

AGENDA SESSION
June 12, 2019 4:30 p.m.
Meeting Minutes

Vice Chairman Allen called the meeting to order and welcomed those in attendance.

Roll call was taken. PRESENT – Timothy Szczepaniak, Alan Grattidge, Philip C. Barrett, Jonathon Schopf, Richard Lucia, Preston Allen, Jean Raymond, Michael Smith, Daniel Pemrick, Arthur Wright, Kevin Tollisen, Darren O’Connor, Thomas Richardson, Theodore Kusnierz, Scott Ostrander, Sandra Winney, Thomas N. Wood, III, Tara N. Gaston, Matthew Veitch, Edward D. Kinowski, John Lawler, Arthur J. Johnson – 22. ABSENT - Willard H. Peck - 1.

On a motion by Mr. Grattidge, seconded by Mr. Szczepaniak the minutes of the May 15, 2019 meeting were unanimously approved.

Mr. Allen asked for a motion to accept the agenda for the June 18, 2019 Board meeting as presented and approved by the Law and Finance Committee with amendments that were made prior to this meeting. The motion was made by Mr. Lucia, and seconded by Mr. Richardson. Unanimous.

Mr. Allen announced the upcoming Deceased Veterans Ceremonies:

July – Town of Clifton Park

August – Town of Halfmoon – Edwin W. Faulkner

September – Town of Edinburg

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

Respectfully submitted,

Pamela Wright
Clerk of the Board

PROPOSED RESOLUTIONS

June 18, 2019

HUMAN RESOURCES & INSURANCE

Authorizing an amendment to the County's Policies and Procedures Manual for the creation of a Volunteer Emergency Responders Policy.

Authorizing an amendment to the County's Policies and Procedures Manual for the creation of an Election Day Voting Policy.

Authorizing an amendment to the County’s 2019 compensation schedule to create (2) Child Protective Services Caseworker positions in the Department of Social Services beginning July 1, 2019.

Authorizing an amendment to the County’s 2019 compensation schedule to create (1) Child Welfare Caseworker in the Foster Care Unit in the Department of Social Services, approving a contract with Berkshire Farms Center and Services for Youth, acceptance of state aid for the Raise the Age initiative, and amending the budget in relation thereto.

ECONOMIC DEVELOPMENT

Supporting a proposed unity agreement between the Saratoga County Prosperity Partnership and the Saratoga Economic Development Corporation (which would include the below approved amendment wording).

All due diligence with regard to all potential agreements to be reached under the proposed unity plan be performed by the Board of Supervisors or its designee prior to the Board of Supervisors approving any contracts or committing to a funding level in the upcoming budget. Further that both the Saratoga Economic Development Corporation and Saratoga County Prosperity Partnership shall provide to the Board of Supervisors a current year's budget and also proposed budget with financial statements and compensation schedules under the proposed unity plan to the Board of Supervisors prior to approving any final commitments on this plan.

PUBLIC SAFETY

Authorize a 5-year renewal agreement with NYS Department of Correctional Services and Community Supervision Office of Nutritional Services to supply food to the County's correctional facility.

Authorize a 1-year agreement with Motorola Corporation in the amount of \$285,912.60 for maintenance services associated with the County's public safety radio system.

Amend Resolution 248-2017 to revise pricing for NMS Labs associated with post-mortem toxicological services.

PUBLIC WORKS

Authorizing revenue sharing of \$420,000 with Cities and Towns and amending the county budget in relation thereto.

BUILDINGS & GROUNDS

Authorizing acceptance of a NYSDOT Aviation Snow Removal Equipment Building Grant and amending the budget in relation thereto.

Authorizing a license agreement for a shooting range in the Town of Corinth.

Authorizing the acceptance of the conveyance of North American Flight Services, Inc.'s Hangar Building at the County Airport subject to certain terms and conditions.

CHAIRMAN'S ITEMS

Re-appointing Donald McPherson & Edwin Vopelak, Jr. to the Saratoga County Planning Board.

LAW & FINANCE

Authorizing an amendment to the agreement with Arcadis in the amount of \$14,800 for additional engineering services associated with ammonia compliance requirements.

Authorizing an agreement with Nationwide Legal Services, LLC for the provision of service of legal papers in court proceedings for various county departments.

REGULAR MEETING
TUESDAY, JUNE 18, 2019
AT 4:00 p.m., E.S.T.

Chairman Tollisen called the meeting to order.

Roll call was taken. PRESENT – Timothy Szczepaniak, Philip C. Barrett, Jonathon Schopf, Richard Lucia, Preston Allen, Jean Raymond, Michael Smith, Daniel Pemrick, Arthur M. Wright, Kevin Tollisen, Darren O’Connor, Thomas Richardson, Scott Ostrander, Theodore Kusnierz, Willard H. Peck, Sandra Winney, Thomas N. Wood, III, Tara Gaston, Edward D. Kinowski, John Lawler, - Arthur J. Johnson - 21. ABSENT– Alan Grattidge, Matthew Veitch - 2.

PRESENTATION

Ms. Kristine Duffy, President, Adirondack Community College gave a history of the college and the campus in the Town of Wilton. She presented an update on what the college was planning to meet the needs of the work force and presented their goals for 2024.

PUBLIC INPUT

Ms. Liz Kormos, Village of Ballston Spa Trustee spoke to the Board on her and the Village Board & the Village Mayor’s concerns regarding the revenue sharing plan. She said the villages should not be excluded from this plan as they have a need for this additional funding as well.

On a motion by Mr. Allen, seconded by Mr. Wright the minutes of the May 16, 2019 meeting were unanimously approved.

The Clerk presented the following:

Letter from County Clerk Craig Hayner stating his position regarding the “Green Light Bill”

Received and Filed.

Letter from Public Defender Oscar Scheiber appointing Ann Flower Stitt as Assistant Public Defender for a term expiring December 31, 2019.

Received and Filed.

Letters from Duane Palmateer/Greenfield Manufacturing, Mr. DePaulo/Bella Home Builders, Sonny Bonacio/Bonacio Construction, Frank Parillo, Chad McKissick/Quad, Gary Dake/Stewarts Shops, Angelo Calbone/Saratoga Hospital, Brian Carmer/Stone Bridge Iron & Steel, Douglas Ford/Curtis Lumber, David Collins/DA Collins Construction, Malta Development Corporation, Jonathan Davis/J&K Trucking and Excavation, Jesse Boucher/Kodiak Construction, Spa City Builders, Pietrosanto Insurance Agency, Win Supply of Saratoga County, John Witt, John Munter/Munter Enterprises, Inc. supporting proposed improvements to the Economic Development approach.

Received and Filed.

Mr. Szczepaniak said as Chairman of the Public Works Committee he is pleased to say \$20,000 will be given to each Town & City in the County each year for 20 years. That’s over \$400,000 for each Town and City evenly across the Board. This is \$8.4M in additional revenue with a total of \$21M in revenue received from the sale of the landfill and the tipping fee percentage. He said if the villages find they have a need they are open for discussion. Mr. Szczepaniak said Resolution #149 before the Board today, once approved, will allow for this revenue sharing.

Mr. Szczepaniak said there has been a lot of discussion regarding Economic Development and commended the Unity Committee, Supervisor Kusnierz, SEDC, SCPP and the Economic Development Committee Chair Barrett for taking the time and effort to bring the proposal forward. He said this will have a positive effect on Saratoga County as the smaller towns will have access to a grant writer to help them. He has received many positive comments about the proposed merger with even more being received today. The number of supporters have doubled. This is a win/win and commended everyone on a job well done.

Mr. Szczepaniak thanked County Historian Lauren Roberts for coordinating and executing the William Pomeroy Foundation historical marker ceremony, which took place in the Town of Ballston, at the Ballston Lake fishing pier. This commemorates the 250th anniversary of the Kayaderosseras land boundary dispute settlement.

