

AGENDA

February 10, 2010 5:00 p.m.

Vice-Chairman Wood called the meeting to order.

Roll call was taken. PRESENT – Patricia Southworth, Alan Grattidge, Philip C. Barrett, Anita Daly, Richard Lucia, Mary Ann Johnson, Jean Raymond, George J. Hargrave, Richard Rowland, Arthur M. Wright, Mindy Wormuth, Paul Sausville, Thomas Richardson, Frank Thompson, Preston L. Jenkins, Jr., Willard H. Peck, John Collyer, Thomas N. Wood, III, Matthew E. Veitch, Joanne Dittes Yepsen, Edward D. Kinowski, John Lawler, Arthur J. Johnson 23. ABSENT – 0.

On a motion by Mr. Hargrave, seconded by Mr. Veitch, the minutes of the meeting of January 13, 2010 were approved unanimously.

David Wickerham, County Administrator, reviewed the following Agenda items:

EQUALIZATION AND ASSESSMENT

Denying the request of National Grid for a reduction of \$544,000 on the tax rolls for the Towns of Hadley and Moreau. (Carol Holley, Real Property Tax Director)

Mr. Wickerham said they wish to be treated like the hydros, but they are not eligible.

LEGISLATIVE AND RESEARCH

Approving the 2010 Saratoga County Legislative Program. (Spencer Hellwig, Management Analyst)

Mr. Wickerham said we will be seeing our Legislative contingent, and a copy of this is in each Supervisor's mailbox.

ECONOMIC DEVELOPMENT

Amending the 2010 budget to transfer \$12,180 from the Contingency Account into the Planning Department's budget to complete trail work in the Towns of Wilton and Northumberland. (Jason Kemper, Planning Director)

Mr. Wickerham stated this is for the forestry parcels we are opening up for public use.

Amending the boundaries of Consolidated Agricultural District #2 to include the Baillargeon Farm in the Town of Clifton Park and the Goodwin Farm in the Town of Greenfield. (Jason Kemper, Planning Director)

Mr. Wickerham stated the Clifton Park farm has 59 acres, and the Greenfield farm has 57 acres.

RACING

Urging the State of New York to act expeditiously to award the VLT contract and provide NYRA with the funding stream that was promised with the racing franchise award in 2009. (Spencer Hellwig, Management Analyst)

PUBLIC HEALTH

Amending the 2009 County Budget under Maplewood Manor to increase expenses and revenues by \$140,000. (Diane Brown, Maplewood Manor Director)

Authorizing the Chairman to sign an agreement with the NYS Department of Health to accept a Safe Patient Handling Grant in the amount of \$83,005 and amending the budget in relation thereto. (Diane Brown, Maplewood Manor Director)

Mr. Wickerham said the funds will be utilized to purchase 13 ceiling lifts for the facility.

BUILDING AND GROUNDS

Adopting the findings statement relative to the public necessity for acquiring an avigation easement over 8 Wyndham Way in the Town of Milton. (Steve Dorsey, Assistant County Attorney)

Mr. Wickerham stated the public hearing was held last month, and we will be affirming that public need.

PUBLIC WORKS

Authorizing the Chairman to accept a Federal and State Aid in the amount of \$108,000 to complete work on the Geyser Road Bridge. (Joe Ritchey, Public Works Commissioner)

Mr. Wickerham said this deals with the inspections on the bridge not eligible for Stimulus funding. The total County cost is \$5,600, he said.

SOCIAL PROGRAMS

Authorizing the Chairman to amend the budget to accept an additional \$159,251 in State aid for the Department of Social Services to pass through to the Probation Department for juvenile delinquency services. (Bob Christopher, Social Services Commissioner)

CHAIRMAN'S ITEM

Appointing Andrew Prestigiaco to the Traffic Safety Board for the unexpired term of Thomas Mitchell.

Mr. Wickerham stated he is from the Saratoga Springs Police Department.

LAW AND FINANCE

Authorizing the Chairman to enter into an amended contract with TVGA for engineering services for the Grooms Road Pump Station Upgrade Project at the Saratoga County Sewer District in an amount not to exceed \$16,610.50. (Jim DiPasquale, Sewer District Director)

Authorizing the support of a Capital District Youth Center, Inc. (CDYCI) NYSERDA Grant application in the amount of \$47,520. (Spencer Hellwig, Management Analyst)

Mr. Wickerham stated the grant will be matched by CDYCI.

Authorizing litigation for damage to voting machines. (Mark Rider, County Attorney)

Mr. Wickerham said the damages of \$28,000 occurred during the special election last Spring.

Directing the County Attorney to appeal the apportionment of the Hudson River Black River Regulating District's expenses and authorizing the County Attorney to hire experts as necessary. (Mark Rider, County Attorney)

Authorizing the Chairman to enter into a consent agreement with NYSDEC. (Mark Rider, County Attorney)

Mr. Wickerham said this is for violations in the County Sewer.

Ms. Daly stated almost a year ago, the Council on Autism sponsored a seminar on first aid training for First Responders and informational training for parents. She said the State has contracted with our partner and did printed materials. She stated the OMRDD supplied us with some brochures and small cards that we ask persons with a disability to carry. She said she has these and is offering them to anyone who would like them. She said she has asked for a link to the OMRDD with our Council on Autism for access to this. She said she will see about getting more of these delivered to us.

Mr. Lawler said in regard to the motion presented today under Law and Finance, he said he has no objection to authorizing litigation, but he suggested we file an insurance claim with our insurance carrier.

Mr. Lawler announced that the Water Authority meeting will be held on Wednesday, March 24th at 2:45 p.m.

On a motion by Mr. Barrett, seconded by Mr. Lucia, the meeting was adjourned.

Respectfully submitted,

Elaine M. Sodemann

REGULAR SESSION
TUESDAY, FEBRUARY 23, 2010
AT 4:00 P.M., E.S.T.

Board called to order by Chairman Peck.

Roll call was taken. PRESENT – Patricia Southworth, Alan Grattidge, Philip C. Barrett, Anita Daly, Richard Lucia, Jean Raymond, George J. Hargrave, Arthur M. Wright, Mindy Wormuth, Paul Sausville, Thomas Richardson, Frank Thompson, Preston L. Jenkins, Jr., Willard H. Peck, John Collyer, Thomas N. Wood, III, Matthew E. Veitch, Joanne Dittes Yepsen, Edward D. Kinowski, John Lawler, Arthur J. Johnson – 21. ABSENT - Mary Ann Johnson, Richard Rowland – 2.

The invocation was given by Tom Wood, Chaplain.

PUBLIC INPUT

Emma Heritage, Saratoga County Dairy Princess, said as of last week, she is the New York State Alternate Dairy Princess. She thanked the Board for supporting programs that benefit dairy farming and agriculture within this County. Our goal is for many more prosperous years to come, she said. She invited the Supervisors to the 40th Anniversary Dairy Princess Pageant on Saturday, May 15th in Saratoga and to the Sundae On The Farm at the Arnold Farm in Charlton on June 20th. This is a great opportunity to meet farmers and others involved in local agriculture, she stated. Again, she thanked the Supervisors for all they do for agriculture.

Chairman Peck stated Emma did an outstanding job during the pageant in Syracuse.

Andy Fyfe, Land Manager for Saratoga P.L.A.N., thanked the Board for their support thus far for the Spruce Trail up to the Spruce Mountain fire tower, and he urged a yes vote today to move that project forward. We asked the Chamber of Commerce to run some numbers for us, and on a very conservative estimate, the renovation of that tower would bring in an average of \$175,000 a year to local communities and will also increase County sales tax, he said. He then introduced Paul Laskey, Chairman of the Friends of the Spruce Mountain Fire Tower Committee. Mr. Laskey thanked the Board for what has been done so far. He stated this tower will benefit the local business community and will be an asset to Saratoga County.

