

## A G E N D A

October 10, 2007 5:00 p.m.

Vice-Chairman Hargrave called the meeting to order.

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, Jeffrey Trotter, 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 – 23. ABSENT – 0.

On a motion by Mr. Lucia, seconded by Mr. Barrett, the minutes of the meeting of September 12, 2007 were approved unanimously.

Mr. Wickerham reviewed the following Agenda items:

EQUALIZATION AND ASSESSMENT

Accepting tender offers in the Village of Corinth, Town of Moreau and the Town of Saratoga totaling \$25,596.75. (Sam Pitcherelle, County Treasurer)

Conveying 13 parcels sold at the September property auction to the successful bidders. (Sam Pitcherelle, County Treasurer)

Mr. Wickerham said there was a net profit of \$99,442.

PUBLIC WORKS

Authorizing the Chairman to enter into an agreement with the City of Saratoga Springs allowing for the construction and maintenance of a sidewalk on the Geyser Road Bridge over the D&H Railroad. (Joe Ritchey, Public Works Commissioner)

Mr. Wickerham stated the City will pay the local share of construction and maintenance of that facility per our Public Works policy.

LAND PRESERVATION

Awarding open space grants to the Towns of Malta (\$186,343), (2) Northumberland (\$28,000 & \$78,032), (2) Saratoga (\$84,000 & \$15,750), Wilton (\$100,000) and the Village of Victory (\$7,875) in the total amount of \$500,000. (Jason Kemper, Planning Director)

LEGISLATIVE AND RESEARCH

Opposing the Governor's Executive Order regarding the issuance of licenses to illegal aliens. (Kathy Marchione, County Clerk)

SUPERVISOR'S ITEM

Honoring the memory of Floyd Rourke, former Supervisor from the Town of Northumberland. (Supervisor Bill Peck)

Mr. Wickerham stated Mr. Rourke was also the former Chairman of our IDA.

LAW AND FINANCE

Authorizing the Chairman to enter into agreements with the NYS Board of Elections to accept a grant in the amount of \$8,032 in the Elections Department and amending the budget thereto. (Diane Wade and Bill Frucci, Election Commissioners)

Mr. Wickerham said this will be used to make improvements to various polling places in Saratoga County.

Authorizing the Chairman to accept a grant in the amount of \$28,000 from the NYS Archives Local Government Records Management Improvement Fund, authorizing the Chairman to enter into an agreement

with Fountains Spatial, Inc. for a GIS needs assessment and implementation plan, and amending the budget thereto. (Jason Kemper, Planning Director)

Authorizing transfer to the Water Authority of NYSDEC permits. (Mark Rider, County Attorney)

Authorizing transfer to the Water Authority of Army Corps of Engineer permit. (Mark Rider, County Attorney)

Authorizing transfer of FAB Grant proceeds to the Water Authority. (Mark Rider, County Attorney)

Authorizing Inter-agency transfers necessary to close out the 2007 budget. (David Wickerham, County Administrator)

Mr. Wickerham said this will give him the authority to make those transfers and subsequently, he will be reporting to the Law & Finance Committee.

Paul Lent, Director of Emergency Services, gave a Power Point presentation on the update on the County's radio project. He mentioned the full system deployment should be in 2009 with the alerting system transitions beginning in 2008.

Mr. Trottier thanked Mr. Lent and Mark Hoppe, of Blue Wing, for doing a tremendous amount of work. As this process moves forward, the County will be in great shape, he said.

Mr. Trottier stated he is in between training sessions right now, and the military is well aware that he is here. He said he does not have an expected date of departure.

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

Respectfully submitted,

Elaine M. Sodemann

REGULAR SESSION  
TUESDAY, OCTOBER 16, 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, Jeffrey Trottier, 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, John Lawler, Arthur J. Johnson – 22. ABSENT - J. Gregory Connors – 1.

The invocation was given by Tom Wood, Chaplain.

#### PUBLIC INPUT

Katelyn Fay stated she is very active in 4-H, and she thanked the Board for supporting 4-H. She said it has changed her life in many different ways. 4-H has taught her to be responsible, has given her life skills, and has allowed her to meet many new friends. She has had the opportunity to go on many trips for learning experiences. She said her father got her involved in 4-H, as he used to be a member, and he influenced her to join. She said she learned how to do interviews better and she has been taught leadership skills. She stated she teaches kids around the County and other counties. She thanked the Board again for its continuous support.

Chairman Barrett thanked Ms. Fay and the 4-H members for the baskets that the Board members received from them today.

#### SAFETY SUGGESTION CONTEST AWARDS:

Frank Thompson, Chairman of the Labor/Management Safety Committee, said the Safety Suggestion Contest has been in existence for at least 20 years. As a result, more than 50 safety suggestions have been implemented throughout the years. The Committee continues to take the philosophy that all winning suggestions should be implemented, so many safety issues have been resolved directly from this contest and Committee.

