

## A G E N D A

August 11, 2010 5:00 p.m.

Vice-Chairman Wood called the meeting to order.

Roll call was taken. PRESENT – Patricia Southworth, Alan Grattidge, Philip C. Barrett, 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., John Collyer, Thomas N. Wood, III, Matthew E. Veitch, Joanne Dittes Yepsen, Edward D. Kinowski, John Lawler, Arthur J. Johnson – 22. ABSENT - Willard H. Peck – 1.

On a motion by Mr. Hargrave, seconded by Mr. Rowland, the minutes of the meeting of July 14, 2010 were approved unanimously.

David Wickerham, County Administrator, reviewed the following Agenda items:

**EQUALIZATION AND ASSESSMENT**

Accepting a \$20,679.45 tender offer in the Town of Malta. (Sam Pitcherale, County Treasurer)

Cancelling \$462.88 in taxes on an exempt parcel in the Town of Northumberland. (Carol Holley, Real Property Tax Director)

Mr. Wickerham said this was acquired by DEC and should have not been on the taxable rolls.

**SOCIAL PROGRAMS**

Authorizing the Chairman to enter into an agreement with Community Human Services to implement the Care Links Program at a cost not to exceed \$30,000. (Sandi Cross, Office for the Aging Director)

Mr. Wickerham stated all that money will come from State funds.

**VETERANS**

Authorizing the Chairman to sign a memorandum of understanding with the New York State Division of Veterans Affairs to provide access to its network and cooperation in dealing with Veterans claims. (Andrew Davis, Veterans Director)

**BUILDINGS AND GROUNDS**

Authorizing the Chairman to enter into an agreement with WAM Commercial Associates, LLC of Ballston Spa for a three year period with the right to terminate after the first year for the storage of voting machines and other Election's equipment at a total cost of \$63,840 for the first year. (Roger Schiera / Bill Fruci, Elections Commissioners)

**LAW AND FINANCE**

Authorizing the Chairman to enter into an agreement with Toski, Schaefer & Co., PC to provide single audit service to Saratoga County for fiscal year 2010, with an option for fiscal year 2011 at the same cost of \$87,560. (Sam Pitcherale, County Treasurer)

Authorizing the Chairman to enter into an amended contract with Delaware Engineering for engineering services for the expansion of the Saratoga County Sewer District resulting from delays in the project at a cost not to exceed \$140,400. (Jim DiPasquale, Sewer District Director)

Authorizing the Chairman to enter into an amended contract with Phoenix Environmental Laboratories, Inc. to increase the contract amount from \$10,000 to \$15,000 due to increase testing for the Saratoga County Sewer District plant process and NYSDEC permit review requirements. (Jim DiPasquale, Sewer District Director)

Mr. Wickerham said up until now, it was done under a minor contract.

Declaring an emergency at the Saratoga County Sewer District and authorizing the replacement of a failed transformer for an amount not to exceed \$40,479.17 and amending the budget in relation thereto. (Jim DiPasquale, Sewer District Director)

Mr. Wickerham said currently, they are working with a back-up.

Mr. Lawler said he appreciated the Board's willingness to table the resolution last month on the contract for the storage of the voting machines. He said he has heard there is a charge when these machines are moved. Mr. Wickerham stated the machines used to be in the towns, and now we have to move them from a centralized location. We do that by hiring a moving company under a separate contract, he said. Mr. Thompson stated they get \$90 per machine per election to move 251 machines. Mr. Lawler said in reading the report from the Board of Elections, it didn't meet with the intention he thought we had which was to look at Northumberland and do an analysis or look at any other County-owned sites to avoid the \$70,000 a year charge and to see what it would cost to make the Northumberland site usable. That is not here, he said. If the intent here is to move with a sense of urgency, and I don't think it's right that this Board has to move with a sense of urgency because we have known about these voting machines for a long time, he said. I am not clear why this hasn't been dealt with sooner, he stated. I would like some assurances that we are, in fact, going to do an analysis. I am sure there are a great many HVAC contractors who could give us an estimate. I am uncomfortable given the fact these are difficult economic times. We had taken the Veterans' concert out of the budget at \$50,000, and here we are spending \$68,000 this year with the expectation of spending more than that, probably 3% - 5% more per year, he said. We owe it to the taxpayers to see what it will cost to make that building appropriate for those machines, he stated. He requested this analysis be done. Mr. Wickerham said the Commissioner of Public Works does not have the expertise to do the analysis and does not feel comfortable with that. Mr. Lawler said he does not think it will take a great deal to figure this out. This isn't the Manhattan project, he said. We want to put heating, air conditioning and electrical services in a 70,000 sf building, and I don't understand why that's a complicated undertaking, he stated. This requires getting a request for quotes to go and look at that building to see what it would cost to put air conditioning in.

