

Law and Finance Committee Minutes
June 12, 2013 – 4:00 p.m.

Present: Chairman Sausville; Supervisors Rowland, Wood, Veitch, Wormuth, Wright, Yepsen, Kinowski, Richardson, Peck, Southworth, M. Johnson, Raymond, Collyer, and Grattidge; Spencer Hellwig, Administrator; Ryan Moore, Mgmt. Analyst; Chad Cooke, Sewer District; Brian O’Conor, Auditor; Karen Levison, Public Health; Wes Carr, Youth Bureau; Stephen Dorsey, County Attorney; Keith Manz, Public Works; Mark Schachner, County Special Council; Hans Arnold Gerhardt, LLC; Lisa Scaccia, Employment and Training; Sam Pitcheralle, Treasurer; John Brodt, Behan Communications, Inc.; Warren Harris, CHA; Robert Boron, Finch Paper; Press.

Chairman Sausville called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Wood, seconded by Mr. Rowland the minutes of the May 15, 2013 meeting were approved unanimously.

ECONOMIC DEVELOPMENT

- **Requesting easements from the City of Mechanicville and the Town of Waterford for the design, construction and temporary maintenance of the Champlain Canal in the Town of Waterford**

Mr. Hellwig said the Economic Development Committee has requested a resolution formally requesting easements from the City of Mechanicville and the Town of Waterford in order to move forward with the funding, design, and construction of the Champlain Canal way Trail.

On a motion made by Mr. Wright, seconded by Mr. Rowland the above resolution was approved unanimously.

PERSONNEL

- **Amending Resolution 252-12 to approve a revised standard workday reporting resolution for elected and appointed County officials for retirement purposes.**

Mr. Hellwig said the standard workday resolution needs to be amended to reflect staffing changes in various elected and appointed positions, as well as term renewals for some of the Department Heads. The resolution requires that the county comply with the rules and regulations that are set by the New York State and Local Retirement System.

On a motion made by Mr. Wood, seconded by Mr. Veitch the above resolution was approved unanimously.

PUBLIC HEALTH

- **Authorizing the Chairman to enter into an amended agreement with the NYS Department of Health to support services related to rabies exposure prevention and treatment in the amount of \$40,945.38 annually for the period April 1, 2012 through March 31, 2017.**
- **Authorizing the Chairman to enter into an amended agreement with Health Research, Inc. to accept NYS Public Health Emergency Preparedness grant funding in the amount of \$194,521 annually for the period of July 1, 2012 through June 30, 2017.**

Mr. Hellwig said the first item is requesting an amendment to the county's agreement with the NYS Department of Health for reimbursement of the Rabies Program. In February, based on erroneous information from the State, the resolution that was approved had an annual allocation of \$14,385 over a five year period, for a total allocation of just over \$71,000. The State has since informed the County that the actual allocation is \$40,945.38 over the five year period.

The second item is also from Public Health, amending a one year agreement with Health Research Incorporated, into a five year agreement at the request of the State. The State does require this contract to administer the grant funds that are provided to the Public Health and Emergency Preparedness program.

On a motion made by Mr. Rowland, seconded by Mr. Veitch the above resolutions were approved unanimously.

PUBLIC SAFETY

- **Authorizing the Chairman to accept an Aid to Prosecution grant in the District Attorney's Office in the amount of \$41,300.**
- **Authorizing the Chairman to accept a State Homeland Security grant for the maintenance and enhancement of the Sheriff's explosive detection canine team in the amount of \$14,187.25 and amending the budget in relation thereto.**

Mr. Hellwig said the Aid to Prosecution Grant is received annually and is used to offset costs associated with the prosecution of violent felonies. The amount of this year's funding is unchanged from last year.

The second item is for the acceptance of a Homeland Security Grant which will be used for maintenance and enhancements for the Sheriff's explosive detection canine team to include training and equipment purchases and various exercises that will be used as part of the Terrorism Prevention Program.

On a motion made by Mrs. Wormuth, seconded by Mr. Veitch the above resolutions were approved unanimously.

