

NINTH REGULAR SESSION

Johnstown, NY

September 11, 2023

Roll Call – Quorum Present

Supervisors: Argotsinger, Bardascini, Blackmon, Born, Bowman, Bradt, Breh, Callery, Fagan, Fogarty, Greene, Groff, Horton, Howard, Kinowski, Lauria, Wilson, Young

TOTAL: Present: 18 Absent: 2 (Supervisors Goderie and Potter)

Chairman Horton called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the flag, Chairman Horton shared the following words regarding September 11, 2001 and called for a moment of silence:

On September 11th, 2001, a horrendous and cowardly attack was carried out against our Country by Islamic terrorists.

Students graduating from college this year were not even alive when the attack occurred 22 years ago, but we must strive to remember.

Remember the lives lost, the heroes that responded, the government leaders who organized and rebuilt, and the families forever changed by those events.

Please stand and bow your heads in a moment of silence to remember.

Chairman Horton then asked if there was anyone from the public who wished to address the Board.

PUBLIC SPEAKERS

Debbie Phillips, Mayfield, NY: Ms. Phillips stated that she is currently a Social Welfare Examiner at Social Services. She also stated that she came here today to request a reasonable cost of living raise. She stated that the employees of Social Services work to serve the residents of this County. She noted that since the COVID pandemic, New York State (NYS) has poured out millions of dollars for the Supplemental Nutrition Assistance Program (SNAP). She stated that during COVID, Unemployment Insurance Benefits (UIB) were handing out an additional six-hundred dollars per week, per recipient, on top of their original allotment. She stated then, UIB lowered the additional payment from six-hundred to three-hundred dollars. She stated since COVID ended, she continued to remain employed and was still a tax paying individual. She stated that in the past she has justified not asking for help because that should be the last resort. She expressed that the County needs to at least help the offices that are short-staffed. She stated that if the government can send money to local governments “hand over fist” then that money should be given back to the employees and hardworking individuals. She stated that if someone visits the Department of Social Services (DSS), you will notice pinwheels in front of the building. She stated that each one stands for one (1) Child Protective Services (CPS) case. She stated that in the month of August there were 134 pinwheels. She stated that the Caseworkers in the CPS unit are at a 75 percent staff shortage. She stated that there are 11 counties in NYS that

are as financially stable as Fulton County, except Fulton County employees are paid the least. She expressed that what it costs to train individuals for them to resign and start employment with New York State is disheartening. She expressed that she is not looking for sympathy, she just wants to do her job and not have to continue to “put out fires”. She stated that, according to FDA guidelines, DSS needs to have a SNAP case processed in 30 days. She stated that some SNAP cases have reached 90 days before getting processed. She stated that means families are going without meals. She expressed that she enjoys helping the community. She thanked the Board of Supervisors for listening.

Jan Weidemann, Caseworker, DSS: Ms. Weidemann stated that she has been employed as a Caseworker in DSS for four (4) years. She stated that she was a School Success Worker but was pulled from the school to work in the CPS unit to help during the summer since that unit didn’t have adequate staff. She stated that when she started helping with CPS cases, the unit only had five (5) full-time Caseworkers including herself. She stated that the unit should have 12 full-time Caseworkers to be considered full-staffed. She expressed that there is never enough time in a single day to complete all of the required home visits. She stated that Caseworkers are constantly attempting to locate families to determine if children are safe. If it is determined that they are not living in a safe location, then the Caseworkers find other family that can take care of the children. She stated that in August, there were 134 CPS reports. She stated that each report requires an investigation. She stated that’s about 27 cases per Caseworker. NYS recommends 12 cases per Caseworker. She expressed that, although she and her coworkers try their best to ensure safety for the children of this community, they can’t guarantee it. She queried, “What will it take for the County to realize the severity of the situation”. She expressed that it is important to retain employees, not only for the services that the County must provide, but also for the sake of the current employees.

(Supervisor Potter entered the meeting at 1:12 p.m.)

PUBLIC HEARINGS/SCHEDULED SPEAKERS

1:30 P.M. PUBLIC HEARING TO RECEIVE COMMENTS REGARDING PROPOSED LOCAL LAW “D” OF 2023 TO ALLOW RESIDENTS OF FULTON COUNTY AND CONTIGUOUS COUNTIES TO SERVE AS PROBATION OFFICERS IN FULTON COUNTY

1:45 P.M. PRESENTATION FROM LABOR COUNSEL ELAYNE GOLD REGARDING A PROPOSED COLLABORATIVE BARGAINING AGREEMENT WITH THE DEPUTY SHERIFFS’ POLICE BENEVOLENT ASSOCIATION

COMMUNICATIONS

1. Letter from Fulton Montgomery Regional Chamber of Commerce dated August 14, 2023
Subj: Announcing donation of \$59,949.89 for the FJ & G Rail Trail Paving Project from the Nicholas Charitable Trust Fund

2. Letter from Vincent Bono, Chairman, Inter-County Legislative Committee of the Adirondacks dated August 14, 2023
Subj: Thanking Fulton County for hosting the Intercounty Legislative Committee of the Adirondacks on July 27, 2023
3. Letter from NYSAC Executive Director Stephen Acquario dated August 11, 2023
Subj: Confirming receipt of Fulton County's Resolution 313 of 2023, Urging the Governor to Veto A.04282B/S3505B Which Would Move Certain Local Elections to Even-Numbered Years

REPORTS OF SPECIAL COMMITTEES

Soil and Water Conservation District: Supervisor Lauria stated that the Board of Directors met on August 15 for its Annual Chicken BBQ. He stated that Soil and Water District employees have been busy with spring clean outs, beaver dam removal, swale clean outs and ditch clean ups.

CHAIRMAN'S REPORT

Chairman Horton presented the following remarks:

Well, I cannot help but think of what a different world we live in today, 22 years after 9-11. The untold cost of war, the implementation of security at airports and other venues, the inconveniences we now have, the doubts about whether we are safe. Violence is a common day occurrence, and maybe it always was, but I do not remember it as such. The marvels of technology and accessibility to information and the ease at which we communicate have given the world much benefit, but also many more ways in which to do harm.

I ask that we all commit to doing our best to do good to our neighbors and for our community. Thinking of others and helping them is one of the proudest and most noble endeavors of mankind.

It seems that each meeting we have a holiday to remark about, so with that I say that I hope you all had a wonderful Labor Day weekend, and that you are enjoying summer weather maybe a little bit later than usual.

Unfortunately, I continue to sign orders under a state of emergency, to prevent the human trafficking of migrants into our county. This is a tragedy that may be not too unlike 9-11 will have lasting effects on our way of life for years, maybe decades to come.

On August 16th, Jon Stead and I had a Zoom meeting with our special council, Sokoloff Law, who is representing us in a law suit brought against Fulton County and all the counties who have issued similar orders by Mayor Eric Adams. We explained to our council, that Fulton County has trouble providing resources to the people in need that live in our county now, and that the transferring of additional people in need, will not help, but

rather hurt our efforts to provide social services. We cited housing, education with English as the second language, police and health care issues as critical needs that are already stressed and ill prepared for additional persons in need.

Under the leadership of Supervisor Callery, Chairman of the Personnel Committee, we made very good progress in negotiations with the PBA. The process went about as smoothly as could be expected and I thank Chairman Callery for his guidance.