Mr. Thompson said this year, there were 25 entries in the Safety Suggestion Contest. Some of those suggestions had merit to be put into effect even though they did not win a prize. Therefore, I would like to thank all who entered the contest for making Saratoga County a safer place to work and do business, he said. Awards were given to the following top three winners:

3<sup>rd</sup> place, \$25 Simone Desrochers, Department of Social Services. Simone's suggestion is to train interested employees in CPR.

2<sup>nd</sup> place, \$50 Diane Armer, County Attorney's Office. Diane's suggestion was to provide better lighting in the parking lot and walkway across from Building #1 (McMaster Street).

1<sup>st</sup> place, \$100 Anna Stanko, Real Property Tax Agency. Anna's suggestion is to add handicap parking spaces in the lot adjacent to Building #4, thus locating them in an area where signage could be utilized.

On a motion by Mr. Hargrave, seconded by Mr. Lucia, the minutes of the meetings of September 5 and September 18, 2007 were approved unanimously.

The Clerk presented the following:

Copy of a resolution adopted by the Saratoga County Sewer District No. 1 entitled, "Authorizing Issuance Of A Draft SEQRA Negative Declaration For Proposed Expansion Of Wastewater Treatment Plant."

Received and filed.

Copies of resolutions adopted by the Corinth and Moreau Town Boards strongly supporting County Clerk Kathy Marchione's decision to refuse to issue drivers licenses to illegal aliens.

Copy to All Supervisors.

Copies of resolutions adopted by the Essex County Board of Supervisors and the Westchester County Board of Legislators "Supporting The "Medicaid County Protection Act Of 2007" – H.R. 326.

Referred to Supervisor Grattidge and the County Administrator.

Thank you note from the Lake Champlain Cancer Research Organization, Inc. for the Board's donation in memory of Floyd Rourke.

Received and filed.

Thank you note from Cliff Seguin of "Operation Adopt A Soldier" for the Board's donation.

Received and filed.

Various thank you notes from residents thanking the Board for bringing the U.S. Army Field Band & Soldiers' Chorus to our area.

Received and filed.

#### REPORTS:

Capital District Transportation Authority's Annual Report for 2006-2007.

Received and filed.

On a motion by Mr. Hargrave, seconded by Ms. Wormuth, Resolutions 195 through 206 were adopted unanimously, with the exception of an abstention by Mr. Trottier on all resolutions.

#### RESOLUTION 195 - 07

Introduced by Supervisor Peck

#### HONORING THE MEMORY OF FLOYD ROURKE

WHEREAS, Floyd Rourke died on September 20, 2007; and

WHEREAS, Floyd was a resident of Gansevoort in the Town of Northumberland for his entire life; and

WHEREAS, Floyd worked at Sandy Hill Corporation for 43½ years retiring as its Chief Executive Officer; and

WHEREAS, Floyd was a member of the Boards of Directors of Sandy Hill Corporation, the Evergreen Bank/TD Banknorth, Kamy, Inc., and the Finch, Pruyn & Company, Inc., and a member of the American Paper Machinery Association, the University of Maine Pulp & Paper Foundation Investment Committee, the Sandy Hill Association Credit Union, the Lake Champlain Cancer Research Society Organization, Inc., the NYS American Cancer Society, the Adirondack Regional Chamber of Commerce, the Home Front Development Corp., the Double "H" Hole in the Woods Ranch, the Gansevoort Masonic Lodge, and the Oriental Temple Shrine, and was a member of the board of governors of the Glens Falls Hospital, and a Trustee of the Hyde Collection, The Gansevoort Cemetery, Inc. and of the Glens Falls Hospital Foundation, and

WHEREAS, Floyd was Chairman of the Saratoga County Industrial Development Agency for 21 years, was a New York State delegate to the Republican National Convention in 1984, 1988 and 1992, and served in the National Guard for nine years; and

WHEREAS, Floyd served as the Supervisor for the Town of Northumberland from 1972 through 1977, 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 John J. Ingelston.

#### RESOLUTION 196 - 07

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

#### AUTHORIZING AN AGREEMENT WITH THE CITY OF SARATOGA SPRINGS ALLOWING FOR THE CONSTRUCTION AND MAINTENANCE OF A SIDEWALK ON THE GEYSER ROAD BRIDGE OVER THE D & H RAILROAD

WHEREAS, the County of Saratoga is the sponsor for the reconstruction of the County Road 43 (Geyser Road) bridge over the D & H Railroad (BIN 3364200) in the City of Saratoga Springs; and

WHEREAS, the bridge reconstruction is currently being designed and is currently scheduled to be reconstructed in 2009; and

WHEREAS, the bridge design and reconstruction will be 80% funded by the federal government and is eligible for and may receive additional 15% Marchiselli funding from the State of New York; and

WHEREAS, the City of Saratoga Springs has requested that adequate space for a 5 foot sidewalk be added to the Geyser Road Bridge to provide safe passage of pedestrians, in the event sidewalks are built connecting the Geyser Road community with the rest of the City; and

WHEREAS, it is Saratoga County policy that the addition of a sidewalk to a bridge where a sidewalk did not previously exist is beyond the standard level of a bridge that the County Department of Public Works constructs and the addition of a sidewalk to a bridge is considered a special amenity and must be requested from the local municipality, with the cost to be paid by the local municipality; and