Clouse Bush, representing the Farm Bureau, distributed copies of a list of their 17 resolutions that were passed by the County delegates in October, and he briefly reviewed these. He invited the Supervisors to the Saratoga County Farm Bureau's Rural Urban Dinner on Friday, March 26th at Panza's Restaurant, Route 9P, Saratoga Springs. He thanked all of the Supervisors and said he hopes to maintain a productive relationship going forward, and hopes the Supervisors utilizes the Farm Bureau as a resource for your agricultural questions.

SARATOGA COUNTY WATER AUTHORITY PRESENTATION

Ms. Daly, member of the Saratoga County Water Authority, said last Tuesday, the Water Authority was granted a permit to operate from the N.Y.S. Department of Health. We wanted to stand before you today with a special recognition to the Chairman of the Saratoga County Water Authority, Jack Lawler, to thank him for that extremely long road he lead us down to a successful completion of a water project. She and Mr. Johnson presented Mr. Lawler with a life size poster replica of a bottle of water. Bill Simcoe, Saratoga County Water Authority Executive Director and Administrative Assistant Rachael Soulier, passed out cups of water from the new pipeline to the Board members. Mr. Johnson stated his town has hooked up to it a couple of days ago, and it is good quality water. He then toasted Jack, the Water Authority and the Board of Supervisors for making this happen.

Mr. Lawler said this was the most difficult thing he could ever imagine being involved in but the most rewarding. Without the courage, wisdom and belief of this Board, we would not be drinking this water today, he said. Every one of you who supported this project and who had the courage to put the County's money into this project when there was no other money available, I will be forever grateful to you making

myself and the other members of the Water Authority look good, he stated. This is your victory as much as it is ours, he said.

On a motion by Mr. Lucia, seconded by Mr. Hargrave, the minutes of the meeting of December 15, 2009, January 4, 2010 and January 19, 2010 were approved unanimously.

The Clerk presented the following:

Acknowledgement of receipt of Local Law 1-10 received from the NYS Department of State.

Received and filed.

Copy of a resignation letter from Royann Blodgett, Milton Town Historian, from the County Youth Advisory Board, effective January 14, 2010.

Received and filed.

REPORTS:

2009 Annual Reports of the County Historian, Probation Department, Department of Employment and Training, Youth Bureau, Veterans' Service Agency, Personnel Department, and the Department of Public Works.

Received and filed.

REPORT NO. 6

2009 YEARLY BALANCE SHEET – COUNTY CLERK’S OFFICE

1. Fee charged or received for recording & certificate thereof	\$2,185,049.65
2. Fee charged or received for official services	1,631,594.20
3. Fee received for Motor Vehicle Registrations	2,372,694.01
4. Sales Tax Motor Vehicle	27,165.59
5. Real Estate Transfer Tax	5,451.50
6. Money refunded for errors and duplication services	-69.50
7. Fee charged for RP-5217's	653,810.00
8. Fee charged for Education Fees	788,920.00
9. Public Copiers	14,511.80
TOTAL	\$7,679,127.25

RECEIPTS

Amount received as shown	7,679,127.25
DMV Sales Tax & Fees	39,819,912.78
Amount of Mtg. Tax, unapportioned as of 1/1/09	10,270.00
Amount of Mtg. Tax received in 2009	16,396,971.06
Interest received on County Clerk Account	2,015.03
Transfer Tax	3,278,345.58
TOTAL	\$67,186,641.70

DISBURSEMENTS

Amount paid to County Treasurer	5,038,728.25
Amount paid to Co. Treasurer for Educ. Acct.	39,446.00
Amount paid to NYS Education Dept.	749,474.00
Amount paid to RP-5217 Account	606,164.00
Amount paid State of New York for Court Fees	1,212,955.00
Amount of Mtg. Tax paid County Treasurer	8,461,521.79
Amount of Mtg. Tax paid Capital Dist. Trans. Authority	3,983,620.70
Amount paid to State of NY Mtg. Tax Agency	3,816,623.27
Amount of Mtg. Tax paid to other counties & expenses	117,553.83
Amount of Mtg. Tax unapportioned 12/31/09	26,245.75
Amount paid to County Clerk ½ Int. on Mtg. Acct.	1,675.72
Amount paid to State for Notaries	32,360.00
Amount paid to NYS RETT	3,272,785.08
Amount paid to Co. Treasurer for RETT	5,560.50
Amount paid to Co. Treasurer for Int. on Main Account	2,015.03
Amount paid to NYS Sales Tax for DMV	22,833,487.18
Amount paid to NYS DMV for fees	16,986,425.60
TOTAL	\$67,186,641.70

Kathleen A. Marchione
Saratoga County Clerk

REPORT NO. 7

COUNTY FINANCIAL OFFICER-DOG LICENSE REPORT

Office of the Financial Officer of the County of Saratoga, 40 McMaster Street, Ballston Spa, NY.

This report is filed pursuant to Section 111 of the Agriculture and Markets Law and covers the moneys remitted and the moneys expended by me under the provisions of Article 7 of the Agriculture and Markets Law for the period January 1, 2009 to December 31, 2009

RECEIPTS

Total balance on hand January 1, 2009	\$ -0-
Dog license fees received	\$26,680.07
Tag fees received	\$ 680.00
Damages recovered from dog owners	\$ 250.00
County appropriation	-0-
Total amount available for the year ending December 31, 2009	\$27,610.07

DISBURSEMENTS

Paid 36% of dog license fees to Dept. of Agriculture & Markets	\$ 9,604.83
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Paid tag fees to Dept. of Ag. & Mkts.	\$ 680.00
Paid claims for indemnification by dogs	\$ 1,035.00
Paid for County dog control officer services	-0-
Paid for County shelter services	\$16,290.24
Paid to towns and cities 75% of total surplus for last reporting period	\$ -0-
Total disbursement during the year ending December 31, 2009	\$27,610.07
Total surplus for the year ending Dec. 31, 2009	\$ -0-

75% of the above surplus amounting to \$ -0- to be apportioned to cities and towns ratably to the remittance each made.

Samuel J. Pitcherale
Saratoga County Treasurer

NOTE: This report is to be made in the month of January and a copy thereof filed with the Commissioner of Agriculture and Markets of the State of New York, 1 Winners Circle, Albany, NY and the governing body of the county.

Mr. Wright, Chairman of the Legislative & Research Committee, reminded the Supervisors that the meeting with the State Legislature will be this Thursday at 2:00 p.m. in Room 120 of the Legislative Office Building. The van will leave the parking lot here at 1:00 p.m. If anyone wants to go, let Elaine know so that we can have adequate transportation.

On a motion by Mr. Johnson, seconded by Ms. Raymond, Resolutions 37 through 54 were adopted by a unanimous vote with the exception of Resolution 50.

RESOLUTION 37 - 10

Introduced by Supervisor Peck

APPOINTING A MEMBER TO SARATOGA COUNTY TRAFFIC SAFETY BOARD

WHEREAS, pursuant to Vehicle and Traffic Law, Article 43, Local Law 3-68 established a County Traffic Safety Board to perform those functions set forth in said Article; and

WHEREAS, Local Law 2-78 amended §2 of 3-68 to increase the authorized number of members to twenty (20); and

WHEREAS, there is currently an opening on the Traffic Safety Board due to the resignation of Sgt. Thomas Mitchell; now, therefore, be it

RESOLVED, that the following person is appointed as a member of the Saratoga County Traffic Safety Board for the stated term:

<u>Name</u>	<u>Municipality</u>	<u>Term Expires</u>
Sgt. Andrew Prestigiacommo Saratoga Springs Police Dept. 5 Lake Avenue Saratoga Springs, NY 12866	Saratoga Springs PD	12/31/12

RESOLUTION 38 - 10

Introduced by Supervisors Wright, Hargrave, Lawler, Raymond, Rowland, Southworth and Wood

APPROVING 2010 COUNTY LEGISLATIVE PROGRAM

WHEREAS, our County is recognized as a statewide leader in economic growth and opportunity; and

WHEREAS, we wish to continue the reforms of non-productive state laws and policies and the provision of greater flexibility in resource allocation for local governments; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors requests enactment of the following legislative initiatives:

BUDGET IMPACT STATEMENT: No budget impact.

