

## AGENDA

March 12, 2008 5:00 p.m.

Vice-Chairman Johnson called the meeting to order.

Roll call was taken. PRESENT – Patricia Southworth, Philip C. Barrett, Richard Lucia, Mary Ann Johnson, Jean Raymond, George J. Hargrave, Richard Rowland, Mindy Wormuth, Paul Sausville, Frank Thompson, Preston L. Jenkins, Jr., Willard H. Peck, Richard C. Hunter, Sr., Thomas N. Wood, III, Matthew E. Veitch, Joanne Dittes Yepsen, Shawn P. Connelly, John Lawler, Arthur J. Johnson – 19.  
ABSENT - Anita Daly, Alan Grattidge, Thomas Richardson, Arthur M. Wright – 4.

On a motion by Mr. Thompson, seconded by Mrs. Johnson, the minutes of the meeting of February 13, 2008 were approved unanimously.

Mr. Wickerham, County Administrator, reviewed the following Agenda items:

EQUALIZATION AND ASSESSMENT

Accepting tender offers in the Towns of Day \$781.97, Greenfield \$19,324.08, Hadley \$26,150.74, Halfmoon \$469.70, and the Village of Round Lake \$12,225.88. (Sam Pitcherale, County Treasurer)

Mr. Wickerham stated there will probably be more tender offers before Tuesday's Board Meeting.

Denying a request for a \$542.35 refund of county taxes for parcel 172.-2-27 in the Town of Galway. (Carol Holly, Real Property Tax Director)

SOCIAL PROGRAMS

Authorizing Chairman to enter into renewal contracts for the Expanded in Home Services for the Elderly Program (EISEP) to provide personal aide care to the elderly. (Sandi Cross, Office for the Aging Director)

Mr. Wickerham stated the contracts are set by Medicaid.

Authorizing Chairman to enter into agreement with Care Links to provide oversight and coordination of volunteer services given to senior residents in Saratoga County at a cost not to exceed \$30,000 per year. (Sandi Cross, Office for the Aging Director)

Mr. Wickerham stated this is for non-medical volunteer services underwritten by State grants.

Authorizing Chairman to enter into agreement with GTL Inc. for the provision of personal emergency response systems at a cost of \$34.95 per unit per month. (Sandi Cross, Office for the Aging Director)

Mr. Wickerham said this will be 100% State funded at \$12,000/year.

Authorizing Chairman to enter into renewal contract with a registered dietician to provide nutrition services to the Office for Aging at a cost of \$35.00 per hour. (Sandi Cross, Office for the Aging Director)

Mr. Wickerham stated this will be the same rate as before with the same dietician.

Authorizing the acceptance of a \$10,000 New York State grant for the Saratoga County Council on Autism and amending the budget in relation thereto. (Wes Carr, Youth Bureau Director)

BUILDINGS AND GROUNDS

Approving the NYS Department of Transportation relocation, replacement, and/or reconstruction of the county sewer main located within the construction zone of the NYSDOT Route 67 bridge replacement in the Town of Ballston. (Jim DiPasquale, Sewer District Executive Director)

Approving the NYS Department of Transportation relocation, replacement, and/or reconstruction of the Zim Smith Trail located within the construction zone of the NYSDOT Route 67 bridge replacement in the Town of Ballston. (Jim DiPasquale, Sewer District Executive Director)

#### PUBLIC SAFETY

Accepting a \$117,000 Homeland Security Grant to purchase radio equipment for the Saratoga County Sheriff's Department and amending the 2008 budget. (Jim Bowen, Sheriff) Mr. Wickerham stated this is for radios for the patrol cars.

Approving the 2008 Pre-Trial & Community Work Order Services plans and accepting \$37,500 in state aid. (Wes Carr, Youth Bureau Director)

Authorizing Animal Shelter fee increase for feline Leukemia and FIV virus test from \$10 to \$13 and authorizing the shelter Director to make all future changes to shelter diagnostic fees to underwrite the actual cost of diagnostic kits for cats and dogs. (Dan Butler, Animal Shelter Director)

Mr. Wickerham stated this will cover the actual cost of the kits.

#### LAW AND FINANCE

Amending the 2008 budget to appropriate \$28,000 in expenses and revenues from the contingency account to pay for the emergency repair of the phone system in the Services Building. (Paul Lent, Emergency Services Director)

Mr. Wickerham said the phone system was damaged by a flood in the building about a month ago.

Authorizing Saratoga County Sewer District #1 to proceed with a major project to increase the treatment capacity of the sewer district. (Jim DiPasquale, Sewer District Executive Director)

Authorizing Saratoga County Sewer District #1 to bond up to \$52,224,921 to fund the sewer capacity upgrade. (Jim DiPasquale, Sewer District Executive Director)

Authorizing request for Comptroller's approval of proposed sewer plant upgrade. (Jim DiPasquale, Sewer District Executive Director)

Authorizing the Chairman to execute and accept settlement of the Saratoga Water Services lawsuit against Saratoga County. (Mark Rider, County Attorney)

Mr. Sausville, Chairman of the Legislative & Research Committee, said for those Supervisors who were not able to attend the legislative meeting, we had a very successful meeting, and we were able to drive home our legislative program for the coming year with regard to the deficit Maplewood Manor is running, the importance of the VLT's to the City and County, unfunded mandates, and the need for legislative support for the new radio system. It was a very productive meeting, he added.

Mr. Peck stated on March 26<sup>th</sup>, there will be a Personnel Committee meeting at 3:00 p.m. and a Land Preservation Committee meeting at 4:00 p.m.

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

Respectfully submitted,

Elaine M. Sodemann

REGULAR SESSION  
TUESDAY, MARCH 18, 2008  
AT 4:00 P.M., E.S.T.

Board called to order by Chairman Hargrave.

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

The invocation was given by Tom Wood, Chaplain.

PUBLIC INPUT:

Martin Hanehan, Director and past President of the Saratoga County Farm Bureau, stated they are a group of over 520 members. He said he is accompanied by his niece, Emily, who is one of the top students in the Schuylerville High School and a Farm Bureau member, and Dave Cummings, a director on the Farm Bureau Board, who will be giving an equine report.

Mr. Hanehan stated his brother, Pat, and he run the Turning Point Dairy Farm, in the Town of Saratoga. We hope that our farm can continue for many more generations, he said. It has been a pleasure to work with numerous past and present Supervisors. He stated the County Farm Bureau set policy to voice their beliefs at State and County Farm Bureau annual meetings. Our Farm Bureau recently traveled to Albany for our Farm Bureau Policy Execution Day, and we delivered our message on priority issues to our State Legislators, he said. He stated New York Farm Bureau is a non-governmental grass roots organization made up of about 35,000 members. Our local Saratoga County Farm Bureau resolutions were adopted by having our resolutions meeting in August, followed by our monthly meeting and adopted and voted on at our Saratoga County annual meeting in October, which we handed out to the Supervisors, and these are:

1. We are opposed to Saratoga Lake becoming a drinking water source for any municipality.
2. We support funding of the Agriculture Economic development position in Saratoga County.
3. We support continued full funding of Cornell Cooperative Extension of Saratoga County and support the New Equine Educator's position.
4. Saratoga County Farm Bureau recommends continued funding of the fair by Saratoga County.
5. We support efforts to provide trail access to horseback riders in Saratoga County.
6. We appreciate the County's efforts for farmland protection funding and encourage continuation and increased funding for the program.
7. We support the efforts to support a capital region USDA inspected district livestock processing facility in the region.
8. We recommend that the Saratoga County fair not be scheduled any earlier than the third week in July.
9. We support the work of the New York Farm Viability Institute and encourage increased funding for the benefit of agriculture in New York State.
10. We support Saratoga County's Green Infrastructure Plan and strongly recommend that production Agriculture be top priority in implementing the plan.
11. Farm Bureau should monitor watershed studies to ensure that agricultural interests and private property rights are addressed properly.
12. Increase free public parking in the City of Saratoga Springs around the farmers' market and take the needs of the farmers' market into consideration in the development of the bus route and transportation plans in the City of Saratoga Springs.

