

**NINTH REGULAR SESSION**

Johnstown, NY

September 14, 2015

Roll Call – Quorum Present

Supervisors: Argotsinger, Born, Bradt, Breh, Callery, Christopher, Fagan, Gendron, Greene, Groff, Handy, Johnson, Kinowski, Lauria, MacVean, Ottuso, Potter, Waldron, Young

TOTAL: Present: 19 Absent: 1 (Supervisor Howard)

Chairman Ottuso called the meeting to order at 1:00 p.m. with Supervisor Howard absent upon roll call. Following the Pledge of Allegiance to the Flag, Chairman Ottuso introduced Kelly Hoyt, Assistant County Attorney, to the Board and asked each Board member to introduce themselves.

Chairman Ottuso then recognized the following public speakers:

***James Landrio, 95 Park Street, Gloversville*** – Mr. Landrio stated that he was here to ask for a “courtesy” from the Board of Supervisors. He heard through the media that the Board was going to be presenting a Resolution today for a “bed tax”. Mr. Landrio asked the Board to table this Resolution until a task force could be formed with three (3) people from Fulton County Tourism; three (3) Board of Supervisors representatives and one (1) representative from the Chamber of Commerce. Mr. Landrio advised that he was a long term community member and has worked at the Holiday Inn for 42 years. He further advised that he realizes that other revenue needs to be brought into Fulton County and wants to find a common ground about the best way to do it. He asked the Board to consider his comments when voting today.

***Brian Gilchrist, Association Executive Director for Cornell Cooperative Extension of Fulton and Montgomery Counties*** – Mr. Gilchrist explained that he was present to provide an update to the Board regarding activities of Cornell Cooperative Extension. The funding to operate Cornell is provided through federal, state and county government funding. State funding will only be allocated if county government provides some form of funding. He explained that Fulton County has diminished funding to Cornell Cooperative Extension over the last three (3) years. Year 2015 marks the end of the funding. Mr. Gilchrist advised that he wanted to schedule a meeting with the appropriate Committee of the Board of Supervisors, but was directed to speak to the full Board today. Mr. Gilchrist explained that Fulton County provided \$20,000.00 to Cornell in 2015 and Cornell used the money to pay for a Horticulture Program (\$10,661.00); a Dairy and Field Crops Program (\$4,558.00) and the remaining \$4,781.00 for a 4-H Youth Development Program. He further explained that Montgomery County appropriates four times as much funding as Fulton County. He advised that if Fulton County does not fund Cornell Cooperative Extension in 2016, the Board of Directors has decided to dissolve the two-county Cooperative Extension and form a single county Extension Association, serving only Montgomery County residents. Mr. Gilchrist stressed that 4-H is important to Fulton County youth because it is the only program that exposes youth to farming and agriculture. Mr. Gilchrist ended by asking the Fulton County Board of Supervisors to reconsider ending their partnership with Cornell Cooperative Extension by funding it in 2016.

## **COMMUNICATIONS**

1. Letter from NYS Department of Labor to Chairman Ottuso, dated 10 August 2015.  
Subj: Local Workforce Development Board of Fulton-Montgomery-Schoharie is in compliance with the Workforce Innovations and Opportunity Act of 2014.
2. Communication from Adirondack Park Local Government Review Board, dated 12 August 2015  
Subj: Resolution No. 4 of 2015 regarding support of the Outback Riders ATV Club's efforts to continue use of the former D&H Railroad Bed near Standish, New York.
3. Communication from Adirondack Park Local Government Review Board, dated 12 August 2015  
Subj: Resolution No. 5 of 2015 regarding support of the Request of Michael Hopkins for a decision on his Adirondack Park Agency Subdivision Application as Submitted. (Supervisor Lauria requested a copy)
4. Letter from NYS Department of Public Service to Chairman Ottuso, dated 21 August 2015  
Subj: Regional Information Sessions regarding examination of low income programs offered by the major electric & gas utilities in NY State and a joint petition submitted by Time Warner Cable and Charter Communications seeking approval to merge into a new entity called New Charter. (Supervisors Born, Lauria and Young requested a copy)
5. Communication from the City of Utica Office of City Clerk to Fulton County Board of Supervisors, dated 26 August 2015  
Subj: Resolution 25 of 2015 regarding endorsing the concept of a six-County Land Bank. (Supervisors Born, Christopher, Lauria, MacVean and Young requested a copy)
6. Communication from Federal Energy Regulatory Commission to Chairman Ottuso, dated 28 August 2015  
Subj: Order Calculating Dates for Commencement of Headwater Benefits Assessments.

## **REPORTS**

- A. National Grid Semi-Annual PCB Report covering period 1/1/15 through 6/30/15

## **UPDATES FROM STANDING COMMITTEES**

***Finance:*** Chairman Argotsinger explained that he respects Mr. Landrio's position on the proposed Resolution requesting Special Home Rule Legislation authorizing the County to Impose a Hotel/Motel Occupancy Tax, but he strongly urges the Supervisors to consider passing this Resolution. Most of the impact of such a tax will be borne by non-residents.

## **REPORTS OF SPECIAL COMMITTEES**

***Fish and Wildlife Board:*** Supervisor Johnson advised that he left a copy of the meeting minutes with the Board of Supervisors Office and it will be placed on file.

***Soil and Water Conservation District:*** Supervisor Lauria advised that a meeting was held on August 25. He mentioned several pond upgrade projects. He advised that Mr. Persch, Soil and Water Conservation District Manager, attended the recent Budget Review session. He further advised that today there would be a Resolution for purchase of a Hydroseeder that any municipality in the county could borrow.

## **CHAIRMAN'S REPORT**

Chairman Ottuso advised that Mr. Greenfield, a Veteran Honor Flight recipient, was unable to attend the Board Meeting today to receive his Chairman's Letter in recognition of his military service, but he hoped he would be able to attend next month's meeting. Chairman Ottuso further advised that two other Veterans were honored from our county, Donald Lawrence and Phillip Santangelo. The Honor Flight took place on September 12

Mrs. Born, Chairperson of the Human Services Committee noted that OFA Director Andrea Fettinger was a key to this month's Honor Flight. She arranged for extra van service and accompanied our Veterans to and from the airport.

## **RESOLUTIONS**

***No. 309 (Resolution Authorizing Renewal Agreement with the Unified Court System for Cleaning and Approving Certain Chapter 686 Projects for Court Areas in the County Office Building (2015-2016):*** Mr. Stead, Administrative Officer, explained that Project 48F was not included in this Resolution. It was for a potential security door and petition near the District Attorney's Office. The Superintendent of Highway's and Facilities was going to evaluate other options by securing other doors at the County Building and report back to the Board.

