The meeting adjourned at 11:24 A.M.

*Debra Prehoda, Clerk*  
*Washington County Board of Supervisors*

WASHINGTON COUNTY

*Smoke Free Workplace Policy*

I. PURPOSE

To provide a clean and healthy environment for our employees and visitors, recognizing that secondhand smoke from tobacco has direct adverse affects on the health of smokers and nonsmokers alike, and in accordance with Article 13-E of the New York Public Health Law.

II. POLICY STATEMENT

It is the policy of Washington County that smoking will not be allowed in any County owned or operated building or motor vehicle or in any manner in violation of New York State Public Health Law. These areas shall include, but are not limited to hallways, meeting rooms, break rooms, cafeterias, private and non-private offices, shops, warehouses, and vehicles used for business.

Outdoor smoking on County owned property shall be regulated pursuant to guidelines issued by the County Administrator with the concurrence of the Government Operations Committee, or any successor committee, of the Board of Supervisors.

III. DEFINITIONS

A. "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco.

IV. SUPERVISORS' RESPONSIBILITIES

Each departmental supervisor shall be responsible for creating an atmosphere that encourages and endeavors to comply with this policy. The supervisor's specific

obligations include:

- A. Monitor the work environment on a daily basis for violations.
  - A. Counsel employees on violations if found.
  - A. Take steps to appropriately intervene where prohibited acts are observed.
  - A. Document and report any incidents when they are observed or reported so they can be appropriately investigated.
- EF. Report violations and the results of investigations thereof to the Safety Officer and County Administrator or Personnel Officer via the standard incident report form.

## V. EMPLOYEES' RESPONSIBILITIES

Employees are responsible for assisting in the prevention violations of this policy through the following means:

- A. Refrain from engaging in or the encouragement of acts that could be perceived as violations.
- A. Report any violations to a supervisor via the standard incident report form. If the supervisor is involved, report it to the next level of management.

## VI. PROCEDURE FOR COMPLAINTS

### A. Reporting

Employees are not only responsible for maintaining a smoke free workplace, but are also responsible for promptly reporting violations that they become aware of.

Any employee who observes a violation should contact his/her supervisor or department head immediately. If the employee prefers, he/she may directly contact the Personnel Officer or County Administrator.

The County places the responsibility on the supervisor to report to the Department Head any incident involving a violation of this policy by any employee or officer of the County or by any visitor.

All employees in a position of supervision within Washington County are charged with the responsibility of taking prompt appropriate action upon receiving an allegation of a violation of this policy, as follows:

1. Proper notification to County Officials when the incident is reported.

A supervisor (when said supervisor is not the Department Head) is responsible for notifying the Department Head of the problem and current status. If the Department Head has any known conflict or involvement regarding the alleged incident, then the supervisor must notify the Personnel Officer or Administrator regarding the conflict and file the standard reporting form.

If the complaint comes directly to the County Administrator or Personnel Officer, then those officials will notify the Department Head of the incident unless the Department Head is the subject of the complaint.

In cases where the Department Head is the subject of the investigation, or has a conflict, the investigation shall be conducted at the direction of the Personnel Officer or the County Administrator.

#### B. Dispute Resolution

Among employees, any disputes involving this policy will be handled through established procedures for resolving other work-related and human resources-related problems. Disputes involving visitors, customers, and other individuals who at the time of the dispute are not on duty as employees will be reported and handled through established procedures for resolving other public dispute and compliance situations.

Normal disciplinary channels apply if warranted.

#### VII. EFFECTIVE DATE

This policy shall supercede all previous County policies and procedures concerning smoking in the workplace and shall be effective July 24, 2003.