Saratoga County 2010 Legislative Program

1. Supporting the New York State Association of Counties initiative to create a Sales Tax Joint Revenue Center. Along with the Property Tax, the Sales Tax, which we share with the State, is the principle source of revenue for Saratoga County. However, as we've seen over the past few years, it can be volatile and hard to forecast. In addition, our annual budget process has been hampered by the lack of timely information on the collection of this tax. Now more than ever we need to have access to the financial data that the state is either not sharing, or delaying the reporting of within a reasonable time frame. As a possible solution to this problem, we're supporting the New York Association of Counties (NYSAC) proposal to develop a dashboard-like information sharing system, the Joint Revenue Resource Center in partnership with the State Department of Taxation and Finance and the Division of Budget, that will provide us with access to the information we need to develop and manage our annual operating budget.

2. Supporting Senate Bill 6123 and Assembly Bill 6888-B to amend the NYS Insurance Law to require health insurers to provide insurance coverage of the diagnosis and treatment of Autism Spectrum Disorders. This legislation calls for health insurers regulated by the State of New York to treat people with Autism no differently than people with any other health disorder. It calls for the provision of medically necessary health interventions to treat sick people, primarily children. No other health disorder treatment is limited by an annual spending cap under New York State law, nor does New York State law implement an age limit for the treatment of any other disorder. In the absence of adequate health insurance coverage, a disproportionate cost of autism is borne directly by the families of those affected, many of whom do not have the resources to provide adequate treatment. Out-of-pocket costs often run as high as \$2,000 to \$4,000 per month, and the Autism Society of America estimates that the lifetime cost of caring for a child with autism ranges from \$3.5 to \$5 million.

3. Supporting an amendment to Civil Service Law 159-c to exclude employees who do not work year round or work seasonally, have the ability to take the time during the time in which they are not working during the rest of the year (shift workers) to take advantage of a paid leave of absence for up to 4 hours for breast or prostate cancer screening. Current law requires every public officer, employee of the state, county, municipality or of any school district the entitlement to take a leave of absence for a breast cancer or prostate cancer screening. Although this law had good intentions, many state, county, city, and school district employees do not work year round, and taxpayer's money should not be used to pay for their replacement or substitute for a day, unless it is a medical emergency. Those employees, who do not work year round or work seasonally, or are shift workers, have the ability to take time during the time they are not working to have these tests performed at no additional cost to the taxpayer.

4. Provide the necessary funding and award a construction contract to honor the state's promise to replace the 80 year old Batchellerville Bridge in the Town of Edinburg. After years of negotiations with the State and the Federal governments an agreement was reached whereby they would provide funding to pay for replacing this bridge and upon completion the county would then take over ownership and maintenance responsibilities. At this point, New York State has already spent several million dollars for design, engineering, and bidding costs related to this project and needs to follow through with the construction phase of this project which will maintain the vital transportation link that this bridge provides for our northern towns.

5. Supporting various health care reform initiatives including the permanent reinstatement of the Intergovernmental Transfer Program (IGT) and the restructuring of the funding mechanisms for mandated medicaid services. For years our county nursing home, Maplewood Manor, was able to fund its operations with a combination of revenues that included an annual subsidy from the IGT program. Since that program was terminated by the federal government our residents have had to provide in excess of \$6 million annually to cover Maplewood's operating deficit. The recent short term reinstatement of this program should be made permanent. In addition, Saratoga County's annual portion of countywide medicaid expenses exceeds \$24 million. Since New York State and the federal government have absolute control over what services are provided, and to whom, they should relieve our taxpayers of the burden of paying for any of these services since we have no way to manage or control the related costs.

6. Urging Governor Paterson and the NYS Legislature to authorize the reinstatement of VLT revenues for Saratoga Springs and Saratoga County. In 2009, the state's financial gurus devised a formula that excluded Saratoga County and the City Saratoga Springs from the funding stream for communities hosting VLT facilities. That means 16 other communities, including the City of Yonkers, got to share in almost \$34 million in state aid while our county and our largest city, which hosts the racino, were denied a fair share of this funding stream. We certainly don't deny that the other communities have a right to be reimbursed for being hosts to the VLT operations, but to devise a formula that only effects two communities out of eighteen is unfair and needs to be revised. The current formula, which is based on the statewide unemployment rate, is essentially punishing our County for maintaining a strong local economy. In doing so we've been eliminated from the list of entities that are still receiving state funding because they have a poverty rate that is at least greater than 50% of the statewide rate. It's time to give our residents their fair share of these revenues, the loss of which has already proved to be a financial catastrophe in the City of Saratoga Springs.

7. Urging our State leaders to complete the awarding of Video Lottery Terminal contract to a qualified vendor and begin operating VLT's at Aqueduct Race Track immediately. The anticipated VLT revenues that will be generated at Aqueduct Race Track are essential to the long-term financial sustainability of the New York Racing Association (NYRA), and thoroughbred racing in New York. Under the new racing franchise awarded to NYRA a key component of their willingness to surrender ownership of Aqueduct, Belmont, and Saratoga properties to the state was the promise of VLT's to provide a reliable source of income to support their operations. More importantly, NYRA's success is essential to the future success of the Saratoga Race Course and a substantial part of the local economy. The failure of the state to get the VLT operations underway at Aqueduct is jeopardizing thousands of local jobs and hundreds of millions in lost commerce for the Saratoga County business community and the capital region.

8. Opposing any shifting of state responsibility for federal government penalties or disallowances for cases of fraud, waste and abuse to the counties of New York. The Governor's budget continues the State's cap on growth of local Medicaid costs and the local share for the Family Health coverages. The Cap continues to provide necessary property tax stability and predictability for our budget and is critical to communities across the state. However, the language contained in the Executive Budget is troubling, as it seeks to shift state financial responsibilities to counties. This language is inconsistent with the original Medicaid cap agreement and should be rejected. All Medicaid services provided in our county are approved as part of the State plan submitted to the Federal government. There is an issue of fairness here and the State should continue to take responsibility. Even with the cap, the county cost of Medicaid still grows by hundreds of millions of dollars each year.

9. Opposing any effort by the Hudson River-Black River Regulating District (HRBRRD) to assess fees or charges against Saratoga County or other governments to cover the revenue shortfall in their operating budget caused by the federal court ruling. In a decision by the U.S. Court of Appeals a ruling was issued that affected the methodology by which HRBRRD assessed private downstream hydroelectric plants. The ruling essentially said that these electric plants could only be assessed for construction, maintenance, and depreciation, not *operating* costs. This left the regulating district, which manages the Sacandaga Lake reservoir, with a revenue shortfall of several million dollars in its annual operating budget. Saratoga County supports our state representatives asking our delegates, in the federal legislature, to support and adopt legislation amending the Federal Power Act to allow the reinstatement of these historical costs against the federally licensed power companies benefiting from the existence of this reservoir.

RESOLUTION 39 - 10

Introduced by Supervisors Daly, Grattidge, A. Johnson, Kinowski, Lawler, Richardson and Sausville

AMENDING THE SARATOGA COUNTY BUDGET TO TRANSFER ADDITIONAL FUNDS FROM CONTINGENCY TO THE PLANNING DEPARTMENT FOR THE COMPLETION OF TRAIL WORK IN THE TOWNS OF WILTON AND NORTHUMBERLAND

WHEREAS, funds are needed for the completion of trail work in the Towns of Wilton and Northumberland; and

WHEREAS, an amendment to the 2010 Budget is necessary to make these funds available; now, therefore, be it

RESOLVED, that the 2010 Saratoga County Budget is amended as follows:

PLANNING DEPARTMENT

Transfer:

FROM: 1-14-999-9000 Unallocated	\$12,180
TO: 1-80-000-8200 Dept. Supplies	\$12,180

BUDGET IMPACT STATEMENT: This will reduce our contingency account to \$237,820.