***No. 312 (Resolution Authorizing Advertisement for Bids for Timber Harvesting for Solar Panel Array Project at the Department of Solid Waste):*** Supervisor Johnson asked how many acres this involved. After research, it was determined that it involved 7 acres.

***No. 313 (Resolution Authorizing Distribution of a Request for Proposals for Water Quality Testing Services at the Fulton County Landfill (2016-2018):*** Supervisor Johnson asked what was the purpose of this Resolution. Mr. Stead answered that the Department of Environmental Conservation requires that ground water quality testing be done around the perimeter of a landfill.

***No. 314 (Resolution Rescinding Resolution 162 of 2015 that Proposed that the Board of Supervisors Act as the Lead Agency Under the State Environmental Quality Review Act (SEQR) for a Solar Energy Project at the Fulton County Landfill):***

Supervisor Greene asked for some details on this resolution. Mr. Stead explained that when the resolution was approved for the Board of Supervisors to act as the Lead Agency under the SEQR, the Town of Johnstown did not yet have a zoning process in place regulating solar array farms. Later, the Town of Johnstown changed their zoning laws and the Town Planning Board will now serve at the Lead Agency when such projects are proposed.

**No. 322 (Resolution Clarifying DMV Online Transaction Information)** Supervisor Young stated that he has submitted paperwork through the New York State Online services and never received anything. He suggested that residents go to the local DMV Office in the County Building and keep the money local and get better service. Mr. Stead advised that Supervisor Callery sent a Letter to the Editor to the Leader Herald Newspaper clarifying the DMV online process.

**No. 326 (Resolution Authorizing Payment of Pro-Rated Defense Costs Related to a Tax Assessment Challenge in the Town of Broadalbin (Rolling Ridge Home Park, Parcel 139.-2-2.5):** Supervisor Fagan advised that he hopes the school district sees the value in this resolution and will re-pay the County its share of the legal costs. The County is doing a great service trying to help out municipalities.

Supervisor Callery advised that as a result of the assessment challenge, the school district would be receiving an additional \$20,000.00 in revenue.

Mr. Stead explained that Chairman Ottuso sent a letter to the Broadalbin-Perth School District asking for payment for its portion of the legal assessment challenge.

**No. 327 (Resolution Authorizing County Participation in the Legal Defense of Certain Assessment Reduction Actions Within Local Assessing Units):** Supervisor Young advised that he strongly supports this resolution. He further advised that it was a shame to see local business asking for a reduction and it “was a slap in the face” for non-profits to ask for a reduction.

**No. 329 (Resolution Extending Taxes on Sales and Uses of Tangible Personal Property and Certain Services, on Occupancy of Hotel rooms and on Amusement Charges, Pursuant to Article 29 of the Tax Law of the State of New York):** Mr. Stead explained that this resolution has nothing to do with an occupancy tax. Supervisor Kinowski asked to have that clarified. Mr. Stead explained that this is an extension of the “Additional Sales Tax”, not the Occupancy Tax issue.

**Supervisor Handy made a motion to TABLE Resolution No. 330 (Resolution Requesting Special Home Rule Legislation Authorizing the County of Fulton to Impose a Hotel/Motel Occupancy Tax), seconded by Supervisor Lauria.**

Supervisor Callery advised that this resolution was asking for permission from the State of New York for something in the future. The percentage for the tax is suggested at 4 percent over the total room cost.

Supervisor Kinowski advised that Supervisor Callery was right, this resolution only supports the Home Rule request and the Board does not have to approve this later if it chooses not to.

Mr. Stead advised that the Senate was not supportive of this tax a few years ago; however there were two (2) counties who got approval for this tax during the last legislative session.

Supervisor Gendron asked that the maximum would be 4 percent, but the County could agree to “say 1 percent”. Mr. Stead answered, “yes”.

Mr. Stead suggested that a Committee be formed to discuss this issue and it would probably not go to the Legislature until its spring session.

Chairman Ottuso then asked Mr. Landrio what taxes are on a hotel room now. Mr. Landrio answered the 8 percent sales tax only. Mr. Landrio then explained that he was concerned with the language in the resolution.

Supervisor Lauria explained that he agreed with Mr. Landrio that this needs further input before being voted on.

Supervisor Gendron advised that soon the County is going to be looking for new revenue and he was against tabling this resolution. However, he was not completely “sold” on approving this yet.

Chairman Ottuso advised that he supported forming a special committee to discuss this occupancy tax issue prior to final enactment.

**A roll call vote was then held to TABLE Resolution 329. The tabling was defeated by a vote of Ayes: 212 Nays: 334 (Supervisors Argotsinger, Bradt, Callery, Christopher, Fagan, Gendron, MacVean Waldron and Young) Absent: 1 (Supervisor Howard)**

Supervisor Johnson said that Supervisor Gendron’s comment about revenue was “pointless” since the County does not know how much revenue the occupancy tax will create. Supervisor Gendron countered that it was “not pointless”.

Supervisor Johnson continued that, out of respect for business people in Fulton County, it should be tabled.

Supervisor Lauria agreed and said that the County has to get business people involved.

Supervisor Greene advised that he will vote for this to go through, but will vote “No” later, unless a committee has been formed to get community input.

Supervisor Born agreed with the comments and with all that had been said. She further added that raising taxes “does not sit well” with people and the County owes it to people to look into this and form an advisory committee.

A motion was offered by Supervisor Fagan, seconded by Supervisor Gendron and unanimously carried, to waive the Rules of Order to take action on late resolutions 333 and 334.

**PROCLAMATIONS**

**IN MEMORY OF RODNEY MONTANA**

WHEREAS, Deputy Superintendent of Highways Rodney Montana passed away on Wednesday, August 19, 2015; and

WHEREAS, Rodney was employed in the Fulton County Highway Department for over 50 years, beginning on June 1, 1965 as a Laborer, promoted to Motor Equipment Operator, later promoted to Highway Maintenance Supervisor on April 11, 1977 and finally appointed as Deputy Superintendent of Highways on January 1, 2008; and

WHEREAS, Rodney Montana was very dedicated to the Highway Department; being present for every paving and bridge repair project, as well as being snow and ice supervisor for the past eight winter seasons; and

WHEREAS, Mr. Montana had distinguished himself as a hard-working and dedicated public servant and was committed to the best interests of the Highway Department; and

WHEREAS, the chronicle of his long tenure of dedicated responsibility to the Highway Department stands conspicuously as a “landmark” in the annals of County service; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby conveys its expression of deepest sympathy to Rodney Montana’s entire family, including his wife Kathleen, and son, Thomas.

