

A G E N D A

August 15, 2007 5:00 p.m.

Vice-Chairman Hargrave called the meeting to order.

Roll call was taken. PRESENT – Raymond F. Callanan, Alan Grattidge, Anita Daly, Richard Lucia, Mary Ann Johnson, Jean Raymond, George J. Hargrave, Albert Janik, Mindy Wormuth, Paul Sausville, Thomas Richardson, Frank Thompson, Harry G. Gutheil, Jr., Willard H. Peck, Richard C. Hunter, Sr., Thomas N. Wood, III, Cheryl Keyrouze, Joanne Dittes Yepsen, J. Gregory Connors, John Lawler, Arthur J. Johnson – 21. ABSENT - Philip C. Barrett, Jeffrey Trottier – 2.

On a motion by Mr. Lucia, seconded by Mr. Grattidge, the minutes of the meeting of July 11, 2007 were approved unanimously.

Mr. Wickerham, County Administrator, reviewed the following Agenda items:

PUBLIC SAFETY

Authorizing the Chairman to enter into an agreement with the Federal Emergency Management Administration to accept a \$225,000 Hazard Mitigation Grant to reduce the impact of natural disasters and amending the budget to appropriate an additional \$40,000 in expenses and revenues. (Paul Lent, Emergency Services Director)

Mr. Wickerham stated this is a planning only grant. There is a match of \$10,000 which exists in the Emergency Services budget.

PUBLIC WORKS

Amending the 2007 Long Range Capital Plan under Public Works to include an additional \$106,000 for the design and construction of a traffic control device at the intersection of County Roads 96 & 97 and amending the budget thereto. (Joe Ritchey, Public Works Commissioner)

Mr. Wickerham said this is Fonda & Middletown Roads in Waterford.

WATER COMMITTEE

Authorizing the Board to purchase property in the Town of Wilton at a cost not to exceed \$100,000 for use as a wetland mitigation site. (Wes Carr, Project Manager)

Authorizing the Chairman to enter into an agreement with Bombard Excavating in an amount not to exceed \$38,000 for the removal of the Kayaderosseras Creek logjam to mitigate wetlands disturbances caused by the Water Project. (Wes Carr, Project Manager)

Mr. Wickerham stated both of these are mitigation projects that are required based on the Army Corps of Engineers' permit.

EQUALIZATION AND ASSESSMENT

Accepting a tender offer on two parcels in the Town of Milton in the amounts of \$703.42 and \$1,114.91. (Mark Rider, County Attorney)

SUPERVISOR'S ITEM

Honoring the memory of James Hovey former Supervisor from the Town of Hadley. (Supervisor Jeff Trottier)

LAW AND FINANCE

Authorizing the Chairman to enter into agreements with Fiscal Advisors & Marketing, Inc. at a cost not to exceed \$24,000, plus additional services as required by the Sewer District, to provide financial services relative to the Sewer District expansion. (Jim DiPasquale, Sewer District Director)

Authorizing the Executive Director of the Saratoga County Sewer District #1 to sign permit applications and documents relative to the Sewer District Plant expansion on behalf of Saratoga County. (Jim DiPasquale, Sewer District Director)

Designating Saratoga County Sewer District No. 1 as lead agent for SEQRA review of the Sewer District expansion project. (Jim DiPasquale, Sewer District Director)

Authorizing the Chairman to enter into agreements to accept two (2) Local Government Records Management Improvement Fund Grants in the County Clerk's Office and amending in budget and compensation schedule in relation thereto. (Kathy Marchione, County Clerk)

Mr. Wickerham stated this will be for 12 part-time employees, and this will be continued for another year.

Authorizing the Chairman to enter into an agreement with Jaeger & Flynn Associates to provide a flexible benefits plan at a cost of \$3 per participant per month. (Bill Baker, Personnel Director)

Mr. Wickerham said this is also known as a 125 Plan.

Accepting \$3,500 from the NYS Department of Transportation as payment for condemnation of County property adjacent to NYS Route 67 subject to easements to the County for use of the parcel for the Sewer District, water lines and trails. (Mark Rider, County Attorney)

Mrs. Plummer reminded everyone of the September 7th Golf Outing, and she said she is waiting to hear from everyone.

Mr. Thompson said work is continuing on the easements for the County water project. We hope to make it to the public hearing with only 20 to 25, he said. There are 10 people who we cannot get in touch with because they do not live in the State.

Mr. Lucia announced the July Deceased Veteran's Ceremony will be aired on August 29th at 7:00 p.m. on the public access channel.

Mr. Lucia said all Supervisors should have received posters and tickets for the September 21st Army Field Band concert at SPAC.

Mr. Lucia mentioned the Deceased Veterans' Ceremony honoring a World War II veteran from each town and city will be held Monday, August 27th.

Ms. Keyrouze stated a fundraiser for a horse park will be held tonight, and the Supervisors should have received invitations through e-mail.

On a motion by Mr. Thompson, seconded by Mr. Wood, the meeting was adjourned.

Respectfully submitted,

Elaine M. Sodemann

REGULAR SESSION
TUESDAY, AUGUST 21, 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, Richard Lucia, Mary Ann Johnson, Jean Raymond, George J. Hargrave, Albert Janik, Mindy Wormuth, Thomas Richardson, Frank Thompson, Harry G. Gutheil, Jr., Richard C. Hunter, Sr., Thomas N. Wood, III, Cheryl Keyrouze, Joanne Dittes Yepsen, J. Gregory Connors, John Lawler, Arthur J. Johnson - 21. ABSENT - Willard H. Peck, Paul Sausville, Jeffrey Trottier – 3.

The invocation was given by Tom Wood, Chaplain.

PUBLIC INPUT

Joel Reed, Executive Director of the Saratoga County Arts Council, said about nine months ago, the Arts Council came before the Finance Committee of the Board requesting financial assistance. We promised we would increase our outreach efforts Countywide and with support from the County, we would be able to leverage that support to increase funding from New York State from the NYS Council on the Arts, he said. He said last week, they received official word about their State grants. He said last year, before they had County support, their operating support from NYS Council on the Arts was \$35,805, and this year, they granted them \$50,000. For the Saratoga program and for arts funding, we receive funding from New York State and re-grant out Countywide. We had a 19% increase for Saratoga Program for Arts Funding (SPAF) and 10% increase for Arts in Education (AIE). Our local government support is really important at the State office, so we want to thank you all for that, he said. He said about 20% of their funding this year is coming from the State. We have County support as well, but the rest of their budget the Arts Council raises itself through fundraisers, contributions, memberships, etc., he said. He said the County support this year was really instrumental.

Leigh Ollman said an important part of the SPAF and Arts in Education grant process is making people aware that money is available to help fund arts and cultural events all over the County. Application deadlines are coming up in September, October and November. For the past few months, I have been traveling all over the County meeting with artists, not-for-profit organizations and community leaders. She said she presented about 8 grant workshops for SPAF and will do 5 more for AIE. We mailed out over 3,000 postcards like the one she passed out to the Supervisors today. She has spoken about the grant program at other community meetings, alerted the press and practically hunted down artists, not-for-profit organizations, school administrators and parents. She said even after doing all of that, you, as representatives of local government, have a much more powerful voice in the community and what you say often makes the headlines. Your support of the arts is a really good story, she said. I hope you will join the Arts Council in celebrating the rich and cultural heritage of our County. Spread the word about the Arts Council grant program through local artists, organizations and schools and help us secure more State funding for the more rural areas of the County, she said. We look forward to seeing you at the grant awards ceremony, she added.

On a motion by Mr. Hargrave, seconded by Mr. Lucia, the minutes of the meeting of July 17, 2007 were approved unanimously.

The Clerk presented the following:

Correspondence from James DiPasquale, Executive Director, Saratoga County Sewer District #1, advising that the Sewer District is undertaking study and design of an expansion and improvements to the District's Wastewater Treatment Plant located in the Town of Halfmoon.

Received and filed.

Correspondence from NYS Department of Environmental Conservation advising that the Federal Emergency Management Agency and NYS DEC are cooperating on a program to update the Flood Insurance Rate Maps in Saratoga County. New flood maps will be issued as part of a new GIS compatible countywide mapping format. Saratoga County Flood Mapping meetings will be held on August 29th and August 30th in the Board of Supervisors' chambers.

Copies to Supervisors, Co. Administrator, Planning and Environmental Management Council.

Board of Supervisors & Friends:

Thank you so much for the lovely flower bouquet. It truly brightened my room during my recovery from surgery. Your thoughtfulness is appreciated.

Thanks again,

Anita

Glens Falls Hospital Foundation gratefully acknowledges your gift of \$25 to the Cancer Center in memory of James E. Hovey whose family has been informed of your thoughtfulness. Thank you for your generosity.

REPORTS:

REPORT NO. 4

ESTIMATE OF EXPENDITURES FOR SARATOGA COUNTY SELF-INSURANCE

(For fiscal year beginning Jan. 1, 2008)

| <u>ADMINISTRATION</u> | <u>2008</u> | <u>2007</u> |
|------------------------------------|------------------|------------------|
| Salaries & Wages ----- | \$163,276 | 157,487 |
| Prof. Services Postage ----- | 1,300 | 1,300 |
| Equipment Repair & Maintenance --- | -0- | -0- |
| Telephone ----- | 1,200 | 1,200 |
| Postage ----- | 3,000 | 3,000 |
| Reproduction Expense ----- | 300 | 300 |
| Books & Periodicals ----- | 300 | 300 |
| Membership, Dues ----- | 55 | 55 |
| Misc. Office Supplies ----- | 1,000 | 1,000 |
| Mileage Reimbursement ----- | 225 | 250 |
| Misc. Auto & Travel ----- | 100 | 75 |
| Educational Conference ----- | 1,500 | 1,500 |
| Office Equipment ----- | 1,165 | 3,500 |
| | <u>\$173,421</u> | <u>\$169,967</u> |

THIRD PARTY LIABILITY

| | | |
|--------------------|-----------|-----------|
| INSURANCE PREMIUMS | \$ 30,000 | \$ 30,000 |
|--------------------|-----------|-----------|

EMPLOYEE BENEFITS

Retirement, Soc. Sec., DBL, Health, U.I., WCB

\$ 71,025 \$ 68,507

WORKERS' COMPENSATION AWARDS

VOLUNTEER FIREMEN BENEFITS

| | | |
|-----------------------------|-------------------|-------------------|
| Medical Services ----- | \$100,000 | \$100,000 |
| Awards & Compensation ----- | 250,000 | 250,000 |
| State Assessments--VF ----- | 25,000 | 25,000 |
| | <u> </u> | <u> </u> |
| | \$375,000 | \$375,000 |

WORKERS' COMPENSATION

| | | |
|------------------------------------|-------------------|-------------------|
| Medical Services ----- | \$500,000 | \$405,000 |
| Awards & Compensation ----- | 1,360,000 | 1,500,000 |
| State Assessment-W.C.B.----- | 100,000 | 75,000 |
| State Assessment-15-8 & 25A ---- | 344,028 | 330,000 |
| State Ass't - Clinics,OSHA,EOSH -- | 20,000 | 20,000 |
| | <u> </u> | <u> </u> |
| | \$2,324,000 | \$2,330,000 |

VOLUNTEER AMBULANCE CORPS

| | | |
|---------------------------------|-------------------|-------------------|
| Medical Services ----- | 20,000 | 20,000 |
| Awards & Compensation ----- | 25,000 | 25,000 |
| State Assessment for V.A. ----- | 2,500 | 2,500 |
| | <u> </u> | <u> </u> |
| | \$ 47,500 | \$ 47,500 |

LEGAL FEES

| | | |
|------------------------------------|-------------------|-------------------|
| Legal Fees | 50,000 | 50,000 |
| Investigative Fees,etc./Misc. Fees | 30,000 | 30,000 |
| Transcript Fees | 4,000 | 4,000 |
| | <u> </u> | <u> </u> |
| | \$ 84,000 | \$ 84,000 |

SAFETY PROGRAMS

-0- \$ -0-

CONTRIBUTORY RESERVE \$ 200,000 \$ 200,000

TOTAL ESTIMATED EXPENDITURES

\$3,304,974 \$3,304,974

REVENUES

| | | |
|----------------------------------|-------------|-------------|
| Participants ----- | \$3,151,667 | \$3,189,974 |
| Cash Flow Interest ----- | 100,000 | 70,000 |
| Litigation & Other Sources ----- | 45,000 | 45,000 |
| From Fund Balance ----- | 8,307 | |

TOTAL ESTIMATED REVENUES

\$3,304,974 \$3,304,974

RESERVE FUNDS

| | | |
|-----------------------------|-------------|-------------|
| Contributory Reserve (est.) | \$3,731,136 | \$1,945,930 |
| Fund Balance (estimate) | 1,039,741 | \$1,536,570 |

On a motion by Mr. Hunter, seconded by Mr. Hargrave, Report No. 4 was accepted by a unanimous vote.

