

AGENDA SESSION
February 13, 2013 5:00 p.m.

Vice Chairman Sausville called the meeting to order.

Roll call was taken. PRESENT – Patricia Southworth, Alan Grattidge, Philip C. Barrett, Anita Daly, Mary Ann Johnson, Jean Raymond, George J. Hargrave, Richard Rowland, Arthur M. Wright, Mindy Wormuth, , Paul Sausville, Daniel Lewza, Willard H. Peck, John Collyer, Thomas N. Wood III, Matthew E. Veitch, Joanne Dittes Yepsen, John Lawler, Arthur Johnson 19. ABSENT – Richard Lucia, Preston L. Jenkins, Jr., Thomas Richardson, Edward D. Kinowski 4.

On a motion by Mrs. Wormuth, seconded by Mr. Hargrave the minutes of the January 9, 2013 meeting were unanimously approved.

Mr. Hellwig, County Administrator, presented the following:

Equalization & Assessment

Accepting a tender offer in the Town of Providence.

Authorizing a correction to the 2013 tax roll for a parcel located in the Town of Ballston.

Mr. Hellwig said there will be two items with the first being a tender offer in the Town of Providence and the second is a correction to the tax roll in the Town of Ballston.

Economic Development

Authorizing the Chairman to enter into renewal agreement with Cooperative Extension to manage the MS4 Stormwater Program.

Approving amendments of the boundaries of the Saratoga County Consolidated Agricultural District #2.

Mr. Hellwig said under Economic Development there will be two resolutions as well. The first being a renewal contract with Cornell Cooperative Extension to manage the MS4 Stormwater Management Program. And, the second item will be authorization to amend the boundaries of the Consolidated Agricultural District.

Public Health

Authorizing an amendment to Transitional Services Association's contract to accept additional funding.

Authorizing the Chairman to enter into an agreement with NYS DOH for the Rabies Program.

Authorizing the Chairman to enter into an agreement with Visiting Nurses Service of New York for long term care services.

Authorizing the Chairman to enter into an agreement with Universal American Corporation for Medicare-eligible nursing services.

Authorizing the Chairman to accept additional funding from the NYS DOH.

Mr. Hellwig stated there will be a resolution under Mental Health to amend the budget to accept additional State aid as well as an amendment to the contract with Transitional Services. The second item will be the approval of a new five year contract with DOH for Public Health Department's Rabies Program. The third item will be a contract with Visiting Nursing services for Managed Long Term Care Program. Fourth item will be a resolution authorizing an agreement to make the Public Health Nursing Services an in-network provider with Today's Option which is a Medicaid Medicare solution that is offered by Universal American Corp. The final item from

Public Health will be a resolution accepting additional State aid to cover a combination of expenses in Lead Poisoning Program, Children with Special Healthcare Needs Program, and the immunization program.

Public Safety

Amending the 2013 budget to Reappropriate Homeland Security Funding.

Authorizing the transfer of \$47,200 from the Animal Shelter Trust Fund.

Authorizing the Chairman to enter into an agreement with Pictometry International.

Mr. Hellwig said under Public Safety there will be three resolutions the first being a reappropriation of \$596,107 in Homeland Security Funding. The second item will be authorization for a Trust Fund transfer into the operating budget for the Animal Shelter. And the final item is for authorization for a contact with Pictometry International to provide an assortment of data and imaging services.

Social Programs

Authorizing the Chairman to enter into provider contracts for the Expanded In-Home Services for the Elderly Program.

Authorizing the Chairman to enter into an agreement with the NYS OFA to accept a Systems Integration Grant.

Mr. Hellwig stated that under Social Programs there are two resolutions. The first being a renewal of provider contracts that are covered by Expanded In Home Services for the Elderly Program. The second item is a grant that has been awarded to the Office for the Aging by the State which will be utilized to implement a number of new initiatives that have been identified by the State Office for the Aging as priority areas of service.

Public Works

Authorizing the Chairman to enter into an amended agreement with Greenman Pedersen.

Mr. Hellwig said there will be one item under Public Works which is a contract amendment with Greenman Pedersen for additional services for technical issues with the rebuild of the Stewarts Dam.

Legislative & Research

Adopting the 2013 Saratoga County Legislative Program.

Urging the Federal Railroad Administration and NYSDOT to accept the New York-Vermont Bi-State Intercity Passenger Rail Study.

Mr. Hellwig said under Legislative and Research there will be two resolutions. One being the Legislative Program and the other is supporting the continuation of Amtrak Rail Service.

Chairman's Item

Appointing Jason Rocque, Waterford, to the County Fire Advisory Board.

Mr. Hellwig said Jason Rocque from the Town of Waterford will be appointed to the Fire Advisory Board to fill a vacancy.

Law and Finance

Amending the 2013 budget to reappropriate expenses and revenues for Sewer District Capital Projects.

Authorizing the Chairman to enter into an agreement with Mission Communications for the Sewer District.

Ratifying an emergency condition and authorizing the Chairman to enter into an amended agreement with Delaware Engineering for work at the Sewer District.

Accepting additional Federal Medicaid funding.

Authorizing settlement of litigation with Hudson River Black River Regulating District.

Mr. Hellwig said under Law and Finance there will be five resolutions. The first is a reappropriation in the Sewer District for Capital Funds to continue upgrades at the treatment facility in Halfmoon as well as Capital Projects involving the system around Saratoga Lake as well as Route 4 & 32. There also is authorization to enter into a contract with Mission Communications who will be responsible for monitoring radio alarms that are used at the District's pump stations. The third item is also a Sewer District resolution which is ratification of an emergency condition at the Sewer District and authorization for the Sewer District to enter into an amended agreement with Delaware Engineering for work that will be associated with the design of new thickeners at the facility. Fourth item is approval to accept additional Federal Medicaid assistance and authorize the local share to draw down the additional Federal Aid that will be used to cover the long term cost at Maplewood Manor. And the final item to go before the Board will be authorizing the Chair to sign a settlement agreement with the Hudson River Black River Regulating District as a result of negotiations that have now been completed.

On a motion by Mrs. Wormuth, seconded by Mr. Rowland the agenda was unanimously set for the February 26, 2013 Board Meeting.

Mrs. Daly said that she had attended a meeting of the CREDC that morning. This was the first meeting after the last round of funds were distributed and another cycle will be started. She reported what happened at that meeting and also wanted to let the Supervisors know that there will be a public engagement session on February 28th at WMHT. One area, Arts Culture and Tourism, is one that may be of interest and will get more information for the Supervisors who would like to attend.

On a motion by Mr. Rowland, seconded by Mrs. Wormuth the meeting was unanimously adjourned.

Respectfully submitted,

Pamela Hargrave, Clerk

REGULAR SESSION
TUESDAY, FEBRUARY 26, 2013
AT 4:00 P.M., E.S.T.

Board called to order by Chairman Grattidge.

Roll call was taken. PRESENT – Patricia Southworth, Alan Grattidge, Philip C. Barrett, Richard Lucia, Mary Ann Johnson, Jean Raymond, George J. Hargrave, Arthur M. Wright, Mindy Wormuth, Paul Sausville, Thomas Richardson, Daniel Lewza, Willard H. Peck, John Collyer, Thomas N. Wood III, Joanne Dittes Yepsen, Edward D. Kinowski, John Lawler, 18. ABSENT – Anita Daly, Richard Rowland, Preston L. Jenkins, Jr., Matthew E. Veitch, Arthur Johnson 5.

The invocation was given by Patti Southworth, Chaplain.

Mr. Grattidge said that before the Public Input begins, he acknowledged that a number of residents had signed up to speak about the SAFE Act. He announced that he would bring forward a resolution at the end of the meeting under Other Business for this Board to consider regarding the NY SAFE Act.

PUBLIC INPUT

Gesse Ringcon – NYS Department of Health – RE: National Health & Nutrition Examination Survey
Mr. Ringcon gave a presentation of the study. They travel throughout the United States choosing sites. They have a mobile medical center made up of trailers. They have surveyors that go throughout the county collecting information. Mrs. Wormuth asked if these surveyors have identification. Mr. Ringcon said that they do have and will show it.

Lisa Donovan – Town of Ballston – RE: Safe Act – She urged the Board to pass a resolution to condemn the Safe Act and ask for its full repeal. She made three points. First, the right to bear arms is a God given right. Second, there is a reason for the second amendment. It's not about hunting or self defense. It's about the creation of government and the people to be the check of this government. The last point she made was about the SAFE Act itself and its content. This law will do opposite of its name; it will make us less safe not more safe.

David Chew – City of Saratoga Springs – RE: Agenda 21 – Mr. Chew spoke on the Governor's Capital Regional Sustainability Plan also known as the United Nations Agenda 21 and told the Board about his research into this subject. He urged the Board of pass a resolution to abandon this Plan as the Town of Charlton did.

Chris Curtis – Town of Galway – RE: Safe Act – He said he is a gun owner and a citizen of the State of New York and does not appreciate the way the process went down and the fact that it happened in the middle of the night. He urged the Board to pass a resolution against the SAFE Act as it violates the State Constitution.

Reimund Manneck – Town of Clifton Park – RE: Safe Act – He said he is a naturalized citizen and proud to be an American and a resident of Saratoga County. He urged the Board to pass a resolution condemning the SAFE Act. He said the law is a feel good piece of legislation. This bill was concocted in secrecy and does nothing to deter criminals and does not protect anyone. This law does not keep anyone any safer today.

Bob Schwartz – Town of Clifton Park – RE: Agenda 21 – He said he has been a resident of Clifton Park for over 40 years. He said Saratoga County/Town of Clifton Park is well run government. He feels that Agenda 21 is a push into his life and it angers him. He urged the Board to reject Agenda 21.

Brandon Meyers – Town of Saratoga – RE: Safe Act – He said there is action taken all over the State with Counties and Sheriff's against the SAFE Act. He spoke of the contents of the act and what someone will have to go through to buy a gun. He told the Board about what guns will be banned. He said the process the Governor went through is against the State Constitution. He urged the Board to pass a resolution against the SAFE Act.

