

Town of New Scotland  
Special Town Board Meeting  
10/02/2020

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	Adam Greenberg
	Bridgit Burke
	William Hennessy
	Daniel Leinung
Town Clerk:	Diane Deschenes
Town Attorney:	Michael Naughton

**1. Call to Order**

Supervisor LaGrange called the meeting to order at 1:00 PM. This is another of our semi-regular COVID-19 meetings. We are meeting through Zoom per the Governor's Executive Order 202.1 which includes not having public meetings. To get started, a roll call attendance was taken.

Supervisor LaGrange said that he just received the Sheriff's update as we started the meeting today so he hasn't had a chance to go down and check things off. Just to highlight the numbers for the record, on September 27, 2020, the report showed 127 cases and 890 contacts in the county with the town having 4 cases and 32 contacts. Two days later on September 29, 2020, the cases in the county went up to 133 and 956 contacts and in the town we went from 4 cases to 6 cases and we went from 32 contacts to 37 contacts. We also had a notice from the County Executive's office just a little while ago and he sent it out to the Board. There were 28 new cases today with also some more quarantined. We are hearing a little bit of a jump up in the past week or two with the COVID and the cases in the county. From what it looks like, without going through the email that I just sent out or the one I got today, it seems like we are still under the numbers they are using to gauge steps in the whole thing. We've been going a couple of weeks now with the front door unlocked. It seems to be going pretty well. The Town Clerk added that it seems to be going great and she doesn't have any issues at all. Supervisor LaGrange said that it's kind of funny. It seems like if one person doesn't fill in all the checked boxes across it seems to continue for a while until we catch them and get people back on track. It's just kind of odd but at least they are getting the times and so forth that they are here.

2021 Tentative Budget

Town Clerk Deschenes presented the 2021 budget. Supervisor LaGrange said that it's the tentative budget, obviously. That is all printed and ready to go with some of the extra sheets for the Board to look over and understand different things like our bonding, potential scenarios regarding COLA, and \$10,000 plus or minus changes in the budget. The usual stuff we try to get out to everybody and get consensus on as we work through the budget.

**Resolution 2020-203**

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby set budget workshop dates through Zoom for October 8, 2020, October 13, 2020, and October 21, 2020, starting at 6:30 PM.

Councilperson Greenberg seconded the motion.

A roll call vote was taken:	Supervisor LaGrange	<u>Aye</u>
	Councilperson Greenberg	<u>Aye</u>
	Councilperson Hennessy	<u>Aye</u>
	Councilperson Leinung	<u>Aye</u>
	Councilperson Burke	<u>Aye</u>

We have those printed out if you want to stop in. We will put them on the table in the kitchen by the end of today and you can pick them up. Supervisor LaGrange added that he believes they are ready now if you're going by.