Emily Hanehan said she is a Senior at the Schuylerville High School and a member of the Farm Bureau. She said she helps teach kids around the community about agriculture. She said agriculture is the backbone of our economy and is the #1 way to keep open space. Agriculture is a great way of life, and we want you to help us keep it in Saratoga County. She said she hopes everyone can attend Sundae on the Farm on June 22<sup>nd</sup>

at Kings Ransom Farm which is a local dairy farm in Schuylerville. This is a fun activity for the whole family, she added.

Dave Cummings said this is his fourth annual opportunity to provide comments to the Board on behalf of the Saratoga County Farm Bureau and its equine community. He said he wanted to highlight that:

1. NY's largest equine population is in the County of Saratoga;
2. Though all farms require great quantities of space in buildings and cropland, Saratoga's horses need the openness of the land;
3. Greater Purchase of Development Rights/Farmland Protection is essential
4. The thoroughbred franchise award leaves us many unfixed issues;
5. The fledgling CCE Equine program can have an even greater impact.

We know these issues fall to "fix-its" in different levels of government, but there is an effect of totality of, and on, the parts. Every one of this legislative body's discussions and actions has an effect on agriculture. Each of you is part of a town or city, as well as a representative of the County, but also an advocate for issues on the State and national turf. The multiplicity of regulations and programs from multiple jurisdictions must make the agricultural picture whole, not a bramble patch filled with thorns and sinkholes for farmers. Like love and marriage go together, so do a horse and carriage. We got the horses, and you can be the carriage, he stated.

Mr. Cummings said the CCE Equine leadership group is one of the best groups he has ever been involved with. They have guided some two and a half million dollars impact in services for not only the equine community, but for the spin-off positive effect for other agriculture endeavors. The horse symposium is an outstanding program which has become a regional, marketable attraction. Participate with your attendance and see the motivated, involved children and their families. These families support and sustain economic equine viability. So do we hope that you will, like the horse and carriage.

Mr. Cummings said along with Supervisor Wood, the equine committee has fostered an international program with a town in Ireland around history and horses. They will find out more that the horses in Saratoga County and you as legislators are very critical to the entire agricultural and economic picture.

On a motion by Mr. Lucia, seconded by Mrs. Wormuth, the minutes of the meeting of February 26, 2008 were approved unanimously.

The Clerk presented the following:

Acknowledgement of receipt of Local Law No. 1-2008 received from the New York State Department of State.

Received and filed.

Correspondence from the YMCA of Saratoga thanking the Board for being a supporter of First Night Saratoga.

Received and filed.

Copy of a resolution adopted by the Onondaga County Legislature "Memorializing The United States congress In Support Of The Federal Medicaid County Protection Act Of 2007."

Referred to Supervisor Sausville and the County Administrator.

REPORTS:

2007 Annual Report received from the Department of Social Services.

Received and filed.

Mrs. Johnson, Chairman of the Equalization & Assessment Committee, stated there are 24 parcels on for tonight's auction.

On a motion by Mr. Lucia, seconded by Mr. Grattidge, Resolution Nos. 62 through 79 were adopted by a unanimous vote, with the exception of Resolutions 73, 74 and 75.

RESOLUTION 62 – 08

Introduced by Supervisors Wormuth, Daly, Jenkins, Lucia, Richardson, Veitch and Wright

AUTHORIZING CONTRACTS FOR EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM (EISEP)

WHEREAS, Resolution 212-07 approved the Service Plan for our Office of the Aging, and Resolution 37-07 authorized contracts with various entities for the provision of Expanded In Home Services for the Elderly Program services under the Plan, and

WHEREAS, it is deemed appropriate to continue contracting with the providers for said services; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to sign contracts with the following agencies to provide expanded in home services for the elderly of the nature and at the rates set forth next to their names:

Accent Health Care Services 820 5th Avenue, PO Box 249 Troy, NY 12182	Level 2 PCA-\$18.60 per hour
Adept Health Care Services 406 Fulton Street Troy, NY 12180	Level 2 PCA-\$19.31 per hour
All Metro Health Care 1450 Western Avenue, Suite 101 Albany, NY 12203	Level 1 PCA-\$20.58 per hour Level 2 PCA-\$21.00 per hour
Any Time Home Care, Inc. 1659 Central Avenue Albany, NY 12205	Level 1 PCA-\$25.00 per hour Level 2 PCA-\$20.09 per hour
Attentive Care 2 Computer Drive West Albany, NY 12205	Level 1 PCA-\$19.58 per hour Level 2 PCA-\$22.00 per hour
Gentiva Health Services 4908 State Highway 30 Amsterdam, NY 12010	Level 1 PCA-\$17.46 per hour Level 2 PCA-\$17.55 per hour
Greater Adirondack Homes Aides P.O. Box 678 Glens Falls, NY 12801	Level 1 PCA-\$20.85 per hour Level 2 PCA-\$20.88 per hour
Home Instead 229 Washington Street Saratoga Springs, NY 12866	Level 1 PCA-\$16.85 per hour
Home Health Care Partners Corporation 1830 Riverfront Center Amsterdam, NY 12010	Level 1 PCA-\$17.00 per hour Level 2 PCA-\$22.00 per hour
Interim Health Care of the Capital Region 1735 Central Avenue, Suite 102	Level 2 PCA-\$19.50 per hour

Albany, NY 12205

Visiting Nurses Home Care Corp.  
150 Broadway, Suite 310  
Menands, NY 12204

Level 1 PCA-\$18.23 per hour  
Level 2 PCA-\$18.23 per hour

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 63 - 08

Introduced by Supervisors Wormuth, Daly, Jenkins, Lucia, Richardson, Veitch and Wright

**AUTHORIZING AN AGREEMENT WITH THE CARE LINKS COMMUNITY CAREGIVERS PROGRAM OF SHENENDEHOWA SENIOR CITIZENS, INC.**

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

WHEREAS, the Care Links Community Caregivers Program of Shenedehowa Senior Citizens, Inc. offers administrative services in connection with the delivery of these voluntary services; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an Agreement with Shenendehowa Senior Citizens, Inc. Care Links Community Caregivers Program located at Clifton Common, 6 Clifton Common Court, Clifton Park, New York for oversight and coordination of volunteer services to the elderly at an amount not to exceed \$30,000 the form and substance of said Agreement subject to approval of the County Attorney and the Contract Administrator.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 64 - 08

Introduced by Supervisors Wormuth, Daly, Jenkins, Lucia, Richardson, Veitch and Wright