Mr. Wickerham stated the Buildings & Grounds Committee has appointed two subcommittees. Mr. Thompson said a subcommittee is going to look at this and a couple of other places. From the vendor, we need to know what the actual environment should be for these, he said. The Northumberland building does need air conditioning, and we do have ample room in buildings in the County already set up. He said he received information from the State Elections stating these machines have to be in a locked door with an alarm system, security system, and be patrolled by a guard twice a day. I would like the subcommittee to find out what exactly we need to put these in, he said. These are plastic cases with circuits, and I am not sure we need as an expensive place as they are talking about, he said. He said he received a thick manual from the State on how they think these should be stored. The subcommittee will be looking into that plus a couple of other buildings that we have here, he stated. We should have an answer by next month, he added. Mr. Lawler thanked him for the information, and he said he was hoping we would have accomplished a little more in the past month. Maybe going with a 1-year lease with a 60-day notice is the best we can do under the circumstances, he said.

Mr. Veitch stated Saratoga County Day At The Races will be Monday, August 30<sup>th</sup>. All County residents get into the track free. He mentioned Jen Ciulla will reach out to the towns to see what kind of display Supervisors would like to do for that area of the track that we reserved for the County, Towns and Cities for the event.

Mr. Richardson said we have someone new doing the Care Links program, and he wanted to make sure that all communities will be getting the same amount of service that they have received in the past. Sandi Cross, Director of the Office for the Aging, said yes they will.

On a motion by Mr. Richardson, seconded by Mr. Collyer, the meeting was adjourned.

Respectfully submitted,

Elaine M. Sodemann

REGULAR SESSION  
 TUESDAY, AUGUST 17, 2010  
 AT 4:00 P.M., D.S.T.

Board called to order by Chairman Peck.

Roll call was taken. PRESENT – Patricia Southworth, Alan Grattidge, Philip C. Barrett, Anita Daly, Richard Lucia, Jean Raymond, George J. Hargrave, Richard Rowland, Arthur M. Wright, Mindy Wormuth, Paul Sausville, Frank Thompson, Preston L. Jenkins, Jr., Willard H. Peck, John Collyer, Thomas N. Wood, III, Matthew E. Veitch, Joanne Dittes Yepsen, Edward D. Kinowski, Arthur J. Johnson – 20. ABSENT - Mary Ann Johnson, John Lawler, Thomas Richardson – 3.

On a motion by Mr. Hargrave, seconded by Ms. Wormuth, the minutes of the meetings of July 14 and July 20, 2010 were approved unanimously.

The Clerk presented the following:

Notice of Part 373 Minor Permit Modification for Fixed Box Incinerator #2 Ionizing Wet Scrubber Replacement and Retrofit and Notice of Approval of a Comprehensive Performance Test and Notice of Test Schedule – Fixed Box #2 Incinerator for Momentive Performance Materials, Waterford, NY.

Referred to Environmental Management Council.

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Board of Supervisors:

Sincere thanks for your thoughtfulness. Thank you so much for the wonderful remembrances of my brother, “Tinker Martin” on July 20<sup>th</sup>. What an honor to be present and acknowledged of Tink in such a beautiful service. I really appreciated it. A day will remain in my heart. Thank you.

Midge McHale  
 (Town of Milton)

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REPORTS:

Report of Toski, Schaefer & Co., P.C. of the audit of the financial statements of the County of Saratoga for the year ended December 31, 2009.

Received and filed.

REPORT NO. 9

ESTIMATE OF EXPENDITURES FOR SARATOGA COUNTY SELF-INSURANCE

(For fiscal year beginning January 1, 2011)

