

AGENDA

August 15, 2012 5:00 p.m.

Vice Chairman Grattidge called the meeting to order.

Roll call was taken. PRESENT – Patricia Southworth, Alan Grattidge, Anita Daly, Mary Ann Johnson, Jean Raymond, George J. Hargrave, Richard Rowland, Arthur M. Wright, Paul Sausville, Daniel Lewza, Thomas Richardson, 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, 19. ABSENT – Philip C. Barrett, Richard Lucia, Mindy Wormuth, John Lawler, 4.

On a motion by Mr. Wright seconded by Mr. Hargrave, the minutes of the July 11th meeting were unanimously approved.

Vice Chairman Grattidge said the 2011 Independent Audit has been issued and is available on the County Website. He said if anyone has any questions they can contact the Treasurer directly.

Spencer Hellwig, County Administrator, reviewed the following:

Equalization and Assessment

“Under Equalization, one resolution which is a tender offer in the Town of Wilton.”

Personnel and Insurance

“Under Personnel, two resolutions, the first being the recommendation that four Social Welfare Examiner positions be created through the end of this year to handle additional case loads in Food Stamps, Medicaid and Temporary Assistance. And the second item is the authorization to fill the vacancy in the Commissioner’s position in our Public Works Department.”

Economic Development

“We have one resolution which is the authorization to form a Capital Resource Corporation. This entity will have the ability to provide qualified not-for-profit corporations access to tax exempt bonds to fund their capital projects.”

Buildings and Grounds

“Under Buildings the first item is authorization for a contract amendment with Guth-DeConzo Consulting Engineers who will provide some additional engineering services relative to the decommissioning of Maplewood Manor’s cogeneration plant. The second item is authorization for a contract with National Grid for their work in returning Maplewood to their power grid. Third item under Buildings is for signage to be placed in the Woodlawn office building parking lot as the result of non-county employees or individuals not having county business using that lot. And the final item is the creation of a polling place in County Office Building as a result of redistricting that occurred in the Congressional Districts as it applies to the Village of Ballston being moved from District 20 into the 21st District.”

Law and Finance

“Under Law and Finance the first item is the scheduling of a public hearing to allow the Sewer District to move forward with their plans to replace the sewage line around Saratoga Lake as well as install new mains on Routes 4 & 32 in Halfmoon. The second item is also the scheduling of a public hearing relative to the extension of the Sewer District’s boundaries in response to input they have received from municipalities within the County requesting that they be wholly included within the District. Third item under Law and Finance will be the ratification of an emergency declaration which was made by the District as a result of the failure of a carbon monoxide analyzer. The fourth item is the renewal of a contract with ICOM Tech Services who is our current email provider within the County. They will be maintaining the current rates in the renewed contract. The next item is a housekeeping item which is required under Public Officer’s Law that the County approve a blanket undertaking insurance coverage for money & property that is handled by the Chairman of the Board, County Clerk, District Attorney, the County Treasurer as well as the Sheriff. The sixth item is for authorization for the County to

participate in a grievance hearing that is going to be held before the Hudson River Black River Regulating District Board to contest the apportionment of the District's Operating costs as it relates to the State's ownership of property within our County. The seventh item is the result of discussions that took place at the Budget Committee meeting in July where there was some concerns raised about some cash flow issues that may be heading our way this year. As a result of that in anticipation of possible shortfall at the end of this year going into the first quarter of 2013 we are asking that the Board approve the issuance of a tax anticipation note if necessary to cover the short term needs that will occur before the property tax dollars begin to come in. The next item is also out of the Budget Committee based on the recommendation of fiscal advisors relative to the 2003 Sewer Bond issue, the District is in a position to save about \$250,000 by this re-issuance. The last item was out of executive session and will be authorize of a settlement with Warren & Marie Kolodziejcki who are the owners of a piece of property adjacent to the County Airport."

On a motion by Mr. Jenkins, seconded by Mr. Sausville, the agenda was unanimously adopted as recited by the County Administrator.

On a motion by Mr. Wood, seconded by Mr. Sausville the Rules of the Board (Rule 1b) were amended to add a third sentence stating that the Agenda meeting for September shall convene at 5:00 in the afternoon of the second Tuesday of the month. The motion was unanimously adopted.

Mr. Wright said last month the Board passed a resolution to post property under the HL bridge in the Town of Hadley. He reported that the signs have gone up and law enforcement has been enforcing it. Word has gotten out and he thanked the Board for the resolution and said it has alleviated a huge problem in the Town.

Mr. Richardson mentioned that the past Saturday in Mechanicville there was a ceremony honoring 53 deceased WWII veterans all who resided in the City of Mechanicville. He thanked Supervisors Ed Kinowski, Mary Ann Johnson and Veterans Services Director Andy Davis for all the help they provided and for being there on that day.

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

Respectfully Submitted,

Pamela Hargrave, Clerk

REGULAR SESSION

Tuesday, August 21, 2012

AT 4:00 P.M., E.S.T.

Board called to order by Chairman Wood.

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, Daniel Lewza, Preston L. Jenkins, Jr., Willard H. Peck, John Collyer, Thomas N. Wood, III, Matthew E. Veitch, Joanne Dittes Yepsen, Edward D. Kinowski, John Lawler, Arthur J. Johnson – 23. ABSENT – 0.

The invocation was given by Patti Southworth, Chaplain.

PRESENTATIONS

Industrial Museum: Frank Hardick, Town of Queensbury thanked the Board for their time and spoke to the Board about the idea of an industrial museum for a tri-county area. He said he has a volunteer committee researching the idea.

Tug Boat Round Up: Mrs. Daly gave a summary of the Tug Boat Round Up in Waterford and said a video will be shown in a few moments. She said the Chamber of Commerce has showcased many of the events around the County and it is one of the initiatives of the Economic Development Committee to work with the Chamber to help promote them. Mr. Lawler said tourism and economic development is very important and some areas typically don't get much publicity. He said the County is blessed with river front communities and the Round Up is an opportunity for people to visit a smaller community and see what it has to offer. Mr. Lawler said if you haven't been to Peoples Island he invited everyone to stop and see it.

Chairman Wood presented proclamations to Steven Ropitzky and Joanne Scoville who have worked for the Farm Service Agency. Mr. Ropitzky will be retiring and Ms. Scoville will be joining the Washington County FSA branch soon.

PUBLIC INPUT

Nick Berardi, Saratoga County Maplewood Manor employee: "Good evening everybody. How is everybody doing? I am here today, I really didn't have anything made up. I am here for a couple of residents that are not able to speak today. We have four residents that came over and basically guys they are all very much worried about the report and stuff that came out. And, to be perfectly blunt with you they feel like they are going to be out of a home. Alright. They are here to express their interest and their dismay about what's going on over at the facility. And there is one resident I am speaking on her behalf, her name is Patty Boyce, and she is very upset at the fact that she feels like you guys are willing to take care of the animals better than you are willing to take care of our senior citizens. Um, in some ways I agree with her. I would really appreciate it if you guys would be able to take the time to get to know the residents that are over here today because these guys are really the choices that when you make decision about what's going on with the Manor these are the guys that you are going to be affecting. Alright. These guys are all public employees. They've all paid their taxes for the County of Saratoga and they all deserve a chance to speak on their behalf. Alright. Some of them can't do that today, that's understandable. Um, Patty Boyce is a wonderful resident. She's been there for, I think, 14 years. She's paid her way. She has excellent care that we do for her. And, I just want to say, by closing the Manor the care is not going to be there if we privatize. We don't need to privatize. We need to keep it local and public. And I just want to that I am very upset at the fact that we're even considering going the route of the LDC. Alright. I just don't feel like it's the best way to go. We all can save money. We all know how to do it. There's a lot of wasted money throughout the County and unfortunately you guys are targeting Maplewood because you guys think that is the ultimate solution. But what happens to our seniors. Alright. Our seniors are the ones that have to pay and ya' know right now it's hard for them to understand the fact that we are losing a lot of money but when you are over there and you are paying their way they wonder if they are going to have a place to stay. Alright. It would be really, really, really helpful if you guys could relay to them that their house is safe. That we're only doing this not to be person but in some ways guys it feels that way. Alright. I'm not pointing anyone out. You guys have all been very gracious with everybody when we've come over to talk to you and I want to

thank you again from the bottom of my heart. It's just these guys have a chance to speak and say what's on their minds and I hope everybody can listen with openness and not shut them down because they are the reason why we are here in the jobs that we do. Alright. Thank you all very much and have a great night."

