

ADJOURNED SESSION  
FRIDAY, MAY 18, 2007  
AT 4:00 P.M., D.S.T.

Board called to order by Chairman Barrett.

Roll call was taken. PRESENT – Raymond F. Callanan, Alan Grattidge, Philip C. Barrett, Anita Daly, George J. Hargrave, Albert Janik, Jeffrey Trottier, Mindy Wormuth, Paul Sausville, Thomas Richardson, Frank Thompson, Willard H. Peck, Thomas N. Wood, III, Cheryl Keyrouze, Joanne Dittes Yepsen, John Lawler, Arthur J. Johnson - 17. ABSENT - J. Gregory Connors, Harry G. Gutheil, Jr., Richard C. Hunter, Sr., Mary Ann Johnson, Richard Lucia, Jean Raymond – 6.

PUBLIC INPUT

David Bronner, of Saratoga Springs, said he has been concerned with the water issue for a long time. He said he is in 100% support of the actions taken concerning the County water project. You are absolutely doing the right thing, he said. You may at times get the impression that the people in Saratoga Springs do not support what you are doing because of the feedback you have received, but you can be rest assured there are a lot of people in the City of Saratoga Springs who support this project, he stated. He said they support it because it's the fiscally responsible thing to do and the civically responsible thing to do, and it's going to benefit the County and will also eventually benefit the City of Saratoga Springs. He said he gets a little upset when he sees comments made by some of the Supervisors. He pointed out that in the May 17<sup>th</sup> edition of "The Saratogian", Supervisor Cheryl Keyrouze said "It'll all come back on the taxpayers' heads." He said he does not know how she reached that conclusion, but he sees no evidence that the costs associated with this water project are going to come back on the heads of taxpayers. He said Supervisor Joanne Yepsen was quoted as saying "There is nobody in Saratoga County who needs this water." He said so now, we have towns that have signed contracts for water that they don't need. Of course the water is needed, and people in Saratoga County need this water, he stated. He said Advanced Micro Devices wouldn't be coming here if this project was not coming to fruition. I commend the County Board of Supervisors and the members of the Water Committee, in particular Supervisor Ray Callanan, for the work that they have done on this project, he said. He said this has been detailed, tough work, but it was necessary work and was done very well. He commended the Water Authority and its chairman, Supervisor John Lawler, for pulling this together and putting forth such a great effort to make this happen. He commended the County Board of Supervisors for its due diligence. This project is important to this County, its towns and its cities, he added.

On a motion by Mr. Callanan, seconded by Mr. Peck, Resolution Nos. 128 129, and 131 were adopted by a unanimous vote.

RESOLUTION 128 - 07

Introduced by Supervisors Callanan, Connors, Daly, Gutheil, A. Johnson, Sausville and Wood

**AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE SARATOGA COUNTY WATER AUTHORITY FOR THE TRANSFER OF THE COUNTY WATER PROJECT**

WHEREAS, the transfer of the county water project to the Saratoga County Water Authority encompasses a variety of issues regarding the transfer of contracts, assets, permits, real property, grants, loans, and other matters; and

WHEREAS, it is appropriate to memorialize the respective responsibilities of Saratoga County and of the Saratoga County Water Authority in the process of transferring the project in a Memorandum of Understanding; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized and directed to execute a Memorandum of Understanding between Saratoga County and the Saratoga County Water Authority to transfer all contracts, documents, assets, permits, real property, grants, loans, and other matters concerning the county water project to the Saratoga County Water Authority and to confirm repayment of funds advanced by the County for the

project, the form and substance of said Memorandum of Understanding subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. The memorandum of agreement requires repayment of all County funds with interest.