	2011	2010
ADMINISTRATION		
Salaries & Wages -----	\$169,389	\$169,389
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	225
Misc. Auto & Travel -----	100	100
Educational Conference -----	1,500	1,500
Office Equipment Rental -----	<u>1,800</u>	<u>1,800</u>
	\$180,169	\$180,169
 THIRD PARTY LIABILITY INS. PREMIUM	 \$ 30,000	 \$ 30,000
 EMPLOYEE BENEFITS		
Retirement, Soc. Sec., DBL, Health, U.I., WCB	\$ 83,475	\$ 83,475
 <u>WORKERS' COMPENSATION AWARDS</u>		
 VOLUNTEER FIREFIGHTER BENEFITS		
Medical Services -----	\$100,000	\$100,000
Awards & Compensation -----	250,000	250,000
State Assessments--VF -----	<u>25,000</u>	<u>25,000</u>
	\$375,000	\$375,000
 WORKERS' COMPENSATION		
Medical Services -----	\$500,000	\$500,000
Awards & Compensation -----	1,360,000	1,360,000
State Assessment-W.C.B.-----	100,000	100,000
State Assessment-15-8 & 25A -----	328,955	328,955
State Ass't - Clinics,OSHA,EOSH --	<u>20,000</u>	<u>20,000</u>
	\$2,308,955	\$2,308,955
 VOLUNTEER AMBULANCE CORPS		
Medical Services -----	20,000	20,000
Awards & Compensation -----	15,875	15,875
State Assessment for V.A. -----	<u>2,500</u>	<u>2,500</u>
	\$ 38,375	\$ 38,375
 LEGAL FEES		
Legal Fees	55,000	55,000
Investigative Fees,etc./Misc. Fees	30,000	30,000
Transcript Fees	<u>4,000</u>	<u>4,000</u>
	\$ 89,000	\$ 89,000
 SAFETY PROGRAMS	 \$ -0-	 \$ -0-
 CONTRIBUTORY RESERVE	 \$ 200,000	 \$ 200,000
 TOTAL ESTIMATED EXPEND.	 \$3,304,974	 \$3,304,974
 REVENUES		
Participants -----	\$3,159,974	\$3,159,974
Cash Flow Interest -----	25,000	25,000
Litigation & Other Sources -----	120,000	120,000
 TOTAL ESTIMATED REVENUES	 \$3,304,974	 \$3,304,974

On a motion by Mr. Grattidge, seconded by Ms. Southworth, Report No. 9 was approved unanimously.

On a motion by Mr. Hargrave, seconded by Mr. Lucia, Resolution Nos. 149 through 158 were adopted by a unanimous vote.

## RESOLUTION 149 - 10

Introduced by Supervisors Grattidge, Barrett, Collyer, Jenkins, Sausville, Veitch and Yepsen

## AUTHORIZING AN AGREEMENT WITH COMMUNITY HUMAN SERVICES, INC. TO IMPLEMENT THE CARE LINKS PROGRAM

WHEREAS, our Office for the Aging utilizes volunteers to assist in providing various non medical services to elderly residents; and

WHEREAS, Community Human Services offers administrative services in connection with the delivery of these voluntary services; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an Agreement with Community Human Services, Inc. of 543 Saratoga Road, Glenville, New York for oversight and coordination of volunteer services to the elderly through its Care Links Program at an amount not to exceed \$30,000 the form and substance of said Agreement subject to approval of the County Attorney and the Contract Administrator.

BUDGET IMPACT STATEMENT: None. New York State aid will cover 75% of program costs and the remaining 25% match will be provided by Community Human Services, Inc.

## RESOLUTION 150 - 10

Introduced by Supervisors M. Johnson, Barrett, Kinowski, Lucia, Thompson, Wright and Yepsen

## AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE NEW YORK STATE DIVISION OF VETERANS AFFAIRS

WHEREAS, our Saratoga County Veterans' Service Agency serves that needs of veterans throughout the county, including assistance to veterans making applications for benefits from the federal Veterans Administration (VA); and

WHEREAS, the New York State Division of Veterans' Affairs (DVA) maintains a computer network known as "Vet Cop" which assists its users in compiling and tracking claims of veterans with the VA; and

WHEREAS, DVA has knowledge, training and written materials which are available to assist our Veterans' Service Agency in fulfilling its mission of assisting veterans; and

WHEREAS, DVA wishes to enter into a Memorandum of Understanding with Saratoga County which will enable our Veterans' Service Agency to utilize the computer network and other services and materials of DVA; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a Memorandum of Understanding with the New York State Division of Veterans' Affairs to enable our Veterans' Services Agency to utilize the computer network, training and other assistance of the Division of Veterans' Affairs in carrying out its mission of assisting our county veterans, the form and substance subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

## RESOLUTION 151 - 10

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

## AUTHORIZING LEASE OF STORAGE SPACE FROM WAM COMMERCIAL ASSOCIATES, LLC FOR BOARD OF ELECTIONS' VOTING EQUIPMENT AND MATERIALS

WHEREAS, the Help America Vote Act (HAVA) requires the County to assume responsibilities formerly belonging to the Towns and Cities in relation to conducting elections, including the custody and care of voting machines and materials; and