Pam Almy, Saratoga County Maplewood Manor employee: "Thank you all for allowing me to speak and voice my concerns regarding Maplewood Manor. And I thank all the County Supervisors for being so receptive in meeting with County employees and members of our community regarding this sensitive matter. I am a 20 year employee at Maplewood Manor and I also serve on the negotiating team with CSEA. We are currently working on the upcoming contract as the current contract expires in December of this year. I am a volunteer in my community and a resident of the Town of Milton and a taxpayer in Saratoga County. I am concerned about the County's decreasing fund balance. Maplewood Manor can not continue to operate as it has for the past several years with the growing deficit. We all know that it is a four star facility and a huge asset to the County. We all know that it is a needed facility. We all know that it is very valuable. Maplewood Manor is not just a four star facility, it also houses veterans, disabled individuals and provides activities to the community and mostly to our area seniors. We are a family that takes pride in serving Maplewood Manor and our community. It's time for change. Positive change. If we always do what we've always done we will always have the same result. A growing deficit. We can not compete as we are. We need to market our facility with brochures and banners and show people what a great place we are. We need to attract people to our four star facility. We need to offer a wide range of services to meet the needs of today's growing elderly population. We should not even consider selling such a valuable piece of our community. Some of the services that soon will be needed are short term respite stays, adult day care, rehab services and overnight stays available to residents that are up most of the night due to illness or dementia. We could expand and offer dialysis as there currently is a need for this. What about a local Maplewood: a home care department that also offers support services such as therapy and rehabilitation. How about mobile social workers. These ideas are just some of the ways that could generate the revenue needed to close the gap. In closing, I would like to say that saving Maplewood will need a multi-faceted approach. The employees of Maplewood Manor intend on making concessions in the upcoming contract. I urge the rest of the membership to do the same. We all need to be part of this solution. I personally feel that we owe this to our facility and to all County residents. Thank you."

Karen Diagle, Saratoga County Maplewood Manor employee: "This is Mary Palente and she is a resident of Maplewood Manor. My name is Karen Diagle and I have been working for Maplewood Manor for 18 years. I work in the Nursing Rehab Department. I feel a genuine compassion for our facility. I would like to express to you, the Board of Supervisors, how important Maplewood Manor is to our community. My department works as a team with physical therapy, occupational therapy, and speech therapy to bring residents back to their strongest physical and emotional level after a difficult illness or debilitating injury. Giving our residents the best quality of life possible for the rest of their life is important to all of us. I've seen countless residents go back in to their homes because of the excellent therapy they have received at Maplewood. I am proud to be a part of this team. They are like family. We all want that for our loved ones. Every department at Maplewood goes above and beyond to meet the needs of our residents. The community is counting on sustaining Maplewood Manor as our County will have a quality care facility for our loved ones should the need arise. What better place is there? Given our history, Maplewood Manor should remain County run. This is such a great place because of the wonderful staff that is and has been here. Our facility is a testimony to our community of the quality care that Saratoga County should continue to provide for the future. Over the years, many dedicated employees have worked hard to make this the wonderful home it is. We are trusting the Board of Supervisors, employees, and CSEA will work together to preserve this valuable asset for our community. We are confident a solution will be obtained soon. Does Saratoga County want to lose the opportunity to continue to provide valuable, quality care that we have provided to our county for over 30 years? I think not. So the decision is up to you on how Saratoga County wants to represent its public. I am speaking on behalf of the Saratoga County residents and we are all asking you to make the right decision. We are optimistically hopeful you will. Thank you."

Maria Lopez, Saratoga County Maplewood Manor employee: "Good afternoon Board of Supervisors. My name is Maria Lopez. I am a nurse at Maplewood Manor. And it is a great facility. Today I am here to talk about the impact your decision will have on a lot of the families in Saratoga County and surrounding towns. I come from an extended family myself where my grandmother lived with us and we took care of her 'til the end. I know that now-a-days it's very hard for us to do this. It is almost impossible to take care of a loved one at home and I believe me putting my loved ones in a nursing home is not an easy decision and comes with a lot of

guilt and a lot of heartbreak. You have this human being that once took care of you, a strong productive working citizen. She was your protector, your provider, your nurturer and the one that made you who you are today. She looked over you and put a band aid on your knee when you use to get hurt. Now you see this person and she can't remember to take her meds, she forgets where her keys are at, she falls cause she is unsteady on her feet and she forgets that she calls you about 15 times a day to tell you the same thing over and over and over again. I know this because I am living it right now. And so are so many of the families all around the Country today. But today I want to talk to you about the families that live right here in Saratoga County: the ones that will be affected by your decision on whether to save the County home. The decision on whether the County home will stay private, oh I mean, stay a county home or go private. I'm sorry. I've very nervous. Saratoga County has families that are very wealthy and have no problem supporting private pay. And then you have the ones that can't and somehow they fall through cracks and are not qualified for Medicaid and don't have a hundred thousand dollars in the bank. They do not qualify for private pay. A lot of those people will be your common workers: the cashiers, the secretaries, the blue collar workers, that help shape up the counties, your highway department, your department of social services, your nurses, your aides, your teachers, your firemen, your policemen, and yes even yourselves. It's hard enough to come to the conclusion that you have to put your loved one in a nursing home. But now you are confronted with the fact that the nursing home that you were counting on is not going to be close to home where you can go and visit your mother every day, every week or every month. To try to have some sort of normalcy kind of having some control over the care your loved one will be having a nursing home. I hear this over and over again from so many family members that I have encountered over the years. So now your loved one will be placed in a nursing home out of state. Somewhere in Philadelphia, Connecticut, New Hampshire whichever one accepts her. This will be so devastating on any family and it will bring more pressure on the caregiver and their families, emotionally and financially. How can you answer a three year old child when they ask for their grandma and you can't tell her where she is at. Oh, we can't go see her right now because she is not around the corner. There are a lot of residents in our nursing home, there is a resident in our nursing home, she has a daughter with two young children, a boy and a girl, and I'm gonna let you know, every time those children come to visit that resident her face lights up. Her eyes sparkle. I mean she acts like a 20 year old. She plays with her grandchildren. She laughs. She dances with them. It's priceless. You can't replace that. I know you have a difficult decision to make. The Country is terrible. The economy is horrible. Everyone is finding ways to cut down, a little here and a little there. From government to individuals like you and I. So I am ending this speech with a prayer. I pray to God to bless you, each and every one of you, to help you make a fair and honest decision regarding Maplewood Manor. The home of so many families and residents, members of the community that you serve and you took office to protect and serve and to make Saratoga County a better community. Thank you and may God bless you."

Pat Berite, Saratoga County Maplewood Manor Resident: "I'm nervous. My name is Merriam Patricia Berite. I answer to Merriam or to Pat. I have been in Maplewood Manor for eight months now and I had to go there because I had a terrible fall and I can't live alone any more. I will tell you about the wonderful, wonderful, super care that I have been given there is out of this world. It is better than the hospital. Believe me. They are there to answer every call every time you need help. And it's terrible. I can not see this being privatized like some places are. I know of some places have been privatized and it's not very nice. Also, the young lady that mentioned out of town, that was an alternative for me too and thank heavens my daughter found, remembered this place here and they did have an opening for me. And I am like a happy camper there. In fact, I feel like I own the place."

Jim, Saratoga County Maplewood Manor Resident: "Hello. I've had a stroke and I can't talk so well. So you'll have to bear with me. The pleasant life is what I stand for. The point I make is the place that I am living at now is great. It is great. They help me out so much. But there is something I can't understand. Why is it that the prisoners in jail they get so much benefits. It's unbelievable. It's just that if you kill someone, a congressman or a senator maybe, you go to jail. But this I can't understand at all. They get 100% for eyes, this is what I say, if you want those things, go to prison you get them for free. That's all. Thank you."

On a motion by Mr. Grattidge, seconded by Mr. Lucia, the minutes of the July 17th, 2012 meeting was unanimously approved.

The Clerk presented the following:

Acknowledgement of receipt of Local Law No. 1 of 2012 received by the NYS Department of State.

Received and filed.

Letter from the Stillwater Area Community Services Center Inc thanking the County for their \$15,000 support for the purchase of a new senior van.

Copy to all Supervisors.

Letter from Helen B. King regarding the sale of Maplewood Manor.

Copy to all Supervisors.Reports of Committee

Mr. Wright said all supervisors know that the report came out from Harris Beach and everyone was provided with a copy and noted the report is available on the website. He asked if any supervisor has questions with regards to the report, they can be addressed to Ryan Moore in the County Administrator's Office or to him. He said Harris Beach will be brought in again at a future date.

Resolutions:

Mrs. Yepsen asked with regards to Resolution No. 164 where the funds for this corporation will be coming from. County Administrator Hellwig said the County IDA has agreed to give initial funds for this corporation and once this corporation has been set up they will be seeking grants to operate so there will be no budget impact.