Emilia Seerup – Town of Ballston – RE: Safe Act – She said she no longer has any faith in New York State. The legislators have no answers of the questions being asked about this Act. The politicians used a tragic school incident to pass legislation for their own agenda. She said she was glad to see her representatives and the Sheriff come out against the legislation. She urged the Board to stand up just as the Sheriff did and pass a resolution opposing this Act.

Bill Dudek – Town of Halfmoon – RE: Safe Act – He thanked the Board for the opportunity to speak. He said he has lived in Halfmoon for over 23 years. He said he is a pharmacist and provides care to Veterans. He also is a gun safety instructor. He said the law is meaningless. He said the law does nothing to address what it needs to address and was passed in a ridiculous manner. He urged the Board to pass a resolution repealing the SAFE Act not amending but repealing.

Scott Crawford – Town of Providence – RE: Agenda 21 – He said that the Sustainability Plan/Agenda 21 is a threat to property owners. He said the rights of people will be diced by this Plan. He implored the Board to turn their backs on Sustainability/Agenda 21.

Mark Kritz – Town of Waterford – RE: Safe Act – He said this act was fraudulently passed and was a violation of the State Constitution. Our civil rights are in trouble and have been infringed upon. The SAFE Act is not safe. This law penalizes law abiding citizens and attempts to unarm the people. He urged the Board to pass a resolution for the sake of our children and prosperity.

Ben Potiker – Town of Halfmoon – RE: Regionalism – He said Regionalism is about control. The Governor will be starting Phase 2 of this Plan. Identify a coordinator, create a regional green alliance, develop a regional sustainability portal are the parts of this Plan. He spoke of the obstacles and regionalism is going to change our property rights. He said we live in the most diverse County in the State and we need to stay that way. He urged the Board to stop this Plan.

Robert Zimmer – Town of Clifton Park – RE: Safe Act – He said he would like to urge the Board to pass a resolution condemning the Safe Act. The legislators and the Governor violated Article 3 Section 14 of the NYS Constitution. The public needs to have their say. Article 2 Section 4 of the NYS Civil Rights Law was also violated because the right to bear arms has been infringed. He said there was no emergency that necessitated the immediate response of this Act. He asked that the Board pass a resolution condemning their Act and repeal the Law.

Robert Tufano – Town of Clifton Park – RE: Safe Act – He said he is a small business owner in Clifton Park. He thanked the Board of Supervisors for their leadership. He was a police officer in Southern California. He said his background gives him the expertise to speak on this Act. He expressed his total opposition. He said he arrested many criminals in his time and never once did any of them say stricter laws would have deterred their actions. The Right to Bear Arms is up to us, the people, not the Governor. He said enforce the laws that are already on the books and make sentences stronger. Please pass a resolution to repeal this Act.

John Wiley – Town of Malta – RE: Safe Act – He said he has lived in the County for 15 years. He is also a member of the Sportsman club and other firearm groups. New York Firearm Laws are already some of the strictest in the Country. He said the SAFE Act turns him into a felon because of the 7 round magazine clause. He said he can't comply with a law when the products don't exist to make him legal. He urged the Board to pass a resolution repealing the SAFE Act.

On a motion by Mr. Hargrave, seconded by Mrs. Wormuth the minutes of the December 18, 2012 and January 15, 2013 minutes were unanimously approved.

The Clerk presented the following:

Correspondence from the Department of State confirming the filing of Local Law No. 3 of 2012

Received and filed.

Correspondence from the New York State Division of Homeland Security and Emergency Services notifying the County of a grant award.

Received and filed.

Correspondence from Faith Fruci resigning from the County Youth Advisory Board.

Received and filed.

Correspondence from Kate Jeanson, Deputy County Clerk appointing Charles Foehler as Deputy County Clerk.

Received and filed.

Reports:

2012 Annual Report from the Board of Elections.

Received and filed.

2012 Annual Report from the Youth Bureau.

Received and filed.

2012 Annual Report from Real Property Tax Services.

Received and filed.

Report No. 9

2012 Year Balance Sheet – County Clerk’s Office

| | |
|---|--------------------|
| Fee charged or received for recording & cert. thereof | \$2,352,551.75 |
| Fee charged or received for official services | \$1,469,496.17 |
| Fee received for Motor Vehicle Registrations | \$2,953,674.48 |
| Sales Tax Motor Vehicle | \$ 28,521.19 |
| Real Estate Transfer Tax | \$ 5,963.25 |
| Money refunded for errors & duplication services | (185.00) |
| Fee charged for RP-5217’s | \$ 805,750.00 |
| Fee charged for Education Fees | \$ 825,258.25 |
| EZPass | \$ 10,300.00 |
| Public Copiers | <u>\$ 6,739.40</u> |
| TOTAL: | \$8,451,147.35 |

RECEIPTS

| | |
|--|------------------|
| Amount received as shown | \$ 8,451,147.35 |
| DMV Sales Tax & Fees | \$50,595,819.94 |
| Amount of Mtg Tax Unapportioned as of Jan. 1, 2010 | \$ 12,199.49 |
| Amount of Mtg Tax received in 2011 | \$16,828,533.28 |
| Transfer Tax | \$ 3,946,534.77 |
| Interest received on Account | <u>\$ 536.23</u> |
| TOTAL: | \$79,841,693.20 |

DISBURSEMENTS

| | |
|---|----------------|
| Amount paid to County Treasurer | \$5,742,629.24 |
| Amount paid to County Treasurer for Ed. Acct. | \$ 37,694.00 |
| Amount paid to NYS Education Dept. | \$ 787,564.25 |
| Amount paid to RP-5217 Account | \$ 756,097.00 |

| | |
|--|------------------------|
| Amount paid State of New York for Court Fees | \$1,125,085.00 |
| Amount of Mtg Tax paid County Treasurer | \$8,810,682.84 |
| Amount of Mtg Tax paid Capital Dist. Tran. Authority | \$4,461,012.14 |
| Amount paid to State of NY Mtg Tax Agency | \$3,703,091.18 |
| Amount of Mtg Tax paid to other counties & expenses | \$ 126,196.01 |
| Amount of Mtg Tax unapportioned Dec. 31, 2011 | \$ 38,402.34 |
| Amount paid to County Clerk ½ of Int. of Mtg Acct | \$ 348.26 |
| Amount paid to State for Notaries | \$ 9,000.00 |
| Amount paid to NYS RETT | \$3,940,509.52 |
| Amount paid to Co. Treasurer for RETT | \$ 6,025.25 |
| Amount paid to Co. Treasurer for Int. on Main Acct | \$ 536.23 |
| Amount paid to NYS Sales Tax-for DMV | \$29,625,130.21 |
| Amount paid to NYS DMV for fees | <u>\$20,970,689.73</u> |
| TOTAL: | \$79,841,693.20 |

Kathy A. Jeanson
Deputy Saratoga County Clerk

Mrs. Johnson gave a report on Yellow Ribbon Day that will be held in April at the Wilton Elks. She handed out flyers for this day and spoke on what will occur on that day.

On a motion by Mr. Hargrave, seconded by Ms. Raymond Resolutions 29 through 51 were adopted by a unanimous vote.

RESOLUTION 29 - 13

Introduced by Chairman Grattidge

APPOINTING A MEMBER OF THE COUNTY FIRE ADVISORY BOARD

WHEREAS, pursuant to County Law §225-a, the Board of Supervisors created the County Fire Advisory Board; and

WHEREAS, there is a vacancy on the Fire Advisory Board; now, therefore, be it

RESOLVED, that the following individual is appointed as a member of the County Fire Advisory Board for term expiring December 31, 2014:

MUNICIPALITY

NAME

Waterford

Jason W. Rocque, 16 Sage Road, Waterford, New York 12188

RESOLUTION 30 - 13

Introduced by Supervisors Collyer, Hargrave, Jenkins, M. Johnson, Lewza, Raymond, and Yepsen

AUTHORIZING CONVEYANCE OF TAX-ACQUIRED LANDS

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

WHEREAS, former owners have requested the pre-auction conveyance of one of the said parcels in consideration of the 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 designee, 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> |
|--|-------------|-------------|--------------|---------------|
| Christopher P. Eddy | 2010, 2011 | Providence | 134.-1-40 | \$4,536.43 |
| Gail P. Eddy PO Box 3440 14 Sundown Trail Nederland, CO 80466 | & 2012 | | | |

BUDGET IMPACT STATEMENT: This amount includes all appropriate penalties and interest.