As you all are aware, budget meetings continue. As I stated in July, there are some challenges. New State policies and mandates have again downloaded expenses to the county level. The Governor continues to use the tactic that was implemented many years ago to place the burden on local taxpayers, for State policy. These unfunded mandates continue to be an outrage.

Always a good time, I attended two ribbon cuttings this past month. One at the Bridge Walk, formally the Perthshire in Perth, and one at Slate a Rustic Tavern in Caroga. It is always enjoyable to celebrate with owners the opening of a new business in our county.

I also enjoyed attending the annual Chicken BBQ at Soil and Water. Great food and the desserts donated by Sunday and John Blackmon are never disappointing until we get on the bathroom scale the next morning.

On August 18th I attended the CRG board meeting. I learned that they have sold their building and are looking for a new location.

This past Saturday the New York State Baseball Hall of Fame inducted Babe Ruth. I was unable to attend, but to see how far Parkhurst Field and the New York State Baseball Hall of Fame have come in two years is remarkable. We should all be proud of our support of these two projects.

Last Wednesday, I attended a Tourism Roundtable held at the Broadalbin Hotel with Supervisors Argotsinger, Groff, and Blackmon along with Scott Henze, Carla Kolbe and many other local officials and business owners. About 45 persons were in attendance. The event is part of an eleven-county fact finding program headed by Assemblyman Scott Gray. The purpose of this endeavor by Assemblyman Gray is to understand the needs of tourism development in upstate New York and how best the State can assist in growing this important part of our economy. He stated that tourism is about 20 percent of the Fulton County economy.

So, we have some good news and some challenges.

As always, I am very grateful for all the support of the supervisors, and especially your regular attendance at committee meetings: Eight (8) Committee meetings down and four (4) to go.

RESOLUTIONS

Chairman Horton opened the Public Hearing to receive comments regarding proposed Local Law 4 of 2023 to Allow Residents of Fulton County and Contiguous Counties to Serve as Probation Officers in Fulton County at 1:30 p.m. No one came forward.

No. 28 (Resolution Authorizing Change Order No. 1 to the Contract with M. Mazza Paving, LLC to Include Additional Labor and Materials for the FJ & G Rail Trail Paving Project (2023 Capital Plan)): Supervisor Callery asked if M. Mazza Paving, LLC is going to adjust the cost of the equipment rentals needed to complete the additional work as this was a question during the Finance Committee review.

Deputy Administrative Officer Beth Lathers stated that answer was not received in Planning Director Scott Henze's response. She stated that Mr. Henze's response stated that M. Mazza Paving, LLC was adamant that the additional labor and materials was needed given the soft and wet grounds on the Rail Trail.

Supervisor Lauria stated it is not the County's problem that material prices increased after the bid was awarded. Mr. Stead stated that Mr. Lauria's point was discussed in both Committee reviews. Given the fact that the other bids received for this project were over \$100,000.00 higher, the Committee on Public Works still supported the Change Order to this company.

Supervisor Fogarty said that he went to the FJ & G Rail Trail project site and there may be an issue there because the ground is very soft. He stated that while he was there, he watched a tandem truck drive in fully loaded and watched the ground "act as a sponge".

Chairman Horton stated that being a Civil Engineer, he understands that the engineering firm did assess these issues. He stated that the loading conditions on the trail are more determined by the construction loads than the use loads. He stated that was also looked at extensively. Chairman Horton noted that he also went to the Rail Trail Paving Project and changing the grade was considered and that would have led to reprogramming of the dozer equipment. Mr. Stead stated that appropriate dividers must be installed so that unauthorized vehicles cannot drive on it once the project is complete.

Chairman Horton again asked if there were any members of the public who wished to make comments regarding proposed Local Law 4 of 2023 to Allow Residents of Fulton County and Contiguous Counties to Serve as Probation Officers in Fulton County. There being no interested speakers, Chairman Horton closed the Public Hearing at 1:48 p.m.

Upon a motion by Supervisor Callery, seconded by Supervisor Fagan and unanimously carried, the Board entered into Executive Session at 1:50 p.m. to discuss collective bargaining.

Upon a motion by Supervisor Callery, seconded by Supervisor Groff and unanimously carried, the Board entered into Regular Session at 2:10 p.m.

A motion was offered by Supervisor Fagan seconded by Supervisor Callery and unanimously carried, to waive the Rules of Order to take action on Late Resolutions 1 through 3.

No. 390 (Resolution Supporting Senate Bill S7645 that Repeals Certain Provisions of the Executive Law Establishing a Fee for Background Checks on Certain Firearm and Ammunition Purchases): Supervisor Young asked if there was anything else other than the background fees wording that was being repealed by this Senate Bill. Mr. Stead stated that this bill only repeals the associated charges for the background checks. He also stated that this doesn't change any other components of the CCIA, other than not charging for the background checks.

Supervisor Groff stated that these background checks were always done by the federal government before this. Mr. Stead stated that, previously, NICS Checks could always be done by the firearms seller; however, federal law doesn't allow for sellers to do background checks for ammunition. Mr. Stead stated that this law has created a whole new bureau to use the NICS database that was already done by the seller and noted that the State is taking over the NICS checks.

Mr. Lauria asked where the money is going if purchasers are charged for the background checks. Mr. Stead stated it is supposed to be used to fund the new Bureau within the New York State Police Department. Mr. Stead stated that the new bureau will maintain a database under the CCIA legislation. Supervisor Bardascini stated his friend is a Second Amendment attorney and she is making an emergency appeal to the US Supreme Court next week regarding this issue.

No. 391 (Resolution Authorizing a Contract with Maxim Healthcare Services to Provide Two (2) Registered Nurses in the Correctional Facility): Jail Administrator Captain Keith Ackernecht, stated that, historically, per diem nurses were for weekends only. He stated that he could only acquire one (1) per diem nurse in the last five (5) years. He stated that based on feedback from other nurses the salary isn't enough to get anyone interested in the positions. He stated that there are two (2) full-time positions but one of them is vacant. He stated that he has been trying to recruit a full-time nurse to fill the vacancy but over the last six (6) months, he hasn't received any applications. He stated that currently he is working with a skeleton crew of per diems and one full-time Registered Nurse to cover hours. He stated that the jail population has been rising into the 100s again now that COVID is over.

He stated that Maxim Healthcare Services provides nurses and they pay them.

Mr. Callery states that he supports this contract. Mr. Callery noted that the Sheriff requested the creation of one (1) full-time Registered Nurse for 2024, if that position is filled, would this contract be necessary to continue. Captain Ackernecht stated that he would like to continue contracting out in 2024 if it works out like he expects it too. He noted that Maxim already covers the Hale Creek Correctional Facility.

Mr. Callery asked if there is money in the budget for this. Captain Ackernecht stated the majority of the cost is in the budget for 2023, but probably not all of it. Sheriff Giardino stated he would return in the future when additional funds are needed.

OLD BUSINESS

Mr. Lauria read a former Resolution 314 of 2023 that was in Memory of Angelo Lomanto.

Upon a motion by Supervisor Callery, seconded by Supervisor Fagan and unanimously carried, the Board entered into Executive Session at 2:37 p.m. to discuss employment history.

(Supervisor Potter left the meeting at 2:37 p.m.)

Upon a motion by Supervisor Callery, seconded by Supervisor Fagan and unanimously carried, the Board entered into Regular Session at 3:18 p.m.

