

SPECIAL SESSION  
 WEDNESDAY, SEPTEMBER 9, 2009  
 AT 4:45 P.M., D.S.T.

Board called to order by Chairman Johnson.

Roll call was taken. PRESENT – Patricia Southworth, Alan Grattidge, Anita Daly, Richard Lucia, Mary Ann Johnson, Jean Raymond, George J. Hargrave, Richard Rowland, Arthur M. Wright, Mindy Wormuth, Paul Sausville, Thomas Richardson, Frank Thompson, Preston L. Jenkins, Jr., Willard H. Peck, Richard C. Hunter, Sr., Thomas N. Wood, III, Matthew E. Veitch, Joanne Dittes Yepsen, Shawn P. Connelly, Arthur J. Johnson – 21. ABSENT - Philip C. Barrett, John Lawler – 2.

On a motion by Mr. Thompson, seconded by Mrs. Wormuth, the special meeting was ratified by a unanimous vote.

On a motion by Mr. Grattidge, seconded by Mr. Lucia, Resolution Nos. 155 through 157 were adopted by a unanimous vote.

RESOLUTION 155 - 09

Introduced by Supervisors Thompson, Hargrave, Hunter, Jenkins, M. Johnson, Rowland and Wormuth

AWARDING ANIMAL SHELTER CONSTRUCTION CONTRACTS

WHEREAS, Resolution 247-08 authorized an agreement with C.T. Male Associates, P.C., to provide engineering consultant services, for the design, bidding supervision and construction of the Saratoga County Animal Shelter; and

WHEREAS, pursuant to specifications prepared by C.T. Male, P.C., competitive bids for the construction work were solicited and opened on August 18, 2009; and

WHEREAS, the engineering consultants and the Buildings and Grounds Committee have recommended award of construction contracts to the lowest complying bidders; and

WHEREAS, such awards require approval of this Board of Supervisors; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute all agreements with the following entities necessary or appropriate for their services for the construction of the Saratoga County Animal Shelter at the following costs, namely:

|               |   |                      |             |
|---------------|---|----------------------|-------------|
| Contract #1S. | Chip Kroneau Construction Equipment, Inc. of Poestenkill, NY            | Site Contract        | \$ 274,010  |
| Contract #2GC | J. Luk Construction Company LLC of Schenectady, NY                      | General Construction | \$1,159,000 |
| Contract #3PE | Morton Buildings, Inc. of Marton, Illinois                              | Pre-Engineered Bldg. | \$ 973,583  |
| Contract #4M  | Collett Mechanical, Inc. of Latham, NY                                  | Mechanical Systems   | \$ 563,609  |
| Contract #5P  | Cristafulli Brothers Plumbing & Heating Contractors, Inc. of Albany, NY | Plumbing             | \$ 310,000  |
| Contract #6FP | Edward J. Matthews, Inc. of Troy, NY                                    | Fire Protection      | \$ 100,340  |

|                |  |            |            |
|----------------|--|------------|------------|
| Contract #7E   | Phoenix Electricians<br>Company, Inc of<br>Cairo, NY | Electrical | \$ 236,477 |
| Contract #8 FA | Stilsing Electric, Inc.<br>of Rensselaer, NY         | Electrical | \$ 38,700  |

and be it further

RESOLVED, that Supervisors Mindy Wormuth, Supervisor Richard Rowland, Supervisor Richard Hunter and Supervisor Preston Jenkins be and are hereby appointed Change Order Committee for this project, and authorized to sign change orders for the above contracts up to 10% of the above amounts.

BUDGET IMPACT STATEMENT: These costs will be covered through bond proceeds.

#### RESOLUTION 156 - 09

Introduced by Supervisors Thompson, Hargrave, Hunter, Jenkins, M. Johnson, Rowland and Wormuth

AUTHORIZING THE CONSTRUCTION OF A NEW ANIMAL SHELTER, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,300,000 OF THE COUNTY OF SARATOGA, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE COUNTY TREASURER.

BE IT RESOLVED, by the Board of Supervisors of the County of Saratoga, New York (the "County") (by the favorable vote of not less than two-thirds of all members of the Board of Supervisors) as follows:

SECTION 1. The specific objects or purposes to be financed pursuant to this resolution, including preliminary costs and costs incidental thereto and the financing thereof, are the construction of a new County Animal Shelter, including site improvements consisting of demolition and disposal of the existing animal shelter, replacement of a pole barn and installation of pavement on the road to the Recycling Center, as well as necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes (the "Project"). The total estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof, will not exceed \$5,300,000.

SECTION 2. The Board of Supervisors plans to finance the County's maximum cost of the Project by the issuance of serial bonds in an amount not to exceed \$5,300,000 of said County, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that the Project is a Class "A" building and an object or purpose described in subdivision 11(a) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. The faith and credit of said County are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 6. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Board of Supervisors pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized

and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the County Treasurer, the chief fiscal officer of the County.

SECTION 7. The County Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The County Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The expected source of funds to be used initially to pay for up to \$5,300,000 of the expenditures authorized by Section 1 of this resolution shall be from the County's General Fund. The County then reasonably expects to reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the County's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 10. The County has issued a negative declaration determining that the construction of the Animal Shelter will not have a significant effect on the environment.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The County Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in *The Saratogian*, the *Ballston Journal* and *The Daily Gazette*, newspapers having a general circulation in said County and hereby designated as the official newspapers of said County for such publication.

SECTION 13. This resolution shall take effect immediately upon its adoption.

## RESOLUTION 157 - 09

Introduced by Supervisors Peck, Daly, Grattidge, Hargrave, Sausville, Thompson and Wood

### DESIGNATING SARATOGA COUNTY AS A RECOVERY ZONE UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA") authorizes the County to issue recovery zone economic development bonds in an amount up to \$7,721,000 pursuant to a suballocation of the national volume cap for Recovery Zone Bonds provided by the federal Treasury Department; and

WHEREAS, recovery zone economic development bonds are entitled to a direct federal subsidy of 45% of the interest thereon; and

WHEREAS, the County is required to designate a recovery zone prior to issuing such bonds; and

WHEREAS, any such bonds must be for expenditures for property located within the recovery zone or otherwise promote economic activity therein; and

WHEREAS, the term recovery zone is defined to mean (1) any area designated by the County as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the County as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect as of February 17, 2009; and

WHEREAS, it is now desired to designate the County of Saratoga as a recovery zone under ARRA; NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of the Board of Supervisors of the County of Saratoga, New York, as follows:

Section 1. The County of Saratoga is hereby designated as a recovery zone for purposes of ARRA as a result of significant unemployment, home foreclosure rates and general distress as the current recession has had and continues to have a significant adverse impact on the County as a whole.

Section 2. This resolution takes effect immediately.

BUDGET IMPACT STATEMENT: No budget impact.

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

Barbara J. Plummer, Clerk