**RECOGNIZING FULMONT COMMUNITY ACTION AGENCY ON THE OCCASION OF ITS 50TH ANNIVERSARY**

WHEREAS, Fulmont Community Action Agency has dedicated itself to helping area families in Fulton County for the past 50 years; and

WHEREAS, Fulmont was first organized in 1965 through a federal grant in the amount of \$150,000.00 and is one of 50 community action agencies in New York State; and

WHEREAS, Fulmont has 125 employees and serves 10,589 households in both Fulton County and Montgomery County; and

WHEREAS, Fulmont is well-known for operating programs including Head Start, Weatherization and the “Wheels to Work Program”; and

WHEREAS, Fulmont has 13 locations to help people in both Fulton and Montgomery Counties; and

WHEREAS, Fulmont's mission is faithfully pursued with the goal of "...*helping individuals and families to achieve self-sufficiency.*"; now, therefore be it

RESOLVED, That Fulton County Board of Supervisors offers its best wishes to Fulmont Community Action Agency on the occasion of its 50<sup>th</sup> Anniversary.

Upon a motion by Supervisor Fagan, seconded by Supervisor Gendron and unanimously carried, the Board entered into Executive Session at 2:05 p.m. to discuss employment history.

Upon a motion by Supervisor Fagan, seconded by Supervisor Gendron and unanimously carried, the Board re-entered into Regular Session at 3:10 p.m.

Chairman of the Board Ottuso informed the Board that he would be forming a special advisory committee regarding implementation of the Hotel/Motel Tax.

Upon a motion by Supervisor Groff, seconded by Supervisor Callery and unanimously carried, the Board adjourned at 3:11 p.m.

*Certified by:*

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*Jon R. Stead, Administrative Officer/      DATE*  
*Clerk of the Board*

**Resolution No. 304**

Supervisors FAGAN AND ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BID FOR THE PURCHASE OF UNLEADED GASOLINE FOR THE CENTRAL FUEL DEPOT AND SOLID WASTE DEPARTMENT (2016)**

WHEREAS, Resolution 241 of 2015 authorized advertisement for bids for unleaded gasoline for the Central Fuel Depots at the County Complex and Solid Waste Department and three (3) bids were received; now, therefore be it

RESOLVED, That the net bid, as submitted by Shepard Oil, of Johnstown, NY, for the purchase and delivery of unleaded gasoline to the Central Fuel Depots at the County Complex and at the Solid Waste Department be and hereby is awarded for the period October 1, 2015 through September 30, 2016, as reviewed and recommended by the Superintendent of Highways and Facilities, Solid Waste Director, Committees on Buildings and Grounds/Highway and Finance and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2015-82-02:

County Complex	\$1.778	Rack price
(108,000 gallons)	<u>.0238</u>	Margin
\$1.8018 Per gallon		
Solid Waste Dept.	\$1.778	Rack price
(3,500 gallons)	<u>.1500</u>	Margin
	\$1.928	Per gallon

(with the stipulation that any increase or decrease in prices will be passed on at the time of delivery, based on current rack prices); and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, All Bidders, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)



**Resolution No. 305**

Supervisors FAGAN AND ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION TO THE CONTRACT WITH BREZZY  
CLEANING SERVICE FOR CUSTODIAL SERVICES IN THE COUNTY  
OFFICE BUILDING (2016)

WHEREAS, Resolution 331 of 2013 awarded a contract to Brezzy Cleaning Service for custodial services in 2014 at a cost of \$75,408.00, with the County option to extend said contract in 2015 and 2016; and

WHEREAS, the Superintendent of Highways and Facilities recommends said contract be extended for 2016; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committee on Buildings and Grounds/Highway, the Chairman of the Board be and hereby is authorized to sign an amendment to the contract with Brezzy Cleaning Services, of Gloversville, NY, for custodial services in the County Office Building, effective January 1, 2016 through December 31, 2016, at a cost not to exceed \$77,412.00; all other terms and conditions in said contract shall remain in full force and effect; and, be it further

RESOLVED, That said contract amendment is contingent upon approval by the County Attorney; and, be it further

RESOLVED, That the cost for said services be a charge against A.1620.1620-4130 Co. Offices & Bldgs-Maint Contr; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Brezzy Cleaning Service, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 306**

Supervisors FAGAN AND ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION TO THE CONTRACT WITH BREZZY CLEANING SERVICE FOR CUSTODIAL SERVICES IN THE DEPARTMENT OF SOCIAL SERVICES COOPER BUILDING (2016)

WHEREAS, the Superintendent of Highways and Facilities recommends said contract be extended for 2016; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committee on Buildings and Grounds/Highway, the Chairman of the Board be and hereby is authorized to sign an amendment to the contract with Brezzy Cleaning Services, of Gloversville, NY, for custodial services in the Department of Social Services, Cooper Building, effective January 1, 2016 through December 31, 2016, at a cost not to exceed \$31,000.00; all other terms and conditions in said contract shall remain in full force and effect; and, be it further

RESOLVED, That said contract amendment is contingent upon approval by the County Attorney; and, be it further

RESOLVED, That the cost for said services be a charge against A.1620.1629-4130 Co. Offices & Bldgs-Maint Contr; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Brezzy Cleaning Service, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 307**

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR HEATING OIL AND  
50/50 BLEND FOR COUNTY BUILDINGS (2016)

WHEREAS, the current bid for No. 2 heating oil and 50/50 blend expires on December 31, 2015; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is directed to advertise for sealed bids from responsible petroleum dealers for Heating Oil No. 2 and Special Blend of No. 2 for the year 2016 (and according to further specifications which may be obtained at the Office of the Purchasing Agent); said price to identify origin and posted tank wagon price in effect on the date of bid (to be further identified at each instance of delivery), plus vendor margin. Successful bidder must make provisions for emergency delivery on a local basis (within a 20-mile radius of the City of Johnstown), in the event that one of the identified facilities runs out of fuel; and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 14, 2015, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Fire Coordinator, Sheriff, Correctional Facility, Solid Waste, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor POTTER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 308**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR WASTE REMOVAL SERVICES FOR THE FULTON COUNTY CORRECTIONAL FACILITY (2016)**

WHEREAS, the current bid for waste removal services expires on December 31, 2015; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for bids from waste disposal vendors for the pickup of general office type waste materials at the Fulton County Correctional Facility (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 14, 2015, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Sheriff, Correctional Facility, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 309**

Supervisors FAGAN AND ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING RENEWAL AGREEMENT WITH THE UNIFIED COURT SYSTEM FOR CLEANING AND APPROVING CERTAIN CHAPTER 686 PROJECTS FOR COURT AREAS IN THE COUNTY OFFICE BUILDING (2015-2016)**

WHEREAS, Resolution 311 of 2014 authorized a contract between Fulton County and the NYS Unified Court System for cleaning and minor repairs in court areas located in the County Office Building, effective April 1, 2014 through March 31, 2015; and