ADJOURNMENT

Upon a motion by Supervisor Callery, seconded by Supervisor Greene and unanimously carried, the Board adjourned at 3:19 p.m.

Certified by:

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

Resolution No. 355

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION DESIGNATING THE FULTON COUNTY VISITOR'S BUREAU AS THE
COUNTY'S TOURISM PROMOTION AGENCY

WHEREAS, Resolution 371 of 2022 created the Fulton Count Visitors' Bureau as a division of the County Planning Department to promote tourism and recreation; and

WHEREAS, the New York State Tourism Promotion Act requires formal designation of the County's Tourism Promotion Agency for participation in State programming; now, therefore be it

RESOLVED, That the Fulton County Planning Department Visitors' Bureau be, and hereby is, designated to be the Fulton County Tourism Promotion Agency for all tourism programming including NYS "I Love NY" funding applications; and, be it further

RESOLVED, That said designation of the Visitors' Bureau as Fulton Count's Tourism Promotion Agency shall be effective immediately and shall remain in force until rescinded by Resolution of the Board of Supervisors; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Tourism Coordinator, 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 Goderie)

Resolution No. 357

Supervisors BLACKMON, CALLERY and HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING BACKFILL OF A FULL-TIME ACCOUNT CLERK/TYPIST
POSITION WITH A PART-TIME ACCOUNT CLERK/TYPIST
(SOCIAL SERVICES DEPARTMENT)

WHEREAS, the Commissioner of Social Services has requested to re-hire a retired Account Clerk/Typist on a part-time basis to assist the Department due to the former employee's extensive knowledge and training; now, therefore be it

RESOLVED, That the Board of Supervisors hereby authorizes the Personnel Director to temporarily backfill an Account Clerk/Typist position in the Department of Social Services with a Part-time Account Clerk/Typist not to exceed 17 hours per week and through December 31, 2023; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Social Services Commissioner, 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 Goderie)

Resolution No. 358

Supervisors GROFF, CALLERY and HOWARD offered the following Resolution and moved its adoption:

RESOLUTION WAIVING THE START RATE AND RESIDENCY RULE FOR THE
HIRE OF A FULL-TIME ASSISTANT PUBLIC DEFENDER IN THE
PUBLIC DEFENDER'S OFFICE

WHEREAS, there is a pending vacancy in the Assistant Public Defender position in the Public Defender's Office to handle criminal court proceedings; and

WHEREAS, the Public Defender is experiencing difficulty filling said Assistant Public Defender position in the Public Defender's Office after extensive recruitment efforts and advertising; and

WHEREAS, the Public Defender has requested that the Board of Supervisors waive the Start Rate and Residency Rule for the hire of the an Assistant Public Defender position assigned to criminal court in order to attract qualified candidates; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety, Personnel and Finance, the Public Defender be, and hereby is, authorized to hire a full-time Assistant Public Defender at the 2023 permanent one-year rate of \$98,642.00 and is further authorized to hire an out-of-county resident from anywhere in New York State if necessary, in this instance only; and, be it further

RESOLVED, That the Public Defender and Personnel Director 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, Public Defender, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WILSON and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 359

Supervisors GROFF, WILSON and ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE FULTON COUNTY VISITOR'S CENTER AT VAIL MILLS TO BE USED AS A MEDIA STAGING AREA DURING EMERGENCY SITUATIONS AT BROADALBIN-PERTH SCHOOL DISTRICT

WHEREAS, the Civil Defense Director/Fire Coordinator has been working in conjunction with local fire departments and EMS agencies to identify pre-determined staging areas for use during emergency situations; and

WHEREAS, the Broadalbin-Perth School District has requested to utilize the Fulton County Visitor's Center at Vail Mills as a Media Staging Area during emergency situation at the Broadalbin-Perth School District on an, as needed basis; and

WHEREAS, the Committees on Public Safety, Public Works and Economic Development and Environment have endorsed the Fulton County Visitor Center at Vail Mills utilization as proposed by the School District and the Civil Defense Director/Fire Coordinator; now, therefore be it

RESOLVED, That upon the recommendation of the Civil Defense Director/Fire Coordinator and the Committees on Public Safety, Public Works and Economic Development and Environment, the Board of Supervisors hereby authorizes the utilization of the Fulton County Visitors' Center at Vail Mills as a Media Staging Area during emergency situations at the Broadalbin-Perth School District in accordance with that school's emergency event plan; and, be it further

RESOLVED, That the Civil Defense Director/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, Broadalbin-Perth School District, 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 Goderie)

Resolution No. 360

Supervisors GROFF and HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AMENDING CONTRACT WITH CONTINUUM SYSTEMS FOR VOICE LOG RECORDER SERVICES TO INCREASE AMOUNT (SHERIFF’S DEPARTMENT)

WHEREAS, Resolution 505 of 2022 authorized a contract with Continuum Systems for Voice Log Recorder Services in 2023 in an amount of \$6,333.31; and

WHEREAS, the Sheriff now reports that the actual cost is \$7,472.00 for said contract; and

WHEREAS, Resolution 312 of 2023 authorized a transfer to cover the \$1,139.00 difference that was not included in the 2023 budget by the Sheriff; and

WHEREAS, said amount for Voice Log Recorder Services shall be updated as follows:

<u>Vendor</u> <u>Amount</u>	<u>Program</u>	<u>Original Contract Amount</u>	<u>Revised</u> <u>Contract</u>
Continuum Systems	Voice Logger	\$6,133.31	\$7,472.00

and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Sheriff’s Department and Continuum Systems in an amount not to exceed \$7,472.00 for Voice Log Recorder Services; and, be it further

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 361

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION WAIVING THE “60 MILE RADIUS RULE” FOR A SHERIFF’S
DEPARTMENT INVESTIGATOR TO ATTEND THE NYSP HENRY WILLIAMS
INTERNATIONAL HOMICIDE SEMINAR

WHEREAS, Resolution 188 of 1992 established a 60-mile radius minimum for overnight conferences for all employees of the County of Fulton; and

WHEREAS, the Sheriff has requested a waiver of said rule for an Investigator to attend the New York State Police (NYSP) Annual Henry Williams International Homicide Seminar held in Albany, NY; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Public Safety, the “60-mile radius rule” as identified in Resolution 188 of 1992, be and hereby, is waived to allow a Sheriff’s Department Investigator to attend the NYSP Annual Henry Williams International Homicide Seminar held in Albany, NY at a cost not to exceed \$950.00; and, be it further

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

Seconded by Supervisor BOWMAN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 362

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH AUCTIONS INTERNATIONAL CORPORATION FOR SALE OF SURPLUS VEHICLES IN THE SHERIFF’S DEPARTMENT

WHEREAS, the Sheriff’s Department has recommended the public sale of two (2) 2014 Dodge Chargers and one (1) 2018 Dodge Charger; and

WHEREAS, there is no cost to the County to utilize Auctions International Corporation because it charges purchasers a “buyer premium” that is added to the bid price; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract between the County of Fulton and Auctions International Corporation, of East Aurora, NY, to sell the following item(s) with compensation equaling a Buyer’s Premium of 10 percent;

<u>Year</u>	<u>Vehicle</u>	<u>VIN</u>	<u>Mileage</u>	<u>Minimum Bid</u>
2014	Dodge Charger	2C3CDXATXEH2445559	183,000	\$200.00
2014	Dodge Charger	2C3CDXAT8EH244554	100,000	\$200.00
2018	Dodge Charger	2C3CDXKT9JH139983	210,634	\$200.00

and, be it further

RESOLVED, That said contract shall be contingent upon the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Sheriff, Auctions International Corporation, 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 Goderie)

