

EIGHTH REGULAR SESSION

Johnstown, NY

August 12, 2019

Roll Call – Quorum Present

Supervisors: Argotsinger, Blackmon, Born, Bradt, Breh, Callery, Fagan, Greene, Groff, Howard, Kinowski, Lauria, Perry, Potter, Rice, Selmsler, Waldron, Wilson, Young

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

Chairman Wilson called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the Flag, Chairman Groff asked if there was anyone from the public who wished to address the Board. No one came forward.

PUBLIC HEARINGS/SCHEDULED SPEAKERS

1:00 P.M. PRESENTATION TO EMILY WHEELIS, 2019 OTB SCHOLARSHIP AWARD WINNER (FIRST PLACE)

COMMUNICATIONS

1. Letter from the NYS Division of Criminal Justice Services (NYSDCJS)
Subj: 2019 Classification/Alternatives to Incarceration Service Plan Application Approval

REPORTS

- A. Fulton-Montgomery Community College “End-of-Year Memo” for the 2018-2019 Academic Year

REPORTS OF SPECIAL COMMITTEES

Adirondack Government: Supervisor Selmsler stated that he attended a meeting in Long Lake, NY on July 27, 2019. He advised that the main topics regarded snowmobile trails and tree cutting for them. He stated that prohibiting tree cutting can affect many other recreational areas on state lands. The Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA) are going back to a higher court to try to overrule the lower courts’ decision.

Soil and Water Conservation District: Supervisor Greene stated that the District Board met on July 16, 2019. He advised that stumping and seeding at the airport has been put on hold until the end of the summer. He stated that the ditching to the water tower and the electrical service project at the Tryon Technology Park is also on hold while National Grid gets final plans together. He advised that stump removal at Fox Run Golf Course has been completed. Hydro-seeding for Johnstown and the Town of Johnstown has been completed. There are roadside projects on Barlow Road in the Town of Bleeker. There are issues clearing bed rock and they continue to hydro seed various roads. The City of Gloversville has drainage issues and has hired Dan's Excavation to create drainage solutions.

CHAIRMAN'S REPORT

Chairman Wilson advised that the month of July has been very busy. Fulton County continues to work with its Civil Defense/Fire Coordinator and new EMS Coordinator as it pursues an ambulance service solution that will fit the county's needs.

The Chairman explained that he attended a conference at the White House and the speakers discussed how the federal government deals with opioid addiction, clean water, opportunity zones, infrastructure repair and expansion. He stated that attendees were provided with a list of contact information for personnel in federal offices. He stated that he provided each Supervisor with a copy of an in-depth report from the conference in their mail boxes.

Chairman Wilson stated that he, Supervisor Groff, Civil Defense/Fire Coordinator Steven Santa Maria and others are working with Hamilton County, Saratoga County and other counties to find a solution for Emergency Management Services in the southern Adirondack Park.

RESOLUTIONS (TITLES ATTACHED)

No. 78 (Resolution Creating a "Student Success" Caseworker Position in the Social Services Department): Supervisor Young stated that the creation of this position can lead to tremendous success. He stated that local schools and the Social Services Department have been trying to get elementary school kids to attend school regularly for a long time.

Supervisor Lauria stated the Department will be working with the parents and figuring out why they aren't getting their kids to school. Supervisor Born stated that this has been "a long time coming" because the truancy rate is terrible. She advised that during the Human Services Committee, it was discussed that there are some children that have missed 80 days of school during a single school year. She expressed that this will be a great asset to our County.

No. 302 (Resolution Authorizing the Sale of Certain County-owned Properties not Meeting the Set Minimum Auction Price at the June 2019 Auction) - Administrative Officer Jon Stead explained that he and County Treasurer Terry Blodgett recently had a meeting with Mayor Vincent DeSantis, City of Gloversville. The Mayor explained how the City Council determined that it didn't want all five (5) properties due to their condition.

No. 303 (Resolution Authorizing County Participation in the Legal Defense of Certain Assessment Reduction Actions within the Cities of Johnstown and Gloversville) - Supervisor Young stated that the County getting involved to fight assessment reductions is great. He advised that based on his calculations, Walgreens pays approximately \$63,000.00 a year in taxes and Walmart pays \$780,000.00 a year. He stated that other local taxpayers would have to make that up if those businesses weren't paying the large amounts they owe.

No. 308 (Resolution Requiring a PILOT Agreement for the Kearsage Solar, LLC Array Farm (Parcel 125.-1-19-1) in the Town of Oppenheim) – Supervisor Born stated that she has received multiple phone calls regarding solar projects within the county and her constituents expressed that the solar projects need to stop. She stated that it may be a “money getter” in some instances, but she doesn’t see the long term benefit.

Mr. Stead stated that he encourages folks interested in the Solar PILOT exemption process to address the Board next month during the Local Law Public Hearing that is being voted on later in today’s meeting.

Supervisor Potter advised that he will be voting against these resolutions because it takes an incredible amount of panels to get the megawatts up and their appearance is a negative. He expressed that something else should be done to create different revenues in Fulton County.

County Attorney Jason Brott stated that the projects listed in Resolutions No. 307 and No. 308 have already been authorized but they haven’t been passed by resolution yet. Mr. Brott stated that the projects have already been started and the solar companies were granted permits to build. The county opted to do the PILOT program instead of opting out of Section 487 of NYS Real Property Tax Law Exemptions. He also stated that when he appeared before the Finance Committee it was discussed that Resolution No. 309 proposing a Local Law to opt out should be considered. Mr. Callery advised that he will vote “yes” because said solar farm has already been constructed and the passing of this Resolution will allow the County to at least collect the PILOT revenue from them.

No. 309 (Resolution Setting Date of a Public Hearing Regarding Local Law “D” of 2019 “Opting out of Section 487 NYS Real Property Tax Law Exemptions for Solar Farm Project) -

Mr. Stead stated that passage of this proposed Local Law does not mean that there will be no more solar farms constructed in the county. New York State created a law allowing any taxing jurisdictions to opt out of Section 487 Real Property Tax Law exemptions. He stated that there are no provisions that allow a county government to stop solar companies from constructing. He stated that many developers expressed needing the exemption in order to make money on the project. He stated that as long as the solar project complies with a town’s zoning and approval process, then it can still proceed. Any taxing jurisdiction that is in favor of this Resolution to opt out should consider its own similar local law. Mr. Lauria expressed that he can’t believe the State would pass laws like this because it’s hurting the counties.

NEW BUSINESS

Supervisor Potter stated there were over 450 senior citizens from the County that attended the Office for the Aging Senior Picnic. He stated that he has been donating his time since 2011 to help with this picnic. He stated that it’s a great event to be a part of.

Mr. Stead reminded the Board that if anyone is interested in attending the NYSAC Fall Seminar to contact the Board Office as soon as possible. He advised the Board of Supervisors of the high costs of this particular casino venue and to please be sure they can attend before registering.

Upon a motion by Supervisor Waldron, seconded by Supervisor Groff and unanimously carried, the Board adjourned at 1:45 p.m.