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Supervisor LaGrange said the only other thing he has is that we ran into a situation with another employee whose daughter had a positive case in her class. That class was sent home. He's been home. Since the person is under Kenny he told him he could stay home and if it was a 14-day quarantine we would do like we did with another employee which was a similar situation a couple of months back. Prior to that Bill reminded me that we had a similar situation with another employee early on with the individual's dad who was living with them. Councilperson Hennessy reminded the Board that we're in the public and we shouldn't be naming names. Supervisor LaGrange agreed. Councilperson Hennessy asked Sean from the Altamont Enterprise to keep the name confidential. Attorney Naughton agreed that that would be good. Supervisor LaGrange added that that's why he didn't identify the person we are dealing with now. Anyway, because of other times that we did it that way Kenny continued it. Unfortunately in this situation as we got to reopening and stuff on May 22<sup>nd</sup> we only extended our original resolution for all these provisions until June 11<sup>th</sup>. The Federal Government has kind of a minimum standard for situations like this, and under this particular case their suggestion is that the person should be entitled to two-thirds their regular rate for up to a two-week period. They are suggesting that sick time or some other type of time would be used to supplement that other third. Obviously that's the standard they set, and we have to comply with but we could also do better than that. At this point I think we need to at least figure out how we want to handle these. This probably won't be the first. We've got several people with young kids and it could be a husband/wife thing or anything else too that might cause an issue like this. There is where we stand. Does anyone have any thoughts? Councilperson Leinung said, just to start off, he thinks you need to make a distinction between people who are actually subject to quarantine orders because there are State requirements. If you are under a mandated quarantine your employer has to provide you 14 days of paid leave in addition to your normal leave. So if somebody is under a mandated quarantine they get 14 days. It doesn't count toward their accruals either, but it sounds like this is a separate situation where it's not the person but a family member that is under the mandatory quarantine. It's a caretaker for the individual. Councilperson Leinung said that he just wanted to make sure that we make that distinction because there are pretty specific requirements for the COVID-19 quarantine leave. Supervisor LaGrange added that those are separated and talked about in the Federal paperwork. Councilperson Burke asked Dan if he knew if you are quarantined more than once does the 14 days apply each time? Councilperson Leinung said that he thought so. He thinks it's per quarantine declaration. He's on the paid family leave page, but public employers are subject to different standards. All public employers must provide 14 days of paid sick leave regardless of how many employees they have for workers under isolation or quarantine orders, mandatory or precautionary. Councilperson Hennessy said mandatory or precautionary is an important distinction. Councilperson Leinung said that he would send around this FAQ from the State website. He added that he's not sure of the difference between a mandatory or precautionary order and he's not sure if precautionary would include the whole household if somebody is under a mandatory order. Just something for us to think about so we're not running afoul of anything. Councilperson Burke asked if we continue with the policy we put into effect back in May we'd be fine under the Federal rules? Supervisor LaGrange replied yes adding that we'd be more than fine. Councilperson Leinung said that he just emailed everyone the FAQs. Supervisor LaGrange said that he emailed everyone the Federal guidelines too. Attorney Naughton said that he thinks the issue of recurrence is worth looking into. We don't need it for this situation, but if it keeps happening we'll find out whether you get the 14 days each time. He thinks the idea is to make sure people comply with it and that their employers comply with quarantines and don't make it impossible to comply with the orders. It would seem that it would be a recurring situation, and that 14 days would kick in each time, but we can look into that. Right now we don't need to know that. Councilperson Burke added that we've been making a distinction between quarantines that happen in the normal course and quarantines that are caused by a person traveling to one of the areas that's deemed not secure. So if they come back from one of the states, that is a problem and they have to quarantine before they come back to work, we are requiring them to use their leave. Isn't that right? Supervisor LaGrange said that he doesn't know that we've stipulated that yet but that would be the logical way to do it, especially if we formulate something now to close this situation up. He doesn't mean now today but in the near future. That's an important distinction to make for sure. Councilperson Leinung said just to clarify, in the FAQ I sent around there is a form for a request for COVID-19 quarantine for minor dependent child due to COVID-19 isolations. It looks like there is already a form that people are supposed to fill out to qualify for paid family leave. Again, we're a government organization so we don't necessary have paid family leave but we are subject to a lot of these same requirements. Councilperson Burke asked if any of those orders pertain to a person traveling and then quarantining when they come back to NY. Councilperson Leinung said that he thinks there was a separate thing.