**AUTHORIZING AN AGREEMENT WITH GTL, INC. TO PROVIDE PERSONAL EMERGENCY RESPONSE SERVICES TO ELIGIBLE EISEP CLIENTS**

WHEREAS, as part of its program, our Office for the Aging furnishes personal emergency response services to certain eligible clients; and

WHEREAS, GTL, Inc. provides personal emergency response devices together with monitoring services; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an Agreement with GTL, Inc., 297 North Street, Pittsfield, Massachusetts for providing personal emergency response services to the Office for the Aging for a sum not to exceed \$12,000 per year the form and substance of said Agreement subject to approval of the County Attorney and the Contract Administrator.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 65 - 08

Introduced by Supervisors Wormuth, Daly, Jenkins, Lucia, Richardson, Veitch and Wright

**AUTHORIZING A RENEWAL AGREEMENT WITH A REGISTERED DIETICIAN TO PROVIDE NUTRITION SERVICES TO THE OFFICE FOR THE AGING**

WHEREAS, the services of a registered dietician are necessary for the Office of the Aging's Elderly Nutrition Program; and

WHEREAS, proposals were solicited for the services and it is recommended that the proposal of Peggy A. Ghanime, the lowest proposal, be accepted; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute an Agreement with Peggy A. Ghanime of 573 Victory Circle, Ballston Spa, New York to provide dietician services to the Office for the Aging at a cost of \$35 per hour, the form and substance of said Agreement subject to approval of the County Attorney and the Contract Administrator.

BUDGET IMPACT STATEMENT: None. Funding is available within the 2008 budget.

RESOLUTION 66 - 08

Introduced by Supervisors Wormuth, Daly, Jenkins, Lucia, Richardson, Veitch and Wright

AUTHORIZING ACCEPTANCE OF A STATE GRANT FOR THE SARATOGA COUNTY COUNCIL ON AUTISM & AMENDING THE 2008 BUDGET

WHEREAS, Assemblyman Roy J. McDonald, through the New York State Office of Mental Retardation & Developmental Disabilities, has obtained a Special Legislative Grant to support autism awareness in Saratoga County in the amount of \$10,000; and

WHEREAS, Saratoga County has formed the Saratoga County Council on Autism in order to promote the development of services & resources of individuals with Pervasive Developmental Disorders or Autism throughout their lifetime to administer this grant and its acceptance requires our approval; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute all documents necessary to accept the New York State Office of Mental Retardation & Developmental Disabilities Special Legislative Grant to support the Saratoga County Council on Autism and, be it further

RESOLVED, that the 2008 Saratoga County Budget be amended as follows:

YOUTH BUREAU:

Appropriations:

Increase Acct. #1-73-000-8190 Professional Services	\$ 5,000
Increase Acct. #1-73-000-8430 Printing	\$ 5,000

Revenues:

Increase Acct. #1-73-3805 SA Youth Bureau	\$10,000
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BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 67 - 08

Introduced by Supervisors Hunter, Jenkins, M. Johnson, Rowland, Sausville and Southworth

APPROVING THE NYSDOT RELOCATION, REPLACEMENT AND RECONSTRUCTION OF THE ZIM SMITH TRAIL

WHEREAS, the New York State Department of Transportation proposes the reconstruction of part of Route 67 and the removal of the Route 67 bridge over the abandoned D&H Railroad in the Town of Ballston, Saratoga County; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the construction of the Zim Smith Trail between Underpass Road and East Line Road, pursuant to Section 10, subdivision 24 or Section 22 of the Highway Law, and will provide for the reconstruction of the Zim Smith Trail pursuant to Section 10, subdivision 24 of the Highway Law, as shown on the contract plans relating to the project; and

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the project; now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Saratoga approves the reconstruction of such existing trail and the above mentioned work to be performed on the project by the New York State Department of Transportation as shown on the contract plans relating to the project and that upon completion of the project the County of Saratoga will maintain or cause to be maintained the reconstructed trail; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

BUDGET IMPACT STATEMENT: No budget impact.

#### RESOLUTION 68 - 08

Introduced by Supervisors Hunter, Jenkins, M. Johnson, Raymond, Rowland, Sausville and Southworth

#### APPROVING THE NYSDOT RELOCATION, REPLACEMENT AND/OR RECONSTRUCTION OF THE SEWER MAIN LOCATED WITHIN THE CONSTRUCTION ZONE OF THE NYSDOT ROUTE 67 BRIDGE REPLACEMENT IN THE TOWN OF BALLSTON

WHEREAS, the New York State Department of Transportation proposes the reconstruction of part of Route 67 and the removal of the Route 67 bridge over the abandoned D&H Railroad in the Town of Ballston, Saratoga County; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvements of the above mentioned project the reconstruction of and/or relocation of the existing 36" diameter sewer main, pursuant to Section 10, subdivision 24 or Section 349-c of the Highway Law, and will provide for the relocation, replacement and/or reconstruction of the existing 36" diameter sewer main pursuant to Section 10, subdivision 24 of the Highway Law, as shown on the contract plans relating to the project; and

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the project; now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Saratoga approves the relocation, replacement and/or reconstruction by the New York State Department of Transportation of the existing 36" diameter sewer main of Saratoga County Sewer District #1 and the above mentioned work to be performed on the project as shown on the contract plans relating to the project and that upon completion of such reconstruction the County of Saratoga will maintain or cause to be maintained the reconstructed and/or relocated sewer main; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

BUDGET IMPACT STATEMENT: No budget impact.

#### RESOLUTION 69 - 08

Introduced by Supervisors Thompson, Grattidge, Jenkins, Lawler, Veitch, Wormuth and Yepsen

#### AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH NEW YORK STATE OFFICE OF HOMELAND SECURITY TO ACCEPT \$117,000 GRANT AND AMENDING THE BUDGET

WHEREAS, funds are available from New York State Office of Homeland Security to purchase radio equipment for the Saratoga County Sheriff's Department; and

WHEREAS, an amendment to the 2008 Saratoga County Budget is needed to accept these funds; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute any and all agreements and documents necessary to apply for and accept a New York State Homeland Security Grant in the amount of \$117,000; and be it further

RESOLVED, that the 2008 Saratoga County Budget is amended as follows:

SHERIFF’S DEPARTMENT

Appropriations:

Increase Acct.: #1-30-000-7050 Other Production Equip. \$117,000

Revenues:

Increase Acct.: #1-30-3306 Homeland Security \$117,000

BUDGET IMPACT STATEMENT: None. 100% State Aid.

RESOLUTION 70 - 08

Introduced by Supervisors Thompson, Grattidge, Jenkins, Lawler, Veitch, Wormuth and Yepsen

AUTHORIZING ACCEPTANCE OF STATE GRANTS FOR COMMUNITY WORK ORDER AND PRE-TRIAL SERVICES PROGRAMS

WHEREAS, By Resolution 67-07, this Board authorized the approval of our Alternatives to Incarceration (AIC) program, and the acceptance of five year funding from the State Division of Probation and Correctional Alternatives; and

WHEREAS, it is necessary to approve the AIC program for the current year, and to authorize acceptance of the second year of the said five year funding; now, therefore, be it

RESOLVED, that the Board of Supervisors approves the County’s 2008 Alternatives to Incarceration (AIC) Program, and, be it further

RESOLVED, that the Chairman of the Board execute all necessary documents with the State Division of Probation and Correctional Alternatives for application and acceptance of the following grants:

<u>FUND</u>	<u>PROGRAM</u>	<u>PERIOD</u>	<u>AMOUNT</u>
AIC	Community Work Order	1/1/07 - 12/31/11	\$14,062 per year
AIC	Pre-Trial Services	1/1/07 - 12/31/11	\$23,438 per year

BUDGET IMPACT STATEMENT: None. Funding included in 2008 budget.