On a motion by Mr. Barrett seconded by Mr. Lucia Resolutions 141 through 155 with the exception of Resolution 145 were adopted by a unanimous vote. It should be noted that Mr. Kusnierz abstained from voting on Resolution #152 and Mr. Schopf recused himself from the vote on Resolution #154. It should also be noted that Mr. Wright left the meeting prior to the vote on Resolution #145.

RESOLUTION 141- 2019

Introduced by Supervisors Wood, Grattidge, Johnson, Lucia, Peck, Veitch and Wright

AMENDING THE POLICIES AND PROCEDURES MANUAL TO ADD A NEW VOLUNTEER EMERGENCY RESPONDERS POLICY

WHEREAS, Resolution 330-82 adopted a manual of Policies and Procedures for the conduct of Saratoga County government; and

WHEREAS, since its adoption, the Board of Supervisors has enacted numerous amendments to the Manual; and

WHEREAS, the Human Resources Department’s ongoing review of the Manual has disclosed the appropriateness of adding a policy establishing criteria and a procedure for County employees who are volunteer emergency responders to take permitted paid and/or unpaid leave from County employment to respond to emergency calls in the community; and

WHEREAS, our Human Resources Department has distributed to each member of this Board copies of a proposed “Volunteer Emergency Responders Policy”; and

WHEREAS, the implementation of legislative revisions to the Policies and Procedures Manual requires the approval of this Board; now, therefore, be it

RESOLVED, that the Saratoga County Policies and Procedures Manual is hereby amended to add a new Volunteer Emergency Responders Policy as set forth in the policy revisions distributed to this Board:

CHAPTER	SECTION	TITLE	ORIGINALLY ADOPTED
1	X	Volunteer Emergency Responders Policy	New

and, be it further

RESOLVED, that the Human Resources Department distribute copies of this new Volunteer Emergency Responders Policy to all County departments and agencies, and shall post the new policy on the County’s Intranet website.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 142 - 2019

Introduced by Supervisors Wood, Grattidge, Johnson, Lucia, Peck, Veitch, and Wright

AMENDING THE POLICIES AND PROCEDURES MANUAL TO ADD A NEW ELECTION DAY VOTING POLICY

WHEREAS, Resolution 330-82 adopted a manual of Policies and Procedures for the conduct of Saratoga County government; and

WHEREAS, since its adoption, the Board of Supervisors has enacted numerous amendments to the Manual; and

WHEREAS, the adopted 2019-2020 New York State Budget includes a provision enacting Election Law §3-110 of the State of New York which requires all employers in the State to allow an employee who is a registered voter such time off from work as will enable him or her to vote in any election, up to three working hours, without loss of pay; and

WHEREAS, Election Law §3-110 further provides that an employee shall be allowed time off for voting only at the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed; and

WHEREAS, our Human Resources Department has distributed to each member of this Board copies of a proposed "Election Day Voting Policy", the provisions of which Policy are consistent with the requirements of Election Law §3-110 of the State of New York; and

WHEREAS, the implementation of legislative revisions to the Policies and Procedures Manual requires the approval of this Board; now, therefore, be it

RESOLVED, that the Saratoga County Policies and Procedures Manual is hereby amended to add a new Election Day Voting Policy as set forth in the policy revisions distributed to this Board:

<u>CHAPTER</u>	<u>SECTION</u>	<u>TITLE</u>	<u>ORIGINALLY ADOPTED</u>
1	W	Election Day Voting Policy	New

and, be it further

RESOLVED, that the Human Resources Department shall distribute copies of the new Election Day Voting Policy to all County employees.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 143 - 2019

Introduced by Supervisors Wood, Grattidge, Johnson, Lucia, Peck, Veitch and Wright

AMENDING THE 2019 COMPENSATION SCHEDULE UNDER THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, due to an unprecedented increase in the number of child protective services hotline reports received this year by the Saratoga County Department of Social Services, the Commissioner of Social Services has requested the addition of two (2) Child Protective Services caseworkers to assist with the investigation of such hotline reports and the proper assessment of safety and risk factors to the children named in said reports; and

WHEREAS, the Human Resources and Insurance Committee, the Director of Human Resources, and the Commissioner of Social Services have recommended that the 2019 Saratoga County Compensation Schedule be amended under Department of Social Services to create two positions of Child Protective Services Caseworker in the Department of Social Services; now, therefore, be it

RESOLVED, that the 2019 Saratoga County Compensation Schedule is amended effective June 28, 2019 as follows:

UNDER SOCIAL SERVICES (General Services):

Create (2)	Caseworker CPS	\$49,308
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BUDGET IMPACT STATEMENT: None. Funds are available in the 2019 DSS budget to cover the County’s 8% share for these positions.

RESOLUTION 144 - 2019

Introduced by Supervisors Wood, Grattidge, Johnson, Lucia, Peck, Veitch and Wright

AUTHORIZING A PROVIDER CONTRACT WITH BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH, INC., AMENDING THE 2019 COMPENSATION SCHEDULE UNDER THE DEPARTMENT OF SOCIAL SERVICES, AUTHORIZING THE ACCEPTANCE OF STATE RAISE THE AGE FUNDING, AND AMENDING THE COUNTY BUDGET IN RELATION THERETO

WHEREAS, as a result of the Raise the Age legislation enacted by the New York State Legislature and the Governor in 2017, the age of criminal responsibility for youths who commit crimes as defined in the Penal Law was raised to 16 years of age on October 1, 2018 and will be further raised to 17 years of age effective October 1, 2019; and

WHEREAS, under the provisions of the Raise the Age (“RTA”) law, counties are to be reimbursed for all new incremental costs associated with the implementation and ongoing services associated with raising the age of criminal responsibility, including local costs incurred in such areas as law enforcement, local detention, court services, Sheriff’s transportation, probation, youth services and capital expenditures; and

WHEREAS, in order to qualify for reimbursement of RTA related expenditures, counties are required to adhere to the New York State imposed property tax cap and submit to the State for approval a comprehensive plan of work for raising the age locally which identifies eligible incremental costs for which reimbursement will be requested; and

WHEREAS, Saratoga County’s Comprehensive RTA Plan has been submitted to and approved by the New York State Office of Children and Family Services, Division of Criminal Justice Services and the Division of the Budget; and

WHEREAS, Saratoga County’s approved RTA Plan calls for the County: i) to enter into an agreement with Berkshire Farm Center and Services for Youth, Inc. (“Berkshire Farm Center”) for the provision of intensive family-based in-home case management services to youth at risk in order to reduce and prevent the placement of 16 and 17 year old juvenile delinquents and adolescent offenders in specialized secure detention facilities; and ii) to add a Foster Care Caseworker position in the Department of Social Services to service the RTA population and their families; and

WHEREAS, our Human Resources and Insurance Committee, the Director of Human Resources, and the Commissioner of Social Services have recommended that: i) the County enter into an agreement with Berkshire Farm Center for the provision of intensive family-based in-home case management services to RTA youth at risk; and ii) the 2019 Saratoga County Compensation Schedule be amended under Department of Social Services to create one new position of Foster Care Caseworker in the Department of Social Services, subject to the State fully funding said position; and

WHEREAS, the acceptance of State RTA reimbursement funding requires the approval of this Board and an amendment to the 2019 County Budget; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute an agreement with Berkshire Farm Center and Services for Youth, Inc. of Canaan, New York, for the provision of intensive family-based in-home case management services to youth at risk in order to reduce and prevent the placement of 16 and 17 year old juvenile delinquents and adolescent offenders in specialized secure detention facilities for a term of one (1) year commencing July 1, 2019 and terminating on June 30, 2020, at a cost of \$100,608, with the form and content of such agreement to be subject to the approval of the County Attorney; and be it further