Certified by:

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

Resolution No. 272

Supervisor KINOWSKI offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING 2019-2020 CHIEF LOCAL ELECTED OFFICIALS (CLEO)
AGREEMENT BETWEEN FULTON, MONTGOMERY AND SCHOHARIE COUNTIES FOR
SPONSORSHIP AND OPERATION OF THE F-M-S- WORKFORCE
DEVELOPMENT BOARD**

WHEREAS, in accordance with the Workforce Investment Act (WIA) of 1998, Fulton, Montgomery and Schoharie Counties entered into an agreement to govern the management structure of the Fulton-Montgomery-Schoharie Workforce Development Board; and

WHEREAS, in 2014, the federal government reorganized its workforce development program via the “Workforce Innovation and Opportunity Act of 2014” (WIOA); and

WHEREAS, the Chief Local Elected Officials (CLEO) agreement authorizes the F-M-S Workforce Development Board to provide planning, guidance, monitoring, support, oversight and regulation to ensure the highest quality workforce development system in accordance with WIOA regulations; and

WHEREAS, the last extension of said CLEO agreement will expire on June 30, 2019; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Chief Local Elected Officials (CLEO) agreement between the County of Fulton, and the Counties of Montgomery and Schoharie to implement requirements of the Workforce Investment Act, effective July 1, 2019 through June 30, 2020; said agreement 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, Workforce Development Board, Montgomery County Legislature, Schoharie County Board of Supervisors, 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 POTTER and adopted by the following vote:

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

Resolution No. 273

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

RESOLUTION AUTHORIZING A CONTRACT WITH ATTORNEY JOHN CLO FOR ASSISTED OUTPATIENT TREATMENT ORDERS (COMMUNITY SERVICES)

WHEREAS, the Community Services Director requests that a contract with John Clo, Attorney at Law to execute four (4) Assisted Outpatient Treatment (AOT) Orders to avoid a conflict of interest for the County Attorney's Office; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized to sign a contract between Fulton County Community Services Department and John Clo, Attorney at Law of Gloversville, NY to carry out four (4) Assisted Outpatient Treatment Orders effective immediately at a cost not to exceed \$3,200.00 (\$800.00 per case); and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Community Services Director, John Clo, County Attorney, Assistant County Attorney, 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 Handy)

Resolution No. 274

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

RESOLUTION AUTHORIZING A CONTRACT WITH ATTORNEY WILLIAM LORMAN FOR AN ASSISTED OUTPATIENT TREATMENT ORDER (COMMUNITY SERVICES)

WHEREAS, the Community Services Director requests that a contract with William Lorman, Attorney at Law to execute one (1) Assisted Outpatient Treatment (AOT) Order to avoid a conflict of interest for the County Attorney's Office; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized to sign a contract between Fulton County Community Services Department and William Lorman, Attorney at Law of Amsterdam, NY to carry out one (1) Assisted Outpatient Treatment Order effective immediately at a cost not to exceed \$800.00; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Community Services Director, William Lorman, County Attorney, Assistant County Attorney, 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 Handy)

Resolution No. 275

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

RESOLUTION AUTHORIZING A CONTRACT WITH
THEPUBLICHEALTHAPP.COM/OCV, LLC FOR A FULTON COUNTY COMMUNITY
APP USING NORTH COUNTRY DSRIP FUNDS (PUBLIC HEALTH DEPARTMENT)

WHEREAS, Resolution 277 of 2016 authorized the acceptance of Initial Engagement Grant Funds from North Country DSRIP for Telehealth Planning and Implementation; and

WHEREAS, Resolution 298 of 2018 authorized a grant application to the USDA to operate a Telehealth Pilot Project in 2019; and

WHEREAS, the Telehealth Pilot Project will not be extended at this time and the Adirondack Health Institute has approved utilization of \$19,990.00 of said grant award for a public health mobile app; and

WHEREAS, it is the recommendation of the Public Health Director and Committees on Human Services and Finance that the County enter into an agreement with thepublichealthapp.com/OCV, LLC for development of a mobile software application to allow the community access to public health information; and

WHEREAS, representatives from the Public Health Department have reviewed various vendor proposals for Public Health Mobile Applications and recommend a program by thepublichealthapp.com/OCV, LLC for a custom Community App as the best proposal at this time; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized to sign a contract with thepublichealthapp.com/OCV, LLC App for development of a Mobile App to promote community health and to deliver important public health information; effective September 1, 2019 at a cost not to exceed \$19,990.00; and be it further

RESOLVED, That the 2019 Adopted Budget be and hereby is amended as follows:

Revenue:

Increase A.4010.4010-2770 - REV- Other Unclassified Revenues \$19,990.00

Appropriation:

Increase A.4010.4010-4130 - EXP- Contractual \$19,990.00

and; be it further

Resolution No. 275 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, North Country DSRIP, 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 Handy)

Resolution No. 276

Supervisor BORN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE COUNTY OF FULTON
AND GAIL DECICCO TO PROVIDE PRESCHOOL ED (3-5) ITINERANT SPEECH
THERAPY SERVICES (PUBLIC HEALTH)**

WHEREAS, Resolution 495 of 2018 authorized contracts between the County of Fulton and independent contractors for Preschool Ed (3-5) Itinerant Related Services in 2019; and

WHEREAS, the Public Health Director recommends adding an additional provider for said services as follows:

<u>Agency</u>	<u>Service/Function</u>	<u>2019 Rate(s)</u>	<u>Term</u>
Gail DeCicco	Itinerant Speech Therapy Services	\$55 per half hour	8/1/19-12/31/19

and; be it further

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is empowered to sign contract with Gail DeCicco to provide itinerant speech therapy to Preschool children 3-5 years; and, be it further

RESOLVED, That said contracts shall be subject to the approval of the County Attorney and periodic review by the Committee on Human Services of those contracted services; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Gail DeCicco, 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 Handy)

Resolution No. 277

Supervisor BORN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE COUNTY OF FULTON AND EARLY CHILDHOOD EDUCATION CENTER TO PROVIDE PRESCHOOL ED (3-5) CENTER-BASED SERVICES (PUBLIC HEALTH)

WHEREAS, Resolution 496 of 2018 authorized contracts between the County of Fulton and independent contractors for Preschool Ed (3-5) Center-based Services in 2019; and

WHEREAS, the Public Health Director recommends adding an additional provider for said services as follows:

<u>Agency</u>	<u>Service/Function</u>	<u>2019 Rate(s)</u>	<u>Term</u>
Early Child. Ed. Ctr.	Center-based services	State set rate	8/1/19-12/31/19

and; be it further

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is empowered to sign contract with Early Childhood Education Center to provide Center-based Services to Preschool children 3-5 years; and, be it further

RESOLVED, That said contracts shall be subject to the approval of the County Attorney and periodic review by the Committee on Human Services of those contracted services; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Early Childhood Education Center, 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 Handy)

Resolution No. 278

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

RESOLUTION CREATING A “STUDENT SUCCESS” CASEWORKER POSITION IN THE
SOCIAL SERVICES DEPARTMENT

WHEREAS, the Commissioner of Social Services has requested the creation of a full-time Caseworker position in the Department of Social Services to focus on preventive services for families with young children experiencing educational neglect or chronic absenteeism; and

WHEREAS, the cost of said Caseworker position will be reimbursed 100 percent from State aid; and

WHEREAS, the Committees on Human Services, Personnel and Finance recommends creating a “Student Success” Caseworker position on a 24 month trial basis to focus on preventive services in the Department of Social Services in this instance; effective September 1, 2019 through August 31, 2021; and

RESOLVED, That a full-time Caseworker position (Union Job Group A-17, 2019 One-year rate: \$23.28 per hour), be and hereby is created for a 24 month trial period effective September 1, 2019 through August 31, 2021; and, be it further

RESOLVED, That the Commissioner of Social Services monitor the success of said new trial “Student Success” Caseworker services and report to the Committee on Human Services on a periodic basis regarding its merits and accomplishment; and, be it further

RESOLVED, That continuation or renewal of said position and/or program be contingent upon continued funding from state and federal funds at no additional cost to the County of Fulton; and, be it further

RESOLVED, That the Commissioner of Social Services 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, Personnel Director, Commissioner of Social Services, CSEA Local 818, 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 Handy)

Resolution No. 279

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION CHANGING THE TITLE OF ADMINISTRATIVE ASSISTANT
(PUBLIC DEFENDER) TO LEGAL ADMINISTRATIVE ASSISTANT**

WHEREAS, Resolution 137 of 2019 created an Administrative Assistant (Public Defender) position in the Public Defender's Office; and

WHEREAS, the Personnel Director has reviewed the job title for said position and is recommending the title of Administrative Assistant (Public Defender) be changed to "Legal Administrative Assistant"; now, therefore be it