RESOLUTION 71 - 08

Introduced by Supervisors Thompson, Grattidge, Jenkins, Lawler, Veitch, Wormuth and Yepsen

AMENDING THE ANIMAL SHELTER FEE SCHEDULE TO INCREASE THE DIAGNOSTIC TESTING FEE FOR CATS

WHEREAS, Resolution 83-07, as last amended by Resolution 75-95, Resolution 96-03 and Resolution 139-02, established the current schedule of fees for the County Animal Shelter; and

WHEREAS, the Shelter's Director has requested an increase in the diagnostic testing fee for cats; and

WHEREAS, an amendment of the fee schedule is appropriate and requires Board approval; and

WHEREAS, it is appropriate the approval of future nominal increases in these fees be reviewed and acted upon by the Public Safety Committee of this Board without the need for full Board approved; now, therefore, be it

RESOLVED, that the County Animal Shelter fee for diagnostic tests for Feline Leukemia and FIV vaccines for cats be increased to \$13.00, and be it further

RESOLVED, that approval of future increases in these fees and all other fees charged by the Animal Shelter be reviewed and acted upon by the Public Safety Committee of the Board of Supervisors without the need for approval by the full Board.

BUDGET IMPACT STATEMENT: This increase is necessary to cover the rising vaccine costs.

RESOLUTION 72 - 08

Introduced by Supervisors A. Johnson, Daly, Grattidge, Hunter, Peck, and Thompson

AMENDING THE BUDGET TO PROVIDE \$28,000 FOR THE EMERGENCY REPAIR OF THE PHONE SYSTEM IN THE SERVICES BUILDING

WHEREAS, a recent leak in our Services building caused extensive damage to the building and its equipment, necessitating unexpected expenditures for repairs; and

WHEREAS, the 2008 Budget does not provide funds for this purpose; now, therefore, be it

RESOLVED, that the 2008 Budget is amended as follows:

TRANSFER

FROM: 1-14-999-9000 Contingency	\$25,000
TO: 1-36-361-8294 Equipment Repairs	\$25,000

EMERGENCY SERVICES:

Appropriations:	
Increase Acct. #1-36-361-8294 Equipment Repairs	\$ 3,000
Revenues:	
Increase Acct.#1-16-2680 Insurance Revenues	\$ 3,000

BUDGET IMPACT STATEMENT: A total of \$25,000 in contingency and \$3,000 in insurance recovery funds will be used to cover this expense.

Discussion on Resolutions 73, 74 & 75:

Mr. Veitch stated this is a big issue for him to vote on. I have had meetings with several different people on this trying to get me through this, he said. As far as my own personal view on this expansion, I believe we need to do something at the Sewer District, but I am not so sure I can get on board with the financing, he said. We have a situation in Saratoga Springs with the sewer lines around Saratoga Lake, and we have a moratorium out there, and unfortunately, this does not include any improvement or expansion out there, he stated. He said his other issue is with the financing and in terms of how the billing is done. It will be an issue with the constituents in Saratoga Springs accepting any kind of a sewer rate increase for this financing, he stated. He said he was hoping to find some possible alternatives or grants, and he would be willing to help out any way he can to secure any other kind of funding for this. He said he wants to be a partner, because the City needs to be a partner with the County, but in this case, he cannot be in favor of this.

Ms. Yepsen said the importance of upgrading infrastructure to meet our current needs is real. Saratoga Lake is under a very difficult situation right now for future building or connecting with the County. At our last meeting, we talked about the difficult financial times the State and County are experiencing and people living paycheck to paycheck, she said. She said the City will not go for an increased rate given what we have in our plate financially in the City budget and then adding an increased County rate. She said AMD perhaps will occur, yet the rate increases to our residents are going up because of the promise of AMD is yet to materialize. This is too big of a leap of faith for our residents to afford, she added.

Ms. Southworth said a lot of her town is not privileged enough to have this sewer system, but the ones that do are feeling that the extra strain on their budgets would be more than they could handle.

Ms. Daly said she can understand the concerns expressed here today with expanding our Sewer District. She wanted everyone to think back in time when the County did not have a Sewer District, and we had to take the critical step forward to decide to spend money to build a sewer plant for this County. Had we not had the

vision and leadership to look ahead and plan out our growth, we would be in a much worse situation today than we currently are. We built the Sewer District, and we were allowed the opportunity to grow this County in a way that was appropriate and fitting for each community in the County, she said. We all have benefited from the thoughtful planning we had many years ago, she stated. Today it is time for a decision, and timing is not always perfect, she said. I believe that it's in the best interest to all County residents to look forward, she said. She stated it's just not AMD we are talking about. It is to sustain growth in this County in order to move forward in a reasonable manner so that we can all make the proper decisions about our growth, she said. She said she supports the expansion and is thankful for the work the Sewer Commission has done to date. Tough as it was, we made the right decision 20 years ago, she said.

Ms. Yepsen said it is the funding that is of concern to her. What can we do to secure outside funding so that this is not carried on the backs of our taxpayers, she asked.

Mr. Lawler said funding is always the critical issue, and what we have today is a good example of long term planning. My community is not in the Sewer District, but I will support this because it is an investment in this County's future. There are serious budget problems trickling down from the State. We lost \$6.5 million at Maplewood Manor. If we are going to continue to provide the resources and quality of life for this community, we need to make investments in this County's future, he stated. He mentioned alternative funding is a wonderful phrase, but he is not sure what it means. There is nothing that precludes anybody in this room from finding alternative funding, he said. He stated everyone supports AMD, and if you do, you need to make an investment to bring this project here. He said he fully supports Mr. Veitch's commitment to work towards alternative funding. Until that shows up, we still have to get the job done and bond this project, he said. He stated reality has to step in, he added. The priority for this County is to provide the infrastructure we need to maintain our economic viability, he said.

Mr. Thompson said 68% of this nation's water supply comes from groundwater wells, and to have a system like this around here, we are not going to pollute that groundwater. Down the road, the golden commodity around here will be sewer and water, he stated.

Mr. Johnson said the expansion project is critical to the future of this County. We need to move forward with it now, and it is important to act now, he said.

On a motion by Mr. Lawler, seconded by Mr. Johnson, Resolutions 73, 74 and 75 were adopted by the following vote: AYES - Mr. Connelly 7,522; Ms. Daly 16,555; Mr. Grattidge 3,954; Mr. Hargrave 3,589; Mr. Hunter 1,841; Mr. Jenkins 13,549; Mr. Johnson 12,541; Mrs. Johnson 920; Mr. Lawler 8,515; Mr. Lucia 6,259; Ms. Raymond 1,384; Mr. Richardson 5,019; Mr. Rowland 7,362; Mr. Sausville 13,005; Mr. Thompson 17,103; Mr. Wood 5,114; Ms. Wormuth 18,359; Mr. Wright 1,971 – 144,562. NOES - Ms. Southworth 8,729; Mr. Veitch 13,093; Ms. Yepsen 13,093 – 34,915. ABSENT - Mr. Barrett 16,555; Mr. Peck 4,603 – 21,158.