WHEREAS, electronic voting machines and materials require specialized storage not available in county facilities; and

WHEREAS, a new location suitable to store these machines and materials is needed; and

WHEREAS, the facility owned by WAM Commercial Associates LLC is the most suitable storage facility available; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a lease of space with WAM Commercial Associates LLC, of Ballston Spa, New York for the storage of electronic voting machines and materials for the period of September 1, 2010 to August 31, 2013, at a monthly cost of \$5,320 for the first year with an annual increase of 3%, with the condition that the County shall have the right to terminate the lease after the first year without penalty upon 60 days notice to the landlord, the form and substance of said lease subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. The funding is available within the 2010 adopted budget.

RESOLUTION 152 - 10

Introduced by Supervisors Wood, Daly, Grattidge, A. Johnson, Sausville, Thompson and Wormuth

AUTHORIZING AGREEMENT WITH TOSKI, SCHAEFER & CO., P.C. TO PROVIDE SINGLE AUDIT SERVICES TO SARATOGA COUNTY FOR FISCAL YEAR 2010

WHEREAS, Federal and State laws require independent audits of all municipal recipients of their funds; and

WHEREAS, Resolution 213-09 last authorized the provision of these services by Toski, Schaefer & Co., P.C. for 2009; and

RESOLVED, that the Chair of the Board is authorized and directed to execute an agreement with Toski, Schaefer & Co., P.C. of Williamsville, New York for its professional services in the provision of single audit and general purpose financial services for the County of Saratoga and its agencies for the year 2010 with an option for year 2011 at a sum not to exceed \$87,560 per year the form and content of such agreement being subject to the approvals of the Contract Administrator and County Attorney.

BUDGET IMPACT STATEMENT: Funding for this contract will be placed in the 2011 tentative budget.

RESOLUTION 153 - 10

Introduced by Supervisors Wood, Daly, Grattidge, A. Johnson, Sausville, Thompson and Wormuth

AUTHORIZING AMENDMENT TO CONTRACT WITH DELAWARE ENGINEERING, P.C.

WHEREAS, Resolution 240-06 authorized an agreement with Delaware Engineering, P.C. to provide engineering consultant services relative to the expansion of the Sewer Plant; and

WHEREAS, an amendment to the contract for additional engineering services is necessary due to delays in the completion of the project; and

RESOLVED, that the Chair of the Board of Supervisors is authorized to execute an amendment to the agreement with Delaware Engineering, P.C. of 28 Madison Avenue Extension, Albany, New York 12203 for its engineering services for the expansion of the Saratoga County Sewer Plant, at a total additional cost not to exceed \$140,400, the form and content of said agreement being subject to the approval of the Contract Administrator and the County Attorney.

BUDGET IMPACT STATEMENT: The project remains within the budget.

RESOLUTION 154 - 10

Introduced by Supervisors Wood, Daly, Grattidge, A. Johnson, Sausville, Thompson and Wormuth

## AUTHORIZING AMENDMENT TO CONTRACT WITH PHOENIX ENVIRONMENTAL LABORATORIES, INC.

WHEREAS, pursuant to county procedure, the County Administrator executed a contract with Phoenix Environmental Laboratories, Inc. to provide wastewater analysis at our Sewer Treatment Plant for a sum not to exceed \$10,000 per year; and

WHEREAS, the cost of these services will exceed the limits of the authority under said county procedure, and approval of the board of supervisors is required to amend the contract to provide for additional costs for these services; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an amendment to the contract with Phoenix Environmental Laboratories, Inc. of Manchester, Connecticut to provide waste water analysis at the Sewer Treatment Plant in an amount not to exceed \$15,000, the form and substance subject to the approval of the County Attorney and the Contract Administrator.

BUDGET IMPACT STATEMENT: None. Funds available within 2010 Sewer District budget.