SOCIAL PROGRAMS

- **Authorizing the Youth Bureau's 2013 funding applications and contracts in the amount of \$124,390 and amending the budget in relation thereto.**
- **Accepting Federal funds for the 2013 Workforce Investment Program and authorizing the funding applications and contracts.**
- **Accepting \$135,202 for the Summer Youth Employment Program.**
- **Authorizing the Chairman to execute and submit the Saratoga-Warren-Washington Workforce Investment Act Local Plan for the program year beginning July 1, 2013 and ending June 30, 2014.**
- **Authorizing a contract renewal with Captain Youth and Family Services to administer the Workforce Investment Act Youth Program at a cost not to exceed \$45,000.**
- **Authorizing contract renewals for Warren and Washington Counties to administer the 2013 Workforce Investment Act Youth Program in their counties for the respective amount of \$230,654.73 and \$131,352.60.**

Mr. Hellwig said the first item is annual funding that is received by the Youth Bureau for two delinquency prevention programs, which include the Youth Development and Delinquency Prevention Program and the Special Delinquency Prevention Program. This authorization not only authorizes the county to accept the funding, but authorizes the contracts with the various agencies that provide the services to this population. The amount is approximately the same as last year.

The second item is an annual resolution to accept the Workforce Investment Act Funding and to authorize the contracts with the agencies that provide the various job services and programming. This year's amount is \$818,037.69, which is approximately an 11% increase over last year's funding.

The third item is a Summer Youth Employment Program resolution authorizing acceptance of this year's funding of \$135,202. This program provides summer jobs for eligible youth. The department expects to have enough funding this year to provide job opportunities for 88 kids.

The fourth item is for authorization for the Chairman to sign the Local Workforce Investment Plan that is required to comply with the Federal and State regulations that govern the development of the Workforce Investment Plan which has to be submitted jointly between the county and the Workforce Investment Board.

The fifth item is the renewal of a contract with Captain Youth and Family Services to provide various job readiness services to a select population in the county. Those activities include, GED work, filling out job applications and resumes.

The final item is authorization to renew the Youth Services funding agreements with Warren and Washington Counties, passing through the federal funding that the two counties use to run the youth programs in their respective locals.

On a motion made by Mr. Wood, seconded by Mr. Veitch the above resolutions were approved unanimously.

PUBLIC WORKS

- **Authorizing the Chairman to execute an amendment to the agreement with Mark Schachner for legal services with respect to the privatization of the County landfill and amending the budget in relation thereto.**
- **Approving particularized findings pursuant to Section 120-W of the General Municipal Law regarding the privatization of the County Landfill facility.**
- **Determining no further SEQRA review is required for transfer of the Saratoga County Landfill to Finch Paper, LLC.**
- **Approving a landfill purchase and sale agreement with Finch Paper, LLC of Glens Falls, New York.**
- **Authorizing the Chairman to execute a revenue sharing agreement with the Town of Northumberland relative to the sale of the County Landfill to Finch Paper, LLC.**
- **Authorizing revenue sharing with the cities, towns and villages relative to profit sharing payments received from the sale of the County landfill to Finch Paper, LLC.**
- **Authorizing the Chairman to accept supplemental funding for CR 45 Bridge over the Kayaderosseras Creek for additional design services in the amount of \$36,265.**
- **Authorizing the Chairman to execute an amended agreement with Greenman Pedersen for additional design services related to the CR45 Bridge over the Kayaderosseras Creek, in the amount of \$36,265 and amending the budget in relation thereto.**

Mr. Hellwig said the first item is recommending the approval of a \$6,500 contract extension for Mark Schachner to finish the SEQRA process and finalize the contract negotiations for the property transfer of the county landfill.

Mr. Hellwig said the next five resolutions all relate to the privatization of the county landfill.

Mr. Hellwig introduced Mr. Arnold who gave a brief overview of the particularized findings with regard to the sale of the County Landfill.

Mr. Arnold said the RFP that was approved went through the general 120-W process, which means that the process is not only about the money aspect of the proposal, but there are specific provisions in the law that states that the county can use other criteria in making the final award. The criteria were listed in the RFP, and they are reflected in the particularized findings that were presented. All three proposals met the broad goals that were established, and they all established that they were capable of financing their proposals, and operating the landfill in compliance with the laws. He said it is worth noting, that Finch has distinguished itself on one aspect, where they have developed and implemented a comprehensive and complete response protocol with Northumberland and that is the protocol that they will follow for the county landfill.

Mr. Arnold said it is also important to mention with all three proposals that, each proposal has market risk.

New England Waste Services – Casella

Mr. Arnold said he would regard this as the most innovative proposal with its inclusion of the facility to convert organics to beneficial uses, but the proposal is simply no competitive when it comes to meeting the county's goals of providing a significant return on its investment.

Capital Regions Landfills – Waste Connections Company

Mr. Arnold said their proposal contemplates a range of expansion scenarios for the landfill facility, ranging from approximately a 25 acre expansion or doubling of the current permit or a footprint of the county landfill to a very large landfill complex from between 204 and 215 cell acres beyond the existing permitted footprints.