WHEREAS, said Resolution passage was contingent upon final approval of proposed Chapter 686 projects by the Board of Supervisors on an annual basis; and

WHEREAS, the Superintendent of Highways and Facilities and the Committees on Buildings and Grounds/Highway, and Finance recommend evaluating an alternative to UCS proposed Project 48f (“Install wall with security door on 2<sup>nd</sup> floor hallway”) for the County Office Building; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Buildings and Grounds/Highway, and Finance, the Chairman of the Board be and hereby is authorized to sign a renewal agreement between the County of Fulton and the NYS Unified Court System for cleaning and minor repairs, at a proposed budget for service of \$73,648.00, effective April 1, 2015 through March 31, 2016; and, be it further

RESOLVED, That the following Unified Court System Chapter 686 projects be and hereby are approved for completion by the Superintendent of Highways and Facilities, contingent upon receipt of written commitment from the Office of Court Administration that 100% reimbursement for such projects will be made to the County within 45 days of submission of an invoice to OCA by the Superintendent of Highways and Facilities:

<u>Code</u>	<u>Work Description</u>	<u>Estimated Cost</u>
47b	Paint Surrogate Chief Clerk Office	\$ 500.00
50 a/b	Paint and carpet Kyle Canary’s	\$ 3,000.00
52 a/b/g	Repair paneling and chair,rail, etc. (Co.Judge Chambers)	\$18,000.00
57 G	PAC(pub acc comp) project	\$ 500.00

and, be it further

**Resolution No. 309 (Continued)**

RESOLVED, that the Superintendent not complete UCS proposed Project 48f (“Install wall with security door on 2<sup>nd</sup> floor hallway”) and instead, evaluate other security door options for presentation to the Board of Supervisors for approval by Resolution;

RESOLVED, That the Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, NYS Office of Court Administration, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor YOUNG and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 310**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION CONFIRMING THE APPOINTMENT OF DEPUTY  
SUPERINTENDENT OF HIGHWAYS SHAWN CLAUS**

WHEREAS, Local Law 6 of 2006 authorized the Superintendent of Highways and Facilities to appoint a Deputy Superintendent of Highways, subject to the approval of the Board of Supervisors; and

WHEREAS, the Superintendent of Highways and Facilities has notified the Board of Supervisors of his intent to appoint Shawn Claus to the post of Deputy Superintendent of Highways; now, therefore be it

RESOLVED, That Superintendent of Highways and Facilities, Mr. Mark E. Yost, be and hereby is authorized and empowered to fill the position of Deputy Superintendent of Highways with Mr. Shawn Claus; said appointment to become effective Tuesday, September 15, 2015; and, be it further

RESOLVED, That such appointee shall serve for a term to coincide with the Superintendent's appointment, and be paid an annual rate as specified in the Non-Union Salary Schedule; and, be it further

RESOLVED, That Shawn Claus is required to complete the Fulton County Board of Ethics' Financial Disclosure Statement and is further directed to sign the Fulton County Oath Book located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highway and Facilities, Shawn Claus, Personnel Director, County Clerk, Budget Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BREH and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 311**

Supervisors POTTER AND ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE PURCHASE OF A HYDROSEEDER FOR USE IN THE SOIL AND WATER CONSERVATION DISTRICT**

WHEREAS, the Fulton County Soil and Water Conservation District (SWCD) applied through the 2014 NYS Consolidated Funding Application (CFA) grant process for funding to operate a “Vegetative Erosion and Sediment Control Program” including the use of a hydroseeder and power-mulching techniques; and

WHEREAS, the SWCD received a multi-county watershed grant from New York State to initiate said Program by purchasing a hydroseeder and associated supplies/accessories;

WHEREAS, to expedite the availability of a hydroseeder for community projects, the Committees on Economic Development and Environment, and Finance have supported the concept of fronting monies to SWCD to purchase a hydroseeder in 2015, stipulated upon being reimbursed from future grant funds when received by the SWCD; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment, and Finance, the Fulton County Soil and Water Conservation District be and hereby is authorized to purchase a new hydroseeder at a cost not-to-exceed \$45,000.00; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to pay the SWCD monies to purchase a hydroseeder, said sum not to exceed \$45,000.00, upon the presentation of a certified invoice for said equipment;

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From: A.1010.1990-4907 EXP-Contingent Fund Expense  
To: A.1010.8730-4170 EXP-Programs  
Sum: \$45,000.00

and, be it further

RESOLVED, That this Resolution and the authorization for the Treasurer’s actions shall be stipulated upon the SWCD reimbursing said sum to the County within two (2) years of said purchase; the Treasurer to account for an appropriate “receivable” to collect said funds from the SWCD; and, be it further



**Resolution No. 311 (Continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Soil and Water Conservation District, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 431 (16) Nays: 115 (3) (Supervisors Argotsinger, Gendron and Waldron)  
Absent: 5 (1) (Supervisor Howard)

**Resolution No. 312**

Supervisor POTTER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR TIMBER  
HARVESTING FOR SOLAR PANEL ARRAY PROJECT AT THE DEPARTMENT OF  
SOLID WASTE

Economic Development and Environment recommends advertising for bids to timber harvest in preparation of Solar Panel Array Project; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for timber harvesting at the site for use by the Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 203, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 203, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 14, 2015, at which time and place they will be publicly opened and read:

and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 313**

Supervisor POTTER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISTRIBUTION OF A REQUEST FOR PROPOSALS FOR  
WATER QUALITY TESTING SERVICES AT THE FULTON  
COUNTY LANDFILL (2016-2018)

WHEREAS, Resolution 373 of 2012 authorized a three-year contract for testing of wells at the Fulton County Sanitary Landfill three times per year, per NYSDEC Regulations, and said contract expires on December 31, 2015; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Economic Development and Environment, the Purchasing Agent be and hereby is authorized and directed to distribute a Request for Proposals for water quality testing of 21 wells located at the Fulton County Landfill and other testing services, for a contract period of 2016 through the year 2018; and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, October 14, 2015, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Purchasing Agent.