#### RESOLUTION 73 - 08

Introduced by Supervisors A. Johnson, Daly, Grattidge, Hunter, Peck, Thompson and Wood

#### AUTHORIZING THE CONSTRUCTION OF THE PROPOSED EXPANSION OF SARATOGA COUNTY SEWER DISTRICT NO. 1'S WASTEWATER TREATMENT PLANT AND RELATED IMPROVEMENTS

WHEREAS, by Resolution 55-08 the Saratoga County Board of Supervisors called for a public hearing to be held on March 12, 2008 at 4:45 p.m. in the Board's Chambers at the Saratoga County Municipal Center, 40 McMaster Street, in the Village of Ballston Spa, New York for the purpose of acting upon a proposal by the Saratoga County Sewer District No. 1 (the "Sewer District") to construct an expansion of its wastewater treatment plant in the Town of Halfmoon and to make related improvements thereto as set forth in the maps and plans prepared by Delaware Engineering, P.C.; and

WHEREAS, notice of said public hearing was duly published in the manner and within the time provided by law and said public hearing was duly held at the time and place aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, it is proposed that Saratoga County shall finance the proposed expansion of the Sewer District's wastewater treatment plant and related improvements through the issuance of bonds in an amount not to exceed \$52,224,921; and

WHEREAS, County Law §268 requires that whenever a county seeks to finance an expenditure for sewer district improvements by the issuance of bonds, and the cost to the typical property is above the average estimated cost to the typical properties or homes for similar types of expenditures as is annually computed by the New York State Comptroller, then no such expenditures may be made unless the State Comptroller consents to such expenditures; and

WHEREAS, the estimated cost of the proposed expansion of the wastewater treatment plant, and the related improvements thereto, to the typical property within the boundaries of the Sewer District is estimated to be \$49.63 per connection unit, which estimated cost is above the average estimated cost to the typical properties or home for similar types of expenditures as computed by the State Comptroller for this year, thereby requiring the State Comptroller's consent to Saratoga County's financing of said proposed improvements by the issuance of bonds; and

WHEREAS, any authorization by this Board to the Sewer District to proceed with the construction of the proposed improvements must therefore be conditioned upon the State Comptroller's approval of Saratoga County financing the proposed sewer district improvements through the issuance of bonds; and

WHEREAS, the Board of Supervisors has duly considered the maps and plans of the proposed improvements, together with the construction cost estimate of said improvements, prepared by Delaware Engineering, P.C.; now, therefore, be it

RESOLVED, that upon the evidence presented at the Public Hearing, and after due consideration of the maps and plans and cost estimate filed with the Saratoga County Board of Supervisors, this Board of Supervisors finds and determines that the construction of the proposed expansion of the Sewer District's wastewater treatment plant and the related improvements thereto in the Town of Halfmoon by the Sewer District is in the public interest and no benefited property has been omitted; and it is further

RESOLVED, that the Saratoga County Sewer District Commission, the administrative body of the Sewer District, is directed to proceed with the construction of the proposed expansion of the Sewer District's wastewater treatment plant and the related improvements thereto in the Town of Halfmoon, in the manner prescribed by County Law §262, subject to the New York State Comptroller's approval pursuant to County Law §268 of Saratoga County's financing the expenditures for said proposed expansion and improvements by the issuance of bonds.

BUDGET IMPACT STATEMENT: None. This project will be entirely underwritten by the Sewer District.

#### RESOLUTION 74 - 08

Introduced by Supervisors A. Johnson, Daly, Grattidge, Hunter, Peck, Thompson and Wood

#### BOND RESOLUTION OF THE COUNTY OF SARATOGA, NEW YORK, AUTHORIZING THE ISSUANCE OF \$52,224,921 SERIAL BONDS TO FINANCE THE COST OF THE RECONSTRUCTION OF THE SARATOGA COUNTY SEWER DISTRICT NO. 1 SEWER SYSTEM.

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

Section 1. The County is hereby authorized to undertake the reconstruction of the Saratoga County Sewer District No. 1 sewer system, including purification or disposal plants or buildings, and acquisition of original furnishings, equipment, machinery or apparatus required to increase capacity of the treatment plant to approximately 43 million gallons per day, expand existing administration, laboratory and maintenance areas and upgrade existing treatment plant facilities at a maximum estimated cost of \$54,367,321.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes to be financed by the County is \$54,367,321 and the plan for the financing thereof shall consist of the following:

(a) the issuance of \$52,224,921 in serial bonds (the "Bonds") of the County authorized to be issued pursuant to this resolution; and

(b) the appropriation and expenditure of \$2,142,400 from the Saratoga County Sewer District General Fund heretofore authorized by the Saratoga County Sewer District No. 1.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes set forth in Section 1 is forty (40) years pursuant to subparagraph 4 of Section 11.00 of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(3)(l) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds. An annual appropriation shall be made in the budget of the County for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for substantially level or declining annual debt service, is hereby delegated to the County Treasurer, the Chief Fiscal Officer of the County.

Section 8. The Bonds, and any bond anticipation notes issued in anticipation of the Bonds, are hereby authorized to be consolidated, at the option of the County Treasurer, with the bonds and bond anticipation notes authorized by other bond resolutions approved by the County Board of Supervisors for purposes of sale into one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the Bonds and bond anticipation notes with other issues of the County and the serial maturities of the Bonds are hereby delegated to the Chief Fiscal Officer of the County.

Section 9. The County Treasurer, as Chief Fiscal Officer of the County, is further authorized to sell all or a portion of the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, to the New York State Environmental Facilities Corporation (the "EFC") in the form prescribed in one or more loan and/or grant agreements (the "Agreements") between the County and the EFC; to execute and deliver on behalf of the County one or more Agreements, Project Financing Agreements, and Letters of Intent with the EFC and to accept the definitive terms of one or more Agreements from EFC by executing and delivering one or more Terms Certificates; and to execute such other documents, and take such other actions, as are necessary or appropriate to obtain a loan or loans from the EFC for all or a portion of the costs of the expenditures authorized by this resolution, and perform the County's obligations under its Bonds or bond anticipation notes delivered to the EFC, the Project Financing Agreements and the Agreements.

Section 10. Any federal or state grant funds obtained by the County for the capital purposes described in Section 1 of this resolution shall be applied to pay the principal of and interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds or, to the extent obligations shall not have been issued under this resolution, to reduce the maximum principal amount to be borrowed for such capital purposes.

Section 11. The County Treasurer, as Chief Fiscal Officer of the County, is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the County.

Section 12. This resolution shall constitute the declaration of the County's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2. Other than as specified in this

resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 13. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which the 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, or a summary hereof, 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) Such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 14. The County Treasurer, as Chief Fiscal Officer of the County, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the bonds, requiring the County to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 15. This resolution, or a summary hereof, shall be published in The Ballston Journal, The Daily Gazette and The Saratogian, the official newspapers of the County for such purpose, together with a notice of the Clerk of the County Board of Supervisors in substantially the form provided in Section 81.00 of the Local Financial Law.

Section 16. This resolution is not subject to a mandatory or permissive referendum.

Section 17. The County Board of Supervisors hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 18. This resolution shall take effect immediately upon its adoption.

BUDGET IMPACT STATEMENT: None. This project will be entirely underwritten by the Sewer District.