RESOLVED, That upon the recommendation of the Personnel Director and Committee on Personnel, the title of Administrative Assistant (Public Defender) be changed to "Legal Administrative Assistant", effective immediately; and, be it further

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

Seconded by Supervisor PERRY and adopted by the following vote:

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

Resolution No. 280

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

RESOLUTION DESIGNATING FIRSTNET AS THE COUNTY CONTRACT FOR COUNTY WIRELESS DEVICE SYSTEMS

WHEREAS, several Fulton County departments use wireless communication devices and cellular telephones for purposes of daily operations; and

WHEREAS, the Purchasing Agent has researched wireless communication devices and cellular telephone service options and has determined that designating one basic bid contract is the most cost-effective and efficient method; and

WHEREAS, Resolution 515 of 2002 established a policy of designating one basic bid contract for all county pagers and cellular telephone service; now, therefore be it

RESOLVED, That upon the recommendation of the Purchasing Agent and Committees on Public Safety and Finance, AT&T FirstNet (State OGS Contract PS63306) be and hereby is designated as the “Basic Bid Contract” for all County cellular telephones and wireless communication devices, effective September 1, 2019; and, be it further

RESOLVED, That the Purchasing Agent 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, All Department Heads, 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 SELMSER and adopted by the following vote:

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

Resolution No. 281

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

RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN EQUIPMENT FOR THE EMERGENCY MANAGEMENT COMMAND VEHICLE WITH 2018 NYS HOMELAND SECURITY PROGRAM GRANT FUNDS (EMERGENCY MANAGEMENT)

WHEREAS, Resolution 377 of 2018 accepted 2016 NYS Homeland Security Program Grant Funds in the amount of \$63,731.00 to improve command, and control of public safety operations within Fulton County; and

WHEREAS, \$28,850.00 in grant funding was designated for Command Vehicle Upgrades; and

WHEREAS, the Civil Defense/Fire Coordinator requests permission to proceed with the purchase of certain equipment to be installed in the new Emergency Management Office Pickup by Pittsfield Communications, utilizing NYS Homeland Security Program grant funds; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase said equipment with NYS Homeland Security Program grant funds, in an amount not to exceed \$28,850.00 as follows:

Lighting Package	\$4,597.00
Command Box; Havis Mounts & related components / hardware for Radios and Computer	\$11,096.00
Installation of lighting; radios; computer; command box	\$4,275.00
Heavy Duty Aluminum Cap	\$2,829.00
Cargo Glide Slide Out with Installation	\$2,325.00
GTAC Computer	\$3,088.00
Inverter	\$640.00

now, therefore be it

RESOLVED, That the 2019 Adopted Budget be and hereby is amended, as follows:

Revenue:

Increase Account A.3640.3645-3306 – REV- State Aid – Homeland Security \$28,850.00

Appropriation

Increase Account A.3640.3645-2000 – EXP –Equipment-Fixed Asset \$28,850.00

and, be it further

Resolution No. 281 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director, 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 GROFF and adopted by the following vote:

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

Resolution No. 282

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

RESOLUTION APPROPRIATING 2017 NYS HOMELAND SECURITY INTEROPERABLE COMMUNICATIONS GRANT FUNDS FOR THE VHF SIMULCAST SYSTEM PROJECT-PHASE II (EMERGENCY MANAGEMENT)

WHEREAS, the 2019 Capital Plan includes a VHF Analog Simulcast System Upgrade Project Phase II; and

WHEREAS, Resolution 203 of 2017 accepted 2017 NYS Interoperable Communications Grant Funds in the amount of \$429,721.00 for a VHF Simulcast System Project-Phase II, including \$10,000.00 for Mobile interoperable communications equipment to improve communication and control of public safety operations within Fulton County; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase equipment with NYS Interoperable Communications Grant Funds, in an amount not to exceed \$10,000.00 as follows:

(1) APX 8500 VHF High Band Interoperable Communications Mobile Radio	\$4,897.00
(1) APX6500 800Mhz Dual Head Interoperable Communications Mobile Radio	\$4,658.00
(2) Impres Vehicle Chargers for APX4000 – Portable Radios	\$445.00

and, be it further

RESOLVED, That the 2019 Adopted Budget be and hereby is amended, as follows:

Revenue

Increase H.3640.3020-3397.0920-REV-State Aid-VHF Analog Simulcast System \$429,721.00

Appropriations

Increase H.3640.3020-2100-0920-EXP-VHF Analog Simulcast System \$429,721.00

and, be it further

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

From: A.1000.9950-9000.1200 EXP-Capital Improvement Reserve
To: H.3640.3020-2100.0920 EXP-VHF Analog Simulcast System
Sum: \$42,828.00

Resolution No. 282 (Continued)

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, 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 Handy)

Resolution No. 283

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

RESOLUTION APPROPRIATING 2016 STATE INTEROPERABLE COMMUNICATIONS GRANT FUNDS TO COMPLETE A RADIO TOWER STRUCTURAL ANALYSIS FOR THE VHF SIMULCAST UPGRADE PROJECT
(EMERGENCY MANAGEMENT)

WHEREAS, Resolution 181 of 2017 accepted 2016 NYS Interoperable Communications Grant Funds in the amount of \$437,407.00 to improve communication, and control of public safety operations within Fulton County; and

WHEREAS, Resolution 447 of 2017 accepted a Three-Year Capital Plan for Fulton County (2018-2020), including a VHF Simulcast System Upgrade Project; and

WHEREAS, a portion of the grant funding was designated for conducting Structural Analysis of Communications Towers; and

WHEREAS, it has been determined that the Aney Hill Tower site requires a structural analysis before installation of radio equipment for the VHF Simulcast Upgrade Project; now, therefore be it

RESOLVED, the Civil Defense/Fire Coordinator be, and hereby is, authorized to proceed with a structural analysis for Aney Hill Tower site utilizing 2016 NYS Interoperable Grant Funds at a cost not to exceed \$2,600.00; now, therefore be it

RESOLVED, That the 2019 Adopted Budget be and hereby is amended, as follows:

Revenue:

Increase H.3640.3020-3397.0920-REV- State Aid-VHF Simulcast System \$2,600.00

Appropriations:

Increase H.3640.3020-2100.0920-EXP-VHF Simulcast System \$2,600.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director, 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 HOWARD and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 23 (1) (Supervisor Handy)

Resolution No. 284

Supervisor BREH offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BIDS FOR FOODSTUFFS FOR USE IN THE FULTON COUNTY CORRECTIONAL FACILITY

RESOLVED, That bids, as submitted and placed on file in the Office of the Purchasing Agent, for the purchase of foodstuffs and other supplies for use by the Fulton County Correctional Facility, effective September 1, 2019 through December 31, 2019, be and hereby are awarded to vendors as follows:

<u>Vendor</u>	<u>Items</u>	<u>Total Bid Estimate</u>
Ginsberg's Hudson, New York	Frozen Foods Refrigerated Foods/Dry Goods	\$25,523.35 \$27,006.90
LePage Bakeries Auburn, ME	Bread and Rolls	\$4,258.42

and, be it further

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

Seconded by Supervisor RICE and adopted by the following vote:

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

Resolution No. 285

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

RESOLUTION WAIVING THE RESIDENCY RULE FOR HIRE OF A SPECIAL PATROL OFFICER AND DESIGNATING COLLECTIVE BARGAINING UNIT FOR SAID POSITION

WHEREAS, Resolution 142 of 2019 authorized creation of a Special Patrol Officer position in the Sheriff's Department; and

WHEREAS, the Sheriff is experiencing difficulty filling said Special Patrol Officer position after extensive recruitment efforts and advertising; and

WHEREAS, the Sheriff has requested that the Board of Supervisors waive the Residency Rule for the Special Patrol Officer position in order to attract qualified candidates; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment, Personnel and Finance, the Sheriff be, and hereby is, authorized to hire an out-of-county resident for the Special Patrol Officer vacancy if necessary, in this instance only; and, be it further