On a motion by Mr. Lucia, seconded by Mr. Callanan, Resolutions 164 through 179 were adopted by a unanimous vote.

RESOLUTION 164 - 07

Introduced by Supervisor Trottier

HONORING THE MEMORY OF JAMES E. HOVEY

WHEREAS, James E. Hovey died on July 23, 2007; and

WHEREAS, Jim was born in Saratoga Springs and was a resident for many years of the Town of Hadley; and

WHEREAS, Jim served in the U.S. Navy for 21 years, including service in the Vietnam War and participation in the underwater nuclear testing known as "Operation Wigwam"; and

WHEREAS, Jim served on the Greater Adirondack Resource Conservation and Development Council, was a member and fire chief of the Van R. Rhodes Volunteer Fire Department, a member of the Board of Lynwood II Cemetery Association, a member of the Greater Saratoga Chamber of Commerce, a member of Varney American Legion Post 862, and a member of the Lake Luzerne Odd Fellows; and

WHEREAS, Jim served as a councilman for the Town of Hadley for many years, and was Hadley Town Supervisor from 1994 through 1997, during which time he served on many committees of this Board of Supervisors; and

WHEREAS, it is appropriate and fitting that this Board commemorate the passing of our friend and associate; now, therefore, be it

RESOLVED, that the Clerk of the Board forward a certified copy of this Resolution to his wife Margaret.

RESOLUTION 165 - 07

Introduced by Supervisors Trottier, Callanan, Connors, Grattidge, A. Johnson, M. Johnson and Lawler

AUTHORIZING ACCEPTANCE OF A FEDERAL EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION GRANT FROM THE NEW YORK STATE EMERGENCY MANAGEMENT OFFICE AND AMENDING THE 2007 COUNTY BUDGET THERETO

WHEREAS, a Hazard Mitigation Grant is available from the Federal Emergency Management Agency to be administered by the New York State Emergency Management Office; and

WHEREAS, these funds can be used to aid the County and its municipalities in planning mitigation measures to be taken to reduce the impact of natural disasters; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute any and all documents necessary to apply for and accept a Federal Emergency Management Agency Hazard Mitigation Grant in the amount of \$225,000.00 from the Federal Emergency Management Agency, the form and substance subject to the approval of the County Attorney; and be it further

RESOLVED, that the 2007 Saratoga County budget is amended as follows:

EMERGENCY SERVICES

Appropriations:

| | |
|--|----------|
| Increase Acct. #1-36-000-7033 PC's | \$ 6,000 |
| Increase Acct. #1-36-000-8190 Prof Services | \$30,000 |
| Increase Acct. #1-36-000-8550.I Central Stores | \$ 2,000 |
| Increase Acct. #1-36-000-8560.I Printing | \$ 2,000 |

Revenues:

| | |
|---|----------|
| Increase Acct. #1-36-3306 Homeland Security | \$40,000 |
|---|----------|

BUDGET IMPACT STATEMENT: None. The \$10,000 match for 2007 is available in the Emergency Services Budget.

RESOLUTION 166 - 07

Introduced by Supervisors Thompson, Grattidge, Hargrave, Janik, Lucia, Raymond and Yepsen

AMENDING THE CAPITAL PLAN AND 2007 BUDGET TO INCLUDE THE DESIGN AND INSTALLATION OF A TRAFFIC CONTROL DEVICE AT THE INTERSECTION OF FONDA ROAD AND MIDDLETOWN ROAD IN HALFMOON AND AMENIDNG THE 2007 COUNTY BUDGET THERETO

WHEREAS, increased traffic in the Town of Halfmoon has caused the intersection of Fonda Road (CR97) and Middletown Road (CR96) to qualify under State Department of Transportation warrants for the installation of a traffic light; and

WHEREAS, the cost of this installation of a traffic light will be borne by the County as it is an intersection of two county roads; and

WHEREAS, amendments to the Capital Plan and to the 2007 budget are necessary to appropriate funds in this fiscal year for this project; now, therefore, be it

RESOLVED, that the 2007 Long Range Capital Plan is amended to include an additional \$106,000 for the design and installation of a traffic control at the intersection of Fonda Road (CR97) and Middletown Road (CR96) in the Town of Halfmoon; and be it further

RESOLVED, that the 2007 Saratoga County Budget is amended as follows:

TRANSFER:

| | |
|--|-----------|
| FROM: #1-14-999-9000 Contingency | \$106,000 |
| TO: #1-90-920-9902 Transfer to Highway | \$106,000 |

INCREASE:

Appropriations:

| | |
|---|-----------|
| Increase Acct. #2-50-501-7502 Contracted Highway Services | \$106,000 |
|---|-----------|

Revenues:

| | |
|---|-----------|
| Increase Acct. #2-50-5031 Transfer from General Fd. | \$106,000 |
|---|-----------|

BUDGET IMPACT STATEMENT: This \$106,000 transfer will leave a balance of \$155,971 in contingency.

Resolutions 167 & 168

Mr. Gutheil said he opposed this at one point, but he has since had a call from Mr. Lawler who informed him the Luther Forest Technology Park contract to buy water has been executed.

RESOLUTION 167 - 07

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

AUTHORIZING THE PURCHASE OF A 7.3 ACRE PARCEL OF LAND IN WILTON FOR MITIGATION OF WETLAND DISTURBANCE FOR THE COUNTY WATER SYSTEM

WHEREAS, in the Army Corps of Engineers wetland disturbance permit for the construction of the county wide water system, certain disturbances of designated wetlands were identified which the Army Corps of Engineers is requiring Saratoga County to mitigate; and

WHEREAS, the State of New York Dormitory Authority owns certain land held for the benefit of the Office of Mental Retardation and Developmental Disabilities, which land is no longer needed for the Department's purposes, and is available and suitable for use by Saratoga County for the creation of wetlands to compensate for the loss of wetlands caused by the construction of the water transmission pipeline; and

WHEREAS, the Dormitory Authority is willing to sell a 7.3 acre parcel of land located on Northern Pines Road in the Town of Wilton for that purpose; and

WHEREAS, the County's appraiser has valued the land at \$100,000 as a fair and reasonable market value for this parcel; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a contract and any other documents necessary for the purchase of a 7.3 parcel of land located on Northern Pines Road in the Town of Wilton, from the New York State Dormitory Authority, for the sum of \$100,000.00 the form and substance of said documents subject to the approval of the county Attorney and the Contract Administrator.

BUDGET IMPACT STATEMENT: None. The funds are available within the Water Capital Project and all expenditures will be repaid by the Saratoga County Water Authority.

RESOLUTION 168 - 07

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

AUTHORIZING A CONTRACT WITH BOMBARD EXCAVATING CORPORATION FOR THE REMOVAL OF A LOGJAM ON THE KAYADEROSSERAS CREEK

WHEREAS, the Wetlands Disturbance Permit issued by the Army Corps of Engineers for the construction of the County Wide Water System requires that an environmental project be undertaken to compensate for disturbances to and loss of designated wetlands; and

WHEREAS, the removal of a large logjam at the outlet of the Kayaderosseras Creek into Saratoga Lake has been accepted by the Army Corps of Engineers as an appropriate mitigation measure; and

WHEREAS, removal of the logjam enhances the value of the Kayaderosseras Creek as a recreational asset of the County, and relieves the area of the logjam from periodic flooding caused by the jam; and

WHEREAS, proposals were submitted for the removal of the logjam and Bombard Excavating Corporation was the lowest bid; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a contract with Bombard Excavating Corporation of Middle Grove, New York for the removal of the logjam on the Kayaderosseras Creek for a sum not to exceed \$38,000.00, the form and substance of the contract subject to the approval of the County Attorney and the Contract Administrator.

BUDGET IMPACT STATEMENT: None. The funds are available within the Water Capital Project and all expenditures will be repaid by the Saratoga County Water Authority.

RESOLUTION 169 - 07

Introduced by Supervisors Hargrave, Gutheil, A. Johnson, M. Johnson, Peck, Thompson and Wood

AUTHORIZING AN AGREEMENT WITH N.Y.S.D.O.T. ACCEPTING \$3,500 AS COMPENSATION FOR A LAND ACQUISITION AND EASEMENTS IN THE TOWN OF BALLSTON

WHEREAS, the New York State Department of Transportation has exercised its eminent domain power to take title to a parcel of land owned by Saratoga County and located in the Town of Ballston, for the purpose of reconstructing a bridge on Route 67; and

WHEREAS, NYSDOT has offered the sum of \$3,500 as compensation for said parcel, and for temporary construction easements based on its full market appraisal; and

WHEREAS, said sum is fair and adequate compensation for the parcel taken by the State and for the temporary easements; and

WHEREAS, it is necessary to execute an Agreement of Adjustment with N.Y.S.D.O.T. to accept this offer; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an Agreement of Adjustment, accepting the sum of \$3,500 as compensation for a 18,927± square foot parcel of land in the Town of

Ballston and for temporary construction easements, the form and substance of such agreement subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 170 - 07

Introduced by Supervisors Hargrave, Gutheil, A. Johnson, M. Johnson, Peck, Thompson and Wood

AUTHORIZING AN AGREEMENT WITH FISCAL ADVISORS & MARKETING, INC. TO ACT AS FISCAL ADVISOR TO THE WASTEWATER TREATMENT PLANT EXPANSION

WHEREAS, the planned expansion of the Wastewater Treatment Plant will require the issuance of public bonds to finance the project; and

WHEREAS, a qualified financial consultant is needed to assist the County in the issuance of bonds; and

WHEREAS, proposals from qualified consultants were solicited and the Commissioners of Saratoga County Sewer District #1 recommend acceptance of the proposal of Fiscal Advisors & Marketing, Inc.; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with Fiscal Advisors & Marketing, Inc. of 120 Walton Street, Suite 600, Syracuse, NY 13202 to act as a fiscal advisor to the Wastewater Treatment Plant Expansion Project, at a cost not to exceed \$24,000 the form and substance of the contracts subject to the approval of the County Attorney and Contract Administrator.

BUDGET IMPACT STATEMENT: None. Funds are available within the Sewer District Budget.