RESOLUTION 75 - 08

Introduced by Supervisors A. Johnson, Daly, Grattidge, Hunter, Peck, Thompson and Wood

**AUTHORIZING APPLICATION FOR STATE COMPTROLLER’S APPROVAL OF FINANCING OF EXPENDITURES FOR PROPOSED EXPANSION OF SARATOGA COUNTY SEWER DISTRICT NO. 1’S WASTEWATER TREATMENT PLANT AND RELATED IMPROVEMENTS**

WHEREAS, by Resolution 55-08 the Saratoga County Board of Supervisors called for a public hearing to be held on March 12, 2008 at 4:45 p.m. in the Board’s Chambers at the Saratoga County Municipal Center, 40 McMaster Street, in the Village of Ballston Spa, New York for the purpose of acting upon a proposal by the Saratoga County Sewer District No. 1(the “Sewer District”) to construct an expansion of its wastewater treatment plant in the Town of Halfmoon and to make related improvements thereto as set forth in the maps and plans prepared by Delaware Engineering, P.C.; and

WHEREAS, notice of said public hearing was duly published in the manner and within the time provided by law and said public hearing was duly held at the time and place aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, it is proposed that Saratoga County shall finance the proposed expansion of the Sewer District’s wastewater treatment plant and related improvements through the issuance of bonds in an amount not to exceed \$52,224,921; and

WHEREAS, County Law §268 requires that whenever a county seeks to finance an expenditure for sewer district improvements by the issuance of bonds, and the cost to the typical property is above the average estimated cost to the typical properties or homes for similar types of expenditures as is annually computed by the New York State Comptroller, then no such expenditures may be made unless the State Comptroller consents to such expenditures; and

WHEREAS, the estimated cost of the proposed expansion of the wastewater treatment plant, and the related improvements thereto to the typical property within the boundaries of the Sewer District is estimated to be \$49.63 per connection unit, which estimated cost is above the average estimated cost to the typical properties or home for similar types of expenditures as computed by the State Comptroller for this year,

thereby requiring the State Comptroller’s consent to Saratoga County’s financing of said proposed improvements by the issuance of bonds; and

WHEREAS, the proposed application for the Comptroller’s approval attached hereto was prepared at the direction of this Board, and this Board believes the contents of said application to be accurate; now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Saratoga hereby determines that the proposed expansion of the Sewer District’s wastewater treatment and related improvements thereto is in the public interest of the Sewer District’s residents and customers, will not constitute an undue burden on the properties that will bear the cost thereof, and will benefit all properties within the Sewer District; and be it further

RESOLVED, that this Board approves the form, content and accuracy of the application for the State Comptroller’s approval of the financing of expenditures for the proposed expansion of the Sewer District’s wastewater treatment plant and related improvements thereto through the issuance of bonds, and hereby authorizes the Chairman of this Board to execute said application.

BUDGET IMPACT STATEMENT: No budget impact.

RESOLUTION 76 - 08

Introduced by Supervisors Daly, Connelly, A. Johnson, Peck, Richardson, Veitch and Wormuth

ADOPTING A LOCAL LAW PROHIBITING ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO THE COUNTY OF SARATOGA SEPARATE STORM SEWER SYSTEM

WHEREAS, Resolution 42 – 08 introduced and presented proposed Local Law Introductory No. 1, Print No. 1 of 2008 to this Board of Supervisors and scheduled a public hearing thereon for March 12, 2008 at 4:50 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 18<sup>th</sup> day of March, 2008 hereby adopts a Local Law identified as Introductory No. 1, Print No. 1 of 2008.

COUNTY OF SARATOGA  
LOCAL LAW 2 of 2008

A LOCAL LAW Prohibiting Illicit Discharges, Activities and Connections to the County of Saratoga Separate Storm Sewer System

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

SECTION 1. PURPOSE/INTENT.

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the County of Saratoga through the regulation of non-stormwater discharges to the County’s municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the County MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- 1.1 To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;
- 1.2 To regulate the contribution of pollutants to the County MS4 since such a system is not designed to accept, process or discharge non-stormwater wastes;
- 1.3 To prohibit Illicit Connections, Activities and Discharges to the County MS4;
- 1.4 To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and

1.5 To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the County MS4.

## SECTION 2. DEFINITIONS.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

2.1 Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

2.2 Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

2.3 Construction Activity. Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

2.4 Department. The New York State Department of Environmental Conservation.

2.5 Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

2.6 Illicit Connections. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the County MS4, including but not limited to:

1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the County MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

2. Any drain or conveyance connected from a commercial or industrial land use to the County MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

2.7 Illicit Discharge. Any direct or indirect non-stormwater discharge to the County MS4, except as exempted in Section 6 of this law.

2.8 Industrial Activity. Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

2.9 County MS4. County Municipal Separate Storm Sewer System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by the County of Saratoga;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CF 122.2
5. Which is within the Urbanized or "MS4" Area of Saratoga County as designated by the U. S.

Census Bureau (See attached Map)

2.10 Commissioner. The County of Saratoga Commissioner of Public Works

2.11 County. The County of Saratoga

2.12 Non-Stormwater Discharge. Any discharge to the County MS4 that is not composed entirely of stormwater.

2.13 Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

2.14 Pollutant. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast

discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

2.15 Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

2.16 Special Conditions.

1. Discharge Compliance with Water Quality Standards. The condition that applies where the County has been notified that the discharge of stormwater authorized under its NYS DEC SPDES GP-02-02 (MS4) Permit (or as amended or revised) may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the County of Saratoga must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

2. 303(d) Listed Waters. The condition in the County MS4 permit that applies where the County MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

2.17 State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

2.18 Stormwater. Rainwater, surface runoff, snowmelt and drainage.

2.19 303(d) List. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

2.20 TMDL. Total Maximum Daily Load.

2.21 Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

2.22 Wastewater. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

### SECTION 3. APPLICABILITY.

This law shall apply to all water entering the County MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The County of Saratoga Commissioner of Public Works shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the Commissioner as may be authorized by the County.

### SECTION 5. SEVERABILITY.

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

### SECTION 6. DISCHARGE PROHIBITIONS.

6.1 Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the County MS4 any materials other than stormwater except as provided in Section 6.1.1. The commencement, conduct or continuance of any illegal discharge to the County MS4 is prohibited except as described as follows:

6.1.1 The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the County of Saratoga has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

6.1.2 Discharges approved in writing by the Commissioner to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the Commissioner may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this County law.

6.1.3 Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the Commissioner prior to the time of the test.

6.1.4 The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the County MS4.

6.2 Prohibition of Illicit Connections.

6.2.1 The construction, use, maintenance or continued existence of illicit connections to the County MS4 is prohibited.

6.2.2 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

6.2.3 A person is considered to be in violation of this local law if the person connects a line conveying sewage to the County MS4, or allows such a connection to continue.

## SECTION 7. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER

7.1 Activities that are subject to the requirements of this section are those types of activities that:

7.1.1 Cause or contribute to a violation of the County MS4 SPDES permit.

7.1.2 Cause or contribute to the County being subject to the Special Conditions as defined in Section 2 (Definitions) of this local law.

7.2 Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the County MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the County MS4 SPDES permit authorization.

## SECTION 8. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

8.1 Best Management Practices. Where the Commissioner has identified illicit discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 7 the County may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

8.1.1 The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the County MS4 through the use of structural and non-structural BMPs.

8.1.2 Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 7, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the County MS4.