Mrs. Southworth asked about the appointment of the board and why it states the members will be appointed by the board and removed at the pleasure of the board without cause for any reason. She asked why this is worded this way; why would we remove them without cause from a board we just appointed them to. County Attorney Dorsey said it was the feeling of Lemery Greisler who assisted in forming this corporation that the County needs to be seen as an alter ego of the corporation and in order to do that wording needed to be included that the Board would be subject to removal at the pleasure of the board. The Economic Development Committee suggested there be term limits which would fulfill that and would give the Board an out if someone needed to be removed. Mrs. Southworth just wanted to be sure that someone would not be removed simply because they disagreed.

Mr. Lawler asked what was meant by alter ego. Mr. Dorsey replied that for tax purposes the corporation needed to be seen as the alter ego of the County in order to qualify for the tax breaks. Mr. Lawler asked if we had that in place with the IDA now. Mr. Dorsey did not know as he had not seen the IDA's certificate of incorporation. Mr. Lawler said he is looking for consistency and suggested all the board's certificates' be looked at.

Mrs. Yepsen asked for clarification between the LDC that was written about in the Harris Beach report and the corporation that Resolution No. 164 would be approving. Mr. Dorsey said the LDC is separate and would have to be formed if that decision was made. Mrs. Daly said the discussions occurred simultaneously and that's where the confusion occurred. She said the term LDC was initially used but has since become CRC which is now the term being used and that there was never a mixing of the two.

On a motion by Mr. Grattidge, seconded by Mr. Collyer Resolution No.'s 162 through 179 were adopted by a unanimous vote.

RESOLUTION 162 - 12

Introduced by Supervisor A. Johnson, Collyer, Daly, Grattidge, M. Johnson, Kinowski and Peck

AMENDING THE 2012 COMPENSATION SCHEDULE

WHEREAS, the Personnel Committee and the Director of Personnel have recommended that the 2012 Saratoga County Compensation Schedule be amended to create three Social Welfare Examiners and one Senior

Social Welfare Examiner on a temporary basis beginning August 24, 2012 and ending on December 31, 2012; now, therefore, be it

RESOLVED, that the 2012 Saratoga County Compensation Schedule is amended to create the following temporary positions effective August 24, 2012:

UNDER DEPARTMENT OF SOCIAL SERVICES:

Create (3) Social Welfare Examiners (Food Stamps Unit from 8/24/12 – 12/31/12)

Create (1) Senior Social Welfare Examiner (Food Stamps Unit from 8/24/12 – 12/31/12)

BUDGET IMPACT STATEMENT: Funding is available within the 2012 budget.

RESOLUTION 163 - 12

Introduced by Supervisor A. Johnson, Collyer, Daly, Grattidge, M. Johnson, Kinowski and Peck

APPOINTING KEITH R. MANZ, P.E. AS COMMISSIONER OF PUBLIC WORKS

WHEREAS, by reason of the retirement of Joseph C. Ritchey, P.E. a vacancy was created in the position of Commissioner of Public Works; and

WHEREAS, the Personnel and Insurance Committee has recommended a qualified applicant to fill the vacant position of Commissioner of Public Works; now, therefore, be it

RESOLVED, that Keith R. Manz, P.E. of the Town of Wilton, New York be and hereby is appointed as Commissioner of Public Works of Saratoga County for a term commencing August 31, 2012 and expiring on December 31, 2014 at the base salary level of Grade No. 23; and be it further

RESOLVED, that this Resolution will take effect August 31, 2012.

BUDET IMPACT STATEMENT: No budget impact.

RESOLUTION 164 - 12

Introduced by Supervisors Daly, A. Johnson, Kinowski, Lawler, Peck, Richardson and Sausville

CONSENTING TO THE FORMATION OF THE SARATOGA COUNTY CAPITAL RESOURCE CORPORATION, APPROVING ITS PROPOSED CERTIFICATE OF INCORPORATION, AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE SAID CERTIFICATE AS INCORPORATOR

WHEREAS, on January 31, 2008, Section 854 of the General Municipal Law, commonly referred to as the Civic Facilities Legislation, (the "Law") expired and, since the expiration of the Law, industrial development agencies have not been able to provide financial assistance to projects owned or operated by not-for-profit corporations (hereinafter referred to as "Civic Facility Projects"); and

WHEREAS, the ability to finance Civic Facility Projects with tax-exempt bonds has been a very important tool for the County of Saratoga Industrial Development Agency (the "Agency"), as the Civic Facility Projects undertaken by the Agency have increased employment opportunities for residents of Saratoga County and allowed local not-for-profit corporations to upgrade their facilities at the lowest possible cost; and

WHEREAS, Section 1411 of the Not-For-Profit Corporation Law of the New York State (the "NFPCL") permits a county to authorize the creation of a governmentally-controlled local development corporation (hereinafter referred to as a "capital resource corporation") to assist, among others, not-for-profit corporations that are undertaking projects that further any of the following purposes for which local development corporations are created: (1) relieving and reducing unemployment, (2) promoting and providing for additional and maximum employment, (3) bettering and maintaining job opportunities, (4) instructing or training individuals to improve or develop their capabilities for such jobs, (5) carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and (6) lessening the burdens of government and acting in the public interest; and

WHEREAS, in furtherance of the public purposes set forth above, a capital resource corporation formed under the NFPCL is empowered to take the following actions: (1) to construct, acquire, rehabilitate and improve for use by others industrial or manufacturing plants in the territory in which its operations are principally to be conducted, (2) to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain such plants for others in such territory, (3) to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto, (4) to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, (5) to borrow money and to issue negotiable bonds, notes and other obligations therefor, and (6) to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine to be suitable; and

WHEREAS, under the laws of the State of New York and IRS Private Letter Ruling No. 2005, capital resource corporations are permitted to issue tax-exempt bonds for the benefit of qualifying Civic Facility Projects; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby resolves to form a capital resource corporation, in accordance with Section 1411 of the NFPCL, to be known as the Saratoga County Capital Resource Corporation; provided, however, that any obligations issued by the capital resource corporation, and the premium (if any) and interest thereon, shall be special obligations of the capital resource corporation and shall never be a debt of the State of New York, the County of Saratoga, New York or any political subdivision thereof (other than the capital resource corporation), and neither the State of New York, County of Saratoga, New York nor any political subdivision thereof (other than the capital resource corporation) shall be liable thereon; and be it further

RESOLVED, this Board of Supervisors hereby approves the form and substance of the certificate of incorporation presented at this meeting and attached hereto as **Schedule A**, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chair of the Board of Supervisors, in consultation with the County Attorney, shall approve; and be it further

RESOLVED, that the Chair of the Board is hereby authorized to execute the proposed Certificate of Incorporation of Saratoga County Capital Resource Corporation as Incorporator of the corporation, and be it further

RESOLVED, that the Clerk of the Saratoga County Board of Supervisors shall attend to the filing of the Certificate of Incorporation of Saratoga County Capital Resource Corporation with the Department of State of the State of New York, and be it further

RESOLVED, that this resolution shall take effect immediately.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 165 - 12

Introduced by Supervisors Rowland, Barrett, Hargrave, Jenkins, Lewza, Lucia and Wright

AUTHORIZING THE CHAIR TO EXECUTE ALL DOCUMENTS AND AGREEMENTS NECESSARY TO DECOMMISSION THE CO-GENERATION PLANT SERVICING THE MAPLEWOOD MANOR NURSING HOME AND TO RECONNECT MAPLEWOOD MANOR TO ELECTRIC SERVICE PROVIDED BY NATIONAL GRID

WHEREAS, pursuant to Resolution 180-01, this Board authorized the execution and implementation of a Performance Solutions Contract with Siemens Buildings Technologies, Inc. for a comprehensive energy project for the Maplewood Manor Nursing Home, to include the design, construction and installation of an on-site co-generation plant, upgraded lighting, new chiller, new cooling tower, and new gas fired booster heater; and

WHEREAS, it was projected that this project would save the County over \$130,000 per year for ten years in energy costs, and would engender grants and other financial benefits which would equal the cost of the project over a ten year period; and

WHEREAS, said co-generation plant was constructed and has been in operation for almost ten years; and

WHEREAS, the County has a ten (10) year contract with Siemens Building Technology, Inc. to provide maintenance services for the co-generation plant, which contract is due to expire on November 30, 2012; and

WHEREAS, the 2012 County Capital Plan included an evaluation of the co-generation facility by a qualified consultant to evaluate the performance of the co-generation facility, to determine whether it was

meeting the projected savings in energy costs, to review the economics of continuing to operate the facility, and to make recommendations regarding the advisability of continuing to operate the facility; and

WHEREAS, Guth-DeConzo Consulting Engineers, P.C., the consultants retained by the County to conduct said evaluation of the Maplewood Manor co-generation facility, has determined that the co-generation facility has not met the project savings in energy costs, due in part to the high annual maintenance costs of the equipment; and