RESOLUTION 31 - 13

Introduced by Supervisors Collyer, Hargrave, Jenkins, M. Johnson, Lewza, Raymond, and Yepsen

CORRECTING 2013 TAX BILL

WHEREAS, Real Property Tax Law §554 provides the procedure for the correction of errors on the tax rolls; and

WHEREAS, the owner of the following property has timely submitted proof of an error in his 2013 tax bill, to wit: owner was billed for a 2011 water relevy that was previously billed and paid by the prior owner Joseph D. Lazare on March 31, 2011. The owner is responsible for an unpaid water charge of \$16.50; and

WHEREAS, our Director of Real Property Tax Services recommends that the error be corrected and a new bill generated; now, therefore, be it

RESOLVED, that the application of the following individual for correction of the 2013 tax rolls be approved, and the tax rolls are so corrected:

| <u>PROPERTY OWNER</u> | <u>TOWN</u> | <u>S/B/L</u> | <u>CORR. TAX</u> |
|-----------------------|-------------|--------------|------------------|
| Westwind Farms LLC | Ballston | 248.-3-20 | \$1,124.54 |

and, be it further

RESOLVED, that the property owner shall have eight (8) days from the date a corrected tax bill is mailed to pay the Corrected Tax without interest and penalties.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 32 - 13

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

AUTHORIZING CHAIR TO ENTER INTO A RENEWAL AGREEMENT WITH CORNELL COOPERATIVE EXTENSION ASSOCIATION TO MANAGE THE MS4 STORMWATER MANAGEMENT PROGRAM

WHEREAS, the Environmental Conservation Law and the Regulations of the Department of Environmental Conservation impose requirements on Saratoga County and its cities, towns and villages for the management of stormwater; and

WHEREAS, it is beneficial for the County to maintain an MS4 Stormwater Management Program to assist the municipalities in complying with the regulations regarding stormwater management; and

WHEREAS, a contract with Cornell Cooperative Extension Association of Saratoga County is needed to administer the MS4 Stormwater Management Program; now, therefore, be it

RESOLVED, that the Chair of the Board execute a renewal agreement with Cornell Cooperative Extension Association of Saratoga County, for its services in administering the MS4 Stormwater Management Program in 2013 at a cost not to exceed \$50,000, the form and content thereof being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 33 - 13

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

APPROVING AMENDMENTS TO THE BOUNDARIES OF SARATOGA COUNTY CONSOLIDATED AGRICULTURAL DISTRICT #2 AND AUTHORIZING ISSUANCE OF A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, New York State Agricultural and Markets Law Article 25-AA allows landowners with viable agricultural lands to petition the County Board of Supervisors to be included in agricultural districts; and

WHEREAS, pursuant to Resolution 133-98, this Board of Supervisors approved the consolidation of Saratoga County Agricultural Districts #2, #5 and #6 into Saratoga County Consolidated Agricultural District #2 within the Towns of Ballston, Charlton, Clifton Park, Galway, Malta, and Milton, and the City of Saratoga Springs; and

WHEREAS, the Board of Supervisors has received a petition from Jennifer L. Brewster, landowner in the Town of Malta, to include 10.57 acres of viable agricultural land on Brownell Road dedicated to the boarding of horses, identified as Tax Parcel #216.-1-43, within the boundaries of Consolidated Agricultural District #2; and

WHEREAS, the Board of Supervisors has received a petition from Erin Christopher-Sisk and James Sisk, landowners in the Town of Malta, to include 14.45 acres of viable agricultural land on Rowley Road, identified as Tax Parcel #192.00-1-31.1, and 5.24 acres of viable agricultural land on Rowley Road, identified as Tax Parcel #192.00-1-32, dedicated to crop production and possibly the boarding or breeding of horses in the future; within the boundaries of Consolidated Agricultural District #2; and

WHEREAS, the Saratoga County Agricultural and Farmland Protection Board has submitted a report to the Board of Supervisors recommending the inclusion of the lands of Jennifer L. Brewster and the lands of Erin Christopher-Sisk and James Sisk within the boundaries of Saratoga County Consolidated Agricultural District #2; and

WHEREAS, pursuant to Agriculture and Markets Law §303-b(3) and Resolution 27-13, this Board of Supervisors held a public hearing on February 13, 2013 to consider the requests for inclusion and the recommendations of the Saratoga County Agricultural and Farmland Protection Board, at which public hearing there were no objections raised to said petitions; and

WHEREAS, the proposed modifications of Saratoga County Consolidated Agricultural District #2 ("Project") are an Unlisted Action subject to the requirements of the State Environmental Quality Review Act (SEQRA) pursuant to 6 NYCRR Part 617; and

WHEREAS, the Saratoga County Board of Supervisors has reviewed the proposed Project, as well as Part I of a Short Environmental Assessment form prepared for the Project and the proposed responses to Part II of said Short Environmental Assessment form; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby approves the inclusion of lands of Jennifer L. Brewster consisting of 10.57 acres on Brownell Road in the Town of Malta into Saratoga County Consolidated Agricultural District #2; and be it further

RESOLVED, that the Saratoga County Board of Supervisors hereby approves the inclusion of the lands of Erin Christopher-Sisk and James Sisk consisting of 14.45 acres and 5.24 acres on Rowley Road in the Town of Malta into Saratoga County Consolidated Agricultural District #2; and be it further

RESOLVED, that based upon the Project as proposed and the responses set forth in Parts I and II of the Short Environmental Assessment form prepared for the Project, the Saratoga County Board of Supervisors hereby determines that the Project will not have a significant impact upon the environment; and be it further

RESOLVED, that the Saratoga County Board of Supervisors hereby issues a Negative Declaration for this Unlisted Action pursuant to 6 NYCRR Part 617; and be it further

RESOLVED, that the Chair of the Board be, and hereby is, authorized and directed to execute the Environmental Assessment form (a copy of which is attached hereto), indicating the proposed action will not result in any significant adverse environmental impact, and be it further

RESOLVED, that the Clerk of the Board is directed to cause a negative declaration to be filed in accordance with the requirements set forth in the applicable administrative and procedural regulations of SEQRA.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 34 - 13

Introduced by Supervisors Kinowski, Raymond, Sausville, Southworth, Veitch, Wood and Wormuth

AUTHORIZING AN AMENDMENT TO AGREEMENT WITH TRANSITIONAL SERVICES ASSOCIATION, INC. TO ACCEPT ADDITIONAL STATE FUNDS AND AMENDING THE 2013 COUNTY BUDGET IN RELATION THERETO

WHEREAS, Resolution 261-12, authorized ongoing contracts for mental health services, subject to annual appropriations, with various agencies; and

WHEREAS, pursuant to such authorization, Saratoga County entered into an Agreement dated January 29, 2013, with Transitional Services Association, Inc. for the provision of mental health and alcoholism services for the period from January 1, 2013 through December 31, 2013; and

WHEREAS, the New York State Office of Mental Health provides funding to the County for said services rendered by Transitional Services Association, Inc.; and

WHEREAS, additional funds in the amount of \$18,570 are available from the New York State Office of Mental Health to reimburse Transitional Services Association, Inc. for two additional Supported Housing Beds, for individuals who meet high needs eligibility criteria; and

WHEREAS, amendments to the current contract with Transitional Services Association, Inc. and the 2013 Budget are necessary to accept these funds; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an amended contract with Transitional Services Association, Inc. to provide for the indicated increase in funding for their services:

| <u>ORGANIZATION</u> | <u>TOTAL</u> | <u>FUNDING LINE</u> |
|---|--------------|-----------------------|
| Transitional Services Association, Inc. | \$1,427,416 | NYS OMH - \$1,208,225 |
| | | NYS OASAS -\$ 219,191 |

and be it further

RESOLVED, that the 2013 County Budget is amended as follows:

MENTAL HEALTH:

Appropriations:

Increase Acct. #1-43-441-8726.078 (TrnsServSH) \$18,570

Revenues:

Increase Acct. #1-43-3491 (MH-SH) \$18,570

and, be it further

RESOLVED, that the form and content of such amended contract are subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 35 - 13

Introduced by Supervisors Kinowski, Raymond, Sausville, Southworth, Veitch, Wood and Wormuth

AUTHORIZING CHAIR TO ENTER INTO AN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF HEALTH TO ADMINISTER THE RABIES PROGRAM

WHEREAS, our Public Health Nursing Service has previously administered the New York State Health Department Rabies Program on a reimbursement basis for specific treatment and other Program activity done by the Service; and

WHEREAS, a contract is needed with the New York State Department of Health to administer the Rabies Program and receive State reimbursement therefor up to \$14,385 annually during the five year period from April 1, 2012 through March 31, 2017; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with the New York State Department of Health to accept funding in an amount not to exceed \$14,385 per State fiscal year, for a total not to exceed \$71,925, for the period April 1, 2012 to March 31, 2017, for the administration of the Rabies Program, the form and content of such agreement being subject to the approval of the County Attorney

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 36 - 13

Introduced by Supervisors Kinowski, Raymond, Sausville, Southworth, Veitch, Wood and Wormuth

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH VNSNY CHOICE FOR THE PROVISION OF MEDICAID PARTIAL CAPITATION MANAGED LONG-TERM CARE PROGRAM SERVICES

WHEREAS, Governor Cuomo's NYS Medicaid Redesign Team has issued a directive requiring all individuals that need 120 days or more of Medicaid-reimbursed long-term care services to be enrolled in a Managed Long Term Care Program by April, 2014 in order to improve care management and effect cost savings; and

WHEREAS, VNSNY CHOICE administers a Medicaid partial capitation managed long-term care program (MLTCP) providing a fully integrated system of long-term care services, including the coordination of medical care, to meet the needs of elderly individuals who are enrolled in New York's Medicaid program; and

WHEREAS, our Public Health Nursing Service is a certified home health agency (CHHA) under Article 36 of the Public Health Law of the State of New York, and is duly authorized and licensed to furnish CHHA services to Medicare beneficiaries and Medicaid recipients; and

WHEREAS, our Public Health Nursing Service desires to enter into a contract with VNSNY CHOICE to provide CHHA services that are covered services to members of VNSNY's MLTCP, and VNSNY desires that Public Health Nursing Service provide such managed long-term care services to the members of its MLTCP; and

WHEREAS, by entering into a contract with VNSNY, our Public Health Nursing Service will be able to receive Medicaid reimbursement for providing said MLTCP services; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with VNSNY CHOICE of New York, New York, authorizing the County Public Health Nursing Services to provide managed long-term care services to members of VNSNY's Medicaid partial capitation managed long-term care program (MLTCP) at the following reimbursement rates to the County: \$150 per visit for registered nursing; \$140 per visit for physical therapy; \$140 per visit for occupational therapy; \$140 per visit for speech therapy; \$120 per visit for respiratory therapy and \$120 per visit for a nutritionist; and be it further

RESOLVED, that the form and content of such agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 37 - 13

Introduced by Supervisors Kinowski, Raymond, Sausville, Southworth, Veitch, Wood and Wormuth

AUTHORIZING THE CHAIRMAN TO ENTER INTO A PARTICIPATING PROVIDER AGREEMENT WITH UNIVERSAL AMERICAN CORP. FOR THE PROVISION OF MEDICARE-ELIGIBLE NURSING SERVICES

WHEREAS, Universal American Corp. and certain of its subsidiaries administer a Medicare managed care program known as "Today's Options" which provides medically necessary health care services to its members; and