Resolution No. 363

Supervisors WILSON AND HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AN EXTENSION TO THE INTER-MUNICIPAL AGREEMENT WITH HAMILTON COUNTY FOR SOLID WASTE DISPOSAL (2024-2028)

WHEREAS, Resolution 540 of 2018 authorized an Inter-Municipal Agreement with Hamilton County for Solid Waste Disposal for the period 2019 through 2023; and

WHEREAS, representatives of Hamilton County and Fulton County participated in amicable negotiations to establish pricing, terms and conditions of an extension to the existing Inter-Municipal Agreement; and

WHEREAS, the Committee on Public Works and Finance have reviewed the terms and conditions of a proposed extension to the intermunicipal agreement between the two counties governing the disposal of Hamilton County’s waste at the Fulton County Solid Waste Facility, 847 Mud Road, Johnstown, NY, and recommend its consideration by the full Board of Supervisors; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an Intermunicipal Agreement between Fulton County and Hamilton County for use of the Fulton County Landfill, 847 Mud Road, Johnstown, NY; said Agreement extension to include the following key terms and conditions:

1. It is the intent of this Agreement to provide for disposal of municipal solid waste generated by the citizens of Hamilton County and managed by Hamilton County and its constituent municipalities. Waste generated in, or delivered by or on behalf of other municipalities shall not be acceptable under this Agreement.
2. The contract term shall commence January 1, 2024 and shall expire December 31, 2028. The term may be extended for one (1) additional five (5) year period by mutual consent of the parties.
3. Tipping Fees: Tipping Fees for Hamilton County waste shall be as follows:
 - January 1, 2024: \$52.00 per ton
 - January 1, 2025: \$53.00 per ton
 - January 1, 2026: \$54.00 per ton
 - January 1, 2027: \$55.00 per ton
 - January 1, 2028: \$56.00 per ton

Resolution No. 363 (Continued)

4. Transportation of waste to the Fulton County Landfill is the responsibility of Hamilton County.
5. All billing will be single-billing to Hamilton County.

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, Solid Waste Director, Hamilton County, 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 Goderie)

Resolution No. 364

Supervisors WILSON and HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE SOLID WASTE DEPARTMENT AND BARTON & LOGUIDICE, DPC FOR ENVIRONMENTAL MONITORING SERVICES (2024-2026)

WHEREAS, Barton and Loguidice, DPC has provided water quality testing services to the Solid Waste Department since 1994; and

WHEREAS, the Committees on Public Works and Finance recommend continuation of a contract with Barton and Loguidice for environmental monitoring services required by the State, as well as ongoing water quality testing services, as said firm is the most familiar with Fulton County's landfill operations; and

RESOLVED, That the Chairman of the Board of Supervisors is hereby authorized to sign a contract with Barton and Loguidice, of Liverpool, NY, for ongoing water quality consulting services and environmental monitoring services, for a three (3) year period, effective January 1, 2024 through December 31, 2026, at the following not to exceed costs:

2024:	\$13,000.00
2025:	13,000.00
2026:	13,000.00

said contract 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, Director of Solid Waste, Barton and Loguidice, Budget Director/County Auditor 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 Goderie)

Resolution No. 365

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AN OPERATING PERMIT FOR A COMPOSTING SOLID WASTE MANAGEMENT FACILITY FOR THE CITY OF GLOVERSVILLE (2024-2028)

WHEREAS, Resolution 340 of 2013 authorized the issuance of a permit to the City of Gloversville to operate a composting facility for yard waste on East Fulton Street Extension, in the City of Gloversville, for a five-year period; and

WHEREAS, Resolution 394 of 2018 reauthorized issuance of an Operating Permit for January 1, 2019 through December 31, 2023; and

WHEREAS, the City of Gloversville has requested said permit be renewed under the same conditions; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Public Works, the Chairman of the Board and Solid Waste Director be and hereby are authorized to sign an Operating Permit for the City of Gloversville to continue operating a composting facility at its East Fulton Street Extension location, effective January 1, 2024 through December 31, 2028, with conditions outlined therein, and to do each and every other thing necessary as required by Local Law 3 of 1990 and the Code of Fulton County; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, NYS Department of Environmental Conservation, City of Gloversville 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 Goderie)

Resolution No. 366

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING GRANT APPLICATION FOR A 2024 MUNICIPAL WASTE REDUCTION/RECYCLING PROJECT (SOLID WASTE DEPARTMENT)

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the County of Fulton, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; now, therefore be it

RESOLVED,

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;
2. That the Chairman of the Board of Supervisors is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and Recycling Project.
4. That this resolution shall take effect immediately;

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Director of Solid Waste, NYS Department of Environmental Conservation, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BOWMAN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 367

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR DIESEL FUEL FOR
USE BY THE HIGHWAYS AND FACILITIES DEPARTMENT AND
SOLID WASTE DEPARTMENT (2024)

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of diesel fuel for the fuel dispensing system located at the Highways and Facilities Department and Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, 223 West Main Street, Room 203, County Office Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, 223 West Main Street, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 4, 2023; 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, 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 Goderie)

Resolution No. 368

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR UNLEADED GASOLINE FOR THE CENTRAL FUEL DEPOTS LOCATED AT THE COUNTY SERVICES COMPLEX AND SOLID WASTE DEPARTMENT (2024)

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of unleaded fuels for the fuel dispensing system located at the County Services Complex and Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, 223 West Main Street, Room 203, County Office Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 4, 2023; 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, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 369

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CLEANING SERVICES AT FULTON COUNTY DEPARTMENT OF SOCIAL SERVICES (2024)

WHEREAS, the current bid for custodial services in the Department of Social Services Cooper Building expires on December 31, 2023; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for custodial services for the Department of Social Service Cooper Building, 4 Daisy Lane, Johnstown, NY, (and according to further specifications which may be obtained at the Office of the Purchasing Agent, 223 West Main Street, Room 203, County Office Building, Johnstown, NY, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, 223 West Main Street, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 4, 2023, 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, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor FOGARTY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 370

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CLEANING SERVICES AT FULTON COUNTY COMPLEX I AND II BUILDINGS (2024)

WHEREAS, the current contract for custodial services at the Fulton County Complex I and II Buildings expires on December 31, 2023; and

WHEREAS, the Committee on Buildings and Grounds/Highway and Superintendent of Highways and Facilities recommend soliciting bids to clean Fulton County Complex I and II Buildings; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for custodial services for the Fulton County Complex I and II, 2714 State Highway 29, Johnstown, NY, (and according to further specifications which may be obtained at the Office of the Purchasing Agent, 223 West Main Street, Room 203, County Office Building, Johnstown, NY, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, 223 West Main Street, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 4, 2023, 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, 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 Goderie)

Resolution No. 371

Supervisors WILSON and HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION TO CONTRACT WITH BREZZY CLEANING SERVICE FOR CUSTODIAL SERVICES IN THE FULTON COUNTY OFFICE BUILDING (2024)

WHEREAS, Resolution 439 of 2022 awarded a contract to Brezzy Cleaning service for custodial services in the Fulton County Office Building, at a cost of \$81,600.00, with the County option to extend said contract in 2024 and 2025; and