WHEREAS, Guth-DeConzo Consulting Engineers, P.C. has rendered its conclusion that the continued operation of the co-generation plant is not economically feasible, as compared with reconnecting Maplewood Manor with National Grid for electric service; and

WHEREAS, our Buildings and Grounds Committee has recommended to this Board that the co-generation facility at Maplewood Manor be decommissioned, and that Maplewood Manor reconnect to National Grid for the provision of electric service; and

WHEREAS, National Grid estimates that the cost to the County to reconnect Maplewood Manor will not exceed \$20,000; now, therefore, be it

RESOLVED, that the co-generation facility servicing the Maplewood Manor Nursing Home be decommissioned before the end of this year; and be it further

RESOLVED, that the Chair of the Board be, and hereby is, authorized to sign any and all documents and agreements necessary to decommission the co-generation plant servicing the Maplewood Manor Nursing Home, with the form and content of such documents and agreements being subject to the approval of the County Attorney; and be it further

RESOLVED, that the Maplewood Manor Nursing Home be reconnected to National Grid for the provision of electric service before the end of this year; and be it further

RESOLVED, that the Chair of the Board be, and hereby is, authorized to sign any and all documents and agreements necessary to reconnect the Maplewood Manor Nursing Home to National Grid for the provision of electric service at a reconnection cost not to exceed \$20,000, with the form and content of such documents and agreements being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: Funding is available in the 2012 budget.

RESOLUTION 166 - 12

Introduced by Supervisors Rowland, Barrett, Hargrave, Jenkins, Lewza, Lucia and Wright

AUTHORIZING THE CHAIR TO EXECUTE AN AGREEMENT WITH GUTH-DECONZO CONSULTING ENGINEERS, P.C. TO DECOMMISSION THE MAPLEWOOD MANOR CO-GENERATION FACILITY AND TO RECONNECT TO NATIONAL GRID

WHEREAS, pursuant to Resolution 165 -12, this Board authorized and directed the decommissioning of the co-generation facility servicing the Maplewood Manor Nursing Home, and approved and directed the reconnection of Maplewood Manor to National Grid for the provision of electric service; and

WHEREAS, the foregoing action was taken by the Board upon the recommendation of Guth-DeConzo Consulting Engineers, P.C., the consultants retained by the County to conduct an evaluation of the co-generation facility and make recommendations regarding the advisability of the County continuing to operate the facility; and

WHEREAS, our Buildings and Grounds Committee has recommended that Guth-DeConzo Consulting Engineers, P.C. be retained to provide additional engineering services relative to the decommissioning of the Maplewood Manor co-generation facility and the reconnection of Maplewood Manor to National Grid for electric service, at a cost not to exceed \$20,000; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with Guth-DeConzo Consulting Engineers, P.C. of Albany, New York, for engineering services relative to the decommissioning of the co-generation facility at the Maplewood Manor Nursing Home and the reconnection of Maplewood Manor to National Grid for electric service, at a cost not to exceed \$20,000, with the form and content of such agreement being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: Funding is available in the 2012 budget.

RESOLUTION 167 - 12

Introduced by Supervisors Rowland, Barrett, Hargrave, Jenkins, Lewza, Lucia and Wright

RESTRICTING USE OF THE WOODLAWN AVENUE OFFICE BUILDING PARKING LOT TO PARKING FOR COUNTY BUSINESS ONLY

WHEREAS, pursuant to County Law §215, this Board is authorized to adopt, by resolution, rules and regulations covering the use of and parking on County-owned property; and

WHEREAS, the opening of the new Price Chopper on Railroad Place in the City of Saratoga Springs, and the accompanying loss of the parking lot upon which the Market Center building was constructed, have resulted in customers of the Price Chopper parking in the parking lot of the County's Woodlawn Avenue office building; and

WHEREAS, employees and clients of the Saratoga County Public Health Nursing Service have consequently experienced ongoing difficulties in obtaining accessible parking in the lot servicing the County's Woodlawn Avenue office building in which the Public Health Nursing Service is located; and

WHEREAS, the Director of the Saratoga County Public Health Nursing Service has requested that parking in the Woodlawn Avenue office building parking lot be restricted to employees and clients of the Public Health Nursing Service; and

WHEREAS, our Buildings and Grounds Committee has recommended that the request of the Director of Public Health Nursing Service to restrict use of the parking lot adjoining the County's Woodlawn Avenue office building to those individuals conducting or having business in the building be approved; now, therefore, be it

RESOLVED, that this Board hereby restricts the use of the parking lot of the County's Woodlawn Avenue office building to those individuals conducting or having business in the Woodlawn Avenue office building; and be it further

RESOLVED, that the Saratoga County Department of Public Works shall install appropriate signs at the entrances to the Woodlawn Avenue office building parking lot stating "Parking for County Business Only."

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 168 - 12

Introduced by Supervisors Rowland, Barrett, Hargrave, Jenkins, Lewza, Lucia and Wright

DESIGNATING THE RED COMMITTEE ROOM AT 40 MCMASTER STREET, BALLSTON SPA, AS A POLLING PLACE FOR THE TOWN OF BALLSTON COMMENCING NOVEMBER 6, 2012

WHEREAS, due to the results of the 2010 United States Census, the State of New York lost 2 Congressional seats; and

WHEREAS, as a result of Congressional redistricting, the Village of Ballston Spa was moved from Congressional District 20 to Congressional District 21, while the Town of Ballston was placed in Congressional District 20; and

WHEREAS, prior to redistricting, the Town of Ballston had utilized a site in the Village of Ballston Spa as a polling place; and

WHEREAS, said polling site in the Village of Ballston Spa can no longer be used as a polling place by the Town of Ballston as the Town of Ballston and the Village of Ballston Spa are located in different Congressional Districts; and

WHEREAS, our County Commissioners of Election have requested that a room in County Office Building #1, located at 40 McMaster Street, Ballston Spa, be designated as a polling site for the Town of Ballston; and

WHEREAS, Election Law §4-104 authorizes and encourages the designation of municipal buildings as polling places; and

WHEREAS, our Buildings and Grounds Committee has recommended that the Red Committee Room of County Office Building #1, 40 McMaster Street, Ballston Spa be designated as a polling place for the Town of Ballston commencing with the General Election on November 6, 2012; now, therefore, be it

RESOLVED, that this Board of Supervisors hereby designates and authorizes the use of the Red Committee Room of County Office Building #1, 40 McMaster Street, Ballston Spa, as a polling place for the Town of Ballston commencing with the General Election on November 6, 2012.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 169 - 12

Introduced by Supervisors Grattidge, Daly, Rowland, Sausville, Veitch, Wormuth and Wright

SETTING A PUBLIC HEARING FOR THE PROPOSED CONSTRUCTION BY SARATOGA COUNTY SEWER DISTRICT NO. 1 OF IMPROVEMENTS TO THE SARATOGA LAKE SEWER SYSTEM AND OF NEW FORCEMAINS ALONG ROUTES 4 AND 32 IN THE TOWN OF HALFMOON

WHEREAS, pursuant to Resolution 231-10, this Board authorized a contract with John D. McDonald Engineering, P.C. for engineering services for the upgrade of Saratoga County Sewer District No. 1's sewer system around Saratoga Lake, and for an extension of Saratoga County Sewer District No. 1's sewer system in the Town of Halfmoon southerly along Routes 4 and 32; and

WHEREAS, pursuant to said contract, John D. McDonald Engineering, P.C. has prepared a map and plans of the Saratoga Lake and Routes 4 and 32 sewer improvements to be constructed, and a construction cost estimate for said improvements in the amount of \$18,500,000; and

WHEREAS, the Saratoga Lake sewer improvements include upgrading nine (9) pump stations, installing new forcemains and replacing gravity mains around Saratoga Lake; and

WHEREAS, the sewer improvements in the Town of Halfmoon include installing new forcemains southerly along Routes 4 and 32; and

WHEREAS, it is the function of this Board of Supervisors pursuant to County Law §268 to call for a public hearing upon the Sewer District's proposal to construct the sewer improvements to the Saratoga Lake and Routes 4 and 32 sewer systems; and

WHEREAS, it would appear that the construction of said sewer improvements would be in the best interests of the people of the County of Saratoga living within the boundaries of Saratoga County Sewer District No. 1; now, therefore, be it

RESOLVED, that pursuant to the provisions of County Laws §§254 and 268, a public hearing be, and the same hereby is, called upon the proposal of Saratoga County Sewer District No. 1 to construct new forcemains and related sewer improvements around Saratoga Lake and along Routes 4 and 32 in the Town of Halfmoon as set forth in the maps and plans prepared by John D. McDonald Engineering, P.C.; said public hearing to be held on the 11th day of September, 2012 at 4:45 p.m. at the chambers of the Saratoga County Board of Supervisors, 40 McMaster Street, in the Village of Ballston Spa, New York; and it is further