WHEREAS, our County Public Health Nursing Service has recently had to turn away patients who were members of the Today's Options program because our Public Health Nursing Service was not a participating

provider in said program, and the co-insurance cost of being an out of network provider was prohibitive to patients enrolled in said program; and

WHEREAS, our Public Health Nursing Service is a certified home health agency (CHHA) under Article 36 of the Public Health Law of the State of New York, and is duly authorized and licensed to furnish CHHA services to Medicare beneficiaries and Medicaid recipients; and

WHEREAS, our Public Health Nursing Service desires to enter into a participating provider agreement with Universal American Corp. and its subsidiaries to provide CHHA services that are covered services to members of the Today's Options program, and Universal American Corp. and its subsidiaries desire that the Public Health Nursing Service provide such managed health care services to the members of its Today's Options program; and

WHEREAS, by entering into a participating provider agreement with Universal American Corp. and its subsidiaries, our Public Health Nursing Service will be able to receive Medicare reimbursement for its services equivalent to 100% of the Medicare allowable charges as defined by the Centers for Medicare and Medicaid Services (CMS) on the date of service; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with Universal American Corp. of Houston, Texas, and its designated subsidiaries, authorizing the County Public Health Nursing Service to become a participating provider in Universal American's Today's Options Medicare managed care program, and to provide Medicare-eligible nursing services to the program's members, at a reimbursement rate equivalent to 100% of the Medicare allowable charges as defined by CMS on the date of service; and be it further

RESOLVED, that the form and content of such agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 38 - 13

Introduced by Supervisors Kinowski, Raymond, Sausville, Southworth, Veitch, Wood and Wormuth

AUTHORIZING CHAIR TO ACCEPT ADDITIONAL FEDERAL AID FROM THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE IMMUNIZATION, CHILDREN WITH SPECIAL HEALTH CARE NEEDS AND LEAD POISONING PREVENTION PROGRAMS, AND AMENDING THE 2013 BUDGET

WHEREAS, our Public Health Nursing Service administers various public health programs which include the Immunization, Children with Special Health Care Needs and Lead Poisoning Prevention Programs; and

WHEREAS, additional funding for new phones, new computers, a vaccine storage unit and other office equipment and supplies is available in the total amount of \$13,820 from the New York State Department of Health for these Programs; now, therefore, be it

RESOLVED, that the Chair of the Board execute all documents necessary to apply for and accept additional State Aid in the amount of \$13,820 to assist in the administration of the Immunization, Children with Special Health Care Needs, and Lead Poisoning Prevention Programs; and it is further

RESOLVED, that the 2013 County Budget is amended as follows:

PUBLIC HEALTH

Appropriations:

| | |
|--|---------|
| Increase Acct. #1-40-000-7033 PCs | \$1,000 |
| Increase Acct. #1-40-000-8520 Software | \$ 650 |
| Increase Acct. #1-40-000-8550.I Central Stores | \$1,292 |
| Increase Acct. #1-40-411-7033 PCs | \$ 500 |
| Increase Acct. #1-40-411-8520 Software | \$ 650 |
| Increase Acct. #1-40-411-8550.I Central Stores | \$ 968 |
| Increase Acct. #1-40-413-7020 Office Eq. | \$2,250 |
| Increase Acct. #1-40-413-7053 Medical Eq. | \$4,000 |
| Increase Acct. #1-40-413-8550.I Central Stores | \$2,510 |

Revenues:

| | |
|---|---------|
| Increase Acct.: #1-40-4407 Lead Screening Fed Aid | \$2,942 |
|---|---------|

| | |
|---|---------|
| Increase Acct.: #1-40-4411 Immunization Program Fed | \$8,760 |
| Increase Acct.: #1-40-4483.CSHCN EIA/CSHCN Grant | \$2,118 |

BUDGET IMPACT STATEMENT: None. 100% Federal Aid.

RESOLUTION 39 - 13

Introduced by Supervisors Wormuth, Jenkins, Lawler, Lucia, Rowland, Southworth and Veitch

AMENDING THE 2013 COUNTY BUDGET TO REAPPROPRIATE \$564,955 IN EXPENSES AND REVENUES UNDER EMERGENCY SERVICES

WHEREAS, unexpended Homeland Security and Targeted HazMat grant funds in the amount of \$564,955, authorized for the purchase of homeland security equipment, supplies, training and other costs that are reimbursable under the New York State Homeland Security funding, need to be reappropriated to the 2013 budget; now, therefore, be it

RESOLVED, that the 2013 County Budget is amended as follows:

EMERGENCY SERVICES:

Appropriations:

| | |
|---|----------------|
| Increase Acct. #1-36-363-7050 Other Production Equipment | \$12,894 |
| Increase Acct. #1-36-363-7080 Other Equipment | \$969 |
| Increase Acct. #1-36-366-7080.A Other Equipment | \$141,854 |
| Increase Acct. #1-36-366-7080.B Other Equipment | \$95,309 |
| Increase Acct. #1-36-366-7080.C Other Equipment | \$25,042 |
| Increase Acct. #1-36-366-7080.E Other Equipment | \$108,000 |
| Increase Acct. #1-36-366-8150.A Training Services | \$2,110 |
| Increase Acct. #1-36-366-8190.C Other Professional Services | \$60,000 |
| Increase Acct. #1-36-366-8200.C Departmental Supplies | \$7,500 |
| Increase Acct. #1-36-366-8200.E Departmental Supplies | \$10,000 |
| Increase Acct. #1-36-366-8514.E Publications | \$10,000 |
| Increase Acct. #1-36-366-8519.A Personal Safety Supplies | \$15,862 |
| Increase Acct. #1-36-366-8519.D Personal Safety Supplies | \$2,175 |
| Increase Acct. #1-36-366-8519.E Personal Safety Supplies | \$40,000 |
| Increase Acct. #1-36-366-8520.D Software | \$30,000 |
| Increase Acct. #1-36-366-8533.C Telephone | <u>\$3,240</u> |
| | \$564,955 |

Revenues:

| | |
|---|-----------|
| Increase Acct. #1-36-3306 Homeland Security | \$564,955 |
|---|-----------|

BUDGET IMPACT STATEMENT: The additional \$564,955 in appropriations will be entirely paid for with grant proceeds.

RESOLUTION 40 - 13

Introduced by Supervisors Wormuth, Jenkins, Lawler, Lucia, Rowland, Southworth and Veitch

AUTHORIZING TRANSFER OF FUNDS FROM THE ANIMAL SHELTER TRUST TTA57A FUND AND AMENDING THE BUDGET IN RELATION THERETO

WHEREAS, Resolution 147-07 of this Board established the Animal Shelter Trust Fund to receive funds received from donors as gifts for the benefit and use of the Saratoga County Animal Shelter; and

WHEREAS, the staff of the Animal Shelter wish to purchase various medical supplies, equipment and general supply items, and to pay for certain surgical services provided by veterinarians and technicians; and

WHEREAS, the purchase of these items and payment for these services are appropriate uses of funds from the Animal Shelter Trust Fund; now, therefore, be it

RESOLVED, that the Saratoga County Treasurer is hereby authorized to disperse a sum not to exceed \$47,200 from the Animal Shelter Trust Fund for the purchase of medical supplies, equipment and general supply items, and to pay for additional surgical services to be provided by veterinarians and technicians, for and at the shelter; and be it further

RESOLVED, that the 2013 Saratoga County Budget is amended as follows:

ANIMAL SHELTER:

Appropriations:

| | |
|--|-----------------|
| Increase Acct. #1-35-000-7053 Medical Equipment | \$ 1,100 |
| Increase Acct. #1-35-000-8221 Building Materials | \$ 4,100 |
| Increase Acct. #1-35-000-8232 Animal Food and Supplies | \$ 3,000 |
| Increase Acct. #1-35-000-8241 Prescription drugs | \$ 4,000 |
| Increase Acct. #1-35-000-8340 Gen Med Srv to Clients | \$20,000 |
| Increase Acct. #1-35-000-8343 Doctors' Fees | \$ 8,000 |
| Increase Acct. #1-35-000-8518 Uniform Expenses | \$ 1,000 |
| Increase Acct. #1-35-000-8619 Miscellaneous Vehicle Expenses | <u>\$ 6,000</u> |
| | \$47,200 |

Revenues:

| | |
|-------------------------------------|----------|
| Increase Acct. #1-35-1554 Donations | \$47,200 |
|-------------------------------------|----------|

BUDGET IMPACT STATEMENT: This transfer will reduce the balance in the trust fund to \$220,177.

RESOLUTION 41 - 13

Introduced by Supervisors Wormuth, Jenkins, Lawler, Lucia, Rowland, Southworth and Veitch

AUTHORIZING THE CHAIR OF THE BOARD TO ENTER INTO A LICENSE AGREEMENT WITH PICTOMETRY INTERNATIONAL CORP. TO PROVIDE AERIAL DIGITAL IMAGERY AND DATA SERVICES

WHEREAS, the County's Planning Department and Office of Emergency Services have recommended that the County undertake a project to geo-locate, display and make searchable every physical structure in Saratoga County that is 150 square feet or greater; and

WHEREAS, the benefits of this project include allowing County public safety officials: to identify structures that are in flood zones or disaster zones; verify addresses, utility information and local area road conditions; and facilitate pre-planning, tactical and situational awareness for public safety purposes; and

WHEREAS, State Homeland Security grant funds are available in the County budget to fund this project; and

WHEREAS, our Public Safety Committee has recommended that a contract for these aerial digital and data services, and related training, be awarded to Pictometry International Corp., a State contract vendor; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a license agreement with Pictometry International Corp. of Rochester, New York, for a term of 3 years, to provide countywide aerial digital imaging and data services, and related training, to geo-locate, display and make searchable every physical structure in Saratoga County that is 150 square feet or greater, at a cost not to exceed \$55,125, with the form and content of such agreement being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: This contract will be paid for using State Homeland Security Funds with no direct cost to the County.