## RESOLUTION 155 - 10

Introduced by Supervisors Wood, Daly, Grattidge, A. Johnson, Sausville, Thompson and Wormuth

## AUTHORIZING EMERGENCY PURCHASE OF A TRANSFORMER WITHOUT COMPETITIVE BIDDING

WHEREAS, on or about July 3, 2010, a transformer that feeds the primary clarifier at the Saratoga County Sewer Treatment Plant failed, creating an emergency situation in which the operation of the plant was compromised; and

WHEREAS, the Sewer District Commissioners have determined that an emergency situation exists that obviates the necessity of following normal procedures to engage a consultant to create specification for a new transformer, and to entertain competitive bidding for the purchase of a new transformer; and

WHEREAS, until the transformer is replaced, an emergency condition continues such that compliance with the bidding process under General Municipal Law §103 endangers the health and safety of the residents of Saratoga County due to the lengthy time required; and

WHEREAS, in lieu of the formal bidding process, proposals were solicited for the purchase and installation of a new transformer, and the county's consultants and the Sewer Commissioners recommend that the lowest proposal of Gross Electric be accepted; now, therefore, be it

RESOLVED, that this Board of Supervisors determines that an emergency situation exists as a result of the failure of a transformer at the Saratoga County Sewer Plant, thereby obviating the necessity of compliance with the bidding requirements of General Municipal Law §103 to obtain a replacement, and be it further

RESOLVED, that the Chair of the Board of Supervisors is authorized to execute a contract with Gross Electric of Queensbury, New York for the purchase and installation of a transformer at the Saratoga County Sewer Plant at a cost not to exceed \$40,479.17, the form and substance subject to the approval of the County Attorney and Contract Administrator.

BUDGET IMPACT STATEMENT: None. Funds available with Sewer District operating budget.

## RESOLUTION 156 - 10

Introduced by Supervisors A. Johnson, Daly, Lucia, Hargrave, Wood, Richardson and Rowland

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 2, PRINT NO. 1 OF 2010 ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY PART A AND PART B OF CHAPTER 105, LAWS OF 2010 FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF SARATOGA, NEW YORK

WHEREAS, Resolution 130-10 introduced and presented proposed Local Law identified as Introductory No. 2, Print No. 1 of 2010 to this Board of Supervisors and scheduled a public hearing thereon for August 11, 2010 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 17<sup>th</sup> day of August, 2010 hereby adopts a Local Law identified as Introductory No. 2 -10, Print No. 1 as set forth in annexed Schedule A.

COUNTY OF SARATOGA

LOCAL LAW 3 - 2010

A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY PART A AND PART B OF CHAPTER 105, LAWS OF 2010 FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF SARATOGA, NEW YORK

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

SECTION 1. The County of Saratoga hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Part A and Part B of Chapter 105, Laws of 2010.

SECTION 2. The commencement date of the retirement incentive program shall be October 1, 2010.

SECTION 3. The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 90 days in length and shall end on December 29, 2010.

SECTION 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this Local Law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment in each of the five years shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Saratoga for each employee who receives the retirement benefits payable under this Local Law.

SECTION 5. This act shall take effect August 18, 2010.

Schedule A

RESOLUTION 157 - 10

Introduced by Supervisors Lucia, Collyer, Hargrave, M. Johnson, Kinowski, Southworth and Thompson

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 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 designees, the lands set opposite their names, upon payment of the indicated amount, which includes penalties, interest and charges,

<u>CONVEY TO:</u>	<u>YEAR</u>	<u>TOWN</u>	<u>S/B/L</u>	<u>AMOUNT</u>
Mark K. Davis	2007, 2008,	Malta	250.13-3-19	\$26,725.71
Julianne Davis	2009 & 2010			
4 Woodshire Court				
Ballston Lake, NY 12019				

BUDGET IMPACT STATEMENT: These amounts include all appropriate penalties and interest.

## RESOLUTION 158 - 10

Introduced by Supervisors Lucia, Collyer, Hargrave, M. Johnson, Kinowski, Southworth and Thompson

## CANCELING TAXES IN THE TOWN OF NORTHUMBERLAND

WHEREAS, taxes were improperly assessed and billed to the State of New York Department of Environmental Conservation for state owned property in the Town of Northumberland; and

WHEREAS, it is necessary to cancel said taxes; now, therefore, be it

RESOLVED, that the tax lien on the following property be and the same are hereby cancelled:

<u>TOWN</u>	<u>SBL</u>	<u>TAX YEAR</u>	<u>LIEN AMOUNT TO BE CANCELED</u>
Northumberland	129.11-1-15	2010	\$462.88

BUDGET IMPACT STATEMENT: No budget impact.

Mrs. Plummer reminded the Supervisors of the Golf Outing on September 17<sup>th</sup> at Airway Meadows in Northumberland. She said there will be a 7:30 a.m. breakfast and an 8:30 a.m. shot gun start. Come for lunch around 2:00 p.m. if you do not golf, she said.

On a motion by Mr. Collyer, seconded by Mr. Barrett, the meeting was adjourned.

Barbara J. Plummer, Clerk