

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL & ADMINISTRATION

DATE: FEBRUARY 11, 2020

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SIMPSON
GERAGHTY
FRASIER
BRAYMER
CONOVER
MCDEVITT
MERLINO

OTHERS PRESENT:

JACKIE FIGUEROA, COUNTY HUMAN RESOURCES DIRECTOR
FRANK THOMAS, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
SUPERVISORS DIAMOND
DRISCOLL
HOGAN
SEEBER
KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
MIKE SWAN, COUNTY TREASURER
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

COMMITTEE MEMBERS ABSENT:

SUPERVISORS MAGOWAN
WILD

Please note, the following contains a summarization of the February 11, 2020 meeting of the Personnel & Administration Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <https://www.warrencountyny.gov/gov/comm/Archive/2020/personnel/>

Mr. Simpson called the meeting of the Personnel & Administration Committee to order at 10:04 a.m.

Motion was made by Mrs. Fraser, seconded by Ms. Braymer and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the meeting Agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Mr. Simpson offered privilege of the floor to anyone present wishing to address the Committee on any matter.

Chairman Thomas informed the County would remain under a weather-related State of Emergency until tomorrow and the warming stations were open to anyone in need.

Mr. Simpson advised he would be jumping ahead to Agenda Item 2 which concerned a Request/Item to be Discussed by the County Attorney regarding a request for an executive session to discuss ongoing litigation.

Mary Elizabeth Kissane, *County Attorney*, stated she required an executive session to discuss Vincelette vs. Warren County pursuant to Section 105 (d) of the Public Officers Law, as well as the medical history of a current employee pursuant to Section 105 (f) of the Public Officers Law.

A motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to enter into an executive session pursuant to Sections 105 (d) and (f) of the Public Officers Law.

Executive session was held from 10:04 a.m. until 10:33 a.m.; Mr. McDevitt entered the meeting during the executive session.

Upon reconvening, Mr. Simpson announced no action was taken during the executive session.

In regard to Agenda Item 1A, Ryan Moore, *County Administrator*, advised a County employee whose name and department would not be identified had become ill while visiting China. He said this individual sought medical care when they returned last week at a Hudson Headwaters Health Network facility following which they were immediately sent to Glens Falls Hospital where they were monitored for the Coronavirus and added to the CDC (*Center for Disease Control*) list of individuals who had been tested for this virus, following which they were quarantined at home on the advice of the CDC and the County's Public Health Department for the remainder of last week. He said the testing indicated this individual did not have the virus and they subsequently had returned to work this week; however, he noted, the County did not have authorization to pay them for the time that they were quarantined unless they used their sick or vacation leave which he believed was unfair. He informed a resolution was required to create a payroll code in order to pay County employees who were quarantined for the purpose of disease prevention, rather than having to use their own vacation and/or sick leave.

A motion was made by Mr. McDevitt and seconded by Mr. Merlino to authorize the creation of a payroll code to pay County employees who were quarantined as outlined above.

Ms. Seeber questioned whether a County policy would be created to address this matter moving forward and Mr. Moore replied in the negative. He stated the request was to create a payroll code to ensure going forward that this County employee, as well as any other future instances that may occur were paid during the timeframe they were quarantined for the purpose of disease prevention.

A discussion ensued during which Ms. Figueroa noted there was no individual comprehensive policy that covered every employee in the County, as there were ones that covered the CSEA (*Civil Service Employees Association*) employees, Sheriff's Office employees and another for out-of-unit employees meaning several policies would have to be amended if a policy was created for this purpose. She stated it made more sense for there to be a statement which indicated in the event that employees were quarantined by a public health authority they would be permitted to take administrative leave. Mr. Moore added the County Treasurer would like authorization to create a payroll code for this purpose so individuals would not be required to draw down their paid time off.

Mr. Simpson called the question and the motion to authorize the creation of a payroll code as outlined above was carried by majority vote, with Ms. Braymer voting in opposition, and the necessary resolution was authorized for the February 21st Board Meeting.

Ms. Braymer noted the reason she voted in opposition was because she was unsure of what they were voting on.

Mr. Conover apprised he felt it was necessary to commend the departments involved with this unique situation for their quick and efficient response to protect the public's health. Mr. McDevitt added the bigger picture was that the County had taken proactive preventative measures to protect the health and well being of the County employees and their families. Ms. Braymer mentioned she felt that it should be documented in writing to ensure going forward everyone was aware if an employee was quarantined that they should remain home and be paid for however many days the Committee members felt was appropriate.

Mr. Moore stated Agenda Item 1B would postponed until the end of the meeting and Item 2 had already been addressed.