RESOLUTION 42 - 13

Introduced by Supervisors Rowland, Barrett, Collyer, Hargrave, M. Johnson, Lucia and Yepsen

AUTHORIZING THE RENEWAL OF CONTRACTS FOR EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM (EISEP)

WHEREAS, Resolution 235-12 approved the 2013 Annual Implementation Plan for our Office of the Aging; and

WHEREAS, Resolution 49-12 authorized contracts with various entities for the provision of Expanded In Home Services for the Elderly Program services under the Office for the Aging's Annual Implementation Plan and said contracts are due to expire unless renewed, and

WHEREAS, it is deemed appropriate to continue contracting with the providers for said services; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to sign contracts with the following agencies to provide expanded in home services for the elderly of the nature and at the rates set forth next to their names:

| | |
|-----------------------------|------------------------------|
| Accent Health Care Services | Level 1 PCA-\$18.24 per hour |
| 820 5th Avenue | Level 2 PCA-\$20.18 per hour |
| Troy, NY 12182 | |

| | |
|----------------------------|------------------------------|
| Adept Health Care Services | Level 1 PCA-\$16.87 per hour |
| 406 Fulton Street | Level 2 PCA-\$20.99 per hour |
| Troy, NY 12180 | |

| | |
|-----------------------|------------------------------|
| All Metro Health Care | Level 1 PCA-\$15.96 per hour |
| 50 Broadway | Level 2 PCA-\$16.15 per hour |
| Lynbrook, NY 11563 | |

| | |
|--------------------------|------------------------------|
| Any Time Home Care, Inc. | Level 1 PCA-\$23.73 per hour |
| PO Box 995 | Level 2 PCA-\$24.12 per hour |
| Nyack, NY 10960 | |

| | |
|-----------------------|------------------------------|
| Attentive Care | Level 1 PCA-\$18.32 per hour |
| 5 Computer Drive West | Level 2 PCA-\$22.00 per hour |
| Albany, NY 12205 | |

| | |
|--------------------------------|------------------------------|
| Greater Adirondack Homes Aides | Level 1 PCA-\$18.54 per hour |
| 25 Willowbrook Suite 4 | Level 2 PCA-\$18.93 per hour |
| Queensbury, NY 12804 | |

| | |
|----------------------------|------------------------------|
| Home Helpers | Level 1 PCA-\$18.00 per hour |
| 120 West Avenue #302 | Level 2 PCA-\$21.28 per hour |
| Saratoga Springs, NY 12866 | |

| | |
|----------------------------------|------------------------------|
| Home Instead | Level 1 PCA-\$18.00 per hour |
| 12 Mountain Ledge Drive, Suite 3 | |
| Gansevoort, NY 12801 | |

| | |
|---------------------------------------|------------------------------|
| Home Health Care Partners Corporation | Level 1 PCA-\$17.00 per hour |
| 1830 Riverfront Center | Level 2 PCA-\$21.28 per hour |
| Amsterdam, NY 12010 | |

| | |
|--------------------------------|------------------------------|
| Interim Healthcare | Level 1 PCA-\$19.47 per hour |
| 1735 Central Avenue, Suite 102 | Level 2 PCA-\$20.08 per hour |
| Albany, NY 12205 | |

| | |
|---------------------------------|------------------------------|
| Visiting Nurses Home Care Corp. | Level 1 PCA-\$19.29 per hour |
| 150 Broadway, Suite 310 | Level 2 PCA-\$19.32 per hour |

Menands, NY 12204

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 43 - 13

Introduced by Supervisors Rowland, Barrett, Collyer, Hargrave, M. Johnson, Lucia and Yepsen

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE OFFICE FOR THE AGING TO ACCEPT A \$36,800 SYSTEMS INTEGRATION GRANT AND AMENDING THE 2013 BUDGET

WHEREAS, the New York State Office for the Aging is offering a \$36,800 Systems Integration grant to provide for the creation and management by our County Office for the Aging, in cooperation with the Alzheimer’s Association of Northeastern New York, of an integrated and sustainable service system for older adults with disabilities or dementia, and their family caregivers, with such system to include data maintenance, screening, counselling, training, caregiver support and public education; now, therefore, be it;

RESOLVED, that the Chair of the Board is authorized to execute any and all applications, agreements and other documents necessary to accept a \$36,800 Systems Integration Grant from the New York State Office for the Aging; and be it further

RESOLVED, that the 2013 Saratoga County Budget is amended as follows:

OFFICE FOR THE AGING

Appropriations:

| | |
|--|-----------------|
| Increase Acct.: #1-76-000-6696 Clerk | \$33,985 |
| Increase Acct.: #1-76-000-6930 Social Security | <u>\$ 2,815</u> |
| | \$36,800 |

Revenues:

| | |
|--|----------|
| Increase Acct.: #1-76-3774 NY Connects | \$36,800 |
|--|----------|

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 44 - 13

Introduced by Supervisors Raymond, Collyer, Jenkins, A. Johnson, Lewza, Peck and Wright

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AMENDED AGREEMENT WITH GREENMAN-PEDERSEN, INC. FOR ADDITIONAL CONSTRUCTION INSPECTION SERVICES RELATED TO THE REPLACEMENT OF THE CR7 (STEWARTS DAM) BRIDGE

WHEREAS, pursuant to Resolution 19-13 this Board appropriated additional County Highway Funds in an amount not to exceed \$103,500 for the Bridge Replacement of CR7 (Stewarts Bridge) over Sacandaga Reservoir, Saratoga County, P.I.N. 1756.40; and

WHEREAS, it is necessary to amend the County’s existing agreement with Greenman-Pedersen, Inc. to authorize the provision by Greenman-Pedersen, Inc. of an additional ten weeks of construction inspection services necessitated by technical issues with the coffer dam, at a cost of \$103,498; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an amended agreement with Greenman-Pedersen, Inc. of Albany, New York, for additional construction inspection services related to the replacement of CR7 (Stewarts Bridge), at a cost of \$103,498, the form and content of said agreement being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. The \$5,175 County share for this project is available in the Highway Budget.

Mr. Barrett said that he will vote yes on the resolution but would like to state for the minutes that he does not support No. 11 of this Program. This will allow Counties to raise sales tax without home rule legislation. He said the process to raise sales taxes today has checks and balances currently in place. We should not make it easier for any government body to raise taxes.

RESOLUTION 45 - 13

Introduced by Supervisors Peck, Barrett, Lewza, Raymond, Richardson, Rowland and Yepsen

APPROVING 2013 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, obtain greater flexibility in resource allocation for local governments, seek relief from unfunded State mandates, and promote economic development in Saratoga County; now, therefore, be it

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

Saratoga County 2013 Legislative Program

1. Strongly Supporting Saratoga Casino and Raceway as a Full Casino Location. Saratoga Casino and Raceway has generated more than a half billion dollars in education aid, is a major employer in Saratoga County, and has kept the local harness racing industry alive through enhanced purses and breeding fund support. Allowing a full casino at this location would enhance all of these positive impacts, and there is broad community support for such an initiative. We urge the State to name Saratoga Casino and Raceway as a full casino site and ensure that such an operation would continue to provide support for education, the racing industry and host communities.
2. Urging a Full State Takeover of All Local Costs of the Medicaid Program. Medicaid is the largest unfunded mandate imposed by New York State. This year, Saratoga County budgeted \$25.6 million – nearly 50% of our property tax levy – to cover this single mandate. We supported legislation introduced in 2011 that would have implemented an 8-year state takeover of county Medicaid costs, placing responsibility for this program in the hands of state leaders where it belongs. Governor Cuomo's 2013-14 Executive Budget continues to phase in a "hard cap" on Medicaid growth, allowing the burden of this oppressive mandate to continue growing for two more years. A full state takeover is the only real solution.
3. Opposing the Governor's Effort to Undermine Local Control of Economic Development by Giving his Economic Development Commissioner Authority that is Currently Granted to Industrial Development Agencies. Governor Cuomo's 2013-14 Executive Budget eliminates the ability of IDAs to grant state sales tax exemptions for economic development projects unless they obtain the approval of the Commissioner of Economic Development. The proposal also limits the types of projects that can qualify for these incentives, negatively impacts rural areas, denies project operators the ability to obtain up-front exemptions, deprives IDAs of recovered tax monies, delays the IDA approval process, and applies all of these restrictive new standards to amendments of existing agreements. We strongly oppose this blatant power grab, which will reduce the ability of local governments to grow their own economies. This proposal will result in slower growth and fewer job opportunities for our residents.
4. Opposing State Budget Provisions that would Create New Unfunded Mandates in Public Health, Enhance the Commissioner's Ability to Dictate Policy to Counties, and Reduce State Aid for Public Health Services. We strongly oppose language in the 2013-14 Executive Budget that threatens partial service counties by giving the State Health Commissioner sole discretion to determine whether outside entities will perform environmental health services. We also demand that the State confirm that the base grant reduction for partial service counties will not be increased. The state should fully fund all new core public health services introduced in this budget. We oppose the permanent elimination of trend factors and the continued 2% cuts

in Medicaid reimbursement for county public health services, and we reject the elimination of language requiring the Commissioner to consult with counties when developing regulations.