RESOLVED, that the 2019 Saratoga County Compensation Schedule is amended effective June 28, 2019 as follows:

UNDER SOCIAL SERVICES (General Services):

Create (1)	Caseworker CW	\$49,308
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and be it further

RESOLVED, that the foregoing Caseworker CW position shall be eliminated from the Saratoga County Compensation Schedule in the event State Raise the Age funding should no longer be available to fully fund the position; and be it further

RESOLVED, that the Chair of the Board and/or the Commissioner of Social Services are hereby authorized to execute all documents necessary to apply for and accept State RTA reimbursement funding of incremental eligible costs for the Berkshire Farm Center contract and DSS Foster Caseworker position, which costs for 2019 will be in the amount of \$100,647; and be it further

RESOLVED, that the 2019 Saratoga County Budget is hereby amended as follows:

DEPARTMENT OF SOCIAL SERVICES

Appropriations:

Increase Acct.: #A.60.610-7601.RTA Bics Payment	\$ 50,304
Increase Acct.: #A.60.610-6000 Regular Wages	\$ 27,716
Increase Acct.: #A.60.610-6930 Social Security	\$ 2,120
Increase Acct.: #A.60.610-6910 Retirement	\$ 5,543
Increase Acct.: #A.60.610-6940 Workers Comp	\$ 1,110
Increase Acct.: #A.60.610-6950 Disability	\$ 42
Increase Acct.: #A.60.610-6960 Health Insurance	\$ 9,872
Increase Acct.: #A.60.610-7001 Mileage	\$ 2,030
Increase Acct.: #A.60.610-7005 Meals	\$ 80
Increase Acct.: #A.60.610-7033 Personal Computer	\$ 750
Increase Acct.: #A.60.610-7010 Furniture and Fixtures	\$ 700
Increase Acct.: #A.60.610-8533 Telephone	\$ 180
Increase Acct.: #A.60.610-8540 Minor Office Furn. & Equip.	\$ 200
	<u>\$100,647</u>

Revenues:

Increase Acct.: #A.60-3623.RTA	\$100,647
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BUDGET IMPACT STATEMENT: None. 100% State Aid.

Ms. Gaston asked if Mr. Dorsey was able to get an opinion on the status of the organization as requested by the Economic Development Committee. Mr. Dorsey said he did not. Mr. Tollisen said that was a condition that was stated in the resolution.

Mr. Lawler said it was his understanding that the resolution requires an opinion from the County Attorney and requires an effort to secure an opinion from the Authorities Budget Office (ABO). Mr. Tollisen said that is the intention of this resolution.

Mr. Barrett stated to Mr. Dorsey that the County does not have any control over an outside agency, can request whatever we want, but the County has no control over the timing so therefore if you ask for this opinion and it doesn't come in a timely manner is the County supposed to put off this new structure moving forward. Mr. Dorsey said he assumes either they will issue an opinion or they will not. If the answer is no they will not, then the Board will be asked to revisit that condition either by modifying it or by taking it out. Mr. Dorsey does not believe it will take long for the ABO to issue an opinion. Mr. Barrett said that opinion would necessarily hinge on this Board making a decision to enter into a fee for services contract with an organization. Mr. Dorsey said it is stated in the resolution that the opinions issued will be whether or not the ABO and he feel that SEDC is subject to the Public Authorities Law and not whether or not the County should enter into a contract. It will then be up to the Board whether they put funding in the budget and enter into a public service benefit contract such as the contracts with SPPP, Cornell Cooperative Extension, and the Southern Adirondack Library. Mr. Barrett said it is important to note that the opinion that is requested and whatever opinion might be forthcoming does not relate to SEDC being a viable organization and strictly about the designation of the organization. He sad that is all the opinion will render.

Ms. Gaston said she had contacted the ABO who stated to her that they would not issue an advisory opinion until a contract is developed. She made a motion to remove the specific amounts of funding from the proposed resolution and replace it with “ and such monies as the Board of Supervisors designates”. She has a problem with the resolution stating specific amounts of monies that goes to a merger of two groups that otherwise we would not be involved. Ms. Gaston said the only purpose of the resolution is to memorialize an amount of funding. The motion did not receive a second.

Mr. Peck said he was tempted to second the motion. The issue here, the authorization of the opinion from the Public Authority hinges on whether we fund or not. That opinion goes to whether the Board will fund or not. He asked if that was correct. Mr. Dorsey said that was accurate. Mr. Peck said if the opinion says they do fall under the Public Authority’s Law and they don’t want to open up to that, we can withhold funding. He said a budget debate should not be today but in the fall. He wants to be clear that this is not about the viability of the organization. SEDC has been a successful company in economic development and SCPP has as well.

Mr. Kinowski said the County Attorney and the ABO will render the opinions. If the ABO is extended for whatever reason then does the board vie off on the County Attorney’s opinion or wait for both. He said he is not against the merger in any way but does feel this is premature. He said he will be voting with his heart and he does not feel it is ready at this time to be voted on. Mr. Kinowski said because of the unknowns this is not the right time.

Mr. Lawler said he debated at the Economic Development Committee meeting for this type of a resolution. He thinks this resolution does the exact job of capturing what the intent was. He is very comfortable and pleased with the way it was written. He takes a different view of this. Two organizations have made a decision to merge. Two independent boards made the decision. This Board can endorse that but it has no real ability to influence it. This resolution will provide the Board of Supervisors with an opinion on whether SEDC is subject to ABO regulation. He said it is important to note that as opposed to Cornell Cooperative Extension and the others mentioned, none of those has ever been defined by the ABO as being subject to ABO regulations. SEDC has been involved, at a time, in a long running disagreement with ABO whether they were or not. SEDC has every right to contest that designation and he does not question that. He said what is important for this resolution to accomplish is to simply make sure the Board of Supervisors has an informed opinion when we are requested to fund SEDC for \$150,000. If the opinion is that, they are subject to ABO regulation SEDC would then have a decision to make. If they stay with the decision as Mr. Brobston relayed at the Committee meeting when asked, in which he said no they would not accept that designation that they would fight that. Mr. Lawler said as stewards of the taxpayer’s dollars he would want to know if the County was giving money to an organization that has not filed financial disclosure forms that the State of New York says are required by law. He said this is a good resolution and he will support.

Mr. Barrett said he believes the Board does have a lot of influence on the economic development equation and structure and efforts in the County. The County Economic Development Committee is the economic development arm of the County in essence. The County supplies full funding to the Partnership. The amount of money on the table proposed for SEDC would be less than half of their operating budget. The majority of their funding is from private sources. This makes sense as SEDC was created privately. The County has three public entities currently, the Capital Resource Corp, the IDA and the SCPP. These are publicly created and there are many public service agreements with agencies named earlier. This would be the same type of agreement with SEDC. Mr. Barrett said with regards to the reporting, the old contract with SEDC in 2012, required annual reporting from SEDC to the County. They had to provide their budget, their financial statements and compensation schedule. He said that is a full financial picture as to where their money is going and how the money is being spent. Mr. Barrett said the recommendation has been made that if there is an agreement with SEDC that reporting remain.

Mr. Tollisen said the June Economic Development minutes have many of these details contained in them. If you have not read those minutes, please do so.

Ms. Gaston stated for point of clarification her objection is not at all about the merger or with SEDC or the Partnership. She said her problem is with the amounts of money stated in the resolution not just to SEDC but the other amounts as well.