RESOLVED, That inasmuch as collective bargaining units have agreed, said Special Patrol Officer position be, and hereby is, designated a member of the Fulton County Sheriff's Office Employee Alliance (Union Job Group S-7A \$18.35; 2019 permanent rate \$21.62 per hour); and, be it further

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

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 507 (18) Nays: 21 (1) (Supervisor Kinowski)
Absent: 23 (1) (Supervisor Handy)

Resolution No. 286

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

RESOLUTION ACCEPTING DONATION FROM THE SACANDAGA TRIATHALON CLUB THROUGH THE FULTON COUNTY PUBLIC SAFETY FOUNDATION TO PURCHASE MARINE GPS EQUIPMENT

WHEREAS, the Sacandaga Triathlon Club has donated monies to support the Marine Patrol Program in the Sheriff's Department; and

WHEREAS, the Sheriff and the Committee on Public Safety recommend acceptance of said donations; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to accept a donation of \$1,500.00 from the Sacandaga Triathlon Club through the Fulton County Public Safety Foundation for use in the Marine Patrol program in the Sheriff's Department; and, be if further

RESOLVED, that the Sheriff is authorized to purchase equipment with said funds as follows:

(1) Garmin Depth Finder/Map System \$1,500.00

and, be it further,

RESOLVED, That the 2018 adopted budget be and hereby is amended as follows:

Revenue:

Increase A.3110.3110-2705 – REV – Gifts and Donations \$1,500.00

Appropriation:

Increase A.3110.3110-2000– EXP – Equipment-Fixed-Asset \$1,500.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to County Treasurer, Fulton County Public Safety Foundation, Sacandaga Triathlon Club, Sheriff, 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 Handy)

Resolution No. 287

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

RESOLUTION AUTHORIZING APPLICATION FOR GOVERNOR’S TRAFFIC SAFETY
COMMITTEE 2019-2020 CRACKDOWN GRANT
(DISTRICT ATTORNEY)

WHEREAS, the District Attorney desires to submit an application to the Governor’s Traffic Safety Committee for a 2019-2020 Crackdown Grant to support overtime for police patrols during the grant cycle of October 1, 2019 through September 30, 2020; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the Chairman of the Board be and hereby is authorized to sign and submit an application to the Governor’s Traffic Safety Committee for “Crackdown” grant funds, in an amount of \$15,000.00 for the following purposes:

Overtime Patrols	\$15,000.00
(Fulton County Sheriff’s Dept., Gloversville PD, Johnstown PD, Northville PD)	

and, be it further

RESOLVED, That the District Attorney 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, District Attorney, Traffic Safety Board, Governor’s Traffic Safety Committee, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor RICE and adopted by the following vote:

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

Resolution No. 288

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

RESOLUTION CONFIRMING APPLICATION TO THE USDOJ OFFICE OF VICTIMS OF CRIME (OVC) GRANT (2019-2022) (DISTRICT ATTORNEY)

WHEREAS, the District Attorney desires to submit an application to the U.S. Department of Justice, Office for Victims of Crime (OVC) for a 2019-2022 grant to support crime victim advocacy in the District Attorney's Office for the period October 1, 2019 through September 30, 2022; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the Chairman of the Board be and hereby is authorized to sign and submit an application to the U.S. Department of Justice, Office for Victims of Crime (OVC) for grant funds to support victim advocacy, in an amount of \$425,000.00; and, be it further

RESOLVED, That the District Attorney 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, District Attorney, Office for Victims of Crime, 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 Handy)

Resolution No. 289

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

RESOLUTION SETTING DATE OF A PUBLIC HEARING REGARDING LOCAL LAW “C” OF 2019 “CREATING THE OFFICE OF ASSIGNED COUNSEL ADMINISTRATOR”

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on August 12, 2019, a proposed local law entitled “LOCAL LAW “C” OF 2019 CREATING THE OFFICE OF ASSIGNED COUNSEL ADMINISTRATOR” now therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law “C” of 2019 by the Fulton County Board of Supervisors, on September 9, 2019 at 2:00 p.m., in the Supervisors Chambers, County Office Building, Johnstown, NY, and at least seven days’ notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards in the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Public Defender, 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 WALDRON and adopted by the following vote:

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

**COUNTY OF FULTON
LOCAL LAW “C” OF 2019**

**A LOCAL LAW TO CREATE THE OFFICE OF ASSIGNED COUNSEL
ADMINISTRATOR**

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

Section 1. Appointment of Assigned Counsel Administrator.

The Assigned Counsel Administrator shall be appointed by the Fulton County Board of Supervisors.

Section 2. Term of Office.

The term of office of the Assigned Counsel Administrator shall begin on January 1, 2020 and thereafter shall be a term of two (2) years, and each term shall be coextensive with the term of the Fulton County Board of Supervisors.

Section 3. Authority to Appoint Assistants; term.

The Assigned Counsel Administrator shall appoint as many office staff and/or assistants as the Fulton County Board of Supervisors may, from time to time, deem necessary.

Section 4. Compensation.

The Compensation for the Assigned Counsel Administrator and any appropriated office staff shall be fixed by Resolution of the Fulton County Board of Supervisors.

Section 5. Powers and Duties.

The Assigned Counsel Administrator shall have responsibility and authority in respect to managing the Fulton County assigned counsel program to provide public defense clients with quality legal representation in accordance with state and local law. He/she shall act in accordance with policies and procedures promulgated by the Fulton County Board of Supervisors.

Section 6. Inconsistent Provisions Superseded.

To the extent that this Article is inconsistent with any law of the State of New York, it shall supersede those sections of that law.

Resolution No. 290

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

RESOLUTION CREATING PART-TIME ASSIGNED COUNSEL ADMINISTRATOR
POSITION

WHEREAS, following the landmark “Hurrell-Harring” legal settlement by the State of New York, the NYS Indigent Legal Services Commission (ILS) has embarked on a set of measures to bring each County into compliance with the court-ordered settlement guidelines; and

WHEREAS, as a component of the Fulton County plan to address NYS Office of Indigent Legal Services regulations, the Board of Supervisors proposed to create an Office of Assigned Counsel Administrator; and

WHEREAS, the County approved plan proposed a part-time Department Head position of Assigned Counsel Administrator at 17 hours per week, with Benefits; and

WHEREAS, the Committees on Public Safety and Personnel have endorsed the need for one (1) Assigned Counsel Administrator commencing September 1, 2019; and

WHEREAS, the Personnel Director has reviewed the Job Duties Statement for the new position and classified it in the Non-Union Part-time Salary Schedule at the rate of \$53,430.00; and

WHEREAS, the NYS Office of Indigent Legal Services (OILS) has approved reimbursement for this proposed position, including salary and fringe benefits, associated office equipment and support services costs; and

RESOLVED, That there be, and hereby is, created one (1) Assigned Counsel Administrator position (2019 Salary: \$53,430.00 per year) in the Part-time salary structure, effective September 1, 2019; and, be it further

RESOLVED, That the Personnel Director and Public Defender do each and everything 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, Payroll Division, 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 Handy)

Resolution No. 291

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

RESOLUTION CREATING LEGAL ADMINISTRATIVE ASSISTANT POSITION IN THE
OFFICE OF ASSIGNED COUNSEL ADMINISTRATOR

WHEREAS, following the landmark “Hurrell-Harring” legal settlement by the State of New York, the NYS Indigent Legal Services Commission (ILS) has embarked on a set of measures to bring each County into compliance with the court-ordered settlement guidelines; and

WHEREAS, as a component of the Fulton County plan to address NYS Office of Indigent Legal Services regulations, the Board of Supervisors proposed to create an Office of Assigned Counsel Administrator; and

WHEREAS, the Committees on Public Safety and Personnel have endorsed the need for one (1) Legal Administrative Assistant for said Office of Assigned Counsel Administrator; and

