

Resolution No. 157 June 19, 2020
By Supervisors Campbell, Rozell, Hicks, O'Brien, Ferguson, Losaw

TITLE: Approve Policy to Address Unused Vacation and/or Personal Time Due to the COVID-19 Emergency Closure

WHEREAS, Washington County declared a State of Emergency on March 16, 2020 in response to the public health threat posed by COVID-19, and

WHEREAS, on March 18, 2020 all county facilities were closed, and

WHEREAS, the employee handbook states that vacation time cannot be carried forward past the anniversary date unless extraordinary circumstances exist, and

WHEREAS, there are about 135 employees whose anniversary has fallen during the emergency closure, and

WHEREAS, the Government Operations Committee recommends the following policy be adopted:

Employees whose anniversary date occurred during the Emergency Closure of County operations due to the COVID-19 pandemic shall have any unused balance of Vacation and/or Personal time carried forward past their anniversary date and such time shall expire at the employee's next occurring anniversary date.

Employees whose anniversary date occurs after the cessation of the Emergency Closure of County operations but whose ability to utilize their accrued Vacation and/or Personal time was impacted by the COVID-19 pandemic's impact on County operations shall have such unused balance carried forward past their anniversary date and such time shall expire at the employee's next occurring anniversary date.

; now therefore be it

RESOLVED, that the above policy to address unused vacation and personal time due to COVID-19 Emergency Closure is hereby adopted.

BUDGET IMPACT STATEMENT: None.

Resolution No. 158 June 19, 2020

By Supervisors Campbell, O'Brien, Hicks, Fedler, Skellie, Hogan, Clary, Rozell, Losaw, Ward, Griffith

TITLE: Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore; Dr. Johnson Road over the Batten Kill & Cemetery Road Over Black Creek PIN 1761.03

WHEREAS, a Project BIN 3306080 and 3203730, Dr. Johnson Road over the Batten Kill & Cemetery Road over Black Creek, Washington County, P.I.N. 1761.03 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the County of Washington desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Construction/CI; now therefore be it

RESOLVED, that the County of Washington duly convened does hereby approve the above-subject project; and be it further

RESOLVED, that the Washington County Board of Supervisors hereby authorizes the County of Washington to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/CI work for the Project or portions thereof; and be it further

RESOLVED, that the additional sum of \$73,095 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that the sum of \$480,855 has previously been appropriated and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Washington 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 be it further

RESOLVED, that the Chairman of the Board of Supervisors of Washington County 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 Washington 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 be it 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 be it further

RESOLVED, this resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: 20% local share for this project.

Resolution No. 159 June 19, 2020

By Supervisors Campbell, O'Brien, Hicks, Fedler, Skellie, Hogan, Clary, Rozell, Losaw, Ward, Griffith

TITLE: To Amend Budget for Supplemental Marchiselli Agreement for Dr. Johnson & Cemetery Rds. Bridge Preservation

WHEREAS, Resolution No. 27 dated February 15, 2019 amended the 2019 Washington County Budget to track all costs related to the AGFTC Bridge Preservation Grant for Dr. Johnson Road over the Battenkill and the Cemetery Road over Black Creek, and

WHEREAS, the County is in receipt of a supplemental Marchiselli Agreement increasing the funding from \$482,000 to \$553,950; now therefore be it

RESOLVED, the County Treasurer is authorized to execute the following budget amendment to the 2020 fiscal year:

Increase Appropriation:

D.5000.5120.4625.1901	Grants-Dr. Johnson & Cemetery Rds.	71,950
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Increase Revenue:

D.5000.5120.4589	Federal Aid-Other Transportation Grant	57,560
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Increase Appropriated Fund Balance:

D.599	Appropriated Fund Balance	14,390
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BUDGET IMPACT STATEMENT: The additional funds are currently funded at 80% Federal Aid and 20% Local share, however application is pending State Marchiselli funding that will change the funding to 80% Federal Aid; 15% State Aid; 5% Local share.

Resolution No. 160 June 19, 2020

By Supervisors Campbell, O'Brien, Hicks, Fedler, Skellie, Hogan, Clary, Rozell, Losaw, Ward, Griffith

TITLE: Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore; Church Street Over the Mettawee River; PIN 1760.55

WHEREAS, a Project, BIN 32036600, Church Street over the Mettawee River, Village of Granville, Washington County, PIN 1760.55 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the County of Washington desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and ROW Incidentals and Acquisitions; now therefore be it

RESOLVED, that the County of Washington duly convened does hereby approve the above-subject project; and be it further

RESOLVED, that the Washington County Board of Supervisors hereby authorizes the County of Washington to pay in the first instance 100% of the federal and non-federal share of the cost of Right of Way Acquisition work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$35,662 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that the Washington County Board of Supervisors previously authorized the County of Washington to pay in the first instance 100% of the federal and non-federal share of the cost of Design and ROW Incidentals work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$432,171 was previously appropriated and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Washington 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 be it further

RESOLVED, that the Chairman of the Board of Supervisors of Washington County 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 Washington 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 be it 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 be it further

RESOLVED, this resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: 20% local share for this project.