RESOLUTION 171 - 07

Introduced by Supervisors Hargrave, Gutheil, A. Johnson, M. Johnson, Peck, Thompson and Wood

AUTHORIZING SARATOGA COUNTY SEWER DISTRICT NO. 1'S EXECUTIVE DIRECTOR TO SIGN PERMIT DOCUMENTS ON BEHALF OF THE COUNTY OF SARATOGA FOR TREATMENT PLANT EXPANSION

WHEREAS, Resolution 240-06 authorized a contract with Delaware Engineering, P.C. of Albany, New York, to provide necessary engineering services for the design of an expansion of, and improvements to, Saratoga County Sewer District (SCSD) No. 1's Wastewater Treatment Plant; and

WHEREAS, the proposed project is subject to a number of permits and approvals from state and federal agencies, including a modification of SCSD's State Pollutant Discharge Elimination System (SPDES) permit; and

WHEREAS, Saratoga County is the named permittee on SCSD's SPDES's permit; and

WHEREAS, SCSD's Executive Director requires a grant of authority from this Board to execute on behalf of Saratoga County the required permit application and follow-up paperwork needed to modify Saratoga County's SPDES permit and to obtain all other permits required for the proposed project; and

WHEREAS, in order to facilitate and expedite the permitting process for SCSD's Wastewater Treatment Plant expansion project, the Saratoga County Sewer District Commission has requested by resolution that this Board grant SCSD's Executive Director the authority to execute on Saratoga County's behalf all required permit applications and follow-up paperwork needed for said project; now, therefore, be it

RESOLVED, that Saratoga County Sewer District No. 1's Executive Director is hereby authorized to execute on behalf of the County of Saratoga any and all applications and follow-up paperwork needed to modify and/or renew the County of Saratoga's SPDES permit and obtain all other state and federal permits required for SCSD's Wastewater Treatment Plant expansion project.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 172 - 07

Introduced by Supervisors Hargrave, Gutheil, A. Johnson, M. Johnson, Peck, Thompson and Wood

DESIGNATING SARATOGA COUNTY SEWER DISTRICT NO. 1 AS LEAD AGENCY FOR SEQRA ANALYSIS OF PROPOSED EXPANSION OF SEWER DISTRICT TREATMENT PLANT

WHEREAS, Resolution 240-06 authorized a contract with Delaware Engineering, P.C. of Albany, New York, to provide necessary engineering services for the design of an expansion of, and improvements to, Saratoga County Sewer District No. 1's Wastewater Treatment Plan; and

WHEREAS, compliance with the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law and Part 617 of the New York State Code of Rules and Regulations (SEQRA)) is required for this project; and

WHEREAS, Saratoga County Sewer District No. 1 has prepared and reviewed Part I of the Full Environmental Assessment Form and a site location map required under SEQRA; and

WHEREAS, based on a review of 6 NYCRR Part 617.4, Saratoga County Sewer District No. 1 has determined that the proposed project is a Type I action under SEQRA involving more than one agency thus requiring coordinated agency review; and

WHEREAS, the Saratoga County Sewer District Commission has adopted a resolution declaring the intent of Saratoga County Sewer District No. 1 to serve as Lead Agency for purposes of coordinating agency review under SEQRA, with such Lead Agency status subject to confirmation by this Board; now, therefore, be it

RESOLVED, that Saratoga County Sewer District No. 1 shall serve as Lead Agency for the conduct of the environmental review of the proposed expansion and upgrade of the County Sewer District's treatment plant; and, be it further

RESOLVED, that the Executive Director of Saratoga County Sewer District No. 1 and the Chairman of the Saratoga County Sewer District Commission are authorized to take all necessary or appropriate steps to ensure compliance with SEQRA during such environmental review.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 173 - 07

Introduced by Supervisors Hargrave, Gutheil, A. Johnson, M. Johnson, Peck, Thompson and Wood

AUTHORIZING ACCEPTANCE OF LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND GRANT AND AMENDMENT TO 2007 COMPENSATION SCHEDULE AND BUDGET

WHEREAS, Resolutions 156-91, 113-93, 172-97, 114-98, 168-98, 141-99, 24-00, 138-00, 143-01, 129-02, 157-03, 135-04, 157-05, 158-05, 169-06 and 170-06 authorized acceptance of state grants to improve records management for implementations by the County Clerk; and

WHEREAS, a new grant is available and its acceptance requires our approval; now, therefore, be it

RESOLVED, that the Chairman of the Board execute all documents necessary for the acceptance of Local Government Records Management Improvement Fund Grant #0580-08-8624 in the amount of \$55,389; and be it further

RESOLVED, that the 2007 Saratoga County Compensation Schedule is amended as follows:

UNDER COUNTY CLERK

CREATE (8) positions Clerk part-time effective (8/31/07-8/31/08) and, be it further

RESOLVED, that the 2007 Budget is amended as follows:

APPROPRIATIONS:

| | |
|--|----------|
| Increase Acct. #1-19-000-6696.P, Clerks, Part-time | \$ 8,000 |
| Increase Acct. #1-19-000-6930, Social Security | \$ 612 |
| Increase Acct. #1-19-000-7010, Furniture and Furnishings | \$ 886 |

Increase Acct. #1-19-000-8560, Printing

\$27,000

REVENUES:

Increase Acct. #1-19-3089, State Aid for Records Management

\$36,498

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 174 - 07

Introduced by Supervisors Hargrave, Gutheil, A. Johnson, M. Johnson, Peck, Thompson and Wood

AUTHORIZING ACCEPTANCE OF LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND GRANT AND AMENDMENT TO 2007 COMPENSATION SCHEDULE AND BUDGET

WHEREAS, Resolutions 156-91, 113-93, 172-97, 114-98, 168-98, 141-99, 24-00, 138-00, 143-01, 129-02, 157-03, 135-04, 157-05, 158-05, 169-06 and 170-06 authorized acceptance of state grants to improve records management for implementation by the County Clerk; and

WHEREAS, a new grant is available and its acceptance requires our approval; now, therefore, be it

RESOLVED, that the Chairman of the Board execute all documents necessary for the acceptance of Local Government Records Management Improvement Fund Grant #0580-08-8636 in the amount of \$73,241; and be it further

RESOLVED, that the 2007 Saratoga County Compensation Schedule is amended as follows:

UNDER COUNTY CLERK

CREATE (4) positions Clerk part-time effective (8/31/07-8/31/08)

and, be it further

RESOLVED, that the 2007 Budget is amended as follows:

APPROPRIATIONS:

Increase Acct. #1-19-000-6696.P, Clerks, Part-time

\$ 1,271

Increase Acct. #1-19-000-6930, Social Security

\$ 97

Increase Acct. #1-19-000-8190, Purchased Services

\$ 6,400

REVENUES:

Increase Acct. #1-19-3089, State Aid for Records Management

\$ 7,768

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 175 - 07

Introduced by Supervisors Hargrave, Gutheil, A. Johnson, M. Johnson, Peck, Thompson and Wood

AUTHORIZING AN AGREEMENT WITH JAEGER AND FLYNN ASSOCIATES, INC. TO ADMINISTER THE SARATOGA COUNTY FLEXIBLE BENEFITS PLAN

WHEREAS, by Resolution 220-00 this Board adopted the Saratoga County Flexible Benefits Plan which makes participating Saratoga County employees' contributions to medical coverage not subject to income taxation; and

WHEREAS, proposals were solicited from qualified providers to administer the Saratoga County Flexible Benefits Plan, and Jaeger and Flynn Associates, Inc. was the lowest proposal; NOW, THEREFORE, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with Jaeger and Flynn Associates, Inc. of Clifton Park, New York to administer the Saratoga County Flexible Benefits Plan at a cost not to exceed three dollars (\$3.00) per participant per month, the form and substance of such agreement subject to the approval of the County Attorney and Contract Administrator.

BUDGET IMPACT STATEMENT: No budget impact. Any unanticipated costs will be offset by the County not making payment of the Social Security employer costs ie. 6.75.

RESOLUTION 176 - 07

Introduced by Supervisors Hargrave, Gutheil, A. Johnson, M. Johnson, Peck, Thompson and Wood

AMENDING FAB GRANT FUNDS TO THE SARATOGA COUNTY WATER AUTHORITY TO BE REPAID UPON BONDING

WHEREAS, by Resolution 30-07, this Board authorized a claim to be made for reimbursement of costs of the County Wide Water Project under the County Financial Aid to Business (FAB) Grant with the State Environmental Facilities; and

WHEREAS, said Resolution provided that such Grant fund would first be used to repay expenditures by Saratoga County for the cost of the County Water Project, with the balance remaining to be transferred to the Saratoga County Water Authority; and

WHEREAS, the amount of Grant funds to be paid to Saratoga County under this initial application will be \$2,507,520.82; and

WHEREAS, The Saratoga County Water Authority is in the process of raising additional funding through the issuance of its own bonds, but does not yet have cash on hand available to meet its contractual obligations with its contractors who are constructing the project; and

WHEREAS, it is in the best interests of Saratoga County to defer return of the funds its has expended for the costs of the project, to transfer to the Saratoga County Water Authority the proceeds of the initial FAB Grant funds for its use until the issuance of its bonds, at which time the Authority will repay all of the County's expenditures for the costs of the County Wide Water Project; now, therefore, be it

RESOLVED, that Resolution 30-07, in the second RESOLVED paragraph thereof, be and is hereby amended to read as follows:

“RESOLVED, that Grant funds received by Saratoga County will be transferred to the Saratoga County Water Authority, upon the condition that the Authority will repay said funds and any and all other expenditures made by Saratoga County for the costs of the Water Project upon its receipt of Saratoga County Water Authority bond funds”; and be it further

RESOLVED, that upon receipt of the FAB Grant payment in the amount of \$2,507,520.82, the Saratoga County Treasurer is authorized and directed to transfer the said sum to the Saratoga County Water Authority.

BUDGET IMPACT STATEMENT: These funds will be reimbursed by the Water Authority upon issuance of its bonds.

RESOLUTION 177 - 07

Introduced by Supervisors Trottier, Callanan, Connors, Grattidge, A. Johnson, M. Johnson and Lawler

ADOPTING A LOCAL LAW IMPOSING A 911 WIRELESS SURCHARGE

WHEREAS, Resolution 162-07 introduced and presented proposed Introductory No. 2, Print No. 1 of 2007 to this Board of Supervisors and scheduled a public hearing thereon for August 15, 2007 at 4:45 P.M. in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

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

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

RESOLVED, that this Board of Supervisors, on this 21st day of August, 2007 hereby adopts a Local Law identified as Introductory No. 2, Print No. 1 of 2007.

BUDGET IMPACT STATEMENT: No budget impact.

COUNTY OF SARATOGA
LOCAL LAW 4 - 2007

A LOCAL LAW imposing a wireless 911 surcharge on wireless communications service in Saratoga County.

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

SECTION 1. Legislative Intent. The purpose of this Local Law is to implement the \$0.30 surcharge per month on wireless communications providers, as authorized by Section 308-h of the County Law of the State of New York.

SECTION 2. Imposition of County of Saratoga Wireless Surcharge. There is hereby imposed a surcharge in the amount of \$0.30 per month on wireless communications service in the County of Saratoga. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications services that is provided to a customer whose place of primary use is within the county. For the purpose of this section, the term "place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be: (a) the residential street address or the primary business street address of the customer; and (b) within the licensed service area of the wireless communications service supplier.

SECTION 3. Implementation Date. The date upon which the wireless communications service supplier shall begin to add such surcharge to the billings of its customers shall be October 24, 2007.