RESOLUTION 40 - 10

Introduced by Supervisors Daly, Grattidge, Johnson, Kinowski, Lawler, Richardson, and Sausville

APPROVING THE AMENDMENT OF THE BOUNDARIES OF SARATOGA COUNTY CONSOLIDATED AGRICULTURAL DISTRICT #2 TO INCLUDE 59 ACRES OF VIABLE AGRICULTURAL LAND IN THE TOWN OF CLIFTON PARK AND 57 ACRES IN TOWN OF GREENFIELD

WHEREAS, New York State Agriculture and Markets Law Section 25-AA allows landowners with viable agricultural lands to petition the County Board of Supervisors within the 30 day annual timeframe to be included in agricultural districts; and

WHEREAS, The Board of Supervisors has received a petition from Paul Baillargeon, owner of 59 acres of viable agricultural land in the Town of Clifton Park on Hubbs Road that is dedicated to growing corn for dairy cows; and

WHEREAS, The Board of Supervisors has received a petition from Gabriel Goodwin, who owns Goodwin Farm in the Town of Greenfield that includes 57 acres of viable agricultural land along Medbury Road that is dedicated to boarding, breeding and training of horses; and

WHEREAS, the Saratoga County Agricultural and Farmland Protection Board have submitted a report for the Board of Supervisors recommending the inclusion of the said lands of Baillargeon and Goodwin into Saratoga County Consolidated Agricultural District #2 and having held a public hearing on January 28, 2010 at which time there were no objections to said petitions; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby approves the inclusion of the Baillargeon 59 acres in the Town of Clifton Park and Goodwin 57 acres in the Town of Greenfield to be included into Saratoga County Consolidated Agricultural District #2.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 41 - 10

Introduced by Supervisors Veitch, Barrett, Collyer, Lawler, Richardson, Wood and Yepsen

URGING RESOLUTION OF VLT OPERATIONS AT AQUEDUCT RACETRACK

WHEREAS, The State of New York awarded the franchise to operate thoroughbred horse racing in the state to the New York Racing Association (NYRA) for twenty-five years in 2008; and

WHEREAS, as part of the Franchise agreement, New York State would operate Video Lottery Terminals (VLTs) at Aqueduct Racetrack, and since 2008, the State has pursued a process to select a vendor to operate VLTs at the track; and

WHEREAS, until the VLT facility is constructed at Aqueduct, the State is losing approximately one million dollars per day, that could be used for operating costs for NYRA and also for educational programs within the State; as well as for much-needed capital improvements to all of its tracks, specifically Saratoga Race Course; and

WHEREAS, Saratoga County recognizes the importance of Thoroughbred Racing to our economy, and commissioned a study in 2006 that found that the overall impact of racing in the immediate nine-county area is over \$200 million, and responsible for over 3,000 jobs, the loss of which would have a devastating effect on our regional economy; now, therefore, be it

RESOLVED, that Saratoga County Board of Supervisors does hereby urge the State of New York to come to a franchise agreement for the operation of VLTs at Aqueduct Race Track as quickly as possible, and to begin construction of the VLT facility, in order to continue to preserve Thoroughbred Racing operations within the State; and be it further

RESOLVED, that the Clerk of the Saratoga County Board of Supervisors forward a copy of this Resolution to the Governor of New York State, all members of the New York State Senate and Assembly and to the President of the New York Racing Association.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 42 - 10

Introduced by Supervisors Rowland, Collyer, Kinowski, Lucia, Southworth, Wormuth and Yepsen

AMENDING THE COUNTY BUDGET TO APPROPRIATE \$140,000 IN REVENUES AND EXPENSES AT MAPLEWOOD MANOR

WHEREAS, funds in the amount of \$140,000 are needed to balance the 2009 budget for the operation of Maplewood Manor; now, therefore be it

RESOLVED, that the 2009 Saratoga County Budget is amended as follows:

MAPLEWOOD MANOR:

Appropriations:

Increase Acct.: #9-62-000-8491 NYS charges \$140,000

Revenues:

Increase Acct.: #9-0599.M App. Fund Balance \$140,000

BUDGET IMPACT STATEMENT: This increase will reduce the Fund 9 fund balance balance by \$140,000.

RESOLUTION 43 - 10

Introduced by Supervisors Rowland, Collyer, Kinowski, Lucia, Southworth, Wormuth and Yepsen

AUTHORIZING AN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF HEALTH TO ACCEPT \$83,005 FOR A SAFE PATIENT HANDLING GRANT AND AMENDING THE BUDGET IN RELATION THERETO

WHEREAS, funding is available from the New York State Department of Health in the amount of \$83,005 for a Safe Patient Handling Grant; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute all documents and agreements necessary to accept additional grant funds in the amount of \$83,005 from the New York State Department of Health for a Safe Patient Handling Grant, the form and substance of such document subject to the approval of the County Attorney and the Contract Administrator; and, be it further

RESOLVED, that the 2010 Saratoga County Budget is amended as follows:

MAPLEWOOD MANOR:

Appropriations:

Increase Acct.: #9-62-636-7053 Medical Equip \$83,005

Revenues:

Increase Acct.: #9-62-2770 Unclassified Revenues \$83,005

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 44 - 10

Introduced by Supervisors Thompson, Hargrave, Jenkins, M. Johnson, Raymond, Rowland and Wormuth

DECLARING A PUBLIC NECESSITY RELATIVE TO THE REMOVAL OF FLIGHT HAZARDS AND THE ACQUISITION OF AN AVIGATION EASEMENT OVER 8 WYNDHAM WAY IN THE TOWN OF MILTON

WHEREAS, Resolution 192-08 authorized an agreement with North American Flight Services to remove 16 points of obstruction within the approach slope for airplanes landing at the Saratoga County Airport; and

WHEREAS, the owners of parcel number 189.12-1-54, located at 8 Wyndham Way in the Town of Milton, on which certain obstructions are located, have declined to allow their removal; and

WHEREAS, pursuant to Resolution 39-09 this Board authorized the initiation of condemnation proceedings pursuant to the New York State Eminent Domain Procedure Law (EDPL) to acquire an avigation easement authorizing the removal of all obstructions to flight within the navigable airspace over said property located at 8 Wyndham Way in the Town of Milton, which easement is as shown on the map attached hereto as Exhibit A; and

WHEREAS, the authorized proceedings have been initiated and a properly noticed public hearing was held in conformity with Section 201 of the EDPL on January 13, 2010, at the Saratoga County Facilities Building, Building #5, 50 West High Street in the Town of Milton, in order to inform the public about the proposed project to remove flight hazards obstructing the navigable air space above the property located at 8 Wyndham Way in the Town of Milton and to acquire an avigation easement over said property authorizing the removal of all such flight hazards, review the public use to be served by the project and the potential impacts on the environment and the residents of the locality where the project is located, and to hear all people interested in the proposed project; and

WHEREAS, Section 204 of the EDPL requires that this Board make its determination and findings concerning the proposed project within 90 days after the conclusion of the public hearing; now, therefore, be it

RESOLVED:

SECTION 1 : FINDINGS – As and for its Findings in this matter as required by Section 204 of the EDPL, the Board hereby adopts the Findings set forth in the attached document entitled “Determination and Findings of the Saratoga County Board of Supervisors Concerning Acquisition of Avigation Easement Over 8 Wyndham Way in the Town of Milton”, attached as Exhibit B.