WHEREAS, the New York State Department of Transportation recognizes that there is sufficient justification for the addition of a 5-foot sidewalk on the bridge, the design of which is subject to the final approval of the Federal Highway Administration; and

WHEREAS, the addition of a 5 foot sidewalk to the Bridge will impose additional maintenance responsibilities and civil liabilities for the county which would not otherwise exist, which responsibilities the City has offered to assume; and

WHEREAS, it is appropriate to have a written agreement between the City and the County to incorporate the terms and conditions related to the addition of the sidewalk to the Bridge; now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisor's is authorized to execute an agreement with the City of Saratoga Springs whereby the County will provide adequate space to accommodate a 5 foot sidewalk in the design and reconstruction of the County Road 43 (Geyser Road) Bridge over the D & H Railroad (BIN 3364200) and the City will agree to pay the local share of the cost to design and construct space adequate for the construction of a 5 foot sidewalk (presently estimated to be \$4,000), and in the event a sidewalk is constructed along Geyser Road in the area of the Bridge, to construct the sidewalk, to maintain the sidewalk, to defend and indemnify the County for claims related to the sidewalk, and to have the County named as an additional insured on its insurance policies for claims relating to the sidewalk, the form and substance of such agreement subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. This additional cost for the sidewalk will be covered by Federal aid and the City will provide the local share.

#### RESOLUTION 197 - 07

Introduced by Supervisors Peck, Barrett, A. Johnson and Sausville

#### AWARDING OPEN SPACE GRANTS

WHEREAS, the Saratoga County Farmland/Open Space Preservation Program was established in 2003, to give matching grants to purchase development or other rights or outright ownership of productive agricultural and open space land; and

WHEREAS, the Land Preservation Committee has entertained numerous applications for assistance funding for various purchases throughout Saratoga County; and

WHEREAS, the said Committee has reviewed the applications for funding and has recommended funding grants for the following projects; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors authorizes the payment, under the Farmland/Open Space Preservation Program, of the following amounts to the following entities for the purpose and upon the conditions stated:

1. Town of Malta, the sum of \$186,343 upon the condition that the State of New York Environmental Protection Fund contributes no less than \$34,807 for the purchase of development rights from the Sweeny Farm, Phase II 39.03 +/- acres along New York State Rte. 67.
2. Town of Northumberland, the sum of \$78,032 upon the condition that the State of New York Environmental Protection Fund contributes no less than \$120,000 and Saratoga PLAN contributes no less than \$10,000 for the purchase of 100 +/- acres of Blanding's Turtle Habitat along Homestead Road.
3. Town of Northumberland, the sum of \$28,000 upon the condition that the Nature Conservancy contributes no less than \$28,000 for the purchase of 33.5 +/- acres of land to add to the Wilton Wildlife Preserve and Park.
4. Town of Saratoga, the sum of \$15,750 upon the condition that Saratoga PLAN contributes no less than \$10,000 and the Town of Saratoga contributes not less than \$13,500 towards the purchase of 25.35 +/- acres along the Hudson River.
5. Town of Saratoga, the sum of \$84,000 upon the condition that Saratoga PLAN contributes no less than \$141,000 for the purchase of 39.77 +/- acres along Fish Creek.
6. Village of Victory, the sum of \$7,875 upon the condition that Saratoga PLAN contributes no less than \$10,375 towards the purchase of 1 +/- acres along Fish Creek.
7. Town of Wilton, the sum of \$100,000 upon the condition that The Nature Conservancy contributes no less than \$510,000 for the purchase of 97.6 +/- acres of land for to add to the Wilton Wildlife Preserve and Park for Boswell Phase II.

RESOLVED, that the above required contributions may be reduced proportionately with approval of the Farmland/Open Space Preservation Committee, consistent with the intent and purpose of each grant; and be it further

RESOLVED, that the Farmland/Open Space Preservation Committee may place further conditions and requirements on said grants as it may deem necessary and advisable to fulfill the intent and purpose of the Farmland/Open Space Preservation Program; and be it further

RESOLVED, that the Chair is authorized to execute any and all agreements and other documents necessary to ensure the fulfillment of said conditions and transfer said funds, subject to the approval of the County Attorney as to form and content.

**BUDGET IMPACT STATEMENT:** Funding for this program is included in the Planning Department's budget.

Discussion on Res. 198

Ms. Keyrouze said that Kathy Marchione had a very strong argument in the Legislative & Research Committee the other day, and she is not disagreeing with her, but she said she wanted to read the following for the record:

“The Saratoga County Board of Supervisors should not support illegal actions of our elected official, Saratoga County Clerk, Kathy Marchione, who took an oath to uphold the law, obey the New York State Constitution and the U.S. Constitution. By effectively aiding an illegal act, it could be construed that the Saratoga County Board of Supervisors would also be involved in illegal activity. Breaking the New York State Constitution seems to be a repeating offense with this County. Two weeks ago, it was building on New York State forest preserve land proven by recorded deeds of the County. Now, encouraging our elected County Clerk to go ahead and break the law because we will support you. What kind of precedents is this Saratoga County Board of Supervisors starting with this kind of behavior supporting illegal activity? Is this Board above the law? I received a letter from a very well respected doctor in our community that stated, ‘If our elected officials decided on an arbitrary or partisan basis to decide which laws they want to administer, then our system of the rule of law breaks down, and as a private citizen, you can object an act on anything, but as a public official, you and the other county clerks are obligated to resign if you choose not to implement the State’s laws and policies.’ I am not saying I

agree or disagree with this policy until I fully understand it and its implications. I deserve to hear more from the Governor's office before I will or will not support this policy."