Mr. Peck said he supports the overall work of the Unity Committee. He said as he reads the resolution before the Board today, it reads that the Board will be funding in 2020 \$150,000 as long as the opinions come back. He would like to vote on the merger of these organizations coming together and then have the funding discussion once the opinions come back and it is time for budget talks for the coming year. He asked for clarification from the administration that his vote today in support of this resolution is not a commitment to fund \$150,000 in the 2020 budget. Mr. Tollisen said the vote is for a framework. The budget for 2019 has been spent. Mr. Peck read the portion of the resolution that had funding. Mr. Dorsey pointed to the wording that is “proposed” and “subject to” meaning, this will be determined at a later date.

Ms. Raymond said any vote taken today, no matter what the words say, obligates her or any member of the board to vote for the budget when it comes before this Board in the fall. There could be new information provided any time between now and the budget time. She does not see this as a vote for new funding and there is nothing in the resolution stating where any new funding would come from.

Mr. Kusnierz thanked the members of the Unity Committee for their efforts in getting this here.

Ms. Gaston asked the County Attorney if the funds that are dedicated to the Economic Development Planning Fund also subject to any qualifications. Mr. Dorsey said the funding would have to be included in the budget. She said there are no qualifications written in the resolution about the funding. Mr. Dorsey said there are not.

On a motion by Mr. Barrett, seconded by Mr. Ostrander Resolution #145 was adopted by the following vote: AYES (178553) – Timothy Szczepaniak (9776), Philip C. Barrett (18352.5), Jonathon Schopf (18352.5), Richard Lucia (6531), Preston Allen (856), Jean Raymond (1214), Michael Smith (3545), Daniel Pemrick (7775), Kevin Tollisen (21535), Darren O’Connor (14765), Thomas Richardson (5196), Scott Ostrander (18575), Theodore Kusnierz (14728), Willard H. Peck (5087), Sandra Winney (1995), Thomas N. Wood, III (5674), John Lawler (8423), Arthur J. Johnson (16173).

NOES/ABSENT (41054) – Alan Grattidge (4133), Arthur M. Wright (2048), Tara Gaston (13293), Matthew Veitch (13293), Edward D. Kinowski (8287).

It should be noted that Mr. Wright left the room prior to the vote on this resolution.

RESOLUTION 145 - 2019

Introduced by Supervisors Johnson, Lawler, Szczepaniak, Richardson and Veitch

SUPPORTING A PROPOSED UNITY AGREEMENT BETWEEN THE SARATOGA COUNTY PROSPERITY PARTNERSHIP, INC. AND THE SARATOGA ECONOMIC DEVELOPMENT CORPORATION

WHEREAS, pursuant to Resolution 106-2014, the Saratoga County Board of Supervisors authorized the formation of the Saratoga County Prosperity Partnership, Inc., a not-for-profit local development corporation organized under Section 1411 of the Not-For Profit Corporation Law of the State of New York, for purposes of promoting the County’s economic development initiatives; and

WHEREAS, the Certificate of Incorporation of the Saratoga County Prosperity Partnership, Inc. (“Prosperity Partnership”) was duly executed by the Chair of this Board and filed in the New York Department of State on May 29, 2014; and

WHEREAS, Saratoga County Economic Development Corporation (“SEDC”) was established as a not-for-profit local development corporation organized pursuant to Section 1411 of the Not-For-Profit Corporation Law on May 2, 1978 by the filing of its Certificate of Incorporation in the New York Department of State; and

WHEREAS, the public and quasi-public objectives of SEDC as stated in its certificate of incorporation include the reduction of adult unemployment, the promotion of maximum adult unemployment by bettering and maintaining job opportunities, and the stimulation of economic growth; and

WHEREAS, on March 9, 2010, SEDC filed an amendment to its Certificate of Incorporation with the New York Department of State amending its Certificate of Incorporation to remove all references to it being a local development corporation; and

WHEREAS, a Unity Committee consisting of three members each from the Board of Directors of the Prosperity Partnership and SEDC have negotiated a proposed Unity Agreement, a copy of which is attached to this Resolution, that reforms the current economic development structure in Saratoga County by establishing a framework that more clearly defines the roles and responsibilities of each organization in attracting, retaining and/or promoting businesses to and in Saratoga County in order to provide a more coordinated approach to economic development initiatives in the County; and

WHEREAS, the proposed Unity Agreement calls for the County to provide economic development funding commencing in 2020 consisting of:

- 1) The County entering into a public benefit services contract with SEDC for economic development services commencing on January 1, 2020 at an annual cost of \$150,000; and
- 2) The County establishing and annually funding a new Economic Development Planning Fund in the amount of \$150,000 for use by local municipalities seeking assistance with: i) seed monies for grant opportunities such as grant writing or match funds needed for certain projects; and ii) GEIS studies of certain areas of town, planning and zoning needs, such as master plan or master plan updates, and iii) general economic growth (street lights, sidewalks, etc.); and

WHEREAS, our Economic Development Committee reviewed the proposed Unity Agreement on June 6, 2019; and

WHEREAS, some members of the Economic Development Committee expressed concerns over whether SEDC was a public authority, and therefore subject to the Public Authorities Law and its financial reporting and records access requirements; and

WHEREAS, after discussion, our Economic Development Committee voted to approve the proposed Unity Agreement in principle, with the exception that the provision calling for the County to enter into a public services contract with SEDC commencing on January 1, 2020 at an annual cost of \$150,000 shall be subject to receipt of opinions from the County Attorney and the New York State Authorities Budget Office as to whether SEDC was a public authority and subject to the Public Authorities Law, as well as the inclusion of such \$150,000 in funding to SEDC in the 2020 Saratoga County Budget to be adopted by this Board of Supervisors later this year; and

WHEREAS, the foregoing recommendation of the Economic Development Committee was forwarded to our Law and Finance Committee for review and approval; and

WHEREAS, during the Law and Finance Committee's review of the proposed Unity Agreement, Committee Member Jonathan Schopf offered an amendment to the proposed resolution to approve the Unity Agreement to add the following requirements:

- 1) That all due diligence with regard to all potential agreements to be reached under the proposed Unity Plan be performed by the Board of Supervisors or its designee prior to the Board of Supervisors approving any contracts or committing to a funding level in the 2020 County Budget; and
- 2) That both SEDC and the Prosperity Partnership shall provide to the Board of Supervisors a current year's budget and also proposed budget with financial statements, spending plan and compensation schedules under the proposed Unity Plan prior to the Board of Supervisors approving any final funding commitments called for in the Plan; and

WHEREAS, the Law and Finance Committee approved the amendment proposed by Supervisor Schopf; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby approves in principle the Unity Agreement proposed by the Saratoga County Prosperity Partnership, Inc. and the Saratoga Economic Development Corporation, which Unity Agreement is attached hereto and made a part of this Resolution, subject to the following conditions:

- 1) The proposed public services contract between the County of Saratoga and the Saratoga Economic Development Corporation to commence on January 1, 2020 at a cost of \$150,000 shall be subject to receipt of an opinion from the County Attorney and the New York State Authorities Budget Office as to whether SEDC is a public authority and therefore subject to the Public Authorities Law, and the inclusion of such \$150,000 in funding to SEDC in the 2020 Saratoga County Budget to be adopted by the Board of Supervisors later this year; and

That all due diligence with regard to all potential agreements to be reached under the proposed Unity Plan be performed by the Board of Supervisors or its designee prior to the Board of Supervisors approving any contracts or committing to a funding level in the 2020 County Budget; and

- 2) That both SEDC and the Prosperity Partnership shall provide to the Board of Supervisors a current

year's budget and also proposed budget with financial statements, spending plan and compensation schedules under the proposed Unity Plan prior to the Board of Supervisors approving any final funding commitments called for in the Plan.

BUDGET IMPACT STATEMENT: No budget impact.