8.1.3 Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

## SECTION 9. SUSPENSION OF ACCESS TO MS4. Illicit Discharges in Emergency Situations.

9.1 The Commissioner may, without prior notice, suspend County MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the County MS4. The Commissioner shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the Commissioner may take such steps as deemed necessary to prevent or minimize damage to the County MS4 or to minimize danger to persons.

9.2 Suspension due to the detection of illicit discharge. Any person discharging to the County MS4 in violation of this law may have the person's access to the County MS4 terminated if such termination would abate or reduce an illicit discharge. The Commissioner will notify a violator in writing of the proposed termination of its County MS4 access and the reasons therefore. The violator may petition the Commissioner for a reconsideration and hearing. Access may be granted by the Commissioner if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the Commissioner determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates County MS4 access to premises terminated pursuant to this Section, without the prior approval of the Commissioner.

#### SECTION 10. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County of Saratoga prior to the allowing of discharges to the County MS4.

#### SECTION 11. ACCESS AND MONITORING OF DISCHARGES.

11.1 Applicability. This section applies to all facilities that the Commissioner must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.

11.2 Access to Facilities.

11.2.1 The Commissioner shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Commissioner.

11.2.2 Facility operators shall allow the Commissioner ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.

11.2.3 The County of Saratoga shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the Commissioner to conduct monitoring and/or sampling of the facility's stormwater discharge.

11.2.4 The County of Saratoga has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

11.2.5 Unreasonable delays in allowing the County of Saratoga access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the County of Saratoga reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.

11.2.6 If the Commissioner has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the Commissioner may seek issuance of a search warrant from any court of competent jurisdiction.

#### SECTION 12. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the County MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the County of Saratoga in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the County of Saratoga within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the

owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

### SECTION 13. ENFORCEMENT.

13.1 Notice of Violation. When the Commissioner finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

13.1.1 The elimination of illicit connections or discharges;

13.1.2 That violating discharges, practices, or operations shall cease and desist;

13.1.3 The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

13.1.4 The performance of monitoring, analyses, and reporting;

13.1.5 Payment of a fine; and

13.1.6 The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

### 13.2 Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this County law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

### SECTION 14. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Commissioner to the County of Saratoga Board of Supervisors within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the County Clerk and mail a copy of its decision by certified mail to the discharger.

### SECTION 15. CORRECTIVE MEASURES AFTER APPEAL.

15.1 If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the Board of Supervisor (of the County of Saratoga) upholding the decision of the Commissioner, then the Commissioner shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

15.2 If refused access to the subject private property, the Commissioner may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the Commissioner may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

### SECTION 16. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the Commissioner may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**SECTION 17. ALTERNATIVE REMEDIES.**

17.1 Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the County Attorney and concurrence of the Commissioner, where:

- 17.1.1 The violation was unintentional
- 17.1.2 The violator has no history of pervious violations of this Law.
- 17.1.3 Environmental damage was minimal.
- 17.1.4 Violator acted quickly to remedy violation.
- 17.1.5 Violator cooperated in investigation and resolution.

17.2 Alternative remedies may consist of one or more of the following:

- 17.2.1 Attendance at compliance workshops
- 17.2.2 Storm drain stenciling or storm drain marking
- 17.2.3 River, stream or creek cleanup activities

**SECTION 18. VIOLATIONS DEEMED A PUBLIC NUISANCE.**

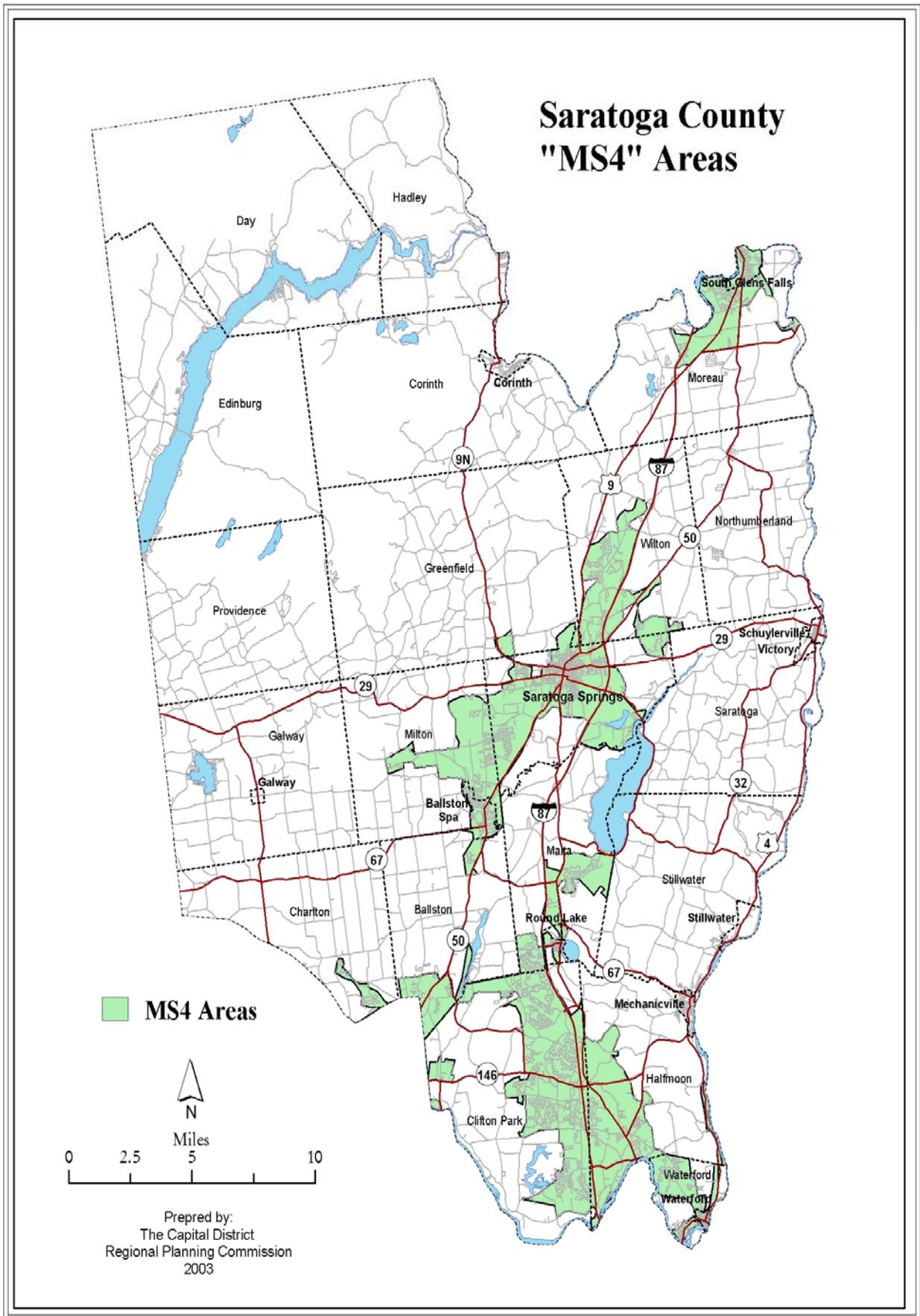
In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**SECTION 19. REMEDIES NOT EXCLUSIVE.**

The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**SECTION 20. ADOPTION OF LAW.**

This law shall be in full force and effect after its final passage, adoption, and filing with the Secretary of the New York State Department of State. All prior laws and parts of law in conflict with this law are hereby repealed.