RESOLVED, That there be, and hereby is, created one (1) Legal Administrative Assistant (Grade A-12; 2019 Start Rate: \$17.72 per hour, Permanent rate: \$20.85 per hour) in the Office of Assigned Counsel Administrator, effective September 1, 2019; and, be it further

RESOLVED, That the Personnel Director and Public Defender do each and everything 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, Payroll Division, 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 Handy)

Resolution No. 292

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AND ORDER ESTABLISHING FULTON COUNTY SEWER
DISTRICT NO. 3: MECO**

WHEREAS, the Fulton County Board of Supervisors has determined that it is in the interest of the residents of Fulton County to establish public sewer service the vicinity of Mecos in the Town of Johnstown; and

WHEREAS, the City of Gloversville and Gloversville-Johnstown Joint Wastewater Treatment Facility have sufficient capacity and ability to supply sewer service to the County in accordance with the SMART Waters Inter-municipal Agreement; and

WHEREAS, NYS County Law Article 5-A authorizes Fulton County to establish county sewer districts, which districts are further authorized to purchase sewage treatment capacity for resale within the district; and

WHEREAS, the Board of Supervisors, by Resolution, accepted the Fulton County Sewer District No. 3: Mecos Map, Plan And Report, dated October 26, 2018, prepared by C.T. Male Associates, which identified the proposed improvements, the boundaries and description of the proposed district, the proposed method of financing and the estimated costs of the improvements and all other matters required by law to be stated; and

WHEREAS, pursuant to public notice, dated March 27, 2019, the Fulton County Board of Supervisors held a public hearing on April 8, 2019, on the proposed establishment of Fulton County Sewer District No. 3: Mecos; and

WHEREAS, an Environmental Assessment Form was prepared by the Fulton County Board of Supervisors, a coordinated review has been completed and by Resolution dated April 8, 2019, authorized the issuance of a Negative Declaration pursuant to the State Environmental Quality Review Act ("SEQRA"); now therefore be it

RESOLVED, That:

- (a) the proposed sewer facilities are satisfactory and sufficient;
- (b) all of the property and property owners within County Sewer District No. 3: Mecos are benefited thereby;
- (c) all of the property and property owners benefited are included within the limits of proposed County Sewer District No. 3: Mecos;
- (d) it is in the public interest to establish County Sewer District No. 3: Mecos; and
- (e) the establishments of zones of assessment is not recommended;

and be it further

Resolution No. 292 (Continued)

RESOLVED, That Fulton County Sewer District No. 3: Meco as described and defined in the updated Fulton County Sewer District No. 3: Meco Map, Plan and Report, dated October 26, 2018 prepared by C.T. Male Associates, be and hereby is established and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Planning Director, City of Gloversville, City of Johnstown, Town of Johnstown, Gloversville Water Board, Gloversville-Johnstown Joint Waste Water Treatment Facility, C.T. Male Associates, 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 WALDRON and adopted by the following vote:

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

Resolution No. 293

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

RESOLUTION AUTHORIZING A CONTRACT WITH SEAN GERAGHTY FOR PLANNING CONSULTANT SERVICES IN THE PLANNING DEPARTMENT

WHEREAS, Sean Geraghty submitted his retirement from his position as Fulton County Senior Planner effective August 16, 2019; and

WHEREAS, to assist in the transition to a new Senior Planner, Mr. Geraghty has offered to be available to provide planning services to the Planning Department on an as-needed consultant basis; and

WHEREAS, the Committee on Public Works, Personnel and Finance recommend contracting with Mr. Geraghty to provide the Planning Department with his experience and knowledge of planning services during 2019; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Sean Geraghty of Albany, New York for planning services, effective September 1, 2019 through December 31, 2019; said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That said contract specify planning services by Sean Geraghty including the following contract terms and conditions:

1. Contract Term: September 1, 2019 through December 31, 2019.
2. Billable Hourly Rate: \$50.00 per hour.
3. Hours: Not to exceed 15 hours per week.
4. Flat Rate: No reimbursable expenses will be charged.
5. Contract subject to termination by either party with 14 days notice.

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Planning Director, Sean Geraghty, 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 Handy)

Resolution No. 294

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

RESOLUTION ACCEPTING 2019-20 EXTREME WINTER RECOVERY FUNDS AND APPROVING CERTAIN HIGHWAY PROJECTS

WHEREAS, the Superintendent of Highways and Facilities has been notified that Fulton County will receive 2019-2020 Extreme Winter Recovery Funds in the amount of \$138,448.86 that were not anticipated in the Adopted Budget; and

WHEREAS, the Superintendent of Highways and Facilities has proposed to utilize said funds for a project at “Schell and Twin Churches Road” as well as additional excavation work on the 2019 County Road 158 Realignment Project; and

WHEREAS, the Committees on Public Works and Finance concur; now, therefore be it

RESOLVED, That the 2019 Capital Plan be, and hereby is, amended to include a “Schell and Twin Churches Road” project at a cost of \$40,000.00; and, be it further

RESOLVED, That the 2019 Adopted Budget be and hereby is amended, as follows:

Revenue:

Increase D.5010.5112-3589 REV-State Aid-Other Transportation \$138,449.00

Appropriation:

Increase D.5010.5112-4132.0108-EXP-Road Construction-108	\$40,000.00
Increase D.5010.5112-4132.0158-EXP-Road Construction-158	\$98,449.00

and, be it further

RESOLVED, That the County Treasurer and 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, 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 Handy)

Resolution No. 295

Supervisors FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT WITH LACEY THALER REILLY WILSON,
ARCHITECTURE & PRESERVATION COMPANY FOR HISTORIC ARCHITECTURAL
SERVICES FOR THE FULTON COUNTY COURTHOUSE EXTERIOR RENOVATION
PROJECT**

WHEREAS, the Superintendent of Highways and Facilities has proposed a project to complete exterior renovations to the Historic Fulton County Court House; and

WHEREAS, The Superintendent of Highways and Facilities and the Administrative Officer recommend the hire of a consulting architect specializing in historic architectural construction to oversee renovations to the Historic Court House project; and

WHEREAS, the Superintendent of Highways and Facilities received a quote from Stephen F. Reilly, a partner with Lacey Thaler Reilly Wilson Architecture & Preservation, LLP, Albany, NY for building excavation and preparation of bidding documents; now, therefore be it

WHEREAS, the Committee on Public Works, and Finance concur; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Lacey Thaler Reilly Wilson Architecture & Preservation, LLP., Albany, NY, to provide building evaluation and bidding document preparation services at a cost not to exceed \$25,000.00; and, be it further

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

From: A.1000.1990-4907-EXP-Contingent Fund Expense
To: A.1620.1620-4090-EXP-Professional Services
Sum: \$25,000.00

RESOLVED, That the Superintendent of Highways and Facilities be, and hereby is, directed to 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, Superintendent of Highways and Facilities, Planning Director, Lacey Thaler Reilly Wilson Architecture & Preservation, LLP., Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor SELMSER and adopted by the following vote:

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

Resolution No. 296

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

RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE SOLID WASTE DEPARTMENT AND ENVIRONMENTAL ATTRIBUTE ADVISORS TO FACILITATE SALE OF CARBON CREDITS FOR 2017 THROUGH 2020

WHEREAS, the Solid Waste Department has documented landfill gas production since 2007 and sold carbon credits since 2011 through the Chicago Climate Exchange; and

WHEREAS, the Solid Waste Director estimates that landfill carbon credit potential at 33,000 credits for 2017-18 and estimates for 2019-20 are yet to be determined; and

WHEREAS, the Solid Waste Director and Committees on Public Works and Finance recommend contracting with Environmental Attribute Advisors to seek carbon credits for Fulton County; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Solid Waste Department and Environmental Attribute Advisors, of New York City, NY, to seek carbon credits for the landfill methane gas flare operation and future gas project activities as follows:

- Environmental Attribute Advisors to receive a commission of 10 percent of any determined amount of carbon credits produced in years 2017 through 2020.