UNITY AGREEMENT

FOR SARATOGA COUNTY ECONOMIC DEVELOPMENT

SEDC Roles and Responsibilities:

- SEDC will be the primary point of contact for existing and incoming businesses which are looking to expand or newly invest in Saratoga County.
 - SCPP will send all referrals to SEDC.
 - SEDC agrees to include SCPP in press releases if referred by SCPP.
- SEDC will lead, strategically plan, and manage the marketing efforts and business attraction activities for economic development including advertising, prospect communication, site visits, recruitment, trade shows, site selector visits incentive development through IDA's, etc.
 - SEDC has a demonstrated history of market insight and successful industry collaboration formulating economic development and target sector strategies.
 - It is important to note that the development and execution of the strategic marketing vision will be a collaborative effort between SEDC and SCPP.
 - It is also important to note that as we move forward and speak a common message for the County, coordination will need to take place for all persons with external responsibilities for economic development communications.
- SEDC will serve as the administrator for Saratoga County IDA's and prepare applications, facilitate meetings as warranted and work through the entire process with clients.
 - SCPP will refer any IDA/PILOT project to SEDC.
- SEDC will continue to work with private and public sectors on site identification and development.
 - SCPP will notify SEDC of any opportunities.
 - SEDC will continue to curate SEE Saratoga for available inventory.
- SEDC will continue its Innovate 518 admitted Spark Saratoga incubator and accelerator programming to increase entrepreneurship and opportunities for existing businesses to support growing businesses. This includes a very strategic advanced electronic design initiative unique to the USA to boost innovation in the semi-conductor industry (ED12).

SCPP Roles and Responsibilities:

- SCPP will support SEDC in the execution of the strategic plan for marketing to promote Saratoga County business assets and attract economic development opportunities.
 - SEDC will develop the strategic marketing plan in consultation with SCPP.
- SCPP will be the lead for the group of activities categorized: Next Wave Communities
 - SCPP will continue its work on the Next Wave Communities initiative to provide community economic development and economic development planning services at the local level.
 - e SCPP will assess needs, identify gaps and coordinate technical assistance for

OVERSIGHT:

Proposed oversight will entail monthly meetings of the Chair of the Board of Supervisors, Past Chair of the Board of Supervisors, Chair of Economic Development Committee, Chair of the Board of SEDC and SCPP, and the President of SEDC and SCPP. All monthly meetings will provide oversight by the BOS, guidance on economic development events, sharing of information with BOS as to active economic development leads, and assistance with any issues between the two organizations.

Both organizations will attend all Economic Development Committee monthly meetings and make presentations on their economic development activities.

Both the SEDC and SCPP Boards will have one member on their originating Board to attend all meetings and be part of the discussion. This will be another layer of continuity between the Boards.

The Chair of the SEDC and SCPP will choose a designee to sit on the other respective Board for continuity and oversight.

RESOLUTION 146 - 2019

Introduced by Supervisors Peck, Allen, Barrett, Lawler, O'Connor, Ostrander and Szczepaniak

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OFFICE OF NUTRITIONAL SERVICES FOR THE PURCHASE OF FOOD PRODUCTS FOR THE SARATOGA COUNTY CORRECTIONAL FACILITY

WHEREAS, the New York State Department of Corrections and Community Supervision operates its Office of Nutritional Services (DOCCS-NS) on the grounds of the Mohawk Correctional Facility in Rome, New York; and

WHEREAS, food products produced by DOCCS-NS are delivered to all of the facilities operated by DOCCS for the purpose of feeding the State inmate population; and

WHEREAS, the Saratoga County Sheriff considers the food products prepared by DOCCS-NS to be a preferred and cost-effective means of supplying nutritious food to the County inmate population; and

WHEREAS, the production of food products by DOCCS-NS for use by county correctional facilities is consistent with Correction Law §§170 and 184; and

WHEREAS, pursuant to Resolution 173-2014, the County entered into an agreement with DOCCS-NS for the purchase of food products for the Saratoga County Correctional Facility for a term of five (5) years commencing on November 20, 2014 and terminating on November 19, 2019, with the cost for said food products to be established by the DOCCS-NS on a quarterly basis; and

WHEREAS, our Public Safety Committee and Sheriff Zurlo have recommended that the County enter into a renewal agreement with DOCCS-NS for an additional term of five years; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute an agreement with the New York State Department of Corrections and Community Supervision Office of Nutritional Services for the provision of food products to the Saratoga County Correctional Facility, for a term of five (5) years commencing on November 20, 2019 and continuing through November 19, 2024, with the cost for said food products to be established by the Department of Corrections and Community Supervision on a quarterly basis; and, be it further

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

BUDGET IMPACT STATEMENT: None. Funds are available in the 2019 Sheriff's Department budget.

RESOLUTION 147 - 2019

Introduced by Supervisors Peck, Allen, Barrett, Lawler, O'Connor, Ostrander and Szczepaniak

AUTHORIZING THE CHAIRMAN TO EXECUTE A ONE YEAR MAINTENANCE SERVICE AGREEMENT WITH MOTOROLA SOLUTIONS, INC. FOR MAINTENANCE OF THE COUNTY'S PUBLIC SAFETY RADIO INFRASTRUCTURE

WHEREAS, pursuant to Resolution 107-13, this Board authorized a five year system maintenance agreement with Motorola Corporation for the maintenance of Saratoga County's Emergency Radio infrastructure to include network components, base stations, data hardware and dispatch consoles for Saratoga County's 800 MHz radio system at a cost of \$283,032 per year, subject to an annual increase of 3% per year commencing June 1, 2014; and

WHEREAS, pursuant to Resolution 226-2018, this Board authorized a renewal of said maintenance service agreement with Motorola Solutions, Inc. for the provision of maintenance services for the County's 800 MHz Public Safety Radio infrastructure, for a term of one year commencing on June 1, 2018 and continuing through May 31, 2019, at a cost not to exceed \$188,347.32; and

WHEREAS, in 2018, the County's Office of Emergency Services installed various upgrades to the County's 800 MHz Radio System, including its system Core, and the one year warranty on the system Core and project improvements has expired; and

WHEREAS, Motorola Solutions, Inc. has submitted a quote for the renewal of its maintenance service agreement for the continued maintenance of the County's 800 MHz radio system, including the new system Core improvements, covering non-warranty covered radio system infrastructure, for an additional year at a cost of \$285,912.60; and

WHEREAS, our Public Safety Committee and the Commissioner of the Office of Emergency Services have recommended that the County's maintenance agreement with Motorola Solutions, Inc. be renewed for an additional term of one year commencing on July 1, 2019 and continuing through June 30, 2020 at a cost of \$285,912.60; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a renewal agreement with Motorola Solutions, Inc. of Montvale, New Jersey, for the provision of maintenance services for the County's 800 MHz Public Safety Radio infrastructure, for a term of one year commencing on July 1, 2019 and continuing through June 30, 2020 at a cost of \$285,912.60, with the form and content of such renewal agreement to be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. Funds are available in the 2019 Emergency Services Department budget.