Chairman Barrett said he believes this was an Executive Order and not a law passed by the legislative body. Kathy Marchione, County Clerk, said it was an Executive Order from the Governor not to require social security numbers from an applicant when you are trying to secure a driver's license. She said she does not believe she is acting unlawfully. I believe that Section 502 of the Vehicle & Traffic Law states that you must have a social security number in order to seek a driver's license in New York State, she said. That's the law that I believe I would be breaking if I issue drivers' licenses to illegal immigrants, she stated. My oath of office is for the United States Constitution, as well, and that states if I aid or abet an illegal immigrant, I am committing a felony, and I will not do that, she added. She said her interpretation of this is that if she goes forward, she will be breaking the law. I will not do that, she stated.

Ms. Yepsen said she understands the statute of the law the way Kathy reads it is if you are looking to get a driver's license issued, you do need a social security number. The regulations with that law still remain to be seen how that's all going to shake out, she said. She said her concern is with the proposed time frame for implementing this new policy is impractical. Counties do not have enough time to get their new equipment that could read passports and other documentation training, etc., needed in order to be able to take on this new task in a safe way. It's still out for jury whether or not providing licenses is a distinct possibility to identify who is in this country, she said. She said she does not understand why they can't go to the eight State-run DMV offices in order to secure their licenses given that our counties are not equipped to take this on. An illegal immigrant could secure a license from a State DMV. Is that not correct, she asked.

Mrs. Marchione said if the Governor goes forward with his proposal, all of the downstate State DMV offices are State run, Onondaga County, as well as Albany. When the Commissioner came before us on October 4<sup>th</sup>, we asked for an option to opt out. So the many services in DMV that we don't provide, the State may provide, she said. We were told we would not have the opportunity to opt out, and a lot of things are not in place, she said. She pointed out there are no driver standards as far as residency requirements. As county clerks, one of the concerns we have is how many illegal individuals are going to drive into New York State. She said the Commissioner of DMV said they will go forward and put residency requirements into statute, but as of yet, that has not been done. We requested them to rescind this and think it through and to allow the county clerks and the people in the State of New York to be listened to.

Ms. Keyrouze said that's exactly her point, as there are a lot of loose ends out there that need to be tied up. That's why I suggested in committee that we have a representative from the Governor's office come and speak to us and let us know some of the changes that are going to be proposed, she said. She stated there is a lot of information going around that's just not true and a lot of information that we are not aware of yet. Our Governor is a smart man, and I don't think he would be putting anybody in harm's way, she said. We need representation from his office here at the County so that we can look into what they have to say, and that's why I will be voting no. I want to make an educated vote and hear both sides of the story before I vote, she stated.

Mrs. Marchione stated the DMV Commissioner is a representative of the Governor's office, and she has had two opportunities to listen to him. There is nothing that tells me at all that the Governor's plan has been thoroughly thought out, she said.

Ms. Wormuth said when this was brought up in committee, we agreed we would invite the Governor himself or anyone here to discuss this. Right now, allowing these people to obtain a document without a social security number – this is a source document that can be used to open bank accounts, to get credit cards, and is what we used to get into Federal and State buildings as identification, she said. With the problems we have had since 9/11, as a County Board of Supervisors, it is our job to make sure it is a well thought out plan and that we are protecting everyone in the County and in New York State, and this plan does not do that, she added.

Ms. Keyrouze asked when this plan would go into effect. Mrs. Marchione stated December 1<sup>st</sup> is an expected date to implement Phase 1 and Phase 2. There are 150,000 drivers who have lost their licenses from the time when DMV used to ask for a social security number but not verify it. Since 2002, now you need to bring us your card for an ineligibility letter in order to seek a driver's license, she said. These folks never came back to

renew their drivers' licenses when you had to bring in a social security card, she said. She said she is not saying all of these people are illegal immigrants, but she is assuming a majority of them are illegal.

Ms. Keyrouze asked Mrs. Marchione if she had discussions with other clerks around the State regarding taking this illegal stand. We are supporting something that could be illegal, she said. Mrs. Marchione stated you will be supporting her position that she believes is lawful. There are 13 county clerks throughout New York State who are standing strong and who believe it is unlawful for us to move forward with this new procedure, she said. There are 51 clerks throughout New York State who have DMV offices, and 29 have passed resolutions who are opposed to the Governor's plan, she said.

Ms. Keyrouze said Mrs. Marchione has changed her mind, and she will be voting in favor of this resolution.