SECTION 4. Wireless Communications Service Suppliers. (a) Each wireless communications service supplier for the County of Saratoga shall act as collection agent for the County and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this section to the County Treasurer of the County of Saratoga every month. Such funds shall be remitted no later than 30 days after the last business day of the month; (b) Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to 2% of its collections of a surcharge imposed under the provisions of this section; (c) Any surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers; (d) Each wireless communications service customer who is subject to the provisions of this section shall be liable to the County of Saratoga for the surcharge until it has been paid to the County of Saratoga except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge; (e) No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this section, provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Saratoga, it shall also provide the County of Saratoga with the name and address of any customer refusing or failing to pay a surcharge imposed under the provisions of this section and shall state the amount of such surcharge remaining unpaid; and (f) Each wireless communications service supplier shall annually provide to the County of Saratoga an accounting of the surcharge amounts billed and collected.

SECTION 5. Remittance of Funds. All surcharge monies remitted to the County of Saratoga by a wireless communications services supplier shall be expended only upon authorization of the Board of Supervisors and only for payment of eligible wireless 911 service costs as defined in subdivision 16 of section 325 of the County Law of the State of New York. The County of Saratoga shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above-mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6. Notice. The Saratoga County Sheriff shall notify, in writing, wireless communication service providers who are subject to the provisions of this local law of their obligation to collect the surcharge provided for herein no less than forty-five (45) days prior to the date such provider is to begin adding said surcharge to the billings of its customers.

SECTION 7. Effective Date. The within Local Law shall be effective immediately upon passage and filing with the Secretary of State of the State of New York with implementation of the wireless surcharge fee to commence as provided for herein.

RESOLUTION 178 - 07

Introduced by Supervisors Hunter, Hargrave, M. Johnson, Keyrouze, Trottier and Wood and Wormuth

AUTHORIZING CONVEYANCE OF TAX-ACQUIRED LANDS

WHEREAS, unpaid taxes resulted in the County's acquisition of certain lands in various towns, and WHEREAS, the former owners or their successors in interest have requested the pre-auction conveyance of one of the said parcels in consideration of their payment of an amount equal to the unpaid taxes, penalties, interests and charges, and

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

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

| CONVEY TO: | YEAR | TOWN | S/B/L | AMOUNT |
|--|----------------------|--------|------------|------------|
| Paulsen Development Co. of Albany 5 Palisades Drive, Suite 310 Albany, NY 12205 | 2004, 2005 & 2006 | Milton | 203.5-3-21 | \$ 703.42 |
| Paulsen Development Co. of Albany 5 Palisades Drive, Suite 310 Albany, NY 12205 | 2004 & 2006 | Milton | 203.5-3-90 | \$1,114.91 |

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

RESOLUTION 179 - 07

Introduced by Supervisors M. Johnson, Connors, Gutheil, Hunter, Lucia, Raymond and Trottier

ADOPTING MINIMUM STANDARDS FOR THE SARATOGA COUNTY AIRPORT

WHEREAS, 2007 is the final year of the term of the leases at the Saratoga County Airport; and WHEREAS, the terms and conditions of the leases incorporate the requirements of the "Minimum Standards and Requirements on the Conduct of Commercial Aeronautical Services and Activities of Saratoga County Airport, New York"; or Minimum Standards; and

WHEREAS, the Minimum Standards have not been updated for some time, and it is appropriate that they be updated to meet the present needs of the County in running the airport; and

WHEREAS, the Airport Subcommittee, with the assistance of our consultants, Jacobs, Edwards and Kelsey, have drafted new Minimum Standards for our airport; now, therefore, be it

RESOLVED, that the "Minimum Standards and Requirements of the Conduct of Commercial Aeronautical Services and Activities of Saratoga County Airport" annexed hereto, be and are hereby established, adopted and enacted as the Minimum Standards of the Saratoga County Airport, with the requirements for insurance coverage currently required by the leases of the airport to remain unchanged.

BUDGET IMPACT STATEMENT: No budget impact.

SECTION I

GENERAL CONDITIONS OF MINIMUM STANDARDS AND REQUIREMENTS ON THE CONDUCT OF COMMERCIAL AERONAUTICAL SERVICES AND ACTIVITIES AT SARATOGA COUNTY AIRPORT, NEW YORK

1. GENERAL STATEMENT OF POLICY

It shall be the policy of Saratoga County, New York (the County) that any person(s), firms(s) or corporation(s) wishing to conduct commercial aeronautical activities, as defined herein, at Saratoga County Airport (the Airport), shall be given equal opportunity to engage in such commercial aeronautical activities at the Airport that meet these Minimum Standards (Standards) established by the County. The County's purpose in imposing standards is to ensure a safe, efficient and adequate level of operation and services is offered to the public. The Standards were specifically prepared according to the Federal Aviation Administration (FAA) guidelines to be reasonable and not unjustly discriminatory. In exchange for the opportunity to engage in a commercial aeronautical activity, an aeronautical service provider (Operator) engaged in a commercial aeronautical activity agrees to comply with the Standards developed by the County. Compliance with these Standards is also part of every aeronautical service provider's lease agreement with the County. These Standards are and will be applied objectively and uniformly to all similarly situated on-airport commercial aeronautical service providers.

Pursuant to federal, state and local laws, the County has the authority to promulgate standards deemed necessary to the efficient and proper operation of the Airport and in the interest of safety to govern matters relating to aircraft, motor vehicles, aircraft servicing and other equipment on the Airport. These Standards shall be enforced by The County in accordance with and to the full extent of applicable law. These Standards are developed pursuant to FAA Advisory Circular 150/5190-7 "Minimum Standards for Commercial Aeronautical Activities", dated August 28, 2006.

The County, being the Owner and in a position of responsibility for the administration of the Airport, does hereby establish the following Policy: The Standards are intended to be the threshold entry requirements for those wishing to provide commercial aeronautical services to the public and to insure that those who have undertaken to provide commodities and services as approved are not exposed to unfair or irresponsible competition.

These Standards were developed taking into consideration the aviation role of the Airport, facilities that currently exist at the Airport, services being offered at the Airport, the future development planned for the Airport and to promote fair competition at the Airport. The uniform application of these Standards, containing the minimum levels of service that must be offered by the prospective service provider, relates primarily to the public interest and discourages substandard entrepreneurs, thereby protecting both the established aeronautical activity and the Airport patrons.

Granting of Rights: No person(s), firms(s) or corporation(s) shall have access to or use the property of the County at the Airport for the purpose of providing commercial aeronautical activities unless they first meet the requirements of these Standards, obtain the permission of the County, and have a properly executed lease agreement. The conduct of any and all providers of commercial aeronautical activities shall be subject to these Standards, as amended from time to time by the County. No person shall engage in the sale of food, drink, or any commodity including but not limited to gasoline, oil, or any fuel-based product, or offer services or solicit funds from the public at the Airport for any purpose, or post, distribute or display signs, advertisements, handbills, circulars, printed or written matter at the Airport, except upon terms and conditions prescribed by the County, including obtaining any prior written authorization or permit as may be required.

No person(s), firm(s) or corporation(s) shall be given any exclusive rights, as defined by the FAA, for the conduct of commercial aeronautical services at the Airport.

2. DEFINITIONS

A. Aircraft

(1) *Aircraft* - any device used or designed for navigation or flight in the air including, but not limited to, an airplane, sailplane, glider, helicopter, gyrocopter, ultra-light, light sport aircraft (LSA), powered lift aircraft, balloon, or blimp.

- (2) *Air Charter or Taxi* - the commercial operation of providing air transportation of person(s) or property for hire either on a charter basis or as an air taxi operator.
- (3) *Aircraft Fuel* - all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine.
- (4) *Aircraft Operation* - an aircraft arrival at, or departure from, the airport.
- (5) *Aircraft Owner* - a person or entity holding legal title to an aircraft, or any person having exclusive possession of an aircraft.
- (6) *Aircraft Parking and Storage Areas* - those hangar and apron locations of the Airport designated by the County for the parking and storage of aircraft.
- (7) *Aircraft Rental* - the commercial operation of renting or leasing aircraft to the public for compensation.
- (8) *Aircraft Sales* - the sale of new or used aircraft through brokerage, ownership, franchise, distributorship, or licensed dealership.
- (9) *Airport Reference Codes – FAA Advisory Circular 150/5300-13 Airport Design* defines the Airport Reference Code (ARC) as “a coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to use the airport.” The ARC is used to determine design dimensions for the various separation and safety standards, Runway Protection Zone and Object Free Zone dimensions, surface gradients, and threshold siting standards.
- (10) *Based Aircraft* - an aircraft which the owner physically locates at the airport for an undetermined period, and whenever absent from the Airport, its owner intends to return the aircraft to the airport for long-term storage.

B. General

- (1) *Aeronautical Activity* - Any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations. Activities within this definition, commonly conducted on airports, include, but are not limited to, the following: general and corporate aviation, air taxi and charter operations, scheduled and nonscheduled air carrier operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and services, aircraft storage, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, parachute or ultralight activities, and any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as aeronautical activities. Activities, such as model aircraft and model rocket operations, are not aeronautical activities.
- (2) *Airframe and Powerplant Maintenance* - the commercial operation of providing airframe and powerplant services, which includes the service, repair, maintenance, inspection, construction, and making of modifications and alterations to aircraft, aircraft engines, propellers and appliances including the removal of engines for major overhaul as defined in 14 CFR Part 43. This category of service also includes the sale of aircraft parts and accessories.
- (3) *Airframe and Powerplant Mechanic (A&P)* – A person who holds an aircraft mechanic certificate with both airframe and powerplant ratings as authorized and described in 14 CFR Part 65.
- (4) *Airport* - all of the sponsor-owned or leased real or personal property, buildings, facilities and improvements within the boundaries of said Airport, as it presently exists or as it may exist when it is hereafter modified, expanded, or developed. “Airport” includes all of its facilities as shown on the most current Airport Layout Plan.
- (5) *ALP* - the currently approved Airport Layout Plan depicting the physical layout of the airport and identifying the location and configuration of current runways, taxiways, buildings, roadways, utilities, nav aids, etc.
- (6) *Commercial Aeronautical Activity* - the conduct of any aspect of a business, concession, operation, or agency providing goods or services to any person for compensation or hire, including exchange of services, whether or not such objectives are accomplished. An activity is considered a commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt. A commercial business activity that involves, makes possible, or is required for the operation OF aircraft, or which contributes to or is required for the safety of aeronautical operations.
- (7) *Commercial Aeronautical Service Provider (Operator)* - a person, firm, corporation, or other entity, which makes possible, or is required for the operation of aircraft or related services, or which contributes to, or is required for the safe conduct and utility of aircraft operations at the Airport, the purpose of such activity being to generate and/or secure earnings, income, compensation, and/or profit, whether or not

such objectives are accomplished. A Commercial Aeronautical Service Provider (Operator) can be classified as either a Fixed Base Operator (FBO) or else a Specialized Aviation Service Operation (SASO), as defined below. Each Commercial Aeronautical Service Provider shall, at the time of application submitted to the County, clearly identify which designation it is applying for. Any existing Commercial Aeronautical Service Provider at the Airport that chooses to change its existing designation shall submit a new application to the County and obtain the County's approval in writing prior to changing its designation.

(8) *Exclusive Right* - a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. The County may not grant an exclusive right either by express agreement, contract, license, lease, permit, or by the imposition of unreasonable standards or requirements, or by any other means.

(9) *General Aviation* - all phases of aviation other than military aviation and scheduled certificated commercial air carrier operations.

(10) *Hazardous Material* - any substance, waste, or material which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous, and is or becomes regulated as a hazardous material by any governmental authority, agency, department, commission, board, or agency.

(11) *Minimum Standards* - the qualifications or criteria, which may be established by The County, the Airport owner, as the minimum requirements that shall be met by businesses engaged in commercial aeronautical activities for the right to conduct those activities.