RESOLUTION 148 - 2019

Introduced by Supervisors Peck, Allen, Barrett, Lawler, O'Connor, Ostrander and Szczepaniak

RESCINDING RESOLUTION 248-2017 AND AUTHORIZING AN AGREEMENT WITH NMS LABS FOR POST-MORTEM TOXICOLOGICAL SERVICES

WHEREAS, pursuant to Resolution 248-2017, this Board authorized the County to enter into an agreement with National Medical Services, Inc. d/b/a NMS Labs for post-mortem toxicological services to the County Coroners for a term of two years commencing January 1, 2018 through December 31, 2019 at the same rates set forth in NMS Labs' 2017 Fee Schedule for routine Postmortem Toxicology panels, and at a 4% increase for special pricing panels as listed in its Pricing Summary for Toxicology Laboratory Services provided each test has been ordered by the Coroner's Physician or his assistant; and

WHEREAS, due to an increase in the volume of forensic toxicology service requests received by NMS from Saratoga County and other New York counties, NMS reduced the rates it charged for certain Postmortem Toxicology Panels by 12% effective as of February 12, 2018; and

WHEREAS, our Public Safety Committee and the County Coroners have recommended that the County enter into a new contract with NMS Labs for 2018/2019 services authorizing payment to NMS Labs for the following terms at the rates specified: i) for the term January 1, 2018 through December 31, 2018 at rates not to exceed those set forth in NMS Labs' 2018 Fee Schedule, as said Fee Schedule may be amended to add new tests and/or decrease existing rates, and ii) for the term January 1, 2019 through December 31, 2019 at rates not to

exceed those set forth in NMS Labs' 2019 Fee Schedule, as said Fee Schedule may be amended to add new tests and/or decrease existing rates; provided each such test has been ordered by the Coroner's Physician or his assistant, and at an annual cost not to exceed \$50,000; now, therefore, be it

RESOLVED, that Resolution 248-2017 is hereby rescinded; and be it further

RESOLVED, that the Chair of the Board is authorized to execute an agreement with National Medical Services, Inc. d/b/a NMS Labs of Willow Grove, Pennsylvania, to provide post-mortem toxicological services for a term of two (2) years commencing January 1, 2018 through December 31, 2019 at the following rates: i) for the term January 1, 2018 through December 31, 2018 at rates not to exceed those set forth in NMS Labs' 2018 Fee Schedule, as said Fee Schedule may be amended to add new tests and/or decrease existing rates, and ii) for the term January 1, 2019 through December 31, 2019 at rates not to exceed those set forth in NMS Labs' 2019 Fee Schedule, as said Fee Schedule may be amended to add new tests and/or decrease existing rates; provided each such test has been ordered by the Coroner's Physician or his assistant, and at an annual cost not to exceed \$50,000; and be it further

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

BUDGET IMPACT STATEMENT: None. Funds are available in the 2019 Coroner's Department budget.

RESOLUTION 149 - 2019

Introduced by Supervisors Szczepaniak, Allen, Grattidge, Kinowski, Raymond, Schopf, and Smith

AMENDING RESOLUTION 132-13 TO AUTHORIZE ADDITIONAL REVENUE SHARING WITH THE CITIES AND TOWNS FROM THE TIPPING FEE PROFIT SHARING PAYMENTS RECEIVED FROM THE SALE OF THE FORMER COUNTY LANDFILL, AND AMENDING THE 2019 COUNTY BUDGET IN RELATION THERETO

WHEREAS, pursuant to Resolution 130-13, the Saratoga County Board of Supervisors approved the sale of the former County Landfill in the Town of Northumberland to Finch Paper LLC, and authorized the Chair of the Board to execute a Landfill Purchase and Sale Agreement with Finch Paper LLC; and

WHEREAS, Paragraph 5, Subparagraph C, of the Landfill Purchase and Sale Agreement executed by the County and Finch Paper LLC obligates Finch Paper LLC to pay to the County certain tipping fee profit sharing payments based upon the type and amount of deposited waste at the Landfill; and

WHEREAS, pursuant to Resolution 132-13, the Saratoga County Board of Supervisors deemed it appropriate and in the best interests of the residents of the County that a portion of the profit sharing payments received from Finch Paper LLC be distributed to the cities, towns and villages in Saratoga County for their use in whatever manner those municipalities should decide to be in the best interests of their residents; and

WHEREAS, pursuant to Resolution 132-13, the Board of Supervisors directed that said portion of the profit sharing payments received from Finch Paper LLC shall be distributed to the cities, towns and villages in the following manner: i) the portion of the profit sharing payments to be made available for distribution shall be an amount equal to 50% of the net of such revenue received from Finch after deduction of a 12½% revenue sharing distribution to the Town of Northumberland as a host community benefit payment pursuant to Resolution 131-13; and ii) that said net revenue shall be distributed to the cities, towns and villages in accordance with the County's sales tax distribution formula as set forth in Resolutions 111-01, 139-05 and 163-07, being fifty percent (50%) thereof among the municipalities by population according to the most recent official decennial census at the time each distribution is made, and fifty percent (50%) thereof by equalized assessed valuation as determined by the tax roll for the year in which each such distribution is made; and

WHEREAS, subsequent to the County's conveyance of the Landfill to Finch Paper LLC, Finch Paper LLC assigned all its rights and obligations under the Landfill Purchase and Sale Agreement to Finch Waste Co. LLC; and

WHEREAS, revenue received from the tipping fee profit sharing payments has exceeded expectations, and this Board of Supervisors deems it appropriate that the County make additional tipping fee profit sharing payments in equal amounts of \$20,000 to each city and town in the County for a term of twenty (20) years, and that Resolution 132-13 be amended accordingly; and

WHEREAS, in order to effect the proposed supplemental tipping fee profit sharing payments to the cities and towns, an amendment to the 2019 Saratoga County Budget is needed; now, therefore, be it

RESOLVED, that Resolution 132-13 is hereby amended to add a third RESOLVED paragraph stating as follows:

RESOLVED, that commencing July 1, 2019, continuing through, and terminating on June 30, 2039, the County shall make supplemental payments from said tipping fee profit sharing net revenue from the previous year in equal amounts of \$20,000 each to the Cities of Saratoga Springs and Mechanicville; and to the Towns of Ballston, Charlton, Clifton Park, Corinth, Day, Edinburg, Galway, Greenfield, Hadley, Halfmoon, Malta, Milton, Moreau, Northumberland, Providence, Saratoga, Stillwater, Waterford, and Wilton.

and, be it further

RESOLVED, that the 2019 Saratoga County Budget is amended as follows:

GENERAL FUND

Appropriations:

Increase Acct.: #A.90.920-9900.D Transfer to County Road \$420,000.

Revenues:

Increase Acct.: #A.0599.B Appropriated Fund Balance \$420,000.

COUNTY ROAD FUND

Appropriations:

Increase Acct.: #A.50.000-8761 Landfill Profit Sharing Distribution \$420,000.

Revenues:

Increase Acct.: #D.50.5031 Transfer from General Fund \$420,000.

BUDGET IMPACT STATEMENT: This amendment will reduce Fund Balance in General Fund by \$420,000.

RESOLUTION 150 - 2019

Introduced by Supervisors Veitch, Barrett, Kusnierz, Peck, Raymond, Smith and Wright

AUTHORIZING THE ACCEPTANCE OF AN AVIATION CAPITAL GRANT FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF A SNOW REMOVAL EQUIPMENT STORAGE BUILDING TO BE CONSTRUCTED AT THE SARATOGA COUNTY AIRPORT, AND AMENDING THE 2019 COUNTY BUDGET IN RELATION THERETO

WHEREAS, pursuant to Resolution 152-2018, this Board approved the submission of an application to the New York State Department of Transportation (NYSDOT) for a 2018 Aviation Capital Grant of up to \$1,000,000 for the design and construction of a 2,500 square foot Snow Removal Equipment Storage Building at the Saratoga County Airport (“the Project”), with the Local Share for which the County would be responsible for up to \$100,000; and

WHEREAS, the NYSDOT has approved the County’s application for a 2018 Aviation Capital Grant and awarded the County an Aviation Capital grant (AIR ’99) in the amount of \$719,489 for said Project work at the Saratoga County Airport described as: Construct Snow Removal Equipment Building – PIN 1902.17;

WHEREAS, the County desires to advance the Project by committing funds for the local match, the funding shares being State \$719,489; Local \$79,943; and Total \$799,432; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby approves the above subject Project; and it is hereby further

RESOLVED, that the Chair of the Board and/or the Commissioner of the Saratoga County Department of Public Works are hereby authorized to execute all necessary Agreements on behalf of the County with NYSDOT in connection with the Project and the acceptance of State grant funding for the Project; and it is further

RESOLVED, that a Certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further RESOLVED, that this Resolution shall take effect immediately; and it is further RESOLVED, that the 2019 County Budget is amended as follows:

PUBLIC WORKS:

Appropriations:

Increase Acct.: #A.50.513-7098 Prof. Srv. For Capital Purposes	\$84,932
Increase Acct.: #A.50.513-7093 Buildings	<u>\$714,500</u>
	\$799,432

Revenues:

Increase Acct.: #A.50-3592 SA Airport (90%)	\$719,489
Increase Acct.: #A.0599.B App. Fund Balance (10%)	<u>\$79,943</u>
	\$799,432

BUDGET IMPACT STATEMENT: The County share for this grant is \$79,943 and will be appropriated from Fund Balance.