SECTION 2 : DETERMINATION OF PUBLIC NECESSITY – As and for its Determination in this matter as required by Section 204 of the EDPL, the Board hereby adopts the Determination set forth in the attached document entitled “Determination and Findings of the Saratoga County Board of Supervisors Concerning Acquisition of an Avigation Easement Over 8 Wyndham Way in the Town of Milton”, attached as Exhibit B.

SECTION 3 : FURTHER PROCEEDINGS – The Board hereby authorizes such further proceedings under the Eminent Domain Procedure Law as may be necessary to effectuate condemnation of the subject property easement.

SECTION 4 : PUBLICATION OF SYNOPSIS – The Clerk of the Board is hereby authorized and directed to publish, pursuant to Section 204 (A) of the EDPL, a brief synopsis of these Findings and Determination in at least two (2) successive issues of The Daily Gazette. Such synopsis shall include the factors set forth in Section 204 (B) (1), (2), (3) and (4) of the EDPL and shall also state that copies of the determination and findings will be forwarded upon written request without cost.

BUDGET IMPACT STATEMENT: No budget impact.

EXHIBIT "A"

EXHIBIT B

DETERMINATIONS AND FINDINGS OF THE SARATOGA COUNTY BOARD OF SUPERVISORS CONCERNING ACQUISITION OF AVIGATION EASEMENT OVER 8 WYNDHAM WAY IN THE TOWN OF MILTON

On January 13, 2010, the County of Saratoga held a public hearing pursuant to Eminent Domain Procedure Law § 201 at the Saratoga County Facilities Building, 50 West High Street in the Town of Milton, State of New York, at 5:30 p.m., concerning the need of the County of Saratoga to acquire by eminent domain an avigation easement and all rights related thereto over and across the real property located at 8 Wyndham Way, in the Town of Milton, bearing tax map number 189.12-1-54. Present on behalf of the County of Saratoga were First Assistant County Attorney Stephen M. Dorsey, project consultant Stephen Berardo, C.M. of Jacobs Engineering Group, Inc., Supervisor George Hargrave, Supervisor Richard Rowland, Supervisor Patricia Southworth and Supervisor Frank Thompson.

Mr. Berardo reviewed the public use, benefit and purpose to be served by the acquisition of the avigation easement, as well as the general effect of the easement's acquisition on the environment and residents in the surrounding area off the southwest end of Runway 5 of the Saratoga County Airport. Mr. Berardo described the location of the easement and displayed same by maps shown as part of his Powerpoint presentation.

At the conclusion of Mr. Berardo's presentation, the hearing was opened for the receipt of oral or written statements by the public. Two speakers spoke in support of the proposed public project: Michael Levy, an instrument rated commercial pilot, and Frank Zilka, owner of North American Flight Services, Inc.

A record of the public hearing was made by Martin Deposition Services, Inc., and copies of the hearing transcript so prepared together with copies of all slides included in Mr. Berardo's Powerpoint presentation, were distributed for review to all members of the Saratoga County Board of Supervisors.

Based upon the information presented by Mr. Berardo at the public hearing, the public comments received from Mr. Levy and Mr. Zilka, and the records maintained by the Saratoga County Department of Public Works relative to this matter, the Saratoga County Board of Supervisors hereby makes, affirms and adopts the following Determinations and Findings pursuant to Eminent Domain Procedure Law § 204:

I. The Public Use, Benefit or Purpose to be Served by the Proposed Public Project

The County of Saratoga has accepted federal grants from the Federal Aviation Administration (FAA) for the planning, design, development and improvement of Saratoga County Airport. As a condition of the acceptance of such grants, the County has signed grant assurances with the FAA that require the County to comply with specific requirements set by the FAA.

Pursuant to federal law, the FAA has sole jurisdiction over airspace, thereby giving the FAA sole authority to issue regulations that impact or control airspace or air traffic control. The FAA has the further right to delegate certain responsibility dealing with airspace protection to airport sponsors such as the County of Saratoga.

The FAA delegates such responsibility to airport sponsors in its FAA grant assurances. The County of Saratoga is subject to such grant assurances that impose responsibility upon the County to remove or lower obstructions and penetrations into the airspace in the vicinity of Saratoga County Airport, and to prevent the creation or establishment of future flight hazards. The FAA gives airport sponsors two options to fulfill their responsibility to remove obstructions in the airspace around airports: acquisition of a fee interest in property, or acquisition of appropriate easements. Federal funds are available to assist in such acquisitions.

It is the strong preference of the County not to acquire a fee interest in properties containing airspace obstructions and hazards. Whenever possible, property owners should be allowed to maintain ownership of their homes and property as long as suitable easements can be acquired authorizing the County to remove all airspace obstructions and flight hazards.

While there are three types of flight clearance easements, namely model aviation and hazard easement, limited avigation easement and clearance easement, the FAA strongly recommends that when federal funds are used to acquire easements to remove obstructions in airspace, that sponsors acquire the model aviation and hazard easement because it provides the greatest protection for the airport over the longest term. Among other rights authorized by the model aviation and hazard easement, such easement grants an airport the:

- 1) Right of flight at any altitude above acquired surfaces
- 2) Right to cause noise, vibrations, fumes, dust and fuel particles
- 3) Right to prevent erection or growth of all objects above acquired surface
- 4) Right of entry to remove, mark, or light any structures or growth above acquired surfaces

FAA regulations determine what objects constitute an obstruction or flight hazard into navigable airspace around an airport. Specifically, 14 CFR 77.25 establishes and defines (5) different imaginary surfaces surrounding an airport that are based on the type of approach available or planned for each airport runway. At issue in this matter are obstructions in the form of trees located on the property at 8 Wyndham Way which intrude into the "transitional surface", as defined in 14 CFR 77.25(e), off the southwest approach to Runway 5 of Saratoga County Airport.

The County has undertaken aerial photogrammetry to identify trees and other objects that intrude the navigable airspace within the five imaginary surfaces surrounding Saratoga County Airport. The County has begun the process of removing obstructions that constitute flight hazards in accordance with its obligation to do so under its federal grant assurance to the FAA. Under the current phase of its flight hazard removal project, the County identified sixteen properties that contained obstructions that intruded into navigable airspace around the Airport. Fifteen (15) of the sixteen (16) owners of the properties identified have cooperated in negotiating and conveying suitable avigation easements to the County authorizing the lowering or removal of the obstructions located on their properties.

The only property owners of the sixteen properties identified who have not agreed to convey an avigation easement over their property to the County are the owners of 8 Wyndham Way, Warren A. and Marie C. Kolodziejwski. In fulfillment of its obligations under its federal grant assurances, the County is exercising its rights under the Eminent Domain Procedure Law to acquire an appropriate avigation easement by eminent domain over the property located at 8 Wyndham Way in the Town of Milton.

Based on the County's own records related to the Saratoga County Airport, the presentation made by the County's consultant Stephen Berardo, C.M., and the public comment received at the public hearing, the Board makes the following additional determinations and findings:

- 1) That while attempting a nighttime landing on Runway 5 of the Saratoga County Airport in July, 2008, a Lear jet flew through trees that encroached into navigable airspace surrounding Saratoga County Airport.
- 2) As a result of the foregoing incident, the FAA placed certain restrictions on landings on Runway 5 at the Saratoga County Airport.
- 3) Due to said restrictions imposed by the FAA, North American Flight Services (NAFS), a fixed based operator operating out of Saratoga County Airport lost substantial revenue as a result of flights being diverted to other airports, which resulted in NAFS laying off three employees who comprised approximately \$150,000 of NAFS's annual payroll.
- 4) That as a result of said diversion of flights to other airports, Saratoga County has lost tens of thousands of dollars in sales tax revenue.
- 5) That the FAA's restrictions have limited commercial, personal and medical evacuation flights out of Saratoga County Airport, resulting not only in a loss of revenue and sales tax, but also an increased risk to the lives and safety of those in need of emergency medical care.
- 6) All trees encroaching into the navigable airspace surrounding Saratoga County Airport present not only a flight hazard endangering the lives and safety of those individuals flying into the Airport, but also pose a danger to the lives and property of all homeowners residing near the Airport who are at risk of having obstructed aircraft crash into their homes.