(12) *Special Events* - special event at the Airport is defined as any activity that does not occur on a regular basis in the course of its normal operation. Special Events and include but are not limited to activities such as airshows; aircraft fly-ins that are advertised and promoted as events on (a) designated day(s); carnivals and/or festivals; fireworks displays; car shows; flea markets; running races; and any other special event as may be designated by the County. No person(s), non-profit organization(s), company(ies), or corporation(s) shall schedule, advertise, or hold a Special Event without prior written approval from the County.

C. Governmental

(1) *Airport Manager* - The County may at its discretion designate a duly authorized representative to serve as airport manager and administer and manage operations of the Airport and Airport facilities.

(2) *FAA* - the Federal Aviation Administration as established in 1967 within the Department of Transportation of the United States government that has the responsibility of promoting safety in the air, by both regulation and education.

(3) *FAR* - the Federal Aviation Regulations as published by the FAA that governs the operation of aircraft, airways, and airmen. Compliance with the FARs is mandatory. In 1996, all references to the FARs were changed to "14 CFR" (Title 14 of the Code of Federal Regulations).

D. Fueling

(1) *Fueling or Fuel Handling* - the transportation, sale, delivery, dispensing, storage, or draining of fuel or fuel waste products to or from aircraft, vehicles, or equipment including storage tanks.

(2) *Fuel Storage Area* - any portion of the Airport designated temporarily or permanently by the sponsor as an area in which aviation or motor vehicle gasoline or any other type of fuel or fuel additive may be stored or loaded.

(3) *Self-Fueling* - the commercial operation of an unmanned stationary fuel tank and dispensing equipment for general use via a card reader or other mechanism. This includes anyone utilizing this type of equipment to provide fuel for sale or reuse.

E. Lease and Agreements

(1) *Lease* - the written contract between the County and an Operator (Lessee) specifying the terms and conditions under which an Operator may occupy and operate from certain Airport facilities and/or property.

(2) *Sublease* - A written agreement, approved by the County, stating the terms and conditions under which a third party Operator leases space from a Lessee for the purpose of providing aeronautical services at the Airport.

(3) *Agreement* - the written agreement between the County and an Operator specifying the terms and conditions under which the Operator may conduct commercial aviation activities. Such Agreement will

recite the terms and conditions under which the activity will be conducted at the Airport including, but not limited to, term of the Agreement; rents, fees, and charges to be paid; and the right and obligations of the respective parties.

(4) *Permit* - administrative approval issued by the County or other governmental agency, to a person or company to conduct a commercial aeronautical activity, and provide such services, to based and transient aircraft, only from facilities and locations where such services are authorized.

(5) *Person* - an individual, corporation, firm, partnership, association, organization, and any other group acting as an entity, to conduct business on the Airport. Person includes a trustee, receiver, assignee or similar representative.

F. Services

(1) *Avionics Sales and Maintenance* - the commercial operation of providing for the sale, repair and service, or installation of aircraft radios, instruments and accessories. Such operation may include the sale of new or used aircraft radios, instruments and accessories.

(2) *Fixed Base Operator (FBO)* - a full service commercial aeronautical service provider who is authorized to engage in the primary activity of aircraft refueling in addition to a minimum of two (2) of the following secondary activities: airframe and power plant maintenance, flight training, aircraft rental, aircraft charter or air taxi, avionics sales and service, and aircraft storage/hangar rentals.

(3) *Flight Training* - the commercial operation of instructing pilots in dual and solo flight, in fixed or rotary wing aircraft, and related ground school instruction necessary to complete a FAA written pilot's examination and flight check ride for various categories of pilots licenses and ratings, as well as maintaining currency and upgrading licenses as stipulated by the FAA. Flight Training shall also include any portion of a flight between the Airport and other airports or other destinations where the primary purpose is to increase or maintain pilot or crew member proficiency and currency.

(4) *Flying Club* - a non-commercial and nonprofit entity organized for the purpose of providing its members with any number of aircraft for their personal use and enjoyment. The club may not derive greater revenue from the use of the aircraft than the cost to operate, maintain, and replace the aircraft.

(5) *Preventive Aircraft Maintenance* - maintenance that is not considered a major aircraft alteration or repair and does not involve complex assembly operations as listed in 14 CFR Part 43, except for Item 22 in the Regulation. Item 22 involves the replacement of prefabricated fuel lines, and shall, for purposes of these regulations, be considered a major aircraft repair.

(6) *Self-Service* - aircraft refueling, repair, preventive maintenance, towing, adjustment, cleaning, and general services performed by an aircraft owner or his/her direct employees on his/her aircraft with resources supplied by the aircraft owner.

(7) *Specialized Aviation Service Operation (SASO)* - a commercial aeronautical service provider that is authorized to provide at least one but not more than any two commercial aeronautical services according to established Minimum Standards. Examples of a SASO include but are not limited to the following commercial aeronautical activities: flight and ground training; aircraft maintenance; air charter or taxi; avionics sales and maintenance; aircraft rental; aircraft sales; aircraft storage. Each commercial aeronautical business that is designated a SASO by the County shall meet the appropriate Minimum Standards for each commercial service provided.

G. Infrastructure

(1) *Airport Operations Area or AOA* - the area of the Airport used for aircraft landing, takeoff, or surface maneuvering including the areas around hangars, navigation equipment, and communication facilities.

(2) *Roadway* - any street or road whether improved or unimproved, within the boundaries of the Airport and designated for use by ground vehicles.

(3) *Taxilane* - the portion of the Airport apron area, or any other area, used for access between taxiways and aircraft parking or storage area.

(4) *Taxiway* - a defined path established for the taxiing of aircraft from one part of the Airport to another.

(5) *UNICOM* - a two-way communication system operated by a non-governmental entity that provides airport advisory information.

(7) *Vehicle Parking Area* - any portion of the Airport designated and made available temporarily or permanently by the County for the parking of vehicles.

(8) *Common Area* - The designated areas of the Airport that are available for public access that are not located within a leasehold boundary.

(9) *Transient Aircraft Parking* - the area designated by the County for transient aircraft parking.

3. APPLICATION REQUIREMENTS

The prospective commercial aeronautical service provider (Operator) shall submit in written form to the County or its designee, the following information at a minimum and, therefore, such additional information as it may be requested by the County or its designee.

1. The proposed nature of the business. A business plan may be used to express the proposed nature of the business. (Appendix B stipulates the requirements for an adequate business plan).
2. The signatures and legal names of all parties whose names are being submitted as owning an interest in the business or will appear on leases or other documents as being a partner, director or corporate officer and those who will be managing the business.
3. The name, telephone number and address of the primary contact person.
4. The current financial statement prepared or certified by a Certified Public Accountant.
5. A listing of assets owned, or being purchased, or leased which will be used in the business on the Airport.
6. A current credit report for each party owning or having 5 percent or more financial interest in the business and a credit report on the business itself covering all geographical areas in which it has done business in the ten-year period immediately prior to such application.
7. An agreement to provide a bond or suitable guarantee of adequate funds to the County, if requested by the County, to be used to defray any expenses and fees normally paid by the Lessee between the estimated time the Lessee may default and a new lease is executed and another Lessee takes over.
8. A written authorization for the FAA, any aviation or aeronautics commissions, administrators, and departments of all states in which the applicant has engaged in aviation business to release information in their files relating to the applicant or its operation. The applicant will execute such forms, releases, or discharges as may be required by those agencies.
9. Preliminary plans, specifications and dates for any improvements which the applicant intends to make on the Airport as part of the activity for which approval is sought. Applicant must comply with appropriate Review Procedures and the County requirements.
10. Proof (copy or insurance company letter of intent) of liability coverage for the business operation, flight operations, itinerant aircraft and Operators and premises insurance.
11. The number of persons to be employed including names and qualifications of management or supervisory personnel and whether they are to be full or part time employees.
12. Such other information as the County may require.

A. County Action on Application

All complete applications will be reviewed and acted upon by the County within 120 days from the receipt of the application. Applications may be denied for one or more of the following reasons:

1. The applicant does not meet qualifications, standards and requirements established by these Standards.
2. The applicant's proposed operations or construction will create a safety hazard on the Airport.
3. The granting of the application will require the expenditure of local funds, labor or materials on the facilities described in or related to the application, or the operation will result in a financial loss to The County.
4. There is no appropriate or adequate available space or building on the Airport to accommodate the entire activity of the applicant.
5. The proposed operation, Airport development or construction does not comply with the approved Airport Layout Plan.
6. The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present fixed base operator on the Airport, such as problems in connection with aircraft traffic or service, or preventing free access and egress to the existing fixed base operator area, or will result in depriving, without the proper economic study, an existing fixed base operator of portions of its leased area in which it is operating.
7. Any party applying, or interested in the business, has supplied false information, or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.

8. Any party applying, or having an interest in the business, has a record of violating the Rules, or the Rules and Regulations of any other Airport, Civil Air Regulations, Federal Aviation Regulations, or any other Rules and Regulations applicable to this or any other Airport.
9. Any party applying, or having an interest in the business, has defaulted in the performance of any lease or other agreement with the County or any lease or other agreement at any other airport.
10. Any party applying, or having an interest in the business, is not sufficiently credit worthy and responsible in the judgment of the County to provide and maintain the business to which the application relates and to promptly pay amounts due under the County's lease.
11. The applicant does not have the finances necessary to conduct the proposed operation for a minimum period of six months.
12. The applicant has failed to make full disclosure in the application or supporting documents.
13. The applicant has committed any crime, or violated any local ordinance rule or regulation, which adversely reflects on its ability to conduct the FBO operation applied for.

4. GENERAL REQUIREMENTS

A. Written Agreement

Prior to the commencement of operations or construction of improvements, the prospective Operator will be required to enter into a Written Agreement with the County which will recite the terms and conditions under which it will operate its business on the Airport. Such Agreement shall include, but not be limited to, the terms of the Agreement, the rentals, fees and charges, the rights, privileges, duties and obligations of the respective parties and other relevant covenants. It should be understood that neither the conditions contained in this paragraph nor those set forth in Section II, Schedule of Minimum Standards and Requirements, represent a complete recitation of the provisions to be included in the written Agreement. Such contract provisions, however, will not change or modify the Standards and requirements or be inconsistent therewith except under extraordinary circumstances with approval by the County.

B. Site Development Standards

Physical Facilities shall include the following as a minimum:

1. Land

The commercial aeronautical activity shall be based upon an area of land for each aircraft which the proposed operation intends to service, provide, park, store or otherwise handle.

The size of such land area shall be defined as provided in FAA Advisory Circulars, as amended from time-to-time, for each aircraft to be serviced, parked, provided, operated, stored or otherwise handled.

2. Buildings and Structures

Buildings and structures shall be of sufficient size and type of construction to provide competitive business conditions for the various types of services included in the scope of operations. All buildings and structures shall be maintained and serviced in a condition specifically agreed to in writing between the Operator and the County. The County or its designee shall be responsible for inspecting said buildings and structures and determining that these standards have been enforced. Temporary buildings and structures will be allowed only upon written approval of the County under extraordinary circumstances and then only for a specific period of time during which the permanent building or structure is being completed.

3. Support Areas

Land and improvements for automobile and ground equipment parking, mobility and pedestrian access for the Operator's employees, customers, vendors and other users shall be sufficient in size for the safe and convenient uses required in the scope of operations and to provide competitive business conditions.

4. Conditions of Improvements

All construction, improvements, and installations shall be subject to applicable federal, state, county, municipal laws, ordinances, codes, rules, and regulations in addition to the standards required by the County or contained in the Written Agreement with the County.