Resolution No. 161 June 19, 2020

By Supervisors Campbell, O'Brien, Hicks, Fedler, Skellie, Hogan, Clary, Rozell, Losaw, Ward, Griffith

TITLE: To Amend Budget for Supplemental Marchiselli Agreement for County Route 46 Durkeetown Pavement Preservation

WHEREAS, Resolution No. 25 dated February 15, 2019 amended the 2019 Washington County Budget to track all costs related to the AGFTC Pavement Preservation Grant related to County Route 46 in Durkeetown, and

WHEREAS, the County is in receipt of a supplemental Marchiselli Agreement increasing the funding from \$423,000 to \$708,769; now therefore be it

RESOLVED, the County Treasurer is authorized to execute the following budget amendment to the 2020 fiscal year:

Increase Appropriation:

D.5000.5112.4625.1902	Grants-CR 46 Durkeetown	285,769
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Increase Revenue:

D.5000.5112.4589	Federal Aid-Other Transportation Grant	228,615
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Increase Appropriated Fund Balance:

D.599	Appropriated Fund Balance	57,154
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BUDGET IMPACT STATEMENT: The additional funds are currently funded at 80% Federal Aid and 20% Local share, however application is pending State Marchiselli funding that will change the funding to 80% Federal Aid; 15% State Aid; 5% Local share.

Amended 06/19/20

Resolution No. 162 June 19, 2020

By Supervisors Campbell, O'Brien, Hicks, Fedler, Skellie, Hogan, Clary, Rozell, Losaw, Ward, Griffith

TITLE: RESOLUTION REQUESTING REVIEW AND CHANGE OF APA POLICY ON AGENCY REVIEW OF PROPOSALS FOR NEW TELECOMMUNICATIONS TOWERS AND OTHER TALL STRUCTURES IN THE ADIRONDACK PARK

WHEREAS, government's primary responsibility is to protect the health, safety and welfare of the public, and

WHEREAS, cellular telephone (cell phone) service and emergency telecommunication systems are increasingly critical to the health, safety and welfare of Adirondack residents and visitors, and

WHEREAS, cell phone service and smart phones allow users, including business people and students, to participate in remote meetings and educational classes using Zoom or similar services, and

WHEREAS, cell phones are a crucially important tool used by emergency response personnel, including forest rangers, police, fire and ambulance services to receive reports of incidents, to provide lifesaving instructions to lost or injured people, and to locate them through triangulation or the location feature of their phones, and

WHEREAS, users may send text messages to emergency response personnel, even when signal strength is insufficient for voice communications, and

WHEREAS, life threatening incidents have occurred in the Adirondacks during which the lack of cell phone and emergency radio service have led to delays in response, and to worse outcomes for the people involved, including deaths, and

WHEREAS, radio communication is based on the "line of sight" transmission of radio waves from transmitting antennas to receivers, including cell phones and emergency radio receivers, and

WHEREAS, radio transmissions can only be received within a limited range of the transmitter, and the range depends on the transmitter power, antenna radiation pattern, receiver sensitivity, noise level, and presence of obstructions between transmitter and receiver, including trees, buildings, mountains, and other obstructing topography, and

WHEREAS, radio transmitting antennas, outside the Adirondacks, are often located on mountain tops or other high elevation places to avoid obstructions and to provide maximum transmission range for radio waves, including cell phone signals and emergency radio transmissions, and

WHEREAS, currently cell phone service is unavailable in many areas of the Adirondacks, and

WHEREAS, Adirondack local governments believe that much of the unavailability of cell and emergency radio service in many areas of the Adirondacks is the foreseeable result of the fact that the towers supporting the antennas for those services have been required by the APA policy on towers to be "substantially invisible", and consequently substantially lower than such towers elsewhere in New York State, and at, or very near, the height of obstructing tree canopies, and below the height of surrounding topography, which reduces the range of the radio waves, and

WHEREAS, the "substantial invisibility" standard is fundamentally incompatible with optimum essential cell phone and emergency radio service for Adirondack residents and visitors, and

WHEREAS, the COVID-19 pandemic has shown the importance of cell service and the internet, which have become indispensable for distance learning and telemedicine vital to residents and visitors attempting to work from home and school children and college students attempting to continue their education by learning at home with technology, and