## RESOLUTION 77 - 08

Introduced by Supervisors M. Johnson, Hunter, Connelly, Raymond, Rowland, Southworth and Thompson

## AUTHORIZING CONVEYANCE OF TAX-ACQUIRED LANDS

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

WHEREAS, the former owners or their successors in interest have requested the pre-auction conveyance of one of the said parcels in consideration of their payment of an amount equal to the unpaid taxes, penalties, interests and charges, and

WHEREAS, our Equalization and Assessment Committee recommends approval of this request; now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisors convey by quitclaim deed to the following parties or their designee, the lands set opposite their names, upon payment of the indicated amounts, which include penalties, interest and charges,

CONVEY TO:	YEAR	TOWN	S/B/L	AMOUNT
NY Property Investors LLC 18 Corporate Woods Blvd. Albany, NY 12211	2005, 2006 & 2007	Clifton Park	258.8-2-26	\$20,994.51
Royal A. Donaldson Diane Donaldson 4760 Rt. 9N Corinth, NY 12822	2005, 2006 & 2007	Corinth	86.-1-9.1	\$4,818.28
Robert L. Morrison James Morrison & 2007 David Morrison 106 Hogan Road Northville, NY 12134	2005, 2006 & 2007	Day	30.-2-30	\$781.97
American Campgrounds of Saratoga, Inc. 265 Brigham Road Greenfield Center, NY 12833	2005, 2006 & 2007	Greenfield	126.-1-81.1	\$19,324.08
Albert Guilder 800 New 72 <sup>nd</sup> Avenue Plantation, FL 33317	2005, 2006 & 2007	Hadley	35.-1-12	\$6,292.95
Albert Guilder 800 New 72 <sup>nd</sup> Avenue Plantation, FL 33317	2005, 2006 & 2007	Hadley	35.16-1-75	\$9,028.86
Christopher J. Schuh & Diane L. Schuh PO Box 668 Lake Luzerne, NY 12846	2005 & 2006	Hadley	35.20-1-72	\$10,828.93
Keith D. Millsop 9 Cardinal Court	2005, 2006 & 2007	Halfmoon	266.14-3-15	\$469.70

Clifton Park, NY 12065

Barbara G. Hilpp 18 Prospect Avenue Round Lake, NY 12151	2005, 2006 & 2007	Malta	250.42-1-13	\$12,225.88
Kenneth L. Mallory 93 Gilbert Street Cambridge, NY 12816	2005	Milton	215.-1-37.2	\$1,359.01
Susan Sokalski 48 Ralph Street Ballston Spa, NY 12020	2005 & 2007	Milton	203.81-2-2	\$7,515.13
Scott Hersey & Danielle Hersey 743 Lake Desolation Road Middle Grove, NY 12850	2005, 2006 & 2007	Providence	135.7-2-35	\$1,883.94
Dianna C. Wurster 46 Thoroughbred Drive Saratoga Springs, NY 12866	2005, 2006 & 2007	Saratoga	156.-1-3.2	\$11,015.98

BUDGET IMPACT STATEMENT: This total includes all appropriate penalties and interest.

#### RESOLUTION 78 - 08

Introduced by Supervisors M. Johnson, Hunter, Connelly, Raymond, Rowland, Southworth and Thompson

#### REJECTING AN APPLICATION FOR A REAL PROPERTY TAX REFUND

WHEREAS, Section 556 of the Real Property Tax Law imposes an obligation on the Saratoga County Board of Supervisors to entertain applications for refunds of real property taxes and determine whether a refund is due to the applicant due to an unlawful entry on an assessment roll or a tax roll, or a clerical error has been made with respect to a tax, or an error in an essential fact related to the tax exists; and

WHEREAS, the owner of parcel 172.-2-27 in the Town of Galway has made an application for a refund of taxes on said parcel for the reasons stated therein; and

WHEREAS, our Director of Real Property Tax Services and the County Attorney have recommended that the application be denied as it fails to establish any legal basis for which a refund can be made; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors hereby determines that no unlawful entry, clerical error or error in essential fact exists with regard to the town and county taxes levied on tax parcel 172.-2-27 in the Town of Galway for the year 2008, and be it further

RESOLVED, that the Saratoga County Board of Supervisors rejects the application of Shirley Motyl for a refund of town and county taxes on parcel 172.-2-27 in the Town of Galway and directs that a notation of this rejection be made on said application stating the above determination as the reason for rejection; and be it further

RESOLVED, that a copy of the application containing the notation of rejection be mailed to Shirley Motyl.

BUDGET IMPACT STATEMENT: No budget impact.

#### RESOLUTION 79 - 08

Introduced by Supervisors A. Johnson, Daly, Grattidge, Hunter, Peck, Thompson and Wood

**AUTHORIZING SETTLEMENT OF TWO ARTICLE 78 PROCEEDINGS RELATED TO THE COUNTY WATER SYSTEM**

WHEREAS, litigation is pending in the form of a CPLR Article 78 proceeding in Supreme Court, County of Albany, under Index Number 9116-07, entitled "Alexander L. Mackay against Carol Ash, as Commissioner of the State of New York Office of Parks, Recreation and Historic Preservation, New York State Office of Parks, Recreation and Historic Preservation, and Saratoga County Water Authority," which seeks to enjoin construction of part of the county water system within the Moreau State Park due to an alleged violation of the New York State Constitution; and

WHEREAS, there is also litigation pending in the form of a CPLR Article 78 proceeding in Supreme Court, County of Albany, under Index Number 1520-07 entitled "Alexander L. Mackay, Saratoga Water Services, Inc. and the Luther Forest Corporation against the New York State Department of Environmental Conservation, the Saratoga County Board of Supervisors and the Saratoga County Water Authority", which seeks to challenge the issuance of the Water Supply Permit to Saratoga County by NYSDEC for the county water system; and

WHEREAS, a Settlement Agreement has been proposed among Alexander L. Mackay, Saratoga Water Services, Inc., the Luther Forest Corporation, the County of Saratoga, the Saratoga County Water Authority and the Luther Forest Technology Campus Economic Development Corporation by which the said litigation would be discontinued under certain conditions contained in said Agreement; and

WHEREAS, as to Saratoga County, the Settlement Agreement provides that the County shall not unreasonably withhold any approvals required of it for any applications made by Saratoga Water Services, Inc. before governmental or non-governmental entities, and that the County sign stipulations of discontinuance and Releases in connection with the above litigated matter; and

WHEREAS, it is in the best interests for the County to resolve these legal actions by their dismissal; now, therefore, be it

RESOLVED, that the Chair of the Board is authorized to execute a Settlement Agreement among Alexander Mackay, Saratoga Water Services, Inc., the Luther Forest Corporation, Saratoga County, the Saratoga County Water Authority and the Luther Forest Technology Campus Economic Development Corporation and any other documents needed to effectuate the terms of the Agreement, discontinuing the above mentioned Article 78 proceedings, the form and substance of said Agreement and documents subject to the approval of the County Attorney.

BUDGET IMPACT STATEMENT: No budget impact.

Mrs. Johnson announced that Drug Treatment Court graduation will be held next Wednesday at 3:00 p.m.

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

Barbara J. Plummer, Clerk