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, Solid Waste Director, Environmental Attribute Advisors, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PERRY and adopted by the following vote:

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

Resolution No. 297

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

RESOLUTION AUTHORIZING LEGAL SETTLEMENT WITH ENVIRONMENTAL
REMEDATION SERVICES INC. RELATED TO OVERDUE ACCOUNT (ERSI) (SOLID
WASTE)

WHEREAS, the Solid Waste Director has reported that Environmental Remediation Services Inc. (ERSI) has an overdue account balance related to outstanding interest payments on Tipping Fees in the amount of \$20,840.18; and

WHEREAS, the Director and County Attorney recommended accepting a lump sum settlement with ERSI in the amount of \$10,420.09 in satisfaction of said debt; now, therefore be it

RESOLVED, That upon the recommendation of the County Attorney, the Board of Supervisors hereby authorizes acceptance of a lump sum settlement in the amount of \$10,420.09 from ERSI to satisfy said outstanding debt, in this instance only; and, be it further

RESOLVED, That the Solid Waste Director and County Attorney 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, County Attorney, Solid Waste Director, 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 BRADT and adopted by the following vote:

TOTAL: Ayes: 507 (18) Nays: 21 (1) (Supervisor Callery)
Absent: 23 (1) (Supervisor Handy)

Resolution No. 298

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION RENEWING PROPERTY AND LIABILITY INSURANCE FOR 2019-2020
FOR COUNTY DEPARTMENTS**

WHEREAS, Fulton County holds certain property and liability insurance policies through the New York Municipal Insurance Reciprocal, a self-owned cooperative insurance pool; and

WHEREAS, the County holds other specialized liability and property insurance through private insurance carriers; now, therefore be it

RESOLVED, That the insurance policies be renewed and/or purchased for 2019-2020 through NBT/Mang Agency, broker-of-record for the County, as follows:

POLICY/COVERAGE	RENEWAL PREMIUM
NYMIR Property	\$ 50,999.30
NYMIR Boiler & Machinery	7,305.10
NYMIR General Liability	66,768.90
NYMIR OCP	550.00
NYMIR Auto	62,544.90
NYMIR Public Officials Liability	35,502.50
NYMIR Law Enforcement Liability	70,391.20
NYMIR Inland Marine	32,178.30
NYMIR Healthcare General Liability	1,188.77
NYMIR Healthcare Professional Liability – Occurrence	26,685.80
NYMIR Excess Catastrophe Liability	15,002.90
NYMIR Fire Fee	236.70
NYMIR Motor Vehicle Fee	990.00
F&D Crime	4,090.00
ACE: Airport Liability-Without TRIA	5,578.00
Total Estimated Premium:	\$380,012.37

and, be it further

Resolution No. 298 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Department Heads, NBT/Mang Agency, 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 Handy)

Resolution No. 299

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AMENDING THE 2019 CAPITAL PLAN TO INCLUDE A SHERIFF
CAD/RMS UPGRADE PROJECT**

WHEREAS, Resolution 76 of 2019 authorized a Request for Proposals for CAD Software for use in the Sheriff's Department; and

WHEREAS, said project is expected to include costs for purchase of a CAD/RMS Software System, Implementation Services, Third Party Hardware/Software Services, Travel Expenses and in-house costs related to implementation; and

WHEREAS, the Information Technology Director and Committee on Finance are recommending that the CAD/RMS and Mobile Data System Software project be included in the 2019 Capital Plan so that it can proceed prior to the end of the year; now, therefore be it

RESOLVED, That the 2019 Capital Plan be and hereby is amended to include a CAD/RMS Upgrade Project for the Sheriff's E911 Dispatch Center, in the amount of \$850,000.00; and, be it further

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

From: A.890-E911 – Emergency Phone System Reserve
To: A.1000.0599-0599 – REV – Appropriated Fund Balance
Sum: \$850,000.00

From: A.1000.9950-9000.1400 - EXP- E911 Expense
To: H.1680.3020-2100.0950 – EXP – CAD/RMS Upgrade (NEW)
Sum: \$850,000.00

and, be it further

Resolution No. 300

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AWARDING CONTRACT TO TYLER TECHNOLOGIES FOR PURCHASE OF PUBLIC SAFETY/CAD/RMS AND MOBILE DATA SYSTEM SOFTWARE AND INSTALLATION (2019 CAPITAL PLAN)

WHEREAS, Resolution 76 of 2019 authorized a Request for Proposals for Computer Aided Dispatch (CAD), Records Management System (RMS), Mobile and Fire Records Software and five (5) proposals were received; and

WHEREAS, an extensive RFP review process was conducted by an inter-agency evaluation team from local police and emergency response organizations; and

WHEREAS, said inter-agency evaluation team, Information Technology Director and Committee on Finance recommend contracting with Tyler Technologies, for purchase of a Public Safety/CAD/RMS and Mobile and Fire Records Software System, it having presented the best proposal to meet the needs of county departments and community agencies; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Tyler Technologies, Troy, Michigan, for a Public Safety/CAD/RMS and Mobile Fire Records Software System in accordance with the project components detailed below:

Software Applications	\$230,402.00
Implementation Services	\$420,138.00
Third Party Hardware, Software & Services	\$ 33,600.00
Estimated Travel Expenses	<u>\$ 64,000.00</u>
Total Not-to-exceed Cost	\$748,140.00

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

RESOLVED, That the Information Technology Director and Purchasing Agent do each and everything 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, Information Technology Director, Sheriff, Civil Defense/Fire Coordinator, Tyler Technologies, All Proposers, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

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

Resolution No. 301

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH EMERY DESIGNS TO PROVIDE COUNTY WEBSITE MAINTENANCE SERVICES (INFORMATION TECHNOLOGY)

WHEREAS, Resolution 411 of 2017 authorized a contract with Emery Designs to update the Fulton County Website; and

WHEREAS, said new website went live on July 18, 2019 including optimizations for mobile devices, enhancement of economic development data, improved overall visual appearance and better public access to services; and

WHEREAS, the Information Technology Director and the Committee on Finance recommend that a contract be awarded to Emery Designs for maintenance services to the Fulton County website through the end of 2019 at a cost not to exceed \$11,000.00; and

WHEREAS, due to an extended absence in the department position of Graphics and Web Specialists, sufficient funds exist for said proposed website maintenance contract; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Emery Designs of Gloversville, NY in the amount of \$11,000.00 to provide maintenance services to the Fulton County's website effective immediately through December 31, 2019; and, be it further

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

From: A.1680.1680-1000-EXP-Payroll
To: A.1680.1680-4130-EXP-Contractual
Sum: \$11,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Emery Designs, 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 Handy)

Resolution No. 302

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE SALE OF CERTAIN COUNTY-OWNED
PROPERTIES NOT MEETING THE SET MINIMUM AUCTION PRICE AT THE
JUNE 2019 AUCTION**

WHEREAS, the 2019 auction for the sale of County-owned property was held on June 19, 2019; and

WHEREAS, Resolution No. 215 of 1997 established a procedure to set minimum bids for tax acquired properties subject to public auction, specifying that all bids over the minimum be final and executable by the County Treasurer; and

WHEREAS, Resolution No. 265 of 2019 authorized the sale of County-owned properties not meeting the set minimum auction price at the June auction; and

WHEREAS, the Committee on Finance has recommended that five (5) properties within the City of Gloversville be withheld from sale to allow the City of Gloversville to consider purchasing them; and

WHEREAS, the City of Gloversville Common Council has decided not to proceed with purchase of the five (5) parcels making them available to the original bidders who expressed interest in purchasing them; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized to sell certain County-owned properties at the identified auction bid price below the minimum, included on the attached list; and, be it further

RESOLVED, That the County Treasurer be directed to record the appropriate deed after the execution thereof and to bill the purchasers the proper fees, as well as 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, County Attorney, 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 Handy)