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He knows that the Governor put out an Executive Order saying that if you travel to a state that is on the quarantine list you are not eligible for paid family leave when you come back unless there is some type of extenuating circumstance, if you're an essential worker or something. Generally, if you travel, if you go on vacation to a state that is on the quarantine list you are not eligible for this special quarantine leave when you come back. Councilperson Greenberg said that he would chime in on the specific case we are dealing with. He thought we had discussed this in the spring around some of the other issues we had. In his opinion, we need to pay this person. Whenever we have this situation we need to pay people and we need to quarantine them and make sure they don't come to work. We're going to have major issues and his assumption is that this is only going to get worse in the next few months. We have to make sure, for instance, that our entire highway crew or half of it doesn't get infected at the same time or we're not going to be plowing roads. So we have to be vigilant and isolate these cases immediately, and we can't incentivize people to keep it a secret or if they don't feel well they potentially come in because they don't want to lose vacation time or sick leave because we'll find ourselves in a much worse situation than we are now if we do that. So in his opinion they need to quarantine for two weeks and they need to be paid. Councilperson Burke agreed. Supervisor LaGrange said that for this individual situation, and we don't have to use a name of course, we can say it the way we're saying it. We're okaying that paid leave during the daughter's quarantine. He thinks that that would take care of this particular moment but we need to jump on a further resolution that would implement some of these state and federal guidelines. It sounds like there is some consensus to take that next step over that to be sure that all are addressed, and people don't feel like they have to come in or make other arrangements and cause what Adam said - a bad situation for the whole town. Councilperson Leinung said that maybe this is something he can talk with Sarah about how people would record this to make sure they're not using their accruals and that there is a special COVID leave or something. Supervisor LaGrange said in the past we were noting it as holiday. They were putting it in as holiday but noting it as COVID related so I think we can do that probably. Councilperson Hennessy agreed with Adam. It's really consistent with what we were doing previously. It's going to be important to be clear on the mandatory quarantine versus the precautionary. The case we have now is that the child is a contact of someone who had it, and the father is a contact of a contact. He believes the child might be a mandatory and the father might be a precautionary. He agrees wholeheartedly that the precautionary, which is the employee, should be home and paid. We don't want them to feel the need to have to come to work. Second, he doesn't think we should be differentiating between highway and town hall. He doesn't think anyone is implying that, but in the past sometimes that happens because highway is outside and they have a different environment they are dealing with. He doesn't think in this case that should matter. It has to be consistent across the board. Supervisor LaGrange agreed adding that the other thing we should require is some sort of paperwork. We did get it that in this case the person was quarantined. It just gives some legitimacy proof that we're doing what we're supposed to and they're doing what they're supposed to. Councilperson Leinung wanted to chime in. He thought that that was useful because he has a feeling we're going to have other times come up where school shuts down completely and this isn't really supposed to be used when you're kids at home for remote learning. It's more where someone has a direct contact tracing contact as Bill was saying. So we also need to make sure we are clear on that. It's not because school is closed. It's because the child or the person had a direct contact and is under a quarantine order whether mandatory or precautionary. Supervisor LaGrange said let's do two different things here. Let's pass a motion to take care of the immediate case but at the same time maybe he, Michael, and Dan could sort through these things and maybe present a potential resolution for next Friday to deal with it. Councilperson Burke asked if we should update our entire plan because it's been some time since we looked at it. Councilperson Hennessy said that we can address it and he thinks there are some other things we can update and he that that was a good idea. Councilperson Leinung agreed that we should take a look at that. Supervisor LaGrange added that this could be a component of that. He thinks we really needed to hit this specifically right away. Supervisor LaGrange asked Michael what would be a good way to form a motion to keep this person fully paid for the time that they are home with a quarantined child? Attorney Naughton said that he just thinks that we're making a motion to continue the policy that was put in place earlier with respect to employees under quarantine. If they are under quarantine, they should stay at home and they will be paid for the 14-day period, and it will not be counted against their other paid vacation and sick time in accordance with general law. So that would be a motion. We could also say that the person staying home, if they are able to work remotely, should endeavor to work remotely from home, and we recognize that he can't do that because of the nature of the job. Supervisor LaGrange said that the previous resolution we are citing is 2020-148. That was the last amending resolution for 2020-110. Supervisor LaGrange said that if the clerk has it, that will be his motion.

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**Resolution 2020-204**

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby continue the policy that was put in place earlier with respect to employees under quarantine. If they are under quarantine, they should stay at home, and they will be paid for the 14-day period, and it will not be counted against their other paid vacation and sick time in accordance with general law.

This is a continuation of resolution 2020-110:

Whereas the Town of New Scotland understands that COVID-19 is a historic epidemic which requires decisive action for the safety of both our employees and the public; and

Whereas the State of New York has asked municipal leaders to reduce their non-essential workforce by at least 50% until June 11<sup>th</sup>; and

Whereas the State of New York will compensate State non-essential employees without their accruals being charged but will be required to work from home to the extent practical; and

Whereas the Town of New Scotland wishes to do all in its power to curb the rate of infection;

Be It Further Resolved that the Town of New Scotland employees will be compensated for a “normal day’s” pay without charging accruals if required to stay home due to mandated scheduling or self- and mandated quarantines, and said employees will work from home to the extent practical; and

Be It Further Resolved that each employee will file a “leave slip” with assigned code for possible reimbursement to the Town from the State or Federal Government; and

Be It Further Resolved that charges to an employee’s accrued sick time and related benefits arising from implementing plans in furtherance of complying with federal and New York State Executive Orders and laws shall be determined in accordance with State and Federal laws and directives, as amended from time to time, with the goal of ensuring that Town employees continue to receive wages and salaries during COVID 19 emergency; and

Be It Further Resolved that an overall plan will be developed through the Supervisor’s office to outline practical implementation of this resolution with a plan/policy.