RESOLVED, that the Clerk of the Saratoga County Board of Supervisors shall cause a notice of said hearing to be published in The Saratogian and in The Daily Gazette, not less than ten (10) nor more than twenty (20) days before the date set herein for the hearing; and be it further

RESOLVED, that said notice of public hearing shall contain the information required by County Laws §§254 and 268.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 170 - 12

Introduced by Supervisors Grattidge, Daly, Rowland, Sausville, Veitch, Wormuth and Wright

SETTING A PUBLIC HEARING ON THE PROPOSED EXTENSION OF THE BOUNDARIES OF SARATOGA COUNTY SEWER DISTRICT NO. 1

WHEREAS, the Saratoga County Sewer District Commission ("Commission") has conducted a survey of municipalities within Saratoga County in order to determine which, if any, municipalities are interested in being wholly included within the boundaries of Saratoga County Sewer District No. 1 ("District"); and

WHEREAS, several municipalities responded that they were interested in being included within the District provided that any extension of the boundaries did not result in Saratoga County imposing ad valorem taxes on properties within their municipal boundaries; and

WHEREAS, based on the results of this survey, the Commission recommended to the Saratoga County Board of Supervisors ("Board") that the boundaries of the District be extended to include the municipalities requesting to be wholly included within the District; and

WHEREAS, the Board passed Resolution 125-11 on July 19, 2011, directing the Commission to cause to be prepared maps and plans detailing any proposed extension of the boundaries of the District; and

WHEREAS, said Resolution also resolved that any municipality's inclusion in the District is contingent upon the Board not authorizing the imposition of ad valorem taxes on properties with the municipality's boundaries; and

WHEREAS, the Commission has caused a Map, Plan and Report describing the proposed District extension to be prepared, and has submitted it to the Board together with their Report and Recommendations and a Short Environmental Assessment Form; and

WHEREAS, the proposed District extension includes approximately 314,790 acres and encompasses the entire Towns of Charlton, Clifton Park, Corinth, Day, Edinburg, Galway, Greenfield, Moreau, Northumberland, Saratoga, and Stillwater, and the Villages of Galway, Schuylerville, Stillwater and Victory; and

WHEREAS, following receipt of the Commission's report and recommendation, this Board is required by County Law §254 to call a public hearing on the proposal to extend the boundaries of Saratoga County Sewer District No. 1; now, therefore, be it

RESOLVED, that pursuant to the provisions of County Law §254, a public hearing be, and hereby is, called upon the proposal of the Saratoga County Sewer District Commission to extend the boundaries of Saratoga County Sewer District No. 1 to include the entire Towns of Charlton, Clifton Park, Corinth, Day, Edinburg, Galway, Greenfield, Moreau, Northumberland, Saratoga and Stillwater, and the Villages of Galway, Schuylerville, Stillwater and Victory, within the District's boundaries; said hearing to be held on the 11th day of September, 2012, at 4:55 p.m. at the chambers of the Saratoga County Board of Supervisors, 40 McMaster Street, in the Village of Ballston Spa, New York; and it is further

RESOLVED, that the Clerk of the Saratoga County Board of Supervisors shall cause a notice of said public hearing to be published in The Saratogian and The Daily Gazette, the official County newspapers, not less than ten (10) nor more than twenty (20) days before the hearing date of September 11, 2012; and it is further

RESOLVED, that said notice of public hearing shall contain the information required by County Law §254.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 171 - 12

Introduced by Supervisors Grattidge, Daly, Rowland, Sausville, Veitch, Wormuth and Wright

RATIFYING AN EMERGENCY CONDITION AND AUTHORIZING AN AGREEMENT WITH NORTHERN ENGINEERING, INC. TO REPLACE THE SEWER DISTRICT'S CARBON MONOXIDE ANALYZER

WHEREAS, in early May, the carbon monoxide analyzer that is used to monitor the incinerator discharge at Saratoga County Sewer District No. 1's wastewater treatment plant was not operating properly; and

WHEREAS, the Sewer District's consultant, Northern Engineering, Inc., determined that the carbon monoxide analyzer was not repairable; and

WHEREAS, this created an emergency situation in which the carbon monoxide analyzer had to be immediately replaced in order to avoid costly sludge hauling expenses; and

WHEREAS, under this emergency condition, the Sewer District rented another analyzer while Northern Engineering, Inc. fabricated a new analyzer; and

WHEREAS, the Saratoga County Sewer District Commission has made and forwarded to this Board a declaration of an emergency for the replacement of the carbon monoxide analyzer and associated rental costs and testing fees; now, therefore, be it

RESOLVED, that this Board of Supervisors does hereby acknowledge, confirm and ratify the determination of the Saratoga County Sewer District Commission and the Executive Director of the Saratoga County Sewer District No. 1 that an emergency situation existed as the result of the carbon monoxide analyzer's failure to

properly monitor the incinerator discharge at the Sewer District's treatment plant, thereby obviating the necessity of soliciting formal bids for a new carbon monoxide analyzer; and be it further

RESOLVED, that Saratoga County Sewer District No. 1 is authorized to make payment to Northern Engineering, Inc. of South Windsor, Connecticut for rental charges for a carbon monoxide analyzer, and for the replacement and testing of the Sewer District's carbon monoxide analyzer in an amount not to exceed \$30,000.

BUDGET IMPACT STATEMENT: None. Funding is available in the 2012 Budget.

RESOLUTION 172 - 12

Introduced by Supervisors Grattidge, Daly, Rowland, Sausville, Veitch, Wormuth and Wright

AUTHORIZING A RENEWAL AGREEMENT WITH CAPITAL REGION COMPUTERS, INC. D/B/A ICOM TECH SERVICES FOR THE ADMINISTRATION AND MAINTENANCE OF SARATOGA COUNTY'S EMAIL SYSTEM

WHEREAS, the County's current agreement for email services with Capital Region Computers, Inc. d/b/a ICOM Tech Services is due to expire; and

WHEREAS, our Technology Committee solicited and entertained proposals for the administration and maintenance of a web-based email system and related services for the County; and

WHEREAS, our Technology Committee has recommended that a contract for such email services be awarded to Capital Region Computers, Inc. d/b/a ICOM Tech Services the lowest bidder, for a term of three years, with a option to renew for one year; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with Capital Region Computers, Inc. d/b/a ICOM Tech Services of Clifton Park, New York, for the administration and maintenance of a web-based email system and related services for a term of three years, with an option to renew for one year, at a cost not to exceed per mailbox per month of \$1.60 for business class users; \$2.60 for business class email mobile synchronization users; \$9.00 for hosted exchange users; \$7.75 for high security, HIPAA compliant email with encryption capability users; and \$10.00 for Black Berry Enterprise Server synchronization per exchange box, with the form and content of such agreement being subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 173 - 12

Introduced by Supervisors Grattidge, Daly, Rowland, Sausville, Veitch, Wormuth and Wright

AUTHORIZING BLANKET OFFICIAL UNDERTAKING FOR COUNTY OFFICERS REQUIRED BY LAW TO EXECUTE AND FILE OFFICIAL UNDERTAKINGS

WHEREAS, certain County Officers are required to execute and file undertakings by reason of certain provisions of the County Law; and

WHEREAS, Public Officers Law §11 allows for the substitution of a blanket undertaking for such individual undertakings; and

WHEREAS, the County of Saratoga has in effect a blanket undertaking for all County Officers required by law to execute and file undertakings; and

WHEREAS, said blanket undertaking provides coverage for the failure of said officers to faithfully perform their duties or to account for all moneys or property received by them by virtue of their positions, and for their fraudulent or dishonest acts; and

WHEREAS, Public Officers Law §11 requires this Board to approve the blanket undertaking as to form and sufficiency of coverage; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby approves Policy Number PE-4601724-09 issued by Argonaut Insurance Company to Saratoga County as a blanket undertaking in the amount of \$300,000 of coverage for the Saratoga County Clerk, and in the amount of \$250,000 for all other County

Officers required to execute and file undertakings including but not limited to the Chairman of the Saratoga County Board of Supervisors, County Treasurer, District Attorney and County Sheriff, and be it further

RESOLVED, that the Board approves an additional blanket undertaking issued as Policy Number 104097632 by Travelers Insurance Company with an additional \$750,000.00 (Seven Hundred Fifty Thousand and 00/100) coverage for the Chairman of the Board, the County Clerk, the County Sheriff, the District Attorney, and the County Treasurer and providing employee dishonesty coverage and faithful performance of duty coverage for said officers as required by Public Officers Law §11, with an appropriate deductible established at the time of the purchase of the policy in accordance with the usual practice of the County, and be it further