#### RESOLUTION 198 - 07

Introduced by Supervisors Grattidge, Keyrouze, Lucia, Peck, Richardson, Sausville and Wormuth

#### OPPOSING THE GOVERNOR'S EXECUTIVE ORDER REGARDING THE ISSUANCE OF LICENSES TO ILLEGAL ALIENS

WHEREAS, Governor Spitzer has recently issued an executive order that would require County Clerks to issue valid New York Drivers Licenses to illegal aliens, reversing policies that have been in place since the tragedy of 9-11; and

WHEREAS, New York Drivers Licenses are often used as picture IDs to gain entry to airports, federal buildings, and other sensitive areas; and

WHEREAS, The New York State County Clerks Association, under the direction of our own County Clerk Kathy Marchione, has strongly opposed the new policy and has petitioned the Governor to rescind his Executive Order; and

WHEREAS, County Clerk Marchione has determined that, notwithstanding the Governor's order, she will not issue a New York Driver's License to any illegal alien; and

WHEREAS, the Saratoga County Board of Supervisors agrees that driving is a privilege that should be reserved to law abiding residents and immigrants to the United States of America; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors strongly supports County Clerk Kathy Marchione's decision to refuse to issue driver's licenses to illegal aliens, and be it further

RESOLVED, that the Board of Supervisors stands with County Clerk Marchione and will defend and indemnify her against any charges brought against her in this matter by the State of New York, and be it further

RESOLVED, that the Board of Supervisors petitions the Governor to reconsider his Executive Order and limit the issuance of drivers licenses to law abiding citizens and legal immigrants, and be it further

RESOLVED, that a copy of this resolution be forwarded to Governor Eliot Spitzer, Senator Charles Schumer, Senator Hillary Rodham Clinton, Congresswoman Kirsten Gillibrand, Senator Joseph Bruno, Senator Hugh T. Farley, Assemblyman James N. Tedisco, Assemblyman Roy J. McDonald, Assemblyman Bob Reilly, and Assemblywoman Teresa Sayward.

BUDGET IMPACT STATEMENT: No budget impact.

#### RESOLUTION 199 - 07

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

#### ACCEPTING HAVA FUNDS GRANT TO ASSIST COMPLIANCE WITH THE HELP AMERICANS VOTE ACT (HAVA) AND AMENDING THE 2007 COUNTY BUDGET THERETO

WHEREAS, due to the passage of the Help Americans Vote Act (HAVA), funds are available through New York State to assist counties in coming into compliance with that Act; and

WHEREAS, a grant is available from New York State Board of Elections in the amount of \$8,032 for 2008 Voting Access for Individuals with Disabilities Polling Place Access Improvements, and

WHEREAS, acceptance of these funds requires Board approval; now, therefore, be it

RESOLVED, that this Board of Supervisors accepts the following New York State Board of Elections County HAVA Funds Grant:

2008 Voting Access for Individuals with Disabilities – Polling Place	\$ 8,032
Access Improvements,	
and be it further	

RESOLVED, that the Chair of the Board is authorized to execute any and all contracts and documents necessary to accept this grant, subject to the approval of the County Attorney; and be it further

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

**BOARD OF ELECTIONS:**

Appropriations:

Increase Acct.: #1-22-000-8200 Departmental Supplies	\$8,032
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Revenues:

Increase Acct.: #1-22-3087 HAVA State Aid	\$8,032
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BUDGET IMPACT STATEMENT: None. 100% State Aid.

**RESOLUTION 200 - 07**

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

**AUTHORIZING ACCEPTANCE OF A GRANT FROM THE NEW YORK STATE EDUCATION DEPARTMENT AND AN AGREEMENT WITH FOUNTAINS SPATIAL, INC. AND AMENDING THE 2007 COUNTY BUDGET IN RELATION THERETO**

WHEREAS, a grant in the amount of \$28,000 is available from the New York State Department of Education to provide for a GIS Needs Assessment and Implementation Plan; and

WHEREAS, the acceptance of this grant requires our approval; and

WHEREAS, proposals were solicited for the preparation of the GIS Needs Assessment, System Design, and Implementation Plan provided for in said grant; and

WHEREAS, the Director of our Planning Department recommends that the proposal of fountain spatial, inc., an affiliate of fountains plc. to prepare the GIS Needs Assessment, System Design, and Implementation Plan be accepted; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute all documents necessary to accept a grant from the New York State Education Department to provide for a GIS Needs Assessment, System Design and Implementation Plan, the form and substance subject to the approval of the County Attorney; and be it further

RESOLVED, that the Chair of the Board is authorized to execute an agreement with fountain spatial, inc., an affiliate of fountains plc of Schenectady, New York to provide a GIS Needs Assessment, the form and substance subject to the approval of the County Attorney and the Contract Administrator; and be it further

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

**PLANNING DEPARTMENT:**

Appropriations:

Increase Acct.: #1-80-000-8190 Professional Services	\$28,000
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Revenues:

Increase Acct.: #1-80-2770 Unclassified Revenues	\$28,000
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BUDGET IMPACT STATEMENT: None. 100% State Aid.