WHEREAS, the Superintendent of Highways and Facilities requests said contract be extended for another year; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Public Works and Finance, the Chairman of the Board be and hereby is authorized to sign an extension to the contract with Brezzy Cleaning Service, of Gloversville, NY, for custodial services in the Fulton County Office Building, effective January 1, 2024 through December 31, 2024, at a cost not to exceed \$82,800.00; 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 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 BLACKMON and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 372

Supervisors WILSON and HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION TO CONTRACT WITH BREZZY CLEANING SERVICE FOR CUSTODIAL SERVICES AT THE 57 EAST FULTON STREET BUILDING (2024)

WHEREAS, Resolution 372 of 2021 awarded a contract to Brezzy Cleaning service for custodial services at the 57 East Fulton Street Building, at a cost of \$22,200.00, with the County option to extend said contract in 2023 and 2024; and

WHEREAS, the Superintendent of Highways and Facilities requests said contract be extended for another year; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Public Works and Finance, the Chairman of the Board be and hereby is authorized to sign an extension to the contract with Brezzy Cleaning Service, of Gloversville, NY, for custodial services at the 57 East Fulton Street Building, effective January 1, 2024 through December 31, 2024, at a cost not to exceed \$26,400.00; 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 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 GREENE and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 373

Supervisors WILSON and HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION TO CONTRACT WITH BREZZY CLEANING SERVICE FOR CUSTODIAL SERVICES IN FULTON COUNTY FORT JOHNSTOWN, OFFICE OF AGING AND EMERGENCY MANAGEMENT BUILDING (2024)

WHEREAS, Resolution 371 of 2021 awarded a contract to Brezzy Cleaning service for custodial services in the Fulton County Office For Aging Building, Fort Johnstown and Emergency Management Buildings, at a cost of \$24,504.00, with the County option to extend said contract in 2023 and 2024; and

WHEREAS, Resolution 358 of 2022 authorized an extension of said contract for 2023 at a cost of

WHEREAS, the Superintendent of Highways and Facilities requests said contract be extended for another year; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Public Works and Finance, the Chairman of the Board be and hereby is authorized to sign an extension to the contract with Brezzy Cleaning Service, of Gloversville, NY, for custodial services in the Fulton County Office For Aging Building, Fort Johnstown and Emergency Management Buildings, effective January 1, 2024 through December 31, 2024, at a cost not to exceed \$25,104.00; 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 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 BORN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 374

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR HEATING OIL AND
50/50 BLEND FOR COUNTY BUILDINGS (2024)

WHEREAS, the current bid for No. 2 heating oil and 50/50 blend expires on December 31, 2023; 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 2024 (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, 223 West Main Street, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 4, 2023 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 BREH and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 375

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR WASTE REMOVAL SERVICES FOR THE FULTON COUNTY CORRECTIONAL FACILITY (2024)

WHEREAS, the current bid for waste removal services expires on December 31, 2023; 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, 223 West Main Street, 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 4, 2023, 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 CALLERY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 376

Supervisors WILSON and HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION TO THE CONTRACT WITH CENTURY LINEN & UNIFORM SERVICE FOR THE DEPARTMENTS OF SOLID WASTE AND HIGHWAYS AND FACILITIES (2024)

WHEREAS, Resolution 317 of 2020 awarded a bid to Century Linen & Uniform for Uniform Services for the Highway and Facilities Department and Solid Waste Department from January 1, 2021 through December 31, 2022, at a cost of \$4.84 per employee per week, with the County option to extend said contract for two (2) one-year optional extensions; and

WHEREAS, Resolution 361 of 2022 authorized an extension to the contract with Century Linen & Uniform Service for the Departments of Solid Waste and Highways and Facilities for the term January 1, 2023 through December 31, 2023; now, therefore be it

RESOLVED, That upon the recommendation of the Purchasing Agent and Committees on Public Works and Finance, the Chairman of the Board be and hereby is authorized to sign an amendment to the contract with Century Linen & Uniform of Johnstown, NY, to extend Uniform Service for the Departments of Highways and Facilities and Solid Waste, effective January 1, 2024 through December 31, 2024 at a cost of \$4.84 per employee per week; 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 applicable Department accounts; 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, Century Linen, 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 Goderie)

Resolution No. 377

Supervisors WILSON and HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF
A GENERATOR FOR THE FULTON COUNTY
SEWER DISTRICT NO. 3: MECO PUMP STATION

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a 2023 or newer Generator for the Fulton County Sewer District No. 3: Mecos Pump Station (and according to further specifications which may be obtained at the Office of the Purchasing Agent, 223 West Main Street, Room 203, County Office Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, 223 West Main Street, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 4, 2023; 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, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor FOGARTY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 378

Supervisors WILSON AND HOWARD offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING DONATION FROM THE “NICHOLAS CHARITABLE TRUST FUND” FOR THE FJ & G RAIL TRAIL PAVING PROJECT (2023 CAPITAL PLAN)

WHEREAS, the “Nicholas Charitable Trust Fund”, managed by the Fulton Montgomery Regional Chamber of Commerce, was established with donated monies to support construction and maintenance of the FJ & G Rail Trail; and

WHEREAS, in a letter dated June 23, 2023, the Chairman of the Board requested financial assistance from the “Nicholas Charitable Trust Fund” to complete the FJ & G Rail Trail Paving Project (2023 Capital Plan); and

WHEREAS, the County has been notified that said request for financial assistance in the amount of \$59,989.49 has been granted; and

WHEREAS, the Planning Director and the Committees on Public Works and Finance recommend acceptance of said donation to fund a portion of cost over-runs incurred on said FJ & G Rail Trail Paving Project; now, therefore be it

RESOLVED, That the Board of Supervisors be and hereby is authorized to accept a donation of \$59,989.49 from the “Nicholas Charitable Trust Fund” to support the FJ & G Rail Trail Paving Project; and, be it further

RESOLVED, That the 2023 Adopted Budget be and hereby is amended as follows:

Revenue	
Increase H.8020.8020-2770.0976 – Other – FJ & G Rail Trail Improvements	\$59,990.00
Appropriation	
Increase H.8020.8020-2100.0976 – EXP – FJ & G Rail Trail Improvements	\$59,990.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to County Treasurer, Planning Director, Nicholas Charitable Trust Fund, Chamber of Commerce, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 479 (18) Nays: 27 (1) (Supervisor Potter)

Absent: 23 (1) (Supervisor Goderie)

Resolution No. 379

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION APPOINTING SHEILA PERRY TO THE FULTON COUNTY
PLANNING BOARD

WHEREAS, a vacancy exists on the Fulton County Planning Board; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Public Works, Sheila Perry of Broadalbin, NY, be and hereby is appointed to the Fulton County Planning Board, to serve the balance of the term January 1, 2021 through December 31, 2023; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Fulton County Ethics Board, Fulton County Planning Board, Sheila Perry, 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 Goderie)

Resolution No. 380

Supervisors WILSON AND HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH M. MAZZA PAVING, LLC TO INCLUDE ADDITIONAL LABOR AND MATERIALS FOR THE FJ & G RAIL TRAIL PAVING PROJECT (2023 CAPITAL PLAN)

WHEREAS, the 2023 Capital Plan included a FJ & G Rail Trail Project in the amount of \$100,000.00 funded with Capital Improvement Reserves; and