RESOLVED, that a certified copy of this Resolution be attached to said blanket undertaking and a copy thereof be filed in the Office of the County Clerk.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 174 - 12

Introduced by Supervisors Grattidge, Daly, Rowland, Sausville, Veitch, Wormuth and Wright

AUTHORIZING SARATOGA COUNTY'S PARTICIPATION IN AN ADMINISTRATIVE GRIEVANCE OF THE HUDSON RIVER BLACK RIVER REGULATING DISTRICT'S REVISED APPORTIONMENT OF THE DISTRICT'S OPERATING COSTS AND AUTHORIZING AN AMENDED AGREEMENT WITH MILLER, MANNIX, SCHACHNER & HAFNER, LLC FOR LEGAL SERVICES RELATED THERETO

WHEREAS, in accordance with Resolution 51-10 Saratoga County, in conjunction with the counties of Albany, Rensselaer, Warren and Washington, commenced litigation to challenge and appeal the Hudson River-Black River Regulating District's apportionment of its operating expenses to the five counties; and

WHEREAS, the five counties retained the services of the law firm of Miller, Mannix, Schachner and Hafner, LLC as special counsel to prosecute their legal challenge to HRBRRD's apportionment scheme; and

WHEREAS, the Supreme Court granted summary judgment against the counties, thereby dismissing the counties' Complaint and denying the counties' request for an order and judgment invalidating and declaring unenforceable and void HRBRRD's apportionment plan; and

WHEREAS, on May 10, 2012, the Appellate Division, Third Judicial Department issued an opinion and order that reversed the Supreme Court's decision, in part, and remitted the matter to the Hudson River Black River Regulating District for a determination as to the amount of the District's costs that should be chargeable to the State of New York; and

WHEREAS, on July 10, 2012, the Board of the Hudson River Black River Regulating District approved, and the New York State Department of Environmental Conservation certified, a new apportionment of the District's operating costs among the State of New York and the five counties; and

WHEREAS, the District's revised apportionment of its operating costs establishes the State's share of the District's operating costs at 11.96%; and

WHEREAS, the District has scheduled an Apportionment Grievance Hearing for September 18, 2012 at 10:00 a.m. at the Warren County Municipal Center at which time the five counties will have an opportunity to present testimony and documentary evidence in opposition to the District's revised apportionment and in support of alternative methods of apportionment; and

WHEREAS, our Law and Finance Committee and the County Attorney are recommending that Saratoga County continue joining with the Counties of Albany, Rensselaer, Warren and Washington in pursuing an administrative grievance before the District of its revised apportionment of the District's operating costs; with necessary legal services to be provided to the five Counties by the law firm of Miller, Mannix, Schachner and Hafner, LLC; and

WHEREAS, Miller, Mannix, Schachner and Hafner, LLC request authorization to retain on behalf of the five Counties such expert consultants as they deem appropriate and/or necessary in the administrative proceedings pending before the District, with the fees for such consultants to be included in the authorized fees for legal services; and

WHEREAS, Saratoga County's proportionate share of said legal services shall not exceed the sum of \$10,000 without a further resolution adopted by this Board of Supervisors; now, therefore, be it

RESOLVED, that special counsel Miller, Mannix, Schachner and Hafner, LLC is authorized to take all appropriate legal action necessary to pursue on behalf of the County of Saratoga an administrative grievance of the Hudson River Black River Regulating District's revised apportionment of its operating costs among the State of New York and the Counties of Albany, Rensselaer, Saratoga, Warren and Washington, and to retain such expert consultants as they deem appropriate and/or necessary in said administrative proceedings before the District; and be it further

RESOLVED, that the Chair of the Board be, and hereby is, authorized to execute a new or revised retainer agreement with special counsel Miller, Mannix, Schacher and Hafner, LLC and the Counties of Albany, Rensselaer, Warren and Washington, for legal services in said administrative proceedings, with the fees for any expert consultants retained by special counsel to be included in counsel's fee for legal services; and be it further

RESOLVED, that Saratoga County's proportionate share of special counsel's fees for legal services shall not exceed the sum of \$10,000 without further authorization of this Board; and be it further

RESOLVED, that the form and content of such new or revised retainer agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: The County share of the cost associated with this initiative will not exceed \$10,000 and is available within the 2012 budget.

RESOLUTION 175 - 12

Introduced by Supervisors Grattidge, Daly, Rowland, Sausville, Veitch, Wormuth, and Wright

AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE COUNTY OF SARATOGA, NEW YORK, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$14,000,000 IN ANTICIPATION OF THE COLLECTION OF REAL PROPERTY TAXES FOR THE COUNTY OF SARATOGA

BE IT RESOLVED, by the Board of Supervisors of the County of Saratoga, New York (the "County") as follows:

SECTION 1. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell tax anticipation notes, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

SECTION 2. The notes are issued in anticipation of the collection of Real Property Taxes for the County.

SECTION 3. Such Real Property Taxes shall be levied for the 2013 County fiscal year.

SECTION 4. The notes are authorized to be issued against estimated uncollected Real Property Taxes of approximately \$50,775,000 to be received during the 2013 County fiscal year.

SECTION 5. The notes shall be issued in an aggregate principal amount not to exceed \$14,000,000 and shall be used to pay costs for general operating expenses. The proceeds of the notes shall not be used to redeem tax anticipation notes previously issued by the County.

SECTION 6. The notes shall mature no later than one year after issuance.

SECTION 7. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such notes as the same become due and payable.

SECTION 8. 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 notes authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended.

SECTION 9. This resolution shall be effective immediately.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 176 - 12

Introduced by Supervisors Grattidge, Daly, Rowland, Sausville, Veitch, Wormuth and Wright

AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,700,000 OF THE COUNTY OF SARATOGA, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

WHEREAS, the County of Saratoga, New York (the "County") heretofore issued its \$5,200,000 aggregate principal amount General Obligation (Serial) Bonds, 2003 (the "Prior Bonds"), pursuant to a bond resolution dated July 9, 2003 (the "Bond Resolution") to finance construction of an addition to the sewer system of the Saratoga County Sewer District No. 1, as described on Exhibit A, such Prior Bonds being dated August 15, 2003 and maturing, or matured, in the amount of \$180,000 on August 15, 2004; \$185,000 on August 15, 2005; \$195,000 on August 15, 2006; \$200,000 on August 15, 2007; \$210,000 on August 15, 2008; \$215,000 on August 15, 2009; \$225,000 on August 15, 2010; \$230,000 on August 15, 2011; \$240,000 on August 15, 2012; \$250,000 on August 15, 2013; \$260,000 on August 15, 2014; \$270,000 on August 15, 2015; \$280,000 on August 15, 2016; \$290,000 on August 15, 2017; \$300,000 on August 15, 2018; \$310,000 on August 15, 2019; \$320,000 on August 15, 2020; \$335,000 on August 15, 2021; \$345,000 on August 15, 2022; and \$360,000 on August 15, 2023; and

WHEREAS, the County has the power and authority to issue refunding bonds of the County for the purpose of refunding and thereby refinancing all or a portion of the Prior Bonds, including provision for incidental costs of issuance in connection therewith; and

WHEREAS, Section 90.10 of the Local Finance Law requires that the County adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transactions; and

WHEREAS, it would be in the public interest to currently refund all or a portion of the \$3,320,000 outstanding principal balance of the Prior Bonds (such outstanding principal balance being stated as of August 21, 2012), by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, the present value of the refunding bonds is less than the present value of the Prior Bonds computed in accordance with Section 90.10(b)(2)(a) of the Local Finance Law; now, therefore, 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. For the object or purpose of currently refunding the Prior Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (A) the principal amount of the Prior Bonds, (B) the aggregate amount of unmatured interest payable on the Prior Bonds to and including the date on which the Prior Bonds mature in accordance with the refunding financial plan, as hereinafter defined, (C) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract, as hereinafter defined, and fees and charges of the escrow holder, as hereinafter described, and (D) the premium or premiums for a policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued the County Refunding (Serial) Bonds, 2012 of the County in an aggregate principal amount not to exceed \$3,700,000 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$3,100,000 as described in Section 5 hereof. The Refunding Bonds shall be dated September 20, 2012, or such later date as shall hereafter be determined by the County Treasurer pursuant to Section 5 hereof, shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity and shall mature annually on August 15 in each of the years 2013 through 2023, both inclusive, and shall bear interest payable on February 15, 2013 and semi-annually thereafter on August 15 and February 15, or such other dates as shall be determined by the County Treasurer pursuant to Section 5 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the County Treasurer.