Seconded by Supervisor GROFF and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 314**

Supervisor POTTER offered the following Resolution and moved its adoption:

RESOLUTION RESCINDING RESOLUTION 162 OF 2015 THAT PROPOSED THAT THE BOARD OF SUPERVISORS ACT AS THE LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR A SOLAR ENERGY PROJECT AT THE FULTON COUNTY LANDFILL

WHEREAS, Resolution 162 of 2015 proposed that the Board of Supervisors act as the Lead Agency under the State Environmental Quality Review Act (SEQRA) for a Solar Energy Project at the Fulton County Landfill; and

WHEREAS, the Town of Johnstown recently amended Town Zoning Law relative to governing solar array energy projects and its role under SEQRA;

WHEREAS, said amendments to the Town Zoning Law specify the Town Planning Board's role as an Involved Agency for such projects and its role as potential Lead Agency under SEQRA;

WHEREAS, the Solid Waste Director recommends that the County rescind Resolution No. 162 of 2015, to allow for the Town of Johnstown through its Planning Board to serve as lead agency; and

RESOLVED, That Resolution 162 of 2015 entitled "Resolution Proposing That the Board of Supervisors Act as the Lead Agency Under the State Environmental Quality Review Act (SEQRA) for a Solar Energy Project at the Fulton County Landfill" be and hereby is rescinded; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Planning Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board and to each and every other person, institution or agency which will further purport of this Resolution.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 315**

Supervisor BORN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CHILDREN WITH HANDICAPPING CONDITIONS 2016 TRANSPORTATION PROGRAM (NEW MEADOW AND HERKIMER BOCES)**

WHEREAS, Transportation for children enrolled in center-based special education programs is required by Federal IDEA (Individuals with Disabilities Education Act),and

WHEREAS, Resolution 209 of 2015 awarded bids for the Children with Handicapping Conditions Transportation Program for transportation services in 2015; and

WHEREAS, a pre-school child will be attending New Meadow Saratoga School program in Malta, NY, beginning the 2015-2016 school year, and will require transportation, and

WHEREAS, a pre-school child will be attending Herkimer BOCES program in Dolgeville, NY, beginning the 2015-2016 school year, and will require transportation; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertised for sealed bids from vendors for transportation to the New Meadow in Malta, NY and Herkimer BOCES in Dolgeville, NY (and according to further specifications which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be address to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, September 23, 2015, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor YOUNG and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 316**

Supervisor BORN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE PUBLIC HEALTH DEPARTMENT CLINICAL LABORATORY IMPROVEMENT AMENDMENTS (CLIA) TO INCLUDE HEPATITIS C AND LEAD TESTING IN ITS CLINICAL LABORATORY IMPROVEMENT CERTIFICATE OF WAIVER**

WHEREAS, Congress passed the Clinical Laboratory Improvement Amendments (CLIA) in 1988 establishing quality standards for all laboratory testing to ensure the accuracy, reliability and timeliness of patient test results regardless of where the test was performed, and

WHEREAS, The final CLIA regulations were published in the Federal Register on February 28, 1992; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and the Centers for Medicare & Medicaid Services (CMS) published final CLIA Quality Systems laboratory regulations that became effective April 24, 2003, and

WHEREAS, The requested amendment would reflect the current changes to include Hepatitis C testing and Lead testing, as services provided under the Fulton County Public Health Department CLIA Certificate of Waiver; now, therefore be it

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 317**

Supervisors BORN, CALLERY AND ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION WAIVING THE START RATE FOR THE ASSISTANT PUBLIC HEALTH DIRECTOR POSITION (2015)

WHEREAS, the Assistant Public Health Director position in the Public Health Department remains vacant following substantial advertising; and

WHEREAS, the Committees on Human Services, Personnel and Finance recommended that the Board of Supervisors waive the start rate for the Assistant Public Health Director position in order to attract qualified candidates; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Human Services, Personnel and Finance, the Director of Public Health be and hereby is authorized to advertise for an Assistant Public Health Director at the permanent one-year rate, in this instance only; and, be it further

RESOLVED, That the Public Health Director and Personnel Director do each and every other thing necessary to further purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 318**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION WAIVING MAXIMUM VACATION ACCRUAL DEADLINE AND  
AUTHORIZING THE PERSONNEL DIRECTOR SELL BACK OF 40 HOURS  
VACATION ACCRUAL**

WHEREAS, the Non-Union Employee Policy Manual governs the administration of Vacation Sell-back for employees and Department Heads; and

WHEREAS, because of her commitment to implementation of the new Human Resources/Payroll software system (New World Systems) since February 2015, the Personnel Director has been unable to use her accrued vacation leave and is at her maximum accrual limit; and

WHEREAS, the Non-Union Policy Manual states as follows:

Department Heads who have reached their maximum vacation accrual and who because of operational needs of their Department, determine that they cannot schedule their annual leave at that time will, upon concurrence of their respective oversight committee, be entitled to have their vacation maximum accrual extended for up to three (3) months so that they will not lose their vacation accruals. During that three (3) months extension, it is anticipated that the Department Heads will be able to schedule their annual leave. If unusual operational circumstances exist in their annual leave, the Department Heads may then request that the Board of Supervisors by Resolution approve a vacation sell-back of up to 40 hours.

and,

WHEREAS, Personnel Director Theresa Souza has requested that she be allowed to sell back 40 hours of her accrual vacation leave effective immediately; now, therefore be it

RESOLVED, That Ms. Souza be and hereby is authorized to sell back 40 hours of accrued vacation leave, effective immediately; and, be it further



**Resolution No. 318 (Continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 319**

Supervisors KINOWSKI AND ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION CONFIRMING PURCHASE OF THREE HONDA PORTABLE  
GENERATORS AND TWO LIGHT HEAD KITS FOR THE FULTON, MONTGOMERY  
AND SCHOHARIE COUNTY REGIONAL HAZ-MAT TEAM WITH 2013 STATE  
HOMELAND SECURITY HAZARDOUS MATERIALS GRANT FUNDS  
(CIVIL DEFENSE DEPARTMENT)

WHEREAS, Resolution 259 of 2013 allocated a 2013 Homeland Security Hazardous Material Program Grant in the amount of \$34,000.00 for the benefit of Fulton, Montgomery and Schoharie Counties, with Fulton County as the Lead Agency; and

WHEREAS, the Regional Team has requested the purchase of three (3) Honda Portable Generators and two (2) Light Head Kits; and

WHEREAS, the Chairman of the Board gave written approval for said purchase of the Generators and Light Head Kits to meet grant funding deadlines; and

WHEREAS, the Civil Defense Director/Fire Coordinator purchased three (3) Honda Portable Generators and two (2) Light Head Kits for the Regional Hazardous Material Team, at a total cost not to exceed \$5,613.00; now, therefore be it

RESOLVED, That the Board of Supervisors hereby confirms the actions of the Chairman of the Board for the following purchase:

<u>County</u>	<u>Quantity</u>	<u>Price</u>
Fulton County	1 Honda Port. Generator	\$1,099.00
Montgomery County	1 Honda Port. Generator	\$1,099.00
Schoharie County	1 Honda Port. Generator	\$1,099.00
Fulton County	1 Light Head Kit	\$1,130.00
Montgomery County	1 Light Head Kit	\$1,130.00
	Shipping	<u>\$ 56.00</u>
		\$5,613.00

and, be it further

**Resolution No. 319 (Continued)**

RESOLVED, That the 2015 Adopted Budget be and hereby is amended as follows:

Revenue Account:

Increase A.3640.3645-3306.0001 REV-Civil Defense-SHSP \$5,613.00

Appropriation Account:

Increase A.3640.3645-2840 EXP-SHSP-Equipment \$2,257.00

Increase A.3640.3645-4840 EXP-SHSP-Contractual \$3,356.00

and, be it further

RESOLVED, that the Civil Defense/Fire Coordinator do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 320**

Supervisors KINOWSKI AND ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH DM ROMEYN CIVIL  
ENGINEERING DESIGN, PLLC FOR CONSTRUCTION ANALYSIS SERVICES FOR  
THE FULTON COUNTY BURN BUILDING

WHEREAS, a proposal for repairs and upgrades to the Fulton County Burn Building has been proposed for inclusion in the 2016 Capital Plan; and

WHEREAS, during a meeting of the Public Safety Committee, it was recommended that a structural evaluation of the Burn Building be completed prior to any related capital projects being approved; and

WHEREAS, the Civil Defense Director/Fire Coordinator obtained three (3) proposals for said structural evaluation of the Burn Building; and

WHEREAS, the Civil Defense Director/Fire Coordinator, Planning Director, and Committees on Public Safety and Finance recommend contracting with DM Romeyn Civil Engineering Design, PLLC for construction analysis services of the Fulton County Burn Building, they having provided the best proposal for said work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with DM Romeyn Civil Engineering Design, PLLC, of Gloversville, NY to complete a structural evaluation of the Fulton County Burn Building, in an amount not to exceed \$2,800.00; and, be it further

RESOLVED, That the cost for said service contract be a charge against A.3640.3640-4090 EXP-Professional Services; and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

**Resolution No. 320 (Continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Civil Defense Director/Fire Coordinator, DM Romeyn Civil Engineering Design PLLC, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GROFF and adopted by the following vote:

Total: Ayes: 525 (18) Nays: 21 (1) (Supervisor Callery)  
Absent: 5 (1) (Supervisor Howard)



**Resolution No. 322**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION CLARIFYING DMV ONLINE TRANSACTION INFORMATION**

WHEREAS, New York State officials sponsor extensive advertising to encourage citizens to utilize on-line systems to obtain drivers licenses and vehicle registrations; and

WHEREAS, when residents utilize on-line systems to complete Department of Motor Vehicles transactions, revenue is diverted from local government operations; and

WHEREAS, each online transaction results in a loss of revenue of 12.7 percent to the Fulton County DMV; and

WHEREAS, local taxpayers should know the following facts about on-line processing of Department of Motor Vehicles transactions:

1. Any transactions processed improperly online are not able to be corrected at the local DMV offices because there is no local access to said online transactions.
2. Online printable licenses and registrations could facilitate counterfeiting.
3. Wording on renewal documents indicate renewals must be done online or mailed directly to New York State; however, residents can use local DMV Offices for such transactions; now, therefore be it

RESOLVED, That the Board of Supervisors hereby adopts this resolution to clarify information regarding the processing of Department of Motor Vehicle transactions via on-line systems; and

RESOLVED, That citizens of Fulton County be aware that when using the NYS on-line DMV system, it diverts all local revenue from Fulton County to New York State government; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, All Media Outlets, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 323**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A THREE YEAR CONTRACT WITH SAX/BST FOR  
COUNTY AUDIT SERVICES AND PREPARATION OF ANNUAL  
FINANCIAL STATEMENTS (2015-2017)

WHEREAS, Resolution 202 of 2012 authorized a contract with Bollam, Sheedy and Torani (BST) for County audit services and preparation of Annual Financial Statements; and

WHEREAS, the County Treasurer, Administrative Officer and County Auditor and Committee on Finance recommend extending a new three (3) year contract to the firm, now SAX/BST, based upon its performance; and

WHEREAS, the Committee on Finance recommends contracting with SAX/BST for County Audit Services and preparation of Annual Financial Statements for 2015, 2016, and 2017; now, therefore be it

RESOLVED, That upon the recommendation of the County Treasurer and Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract with SAX/BST for County audit services and preparation of annual financial statements for audit years 2015, 2016, and 2017, in accordance with the firm’s proposal as follows:

	<u>2015</u>	<u>2016</u>	<u>2017</u>
Audit of County’s Financial Statements	\$33,000.00	\$33,500.00	\$34,000.00
Federal Single Audit	11,250.00	11,500.00	11,750.00
Review & Certify Fulton County’s	<u>4,000.00</u>	<u>4,000.00</u>	<u>4,000.00</u>
Consolidate Fiscal Report      Total	\$48,250.00	\$49,000.00	\$49,750.00

and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, SAX/BST, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Howard)



**Resolution No. 324**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE COUNTY TREASURER TO ISSUE COURT-  
ORDERED REFUNDS TO CERTAIN PROPERTY OWNERS IN THE  
TOWN OF CAROGA

WHEREAS, pursuant to Supreme Court Order 14-02778, the assessment and corresponding taxes on certain properties in the Town of Caroga, were reduced; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized to issue refunds for town and county taxes collected in 2014 and 2015 for overpayment of taxes on certain parcels, in the Town of Caroga as listed below:

52.14-2-15	Myers, Nancy	\$ 14.88
	Fink, David	
52.14-2-16	Myers, Nancy	\$ 81.69
	Fink, David	
52.18-1-24	Myers, Nancy	\$ 965.64
	Fink, David	
52.18-1-29.12	Eagan Canada Lake Sales LP	\$1,163.72
52.18-1-29.2	Eagan Family Partnership	\$ 948.30
52.18-1-22	Fink, Eugene	\$ 415.85
	Fink, Frederick C	\$ 398.64
68.5-2-5	Myers, Nancy	\$ 338.36
		\$ 324.36
52.19-1-13	Fink, Eugene	\$ 64.56
	Fink, Frederick C	<u>\$ 61.88</u>
		\$4,774.88

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Service Agency Director, Town of Caroga Assessor and Administrative Officer/Clerk of the Board

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 325**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SPECIAL ONLINE AUCTION OF CERTAIN COUNTY-OWNED TAX ACQUIRED PARCELS**

WHEREAS, a County-owned tax acquired property auction was held in June, 2015 and certain parcels did not sell; and

WHEREAS, in an effort to place the parcels back on the tax rolls, the County Treasurer requests that said parcels be offered in an on-line auction arranged by Haroff Auction and Realty; now, therefore be it

RESOLVED, That the Board of Supervisors hereby authorizes a special sale of the following County-owned tax acquired parcels through Haroff Auction and Realty on-line auction, at the same terms and conditions identified in the current contract with Haroff Auction and Realty:

<u>Municipality</u>	<u>Parcel #</u>	<u>Location</u>	<u>Description</u>
Town of Caroga	68.13-2-15	Unger Hts	Vacant Land
	83.6-15-6.5	St Hwy 29	One Family Residence
Town of Ephratah	159.-1-92	Murray Hill Rd	Vacant Land
	159.-1-7	Murray Hill Rd	Vacant Land
Town of Johnstown	174.16-18-8	McKinley Dr E	Vacant Land
	148.-1-23	Fulton St Ext WS	Vacant Land
Town of Stratford	63.-1-27.2	Co Hwy 119	Vacant Land
City of Gloversville	148.8-4-20	32 Belmont St	Vacant Land
	149.7-11-16	111 Washington St	Vacant Land
	149.6-22-26	39 Burr St	Vacant Land
	134.18-11-6	7 Kent St	Vacant Land
	134.17-3-67.1	Spring St N of	Vacant Land
	149.6-25-3	58 Forest St	Vacant Land
	149.5-9-10	154 Second St	Vacant Land
	149.5-21-5	85 Third St	One Family Residence
	134.19-25-3	96 Prospect Ave	One family Residence

and, be it further

RESOLVED, That all bids are subject to final sale approval by the Board of Supervisors; and, be it further

**Resolution No. 325 (Continued)**

RESOLVED, That the County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Haroff Auction and Realty and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 326**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PAYMENT OF PRO-RATED DEFENSE COSTS  
RELATED TO A TAX ASSESSMENT CHALLENGE IN THE TOWN OF BROADALBIN  
(ROLLING RIDGE HOME PARK, PARCEL 139.-2-2.5)**

WHEREAS, Resolution 293 of 2013 established a “Policy for County Participation in the Legal Defense of Real Property Tax Assessments”; and

WHEREAS, said policy specifies that the County will consider participation in the defense of challenges to real property tax assessments under the following conditions:

1. The legal challenge is made to an assessment for a tax parcel or combination of tax parcels with an aggregate full market value of \$500,000.00 or more;
2. Taxing jurisdictions other than the County with interests in the challenged assessment participate meaningfully in the legal defense of the assessment;
3. The County’s participation does not exceed an amount or to an extent that represents its proportional interest as reflected by the full value tax rate; and
4. The Board determines that participation is in the best interests of the County and affirmatively acts by resolution to participate.

and

WHEREAS, Resolution 293 of 2014 authorized County participation in the legal defense of certain assessment reduction actions, including one by Rolling Ridge Mobile Home Park (SBL 139.-2-2.5) in the Town of Broadalbin; and

WHEREAS, inasmuch as the Broadalbin-Perth School District refused to participate in the legal challenge of defense costs related to the Town of Broadalbin’s challenge of tax assessment; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to reimburse the Town of Broadalbin for a portion of the legal fees incurred in an amount not to exceed \$3,312.00 representing the County’s portion and the Broadalbin-Perth School Districts portion, for successfully defending the Rolling Ridge Mobile Home Park tax assessment challenge; and, be it further

**Resolution No. 326 (Continued)**

RESOLVED, That the 2015 Adopted Budget be and hereby is amended as follows:

Revenue Account:

Increase A.1000.0000-1051 REV-Gain from Sales of Tax  
Acquired Property \$3,312.00

Appropriation Account:

Increase A.1325.1325-4090 EXP-Professional Svcs. \$3,312.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Town of Broadalbin, Broadalbin-Perth School District, Real Property Tax Services Agency Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board and to each and every other person, agency or institution who may further the purport of this Resolution.

Seconded by Supervisor BREH and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 327**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING COUNTY PARTICIPATION IN THE LEGAL DEFENSE  
OF CERTAIN ASSESSMENT REDUCTION ACTIONS WITHIN  
LOCAL ASSESSING UNITS

WHEREAS, Resolution 293 of 2013 established a policy for County participation in the legal defense of real property tax assessments; and

WHEREAS, said policy specifies that the County will consider participation in the defense of challenges to real property tax assessments under the following conditions:

1. The legal challenge is made to an assessment for a tax parcel or combination of tax parcels with an aggregate full market value of \$500,000.00 or more;
2. Taxing jurisdictions other than the County with interests in the challenged assessment participate meaningfully in the legal defense of the assessment;
3. The County's participation does not exceed an amount or to an extent that represents its proportional interest as reflected by the full value tax rate; and
4. The Board determines that participation is in the best interests of the County and affirmatively acts by resolution to participate.

and

WHEREAS, the County Treasurer recommends County participation in the legal defense of the following assessment reduction actions that meet the above criteria:

City of Johnstown

Moore Lumber (PBRE Corp) 99 N. Comrie Avenue (SBL 163.17-5-5)

(Requested assessment reduction: \$895,000.00 to \$391,020.00)

Townsend Leather, Townsend Ave/Fisher Ave (SBL 162.12-15-7) (162.12-9-6)

(Requested assessment reduction: \$1,662,500.00 to \$689,500.00)

RH Crown, Inc. (SBL 174.8-1-5)

(Requested assessment reduction: \$843,000.00 to \$264,625.00)

Maple Knoll Apts. (SBL 163.17-3-3)

(Requested assessment reduction: \$3,200,000.00 to \$1,025,000.00)

Town of Johnstown

Walgreens (SBL 134.-3-26)

(Requested assessment reduction: \$2,000,000.00 to \$1,135,000.00)

Fulton Land Assoc-(Fulton Centers) (SBL 117.-3-9.2)

(Requested assessment reduction: \$3,483,000.00 to \$770,000.00)

**Resolution No. 327 (Continued)**

Town of Mayfield

Lexington Foundation (SBL 119.-9-6)

(Requested assessment reduction: \$800,000.00 to \$343,000.00)

now, therefore be it

RESOLVED, That the County Treasurer and County Attorney be and hereby are directed to assist the City of Johnstown Attorney, the Town of Johnstown Attorney and the Town of Mayfield Attorney, as well as the respective school districts in the legal defense of these assessment reduction actions; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Town of Johnstown, Town of Mayfield, City of Johnstown, Gloversville Enlarged School District, Greater Johnstown School District, Mayfield School District, Budget Director/County Auditor and Administrative Officer/Clerk of the Board and to each and every other person, agency or institution who may further the purport of this Resolution.