WHEREAS, Resolution 293 of 2023 awarded a bid for said Paving Project to M. Mazza Paving, LLC of Gloversville, NY in the amount of \$159,989.49 and appropriated an additional \$60,000.00 in Capital Improvement Reserves; and

WHEREAS, M. Mazza Paving, LLC informed the Planning Director that there are unstable conditions on part of the Rail Trail and additional subbase materials and labor is needed to complete the project; and

WHEREAS, the total cost of adding additional subbase materials and labor for said project is \$52,997.54; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign Change Order No. 1 to the contract with M. Mazza Paving, LLC for additional subbase materials and labor related to the FJ & G Rail Trail Project as follows:

Original Contract Amount:	\$159,989.49
Change Order No. 1, Additional Materials & Labor	+ 52,997.54
Revised Contract Amount	\$212,987.03

and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 474 (17) Nays: (2) (Supervisors Fogarty and Potter)
Absent: 23 (1) (Supervisor Goderie)

Resolution No. 381

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING REFUND OF BID DEPOSIT FOR CERTAIN
FORECLOSURE AUCTION PROPERTY SBL #55.-1-34 IN THE TOWN OF BLEECKER**

WHEREAS, a public auction for sale of County-owned property was held on Thursday, June 29, 2023; and

WHEREAS, the Auction brochure listed Parcel No. 55.-1-34, in the Town of Bleecker, as having 0.64 acres rather than the actual size of 0.44 acres; and

WHEREAS, the actual acreage of 0.44 acres is limited by adjacent County-owned highway property that prevents any driveway access to said parcel; and

WHEREAS, based upon the foregoing, the bidder has requested that he be refunded his payment of \$7,079.50 and released from the sale contract; and

WHEREAS, the County Treasurer recommends that the bidder be released from the sale contract and that his payment be returned, but exclude refunding other costs incurred at the buyer's risk; now, therefore be it

RESOLVED, That the Board of Supervisors hereby authorizes a withdrawal from the sale agreement by Mark Manny, Watervliet, NY for tax-foreclosed property (SBL 55.-1-34) in the Town of Bleecker; and, be it further

RESOLVED, That the County Treasurer be and hereby is authorized to reacquire title to said parcel and to refund the bidder's payment amount of \$7,079.50; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Mark Manny, 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 Goderie)

Resolution No. 382

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE COUNTY TREASURER TO ZERO OUT THE CAPITAL PROJECT EXPENSE ACCOUNT FOR THE TRYON ELECTRIC SERVICE PROJECT AND MOVE UNSPENT MONIES BACK TO THE CAPITAL IMPROVEMENTS RESERVE

WHEREAS, construction of the Tryon Electric Service Project identified in the 2019 Capital Plan has been completed and remaining funds in the project's associated expense account are no longer needed; now, therefore be it

RESOLVED, That, in accordance with a recommendation from the Budget Director, said project's remaining balance be returned to the following account:

A-0883.0800 - Capital Improvements Reserve
H.8020.6430-2100.0947 – EXP – Tryon Electric Service Project – 2019
(Approximate balance – \$126,109.38)

and, be it further

RESOLVED, That the County Treasurer and the Budget Director/County Auditor 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, Planning Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BOWMAN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 383

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION APPROPRIATING MONIES TO CAPITAL RESERVES

WHEREAS, Resolution No. 175 of 2001 established Capital Reserve Accounts in which to deposit monies from National Tobacco Settlement proceeds and/or County monies from other sources that would facilitate capital improvements or the purchase of capital equipment; and

WHEREAS, 2023 Tobacco Settlement Proceeds for Fulton County totaled \$896,429.43; and

WHEREAS, the Committee on Finance recommends appropriating the 2023 proceeds specified herein in accordance with said Capital Plan funding policy; \$1,000.00 allocated in the 2024 Adopted Budget to the Youth Bureau Program and the balance allocated to the Capital Reserves; now, therefore be it

RESOLVED, That the 2023 Adopted Budget be and hereby is amended, as follows:

Revenue	
Decrease A.1000.0599-0599 - REV- Appropriated Fund Balance	\$896,429.00
Increase A.1000.2690-2690 - REV- Other Compensation for Loss	\$896,429.00

and, be it further

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

From: A-0909 - Unreserved Fund Balance
To: A-0883.0800 - Capital Improvements Reserve
Sum: \$895,429.00

and, be it further

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

Seconded by Supervisor WILSON and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 384

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Solid Waste:

- 1 – Electro Magnetic Separator (3508)
- 1 – Quincy Compressor/Left side (3550)
- 1 – Quincy Compressor/Right side (3551)
- 1 – 5,000 Gallon Stainless tank waste oil storage (3649)
- 1 – Container, Converted Leachate Tanker (5806)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; 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, Budget Director/County Auditor 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 Goderie)

Resolution No. 385

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION APPOINTING WILLIAM ESCHLER AS REPUBLICAN
BOARD OF ELECTIONS COMMISSIONER

WHEREAS, former Republican Board of Elections Commissioner Lee Hollenbeck retired effective August 31, 2023; and

WHEREAS, Resolution 662 of 2008 fixed a two-year term for Board of Elections Commissioners; and

WHEREAS, the Fulton County Republican Committee has filed with the Board of Supervisors a recommendation that William Eschler be appointed Board of Elections Commissioner for the balance of the existing term; now, therefore be it

RESOLVED That the Fulton County Board of Supervisors, upon the recommendation of the Fulton County Republican Committee, hereby appoints William Eschler, of Northville, NY, as Board of Elections Commissioner of Fulton County, effective September 12, 2023 through December 31, 2024; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, William Eschler, Personnel Director, Fulton County Republican Committee, Fulton County Clerk, as provided by Section 30, Subdivision 3 of the Election Law, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

Resolution No. 386

Supervisor HOWARD 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 term of Roberta Winsman, 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 Jack Wilson of Johnstown, NY, be and hereby is appointed as a member of the Fulton-Montgomery Community College Board of Trustees, effective September 11, 2023, for the balance of the seven (7) year term, commencing July 1, 2023 through June 30, 2030; and, be it further

RESOLVED, That Jack Wilson 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 Supervisors, Jack Wilson, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further purport of this Resolution.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 417 (17) Nays: 0 Abstentions: 89 (2) (Supervisors Wilson and Young)
Absent: 23 (1) (Supervisor Goderie)

Resolution No. 387

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS

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

Public Defender

From: A.1170.1170-4130 - EXP- Contractual
To: A.1170.1170-2000 - EXP- Equipment - Fixed Asset
Sum: \$7,985.00
(Purchase of Canon Copier iRC5840i)

Treasurer's Office

From: A.1325.1325-4210 - EXP – Trainings and Conferences
To: A.1620.1620-4180 - EXP – Renovations
Sum: \$3,600.00

Sheriff's Department

From: A.3110.3150-1000 – EXP – Payroll	\$75,000.00	
To: A.3110.3150-1100 – EXP – Overtime		\$50,000.00
A.3110.3150-1110 – EXP – Supplemental		\$25,000.00

Emergency Management

From: A.3640.3640-2000 – EXP – Equipment – Fixed Asset
To: A.3640.3640-4010 – EXP – Equipment – Non-Asset
Sum: \$1,300.00

Social Services Department

From: A.6010.6014-1000 - EXP- Payroll
To: A.6010.6010-1100 - EXP- Overtime
Sum: \$8,000.00

