

Law and Finance Committee Minutes
February 11, 2015 - 4:00 p.m.

Present: Chairman Wright; Supervisors Collyer, Daly, Sausville, Lewza, Tollisen, Sausville, Raymond, Veitch, Johnson, Barrett, Allen, Peck, Grattidge, Lucia, Wood, Jenkins, and Lawler; Spencer Hellwig, Administrator; Jason Kemper, Planning; Ryan Moore, Deputy Administrator; Drew Jarosh, Treasurer; Stephen Dorsey, County Attorney; Cathi Duncan, Public Health; Brian O'Connor, Auditor; Tom Speziale, Public Works; Craig Hayner, Charles Foehser, II; County Clerk; Chad Cooke, Sewer District; Joanne Bosley, Real Property; Press.

Chairman Wright called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Tollisen, seconded by Mr. Lewza the minutes of the January 14, 2015 meeting were approved unanimously.

PERSONNEL AND INSURANCE

- **Appointing Cathi Duncan as the Director of Public Health for Saratoga County.**
- **Amending the 2015 Compensation Plan to change the title of the "Personnel Officer" to "Director of Personnel" and the title of "Deputy Personnel Officer" to "Deputy Director of Personnel".**
- **Authorizing the purchase of professional liability tail coverage for a two-year period for Maplewood Manor in the following amounts:**

Coverage	Company	Limits	Deductible	Premium
Infirmery-Primary	NYMIR	\$1M/\$3M	None	\$32,970.71
Infirmery-Excess	CNA	\$5,000,000	\$10,000(SIR)	\$58,836

Mr. Hellwig said the first item will be to appoint Cathi Duncan as the Director of Public Health Nursing. Ms. Duncan has been running the department as the Acting Director pending the NYS Department of Health's approval to appoint her to the Director's position, which is a requirement by the State. In January, the Personnel Office received a notice from DOH that they would issue an appointment for a two-year term pending completion of a Master's Program. Upon the Board's approval she will officially be placed in the Director's position. Ms. Duncan will also report at the end of each semester on her status, in terms of obtaining the Master's Degree over the next two years.

The second item is for a change to the compensation schedule, which will replace the title for the department head, as the Personnel Officer to the Director of Personnel and the Deputy Personnel Officer to the Deputy Director of Personnel, which the Personnel Committee has decided will better identify those departmental positions.

Mr. Hellwig said, due to the transfer of Maplewood Manor to Zenith Healthcare Group, which occurred February 1, 2015 at 7:00 a.m., the County cancelled all insurance policies, including Medical, Professional Property, and equipment. With respect to the Medical coverage and the umbrella policy, a request is being made for tail coverage for a two year period to cover any claims that are made relative to the county's operation over the past two years.

On a motion made by Ms. Daly, seconded by Mr. Sausville the above resolutions were approved unanimously.

ECONOMIC DEVELOPMENT

- **Authorizing the Chairman to enter into an agreement with Greenman-Pedersen, Inc. for engineering services including survey, design, permitting, right-of-way acquisition and final plan documents for the extension of the Zim Smith Trail from Coons Crossing to the City of Mechanicville in an amount not to exceed \$275,000.**

Mr. Hellwig said there have been attempts to apply for federal and state funding to receive grant money to cover some of the costs associated with extending the Zim Smith Trail from Coons Crossing into the City of Mechanicville. It has been determined, based on conversations with the Planning Department and the Economic Development Committee, that having a shovel ready project would assist in applying for and receiving funding to underwrite some of the costs. As a result of that, this resolution would authorize a contract with Greenman Pedersen to conduct a survey, right of way acquisition, etc., which would allow them to be better prepared and more likely to receive the outside funding to help underwrite the actual cost of extending the trail.

On a motion made by Mr. Lewza, seconded by Mr. Sausville the above resolution was approved unanimously.

LEGISLATIVE AND RESEARCH

- **Adopting the 2015 Saratoga County State Legislative Program**
- **Adopting the 2015 Saratoga County Federal Legislative Program**
- **Requesting home rule legislation to amend Tax Law §1202-g to revise the manner in which the Board of Supervisors allocates room occupancy tax revenues and to revise the membership composition of the committee appointed by the Board of Supervisors on room occupancy tax matters.**

Mr. Hellwig said there were thirteen items that were approved by the Legislative and Research committee for the State Legislative Program.

The second item relates to federal issues. Meetings have been setup with State Officials for March 6, 2015 and there will be a group, including the Chairman of the Board, Chairman of Economic Development and Legislative and Research who will be meeting with Federal representatives in Washington, D.C. when they attend the NACO Conference.