#### RESOLUTION 129 - 07

Introduced by Supervisors Callanan, Connors, Daly, Gutheil, A. Johnson, Sausville and Wood

#### AUTHORIZING A SERVICE AGREEMENT WITH THE SARATOGA COUNTY WATER AUTHORITY

WHEREAS, by Resolution 31-07, this Board of Supervisors approved the Business's Plan of the Saratoga Water Authority, which Plan includes issuance of Bonds by the Authority and a Service Agreement between Saratoga County Water Authority wherein the County guarantees the payment of the annual costs of the Saratoga County water system after application of all Water Authority revenues; and

WHEREAS, the execution of a Service Agreement guarantees payment of the debt service on Water Authority bonds, which guarantee is critical is obtaining the most advantageous borrowing rate; and

WHEREAS, the Service Agreement will contain terms that will require that amounts paid to the Authority by the County will be repaid by the Authority at 4 per cent interest, and that the Authority will not reduce the price it charges for water from an agreed price until the amounts paid by the County are fully repaid by the Authority; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized and directed to execute a Service Agreement with the Saratoga County Water Authority whereby Saratoga County will pay a Service Fee in an amount equal to the Operation and Maintenance costs of the county water system plus the debt service on bonds to be issued by the Saratoga County Water Authority, less the revenues received by the Saratoga County Water Authority, and whereby the Saratoga County Water Authority will repay said Service Fee to Saratoga County together with interest thereon at four per cent (4%) per year; and whereby the Authority will agree not to reduce the price of its water sold to customers below prices set forth in the Authority's Business Plan; the form and substance of said Service Agreement to be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: The agreement contemplates the temporary use of approximately \$4.8 million in the County funds to support the initial operation of the County Water System.

Mr. Callanan moved to adopt Res. 130. Mr. Hargrave seconded. Discussion:

Ms. Keyrouze asked if the contractors that will be used are union. Mr. Callanan said if they are not union, they will be subject to the prevailing wages.

Res. 130 was adopted by the following vote: AYES - Mr. Barrett 16,555; Mr. Callanan 8,729; Mr. Connors 7,522; Ms. Daly 16,555; Mr. Grattidge 3,954; Mr. Gutheil 13,549; Mr. Hargrave 3,589; Mr. Hunter 1,841; Mr. Janik 7,362; Mr. Johnson 12,541; Mrs. Johnson 920; Mr. Lawler 8,515; Mr. Lucia 6,259; Mr. Peck 4,603; Ms. Raymond 1,384; Mr. Richardson 5,019; Mr. Sausville 13,005; Mr. Thompson 17,103; Mr. Trottier 1,971; Mr. Wood 5,114; Ms. Wormuth 18,359. NOES - Ms. Keyrouze 13,093; Ms. Yepsen 13,093.

#### RESOLUTION 130 - 07

Introduced by Supervisors Callanan, Connors, Daly, Gutheil, A. Johnson, Sausville and Wood

#### AUTHORIZING CONSTRUCTION CONTRACTS FOR THE COUNTY WATER SYSTEM AND AUTHORIZING THEIR ASSIGNMENT TO THE SARATOGA COUNTY WATER AUTHORITY

WHEREAS, all necessary permits have been issued for the construction of the county water system; and

WHEREAS, pursuant to Resolution 182-06 and 196-06, Malcolm Pirnie, Inc. has designed the county water system and prepared specifications and other bidding documents for the various contracts which are needed to construct the system; and

WHEREAS, bids have been solicited for the contracts and our consultants and the Water Committee recommend the award of the following contracts to the following contractors, the lowest bidders on the contracts; and

WHEREAS, the county water system will be owned and operated by the Saratoga County Water Authority, and it is appropriate and necessary that contracts for the construction of the facilities of the system be assigned to the Authority to be carried out subject to its supervision and control; and

WHEREAS, pursuant to Resolution 125 of 2005, Saratoga County has a contract with Pall Corporation for the installation of a water filtration system to be installed in the county water treatment facility; which also must be assigned to the Saratoga County Water Authority; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized and directed to execute contracts with the following contractors for the construction of the county water system in the following amounts, all subject to the approval of the county attorney and contract administrator:

<u>CONTRACT #</u>	<u>DESCRIPTION</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
2G	General	Kubricky Construction Corp.	\$21,241,100
2E	Electrical	Gross Electric, Inc.	\$ 3,974,000
2P	Plumbing	E.W. Tompkins Company, Inc.	\$ 205,700
2H	HVAC	Family Danz Heating and Air Conditioning, Inc.	\$ 346,824
3	Transmission Pipe	1,000 Oaks, Inc.	\$ 7,337,747
4	Transmission Pipe	Trinity Construction Corp.	\$ 5,267,523
5	Transmission Pipe	Delaney Construction Corp.	\$ 5,635,741
6	Transmission Pipe	W. M. Shultz Construction Corp.	\$ 4,079,537
7	Transmission Pipe	Delaney Construction Corp.	\$ 4,724,978

and be it further

RESOLVED, that upon execution of the contracts by the parties thereto, the Chair of the Board is authorized and directed to execute any and all documents necessary to assign these contracts to the Saratoga County Water Authority; and be it further