WHEREAS, Washington County believes that the APA's current "tower policy" results in cell carriers settling for lower towers than they would build outside the Adirondacks, because they are aware of the maximum height the agency will require to approve their permits, and

WHEREAS, the lower towers result in shorter transmission range, which negatively affects public health, safety, welfare, education, and the economy, and

WHEREAS, Washington County believes that the APA cell tower policy should be amended to allow and encourage improved cell phone and emergency radio communications, while recognizing the need to protect the Adirondack's resources, and

WHEREAS, the current definition of "substantial invisibility" requires that towers not be "readily apparent" as to size, composition or color and that the structures will, to the maximum extent practicable, blend with the background vegetation, other structures or other landscape features as seen from all significant potential public viewing points, and

WHEREAS, the Washington County Board of Supervisors believes that "not readily **discernable**" is a more reasonable standard considering the pressing need for improved cell service; now therefore be it

RESOLVED, that the Washington County Board of Supervisors respectfully requests that the APA review and modify its tower policy and adopt "not readily **discernable**" as the new standard, and also add the following incentives and exceptions for specific sites:

- encourage vertical collocation of carrier's antennas, by offering a height incentive of 10 to 15 feet above the tree height to encourage vertical collocation and reduce the proliferation of towers horizontally collocated with other towers, which would have the added benefit of reducing carrier's costs, and
- offer general permits for cell carrier antennas on existing tall structures such as water towers, hotels, ski lift towers, inside church steeples and on government buildings, provided they meet certain specified conditions, and
- allow cell carrier antennas of some height, such as 20 feet above existing structures within the APA Hamlet classification, and
- offer a height bonus of 10 to 20 feet above the tree canopy for new towers serving currently unserved areas, in recognition of the pressing need vividly illustrated by COVID-19 restrictions on meetings, and
- add a requirement to its policy that staff and commissioners ask cell tower applicants for information, including a map, showing how a higher tower would expand coverage and benefit residents and travelers, which would enable APA commissioners to weigh the visibility cost against the public benefit; and be it further

RESOLVED, that a copy of this resolution be sent to the Adirondack Park Agency, Senators Little and Jordan, Members of Assembly Stec and Woerner and Ashby, Adirondack Park Local Government Review Board and the Intercounty Legislative Committee of the Adirondacks and the NYS DEC.

BUDGET IMPACT STATEMENT: None.

Resolution No. 163 June 19, 2020

By Supervisors Campbell, O'Brien, Hicks, Fedler, Skellie, Hogan, Clary, Rozell, Losaw, Ward, Griffith

TITLE: Resolution Supporting a Proposal to Correct the Name of Halfway Creek to Halfway Brook on Federal Maps Through the United States Board on Geographic Names

WHEREAS, the United States Board on Geographic Names (USBGN) has received a proposal from a resident of Queensbury to officially correct the name of Halfway Creek to Halfway Brook on Federal maps based on the significant historical and current local use of the name Halfway Brook, and

WHEREAS, the USBGN is responsible by law for standardizing geographic names for use by the Federal Government, and

WHEREAS, one of the USBGN's functions is to accept and process proposals to name unnamed geographic features or to change existing names which can be submitted by any interested individual or organization, local, State, Federal or Tribal agency, provided the proposal meets the criteria of the USBGN's principals and policies, and

WHEREAS, the USBGN places importance on local opinion and has asked for input from Washington County as the local government comprised of elected persons to represent citizens who might have an interest, and

WHEREAS, the Finance Committee has considered this matter, subsequently voting in favor of supporting the proposed name change and does recommend same to the Board of Supervisors; now therefore be it

RESOLVED, that the Board of Supervisors supports the proposal to correct the name of Halfway Creek to Halfway Brook based on historical and local use and does hereby authorize the Chairman of the Board to execute the USBGN Geographic Name Proposal Recommendation concerning the same.

BUDGET IMPACT STATEMENT: None.

Resolution No. 164 June 19, 2020
By Supervisors Hicks, Ward, O'Brien, Skellie, Clary

TITLE: Amend Staffing Pattern – Office for the Aging

WHEREAS, the Director of the Office for the Aging has requested an additional four (4) Per Diem Aging Services Aides (Drivers) be added to the staffing pattern, and

WHEREAS, the Personnel Committee has approved this request; now therefore be it

RESOLVED, that the Staffing Pattern for the Office for the Aging is hereby amended to add four (4) Per Diem Aging Services Aides.

BUDGET IMPACT STATEMENT: None.