**Tax Acquired Property Auction
June 19, 2019
Selected Sales Not Meeting the Minimum Bid**

<u>Town/City/SBL</u>	<u>Purchaser</u>	<u>Tax Amount</u>	<u>Bid Accepted</u>
<i>City of Gloversville:</i>			
134.15-22-30	Raya Neeley	\$19,598.21	\$10,000.00
134.18-1-9	Robert Mitchell	\$13,308.65	\$10,000.00
134.18-27-2	Michael Wesley	\$12,379.05	\$ 8,000.00
134.19-22-13	Tyrone L. Mitchell	\$ 9,978.34	\$ 8,000.00
149.10-6-24	Raya Neeley	\$ 8,561.23	\$ 7,000.00

Resolution No. 303

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING COUNTY PARTICIPATION IN THE LEGAL DEFENSE OF
CERTAIN ASSESSMENT REDUCTION ACTIONS WITHIN THE
CITIES OF JOHNSTOWN AND GLOVERSVILLE**

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

300 Enterprise Rd. (Wal-Mart Distribution Center) (SBL 149.18-5-1.1)
(Requested assessment reduction: \$39,500,000.00 to \$15,040,000.00)

147 N. Comrie Ave. (Rite Aid) (SBL 163.17-1-4)

(Requested assessment reduction: \$1,750,000.00 to \$750,000.00)

City of Gloversville

329 S. Kingsboro Ave. (Wal-Mart Supercenter) (SBL 149.18-5-1.1)

(Requested assessment reduction: \$11,231,800.00 to \$7,400,000.00)

now, therefore be it

Resolution No. 303 (Continued)

RESOLVED, That the County Treasurer and County Attorney be and hereby are directed to assist the Johnstown City Attorney and the Gloversville City 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, City of Johnstown, City of Gloversville, 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 FAGAN and adopted by the following vote:

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

Resolution No. 304

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH TRI-VALLEY PLUMBING & HEATING (PLUMBING) FOR THE FMCC CAMPUS LABS AND CLASSROOMS PHASE II PROJECT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan identifies a FMCC Campus Labs and Classrooms Phase II Project; and

WHEREAS, Resolution 115 of 2019 awarded bids for Prime Contracts for the FMCC Campus Labs and Classrooms Phase II Project, including a Plumbing Contract to Tri-Valley Plumbing & Heating Inc. in the amount of \$111,500.00; and

WHEREAS, inasmuch as said Plumbing Contract has reached substantial completion, the Planning Director and Fulton-Montgomery Community College officials recommend Change Order No. 1 to release a portion of the contract Contingency Allowance unallocated for use on other project needs; 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 Tri-Valley Plumbing & Heating of Schenectady, NY to release any project Contingency Allowance balance for said project as follows:

Original Contract Amount	\$111,500.00
Change Order No. 1 (release part Cont. Allowance)	- <u>2,500.00</u>
Revised Contract Amount	\$109,000.00

and, be it further

RESOLVED, That any credit shall be to H.8020.2497-2100.0870 – EXP – FMCC Campus Labs and Classrooms Renovations; and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 503 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 23 (1) (Supervisor Handy)

Resolution No. 305

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH TRI-VALLEY PLUMBING & HEATING (HVAC) FOR THE FMCC CAMPUS LABS AND CLASSROOMS PHASE II PROJECT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan identifies a FMCC Campus Labs and Classrooms Phase II Project; and

WHEREAS, Resolution 115 of 2019 awarded bids for Prime Contracts for the FMCC Campus Labs and Classrooms Phase II Project, including an HVAC Contract to Tri-Valley Plumbing & Heating Inc. in the amount of \$116,500.00; and

WHEREAS, inasmuch as said Plumbing Contract has reached substantial completion, the Planning Director and Fulton-Montgomery Community College officials recommend Change Order No. 1 to release a portion of the contract Contingency Allowance unallocated for use on other project needs; 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 Tri-Valley Plumbing & Heating of Schenectady, NY to release any project Contingency Allowance balance for said project as follows:

Original Contract Amount	\$116,500.00
Change Order No. 1 (release part Cont. Allowance)	- <u>2,500.00</u>
Revised Contract Amount	\$114,000.00

and, be it further

RESOLVED, That any credit shall be to H.8020.2497-2100.0870 – EXP – FMCC Campus Labs and Classrooms Renovations; and, be it further

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

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 503 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 23 (1) (Supervisor Handy)

Resolution No. 306

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH FISHER SCIENTIFIC COMPANY FOR THE FMCC CAMPUS LABS AND CLASSROOMS PHASE II PROJECT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan includes a FMCC Campus Labs and Classrooms Phase II Project; and

WHEREAS, Resolution 116 of 2019 awarded contracts for various supporting services related to the FMCC Campus Labs and Classrooms Phase II Project (2019 Capital Plan); and

WHEREAS, the Planning Director and Fulton-Montgomery Community College recommends authorizing Change Order No. 1 to add Accessories to said Lab Glassware Washer, at a cost not to exceed \$4,599.30; 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 Fisher Scientific Company to add Accessories to said Lab Glassware Washer, as part of the FMCC Campus Labs and Classrooms Phase II Project as follows:

Original Contract Amount:	\$ 11,114.34
Change Order No. 1(Accessories – Glassware Washer)	<u>+ 4,599.30</u>
Revised Contract Amount:	\$ 15,713.64

and, be it further

RESOLVED, That said cost be a charge against H.8020.2497-2100.0870 – EXP – FMCC Campus Labs and Classrooms Renovations; and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 503 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 23 (1) (Supervisor Handy)

Resolution No. 307

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION REQUIRING A PILOT AGREEMENT FOR THE KEARSAGE SOLAR, LLC
ARRAY FARM (PARCEL 134.-1-7.5) IN THE TOWN OF JOHNSTOWN**

WHEREAS, Kearsage Solar, LLC has purchased property at 191 West State Street Ext., in the Town of Johnstown (Parcel 134.-1-7.5) to construct a 1.452 Megawatt Solar Farm (North) and a 1.98 Megawatt Solar Farm (South); and

WHEREAS, Kearsage Solar, LLC has proposed a Payment in Lieu of Taxes (PILOT) Agreement with the Town of Johnstown and County of Fulton in accordance with NYS Real Property Tax Law (RPTL) Section 487; and

WHEREAS, the Finance Committee recommends a PILOT Agreement based on a pro-rated sharing of the Annual Total Tax Rate wherein the PILOT payment shall be between participating taxing jurisdictions based upon the amount of \$8,000.00 per Megawatt of capacity with a 2 percent escalator per year for 15 years, matching the tax exemption period in RPTL Section 487 for such energy projects; now, therefore be it

RESOLVED, That the annual PILOT payment shall be calculated in the amount of \$8,000.00 per Megawatt shared between the taxing jurisdictions of County of Fulton and Town of Johnstown in proportion to each jurisdictions annual Tax Rate compared to Total Tax Rate of all jurisdictions participating in the PILOT; and, be it further

RESOLVED, That for purposed of example, pro-ration would be as follows for year 1 (North):

<u>Tax Year</u>	<u>Jurisdiction</u>	<u>Tax Rate</u>	<u>Percent of Total Rate</u>	<u>Estimated Payment</u>
2018	County of Fulton	\$12.54 per thousand	73.51%	\$ 8,538.92
2018	Tn. of Johnstown	\$ 4.52 per thousand	26.49%	3,077.08
		\$17.06	100%	\$11,616.00

and, be it further

RESOLVED, That for purposed of example, pro-ration would be as follows for year 1 (South):

<u>Tax Year</u>	<u>Jurisdiction</u>	<u>Tax Rate</u>	<u>Percent of Total Rate</u>	<u>Estimated Payment</u>
2018	County of Fulton	\$12.54 per thousand	73.51%	\$11,643.98
2018	Tn. of Johnstown	\$ 4.52 per thousand	26.49%	4,196.02
		\$17.06	100%	\$15,840.00

and, be it further

Resolution No. 307 (Continued)