RESOLVED, that the Chair of the Board is authorized and directed to execute any and all documents necessary to assign the County's contract with Pall Corporation for the installation of a membrane filtration system at the water treatment facility of the county water system to the Saratoga County Water Authority, the said documents to be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: All contracts will be assigned to the County Water Authority, and in accordance with the Service Agreement and memorandum of understanding, County liability will be limited to approximately \$2.4 million per year to service a \$30 million loan. All funds advanced by the County will be repaid by the County Water Authority with interest.

RESOLUTION 131 - 07

Introduced by Supervisors Callanan, Connors, Daly, Gutheil, A. Johnson, Sausville and Wood

AUTHORIZING TRANSFER OF TITLE TO LAND AND EASEMENTS OF THE COUNTY WATER SYSTEM TO THE SARATOGA COUNTY WATER AUTHORITY

WHEREAS, the Saratoga County Water Authority is going to construct, own and operate the County Water System; and

WHEREAS, it is necessary to convey Saratoga County's right, title and interest in and to the lands which will contain the facilities of the water system, including ownership of the parcel of land on Potter Road in the Town of Moreau where the water treatment facility will be located and easements over properties in the Towns of Moreau, Greenfield, Wilton, Milton, Malta and Ballston and in the City of Saratoga Springs; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized and directed to execute a deed and other documents to convey a 30+ acre portion of tax parcel 62.-1-12 in the Town of Moreau to the Saratoga County Water Authority; and be it further

RESOLVED, that the Chair of the Board is authorized and directed to execute deeds and other documents needed to assign and transfer to the Saratoga County Water Authority the right, title and interest of Saratoga County in easements for transmission pipes and other facilities of the water system located in the Towns of Moreau, Wilton, Greenfield, Malta, Milton, and Ballston and in the City of Saratoga Springs; and be it further

RESOLVED, that the form and substance of said deeds and documents shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

Mr. Lawler said on Monday, May 21<sup>st</sup>, at the request of Supervisor Daly, he and other representatives of the Water Authority will be making an educational presentation to the Clifton Park Town Board at 7:00 p.m. at the Clifton Park Town Hall. If any Supervisor would like to join them, that would be appreciated, he said.

Mr. Lawler said on Thursday, May 24<sup>th</sup>, at 12:00 noon at the Administration Building at the Saratoga Spa State Park, there will be a meeting of the Community Advisory Group which works with the Environmental Protection Agency. He said the Board of Supervisors supported the Towns of Halfmoon and Waterford in their request for financial assistance to, if necessary, take legal action against the EPA because of their failure to provide a plan for safe drinking water for those Towns and for the school children in Mechanicville who use the Halfmoon water system. He invited all Supervisors to that meeting to see what this battle is all about and for support.

Mr. Lawler said on Friday, June 1<sup>st</sup> at 1:00 p.m., there will be a meeting of the Saratoga County Water Authority in the Board's committee room to take action on a number of items that the Authority has to deal with including reciprocal acceptance of agreements that the Board passed today.

Mr. Callanan thanked the Board for their support of this project. He said over the past three years, the Water Committee worked very hard to get to this point with the help of Mr. Lawler. This afternoon, you have made a giant step forward for Saratoga County and economic development, he stated.

In responding to Mr. Bronner's comments, Ms. Yepsen said whenever you are quoted in papers, it's completely reduced down to a couple of words, and this is an extremely complex problem and issue and that those of us who are elected are required and hopefully study in-depth. She said his water study has so many different facets to it, and she is happy to talk to Mr. Bronner about it or anyone in the City about this vote today and looks forward to hearing from everyone as she is always available and accessible.

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

Barbara J. Plummer, Clerk