CRL's 25 acre expansion was projected to generate between \$37 million and \$41 million over the life of the facility, while the 200 plus expansion could generate up to 80 million according to their estimates.

Mr. Arnold said these are certainly attention grabbing figures, but the geographic reach of these projects far exceeds the county's intention. When issuing the RFP there is significant doubt on the landfill sub-committee's part, as to whether either scenario should or could ever be realized. Expansions of this size, even a 25 acre expansion, would require an extremely complex, time consuming and costly SEQRA process, permitting process and adjudicatory hearing process, as well as acquisition of additional private properties.

Mr. Arnold said the Town of Northumberland has made it clear that the scope of the CRL proposed expansion is unacceptable and in their opinion possibly outside town laws and would likely result in great community opposition.

Mr. Arnold said that he has been asked about CRL's up-front payment of \$7.5 million being the largest up-front payment of the three proposals. While it is true on its face, the offer comes with two significant contingencies; first, CRL stated that they would subtract from their base offer any amount that would be required to repair the county liner system and secondly, they have asked the county to pay the cost of leachate disposal or protect them from direct price increases. Either one of those or combined could significantly reduce the \$7.5 million value.

Mr. Arnold said given the great uncertainty of the regulatory approval of their proposal, and considerable time and expense such a regulatory process would take, and the clear opposition from the town and likely opposition from the public, the Landfill Subcommittee believes it would be imprudent to proceed with CRL's proposal.

Finch Paper, LLC

Mr. Arnold said Finch has proposed a superior facility, design and efficient landfill cell development plan, taking into account the goals of the county and the community and character of Northumberland, while also providing the county with a more certain return on its investment.

The Finch proposal would also join the county landfill with the Finch landfill, and they are the only respondent in a position to propose that. Both their residuals and municipal solid waste would be taken into the facility. Finch would operate the two existing permitted landfills within the only approved footprints and the only expansion would be on to approximately 6.5 acres of land that is exactly between the two landfills, referred to as the "Valley Fill". This is on land that has already been engineered and disturbed for berms and drainage. This means for the projected 20 year life of the facility, there would be no expansion of the facility to any currently undisturbed lands.

The Finch proposal would result in a total package for the county of between \$39 million and \$46.7 million, with an up-front purchase payment of \$4 million for the landfill as it exists. Upon approval, they would take paper sludge, make a \$2 million up-front payment to the county to construct the Valley Fill, and go to 275 tons per year.

Mr. Arnold said Finch is proposing to pay the county 50% of all the tipping fee revenues received over \$38 a ton, which should result in between \$31 million and \$38 million in revenue just from the profit sharing component.

In summary, the Finch development plan for the Valley Fill is a superior design and most efficient use of the space, and only takes 6.5 additional acres on approved footprints of land

owned by the county or Finch. It is technically feasible and has been done by other NYS landfills and results in a smaller more confined landfill, he said.

Mr. Arnold said, it should also be noted that Finch distinguished itself by conducting field engineering studies at the landfill to check it out and make sure that they knew the exact vision for the landfill by meeting with DEC.

Mr. Hellwig said item seven is based on a change in a project designation from a repair to a restoration project where additional funding is being provided by the State of New York to cover the additional design work. This is for a bridge that is being reconstructed over the Kayaderosseras Creek in the Town of Milton.

The final item is authorizing an amendment to the agreement with Greenman Pedersen who will perform the additional design work related to the rehabilitation of the bridge.

A motion was made by Mr. Wright, seconded by Mr. Veitch to approve the above resolutions. Mrs. Wormuth opposed resolutions 1-6. Motion passed.

LAW AND FINANCE

- **Authorizing the Chairman to enter into an amended agreement with Insituform Technologies, Inc. for emergency repairs to a deteriorated portion of the sewer force main in the Town of Ballston in an amount not to exceed \$352,783, and amending the budget in relation thereto.**

Mr. Hellwig said the above item is a budget amendment to cover the cost of some emergency repairs to a force main break in the sewer line on Oak Street in the Town of Ballston. The work has been completed at a cost of \$352,783. This is an unanticipated cost and as such will require an appropriation of fund balance from the Sewer District funds to cover the expense.

On a motion made by Mr. Rowland, seconded by Mr. Veitch the above item was approved unanimously.

On a motion made by Mr. Veitch, seconded by Mrs. Wormuth the meeting was adjourned unanimously.

Respectfully submitted,
Chris Sansom