Be It Further Resolved that this takes effect immediately and will remain in effect until rescinded by a subsequent order.

Councilperson Greenberg seconded the motion.

A roll call vote was taken:     Supervisor LaGrange     Aye  
  Councilperson Greenberg Aye  
  Councilperson Hennessy Aye  
  Councilperson Leinung   Aye  
  Councilperson Burke     Aye

Councilperson Burke asked if the way the motion was articulated is for this particular instance? It may be modified again next Friday for the rest of the details. Supervisor LaGrange replied that that was correct. That buys us that time in case somebody else has a similar occurrence. At least we’re back to where we should be without an expired resolution. Supervisor LaGrange asked if it’s the Board’s preference to have he, Dan, and Michael exchange emails and try to get something together for a motion for a further resolution, kind of putting in place what we see on the state and federal COVID stuff. Councilperson Greenburg said sure. Supervisor LaGrange added to Bridgit that if she wants to play around or if Bill wants to look at our previous protocol and stuff to see if there is anything we want to tweak on that, we can do that too. Councilperson Leinung said that just looking back at it quick, there is a lot of stuff about how everyone should be working from home now. He thinks we do need to update it a little bit. Councilperson Burke asked if Councilperson Hennessy

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wanted to do that with her? Councilperson Hennessy responded that he would. Supervisor LaGrange said excellent, thank you. Supervisor LaGrange added that he believes the Governor's orders still include working from home where possible especially in closed areas. It certainly leaves us that. Councilperson Burke asked Councilperson Leinung to send around the most recent plan because she has several drafts and is concerned. Councilperson Leinung said that he just sent it to her and Bill, but he will resend it to everybody. Supervisor LaGrange added that he will send the Federal paperwork to everybody; it's only two pages. Supervisor LaGrange said that that's all he has.

Councilperson Greenberg asked if Kenny wanted a hire taken care of. Supervisor LaGrange said that he didn't leave anything with him so apparently it's not pressing. Supervisor LaGrange offered to text him. He might have forgotten, trying to get things done before he left. Councilperson Greenberg said that he thought it was going to be last week, but he said he could wait until this week at the latest. Councilperson Leinung agreed. Supervisor LaGrange sent a text hoping he would respond. Councilperson Leinung added that he did submit a name. Councilperson Burke agreed saying she didn't think he did. Supervisor LaGrange said he hasn't gotten anything yet.

Councilperson Greenberg said that while we are waiting he got an email this morning with a bill from Steve Reilly's firm. He doesn't know if they made a mistake. He doesn't know why he got it. As far as you know, have they been paid for all their work in the spring? Supervisor LaGrange said that as far as he knows. He then offered to check on it and asked Councilperson Greenberg to forward the bill to him. Supervisor LaGrange added that he doesn't know why he didn't send it to him, too. It seems like a few weeks ago we attended to something like that and we were waiting on some change to it. He doesn't remember where that stands. Supervisor LaGrange said that he's just remembering back. It would be best if he saw it and then he could track it down. Councilperson Greenberg said that he would forward it to you.

Supervisor LaGrange said that he's not getting a response from Ken. We do have our meeting next week. We could also squeeze it into our budget meeting on the 8<sup>th</sup>. He's not getting a response nor does he answer the phone. We will have to postpone it. If it was pressing, he would have gotten it to us anyway. He does remember it the same way you Adam does. Last week he didn't mind but he wanted to do it this week. There is so much we can do.

Supervisor LaGrange asked if there was anything else. Councilperson Hennessy had a quick thing. He was just scrolling through what Dan just sent on the NYS Family Leave. Just a heads up to Bridgit and Dan: Now there is something called mandatory isolation. So we have three categories that we have to look at. He just wanted to bring that up.

**2. Adjourn**

Councilperson Hennessy made a motion to adjourn, seconded by Councilperson Leinung. The meeting adjourned at 1:30 PM.

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Diane R. Deschenes, Town Clerk