The third item is a request for home rule legislation that would accomplish two purposes; first, it would enable the Saratoga County Prosperity Partnership to receive a portion of its annual funding directly, rather than by means of an annual service agreement that the Board would have to renew each year and would always be subject to an appropriation being made in the county budget. There are several advantages in giving the Partnership a dedicated revenue stream including the ability to carry a fund balance from year to year, which would instill further confidence in the potential staff who are going to be hired to run the program on behalf of the partnership, as well as the economic development partners in State government who have indicated that they would like to support the county's initiative or effort to have a robust organization in place to carry

out the goals that were identified in the strategic plan. In addition, it will also allow the authority to issue revenue bonds to finance some important economic development projects, such as infrastructure improvements as well. The revenue allocation which would essentially be 50% of the county's current share of the occupancy tax revenue would not harm the county or any of the organizations that currently receive occupancy tax dollars. The five percent city distribution would remain the same with 1% going to the City of Saratoga Springs, 2% to the Saratoga Convention and Tourism Bureau, and 2% to the City Center. It also entitles that the other 50% that is used to fund the Chambers of Commerce will be in place to continue to fund the programs and services that they provide. This local law would take a portion of the total and replace the county's current appropriation in the budget with a dedicated source for future expenses that the Prosperity Partnership is going to have in realizing its goals.

The second change that is proposed in the resolution would be to modernize the compensation of the committee that is supposed to advise the Board of Supervisors on how to distribute the occupancy tax. The initial legislation was approved in 1977, and was a nine member board that was composed of four supervisors and five representatives from the facilities that generated the occupancy tax hotel and motel owners. Under the new law, there will still be a nine member board; however, the changes would include that there will be four supervisors and one of those supervisors would also be a member of the Prosperity Partnership. The remaining five positions would include the Saratoga County Treasurer, a representative from the Tourism and Convention Bureau, one representative from the City Center, and the Chambers of Commerce, with the remaining Hotel and Motel owners from with the City of Saratoga Springs.

On a motion made by Mr. Lewza, seconded by Mr. Tollisen the above resolutions were approved unanimously.

PUBLIC SAFETY

- **Authorizing the Chairman to enter into a five-year agreement with the Development Authority of the North Country (DANC) to install a fiber optic communication line at the Lake Luzerne 911 Communications tower at no cost to the County in years 1-3, and at a cost not to exceed \$700/month in years 4 and 5.**
- **Amending the 2015 budget to re-appropriate \$66,625.67 in expenses and revenues to install a new telephone system at 152 West High Street.**

Mr. Hellwig said the first item will be to authorize the Development Authority of the North Country to install a fiber optic communication line at the Lake Luzerne 911 communications tower. The authority is a public service consortium made up of North Country counties who will pay for the upgrade, which will be approximately \$260,000 through a NYS County Emergency Grant. Once installed, the fiber connection will eliminate the current costs that the county has to maintain T-1 lines for the service, at a cost of approximately \$60,000/yr. There will be a one-time setup fee of approximately \$8,000 for equipment modifications that will be coming from another grant within the Emergency Services Department.

The second item is a re-appropriation of grant funding that the Board initially authorized for acceptance and appropriated in August of 2014 for the upgrade of phones in the Social Services Building, and is 100% State Aid.

On a motion made by Mr. Tollisen, seconded by Ms. Daly the above resolutions were approved unanimously.

PUBLIC WORKS

- **Authorizing the implementation and funding in the first instance 100% of the Federal-aid State "Marchiselli" Program-aid eligible costs of a transportation federal-aid project for the CR45 (Northline Road) Bridge over the Kayaderosseras Creek.**
- **Authorizing an amendment to the Greenman-Pedersen consulting agreement to provide construction support and inspection services related to the rehabilitation of CR45 (Northline Road) Bridge over the Kayaderosseras Creek in the amount of \$162,955.**

Mr. Hellwig said the first item is for authorization for construction and construction inspection costs that are associated with the rehabilitation of the Northline Road Bridge, which is CR45 over the Kayaderosseras Creek.

The second item is an amendment to a contract with Greenman-Pedersen who did the design work, which will allow them to provide the construction support and inspection services that are related to the project. The project is just over \$1 million and the funding is setup 95% State and 5% County share, which has been budgeted.

On a motion made by Mr. Sausville, seconded by Mr. Lewza the above resolutions were approved unanimously.

EQUALIZATION AND ASSESSMENT

- **Authorizing a correction to the 2015 tax roll from \$4,334 to \$1,578, a difference of \$2,756, for a parcel located in the Town of Wilton.**
- **Disapproving the September 18, 2012 auction sale of Tax parcel #150.17-1-25 in the Town of Greenfield and directing the County Treasurer to refund the \$11,300 deposit paid by the successful bidder.**
- **Authorizing the conveyance of tax acquired land to the Town of Waterford Capital Resource Corporation for the sum of \$23,999.43.**
- **Accepting tender offers on parcels in the Towns of Stillwater (\$6,385.56) and Waterford (\$577.41).**

Mr. Hellwig said the first item authorizes a correction to the tax roll in recognition of a clerical error that resulted in a parcel being charged for fourteen sewer units when in fact they only had one.