5. Maintenance Responsibilities

The Operator shall, at its sole cost and expense, maintain, repair, and keep in good condition all of the facilities which are located on and within their designated leasehold area, as herein described. Unless otherwise stipulated in writing, the County, as Airport owner and sponsor, is responsible for the maintenance of all property and facilities not located in designated leasehold areas, and it is also responsible for the replacement of facilities located on leasehold property that have reached the end of

their useful life or otherwise require replacement. However, the County is not responsible for replacing any facility or property located on or in a designated leasehold area that was constructed by the Lessee.

- a. Operator shall maintain pavement, landscaping, greenbelts, lighting, and all equipment.
- b. Operator shall maintain the interior and exterior of all improvements, to include electrical, mechanical, plumbing, fire protection system(s), roof, floors, load-bearing and exterior walls, utilities, and HVAC system(s).
- c. Operator shall clean snow, ice, debris, and trash from driveway, taxiways, aprons, greenbelts and sidewalks on and in designated leasehold areas to maintain safe, clear, unobstructed access to the improvements at all times for authorized users and emergency vehicles.
- d. Operator shall maintain all hangar and overhead doors and door operating systems, including weather stripping and glass replacement.
- e. Operator shall maintain electrical loads within the designed capacity of the system. Any change to such designed capacity will require the prior written consent of the County.
- f. Operator shall install and maintain hand-held fire extinguishers in the interior of all buildings, aircraft shops, aircraft parking and tie-down areas, and fuel storage areas, pursuant to fire and safety codes.
- g. Operator shall have the necessary utility meters installed, as required by the utility company(s), at Operator's expense. Operator shall pay all utility charges, including, but not limited to, electricity, water, wastewater, natural gas, and telephone. Operator shall maintain and repair all utility service lines and fixtures, including lighting fixtures, on or in the Operators' leasehold area to the extent the utility company providing such utility service does not perform such maintenance or repair.
- h. Operator shall provide, at its sole cost and expense, necessary arrangements for adequate sanitation, handling and disposal from the Airport of all trash, garbage and other refuse which results from Operator's business operations, including receptacles for the deposit of such trash, garbage and other refuse.
- i. Operator will not permit any action on the premises that has an adverse effect, or interferes with the proper function of any drainage system, sanitary sewer system, or any facility provided for the operation or protection of the Airport,
- j. Operator will not permit any action on the premises that has an adverse effect on any known environmental condition on the Airport.
- k. The Operator shall install fire alarm devices within the premises as required by the current building and/or fire code as appropriate, or as required by the County, and such devices shall be connected to the County police and/or fire operation center.

C. Personnel and Equipment

The Operator shall have in its employment and on duty during the required operating hours, trained personnel in such numbers as required to meet the minimum operation standards set for each category in an efficient manner and for competitive business conditions. Personnel shall carry valid in-force licensing, certificates, ratings, or permits as required by any governmental regulatory agencies for the type of aeronautical services which those personnel perform.

All equipment and trade fixtures used by the Operator shall be of efficient numbers, models and in good repair and order so as to provide efficient service for the various types of aeronautical services to be provided under the scope of operations.

D. Insurance

1. Construction and installation

Before commencing any improvement and equipment installation on or about the leased or assigned premises, the Operator shall submit an insurance certificate on a form and in a manner that is prescribed by and is acceptable to the County, and also require that its contractors or sub-contractors procure and maintain insurance acceptable to the County during the life of such construction or installation contract which will protect the contractor, the sub-contractor(s), the Operator, and the County for limits to be determined by the County prior to such construction or installation. The Operator shall require its contractor(s) or subcontractor(s) to provide certificates of insurance to the Operator and to the County in a manner and form acceptable to the County prior to commencement of construction or installation.

2. Liability insurance

Prior to commencement of any operations on the Airport, the Operator shall submit an insurance certificate on a form and in a manner that is prescribed by and that is acceptable to the County. Operator

shall also procure from insurance underwriters, satisfactory to the County, a standard policy (or policies) of insurance protecting both the Operator and the County against public liability and property damage. The list of minimum insurance requirements is presented in Appendix A. The Operator shall furnish such comprehensive or broad form policy(s) providing combined single limit liability for bodily injury or death and property damage in a minimum amount of \$5.0 million. Each designated SASO is required to provide a minimum of \$1.0 million coverage. Coverage shall be provided for the following as set out in the Standards and requirements as appropriate:

- a. Automobiles.
- b. Premises operations.
- c. Independent contractors working for Operator.
- d. Products liability.
- e. Hangar keeper liability.
- f. Aircraft and passenger liability.
- g. New York State Worker's Compensation

The providing of the above insurance coverage by the Operator shall in no way limit the liability of the Operator.

The Operator shall furnish to the County a certificate from the insurance carrier showing such insurance to be in full force and effect through the term of the written Agreement. Such insurance certificates shall specifically state that no changes in coverage provided or cancellation of the policies shall be made without at least thirty (30) days advance notice to the County.

3. Property Insurance

The Operator shall keep insured with responsible insurance underwriters all leasehold improvements to the extent of not less than one hundred percent (100%) of the full insurable value against damage or loss by fire and other risks which are or shall be customarily covered under standard policies of fire insurance with extended coverage endorsement issued in the State of New York. Such policy(ies) shall name the Operator the insured and the County as additional insured as their respective interests may appear.

The Operator shall forward to the County certificates of such insurance issued evidencing the existence of valid policies, which certificates shall state the coverage will not be amended so as to decrease the protection below the requirements specified or be subject to cancellation without at least thirty (30) days prior written notice to the County. Such insurance coverage shall in no way limit the liability of the Operator for replacement of improvements.

In the event the Operator's business should, for any reason, cause the County to increase its own insurance coverage, the Operator will reimburse the County for any additional costs resulting from such increased coverage.

E. Motor Vehicles

Any motor vehicle transportation or service provided by the Operator on the Airport shall be performed in strict compliance with airport rules and regulations, applicable federal, state and municipal laws, ordinances, codes or other similar regulatory measures, now in existence or as may be modified or amended.

F. General Agreement Clauses

In addition to provisions specific to the individual commercial aviation operation, the written Agreement between the Operator and County will contain the following:

1. Non-discrimination

The Operator will be required to operate its business for the use and benefit of the public, giving fair, equal and non-discriminatory service and sales to all users regardless of race, color, creed or national origin.

The Operator will be allowed to give non-discriminatory discounts, rebates, or other similar-types of price reductions to volume purchasers.

The Operator will conduct its business *in* compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A. Office of the

Secretary, Part 21, Non-discrimination in federally-assisted programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as such regulations may be amended.

2. Hazardous Materials

The Applicant shall handle, use, store and dispose of all hazardous substances, materials and wastes in accordance with all applicable laws, rules, and regulations.

3. Licenses and Certificates

An Applicant shall have in its possession currently valid licenses and permits as shall be necessary or required for the conduct of the desired Aeronautical Activity at the Airport, and shall retain all such licenses and permits in an active status at the Applicant's own expense. In the event any necessary licenses or permits expire or become otherwise invalid, the Applicant's authority to conduct the related Aeronautical Activity shall be automatically rescinded by the County.

4. Identification

All personnel, when within the AOA shall display appropriate identification and present such identification upon request by the FAA, the County and its designees, or law enforcement agencies.

5. Storage Areas

No aircraft shall be parked, stored or repaired at the Airport except in areas designated by order of the County for such use. Violations may result in the offending aircraft being removed by the County and impounded until unpaid towing, storage and other charges are paid.

6. Right of Inspection

The County shall at all times upon reasonable notice (except in the case of an emergency for which no notice shall be required) be entitled to enter premises used by an Applicant for the purpose of inspecting the premises and the Applicant's operations and determining compliance with these Standards and other applicable laws and regulations.

7. Accident Reports

The owner/Operator of any aircraft involved in an accident and any Applicant involved in or observing an accident, whether or not causing personal injury or property damage, at the Airport shall promptly (2 hours or less) report the accident to the County Sheriff.

8. Cumulative Rights

These Standards shall be in addition to any terms, conditions and covenants imposed on any Person under an agreement with the County, any permit or license or under applicable law, and the rights and remedies of the County hereunder and under these Standards shall be cumulative.

9. Termination

The County reserves the right to terminate all or any part of the rights and privileges granted to an Operator upon the failure of said Person to observe the terms and conditions of these Standards and to exercise any rights and remedies available at law, or under any applicable agreement in connection with any such failure.

10. Environmental

All FBOs, SASOs, persons, parties, firms and corporations operating on the Airport must comply with all applicable federal, state and local environmental requirements as they exist and may be amended from time-to-time. In particular, all Operators must comply with appropriate NY DEC regulations and procedures on the Airport, including operating solely on Airport pavement, unless specifically authorized to do so otherwise, and also avoid areas where there is Blue Lupine.

11. Aircraft service by Owner or Operator of Aircraft

No right or privilege will be granted by an Operator which will prevent any person(s), firm(s) or corporation(s) operating aircraft on the Airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance and repair) that it may choose to

perform. If such services are performed in designated leasehold areas, then aircraft owners will coordinate with the appropriate lessee (Operator) to maximize safety and avoid physically interfering with the Operators' conduct of their business.

12. Non-exclusive rights

Nothing shall be contained within the Agreement which may be construed to grant or otherwise authorize the granting of any exclusive right to the Operator.

13. Airport Development

The County has the right to further develop and improve the Airport, its property, improvements and facilities as the County deems appropriate to the public interest, and shall have no responsibility to the Operator for any loss of business which might be caused by such development of improvement.

14. War or National Emergency

During time of war or national emergency as declared by the federal government, the County may be required to make available the land area or any part thereof at the Airport to the United States government for its use; and, in such eventuality, the provisions of the written Agreement with the Operator, insofar as they are inconsistent with the conditions of such government operation, shall be suspended.

15. Subordination

The written Agreement shall be subordinate to the provisions of any existing or future Agreements between the County and the United States relative to the operation, maintenance or development of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds at the Airport.

16. Through the Fence Operation

Except as may be specifically designated elsewhere in these Standards, no off-airport aircraft, aviation technicians, flight instructors, commercial pilots, or other person(s) or company(ies) are authorized to enter the airport from an adjacent parcel of land, or from a parcel in close proximity to the Airport, for the purpose of performing any commercial aeronautical activity at the Airport without fully complying with these Standards and a prior Written Agreement with the County.

17. Airport obstructions

The County has the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction, together with the right to prevent the Operator from erecting, or permitting to be erected, any building or other structure on the Airport which, in the opinion of the County, would limit the usefulness of the Airport or constitute a hazard to air navigation.

18. Compliance with laws and payment of taxes

The Operator shall at all times comply with the Airport Rules and Regulations, federal, state, county and municipal laws, ordinances, codes or other regulatory measures, now in existence or as may be hereafter modified or amended, applicable to the specific type of operation contemplated by it. The Operator shall procure and maintain during the term of the Agreement all licenses, permits and other similar authorizations required for the conduct of its business operations. The Operator shall pay all taxes resulting from its operation at the Airport.

19. Indemnity

The Operator shall be required to hold the County harmless from and against all suits, claims, demands, actions, and/or causes of action of any kind or nature in any way arising out of or resulting from its tenancy, operations and activities at the airport and shall pay all expenses in defending any claims against the County resulting from its operations.

20. Assignment and Subletting

The Operator may not assign or sublet any portion of the operations, activities or premises without having obtained the prior written consent of the County.

21. Rentals Redetermined

All rentals, fees and other charges shall be redetermined by the County. The written Agreement shall contain other pertinent, detailed provisions, clauses and covenants which will be consistent with the individual scope of operations as proposed by the individual Operator.