From: A.6010.6017-1000 - EXP- Payroll
To: A.6010.6017-1100 - EXP- Overtime
Sum: \$3,000.00

Planning Department

From: A.1000.9950-9000.1000 – EXP – Other – Unrestricted
To: H.8020.8397-2100.0905 – EXP – SMART Waters Sewer Vail Mills
Sum: \$1,126.00

Resolution No. 387 (Continued)

Solid Waste Department

From: CL.8160-8161-4030 – EXP – Repairs
To: CL.8160.8161-4180 – EXP – Renovations
Sum: \$11,250.00

Highway Department

From: D.5010.5110-1000.1102 – EXP-Payroll-Highway Crews
To: D.5010.5142-1000.1102 – EXP-Payroll- Highway Crews Snow
Sum: \$40,000.00

From: DM.9550.9550-5000 - EXP- Transfer to Reserve
To: DM-0882.0883 – Road Machinery Fuel System Reserve
Sum: \$1,500.00
(Central Fuel System Reserve Fund)

Sewer District

From: G-0909 – Unreserved Fund Balance
To: G-0878.8113 – Sewer District No. 3 Meco – Capital Reserve
Sum: \$1,500.00
(Fulton County Sewer District No. 3: Meco Reserve)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Defender, Social Services Commissioner, Civil Defense Director/Fire Coordinator, Sheriff, Planning Director, Solid Waste Director, Superintendent of Highways and Facilities, 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 Goderie)

Resolution No. 388

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING LOCAL LAW 4 OF 2023 TO ALLOW RESIDENTS OF
FULTON COUNTY AND CONTIGUOUS COUNTIES TO SERVE AS
PROBATION OFFICERS IN FULTON COUNTY

WHEREAS, proposed Local Law 4 of 2023 entitled, “A Local Law to Allow Residents of Fulton County and Contiguous Counties to Serve as Probation Officers in Fulton County”; and

WHEREAS, a public hearing was held on September 11, 2023, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law 4, as attached hereto and made a part hereof, be and hereby is approved; and, be it further

RESOLVED, That the Clerk of the Board is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That the Chairman of the Board of Supervisors and County Attorney be authorized and empowered to do each and every other thing necessary to further the purport of the Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, NYS Secretary of State, Personnel Director, Probation Director, Fulton County Code, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor WILSON and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)

**COUNTY OF FULTON, NEW YORK
LOCAL LAW. NO. 4 OF 2023**

**A LOCAL LAW ALLOWING RESIDENTS OF FULTON COUNTY AND
CONTIGUOUS COUNTIES TO SERVE AS PROBATION OFFICERS IN FULTON
COUNTY**

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

Section 1: INTENT

The Fulton County Board of supervisors hereby finds that in order to assure an adequate pool of qualified applicants for the office of Probation, and to retain such applicants if hired, it is necessary and advisable that individuals holding said office within the County of Fulton be permitted to reside either within the County of Fulton or Contiguous Counties.

Section 2: RESIDENCY REQUIREMENTS FOR PROBATION OFFICERS

The provisions of NYS Public Officers Law Section 3(1), require a person to be a resident of the political subdivision or municipal corporation of the state for which such person shall be chosen or within which such person's official functions are required to be exercised, shall not prevent a person from holding the office of Probation Officer within the Fulton County Probation Department; provided, however, that such person performing the duties and functions of Probation Officer resides in Fulton County or any other contiguous to Fulton County. As it relates to the office of Probation Officer, any contrary provision of the Public Officers Law, is hereby superseded.

Section 3: SEPARABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof but shall be confined in its operation to the clause, sentence, paragraph, or section directly involved in the controversy in which such judgement shall have been rendered.

Section 4: EFFECTIVE DATE

This law shall take effect immediately upon filing in the office of the Secretary of State.

Resolution No. 389

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COUNTY OF FULTON, FULTON COUNTY SHERIFF AND THE FULTON COUNTY DEPUTY SHERIFFS' POLICE BENEVOLENT ASSOCIATION (2022-2025)

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Collective Bargaining Agreement by and between the County of Fulton, Richard Giardino, as the Fulton County Sheriff and the Fulton County Deputy Sheriffs' Police Benevolent Association, reflecting the Memorandum of Agreement as attached hereto and made a part hereof; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Deputy Sheriffs' Police Benevolent Association, Personnel Director, Roemer, Wallens, Gold & Mineaux, Budget Director/County Auditor 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 Goderie)

Memorandum of Agreement

The County of Fulton and the Fulton County Sheriff (Collectively “The Employer”) and the Fulton County Deputy Sheriffs’ Police Benevolent Association, Inc. (the “Union”) are parties to a Collective Bargaining Agreement for the term January 1, 2013 – December 31, 2020, together with a contract extension through 2021 (Resolution #180) (Collectively, the “Agreement”)

The Union and Employer agree to modify the Agreement as follows:

- **Union Proposal #2**: Amend Article VIII, § 2.F so that an employee who opts out of County Health Insurance (for Family or Individual Plan) will receive a flat dollar amount of \$3,000.00 annually per the Collective Bargaining Agreement. (retain the 30-day waiting period)
- **Union Proposal #3**: Amend Article V, § C: If a deputy is contacted to fill an opening in the schedule (i.e. staffing need as determined by the Sheriff or designee), that deputy will receive double pay for working overtime on New Year’s Day, Independence Day and/or Christmas Day. An Investigator required to work beyond the four (4) hour minimum call back will receive double time pay for hours worked over four (4) on New Year’s Day, Independence Day and/or Christmas Day.
- **Union Proposal #4**: Amend Article III, § 3.c so that effective upon ratification by all necessary parties, shift differential pay will increase to \$1.50/hr. for actual hours worked. This proposal is effective upon ratification by the County Board of Supervisors.
- **Union Proposal #5**: Amend Article IV, Section 2.D. regarding on-call pay so that, effective upon ratification by the County Board of Supervisors, the on-call pay will increase to 7 hrs. per week of on-call.
- **Union Proposal #9**. Amend Article III § 2.I so that, effective upon ratification by all necessary parties, the Investigator annual clothing allowance shall increase to \$750.00.
- **Union Proposal #10**. Amend Article VI, § 1.E so that the County shall eliminate the cap, rest of language remains as per the agreement.
- **Union Proposal #11**: Article XXXI shall be amended to change the title and text reference to those who are laterals and/or those with a civil service designation of “reinstated.” In addition, agree to second sentence of Union proposal: “Accruals step will also be commensurate with laterals level of prior experience.”
- **Union Proposal #13**: See County/Sheriff Proposal #5. [Parties to work on language]

- **Wages: Union Proposal #1:**

- Effective and Retro to 1/1/2022: 4.0%
- Effective and Retro to 1/1/2023: Deputy Sheriff Start rate: 4% (\$53,227)
Deputy Sheriff One Year rate: \$59,000
Deputy Sheriff Two Year rate: \$64,000

Also effective and retro to 1/1/2023, Rank differential based off of Two year Deputy salary:

Corporal	10%
Investigator	12.5%
Sergeant	15%
Lieutenant	19%

- Effective 1/1/2024: 4.0%
- Effective 1/1/2025: 4.0%

- **County/Sheriff Proposal No. 1:** Finalize a written successor Collective Bargaining Agreement.
- **County/Sheriff Proposal No. 2:** Article I, §§ 2 and 3 (p. 1) shall be amended as it relates to address for submission of dues.
 - Further amend Article I and delete all reference to “Agency Shop” and related terms.
- **County/Sheriff Proposal No. 3:** Article VII, Pension and Health Insurance, at Section 2.C, shall be amended to delete said § 2.C and replace as follows:

Employees shall contribute twenty (20%) percent of the individual health insurance premium. Such employees electing family/dependent health insurance shall contribute fifty (50%) percent of the dependent coverage and shall be given full credit for the cost of the individual premium in calculating the family premium contribution.