Resolution No. 165 June 19, 2020

By Supervisors Campbell, O'Brien, Hicks, Fedler, Skellie, Hogan, Clary, Rozell, Losaw, Ward, Griffith

TITLE: To Award Bid for Feeder St. Gravity Sewer Rehabilitation Project and Approve Technical Change Order from Consulting Engineer

WHEREAS, Washington County Sewer District II issued a Request for Bids for the implementation of the Gravity Sewer Rehabilitation Project on Feeder St. in the Village of Hudson Falls in February of 2020, and

WHEREAS, seven (7) responses were received from this solicitation and opened on March 11, 2020, and

WHEREAS, after careful review and analysis of the submitted bids, the Executive Director of the Sewer District and the consulting engineer for the project recommend awarding the contract for construction to the low bidder, Tech Industries, LLC of Troy New York for the amount of \$466,760, and

WHEREAS, C.T. Male Associates of Latham New York is the consulting engineer for the aforementioned project, and

WHEREAS, a Technical Change Order has been submitted by C.T. Male for additional topographic survey and re-design work associated with a newly-installed storm sewer and the provision of construction observation on a full time hourly basis for the duration of the project for a total amount not to exceed \$19,800, and

WHEREAS, the Executive Director of the Sewer District, and the Finance Committee recommend the approval of this technical change order; now therefore be it

RESOLVED, the bid for the construction of the Feeder Street Gravity Sewer Rehabilitation project is hereby awarded to Tech Industries, LLC of Troy New York in the amount of \$466,760; and be it further

RESOLVED, the technical change order submitted by the consulting engineer, C.T. Male, for this project, in an amount not to exceed \$19,800 is hereby approved; and be it further

RESOLVED, the Chairman of the Board, and the Executive Director of the Sewer District are hereby authorized to sign any and all documents necessary to implement these two agreements in a form to be reviewed and approved by the County Attorney.

BUDGET IMPACT STATEMENT: Total Additional cost of \$486,560 for these two agreements. Paid by Sewer District Funds.

Resolution No. 166 June 19, 2020

By Supervisors Campbell, O'Brien, Hicks, Fedler, Skellie, Hogan, Clary, Rozell, Losaw, Ward, Griffith

TITLE: To Approve Multi-Jurisdictional Agreements and Annual Budget for Tri-County Workforce Development Board

WHEREAS, the Workforce Development Board is the oversight and administrative entity for Federal Workforce Innovation and Opportunity Act (WIOA) Funds used to fund the Career Centers in each County, and

WHEREAS, Washington County participates in a tri-county agreement with Warren and Saratoga Counties for the functioning of this board, and

WHEREAS, there is a need to update and approve the multi-jurisdictional agreements between the three counties and the Workforce Development Board to address issues that have arisen recently, and

WHEREAS, the draft agreements have been reviewed by the three counties and recommended for approval, and

WHEREAS, there is also a need for each of the three counties to approve the annual operating budget of the Workforce Development Board, and

WHEREAS, Saratoga County, as the fiduciary agent of the Board has already approved their annual budget and recommends the other participating counties do the same, and

WHEREAS, the Finance Committee has recommended the approval of both the multi-jurisdictional agreements and the annual operating budget of the Workforce Development Board; now therefore be it

RESOLVED, the Washington County Board of Supervisors hereby approves the annual operating budget of the Saratoga-Warren-Washington Counties Workforce Development Board; and be it further

RESOLVED, the Washington County Board of Supervisors hereby approves the multi-jurisdictional agreements governing said Board; and be it further

RESOLVED, the Chairman of the Board is hereby authorized to sign any and all documents needed to approve and execute these agreements in a form to be reviewed and approved by the County Attorney.

BUDGET IMPACT STATEMENT: None to the County.

Resolution No. 167 June 19, 2020
By Supervisor Campbell

TITLE: To Authorize Renewal of the County's Energy Supply Contract with Constellation Energy

WHEREAS, the County currently purchases electricity from Constellation Energy under the provisions of a three-year contract procured through a competitive bidding processes administered by MEGA set to expire in October of 2020 at a rate of \$0.05539 per Kilowatt Hour, and

WHEREAS, due to recent decreases in the price of electricity, the County has been presented with the option to renew its contract early and lock in the lower rate for either 12, 24, or 36 months for \$0.04589, \$0.04667 and \$0.04795 per Kilowatt Hour respectively, and

WHEREAS, by exercising this option to enter into a new 24 month fixed price contract procured under a competitive bidding process administered by MEGA, the County estimates it will save approximately \$27,099 annually on electricity costs starting at the expiration of the current contract period in October 2020; now therefore be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to execute a new 24-month fixed price contract for the provision of electricity supply to the County, in a form to be reviewed and approved by the County Attorney.

BUDGET IMPACT STATEMENT: Approximate annual savings of \$27,099 over current electricity costs.