RESOLUTION 151 - 2019

Introduced by Supervisors Veitch, Barrett, Kusnierz, Peck, Raymond, Smith and Wright

AUTHORIZING THE CHAIR TO EXECUTE A LICENSE AGREEMENT WITH THE TOWN OF CORINTH FOR THE USE OF TOWN-OWNED LAND AS A SHOOTING RANGE BY THE SHERIFF’S DEPARTMENT

WHEREAS, for the past 20 years, the Saratoga County Sheriff’s Department has utilized a 39 acre parcel of land owned by the Town of Corinth at 129 Heath Road, Corinth, as a firearms shooting range with the Town’s consent; and

WHEREAS, the Sheriff’s Department has constructed a building on the premises for storage, office space and restrooms using asset forfeiture funds; and

WHEREAS, the Town of Corinth has requested that the County enter into a License Agreement with the Town formally authorizing the County Sheriff Department’s use of the Town’s lands at 129 Heath Road as a firearms shooting range, and outlining the respective duties, responsibilities and liabilities of the County and Town; and

WHEREAS, terms and conditions of a proposed License Agreement have been negotiated by the Corinth Town Attorney and the County Attorney, and approved by the Corinth Town Board, which terms and conditions include, but are not limited to:

- The Sheriff’s Department will not use the range prior to 8:00 am or after 8:00 pm.
- The Sheriff’s Department will not use the range for shooting on weekends without the written consent of the Town.
- The County shall maintain liability and fire insurance in the minimum amount of \$5,000,000, with the Town being named as an additional insured.
- The County shall be responsible for all maintenance and repair of the premises.
- The building constructed by the County on the premises shall remain the property of the County at the conclusion of the License, subject to the County either conveying ownership of the building to the Town pursuant to a duly authorized resolution or local law adopted by the Board of Supervisors or the County removing the building from the property.
- The initial term of the License Agreement shall run from the date of the execution of the Agreement through December 31, 2029, subject to renewal for additional terms of ten (10) years each; and

WHEREAS, our Buildings and Grounds Committee and Sheriff Zurlo have recommended that the County enter into the proposed License Agreement requested by the Town of Corinth for the County's use of the Town's lands located at 129 Heath Road by the Sheriff's Department as a firearms shooting range; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute a License Agreement with the Town of Corinth authorizing the Saratoga County Sheriff's Department to use a 39 acre parcel of land owned by the Town at 129 Heath Road, Corinth, as a firearms shooting range for an initial term ending on December 31, 2029, subject to renewal for additional terms of ten (10) years each, at a cost of \$1.00 per License term; and, be it further

RESOLVED, that the form and content of such License Agreement shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

It should be noted that Mr. Kusnierz abstained from the vote on Resolution #152 due to a conflict of interest.

RESOLUTION 152 - 2019

Introduced by Supervisors Veitch, Barrett, Peck, Raymond, Smith and Wright

AUTHORIZING THE ACCEPTANCE OF THE CONVEYANCE OF NORTH AMERICAN FLIGHT SERVICES, INC.'S HANGAR BUILDING AT THE COUNTY AIRPORT SUBJECT TO CERTAIN TERMS AND CONDITIONS

WHEREAS, pursuant to Resolution 246-07, the Saratoga County Board of Supervisors authorized a lease of an eastern portion of County owned facilities at the Saratoga County Airport to North American Flight Services, Inc. as Fixed Based Operator for a term of twenty (20) years commencing on May 1, 2008 and terminating on April 30, 2028, which lease is known as the East Facility Lease; and

WHEREAS, pursuant to Resolution 16-08, the Saratoga County Board of Supervisors authorized a lease of a western portion of County owned facilities at the Saratoga County Airport to North American Flight Services, Inc. as Fixed Based Operator for a term of twenty (20) years commencing on January 1, 2008 and terminating on December 31, 2027, which lease is known as the West Facility Lease; and

WHEREAS, North American Flight Services, Inc. ("NAFS") constructed a 9,005± sq. ft. hangar building consisting of 1,485 sq. ft. of office space and 7,520 sq. ft. of hangar space with a maintenance shop on the premises let to NAFS under the West Facility Lease; and

WHEREAS, from the time of NAFS's construction of its hangar building until last year, the Town of Milton did not assess the hangar building as taxable real property purportedly for the reason that it was located on County lands and therefore not subject to taxation; and

WHEREAS, on April 6, 2018, a new Town Assessor retained by the Town of Milton issued a determination that NAFS's privately owned hangar building was not covered by the County's real property tax exemption, and consequently the hangar building was subject to assessment and taxable to NAFS; and

WHEREAS, NAFS does not wish to incur the real property taxes assessed to its hangar building, and has offered to convey its hangar building to the County by no later than June 28, 2019, subject the County agreeing to amend NAFS's East and West Facilities Leases to include an option to renew for an additional term of twenty years upon such terms and conditions as the County and NAFS agree upon; and

WHEREAS, General Municipal Law §352(5) authorizes a county to lease county owned airport real property for the entire operation of such airport, or any part thereof, or for the rendering of various services, for a term not to exceed forty (40) years, provided the governing body of the county first holds a public hearing on the proposed lease; and

WHEREAS, our Buildings and Grounds Committee has reviewed the proposal of NAFS to convey its hangar building to the County, and the Committee has approved NAFS's proposal subject to the following conditions:

- i) NAFS will continue to be responsible for all future maintenance and repair of the hangar building; and

- ii) NAFS shall continue to be responsible for the payment of all utility charges for the hangar building, including but not limited to, electric, gas, water and sewer charges, if any; and
- iii) any exercise of the option to renew the East and West Facilities Leases shall be subject to:
 - a) the Board of Supervisors holding a public hearing as required by General Municipal Law §352(5), and
 - b) NAFS not being in default of either its East Facility or West Facility Lease, and
 - c) the rent and all other terms and conditions of the lease renewals being mutually agreed upon by the County and NAFS, and
 - d) the Saratoga County Board of Supervisors adopting a resolution authorizing the renewal of either or both leases, and
 - e) the County having the option of soliciting requests for proposals for a Fixed Base Operator if deemed appropriate;

now, therefore, be it

RESOLVED, that this Board of Supervisors hereby accepts the offer of North American Flight Services, Inc. to convey NAFS’s 9,005± sq. ft. hangar building at the Saratoga County Airport to the County of Saratoga by June 28, 2019, unless otherwise extended by mutual agreement of the parties, subject to the following terms and conditions:

- i) NAFS will continue to be responsible for all future maintenance and repair of the hangar building; and
- ii) NAFS shall continue to be responsible for the payment of all utility charges for the hangar building, including but not limited to, electric, gas, water and sewer charges, if any; and
- iii) The County’s East Facility Lease and West Facility Lease with NAFS shall be amended to grant NAFS an option to renew said East and West Facility Leases for a term of twenty (20) years subject to the following:
 - a. the Board of Supervisors shall hold a public hearing on the proposed lease extensions as required by General Municipal Law §352(5), and
 - b. NAFS shall not be in default of either its East Facility or West Facility Lease, and
 - c. the rent and all other terms and conditions of the lease renewals shall be mutually agreed upon by the County and NAFS, and
 - d. the Saratoga County Board of Supervisors shall adopt a resolution authorizing the renewal of either or both leases, and
 - e. the County shall have the option of soliciting requests for proposals for a Fixed Base Operator if deemed appropriate;

; and, be it further

RESOLVED, that the Chair of the Board is hereby authorized to execute any and all documents and paperwork necessary to effect the County’s acceptance of title to NAFS’s hangar building, with the form and content of such documents and paperwork being subject to the approval of the County Attorney; and, be it further

RESOLVED, that the Chair of the Board is further authorized to execute amendments to the County’s East Facility Lease and West Facility Lease with North American Flight Services, Inc. granting NAFS an option to renew said leases for a term of twenty (20) years upon the foregoing terms and conditions stated in this resolution.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 153 - 2019

Introduced by Chairman Tollisen

REAPPOINTING MEMBERS TO THE COUNTY PLANNING BOARD

WHEREAS, Resolution 48-61, as amended by Resolutions 74-65 and 56-73, established the County Planning Board; and

WHEREAS, the terms of certain members of the Planning Board have expired; now, therefore, be it

RESOLVED, that the following people are reappointed as members of the County Planning Board for the stated terms:

<u>Name</u>	<u>Municipality</u>	<u>Term Expires</u>
Edwin Vopelak, Jr. 34 Ashley Drive Ballston Lake, NY 12019	Town of Clifton Park	5/31/24
Donald McPherson 144 Ingersoll Road Saratoga Springs, NY 12866	Town of Wilton	5/31/24

BUDET IMPACT STATEMENT: No budget impact.

It should be noted that Mr. Schopf recused from the vote on Resolution #154.

RESOLUTION 154 - 2019

Introduced by Supervisors Allen, Kinowski, Ostrander, Pemrick, Schopf, Szczepaniak and Wright

AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT WITH ARCADIS OF NEW YORK, INC. FOR THE PROVISION OF ADDITIONAL ENGINEERING SERVICES ASSOCIATED WITH SARATOGA COUNTY SEWER DISTRICT NO. 1’S COMPLIANCE WITH ITS SPDES PERMIT

WHEREAS, pursuant to Resolution 238-2018, this Board authorized the Chairman to execute an agreement with Arcadis of New York, Inc. (“Arcadis”) to perform professional wastewater sampling services of the Hudson River mandated by the New York State Department of Environmental Conservation (“DEC”) at a cost not to exceed \$48,600; and

WHEREAS, pursuant to Resolution 290-2018, this Board authorized an amendment to the agreement with Arcadis for the provision of additional wastewater sampling services and the preparation of a CORMIX computer model to determine the effects of the Sewer District’s ammonia discharge into the Hudson River, at an additional cost of \$25,200, thereby increasing the total contract cost to an amount not to exceed \$73,800; and

WHEREAS, DEC has requested further professional wastewater sampling services using more advanced CORMIX computer outfall modeling, the results of which will be critical to the Sewer District’s upcoming discussions with DEC regarding the establishment of ammonia discharge limits to be incorporated into the Sewer District’s State Pollution Discharge Elimination System (“SPDES”) Permit; and

WHEREAS, the Saratoga County Sewer District Commission and the Sewer District’s Executive Director have recommended that the County’s contract with Arcadis of New York, Inc. be further amended to authorize Arcadis to perform such advanced CORMIX modeling and to attend additional in-person meetings with DEC and industry stakeholders, at an additional cost of \$14,800, thereby increasing the total contract to the not to exceed amount of \$88,600; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a second amendment to the agreement with Arcadis of New York, Inc. of Clifton Park, New York, for the provision of additional wastewater sampling services relative to the Hudson River, to include, but not be limited to, advanced CORMIX computer outfall modeling as mandated by DEC, at an additional cost of \$14,800, thereby increasing the total contract cost to an amount not to exceed \$88,600; and, be it further

RESOLVED, that the form and content of such amendment shall be subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: None. Funds are available in the Sewer District’s 2019 budget.

RESOLUTION 155 - 2019

Introduced by Supervisors Allen, Kinowski, Ostrander, Pemrick, Schopf, Szczepaniak and Wright

AUTHORIZING AN AGREEMENT WITH NATIONWIDE LEGAL SERVICES, LLC FOR THE PROVISION OF SERVICE OF LEGAL PAPERS IN COURT PROCEEDINGS FOR VARIOUS COUNTY DEPARTMENTS

WHEREAS, the County issued a Request for Proposals for process server services in July of 2018 and awarded a contract to Nationwide Legal Services, LLC, the lowest bidder; and

WHEREAS, the County entered into an existing minor contract with Nationwide Legal Services, LLC, dated September 4, 2018 for the provision of service of legal papers in court proceedings for various County departments for the term of two (2) years commencing on August 15, 2018 and terminating on August 14, 2020, with an option of up to two (2) renewals for a term of one (1) year each; and

WHEREAS, due to an unanticipated increase in the need for process server services this year, the cost of services rendered by Nationwide Legal Services, LLC exceeded the minor contract limit of \$15,000 during the month of May; and

WHEREAS, our Law and Finance Committee and the County Attorney have recommended that the County enter into an agreement with Nationwide Legal Services, LLC for the provision of service of legal papers in court proceedings for various County departments for the term commencing January 1, 2019 and continuing through August 14, 2020, with an option of up to two (2) renewals for a term of one (1) year each, at a cost not to exceed \$35,000 per year; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an agreement with Nationwide Legal Services, LLC of Burnt Hills, New York for the provision of service of legal papers in court proceedings for various County departments for a term commencing on January 1, 2019 and terminating on August 14, 2020, with an option of up to two (2) renewals for a term of one (1) year each upon written agreement of both parties, at the following rates: \$30 per service in Saratoga County; \$35 per service in Schenectady County, Albany County and Rensselaer County; \$45 per service in Fulton County, Hamilton County, Montgomery County, Warren County and Washington County; \$85 per service in New York State in a county other than Saratoga County or a county contiguous thereto; \$95 per service in the United States outside of New York State with the exception of Ohio, Pennsylvania, Vermont, North Carolina and Texas which will be \$115 per service; the charge for attempted but failed service shall be the same rate as if service was made provided at least two (2) attempts were made at service; \$45 per hour for a stakeout; and \$20 for a rush surcharge for any service required within forty-eight (48) hours of the request for service, at a total cost not to exceed \$35,000 per year; and, be it further

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

BUDGET IMPACT STATEMENT: None. Funds are available in the 2019 budget.

Mr. Tollisen said next week, June 26th is the Year of the Senior Celebration. This will be a fantastic event with over 1,700 projected to attend. He asked that the Board members attend for the awards and if a member is not able to attend, please send an alternate to do the presentation. He thanked Director Cross, the Clerk of the Board and Deputy Clerk of the Board for their work on this event.

Mr. Lawler asked that the correspondence referred to at the beginning of the meeting from County Clerk regarding the Green Light Bill be sent to the Board members. He also asked that the Volunteer Emergency Responder policy be sent out as he would be interested in this policy at his Town.

Ms. Gaston thanked the Chairman for the proclamation for Pride Month. She presented the proclamation at an event over the past weekend.

On a motion by Mr. Lawler, seconded by Ms. Gaston the meeting was unanimously adjourned.

Respectfully submitted,
Pamela Wright, Clerk