Based on the foregoing the Board finds and determines that the public use, benefit and purpose to be served by the proposed acquisition of an avigation easement over 8 Wyndham Way by eminent domain, as well as the acquisition of all avigation easements needed from property owners of properties containing obstructions into the navigable airspace surrounding Saratoga County Airport, is the removal of existing and future obstructions into the navigable airspace surrounding Saratoga County Airport that present a flight hazard endangering the lives and property of users of the Airport and of occupants of land in the Airport's vicinity.

II. The Location for the Proposed Public Project and Selection of that Location

The location of the avigation easement sought to be acquired by eminent domain is over the transitional surface, as defined in 14 CFR § 77.25(e), over and across 8 Wyndham Way in the Town of Milton, State of New York. Said property at 8 Wyndham Way bears tax map number 189.12-1-54. Said avigation easement

is more particularly shown on a map entitled "Project: Saratoga County Airport, Airport Improvement Project, Avigation Easement. Property Location: 8 Wyndham Way, Ballston Spa, New York, 12020" dated January 2009, prepared by Jacobs Engineering Group, Inc. and Edwards and Kelcey, a copy of which is attached hereto.

The reason for the selection of this location is that aerial photogrammetry has determined that said property at 8 Wyndham Way contains one or more trees that encroach into the navigable airspace, identified as the transitional surface, off of the approach surface to the southwestern end of Runway 5 of the Saratoga County Airport, which tree or trees present a flight hazard to users of the Airport and pose a risk to the lives and property of occupants of lands in the vicinity of the Airport.

The acquisition of an avigation easement over said property, as opposed to the acquisition of a fee interest in the property at 8 Wyndham Way, was chosen as the least onerous action to the interests of the property owners. The avigation easement sought will allow the County to remove flight hazards in the navigable airspace above the property, while allowing the property owners to continue to reside at and maintain ownership of their home at 8 Wyndham Way. Fee acquisition of the property is therefore determined not to be a feasible alternative to acquisition of an avigation easement.

The FAA's model aviation and hazard easement is determined to be the appropriate avigation easement to acquire. FAA policy strongly recommends the acquisition of such easement when federal funds are to acquire easements to protect and ensure unobstructed navigable airspace. Said model easement provides the County with all the rights needed to protect navigable airspace around the Airport and ensure safe and unobstructed flight over the longest term.

While the model avigation easement will authorize the County to remove the tops of trees that encroach into the easement area and the airspace within ten (10) feet below the easement area, the County will, upon request of the property owners of 8 Wyndham Way, remove such trees and their stumps in their entirety. The County is willing to take such action because it acknowledges that when the tops of such trees are removed, the trees will die at a much faster rate and the property owners will incur the expense of having to remove the remaining dead trees.

Specifically, said avigation easement sought to be acquired will:

- 1) Authorize the County of Saratoga to abate or remove any flight hazard within the avigation easement, including trees, structures, buildings, poles, wires or other obstructions to the approach and turning zones to the airport's runways.
- 2) Grant the County of Saratoga the right to fly aircraft over the Property and to cause in all airspace above the surface of the Property such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on the Saratoga County Airport.
- 3) Grant the County of Saratoga the continuing right to prevent the erection or growth upon the Property of such buildings, structures, trees or other objects into the airspace constituting the area of the avigation easement, and to remove from said airspace associated soil and underbrush as necessary any time that one or more trees extends into the airspace located within ten (10) feet below the limits of the easement area as of the date the avigation easement is acquired or at any later time, or at the sole option of the County of Saratoga, as an alternative, to mark and light as obstructions to air navigation, any building, structure, tree or other object now upon, or which in the future may be upon the Property, and including the right to construct power lines to serve such lights, together with the right of ingress to, egress from and passage over the Property for the foregoing purposes.

III. General Effect of the Proposed Project on the Environment and Residents of the Locality

An Environmental Assessment conducted by the FAA of the County's entire "Off-Airport Obstruction Removal and Additional Avigation Easements Project", which project includes the subject avigation easement acquisition over 8 Wyndham Way, resulted in a Finding of No Significant Impact (FONSI) for the project.

Relative findings of the FONSI include:

- 1) Purpose and Need: The purpose of the project is to address the FAA Part 77 surface obstructions located off airport property. The removal of existing and future obstructions is needed to maintain a safe and unobstructed airspace.

- 2) Alternatives: The potential alternative of lighting and marking trees that encroach into navigable airspace is not feasible and would be cumbersome.
- 3) Induced Socioeconomic Interests: The proposed project will not result in the relocation of homeowners or businesses. The avigation easements obtained granting the rights to clear trees from these properties will result in no effects to the surrounding community.
- 4) Wetlands: Federally regulated wetlands lie outside of the Airport and are not affected by any of the proposed projects.
- 5) Endangered Species and Biotic Communities: No Karner blue butterfly habitat is identified on the obstruction removal parcels. No further coordination/consultation is needed for the parcels that were visited and deemed unsuitable for Karner blue butterflies off Runway 5 or for parcels determined unsuitable by the NYSDEC.
- 6) Other Impact Categories: It is the FAA's finding that the proposed actions will not have any significant effect on noise, land use compatibility, social, indirect social socioeconomic, air and water quality, historic or cultural resources, biotic communities, light emissions, energy supply and natural resources.

It is therefore anticipated that the general effect of the proposed project on the environment will be minimal. When completed, the proposed project will result in the removal of the tops of all trees at a point fifty (50) feet above the ground, or at the property owner's option the complete removal of all trees fifty (50) feet or greater in height, at the property located at 8 Wyndham Way. The topping or removal of the trees will result in the removal of flight hazards to aircraft using the Saratoga County Airport and provide for a safer environment for users of the Airport and occupants of land in the Airport's vicinity.

IV. Other Relevant Factors

No other relevant factors are identified.

V. Conclusion

Based on the foregoing Determinations and Findings stated herein, the Saratoga County Board of Supervisors hereby determines, finds and concludes that: 1) the removal of existing and future surface obstructions that encroach into the navigable airspace surrounding Saratoga County Airport, which obstructions present a flight hazard to aircraft using the Airport; 2) the removal of existing and future surface obstructions in the form of trees that are encroaching into the navigable airspace above the property located at 8 Wyndham Way in the Town of Milton, which trees present a flight hazard to aircraft using Runway 5 of the Airport; and 3) the acquisition of the proposed model aviation and hazard avigation easement from the owners of the property located at 8 Wyndham Way in the Town of Milton, Warren A. and Marie C. Kolodziejski, are each a public necessity, will serve a public use and purpose and will benefit the public, and therefore authorizes such further proceedings as are necessary under the Eminent Domain Procedure Law to acquire said avigation easement.

The Saratoga County Board of Supervisors further directs that a synopsis of its Determinations and Findings herein be publicized in accordance with Eminent Domain Procedure Law § 204.

RESOLUTION 45 - 10

Introduced by Supervisors Thompson, Hargrave, Jenkins, M. Johnson, Raymond, Rowland and Wormuth

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 1, PRINT NO. 1 OF 2010 AUTHORIZING THE LEASING OF REAL PROPERTY OF THE COUNTY OF SARATOGA TO THE TOWN OF MILTON

WHEREAS, Resolution 23-10 introduced and presented proposed Local Law identified as Introductory No. 1, Print No. 1 of 2010 to this Board of Supervisors and scheduled a public hearing thereon for February 10, 2010 at 4:45 P.M. in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

WHEREAS, notice of that public hearing was duly published and posted as required by law; and

WHEREAS, the scheduled public hearing was held and all persons appearing or desiring to be heard have been heard by this Board; now, therefore, be it

RESOLVED, that this Board of Supervisors, on this 23rd day of February, 2010 hereby adopts a Local Law identified as Introductory No. 1 -10, Print No. 1 as set forth in annexed Schedule A.