5. NOTIFICATION OF COMPLAINTS AND/OR DISPUTES

1. Any complaint and/or dispute against an Operator on the Airport for violation of federal, state or county rules, regulations, Standards, or the terms of a Negotiated Lease Agreement, shall be filed in writing to the County. Information required at a minimum includes date, time, facts, and other pertinent information concerning the nature and status of the complaint and/or dispute and the parties involved.
2. If the reported infraction is related to County rules, regulations, or Standards, the County will investigate the complaint and make recommendations.
3. In the case of a dispute relating to a Negotiated Lease, the County will recommend an action to the Saratoga County Department of Public Works, which will review and serve final judgment on the reported infraction.

6. MISCELLANEOUS

A Fixed Base Operator (FBO) must provide aircraft fueling as well as two additional commercial aeronautical services covered by these Standards and requirements as described in Section II, below. A Specialized Aviation Service Operation (SASO) can provide one, but in no case more than two commercial aeronautical services. The minimum requirements vary dependent upon the nature of the individual services in such combination, but will not necessarily be cumulative in all instances, including staffing. Because of these variables, the applicable Standards for combinations of services will be discussed with the prospective Operator at the time of application or otherwise during negotiations.

Those provisions notwithstanding, the County requires that each Operator that provides one or more aeronautical services at the Airport, except where specifically noted otherwise below, have at least one person on duty at the Airport at all times when the Operator is open for business. Designated SASO's are exempt from the staffing requirement.

In the event that one or more commercial aeronautical service provider(s) propose in the future to add or provide services which the present Standards do not address, then revised or new Standards will be drafted so as to govern the proposed aeronautical services.

SECTION II

SCHEDULE OF MINIMUM STANDARDS AND REQUIREMENTS FOR COMMERCIAL AERONAUTICAL SERVICES AND ACTIVITIES AT SARATOGA COUNTY AIRPORT, NEW YORK

1. AIRCRAFT SALES (NEW AND/OR USED)

A. Definition

An aircraft sales Operator is a person(s), firm(s) or corporation(s) engaged in the retail or wholesale sale of new and/or used aircraft through franchises or licensed dealership or distributorship of an aircraft manufacturer; and provides such repair, services and parts as necessary to meet any guarantee or warranty on new and/or used aircraft sold.

B. Minimum Standards

Site Development:

The Operator shall conduct its business on the Airport from premises which must include the following minimum:

- Sufficient land to provide for outside display and storage of aircraft.
- Sufficient building to provide space for office, customer lounge, restrooms and telephone facilities for employee and customer use.

Aircraft Repair and Servicing

The Operator shall provide necessary and satisfactory arrangements for the repair and servicing of

aircraft, but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with another FAA certified repair shop Operator at the Airport.

Inventory

The Operator shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The Operator shall have available, or on call, at least one (1) fully-assembled demonstrator aircraft. The Operator shall establish an inventory of all new and used aircraft which it has for sale regardless of whether the aircraft is owned by the Operator and offered for sale or whether the aircraft is left with Operator for sale on consignment or other arrangement. This inventory shall be up-to-date and current at all times to show the addition of for-sale aircraft and the deletion of aircraft sold from such inventory. The Operator shall be required to provide a perpetual inventory report to the County on request.

Insurance

The Operator under this category shall be required to provide the following types of insurance in the limits specified by the County from time to time:

- Aircraft liability
- Comprehensive public liability and property damage
- Hangar keepers liability
- Products liability
- Motor vehicles liability
- New York State Worker's Compensation

Hours of Operation

The Operator shall have its premises open and services available to the public at least eight (8) hours daily during normal business hours, five (5) days a week.

Personnel

The Operator shall have in its employ, and on duty during the minimum required operating hours, trained personnel in such numbers as are necessary to meet the Standards and requirements set forth in an efficient manner, but shall never have less than one (1) person on duty..

2. AIRCRAFT MAINTENANCE SERVICE: AIRFRAME AND POWERPLANT

A. Definition

An aircraft engine and airframe maintenance and repair Operator is a person(s), firms, or corporation(s) providing one, or a combination of, airframe and power plant overhaul and repair services. This category shall include the non-exclusive right, but not the requirement, for the sale of aircraft parts and accessories.

B. Minimum Standards

Site Development

The Operator shall conduct its business on the Airport from premises which must include the following at a minimum:

- Sufficient land to provide for outside parking, storage and mobility of aircraft.
- Sufficient building to provide floor space for airframe and power plant maintenance and repair services which meet all local and state industrial code requirements and space for offices, customer lounge, telephones, restrooms for employee and customer use.

Services

The Operator shall provide sufficient equipment, supplies and availability of parts equivalent to that required for certifications by an FAA approved repair station but not necessarily requiring certification as an approved repair station.

Insurance

The Operator under this category will be required to provide the following types of insurance in the limits specified by the County from time-to-time:

- Aircraft liability

- Comprehensive public liability and property damage
- Hangar keepers liability
- Products liability
- Motor vehicle vehicles liability
- New York State Worker's Compensation

Hours of Operation

The Operator shall have its premises open and services available at least eight (8) hours daily during normal business hours, five days a week.

Personnel

The Operator shall have in its employ, and on duty during the required operating hours, trained personnel in such numbers as are required to meet the Standards and requirements as set forth in an efficient manner, but never less than one (1) person currently certified by the FAA with ratings appropriate to the work being performed and who holds a airframe, powerplant, or an aircraft inspector (AI) rating.

3. AIRCRAFT RENTAL

A. Definition

An aircraft rental Operator is a person(s), firm(s), or corporation(s) engaged in the rental or leasing of aircraft to the public for operation by the public.

B. Minimum Standards

Site Development

The Operator shall conduct its business on the Airport from premises which must include the following at a minimum:

- Sufficient land to provide for outside parking, storage and mobility of aircraft.
- Sufficient building to provide floor space for offices, customer lounge, restrooms and telephone facilities for employee and customer use.

Services

The Operator shall have available for rental or leasing, either owned or under written lease to Operator, a sufficient number of aircraft properly certificated to handle the proposed scope of operation, but not less than one (1) certified and currently airworthy aircraft.

Insurance

The Operator under this category will be required to provide the following types of insurance in the limits specified by the County from time-to-time:

- Aircraft liability
- Comprehensive public liability and property damage
- Hangar keepers liability (if applicable)
- Motor vehicle vehicles liability
- New York State Worker's Compensation

Hours of Operation

The Operator shall have its premises open and services available at least eight (8) hours daily during normal business hours, five (5) days a week.

Personnel

The Operator shall have in its employ, and on duty during the required operating hours, trained personnel in such numbers as are required to meet the Standards set forth in an efficient manner, but never less than one (1) person.

4. FLIGHT AND GROUND TRAINING

A. Definition

A flight training Operator is a person(s), firm(s), or corporation(s) engaged in instructing pilots in dual and solo flight training in fixed and/or rotary wing aircraft, and also provides such related ground school

instruction as is necessary preparatory to taking the written examination and flight check ride for the FAA designated Categories and Classes of pilots' licenses and ratings involved, as well as maintaining currency and adding additional ratings as defined by FAA.

B. Minimum Standards

Site Development

The Operator shall conduct its business on the airport from premises which must include the following at a minimum:

- Sufficient land to provide for outside parking, storage and mobility of flight training aircraft.
- Sufficient building to provide floor space for offices, classrooms, briefing room, pilot lounge, restroom and telephone facilities for employees and customer use. Operator will provide and maintain sufficient space and facilities to meet the applicable requirements of Federal Aviation Regulation Part 61 and/or FAR Part 141, or any other applicable federal regulation, as appropriate.

Services

The Operator shall have available for use in flight training, either owned or under written lease to Operator, a sufficient number of aircraft properly certificated to handle the proposed scope of its student operation, but not less than one (1) aircraft based at the Airport. If other aircraft are needed for flight training, the Operator will have an agreement in writing to obtain such aircraft on an "as needed" basis within a reasonable time frame. Such aircraft will meet all applicable FAA requirements for the type of flight training offered.

The company shall have on a full-time basis at least one FAA certified flight instructor (CFI) who has been and is currently properly certificated by the FAA to provide the type of training offered.

Insurance

The Operator under this category will be required to provide the following types of insurance in the limits specified by the County from time-to-time:

- Aircraft liability
- Comprehensive public liability and property damage
- Flight school/FBO liability
- Hangar keepers liability (if applicable)
- Motor vehicle liability
- New York State Worker's Compensation

Hours of Operation

The Operator shall have its premises open for services available at least eight (8) hours daily during normal business hours, five (5) days a week.

Personnel

The Operator shall have available at least one (1) flight instructor who is currently certificated by the Federal Aviation Administration and who meets all current federal aviation regulations to provide the type of flight training offered.

5. AVIATION FUEL AND OIL SALES: (Line services, aircraft fuels and oil dispensing)

A. Definition

A line service Operator is a person(s), firm(s) or corporation(s) who engages in the sale, storage, and dispensing of recognized brands of aviation fuels, lubricants, and other related petroleum products as well as providing servicing of aircraft, including ramp assistance and the parking, hangar storage and tiedown of aircraft within its premises.

B. Minimum Standards

Site Development

The Operator shall conduct its business on the airport from premises which must include the following

minimum:

- Sufficient land to provide outside aircraft fueling, parking, storage and mobility of aircraft and ground service equipment (GSE).
- Sufficient building space to provide for office, customer lounge, restrooms, and telephones for both customer and employee uses.
- Sufficient land for permanent above ground fuel storage tanks, and other fueling systems as may be specified by the County, and which also meet all appropriate building and fire codes.

Service and Equipment

The Operator shall provide an adequate supply of fuel on hand at all times of at least two (2) grades of fuel which shall be 100LL avgas and Jet A fuel. The County may, at its sole discretion, allow a change in the type of fuel provided at the Airport if specifically requested by an Operator. In conjunction therewith, Operator providing gas sales shall provide adequate above ground fuel storage facilities that meet all federal, state and county requirements, with the capacity of not less than 10,000 gallons for each grade of fuel. Operators can not use mobile fuelers as permanent or long term fuel storage facilities. However, Operators can use mobile fuelers to transfer fuel from storage tanks to aircraft.

The Operator may also provide such minor repair service not requiring a certificated aircraft mechanic to aircraft as can be performed efficiently on the ramp or other apron parking area, but only within the premises leased, assigned or occupied by the Operator or upon such other areas as the County may authorize.

The Operator shall procure and maintain vehicles such as mobile fuelers, etc., tools, jacks, towing equipment, tire repairing equipment, energizers and starters, heaters and fire extinguishers, as appropriate and necessary for the fueling and servicing of general aviation aircraft and other commercial aviation aircraft using the Airport. All equipment shall be maintained and operated in accordance with appropriate federal, state and local codes, as well as standards and procedures promulgated by the applicable fuel supplier.

Insurance

The Operator under this category will be required to provide the following types of insurance in the limits specified by the County from time-to-time.

- Comprehensive public liability and property damage
- Products liability
- Hangar keepers liability (if applicable)
- Motor vehicle liability vehicles liability
- New York State Worker's Compensation

Hours of Operation

The Operator shall have premises open for aircraft fueling and oil dispensing service during at least the hours of 7:00 a.m. until dark, seven days a week, and at other times upon pre-arrangement with the County. Hours of operation may be amended by Operator if a 100LL avgas self-fueling tank and pump is available for public use on a 24 hour, 7 day per week basis. Operator shall be available to sell and service Jet A fuel to aircraft operators during the designated hours of operation.

Personnel

The Operator shall have in its employment and on duty during the required operating hours trained personnel in such numbers as are required to meet the Standards and requirements set forth in this category in an efficient manner.