5. Urging Reforms to Mandated Special Education Programs to Increase Accountability to the Children Served and Achieve Savings for County Taxpayers. The Early Intervention (EI) and Preschool Special Education (PSE) programs are our third most costly unfunded mandate. We support EI reforms including ensuring the successful implementation of the statewide fiscal agent and maximizing private insurance coverage. For PSE, we support paying for Special Education Itinerant Teacher (SEIT) services on a fee for service basis only, giving counties a greater role in placement and transportation decisions, eliminating conflicts of interest between service providers and evaluators, and reducing the counties' share in PSE to 25%, the level promised when this program was first created.
6. Opposing the State's Continued Drawdown of Funding for Current Indigent Legal Defense Programs. We oppose the State's continuing diversion of "maintenance of effort" Indigent Legal Services Fund (ILSF) reimbursements to cover "enhancement of services" reimbursements. This policy will shift the entire burden of our 18-b indigent defense program onto County property taxpayers over time, or it will force Saratoga County to arbitrarily reduce its 18-b services and replace them with an alternative program that may not be suitable for our residents or cost effective.
7. Opposing Legislation Requiring Counties to Implement Early Voting. In his 2013 State of the State message, Governor Cuomo called for New York State to adopt early voting. Assembly Speaker Sheldon Silver and Senator Andrea Stewart-Cousins have introduced legislation (A.689/S.1461) to accomplish this objective. We oppose this bill on the grounds that it threatens ballot security and would impress yet another unfunded mandate upon counties. We can only support early voting if it is secure and does not impact property taxpayers, and we encourage the Legislature to explore other options including "no-excuse absentee voting."
8. Requesting Reimbursement of the Costs Associated with Holding a Third Primary in 2012, and Calling for the Consolidation of State and Federal Primaries on the Same Day. The federal Military and Overseas Voter Empowerment ("MOVE") Act requires that ballots be made available to military personnel and others living abroad not less than 45 days before the general election. The State failed last year to enact legislation to adjust its primary election date to enable compliance, prompting a federal court to order a federal primary in June instead of September, as required by New York election law. Because of the presidential primary in April, this resulted in an unprecedented third primary which cost Saratoga County more than \$78,000 in unplanned expenses. We again call upon the State Legislature to consolidate the federal and local primary dates to a single date to satisfy both the 45-day requirement of MOVE and the administrative time needed by boards of election between the primary and general election dates. This will spare counties from incurring millions of dollars in needless expenses in 2014.
9. Supporting a Constitutional Amendment Banning New Unfunded State Mandates and Additional Measures to Provide Mandate Relief. In 2013, the estimated net cost of unfunded mandates equals nearly 124% of Saratoga County's property tax levy. Yet there are still new unfunded mandates on the horizon that will require legislative action to prevent. Governor Cuomo's Executive Budget also perpetuates and in certain instances increases existing mandates. We urge the Legislature to immediately begin the process of passing a constitutional amendment banning new unfunded mandates, as well as a statutory ban that would provide protection until such an amendment may be passed in final and ratified. We also urge the Governor and State Legislature to strengthen the Mandate Relief Council by appointing county officials as representatives on the Council and, in the model of the Medicaid Redesign Team, establishing specific targets quantifying the relief that the Council, through its work, must deliver to the counties. In 2012, the Council rejected nearly 80% of the mandate relief requests that it considered, most unanimously.
10. Opposing Cumbersome Regulatory Mandates that will Delay and Discourage Projects at the Local Level. The new Environmental Assessment Forms (EAFs) that have been adopted by the state DEC are longer and more complex, cover many new topics, and require far more up-front analysis before a local government agency can render almost any decision that may affect the environment. We oppose these and other excessive regulatory mandates that translate into wasted time and taxpayer resources.

11. Urging the Governor and State Legislature to Allow Counties to Determine their Own Local Sales Tax Rates. With passage of the property tax cap and the State's failure to enact complimentary mandate relief that would enable counties to reduce their expenses, we are in need of alternative revenue sources that will allow us to meet our legal obligations without compromising essential services. The 2013-14 Executive Budget gives counties with local sales tax rates above 3% the ability to extend their higher rates, but does nothing to empower the five counties whose rates remain at 3%. As a matter of equity, we support reforms that will give any one county access to the local sales tax rate that is available to any other county.
12. Calling on the Governor and State Legislature to Fully Restore VLT Host Benefits to their Pre-2009 Level. The 2013-14 Executive Budget preserves the partially restored VLT aid to Saratoga County and Saratoga Springs that we received in the 2011-12 and 2012-13 State Budgets. However, this amount (\$499,000) is only 45% of the \$1.1 million the County received prior to the 2009-10 State Fiscal Year. We support legislation co-sponsored by our State Senators to fully restore host benefits to their initial level. The additional funding would protect Saratoga County property taxpayers by offsetting 26% of the \$2.3 million projected increase in our net cost of unfunded mandates from 2012 to 2013.
13. Opposing Changes to Traffic Ticket Plea Bargaining that Impact Local Government Budgets. The Governor's 2013-14 Executive Budget's changes to Vehicle & Traffic Law would divert fines from town to state coffers. Reducing plea bargains will also lead to more trials, creating new staffing mandates for District Attorneys and other county departments. These new mandates should be fully funded by the state.

and; be it further

RESOLVED, that the Clerk of the Saratoga County Board of Supervisors shall forward a copy of this Resolution to our local state legislators.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 46 - 13

Introduced by Supervisors Peck, Barrett, Lewza, Raymond, Richardson, Rowland and Yepsen

URGING THE FEDERAL RAILROAD ADMINISTRATION, THE NYSDOT AND THE VERMONT AGENCY OF TRANSPORTATION TO RETAIN THE ETHAN ALLEN RAIL SERVICE LINE THROUGH SARATOGA SPRINGS WHILE ADDING A NEW SERVICE LINE TO RUTLAND, VERMONT THROUGH THE CITY OF MECHANICVILLE

WHEREAS, the Vermont Agency of Transportation (VTrans) and the New York State Department of Transportation (NYSDOT) obtained funding from the Federal Railroad Administration's (FRA) High Speed and Intercity Passenger Rail Program for a planning study to develop a corridor analysis, Services Development Plan and associated preliminary engineering and environmental documentation for an intercity passenger route that would serve the communities between Albany, New York, and Rutland, Vermont; and

WHEREAS, the goal of said study, known as the New York-Vermont Bi-State Intercity Passenger Rail Study (Study), is to provide intercity passenger rail service to parts of Vermont and eastern New York that are currently underserved or unserved; and

WHEREAS, Phase One of the Study has been completed, and has identified three alternatives to be evaluated during the Study's Phase Two, with the goal of Phase Two being the identification and selection of a Preferred Alternative upon which to base an application to the FRA for federal funding; and

WHEREAS, the No-Build Alternative would maintain the existing rail service known as the Ethan Allen line from New York City to Rutland, Vermont, with station stops that include Albany/Rensselaer, Schenectady, Saratoga Springs, Fort Edward, Whitehall and Castleton, and provide for track and service improvements along the route; and

WHEREAS, Alternative 1, known as New Service to Rutland, would maintain the existing Ethan Allen line, but add a new service to Rutland commencing at the Albany/ Rensselaer station, and connecting to new stations at Mechanicville, New York, and North Bennington and Manchester Center, Vermont, en route to Rutland; and

WHEREAS, Alternative 2, known as the Rerouted Ethan Allen Service, proposes a re-routing of the existing Ethan Allen line through southwest Vermont, running through station stops in Albany/Rensselaer,

Schenectady, North Bennington, and Manchester Center on the way to Rutland, but would terminate service to the City of Saratoga Springs, Fort Edward, Whitehall and Castleton; and

WHEREAS, figures provided by the Empire State Passengers Association show that ridership from the City of Saratoga Springs is up 9% from 2011, to about 32,000 passengers, and is up more than 26% since 2004; and

WHEREAS, based upon said figures, the Saratoga Springs station is the busiest rail station north of Albany; and

WHEREAS, the Empire State Passengers Association estimates that if Alternative 2 is adopted and funded, train ridership from the City of Saratoga Springs would drop 25%, as the Adirondack Line from New York City through the City of Saratoga Springs to Montreal, Canada, would be the only remaining major rail service serving Saratoga Springs; and

WHEREAS, our Legislative and Research Committee and this Board firmly believe that re-routing the Ethan Allen line away from the City of Saratoga Springs is not in the best interests of the residents of Saratoga Springs and Saratoga County, and would result in an inconvenience to said residents and would negatively impact sales and sales tax receipts in the City and County; and

WHEREAS, our Legislative and Research Committee and this Board further strongly support the creation of the proposed rail service line through the City of Mechanicville, which line would, among other things, bring more visitors and tourists to downtown Mechanicville, provide workers to such places of employment as Global Foundries with an additional means of transportation, facilitate the travel of college and graduate school students to and from their homes, and provide an economic benefit to the City and County; and

WHEREAS, it is appropriate that this Board advise the NYSDOT, VTrans, and the FRA of its strong support for Alternative 1 of Phase Two of the New York-Vermont Bi-State Intercity Passenger Rail Study; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby strongly urges the New York State Department of Transportation, the Vermont Agency of Transportation and the Federal Railroad Administration (FRA) to support and adopt Alternative 1 of Phase Two of the New York-Vermont Bi-State Intercity Passenger Rail Study as the Preferred Alternative upon which to seek federal funding for from the FRA, which Alternative provides for the retention and improvement of the existing Ethan Allen rail service line through the City of Saratoga Springs, and the creation of a new service line from Albany/Rensselaer through the City of Mechanicville to Rutland, Vermont; and be it further

RESOLVED, that the Clerk of the Saratoga County Board of Supervisors forward a copy of this Resolution to the Federal Railroad Administration, the New York State Department of Transportation and the Vermont Agency of Transportation.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 47 - 13

Introduced by Supervisors Sausville, Daly, Rowland, Veitch, Wood, Wormuth, and Wright

AMENDING THE 2013 BUDGET TO REAPPROPRIATE UNSPENT FUNDS RELATING TO CAPITAL AND OTHER 2012 SARATOGA COUNTY SEWER DISTRICT NO. 1 PROJECTS

WHEREAS, unexpended 2012 funds for Saratoga County Sewer District No. 1's capital and other 2012 projects in the amounts of \$3,708,101 need to be reappropriated to the 2013 budget in order to complete the balance of work related to said projects in 2013; now, therefore, be it

RESOLVED, that the 2013 Saratoga County Budget is amended as follows:

SEWER DISTRICT:

Appropriations:

| | |
|--|----------------------|
| Increase Acct.: #7-81-812-7092 Infrastructure | \$ 768,578.00 |
| Increase Acct.: #7-81-812-7098 Prof. Svc. | \$ 421,753.00 |
| Increase Acct.: #7-81-813-7095 Cap. Equip. | \$2,394,509.00 |
| Increase Acct.: #7-81-813-7098 Professional Services | <u>\$ 123,261.00</u> |
| | \$3,708,101.00 |

Revenues:

| | |
|---|----------------|
| Increase Acct.: #7-0599.M Appropriated Fund Balance | \$3,708,101.00 |
|---|----------------|

BUDGET IMPACT STATEMENT: The budget amendment will reduce the Sewer District's fund balance by \$3,708,101.