SECTION 2. The County Treasurer is hereby delegated all powers of this Board of Supervisors with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to letters of credit, lines of credit, revolving credit, bond insurance or other such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 3. The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and a facsimile of its corporate seal shall be imprinted thereon and attested by the County Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, as the County Treasurer shall determine.

SECTION 4. It is hereby determined that:

(A) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(B) The maximum period of probable usefulness permitted by law at the time of the issuance of the Prior Bonds for each of the objects or purposes for which the Prior Bonds were issued is as shown upon Exhibit A;

(C) The last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probable usefulness of the object or purpose for which the Prior Bonds were issued in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law; and

(D) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(b)(2) of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 5 hereof.

SECTION 5. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding is set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$3,100,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This Board of Supervisors recognizes that the amount of the Refunding Bonds, and the maturities, terms and interest rate and rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The County Treasurer is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date of such bonds and the date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and all powers in connection therewith are hereby delegated to the County Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The County Treasurer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the County Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

SECTION 6. The County Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as he shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Prior Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

SECTION 7. The faith and credit of said County of Saratoga, New York, are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized 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. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, 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 8. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Prior Bonds. Accrued interest, if any, on the Refunding Bonds shall be paid to the County Clerk to be expended to pay interest on the Refunding Bonds on February 15, 2013. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Prior Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Prior Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Prior

Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

SECTION 9. 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 Refunding Bonds, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

SECTION 10. The County hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") are required.

SECTION 11. RBC Capital Markets is hereby named as underwriter in connection with the sale of the Refunding Bonds.

SECTION 12. Subject to compliance with the provisions of Local Finance Law Section 90.10(f)(2), the Refunding Bonds shall be sold at private sale and the County Treasurer is hereby authorized to negotiate for such private sale. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the County Treasurer is hereby authorized to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the County Treasurer in accordance with said bond purchase agreement upon the receipt by the County of said purchase price, including accrued interest.

SECTION 13. The County Treasurer and the County Clerk and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 14. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection therewith are hereby delegated to the County Treasurer.

SECTION 15. The validity of the Refunding 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 16. Upon this resolution taking effect, the Clerk of the Board of Supervisors is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law.

SECTION 17. This resolution shall take effect immediately upon its adoption.

BUDGET IMPACT STATEMENT: The proposed refunding transactions are expected to result in approximately \$250,000 in net savings over the remaining life of the bonds (2012-2023).

RESOLUTION 177 - 12

Introduced by Supervisors Grattidge, Daly, Rowland, Sausville, Veitch, Wormuth and Wright

AUTHORIZING SETTLEMENT OF THE COMPENSATION CLAIM OF WARREN AND MARIE KOLODZIEJSKI

WHEREAS, pursuant to Resolution 39-09, this Board authorized the County of Saratoga, its employees, agents and subcontractors to commence eminent domain proceedings to acquire an avigation easement over Tax Parcel #189.12-1-54 in the Town of Milton, owned by Warren and Marie Kolodziejcki; and

WHEREAS, pursuant to the Eminent Domain Procedure Law, the County acquired an avigation easement over said parcel by Order of the Honorable Thomas D. Nolan, Jr., Justice of the Supreme Court, executed on April 30, 2010; and

WHEREAS, on June 9, 2010, Warren and Marie Kolodziejski filed a Notice of Claim with the Court seeking compensation from the County for damages in the amount of \$350,000 for direct and consequential damages, plus disbursements, experts' fees, attorney's fees, relocation fees, costs and interest from the date of acquisition of the easement; and

WHEREAS, following the conclusion of the trial of the Kolodziejskis' compensation claim, negotiations between the Saratoga County Attorney's Office and counsel for Warren and Marie Kolodziejski have resulted in a proposed settlement of the Kolodziejskis' compensation claims; and

WHEREAS, our Buildings and Grounds Committee, our Law and Finance Committee and the County Attorney's Office have recommended that this Board accept the proposed settlement offer in the amount of \$295,428.12, inclusive of compensation for the easement, interest, attorney's fees, and expert appraisal fees; now, therefore, be it

RESOLVED, that this Board of Supervisors hereby authorizes settlement of the compensation claim of Warren and Marie Kolodziejski in the amount of \$295,428.12, inclusive of compensation for the taking of an avigation easement, together with interest, attorney's fees, and expert appraisal fees; and be it further

RESOLVED, that the County Attorney is authorized to execute any and all stipulations, releases and agreements necessary to settle, discontinue and conclude this litigation as authorized herein.

BUDGET IMPACT STATEMENT: The County will be applying for up to 80% reimbursement of these costs from the Federal Aviation Administration.

RESOLUTION 178 - 12

Introduced by Supervisors Sausville, Daly, Lewza, Raymond, Richardson, Rowland and Yepsen

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 2, PRINT NO. 1 OF 2012, ENTITLED "A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 1977, AS LAST AMENDED BY LOCAL LAW NO. 5 OF 1978, TO REQUIRE ROOM REMARKETERS TO COLLECT AND PAY TAX ON THEIR SALES OF ROOM OCCUPANCY IN SARATOGA COUNTY"

WHEREAS, Resolution 150 - 12 introduced and presented a proposed Local Law identified as Introductory No. 2, Print No. 1 of 2012, to this Board of Supervisors and scheduled a public hearing thereon for August 15, 2012 at 4:30 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, 2012 hereby adopts a Local Law identified as Introductory No. 2, Print No. 1 of 2012, as set forth in the annexed Schedule A.

BUDGET IMPACT STATEMENT: No budget impact.

COUNTY OF SARATOGA LOCAL LAW NO. 2 OF 2012

A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 1977, AS LAST AMENDED BY LOCAL LAW NO. 5 OF 1978, TO REQUIRE ROOM REMARKETERS TO COLLECT AND PAY TAX ON THEIR SALES OF ROOM OCCUPANCY IN SARATOGA COUNTY

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

SECTION 1. That paragraphs (b), (d), (e), and (g) of subdivision 1 of Section 2. of Local Law No. 7 of 1977, as last amended by Local Law No. 5 of 1978, be amended to read as follows:

Section 2. Text

1. Definitions. When used in this local law, the following terms shall mean:

(b) Operator. Any person operating a tourist home, with a least four rentable units, hotel or motel in the county of Saratoga including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any person otherwise operating such tourist home, hotel or motel. Such term shall also include a room remarketer and such room remarketer shall be deemed to operate a hotel, motel or tourist home, or portion thereof, with respect to which such person has the rights of a room remarketer.

(d) Occupancy. The use or possession or the right to the use or possession of any room in a tourist home, hotel or motel. Right to the use or possession includes the right of a room remarketer as described in paragraph (k) of this subdivision.

(e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a tourist home, hotel or motel under any lease, concession, permit, right of access, license to use or other agreement or otherwise. "Right to use or possess" includes the rights of a room remarketer as described in paragraph (k) of this subdivision.

(g) Rent. The consideration received for occupancy, including any service or charge or amount required to be paid as a condition for occupancy, valued in money, whether received in money or otherwise, and whether received by the operator or a room remarketer or another person on behalf of either of them.

SECTION 2. That subdivision 1 of Section 2. of Local Law No. 7 of 1977, as last amended by Local Law No. 5 of 1978, be amended to add a new paragraph (k) stating as follows:

- (k) Room Remarketer. A person who reserves, arranges for, conveys, or furnishes occupancy, whether directly or indirectly, to an occupant for rent in an amount determined by the room remarketer, directly or indirectly, whether pursuant to a written or other agreement. Such person's ability or authority to reserve, arrange for, convey, or furnish occupancy, directly or indirectly, and to determine rent therefor, shall be the "rights of a room remarketer". A room remarketer is not a permanent resident with respect to a room for which such person has the rights of a room remarketer.

SECTION 3. That subdivision 2 of Section 2. of Local Law No. 7 of 1977, as last amended by Local law No. 5 of 1978, is amended to read as follows:

2. Imposition of tax.

(a) On and after the first day of January, nineteen hundred seventy-eight, there is hereby imposed and there shall be paid a tax of one percent paid upon the rent for every occupancy of a room or rooms in a tourist home, hotel or motel in this county except:

(1) that the tax shall not be imposed upon a permanent resident; and

(2) the tax herein imposed upon the rent received by a room remarketer shall hereby be imposed and paid on and after the first day of October, twenty twelve.

(b) When occupancy is provided, for a single consideration, with property, services, amusement charges, or any other items, the separate sale of which is not subject to tax under this local law, the entire consideration shall be treated as rent subject to tax under subdivision (a) of this paragraph; provided, however, that where the amount of the rent for occupancy is stated separately from the price of such property, services, amusement charges, or other items, on any sales slip, invoice, receipt, or other statement given the occupant, and such rent is reasonable in relation to the value of such property, services, amusement charges, or other items, only such separately stated rent will be subject to tax under paragraph (a) of this subdivision.