6. AVIONICS AND SPECIALIZED AIRCRAFT REPAIR SERVICES (Radios, propellers, instruments, and accessories)

A. Definition

A specialized aircraft repair service Operator is a person(s), firm(s) or corporation(s) engaged in a business capable of providing a shop, or a combination of FAA certificated shops for the repair of aircraft

radios, instruments, and accessories for general aviation aircraft. This category shall include the sale and repair of new and/or used aircraft radios, instruments, and specialized aircraft accessories.

B. Minimum Standards

Site Development

The Operator shall conduct its business on the airport from premises which must include the following at a minimum:

- Sufficient land to provide outside parking, storage and mobility of aircraft using the facility.
- Sufficient building to provide floor space to house all equipment, repair and maintenance space, offices, shop facilities, and restroom and telephone facilities for employees and customer use.

Services

The Operator shall obtain and maintain, as a minimum, the repair station certificates required by the Federal Aviation Administration (FAA) which are applicable to the operation(s) contemplated.

Insurance

The Operator under this category will be required to provide the following types of insurance in the limits specified by the County from time to time.

- Comprehensive Public Liability and property damage
- Hangar Keepers Liability (if applicable)
- Products liability
- New York State Worker's Compensation

Hours of Operation

The Operator shall have its premises open and services available at least eight (8) hours daily during normal business hours, five (5) days each week.

Personnel

The Operator shall have in its employment and on duty during the required operating hours trained personnel and licensed by FAA to provide the services being offered, in such numbers as are required to meet the Standards and requirements set forth in this category in an efficient manner.

7. AIRCRAFT CHARTER AND AIR TAXI

A. Definition

An aircraft charter and an air taxi Operator *is* a person(s), firm(s) or corporation(s) engaged in the business of providing air transportation of persons and/or property for compensation or hire, either on a charter basis or as an air taxi Operator, as defined in the Federal Aviation Act of 1958, or as said Act may be supplemented or amended from time to time.

B. Minimum Standards

Site Development

The Operator shall conduct its business on the airport from premises which must include the following at a minimum:

- Sufficient land to provide outside parking, storage and mobility of aircraft.
- Sufficient building to provide floor space for offices, customer lounge, restrooms and telephone facilities for employee and customer use.

Services

The Operator shall provide not less than one (1) multi-engine aircraft, equipped for and capable of use under instrument meteorological conditions (IMC), either owned or under written lease to the Operator, all of which must meet the requirements of the Federal Aviation Administration Air Taxi Commercial Operator Certificate as held by the Operator.

The Operator shall provide services and equipment for checking in of passengers, handling of luggage, ticketing, and for furnishing or arranging for suitable ground transportation.

Insurance

The Operator under this category will be required to provide the following types of insurance in the limits specified by the County from time to time:

- Aircraft liability
- Comprehensive Public liability and property damage
- Hangar keepers liability (if applicable)
- Motor vehicle liability (if applicable)
- New York State Worker's Compensation

Hours of operation

The Operator shall have its premises open and services available at least eight (8) hours daily, five (5) days per week; and shall provide on-call service during hours other than the aforementioned.

Personnel

The Operator shall have in its employ on duty or on-call within a reasonable time frame availability during the required operating hours, trained personnel in such numbers as are required to meet the Standards set forth in this category in an efficient manner, but never less than one (1) currently Federal Aviation Administration certified commercial pilot with instrument rating and otherwise appropriately licensed, rated, and current to permit the flight activity offered by Operator.

The Operator shall provide reasonable assurance of a continued availability of qualified operating crews and approved aircraft within a reasonable or specified maximum notice period.

Exemption

Air taxi companies not based on the Airport, but who are providing aircraft charter and/or air taxi services to and from the Airport are exempted from these Standards. However, Operators that are not based at the Airport must meet all of the appropriate requirements stipulated by FAA to conduct such operations and provide such services at the Airport.

8. SPECIALIZED COMMERCIAL FLYING SERVICES

A. Definition

A specialized commercial flying services Operator is a person(s), firm(s), or corporation(s) engaged in air transportation for compensation or hire for the purpose of providing the use of aircraft for the activities listed below:

1. Non-stop sightseeing flights that begin and end at the Airport.
2. Aerial applications, including all forms of seeding and spraying
3. Banner towing and aerial advertising.
4. Aerial photography, filming, electronic news gathering, or aerial surveying.
5. Fire Fighting.
6. Emergency medical services (EMS)
7. Power line or pipe line patrol.
8. Construction support activities such as external lift, etc.
9. Aerial show and acrobatic teams and instruction therein.
10. Any other operations specifically excluded from 14 CFR 135 of the Code of Federal Regulations.

B. Minimum Standards

Site Development

The Operator shall conduct its business on the Airport from premises which must include the following at a minimum:

- Sufficient land to safely provide outside parking, storage and mobility of aircraft and support equipment.
- In the case of operations for aerial application or other commercial use of chemicals sufficient land to provide a centrally drained, paved area for aircraft loading, washing and servicing for the safe storage and containment of noxious chemical materials as well as parking spaces for tank trucks for mixing liquid spray and mixing liquids, such area to be designated by the County. The site must be in full compliance

with all applicable environmental laws and regulations, and the Operator must ensure that the site remains in compliance at all times with said laws and regulations.

Services

The Operator shall provide and have based on its premises either owned or under written lease to Operator, not less than one (1) airworthy aircraft, suitably equipped for, and meeting all the requirements of the FAA and applicable regulations of the State of New York, with respect to the type of operations to be performed.

In the case of crop dusting or aerial application, the Operator shall provide tank trucks for the handling of liquid spray and mixing liquids. The Operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting materials.

Insurance

The Operator under this category will be required to provide the following types of insurance in the limits specified by the County from time to time:

- Aircraft liability
- Comprehensive public liability and property damage
- Special insurance coverage for the specific type of operation conducted (if applicable)
- Hangar keepers liability (if applicable)
- Products liability
- Motor vehicles liability (if applicable)
- New York State Worker's Compensation

Hours of Operation

The Operator must provide a point of contact through its office or by telephone for the public desiring to utilize Operator's services, at a minimum during the hours of 8:00 a.m. through 5:00 p.m. Monday through Friday of each week.

Personnel

The Operator shall have in its employ trained personnel in such numbers as may be required to meet the Standards herein set forth in an efficient manner, but never less than one (1) person holding a current FAA commercial pilot certificate, properly rated for the aircraft to be used and the type of operation to be performed.

9. AIRCRAFT HANGAR STORAGE

A. Definition

An aircraft hangar storage Operator is a person(s), firm(s), or corporation(s) engaged in renting or leasing hangars to aircraft owners and/or operators.

Site Development

The Operator shall conduct its business on the Airport from premises which must include the following at a minimum:

- Sufficient land to accommodate the hangars as well as provide sufficient room for the mobility of aircraft to and from the hangars.
- Sufficient building to provide floor space for aircraft storage, and other related facilities if offered by Operator including but not limited to restrooms, office space, telephone, etc.

Services

The Operator shall provide hangars that meet all applicable federal, state, county, and local building and fire codes, and shall maintain the hangars and associated taxiways, taxilanes, and utilities in good working condition.

Insurance

The Operator under this category will be required to provide the following types of insurance in the limits

specified by the County from time to time:

- Aircraft liability
- Comprehensive public liability and property damage
- Hangar keepers liability
- Motor vehicle liability (if applicable)
- New York State Worker's Compensation

Hours of operation

The Operator shall make its hangar(s) accessible to its customers (aircraft owners and operators) 24 hours per day, seven days per week, unless otherwise agreed to in writing with all hangar tenants.

Personnel

The Operator shall have in its employ on duty during the required operating hours, or on-call within a reasonable time frame, trained personnel in such numbers as are required to meet the Standards set forth in this category in an efficient manner.

10. COMMERCIAL AVIATION SUB-OPERATORS

A. Definition

A commercial Aviation Sub-Operator is a person(s), firm(s), or corporations engaged in any of the defined aeronautical services under a subleasing arrangement with another Commercial Aviation Operator at the Airport. All sub-leases are subject to the prior written approval of the County.

B. Minimum Standards

A commercial aviation sub-Operator shall conduct its business under the same Standards as an Operator for the individual aeronautical services chosen to be performed by the sub-operator.

APPENDIX A

Minimum Insurance Policy Requirements

| Type of Insurance | Minimum Limits | When Needed |
|---------------------------------------|---|--|
| New York State Workmen's Compensation | Statutory | Statutory |
| Aircraft Liability | \$5 million * | For all owned or leased aircraft General liability |
| Non-owned aircraft | \$5 million * | Flying non-owned aircraft (such as dual flight instruction, maintenance flights, ferry flights, pilot service, sales demonstrations) |
| Airport premises liability | \$1 million. Saratoga County named as additional insured. | Airport premises that are either owned or leased by tenant |
| Products and completed ops | \$2 million * | Aircraft Repair, or services, fuel, and oil sales, aircraft sales, avionics repair, aircraft parts, and manufacturing |
| Builders Risk | Only if project approved. Limit tied to project value/cost. | Construction projects |
| Contractual Liability | Saratoga County named as additional insured. | Hold Harmless and indemnification agreement is included in a lease |
| Property Insurance | Replacement value | Covers physical damage of lease-hold premises damage to premises leased from the airport |
| Automobile Liability | \$1 million | Owned and non-owned licensed |

| | | |
|---|--|--|
| | | vehicles are driven on the airport premises |
| Chemical Liability | Statutory (minimum \$1 million) | Aerial applicators and fire bombers. |
| Environmental | Minimum \$1 million | Appropriate state and federal limits, and financial assistance. |
| Hangar keepers liability | Limit tied to value of aircraft stored in hangar | Covers physical damage of leasehold premises as well as aircraft stored in hangar regardless of ownership. |
| * Exemption: Designated SASO's are required to have \$1 million insurance coverage. | | |

APPENDIX B

Minimum Requirements for a Business Plan

1. All services that will be offered at the Airport should be listed and confirmation of all required certification provided.
2. Amount of land or building space desired to lease at the Airport.
3. Building space that will be constructed at the Airport and the site and floor plan proposed.
4. Number of aircraft that will be provided for each service being offered.
5. Equipment and special tooling to be provided at the Airport.
6. Number of persons to be employed at the Airport.
7. Short resume for each of the owners (5% or more equity) and financial backers and supervisory personnel.
8. Short resume of the manager of the business (if different from "7" above) including this person's experience and background in managing a business of this nature.
9. Periods (days and hours) of proposed operation at the Airport including a proposed holiday schedule (if applicable).
10. Amounts and types of insurance coverage to be maintained (can be no less than the minimums required by the County).
11. Financial projections for the first year by quarter and the succeeding 4 years annualized for the operation at the Airport.
12. Methods to be used to attract new business (advertising and incentives) at the Airport.
13. Amenities to be provided to attract business at the Airport.
14. Plans for physical expansion at the Airport, if business should warrant such expansion.

Chairman Barrett announced the following appointments:

CELEBRATE 400 COMMITTEE

- Supervisor Philip Barrett
- Supervisor Jack Lawler
- Supervisor Mindy Wormuth
- Supervisor Tom Richardson
- Supervisor Greg Connors
- Supervisor Tom Wood
- Supervisor Bill Peck
- Supervisor Harry Gutheil

Chairman Barrett said our thoughts and prayers are with Supervisor Trottier as he goes to serve our country.

Chairman Barrett said we have a proud father among us. Supervisor Peck is a proud father of a baby boy, Hansen Alexander, as of yesterday at 5:00 p.m. He congratulated Bill and his entire family.

Mrs. Plummer reminded everyone of the golf outing on September 7th. If you do not golf, at least come for lunch, she said.

Mr. Lucia reminded everyone of the veterans' ceremony scheduled for August 27th at 9:30 a.m.

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

Barbara J. Plummer, Clerk