**RESOLUTION 201 – 07**

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

AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AGREEMENT WITH THE SARATOGA COUNTY WATER AUTHORITY FOR THE TRANSFER OF SPECIFIED NYSDEC PERMITS AND FOR APPLICATION TO DEC TO TRANSFER PERMITS

WHEREAS, the Memorandum of Understanding between Saratoga County and the Saratoga County Water Authority, entered into pursuant to Resolution 128 of 2007, provides for the transfer to the Authority of all permits obtained by the County in connection with the construction of the County Water System; and

WHEREAS, the New York State Department of Environmental Conservation has issued the following permits to the County:

1. Excavation and Fill In Navigable Waters (Under Article 15, Title 5), permit ID #5-4199-00014/00002;
2. Stream Disturbance (Under Article 15, Title 5), permit ID #5-4199-00014/00003;
3. Freshwater Wetlands (Under Article 24), permit ID #5-4199-00014/00005;
4. Water Quality Certification (Under Section 401 – Clean Water Act), permit ID #5-4199-00014/00004;
5. Water Supply Permit ID #5-4199-00014/0001; and

WHEREAS, the transfer of said permits must be memorialized by an assignment agreement between the County and the Authority; now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisors is hereby authorized to execute an Assignment Agreement with the Saratoga County Water Authority transferring Department of Environmental Conservation permits number ID #5-4199-00014/00002, ID #5-4199-00014/00003, ID #5-4199-00014/00005, ID #5-4199-00014/00004 and ID #5-4199-00014/0001, together with any and all other documents necessary to obtain approval for said transfer by the N.Y.S. Department of Environmental Conservation.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 202 - 07

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

AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AGREEMENT WITH THE SARATOGA COUNTY WATER AUTHORITY FOR THE TRANSFER OF A DEPARTMENT OF ARMY PERMIT

WHEREAS, the Memorandum of Understanding between Saratoga County and the Saratoga County Water Authority, entered into pursuant to Resolution 128 of 2007, provides for the transfer to the Authority of all permits obtained by the County in connection with the construction of the County Water System; and

WHEREAS, the Department of the Army through the Corps of Engineers has issued a permit designated as NAN-2005-686 to the County; and

WHEREAS, transfer of the permit must be memorialized by an Assignment Agreement and an application for an approval from the Department of the Army; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an Assignment Agreement with the Saratoga County Water Authority transferring Department of the Army Permit NAN-2005-686 to the Authority, together with any and all other documents necessary to obtain approval for said transfer by the Department of the Army.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 203 - 07

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

TRANSFERRING 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, by Resolution 176-07, a transfer of \$2,507,520.82 of FAB grant funds authorized to be made to the Saratoga County Water Authority; and

WHEREAS, The Saratoga County Water Authority continues to be 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 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 upon receipt of FAB Grant payments to the County of Saratoga, the Saratoga County Treasurer is authorized and directed to transfer said sums to the Saratoga County Water Authority, to be repaid by the Authority upon receipt of the proceeds from the issuance of its Bonds.

BUDGET IMPACT STATEMENT: None. The county will be fully repaid by the Water Authority.

RESOLUTION 204 - 07

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

AUTHORIZING INTER-AGENCY TRANSFERS NECESSARY TO CLOSE OUT 2007 BUDGET

WHEREAS, inter-agency transfers are necessary to accommodate various adjustments to balance and close out the 2007 Budget; and

WHEREAS, a delegation of the authority to approve these transfers is necessary to implement them in a timely and lawful manner; now, therefore, be it

RESOLVED, that, effective October 16, 2007, the County Administrator is authorized to make any inter-agency transfers necessary to close out the 2007 Budget and he shall submit a written report thereof to the Law and Finance Committee in 2008.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 205 - 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
Bobbi Lynn Norton 29 Heath Street Corinth, NY 12822	2004, 2005 & 2006	Corinth	73.44-2-23	\$ 6,345.16

Raymond T. Grover                      2004, 2005              Moreau                      50.1-1.7                      \$ 6,618.94  
 P.O. Box 1049                              & 2006

John S. Nowkin, Jr.                      2004, 2005              Saratoga                      156.-3-15                      \$12,632.65  
 160 County Route 338                      & 2006  
 Schuylerville, NY 12871

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

RESOLUTION 206 - 07

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

AUTHORIZING AUCTION SALE OF COUNTY-OWNED LANDS ACQUIRED FOR UNPAID TAXES

WHEREAS, pursuant to Resolution 166-96, following public notice, this Board, by its Equalization and Assessment Committee, did offer on September 18, 2007, at auction sale, certain parcels of land in several Towns within the County, which parcels are more particularly described below; and

WHEREAS, the persons named below were the highest responsible bidders for each parcel; and

WHEREAS, the Committee finds that the return of these properties to the tax rolls is in the best interest of County residents; and

WHEREAS, all proposed conveyances of County lands require approval of this Board; now, therefore, be it

RESOLVED, that the following proposed conveyances of County lands to the following bidders or their designee at the auction of September 18, 2007 are approved; and, be it further