(Per Resolution 350, adopted September 12, 2022)

- **County/Sheriff Proposal No. 4:** Article IV – Workdays, Workweek, Overtime at §§ 1 and 2 shall be amended as follows:

1. Section 1.E shall be amended to add after the last sentence:

At the discretion of the Sheriff or his designee, Investigators may work four (4) ten (10) hour tours of duty/shifts Monday through Friday, with Saturday and Sundays off along with one other day being given off throughout the Monday through Friday work week which will be scheduled by the Sheriff or his designee.

2. Section 1.G shall be amended to add a new sentence to read as follows:

All leave for ten (10) tours of duty/shift employees shall be charged based on actual hours used.

3. Section 1 shall be amended to add a new subsection, “L” to read as follows:

All four (4) ten (10) hour tour of duty/shift Employee accruals will remain based on the eight (8) hour tour of duty/shifts.

4. Section 2.A shall be amended to add a new sentence to read as follows:

An employee assigned to and working the ten (10) hour tours of duty/shifts, shall be paid overtime for all time worked in excess of his/her regularly scheduled ten (10) hour tours of duty/shift.

The County, Sheriff and Association wish to modify Article V – Holiday Pay – and agree to the following modifications:

1. Section C shall be amended to add a new sentence to read as follows:

All Holidays are eight (8) hour holidays and any employees working four (4) ten (10) hour tour of duty/shifts will at the employees discretion use two (2) hours of either vacation leave, personal leave or comp time to make up the difference. [Resolution 60, adopted February 8, 2021]

Any four (4) ten (10) hour tour of duty/shifts employees that are scheduled to be off on a holiday as described herein shall be granted another day off within a reasonable timeframe with permission from the Sheriff or designee.

[Resolution 185, adopted July 13, 2020]

- **County/Sheriff Proposal No. 5 with Union Proposal #13:** Article VI - Vacation, Sick Leave and Other Leave Regulations, shall be amended to add:

Employees may elect to be compensated at their straight time pay rate for unused “PTO” time from January 1st through May 31st and from September 1st through December 31st. Employees will receive “PTO” cash outs, for unused PTO time at the end of each PTO period (June and January).

The parties will design language for the Agreement subject to further negotiations if necessary.

- This constitutes the entire understanding between the parties as to modification to the Agreement.
- Items not contained herein are deemed withdrawn.
- The Union reserves the right to bring this before its members for a ratification vote. The County Board of Supervisors reserves the right to bring this tentative agreement before the Board for its ratification vote.

AGREED TO THIS 22ND DAY OF AUGUST 2023

Resolution No. 390

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION SUPPORTING SENATE BILL S7645 THAT REPEALS CERTAIN PROVISIONS OF THE EXECUTIVE LAW ESTABLISHING A FEE FOR BACKGROUND CHECKS ON CERTAIN FIREARM AND AMMUNITION PURCHASES

WHEREAS, Senate Majority Leader Andrea Stewart-Cousins sponsored Bill S51001, referred to as the “Concealed Carry Improvement Act” (CCIA) which amended the penal law, the general business law, the executive law, the civil practice law and rules and the state finance law, in relation to licensing and other provisions relating to firearms; and

WHEREAS, said so-called “Concealed Carry Improvement Act” was signed into law by Governor Hochul on July 1, 2022; and

WHEREAS, said Act included regulations that allow the State to have oversight over background checks for firearms and ammunition purchases; and

WHEREAS, said Act amended state executive law to add a new section 228, authorizing the New York State Police to run national instant criminal background (NICS) checks and serve as a State point of contact rather than utilizing the current NICS background check system; and

WHEREAS, said Act also created a new bureau within the State Police financed by new “background check fees” upon purchasers to cover the costs associated with performing state background checks; and

WHEREAS, these provision of the so-called CCIA have resulted in onerous background check fees upon citizens equal to \$2.50 for every ammunition purchase and \$9.00 for every firearm purchase with the potential for increases without legislative approval; and

WHEREAS, the CCIA infringes on the Constitutional right to own and bear arms guaranteed by the Second Amendment; and

WHEREAS, Senate Bill S.7645, sponsored by Senator Mark Walczyk would repeal Subdivision 5 of Section 228 of the Executive Law of S51001 relating to the background check fees for firearms and ammunition as included in the CCIA; now, therefore be it

RESOLVED, That the Board of Supervisors hereby endorses Senate Bill S7645 that would repeal certain provisions of the Executive Law establishing a fee for background checks on certain firearm and ammunition purchases and amends state finance law, in relation to the source of funds for the background check fund; and, be it further

Resolution No. 390 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Mark Walczyk, Assemblyman Robert Smullen, Assemblyman Matt Simpson, Assemblywoman Mary Beth Walsh, All Counties, County Attorney, Budget Director/County Auditor and Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which 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 Goderie)

Resolution No. 391

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH MAXIM HEALTHCARE SERVICES TO PROVIDE TWO (2) REGISTERED NURSES IN THE CORRECTIONAL FACILITY

WHEREAS, the NYS Commission of Corrections requires the Fulton County Correctional Facility and facilities of the same size, provide not less than 16 hours of Registered Professional Nurse services on weekdays in addition to eight (8) to twelve (12) hours of coverage on weekends; and

Whereas, after substantial recruitment effort during the last few months, the Sheriff reports that he has been unable to fill a full-time Registered Nurse vacancy to ensure adequate coverage: and

WHEREAS, the Correctional Facility currently has one (1) full Registered Nurse to provide said mandated services and the Sheriff recommends utilizing a contracted provider to supplement nursing services coverage as follows:

<u>Agency</u>	<u>Service/Function</u>	<u>2023 Rate(s)</u>	<u>Term</u>
Maxim Healthcare Services	Medical Nursing	\$85.00 per hour	10/1/23-12/31/23

and; be it further

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized to sign a contract with Maxim Healthcare Services of Albany, New York to provide nursing services to inmates at a rate of \$85.00 per hour, not to exceed \$88,400.00 for the period October 1, 2023 through December 31, 2023; and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 481 (18) Nays: 25 (1) (Supervisor Young)
Absent: 23 (1) (Supervisor Goderie)

Resolution No. 392

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION APPOINTING PROBATION DIRECTOR (GROUP A)

WHEREAS, a vacancy exists in the position of Probation Director; and

WHEREAS, Probation Supervisor Thomas Bryson meets the qualifications for provisional appointment to said position; now, therefore be it

RESOLVED, That upon the recommendation of the Board of Supervisors, effective September 13, 2023, Thomas Bryson, of Johnstown, NY, be and hereby is appointed Probation Director (Group A) (Job Group D-3), at a one-year permanent salary rate of \$88,007.00; and, be it further

RESOLVED, That the Personnel Director 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, Probation Director, Personnel Director, All Department Heads, NYS Department of Criminal Justice, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Goderie and Potter)