Seconded by Supervisor YOUNG and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 328**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE CONTRACT WITH JMZ ARCHITECTS FOR FMCC STUDENT UNION IMPROVEMENT PROJECT (2015 CAPITAL PLAN)

WHEREAS, the 2015 Capital Plan includes a Student Union Improvement Project for Fulton-Montgomery Community College; and

WHEREAS, Resolution 146 of 2015 authorized a contract with JMZ Architects to prepare design plans and bid specifications for the FMCC Student Union Improvement Project; and

WHEREAS, during the design of said project, the architect determined that additional HVAC and elevator work is needed, increasing the total project cost estimate by \$410,000.00 (from \$2,330,000.00 to \$2,740,000.00); now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign Amendment No. 1 to the contract with JMZ Architects for the FMCC Student Union Improvement Project, at a cost not to exceed \$69,500.00; and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That the 2015 Adopted Budget be and hereby is amended as follows:

Revenue Account:

H.8020.2497.2770-0735 REV-Other-FMCC Foundation	\$34,750.00
H.8020.2497.3285-0735 REV-State Aid-FMCC Student Union Imp	\$34,750.00

Appropriation Account:

H.8020.2497.2100-0735 EXP FMCC Student Union Improvement	\$69,500.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Montgomery County Legislature, FMCC, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)



**Resolution No. 329**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION EXTENDING TAXES ON SALES AND USES OF TANGIBLE  
PERSONAL PROPERTY AND CERTAIN SERVICES, ON OCCUPANCY OF HOTEL  
ROOMS AND ON AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE  
TAX LAW OF THE STATE OF NEW YORK

Be it enacted by the Board of Supervisors of the County of Fulton, as follows:

SECTION 1. Section 4-A of Resolution No. 278 of 1967, adopted by the Board Of Supervisors of the County of Fulton on December 11, 1967, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes. Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2005, and ending November 30, 2017. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (b) of subdivision (1) of section 11 of Resolution No. 278 of 1967, adopted by the Board of Supervisors of the County of Fulton on December 11, 1967, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(a) With respect to the additional one percent rate of taxes imposed for the period beginning December 1, 2005, and ending November 30, 2017, in respect to the use of property used by the purchaser in this county prior to December 1, 2005

SECTION 3. This enactment shall take effect December 1, 2015.

**Resolution No. 329 (Continued)**

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fulton County Code Book, NYS Department of Taxation and Finance, NYS Comptroller, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 330**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION REQUESTING SPECIAL HOME RULE LEGISLATION AUTHORIZING  
THE COUNTY OF FULTON TO IMPOSE A HOTEL/MOTEL OCCUPANCY TAX**

WHEREAS, Section 1210 of the NYS Tax Law governs sales and compensating use tax that can be levied by counties in New York State; and

WHEREAS, property taxes on Fulton County residents are far too high; and

WHEREAS, most other counties in New York State have obtained special State legislation to enact a hotel/motel occupancy tax to provide much-needed revenue to sustain county services to residents; and

WHEREAS, the Board of Supervisors desires to implement a hotel/motel occupancy tax in Fulton County in order to sustain vital services to county residents and relieve the burden on over-stressed property taxpayers; now, therefore be it

RESOLVED, That the Board of Supervisors hereby requests its legislative representatives in the NYS Senate and Assembly to sponsor special State legislation and take any other actions necessary to grant the County of Fulton authority to enact a hotel/motel occupancy tax in Fulton County at the rate of 4 percent per each overnight accommodation to be dedicated to promotion of tourism development, economic development and other directly related and supporting activities; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Senator Hugh Farley, Assemblyman Marc Butler, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 331**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT WITH BENETECH FOR THIRD PARTY  
ADMINISTRATOR SERVICES FOR THE WORKERS COMPENSATION  
SELF-INSURANCE PLAN (2016-2018)

WHEREAS, Resolution 294 of 2012 authorized a contract with Benetech, Inc. to provide Third-Party Administrator Services for the Fulton County Workers Compensation Self-Insurance Program, effective January 1, 2013 through December 31, 2015; and

WHEREAS, Benetech, Inc. has submitted a new three-year contract proposal for the period January 1, 2016 through December 31, 2018; and

WHEREAS, the Administrative Officer and the Committee on Finance have reviewed said proposal and the past work of Benetech and recommend renewal; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract with Benetech, Inc., of North Greenbush, NY, to provide Third-Party Administrator Services for the Fulton County Workers Compensation Self-Insurance Plan, at the following costs, effective January 1, 2016 through December 31, 2018:

Administration Base Fee:	2016	\$46,342.00
	2017	44,329.00
	2018	42,317.00

and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Worker's Compensation Insurance Plan, Benetech, Inc., Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 332**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING TRANSFERS**

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

Highway:

From: DM.9550.9550-5000 EXP-“Transfer to Reserve”  
To: DM.0883-Reserve-Road Mchy-Fuel System Repair  
Sum: \$1,500.00

Water District #1:

From: FX.9950.9950-5000 EXP-“Transfer to Reserve”  
To: FX.0878.0882 Water District #1 Capital Reserve  
Sum: \$3,000.00

Civil Defense:

From: A.3640.3640-4130 EXP-Contractual  
To: A.3640.3640-4030 EXP-Repairs  
Sum: \$661.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Highways and Facilities Superintendent, Civil Defense Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GROFF and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 333**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPROPRIATING FUNDS FOR A 2015 “SEAL PARKING LOTS AND ROADWAY, COUNTY SERVICES COMPLEX CAPITAL PROJECT” IN THE HIGHWAYS AND FACILITIES DEPARTMENT**

WHEREAS, the 2015 Capital Plan identifies a “Seal Parking Lots and Roadway, County Services Complex Project” for the Highways and Facilities Department at a total cost not to exceed \$111,000.00; and

WHEREAS, funds for said project are resident in A.9950.9950-9000 Transfer to Capital Plan; and

WHEREAS, it is necessary to transfer said funds into the appropriate Highways and Facilities account to carry out said project; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A.9950.9950-9000 Transfer to Capital Plan  
To: H.1620.1621.2100-0765 County Parking Lot Sealing Project (New)  
Sum: \$111,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Highways and Facilities Superintendent, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Howard)

**Resolution No. 334**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING TRUSTEE TO THE FMCC BOARD OF TRUSTEES**

WHEREAS, a vacancy exists on the Fulton-Montgomery Community College Board of Trustees resulting from the expiration of the term of Michael Pepe, and it is the responsibility of Fulton County to appoint a member to the Board of Trustees for a seven (7) year term; now, therefore be it

RESOLVED, that Geoffrey Peck of Gloversville, NY, be and hereby is appointed as a member to the Board of Trustees for a seven (7) year term, commencing July 1, 2015 through June 30, 2022; and, be it further

RESOLVED, That Geoffrey Peck is required to complete the Fulton County Board of Ethics' Financial Disclosure Statement and is further directed to sign the Fulton County Oath Book located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, FMCC Board of Trustees, FMCC President, Montgomery County Board of Legislatures, Geoffrey Peck, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 436 (16) Nays: 110 (3) (Supervisors Callery, MacVean, and Waldron)  
Absent: 5 (1) (Supervisor Howard)