RESOLVED, that the Chairman of the Board or, if appropriate, the Commissioner of Social Services, convey the following lands to the following parties upon their payments of the indicated amount and certain administrative fees to the County Treasurer:

<u>HIGH BIDDER</u>	<u>TOWN</u>	<u>S/B/L</u>	<u>FORMER OWNER</u>	<u>AMOUNT.</u>
Raymond Boltz PO Box 1365 Clifton Park, NY 12065	Ballston	228.5-1-79.2	Robert P. Bunyan	\$ 7,100.00
N.R.L.L. East, LLC A Florida Limited Liability Company PO Box 2209 Newport Beach, CA 92659-1509	Clifton Park	265.15-1-1	June Boyack	\$ 2,000.00
N.R.L.L. East, LLC A Florida Limited Liability Company PO Box 2209 Newport Beach, CA 92659-1509	Clifton Park	265.15-1-15	Henry Boyack	\$ 500.00
Seyhun Information Technologies, Inc. PO Box 641 Clifton Park, NY 12065	Clifton Park	265.15-1-99	Henry Boyack	\$ 1,500.00
Seyhun Information Technologies, Inc. PO Box 641 Clifton Park, NY 12065	Clifton Park	289.29-1-79	Lester Dieterle	\$ 100.00
Nicholas D. Lytle 242 Main Street Corinth, NY 12822	Corinth	73.27-2-32	Allison L. Waldron	\$ 41,000.00

John Grady 170 West Circular Street Saratoga Springs, NY 12866	Edinburg	93.-1-48.3	Robert Rockwell	\$ 500.00
Craig Schultz PO Box 217 Selkirk, NY 12158	Galway	186.-1-77	Stanley C. Lewandowski	\$27,000.00
Joseph Allen 119 Trevet Road Galway, NY 12074	Malta	251.-1-21	Toni Prosser	\$ 200.00
Joseph Allen 119 Trevet Road Galway, NY 12074	Milton	190.15-3-13	Donald Fuller	\$ 25.00
Patrick Gerdes & Eileen Gerdes 118 Gailor Lane Saratoga Springs, NY 12866	Northumberland	142.-1-30	BMC Associates, Inc.	\$15,000.00
Raymond Boltz PO Box 1365 Clifton Park, NY 12065	Stillwater	243.84-4-14	Ann Marie Lewis	\$33,000.00
N.R.L.L. East, LLC A Florida Limited Liability Company PO Box 2209 Newport Beach, CA 92659-1509	Waterford	285.16-2-24	Howard Wood	\$ 1,500.00

BUDGET IMPACT STATEMENT: The gross proceeds of \$133,745 represent a profit of \$99,442 over the foreclosed delinquent taxes.

Chairman Barrett announced the following appointment:

ADVISORY YOUTH BOARD

Annie Kuznia (Youth Representative)  
14 McLean Street  
Ballston Spa, NY 12020

Ms. Yepsen announced the Mayor of Saratoga Springs is sponsoring an Intermunicipal Summit which all of you should have received an invitation about. This will be held in Building #5 on October 30<sup>th</sup> from 1:00 p.m. to 4:00 p.m., she said. The purpose of this summit is to discuss and share ideas on affordable housing, transportation, infrastructure, and energy issues, she added.

Mr. Gutheil moved to adjourn to executive session to discuss a personnel matter. Mr. Thompson seconded. Unanimous.

The meeting returned to open session.

Mr. Gutheil said he would like the record to indicate there was no action taken during executive session. He said he would like to discuss the idea of setting up a Personnel Committee that he brought up at the Law & Finance Committee and the Subcommittee meetings. He moved to establish a standing Personnel Committee consisting of seven members to assume responsibilities of the Labor/Management Safety Committee, labor

negotiations, matters pertaining to all department heads, excluding elected officials, including salaries, wages, performance, employee benefits, terms and conditions of employment, and officers and employees not members of the bargaining unit and those who do not require local law approval for their salary increase and confidential positions. Mr. Lawler seconded. Discussion:

Mr. Callanan asked if there were minutes of the committees that Mr. Gutheil referred to. Chairman Barrett stated there was a special Law & Finance Committee meeting this afternoon. Mr. Johnson, Vice-Chairman of the Law & Finance Committee, said at today's meeting, Mr. Gutheil made the same motion to adopt a Personnel Committee. He said Mr. Peck made a motion to table it with a recommendation that the Committee start in January. There were some concerns in the Law & Finance Committee that the rules and responsibilities were vague and needed further refinement, he said. We felt we needed more time to define what the scope of that committee would be, to set the rules, and that the committee be appointed in January, he said. He stated that the motion in the Law & Finance Committee was tabled.

Mr. Gutheil said typically in December, we start voting on raises. He quoted a resolved paragraph from a 2006 Board resolution that was adopted that amended the Saratoga County's Administrative Grade Matrix in the Saratoga County Compensation Schedule by increasing annual base salaries and base salary grade steps by adding 3.81% for all of those officers, officials and employees who are not members of a bargaining unit, etc. He said he knows that some people will be getting \$4,000 to \$5,000 raises, and others only \$1,000 to \$2,000. The spread keeps getting bigger and bigger, he stated. He said we need a Personnel Committee to address that as well as performance evaluations. He stated this committee is necessary.