In regard to Agenda Item 3 concerning a Request/Item to be Discussed by the County Administrator concerning discussion regarding the Revolution Rail Co., Mr. Moore apprised that the Public Works Committee had designated a working group, whose members consisted of Messrs. Merlino and Leggett, Ms. Braymer and Ms. Hogan, for the purpose of working with Revolution Rail Co. on a contract to allow them to operate on the County Railroad this season. He stated he had attended a meeting last Friday with Ms. Braymer and Ms. Hogan, Ms. Kissane, Kevin Hajos, *Superintendent of Public Works*, and representatives of Revolution Rail Co. for the purpose of contract negotiations; he added the other members of the working group were unable to attend due to the inclement weather. He advised due to time constraints he was bringing forward the licensing agreement for approval today rather than waiting until the next meeting of the Public Works Committee, as Revolution Rail Co. felt they would not have sufficient time to get everything in place in time for the expansion this season if the decision was postponed until the March 20th Board Meeting. He informed Mr. Conover, who was the Chair of the Public Works Committee, had given his approval for the matter to bypass the Public Works Committee and be brought before the Personnel & Administration Committee today. He said he would outline what was discussed in that meeting with the exception of the fee proposal, which upon the request of the representatives of Revolution Rail Co., would be discussed in executive session. He apprised the duration of this agreement would be commencing upon execution and terminating December 31, 2020 with the option to extend for up to four additional one year terms upon mutual agreement by both parties. He mentioned the regular season for the rail operation would be defined as May 1st through November 15th with the understanding that if other uses should arise for other activities to occur during that timeframe such as hiking and biking, there would be permission for those activities to occur and should Revolution Rail determine they would like to operate outside of the regular season they could only do so with the County's permission to ensure they were not interfering with activities that occurred during this timeframe such as snowmobiling. He advised Revolution Rail Co. had historically operated from the North Creek Station into Hamilton County; however, he noted, they would like to travel two additional routes, the first of which was from the North Creek Station to just south of the Riparius Station. He said the next route they were proposing centered around the Town of Stony Creek with the possibility of traveling south toward the Hadley-Luzerne Station or north in the direction of the North Creek Station, but before the County would grant them permission to operate on this route they would need to be reviewed and approved by the Public Works Department and the NYS DOT (*New York State Department of Transportation*) to ensure they were safe. He informed the additional lease premises included the ticket office which Revolution Rail Co. was currently leasing, the office building and engine house, all of which were located at the North Creek Station, as well as the Thurman Station with Revolution Rail Co. being responsible for paying all of the utility bills year-round while this contract was in effect and they were not permitted to make any alterations to the real property such as painting or making any modifications to the physical structures. He continued, apprising the County would be responsible for repairing any washouts that existed on the portion of the line that Revolution Rail Co. would like to operate on; he added this was County-owned infrastructure that FEMA (*Federal Emergency Management Agency*) would be providing 75% reimbursement to the County and the State would split the remaining 25% of the cost with the County. He stated the trees and obstructions that were removed from the tracks by the County would also be covered by that same reimbursement scale, but Revolution Rail Co. would be responsible for paying for subsequent obstructions that occurred while they were operating, as well as minor maintenance and monitoring the condition of the Corridor for the County including culverts, overgrowth, etc. while also being responsible for trash removal. He informed he would work with the County Attorney and Revolution Rail Co. to ensure the proper insurance requirements were in place. He advised a termination provision was required to permit the County to

terminate the contract during the regular season in case the STB (*Surface Transportation Board*) required that since the County Railroad remained under Federal Freight jurisdiction and also in the event of non-performance if Revolution Rail Co. was in breach of the contract in some manner. He informed the only other portion to discuss was the fees that had been proposed by Revolution Rail Co. and whether the Committee was agreeable to them, but they had requested that this discussion take place during an executive session.

Mr. Geraghty asked what the cost of the repairs to the line as a result of the Halloween storm were and Ms. Hajos responded the total cost was around \$100,000. Mr. Hajos stated this cost encompassed a contractor handling the repairs, as this work was not something his department would complete in-house. Mr. Geraghty questioned whether Revolution Rail Co. would be using the Caboose located at the Thurman Station and Mr. Moore replied that was not part of this proposal, but if they decided in the future that they would like to use that Caboose, a separate agreement would be required. Mr. Geraghty inquired whether the proposed routes would require Revolution Rail Co. to go through any crossings and Mr. Moore responded they would not be in the North Creek route because they planned on stopping before the major crossing just north of the Riparius Station; he added that was why they had the provision built in for the Stony Creek route which required approval from the Public Works Department, as well as the NYS DOT to ensure they were not traveling across any dangerous crossings.

A discussion ensued following which Ms. Braymer stated she would like to enter into an executive session to finalize the terms of the agreement. Ms. Kissane advised the purpose of the executive session was to discuss the financial history of a particular company or the lease of County property. The necessary motion was made by Ms. Braymer, seconded by Mr. Merlino and carried unanimously to enter into executive pursuant to Section 105 (f) and (h) of the Public Officers Law.

Executive session was held from 11:16 a.m. until 11:41 a.m.

Upon reconvening, Mr. Simpson announced no action was taken during the executive session.

A motion was made by Ms. Braymer, seconded by Mr. Conover and carried unanimously to authorize a licensing agreement with Revolution Rail Co. for use of County Railroad tracks from January 1, 2020 until December 31, 2020 with the option to extend for up to four additional one year terms upon mutual agreement, and receipt of the ridership report, at a rate of \$30,000 for the first year, no less than \$35,000 for year two and no less than \$40,000 for years three through five and the necessary resolution was authorized for the February 21st Board Meeting.

Returning to Agenda Item 1B, Mr. Simpson called for a motion to enter into executive session to conduct interviews for the position of Director of Weights & Measures. The necessary motion was made by Ms. Braymer, seconded by Mrs. Frasier and carried unanimously to enter into executive session pursuant to Section 105 (f) of the Public Officers Law.

Executive session was held from 11:43 a.m. until 12:32 p.m.

Upon reconvening, Mr. Simpson noted no action was taken during the executive session.

Motion was made by Ms. Braymer, seconded by Mr. Merlino and carried unanimously to appoint Jeff Woodell as the Director of Weights and Measures at a salary of \$58,120 retroactive to February 17th and the necessary resolution was authorized for the February 21st Board Meeting.

There being no further business to come before the Personnel & Administration Committee, on motion made by Mrs. Frasier and seconded by Ms. Braymer, Mr. Simpson adjourned the meeting at 12:33 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board