RESOLUTION 48 - 13

Introduced by Supervisors Sausville, Daly, Rowland, Veitch, Wood, Wormuth, and Wright

**AUTHORIZING THE CHAIR OF THE BOARD TO ENTER INTO AN AGREEMENT
WITH MISSION COMMUNICATIONS TO SERVICE SARATOGA COUNTY
SEWER DISTRICT NO. 1'S PUMP STATION RADIO SYSTEM**

WHEREAS, as a result of new regulations imposed by the Federal Communications Commission (FCC) mandating narrower radio band frequencies in 2013, this Board adopted Resolution 145-12 authorizing the replacement of and an upgrade of Saratoga County Sewer District No. 1's pump station radio system in order to bring it into compliance with the new FCC regulations; and

WHEREAS, the new pump station radios installed by the project's contractor, Brunswick Electric, Inc., are cellular phone based and require monitoring of the radios' alarm systems;

WHEREAS, Brunswick Electric, Inc. has contracted with Mission Communications, LLC for Mission Communications to provide one year of service and monitoring of the Sewer District's newly installed pump station radios; and

WHEREAS, the Saratoga County Sewer District Commission and the Sewer District's Executive Director have recommended that the County accept the proposal of, enter into a contract with, Mission Communications, LLC to provide annual service and monitoring of the radios of pump stations newly dedicated to the Sewer District, and to continue the service and monitoring of existing pump station radios when Mission Communication's current one year contract with Brunswick Electric expires; and

WHEREAS, the Sewer District has three different radio types (M100, M800 and M80) with expansion board installed in its stations, and Mission Communication's cost of monitoring and servicing the radios is different for each radio type; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with Mission Communications, LLC of Norcross, Georgia, to service and monitor Saratoga County Sewer District No. 1's sewer pump station radios at an annual cost of \$347.40 per Mission M100 radio, \$563.40 per M800 radio, \$227.40 per M80 radio, and \$60.00 per expansion board adder; with the form and content of such agreement being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 49 - 13

Introduced by Supervisors Sausville, Daly, Rowland, Veitch, Wood, Wormuth, and Wright

**RATIFYING AN EMERGENCY CONDITION AND AUTHORIZING AN AMENDMENT TO THE
CONTRACT WITH DELAWARE ENGINEERING, P.C. FOR THE REHABILITATION OF THE SEWER
DISTRICT'S SLUDGE INCINERATOR AND AMENDING THE BUDGET IN RELATION THERETO**

WHEREAS, Resolution 73-11 authorized a contract with Delaware Engineering, P.C. for engineering services relative to the rehabilitation of the sludge incinerator at Saratoga County Sewer District No. 1's Wastewater Treatment Plant at a cost not to exceed \$164,500; and

WHEREAS, on September 5, 2011, the sludge incinerator failed to fire when ignition was attempted; and

WHEREAS, subsequent inspections and testing of the incinerator determined that the incinerator's heat exchanger needed to be replaced and that the shell of the incinerator had deteriorated to the point where it was in need of substantial repairs; and

WHEREAS, pursuant to Resolution 175-11, this Board authorized an amendment to the contract with Delaware Engineering, P.C. to provide design, contract administration and inspection services for the replacement of the heat exchanger to the sludge incinerator, and for structural repairs to the incinerator's shell,

at a cost not to exceed \$112,000 for said services, and increased the overall contract to an amount not to exceed \$290,875, which amount was inclusive of a previous Change Order in the amount of \$14,375 for services to obtain compliance with a recent EPA/NYSDEC mandate on air emissions; and

WHEREAS, the Sewer District maintains sludge thickeners which thicken sludge in preparation for incineration in the sludge incinerator; and

WHEREAS, the Sewer District's sludge thickeners are original to the District's Treatment Plant when the Plant was constructed in the late 1970's, and have surpassed their intended service life; and

WHEREAS, one of the sludge thickeners broke down in late 2012; and

WHEREAS, the Sewer District effected a temporary repair to the broken thickener; and

WHEREAS, as a result of the current marginal conditions of the sludge thickeners and the long lead time associated with their replacement, the Saratoga County Sewer District Commission determined that an emergency situation existed that obviated the necessity of following the normal procedures to engage the services of an engineering consultant to design replacement thickener units; and

WHEREAS, the Sewer District Commission has recommended to this Board that the contract with Delaware Engineering, P.C. be amended to increase the contract amount by \$83,600 to cover design of replacement sludge thickeners, and that the scope of work set forth in the contract be modified to include the design of replacement sludge thickeners; and

WHEREAS, in the event that the thickeners become unrepairable, the Sewer District could realize potential plant upsets due to modifying its treatment process, and could incur hundreds of thousands of dollars in fees to transport liquid sludge until the thickeners can be replaced; now, therefore, be it

RESOLVED, that this Board of Supervisors does hereby acknowledge, confirm and ratify the determination of the Saratoga County Sewer District Commission that an emergency situation existed as a result of the recent temporary repair of one of the sludge thickeners and the current marginal conditions of the all sludge thickeners at the Sewer District's Wastewater Treatment Plant, thereby obviating any necessity for soliciting formal bids for the services of an engineering consultant to design replacement thickeners; and be it further

RESOLVED, that the Chair of the Board of Supervisors is authorized to execute an amendment to the contract with Delaware Engineering, P.C., of 28 Madison Avenue Extension, Albany, New York, 12203, to provide design services for the replacement of the sludge thickeners at Saratoga County Sewer District No. 1's Wastewater Treatment Plant, at a cost not to exceed \$83,600, and increasing the contract to an amount not to exceed \$374,475, with the form and content of such amendments being subject to the approval of the County Attorney; and be it further

RESOLVED, that the 2013 Saratoga County Budget is amended as follows:

SEWER DISTRICT:

Appropriations:

| | |
|---|----------|
| Increase Acct.: #7-81-813-7098 Prof Srv for Cap Purpose | \$83,600 |
|---|----------|

Revenues:

| | |
|---|----------|
| Increase Acct.:7-0599.M Appropriated Fund Balance | \$83,600 |
|---|----------|

BUDGET IMPACT STATEMENT: The funding of this \$83,600 change order will be appropriated from the Sewer District fund balance.

RESOLUTION 50 - 13

Introduced by Supervisors Sausville, Daly, Rowland, Veitch, Wood, Wormuth, and Wright

ACCEPTING AN ADDITIONAL \$4,739,473 IN FEDERAL MEDICAL ASSISTANCE AND AUTHORIZING PAYMENT OF A LOCAL MATCH

WHEREAS, Saratoga County is eligible to receive additional funding under the Federal Medicaid Assistance Program; and

WHEREAS, the County may receive \$4,739,473 in funds under the Medicaid Intergovernmental Transfer (IGT) program, provided the County provides a local match of 48.28%, which amounts to \$2,288,218; and

WHEREAS, the acceptance of these IGT funds and the authorization to provide said local match requires our approval; now, therefore, be it

RESOLVED, the Saratoga County Board of Supervisors hereby authorizes and appropriates a local match of 48.28%, totaling \$2,288,218, to access funding under the federal Medicaid Intergovernmental Transfer (IGT) program in the amount of \$4,739,473, and be it further

RESOLVED, that the Chair of the Board of Supervisors and the County Administrator are hereby authorized to execute any and all agreements and documents necessary for the County to apply for and accept said IGT funds.

BUDGET IMPACT STATEMENT: Local match will be paid from funds currently available within the Social Services Medicaid Budget.

Ms. Raymond thanked the County Attorney's Office and by extension the attorney's that we hired to work with him on this settlement. For those of us who live around the lake and down the river this has been a very trying time as well as for the entire County. She said this has been settled as well as it could be. She is grateful for it being settled and thankful to the Attorney's.

RESOLUTION 51 - 13

Introduced by Supervisors Sausville, Daly, Rowland, Veitch, Wood, Wormuth, and Wright

AUTHORIZING A SETTLEMENT AGREEMENT WITH THE HUDSON RIVER BLACK RIVER REGULATING DISTRICT

WHEREAS, in accordance with Resolution 51-10 Saratoga County, in conjunction with the counties of Albany, Rensselaer, Warren and Washington, commenced litigation to challenge and appeal the Hudson River-Black River Regulating District's (District) apportionment of its operating expenses to the five counties; and

WHEREAS, the five counties retained the services of the law firm of Miller, Mannix, Schachner and Hafner, LLC as special counsel to prosecute their legal challenge to the District's apportionment scheme; and

WHEREAS, on April 1, 2011, the Supreme Court of the State of New York granted summary judgment against the counties, thereby dismissing the counties' Complaint and denying the counties' request for an order and judgment invalidating and declaring unenforceable and void HRBRD's apportionment plan; and

WHEREAS, on May 10, 2012, the Appellate Division, Third Judicial Department issued an opinion and order that reversed the Supreme Court's decision, in part, and remitted the matter to the District for a determination as to the amount of the District's costs that should be chargeable to the State of New York; and

WHEREAS, on July 10, 2012, the Board of the Hudson River Black River Regulating District approved, and the New York State Department of Environmental Conservation certified, a new apportionment of the District's operating costs among the State of New York and the five counties; and

WHEREAS, the District's revised apportionment of its operating costs established the State's share of the District's operating costs at 11.96%; and