BUDGET IMPACT STATEMENT: No budget impact.

COUNTY OF SARATOGA
LOCAL LAW NO. 2 OF 2010

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY OF THE COUNTY OF SARATOGA TO THE TOWN OF MILTON

BE IT ENACTED by the Saratoga County Board of Supervisors as follows:

SECTION 1. The County of Saratoga is the owner of real property located in the Town of Milton which is identified on the Tax Maps of the Town of Milton as Section 177.14, Block 2, Parcel 21.1, which was conveyed to the County of Saratoga by Warranty Deed from Henry P. Witthohn and Judith Witthohn, recorded in the Saratoga County Clerk's Office in Book 1247 of Deeds at Page 520 on November 7, 1988. There is an existing brick building on the premises which the Town of Milton has requested be leased to it for the municipal purposes of the Town. The term of such lease is for an initial five (5) years, with the tenant to have the option of renewal for an additional five (5) years. The rent to be paid to the County of Saratoga shall be One (\$1.00) Dollar per year with the tenant agreeing to repair, refurbish and upgrade the property, and to use it solely for its municipal purposes. The lease shall be a net lease with the tenant assuming all costs relative to the operation and maintenance of the property. The form and content of the lease agreement shall be subject to the approval of the County Attorney.

SECTION 2. Notwithstanding the provisions of Section two hundred fifteen of the County Law, or any other law of the State of New York, authorization is hereby given to the Chairman of the Saratoga County Board of Supervisors to execute a lease of the real property identified on the Tax Maps of the Town of Milton, Saratoga County, New York, as Section 177.14, Block 2, Parcel 21.1 to the Town of Milton for its municipal purposes, with such lease to be subject to the approval of the County Attorney.

SECTION 3. This Local Law is subject to a permissive referendum as provided in Section 24 of the Municipal Home Rule Law.

SECTION 4. This Local Law shall take effect after it is filed as provided in Section 27 of the Municipal Home Rule Law.

RESOLUTION 46 - 10

Introduced by Supervisors Sausville, Grattidge, Raymond, Richardson, Southworth, Veitch and Wright

AUTHORIZING THE CHAIR TO ACCEPT A NYSDOT GRANT UNDER PUBLIC WORKS FOR THE REPLACEMENT OF CR43 OVER D&H RAILROAD, CITY OF SARATOGA SPRINGS

WHEREAS, a Project for the Bridge Rehab of CR43 over D&H Railroad, City of Saratoga Springs, Saratoga County, P.I.N. 1757.07 (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 Saratoga desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and Construction (Railroad Force Account).

NOW, THEREFORE, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Saratoga County Board of Supervisors hereby authorizes the County of Saratoga to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and Construction (Railroad Force Account) work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$126,400.00 (One hundred twenty six thousand four hundred dollars and no cents) has already been appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the additional sum of \$108,600.00 (One hundred eight thousand six hundred dollars and no cents) is hereby appropriated from the Saratoga County General Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Saratoga County Board of Supervisors of Saratoga County 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 it is further

RESOLVED, that the Chair of the Board of Supervisors of Saratoga 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 Saratoga 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 it is 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 it is further

RESOLVED, this Resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: Additional County cost of \$5,600 is available within the 2010 budget.

RESOLUTION 47 - 10

Introduced by Supervisors Grattidge, Barrett, Collyer, Jenkins, Sausville, Veitch and Yepsen

AUTHORIZING THE CHAIR TO AMEND THE BUDGET TO ACCEPT ADDITIONAL \$159,251 IN THE STATE AID FOR THE DEPARTMENT OF SOCIAL SERVICES TO PASS THROUGH TO THE PROBATION DEPARTMENT FOR JUVENILE DELINQUENCY SERVICES

WHEREAS, our Probation Department administers juvenile delinquency services; and

WHEREAS, additional State Aid is available for the Department of Social Services to accept and pass through to the Probation Department for juvenile delinquency services and the 2010 Budget must be amended to accept these funds; now, therefore, be it

RESOLVED, that the 2010 County Budget is amended as follows:

SOCIAL SERVICES:

Appropriations:

Increase Acct. #1-60-610-7601 BICS Payments \$159,251

Revenues:

Increase Acct. #1-60-3610 Social Services Adm. \$159,251

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 48 - 10

Introduced by Supervisors Wood, Daly, Grattidge, A. Johnson, Sausville, Thompson and Wormuth

AUTHORIZING AN AMENDED CONTRACT WITH TVGA FOR ENGINEERING SERVICES FOR THE GROOMS ROAD PUMP STATION UPGRADE PROJECT AT THE SARATOGA COUNTY SEWER DISTRICT

WHEREAS, by Resolution 123-07 this Board of Supervisors authorized a contract with TVGA Engineering, Surveying P.C. for the upgrade of the Grooms Road Pumping Station of Saratoga County Sewer District #1; and

WHEREAS, delays in construction and changes in the design of the Pumping Station have resulted in engineering services not covered in the said contract; now, therefore, it is

RESOLVED, that the Chair of the Board is authorized to execute an amended contract with TVGA Engineering, Surveying P.C. of Elma, New York at an additional cost not to exceed \$16,610.50, the form and substance of the contract subject to the approval of the County Attorney and the Contract Administrator.

BUDGET IMPACT STATEMENT: \$15,820 will be recovered from CO Falter as liquidated damages.

RESOLUTION 49 - 10

Introduced by Supervisors Wood, Daly, Grattidge, A. Johnson, Sausville, Thompson and Wormuth

AUTHORIZING THE CHAIR TO EXECUTE A GRANT APPLICATION OF THE CAPITAL DISTRICT YOUTH CENTER FROM NYSERDA IN THE AMOUNT OF \$47,520

WHEREAS, grant funds in the amount of \$47,520 are available from the New York State Energy Research and Development Authority (NYSERDA) for energy conservation measures to be taken by the Capital District Youth Center; and

WHEREAS, Saratoga County is a partner with Albany County, Rensselaer County and Schenectady County in the funding and operation of the Center, which counties are required by NYSERDA to act as grant recipients for this grant; and

WHEREAS, matching funds for this grant will be paid out of the operating budget of the Center; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a grant application on behalf of Saratoga County for a grant in the amount of \$47,520 from the New York State Energy Research and Development Authority to the Capital District Youth Center, Inc. for energy conservation measures at the Youth Center, the form and substance of such application subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. This is a pass through grant which will have no cost to the County.

Mr. Lawler said for Resolution 50, we had talked about checking with our insurance carrier. County Attorney Mark Rider stated it may or may not be covered, but this hasn't been determined. He said this resolution is necessary in case we are not covered. Mr. Lawler stated it is clearly the insurance company's responsibility, and he would not want to set the stage for an unnecessary litigation. He said he would rather have counsel or administration come back to say the claim was denied

On a motion by Mr. Lawler, seconded by Mr. Thompson, Resolution 50 was tabled by a unanimous vote.