Ms. Yepsen asked if salary increases were attached to performance evaluations. Chairman Barrett stated there is a straight across the board 3.81% increase that may be imposed due to the contract. Mr. Wickerham, County Administrator, said when the budget is presented, there will be a 3.81% increase for all union personnel, and that was the negotiated agreement. As far as managerial personnel, there will be no increases in their salaries, but in the budget that is put in the lump sum in the bottom of each account, and when you pass the resolution, that determines how that works. That resolution has been the 3.81% across the board, the same as the bargaining unit, but it does not have to be that, he stated. It can be whatever the Board decides to make it, he said. Historically, it has followed the contract, he added.

Mrs. Johnson said it was brought up at the Committee meeting that salaries could be discussed separately. I don't think that's a reason to push through a Personnel Committee, she said. Supervisors have not had any time at all to discuss this and ask questions, she stated. I think the Committee was definitely in favor of a Personnel Committee, but we just want to be knowledgeable of what we are establishing, she said. This is just happening so quickly, she said. She pointed out she has been in several committees meetings where various Supervisors said a committee should not receive a document on the day of the meeting and be expected to act on it. That's exactly what is happening, she said. She said it is too vague, and she has too many questions.

Mr. Peck said the real question is about increased COLAs, and we can handle that at the budget hearing. If this comes up as 3.81% across the board, I would suggest as Mr. Hargrave works on the budget, he marks the COLA so that everyone would have an equal raise. He said former Supervisor of Mechanicville, Mr. Sgambati, made this argument every year about the spread in wages between the top and the bottom. He said he believes a Personnel Committee is needed and would be a positive step in the County as the rules change in January.

Mr. Lawler said the sole purpose of the Personnel Committee should not be to dole out salaries for the management group, but that would be one of the functions. We need to bring in a greater degree of professionalism on how we evaluate our executive management group. We, as a Board, need to do a better job in recognizing the jobs that they do, he said. Obviously, we do have a talented group of executive managers, he said. There should be a process in place on an annualized basis to make suggestions how a performance could be improved, he stated. I see this as a matter of feedback as well as compensation. There is a reason to be reasonably concerned with the disparity. The pure application of a percentage raise across the board is leading to great disparity of those members of the executive management team and some of the department heads and senior managers who work for them, he stated. He said that is a gap that is a concern, and our second and our third tier managers are falling further and further behind our first tier managers. He said these are problems that every organization have. I think a Personnel Committee is a way to get there. There are some things we need policies and procedures for. Having a Personnel Committee to help formulate those is just good practice for this

Board of Supervisors, he said. He stated he does not know how practical it is to formulate a committee with just 60 days left in the year. He said he is concerned about this slipping off the radar screen. He asked Mr. Gutheil if he would amend his motion to direct that a Personnel Committee be appointed in January at the reorganization of the Board. Mr. Gutheil said he is okay with that, but when it comes to the compensation vote in December, there are 2 ½ pages of positions that fall under this. Who will do the work between now and December when we vote on this, he asked. I would like to see somebody taking the leadership of what will be presented to the Board in the resolution to be presented in December.

Ms. Raymond said she is strongly in favor of a Personnel Committee. It doesn't work to have this up and running immediately, she said. She stated she believes the question of compensation is tied to the Law & Finance Committee. She said any Supervisor can come to a budget meeting, workshop or Law & Finance Committee meeting with a proposal on how salary increases should be handled. She recalled one year when a flat amount was given out. Long term, we are long over due for a full study, she said. As a non-member of Law & Finance, I have some ideas that I would like to give the subcommittee relative to the charge of a Personnel Committee, she said. She stated we have not talked about a periodic review of duties and responsibilities of various departments. She said this is a reflection of changing times. She said she hopes the subcommittee continues to meet and seek additional input from the Supervisors so that by January, the Chairman will have a well-defined role. She said immediately following that, we should look at the role of the committees.

Mr. Gutheil moved to amend his motion to have a Personnel Committee in place by the first meeting in January. Mr. Lawler seconded. The motion was adopted by the following vote: AYES - Mr. Barrett 16,555; Mr. Callanan 8,729; Ms. Daly 16,555; Mr. Grattidge 3,954; Mr. Gutheil 13,549; Mr. Hunter 1,841; Mr. Janik 7,362; Mr. Johnson 12,541; Mrs. Johnson 920; Ms. Keyrouze 13,093; Mr. Lawler 8,515; Mr. Lucia 6,259; Mr. Peck 4,603; Ms. Raymond 1,384; Mr. Richardson 5,019; Mr. Sausville 13,005; Mr. Thompson 17,103; Mr. Trottier 1,971; Mr. Wood 5,114; Ms. Wormuth 18,359; Ms. Yepsen 13,093. ABSENT - Mr. Connors 7,522; Mr. Hargrave 3,589;

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

On a motion by Mr. Callanan, seconded by Mr. Hunter, the meeting was adjourned.

Barbara J. Plummer, Clerk