SECTION 4. That subdivision 3 of Section 2. of Local Law No. 7 of 1977, as last amended by Local Law No. 5 of 1978, is amended to read as follows.

3. Transitional provisions.

(a) Except as provided in paragraph (b) herein, the tax imposed by this local law shall be paid upon any occupancy on and after the first day of January, nineteen hundred seventy-eight although such occupancy is pursuant to a prior contract, lease, or other arrangement. Except as provided in paragraph (b) herein, where rent

is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the first day of January, nineteen hundred seventy-eight.

(b) The tax imposed by this local law upon the rent received by a room remarketer shall be paid upon any occupancy on and after the first day of October, twenty twelve although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid to a room remarketer on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the first day of October, twenty twelve.

SECTION 5. That subdivision 6 of Section 2. of Local Law No. 7 of 1977, as last amended by Local Law No. 5 of 1978, is amended to read as follows:

6. Registration. Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement as opening, or in the case of a room remarketer conducting business on or as of the first day of October, twenty twelve, within twenty days thereafter, or in the case of a room remarketer commencing business after the first day of October, twenty twelve, within twenty days after such commencement, every such operator shall file with the County Treasurer a certificate of registration in a form prescribed by the County Treasurer. The County Treasurer shall within five days after such registration issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant for each additional tourist home, hotel, or motel of such operators. Each certificate or duplicate shall state the tourist home, hotel, motel, or room remarketer to which it is applicable. Such certificates of authority shall be prominently displayed by operators who are not room remarketers in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the County Treasurer upon the cessation of the operator's business or upon its sale or transfer.

SECTION 6. That subdivision 7 of Section 2 of Local Law No. 7 of 1977, as last amended by Local Law No. 5 of 1978, is amended to add a new paragraph (c), to reletter the former paragraph (c) as paragraph (d), to reletter the former paragraph (d) as paragraph (e), and to amend said paragraph (e), to read as follows:

(c) (1) In regards to the collection of tax on occupancies by room remarketers, when occupancy is provided for a single consideration with property, services, amusement charges or any other items, whether or not such other items are taxable, the rent portion of the consideration for such transaction shall be computed as follows: either the total consideration received by the room remarketer multiplied by a fraction, the numerator of which shall be the consideration payable for the occupancy by the room remarketer and the denominator of which shall be such consideration payable for the occupancy plus the consideration payable by the remarketer for the other items being sold, or by any other method as may be authorized by the Commissioner of the New York State Department of Taxation and Finance for the tax imposed by subdivision (e) of section eleven hundred five of the Tax Law of the State of New York, or by any other method as may be authorized by the County Treasurer. If the room remarketer fails to separately state the tax on the rent so computed on a sales slip, invoice, receipt, or other statement given to the occupant in the manner prescribed in subparagraph (2) of this paragraph or fails to maintain records of all prices of all components of a transaction covered by this paragraph, the entire consideration shall be treated as rent subject to tax under subdivision 2 of Section 2 of this local law. Nothing herein shall be construed to subject to tax or exempt from tax any service or property or amusement charge or other items otherwise subject to tax or exempt from tax under Articles Twenty-Eight or Article Twenty-Nine of the Tax Law of the State of New York. A room remarketer's records of the consideration payable for all components of a transaction covered by this paragraph are records required to be maintained for purposes of subdivision 8 of this local law.

(2) In regard to the collection of tax on occupancies by room remarketers, including a transaction described in subparagraph (1) of this paragraph, the requirements of paragraph (b) of this subdivision shall be deemed satisfied if the remarketer gives the customer a sales slip, invoice receipt, or other statement of the price prior to the customer's completion of his or her occupancy, on which the amount of tax due under this local law is stated. The room remarketer must keep a copy of this invoice as required by subdivision 8 of Section 2 of this local law, or electronic records that accurately reflect the information that is on the invoice provided to the customer.

(3) In regards to the reporting and the payment to the County Treasurer by room remarketers of tax due on occupancies, a room remarketer shall report such tax due, including in regard to a transaction described in subparagraph (1) of this paragraph, on the return due for the filing period in which the occupancy ends and, at the time of filing such return, to pay to the County Treasurer the total amount due.

SECTION 7. That paragraph (a) of subdivision 9 of Section 2. of Local Law No. 7 of 1977, as last amended by Local Law No. 5 of 1978, is amended to read as follows:

(a) Every operator shall file with the County Treasurer a return of occupancy and of rents, and of the taxes payable thereon quarterly. The returns required to be filed by this section shall be filed for the quarterly periods ending on the last day of February, May, August and November of each year except:

(1) for the period of April and May, 1978, the returns shall be for the said months of April and May, 1978, and shall be filed for said two-month period ending on the last day of May, 1978; and

(2) for the period of October and November, 2012, the return filed by room remarketers shall be for the said months of October and November, 2012, and shall be filed for said two-month period ending on the last day of November, 2012.

The County Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

SECTION 8. That subdivision 13 of Section 2. of Local Law No. 7 of 1977, as last amended by Local Law No. 5 of 1978, be amended to reletter and renumber paragraph (a) as paragraph (a)(1), and to add a new second sentence to said paragraph (a)(1) so that the first two sentences of paragraph (a)(1) shall read as follows:

(a)(1) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconditionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Such application shall be in such form as the County Treasurer shall prescribe.

SECTION 9. That subdivision 13 of Section 2. of Local Law No. 7 of 1977, as last amended by Local Law No. 5 of 1978, be amended to add a new paragraph (a)(2) to read as follows:

(a)(2) Subject to the conditions and limitations provided in this subdivision, a room remarketer shall be allowed a refund or credit against the amount of tax collected and required to be remitted under subdivision 10 of Section 2 of this local law in the amount of the tax it paid to an operator of a hotel under subdivision 2 of Section 2 of this local law. Provided, however, that, in order to qualify for a refund or credit under this subdivision for any occupancy tax quarterly period, the room remarketer must, for that quarter, (A) be registered for occupancy tax purposes under subdivision 6 of Section 2 of this local law; (B) collect the taxes imposed by subdivision 2 of Section 2 of this local law; and (C) furnish the certificate of authority number of the operator to whom the applicant paid the tax in its application for refund or credit if required on that form or upon request. Provided, that if the room remarketer requests the operator's certificate of authority number and is not provided with that number, the room remarketer may satisfy this requirement by providing the operator's name, business address, telephone number, and the address of the hotel where the occupancy place. An application for refund or credit under this paragraph must be filed with the County Treasurer within the time provided by paragraph (a)(1) of this subdivision. The application must be in the form prescribed by the County Treasurer. Where an application for credit has been filed, the applicant may immediately take the credit on the return that is due coincident with or immediately subsequent to the time that the applicant files the application for credit. However, the taking of the credit on the return is deemed to be part of the application for credit. The procedure for granting or denying the application for refund or credit and review of these determinations shall be as provided in this subdivision. An operator, including a room remarketer, who is paid tax by a room remarketer must upon request provide the remarketer with its certificate of authority number, provided that the operator's failure to do so does not change the requirement set forth in (C) herein.

SECTION 10. This Local Law shall take effect on October 1, 2012, subject to its filing in the Office of the Secretary of State of the State of New York.

SECTION 11. Upon its effective date as provided in Section 10 herein, this Local Law shall become incorporated into the Code of Saratoga County and made a part thereof.

RESOLUTION 179 - 12

Introduced by Supervisors Raymond, Collyer, Hargrave, Jenkins, M. Johnson, Lewza and Sausville

AUTHORIZING CONVEYANCE OF TAX-ACQUIRED LANDS

WHEREAS, unpaid taxes resulted in the County's acquisition of certain lands in various towns; and

WHEREAS, a former owner has requested the pre-auction conveyance of one of the said parcels in consideration of the 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 party or his designee, the lands set opposite his name, 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>
John Ehnat	2009, 2010	Wilton	129.-1-4	\$12,291.93
34 Ballard Road	2011 & 2012			
Gansevoort, NY 12831				

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

The Chairman announced the following appointments:

Capital Resource Corporation

Anita Daly – Term expires 12/31/2015

Art Johnson – Term expires 12/31/2015

Rick Dunn – Term expires 12/31/2015

Valerie Muratori – Term expires 12/31/2014

Eugene (Gene) Zeltman – Term expires 12/31/2014

Ray O’Conor – Term expires 12/31/2013

Paul Loomis – Term expires 12/31/2013

On a motion by Mrs. Johnson, seconded by Mrs. Wormuth the meeting was unanimously adjourned.

Respectfully submitted,

Pamela A. Hargrave, Clerk