RESOLUTION 50 – 10 (TABLED)

Introduced by Supervisors Wood, Daly, Grattidge, A. Johnson, Sausville, Thompson and Wormuth

AUTHORIZING LITIGATION TO RECOVER REPAIR COSTS OF DAMAGED VOTING MACHINES

WHEREAS, ten voting machines were damaged during the recent special congressional election, at a cost to repair of \$28,550.00; and

WHEREAS, the damage was caused by either negligent handling by the moving company, Clark Moving & Storage, which was hired to transport the machines, or resulted from faulty design and manufacture by Dimension Voting Systems; and

WHEREAS, it is necessary to recover the cost of repairing the machines from the wrongdoer; now, therefore, be it

RESOLVED, that the County Attorney is hereby authorized to take such action as may be necessary, to include litigation, to recover the cost of repair of ten voting machines from Clark Moving & Storage or Dimension Voting Systems.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 51 - 10

Introduced by Supervisors Wood, Daly, Grattidge, A. Johnson, Sausville, Thompson and Wormuth

AUTHORIZING APPEAL OF APPORTIONMENT OF OPERATING COSTS OF HRBRRD

WHEREAS, Section 15-2121 of the Environmental Conservation Law authorizes the Hudson River-Black River Regulating District (HRBRRD) to apportion the cost of operating the Great Sacandaga Lake Reservoir among public corporations and parcels of land benefited by the Reservoir; and

WHEREAS, due to a decision of the United States Circuit Court of Appeals, the previous apportionment of these costs to hydroelectric power companies located on the Hudson River is no longer authorized, and HRBRRD has reapportioned the costs, to be paid by Warren, Washington, Rensselaer, Albany and Saratoga Counties; and

WHEREAS, HRBRRD has apportioned 33.69% of the cost, in the amount of \$1,500,489.21 for the year 2010, to Saratoga County; and

WHEREAS, the method used by HRBRRD to arrive at its apportionment is not in accordance with the statute and the Constitutions of the United States of America and the State of New York; and

WHEREAS, HRBRRD has given notice that Saratoga County may, as a party aggrieved by the apportionment, present the grievances and objections in point of law to the Board of the District, at a meeting of the Board; and

WHEREAS, it is necessary for Saratoga County to take all steps needed to challenge the apportionment; now, therefore, be it

RESOLVED, that to challenge and appeal the apportionment of operating expenses of the Hudson River Black River Regulating District, the County Attorney is authorized to take all steps necessary, to include filing a grievance complaint in accordance with the rules of the HRBRRD and commencing a judicial review under Article 78 of the Civil Practice Law and Rules; and be it further

RESOLVED, that the County Attorney is authorized to engage the services of outside legal counsel and expert consultants if necessary.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 52 - 10

Introduced by Supervisors Wood, Daly, Grattidge, A. Johnson, Sausville, Thompson and Wormuth

AUTHORIZING CONSENT ORDER WITH DEC TO RESOLVE SPDES PERMIT VIOLATIONS

WHEREAS, the Saratoga County Sewer District No. 1 operates pursuant to the terms and conditions of a State Pollution Discharge Elimination System (SPDES) Permit issued and regulated by the Department of Environmental Conservation (DEC); and

WHEREAS, the District's SPDES Permit contains limits on the discharge of various pollutants and requirements for the measurement of said pollutants and the reporting of said measurements; and

WHEREAS, during the years 2005, 2006, 2007, 2008 and 2009, the District has reported exceedences of SPDES permit limits, inability to measure effluent parameters and spills of sewage resulting from operational problems with its collection system; and

WHEREAS, DEC has offered to resolve the resulting violations of the County's SPDES Permit pursuant to a Consent Order, outlining penalties and actions required to cure the violations; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a Consent Order with the New York State Department of Environmental Conservation to include the following terms:

1. Payment of a monetary penalty of \$50,000.00;

- 2. Conveyance of property on Spruce Mountain in the Town of Corinth to the State of New York as an Environmentally Beneficial Project;
- 3. Payment of a penalty in the amount of \$50,000.00 minus the appraisal value of the Spruce Mountain parcel;
- 4. Compliance with the preparation and implementation of a sampling and laboratory operations improvement plan, a Capacity Management, Operation and Maintenance Program, an Asset Management Plan and a Capital Improvement Plan;
- 5. Suspension of \$150,000.00 penalty, conditioned upon the timely performance of the rest of the Consent Order.

BUDGET IMPACT STATEMENT: This unexpected expense will be covered by the Sewer District.

RESOLUTION 53 - 10

Introduced by Supervisors Lucia, Collyer, Hargrave, M. Johnson, Kinowski, Southworth and Thompson

DENYING APPLICATIONS BY NIAGARA MOHAWK FOR CORRECTION OF TAX ROLL

WHEREAS, by Resolution 218 of 2009, the Board of Supervisors authorized a levy against property of Niagara Mohawk, a National Grid Company, for unpaid 2009 Sacandaga Lake Maintenance Assessments pursuant to Section 15-2125 of the Environmental Conservation Law; and

WHEREAS, Niagara Mohawk has made applications for corrected tax roll for these parcels, alleging that the Hudson River Black River Regulating District lacked legal authority to make the assessment; and

WHEREAS, the District Court for the Northern District of New York has declined the request of Niagara Mohawk to enjoin the making of these assessments on the same grounds as urged in its application, and said assessments were made according to statute and are presumptively legal until ruled otherwise by a court; and

WHEREAS, the Director of Real Property Tax Services has conducted an investigation of the basis for the application and made her written report finding that there is no error and recommending that the Board deny the application; now, therefore, be it

RESOLVED, that this Board of Supervisors determines that no error in the Tax Roll exists as to tax parcels 27.-2-3.1, 34.-1-13, and 35.7-1-12 in the Town of Hadley and parcel 64.-2-30 in the Town of Moreau, and be it further

RESOLVED, that the applications of Niagara Mohawk, a National Grid Company, for corrected tax rolls for parcels 27.-2-3.1, 34.-1-13, and 35.7-1-12 in the Town of Hadley and parcel 64.-2-30 in the Town of Moreau, be and the same are hereby rejected and denied.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 54 - 10

Introduced by Supervisors Lucia, Collyer, Hargrave, M. Johnson, Kinowski, Southworth and Thompson

AUTHORIZING CONVEYANCE OF TAX-ACQUIRED LANDS

WHEREAS, unpaid taxes resulted in the County's acquisition of certain lands in various towns; and

WHEREAS, the former owners or their successors in interest have requested the pre-auction conveyance of one of the said parcels in consideration of their payment of an amount equal to the unpaid taxes, penalties, interests and charges; and

WHEREAS, our Equalization and Assessment Committee recommends approval of this request; now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisors convey by quitclaim deed to the following parties or their designees, the lands set opposite their names, upon payment of the indicated amount, which includes penalties, interest and charges,

<u>CONVEY TO:</u>	<u>YEAR</u>	<u>TOWN</u>	<u>S/B/L</u>	<u>AMOUNT</u>
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Chris Delong 446 Gansevoort Road Fort Edward, NY 12828	2007, 2008 & 2009	Moreau	63.4-4-39	\$8,527.21
Peter L. Bedinotti 23 Bancroft Street Albany, NY 12208	2007, 2008 & 2009	Saratoga	156.-1-38.21	\$31,430.08

BUDGET IMPACT STATEMENT: These amounts include all appropriate penalties and interest.

Chairman Peck announced the following appointments:

ADVISORY YOUTH BOARD

David Torres
1 Blue Streak Blvd.
Saratoga Springs, NY 12866

LOCAL EARLY INTERVENTION COORDINATING COUNCIL

(Parent Representatives):
Mrs. Heather Straughter
161 Circular Street
Saratoga Springs, NY 12866

Mrs. Lyn Wiltsie
1103 Laural Lane
Ballston Spa, NY 12020

Mr. Charles & Mrs. Christina Rogers
17 Summerfield Circle
Mechanicville, NY 12118

(Capital District DDSO Representative):

Ms. Cris Christodulu, Treatment Team Leader
Capital District DDSO
3 Care Lane, Suite 200
Saratoga Springs, NY 12866
(Replacing Karen Henley)

On a motion by Mr. Hargrave, seconded by Mr. Lucia, the meeting was adjourned.

Elaine M. Sodemann, Deputy Clerk