The second item is with regard to a parcel that was sold at the September 18, 2012 auction for \$113,000. Before the Board was able to approve the conveyance of the property to the successful bidder, the former owners of the parcel obtained an order from the Supreme Court staying the county from proceeding with the sale. The County Attorney's office has since worked to have the stay lifted, allowing the sale to proceed. However, the successful bidder has stated through her attorney that she has no intent in paying the outstanding taxes from 2012 to 2014, which are tax liens on the property. If the Board was to convey the parcel to the successful bidder, and she refuses to pay the outstanding taxes, the county would only be reacquiring the property during another foreclosure this fall. As a result of that, the Equalization and Assessment Committee is recommending that the September 2012 auction sale for this parcel be disapproved,

and the 10% deposit that was made by the successful bidder of \$11,300 be returned, and that the parcel be placed on the March auction.

Mr. Hellwig said when a municipality has an interest in a parcel on the tax foreclosure list the county may convey the parcel to the municipality to be used for a municipal or corporate purpose, as long as the municipality pays the county in an amount equal to all delinquent taxes, penalties and interest. Last year the Board extended the policy to include IDA's, LDC's, and Public Authorities. The parcel in this resolution is currently on the county's list of foreclosed properties. The former owner is 26 Broad Street, LLC, who has a \$100,000 mortgage on the property from the Town of Waterford Capital Resource Corporation. If the current owner does not make a tender offer to the county for the outstanding taxes, and the county takes title to the parcel, the CRC's mortgage could be extinguished; therefore, the CRC has made a formal request to purchase the property from the county for the sum of \$23,999.43, which is equivalent to the sum of all the delinquent taxes, penalties and interest. The county has been told that the CRC plans on using the property for its mission to improve the economic development in the town of Waterford.

The final item is for tender offers that were brought to the Board prior to the auction. The amounts shown in the resolution are for consideration of payment of delinquent taxes, which include all penalties and interest.

On a motion made by Mr. Collyer, seconded by Mr. Tollisen the above resolutions were approved unanimously.

PUBLIC HEALTH

- **Authorizing the Public Health Nursing Service to write off uncollectibles in the amount of \$2,804.64**

Mr. Hellwig said the above item is a request to approve the annual writing off of the uncollectibles for the Public Health Nursing Service that have been deemed uncollectible by the County Attorney's office.

On a motion made by Mr. Collyer, seconded by Mr. Tollisen the above item was approved unanimously.

CHAIRMAN'S ITEM

- **Appointment to the Saratoga Lake Improvement and Protection District (SLIPID).**

Mr. Hellwig said the above item is for the appointment of Christina Connelly to fill a vacancy that was created by the resignation of Alan McCauley. Ms. Connelly will be filing a three year term, which will expire in December of 2017.

On a motion made by Mr. Lewza, seconded by Mr. Sausville the above resolution was approved unanimously.

LAW AND FINANCE

- **Amending the 2015 budget to re-appropriate \$4,206,576.05 in expenses and revenues to complete the balance of work related to capital projects of the Saratoga County Sewer District.**

Mr. Hellwig said the sewer commission is requesting the re-appropriation of \$4,206,576.05 to finish up previously approved capital projects which include the upgrading of the Milton Pump Station, interceptor

relining, and replacement of some sludge mixers and bar screens; as well as, a repair and study related to the sludge incinerator at the treatment facility.

On a motion made by Ms. Daly, seconded by Mr. Tollisen the above resolution was approved unanimously.

- **Authorizing the settlement of all claims and demands of Michael J. Debrino, III and Kristen M. Kuhn against the Saratoga County Sewer District and Saratoga County resulting from a sewer backup into their premises on January 16, 2015 in the amount of \$3,148.43 contingent upon receipt of proper invoices documenting remediation costs and an executed release from Michael J. Debrino, III and Kristen M. Kuhn.**
- **Authorizing the settlement of all claims and demands of Michael J. and Jennifer Halkovitch against the Saratoga County Sewer District and Saratoga County resulting from a sewer backup into their premises on January 16, 2015 in the amount of \$416.18 contingent upon receipt of proper invoices documenting costs relative thereto and an executed release from Michael J. and Jennifer Halkovitch.**

Mr. Hellwig said the above two items are related to an incident that occurred on January 16, 2015 when a pump station in the town of Clifton Park malfunctioned, resulting in a backup of the sewer to the two homes. The total cost of the inspection and cleanup services for both homes was just over \$3,500.

The first item represents \$3,148.43 of those costs and the second item represents \$416.18. These were approved by the Sewer Commission and their recommendation is to cover those costs. There will be an agreement that will be signed by the homeowners that will relieve the county of any future litigation as a result of these losses in return for those costs being reimbursed.

On a motion made by Ms. Daly, seconded by Mr. Collyer the second item was approved unanimously.

On a motion made by Ms. Daly, seconded by Mr. Lewza the third item was approved unanimously.

On a motion made by Ms. Daly, seconded by Mr. Lewza the meeting adjourned to Executive Session for the purpose of contract negotiations. Unanimous.

On a motion made by Mr. Lewza, seconded by Mr. Collyer the meeting was re-opened to regular session. Unanimous.

A motion was made by Ms. Daly, seconded by Mr. Sausville to authorize the transfer of the accounts receivable from Maplewood Manor to Zenith Healthcare. Unanimous.

On a motion made by Mr. Sausville, seconded by Mr. Lewza the meeting was adjourned unanimously.

Respectfully submitted,
Chris Sansom