WHEREAS, due to their strong disagreement with that administrative determination, the five counties commenced an administrative grievance proceeding challenging that determination, with Saratoga County's participation being authorized by Resolution 174-12; and

WHEREAS, due to the evidence presented by the five counties at the grievance hearing held on September 21, 2012, the District proposed a revision to its initial determination regarding the value of the real property owned by the State of New York, increasing the State's share from 11.96% to 22.18%; and

WHEREAS, absent settlement, the five counties would have further administrative opportunity to contest the District's analysis in establishing the State's share of the District's operating expenses, and would have the right to pursue further judicial challenge of any apportionment incorporating such amounts; and

WHEREAS, special counsel and the valuation expert retained by the five counties believe that the revised apportionment of the State's is sufficiently accurate so that a court in subsequent review, would find that the District's determination was reasonable; and

WHEREAS, the counties and the District have been involved in this controversy for approximately three years and all believe that further litigation may not necessarily be in the public's best interests; and

WHEREAS, the five counties and the District have been negotiating a resolution of their ongoing dispute with the District, and those negotiations have resulted in a proposed settlement of the dispute; and

WHEREAS, the resolution of the dispute reduces the arrearage faced by the five counties for the District's fiscal years 2009-2010, 2010-2011 and 2011-2012 from \$13,359,617 under the District's original pre-litigation

apportionment plan to \$3,500,000, of which the share of Saratoga County is \$1,210,825 based upon Saratoga County's share of the District's operating expenses being established at 34.595%, after deduction of the State's share of 22.18%; and

WHEREAS, the proposed settlement establishes the District's annual assessment for the five counties for fiscal year 2012-2013 at \$2,994,100, with Saratoga County's share set at \$1,035,809; and

WHEREAS, the proposed settlement establishes the District's annual assessment through and including the 2018-2019 fiscal year at \$2,994,100, with Saratoga County's share set at \$1,035,809, and provides that thereafter no annual assessment may increase more than 2% absent emergency circumstances faced by the District; and

WHEREAS, the District has been delinquent in its property tax payments to the County, to the Towns of Day, Edinburg, Hadley and Providence, and to the school districts within said Towns, since 2010; and

WHEREAS, the County has paid said Towns and the school districts the delinquent taxes owed by the District, and the District presently owes the County \$3,764,004.73 in delinquent County, Town and school district taxes; and

WHEREAS, the proposed settlement calls for the County, in lieu of making cash payments of the District's assessments, to take a credit against the amount owed by the District to the County for the District's delinquent property taxes until the District's outstanding tax debt to the County is fully satisfied; and

WHEREAS, the proposed settlement further calls for the District to make a \$500,000 payment to the County on June 30, 2013 to be applied towards the District's delinquent property tax obligation; and

WHEREAS, the County's obligation to pay the \$1,210,825 arrears payment owed the District for the District's fiscal years 2009-2010, 2010-2011 and 2011-2012 will be made by way of a credit on March 15, 2013; and

WHEREAS, thereafter the County will pay its \$1,035,809 share of the District's 2012-2013 assessment by way of a credit by March 31, 2013; and its share of the District's 2013-2014 assessment by way of a credit in the amount of \$1,035,809 by October 31, 2013; and

WHEREAS, the District's outstanding debt to the County will continue to diminish on each successive payment date until the amount owed to the District by the County exceeds the amount owed to the County by the District, at which time the County will begin making regular payment of funds to the District; and

WHEREAS, special counsel for the five counties, the Saratoga County Attorney and our Law and Finance Committee recommend this resolution of the dispute with the District; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby approves the settlement of all pending legal action against the Hudson River Black River Regulating District in the manner recited herein; and be it further

RESOLVED, that the Chair of the Board is hereby authorized to execute a settlement agreement with the District, and any and all documents necessary to effect a settlement of this matter, with the form and content of such agreement and documents being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: This settlement agreement will result in an additional \$500,000 in unanticipated revenue for 2013, and will reduce projected expenses related to this litigation by \$452,738.

Chairman Grattidge introduced Resolution No. 52 and asked the Clerk to read it in its entirety.

Mrs. Southworth thanked those who came to speak before the Board today and wanted to go on the record as a proud gun owner. She firmly believes we need to stand behind the Sheriff. Her concern is the process by which the resolution is before her today. She said the law was rushed and a flawed process which was quoted in a press release the County sent out. By seeing this resolution less than 4 hours before it is proposed to be voted on is rushed as well. She said there is a process the County goes through and questions why it didn't go through it. She said we have an obligation to inform all the residents of the County that the Board would be voting on this resolution. She said there may be more people that would have liked a chance to speak. She said we should give due diligence where the Governor didn't.

Mr. Richardson said he supports the Sheriff and all the police officers that are protecting people. He offered a motion to amend the resolution substituting the words repeal and replace with the words review and amend. Mr. Grattidge asked for a second. Being none, the motion failed.

Ms. Yepsen said she thanked everyone who spoke and reviewed what some of the speakers said. She said bills should not be passed without time to review them. This is what is being asked of us now. She received the bill just hours ago and hasn't had time to review it. The passage of this resolution today is what she had a problem with as it did not go through the process.

Mr. Wright said he has been getting emails and phone calls since January on this Bill and he is prepared at this time to vote yes for this resolution. He thinks the Board needs to stand up and support Kathy Marchione and her call to repeal this. It was definitely a flawed process and we need to stand up back her as she is down in Albany fighting for our rights. We need to do the right thing and pass this resolution now.

Mr. Lucia said this isn't the first time we've talked about this. His Town Board has authorized the passage of a resolution like this one. His Board requested that he speak to the County Board about passing it here as other County's have done. He has not had anyone go to his office to speak against it and he therefore is also prepared to vote for it today.

Mr. Lawler said he can understand what Supervisors Southworth and Yepsen have stated here. They need to remember we are not passing a law here. We're not taking any definitive final action. We are considering a resolution that asks the Legislature to repeal the law. It is a strong request. Our Board taking a position on the side of the US Constitution is what we are voting on it here today and why it justifies going outside the normal Committee process. We need to act. This is not being done in a vacuum. There is another protest this week and I want those people to know that Saratoga County stands beside them.

Ms. Yepsen said someone mentioned something about unfunded mandates. She asked for a list of the mandates and the amounts before she votes on this bill. Mr. Grattidge said that the impact the County is seeing right now is in the County Clerk's office with the Opt Out FOIL Form. Mr. Foehser, County Clerk's Office, spoke of the volumes of forms with minimal staff. Ms. Raymond said she can't speak for the County but from a small town perspective this law has cost in her Town of Edinburg all staff included probably 40 hours each of reading emails, answering phone calls, trying to answer constituent's questions which put her way behind on her own duties. Mr. Grattidge said another consideration is the Mental Health Department and the Sheriff's Department.

Mr. Lawler said he thinks this law actually goes far beyond what could be effective gun control. All laws in the state should be reviewed and amended. But this law was rushed to do something in the wake of a tragedy. He said this law requires some sort of mental health evaluation and asked who would be making that. Isn't this against current HIPPA Law. Who will be responsible if the evaluation is wrong and who will enforce all this. He said he thinks the law is well intentioned but it was done wrong and should have been done in the open light of day.

On a motion by Mrs. Wormuth, seconded by Mr. Wright the following resolution PASSED by the following vote: AYES (121,020.5): Alan Grattidge (4,133), Philip C. Barrett (18,352.5), Richard Lucia (6,531), Mary Ann Johnson (856), Jean Raymond (1,214), George J. Hargrave (3,545), Arthur M. Wright (2,048), Mindy Wormuth (21,535), Paul Sausville (14,765), Daniel Lewza (18,575), Willard H. Peck (5,087), John Collyer (1,995), Thomas N. Wood III (5,674), Edward D. Kinowski (8,287), John Lawler (8,423),. NOES (98,586.5): Patricia Southworth (9,776), Anita Daly (18,352.5), Richard Rowland (7,775), Thomas Richardson (5,196), Preston L. Jenkins, Jr. (14,728), Joanne Dittes Yepsen (13,293), Matthew E. Veitch (13,293), Arthur Johnson (16,173).

RESOLUTION 52 - 13

Introduced by Chairman Grattidge

OPPOSING THE NEW YORK SECURE AMMUNITION AND FIREARMS ENFORCEMENT (SAFE) ACT OF 2013

WHEREAS, the Saratoga County Board of Supervisors endorses and upholds the Second Amendment to the Constitution of the United States; and

WHEREAS, the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 (A.2388/S.2230) was rushed to passage in the State Legislature through a flawed process that excluded input from concerned citizens; and

WHEREAS, provisions in the SAFE Act are already requiring, and will continue to require, greater expenses of County resources, in effect creating a new unfunded mandate; and

WHEREAS, implementation of the SAFE Act will also require investment of state resources that could otherwise be used to promote other criminal justice initiatives that keep our residents safe; and

WHEREAS, the SAFE Act would criminalize law-abiding citizens, including police officers, who are the responsible owners of certain firearms and magazines that were included in the law; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors opposes the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 and the flawed process by which it was enacted, including Governor Cuomo's Message of Necessity which limited debate and input from concerned citizens; and be it further

RESOLVED, that the Saratoga County Board of Supervisors requests that the SAFE Act be repealed and replaced with more sensible legislation that does not infringe upon Second Amendment rights, does not create unfunded mandates on county governments, addresses issues including mental illness and deterring violent crime, and includes full input from the public; and be it further

RESOLVED, that the Clerk of the Saratoga County Board of Supervisors forward a certified copy of this Resolution to Governor Andrew M. Cuomo, Temporary Presidents of the Senate Jeffrey D. Klein and Dean G. Skelos, Speaker Sheldon Silver, and the county's representatives in the New York State Senate and Assembly.

BUDGET IMPACT STATEMENT: No budget impact.

Chairman Grattidge announced the following appointment:

Office for the Aging Advisory Council

Karen Klotz, City of Saratoga Springs (Term expiring 12/31/2013)

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

Respectfully submitted,

Pamela A. Hargrave, Clerk