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between Kearsage Solar, LLC, the Board of Supervisors and Town of Johnstown to enact a PILOT Agreement for a 1.452 Megawatt Solar Farm (North) and a 1.98 Megawatt Solar Array Farm (South) (Parcel 134.-1-7.5) in the Town of Johnstown; in accordance with the terms and conditions outlined herein; 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, Kearsage Solar, LLC, Town of Johnstown Assessors, Real Property Tax Services Agency Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 474 (17) Nays: 54 (2) (Supervisors Born and Potter)
Absent: 23 (1) (Supervisor Handy)

Resolution No. 308

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION REQUIRING A PILOT AGREEMENT FOR THE BORREGO SOLAR, LLC
ARRAY FARM (PARCEL 125.-1-19.1) IN THE TOWN OF OPPENHEIM**

WHEREAS, Borrego Solar has purchased property at 519 County Highway 151, in the Town of Oppenheim (Parcel 125.-1-19.1) to construct a 1.386 Megawatt Solar Farm; and

WHEREAS, Borrego Solar has proposed a Payment in Lieu of Taxes (PILOT) Agreement with the Town of Oppenheim and County of Fulton in accordance with NYS Real Property Tax Law (RPTL) Section 487; and

WHEREAS, the Finance Committee recommends a PILOT Agreement based on a pro-rated sharing of the Annual Total Tax Rate wherein the PILOT payment shall be between participating taxing jurisdictions based upon the amount of \$8,000.00 per Megawatt of capacity with a 2 percent escalator per year for 15 years, matching the tax exemption period in RPTL Section 487 for such energy projects; now, therefore be it

RESOLVED, That the annual PILOT payment shall be calculated in the amount of \$8,000.00 per Megawatt shared between the taxing jurisdictions of County of Fulton and Town of Oppenheim in proportion to each jurisdictions annual Tax Rate compared to Total Tax Rate of all jurisdictions participating in the PILOT; and, be it further

RESOLVED, That for purposed of example, pro-ration would be as follows for year 1:

<u>Tax Year</u>	<u>Jurisdiction</u>	<u>Tax Rate</u>	<u>Percent of Total Rate</u>	<u>Estimated Payment</u>
2018	County of Fulton	\$16.54 per thousand	54.44%	\$ 6,036.30
2018	Tn. of Oppenheim	<u>\$13.84</u> per thousand	<u>45.56%</u>	<u>5,051.70</u>
		\$30.38	100%	\$11,088.00

and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between Borrego Solar, the Board of Supervisors and Town of Oppenheim to enact a PILOT Agreement for a 1.386 Megawatt Solar Farm (Parcel 125.-1-19.1) in the Town of Oppenheim; in accordance with the terms and conditions outlined herein; and, be it further

Resolution No. 308 (Continued)

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, Borrego Solar, Town of Oppenheim Assessors, Real Property Tax Services Agency Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 500 (18) Nays: 28 (1) (Supervisor Potter)
Absent: 23 (1) (Supervisor Handy)

Resolution No. 309

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION SETTING DATE OF A PUBLIC HEARING REGARDING LOCAL LAW “D”
OF 2019 “OPTING OUT OF SECTION 487 NYS REAL PROPERTY TAX LAW
EXEMPTIONS FOR SOLAR FARM PROJECTS”**

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on August 1, 2019, a proposed Local Law “D” of 2019 “Opting Out of Section 487 NYS Real Property Tax Law Exemptions for Solar Farm Projects”; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law “D” of 2019 by the Fulton County Board of Supervisors, on September 9, 2019 at 1:30 p.m., in the Supervisors Chambers, County Office Building, Johnstown, NY, and at least seven days’ notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards in the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

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

**LOCAL LAW “D” – 2019 OPTING OUT OF SECTION 487 NYS REAL PROPERTY
TAX LAW EXEMPTIONS FOR SOLAR ENERGY SYSTEM, WIND ENERGY SYSTEM
AND FARM WASTE ENERGY SYSTEM PROJECTS**

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

Section 1. The purpose of this local law is to opt out of Real Property Tax Law § 487 to capture tax revenues from the development of solar energy facilities and to ensure that such facilities are treated equally with other commercial properties within the county.

Section 2.

- A. No exemption under Real Property Tax Law § 487 shall be applicable to Fulton County taxes with respect to any solar or wind energy system or farm waste energy system.
- B. No exemption under Real Property Tax Law § 487 shall be applicable to Fulton County taxes with respect to any micro-hydroelectric energy system, fuel electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system.

Section 3.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4.

To the extent that this local law is inconsistent with Real Property Tax Law § 487 it shall supersede those laws.

Section 5.

- A. This law shall be effective immediately upon filing with the Secretary of State.
- B. In accordance with RPTL 487 (8) a., the County shall file this local law with the Commissioner of the New York State Department of Tax and Finance and with the president of the New York State Energy Research and Development Authority.

Resolution No. 310

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING COUNTY TREASURER TO CLOSEOUT CERTAIN
CAPITAL PROJECTS**

WHEREAS, certain projects identified in prior Capital Plans that have been completed and accounts established for said projects are no longer utilized; now, therefore be it

RESOLVED, That the following capital project work has been completed and the Budget Director recommends that said projects be closed out and the remaining balance returned to the

A-0883.0800 - Capital Improvements Reserve

H.1165.3097-2100.0865 – EXP - Surveillance/Intelligence Gathering Tools - 2017 -

(Approx balance: \$5,224.00)

H.8020.5615-2100.0760 – EXP - Airport Master Plan Update Project - 2015 –

(Approx balance: \$22,000.00)

A-0909 – Unrestricted Fund Balance

H.8020.6430-2100.0825 - EXP - Renovate Tryon Training Center – 2016 –

(Approx balance: \$141,000.00)

H.8020.6430-2100.0875 - EXP - Regional Business Park - 2017 – (Approx balance: \$ 0)

H.8020.8397-2100.0785 - EXP - SMART Waters Vail Mills – 2016 – (Approx balance: \$8,500)

No County Share

H.3640.3020-2100.0680 – EXP - Statewide Interoperable Communications - 2014

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, District Attorney, Planning Director, 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 Handy)

Resolution No. 311

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION APPORTIONING 2020 WORKERS' COMPENSATION
INSURANCE PROGRAM EXPENSES

RESOLVED, That the Report of the Committee on Workers' Compensation Insurance (Finance), dated August 1, 2019, be accepted and the recommendations contained therein be carried out for the year 2020; and, be it further

RESOLVED, That the respective amounts apportioned to the various municipalities or public corporations of Fulton County be adopted as the act and determination of the Board and that they be assessed, levied and collected the same as other charges; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Committee on Workers' Compensation Insurance, 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 Handy)

THE REPORT OF THE COMMITTEE ON COMPENSATION INSURANCE

Your Committee on Compensation Insurance (Finance and Administration) to whom was referred the report of the County Treasurer on Claims paid pursuant to Article 5 of the Workers' Compensation Law, report that they have examined same and believe same to be correct and recommend that said report be printed in the minutes.

Your Committee further reports that pursuant to said Law, they do hereby certify that the County Treasurer, as Custodian of Compensation Insurance Funds, estimates expenditures in the sum of \$1,367,880.00, (less revenues of \$199,900.00), which they have apportioned to each Town, the Villages of Broadalbin, Mayfield, Northville and Cities of Johnstown and Gloversville, and the County of Fulton. 35% of the proportion that its full valuation bears to the aggregate valuation of the participating municipal corporation and 65% of a five-year experience, in accordance with said law, and an additional assessment to those municipalities having volunteer ambulance corps at an amount of \$400 per ambulance:

	2020		(2014-2018)	35%	65%
	<u>Total Apport.</u>	<u>Full Valuation</u>	<u>5-Yr. Exp.</u>	<u>Full Valuation</u>	<u>5-Yr. Exp.</u>
Bleecker	\$ 5,670.91	\$ 103,415,237.00	\$ 140.06	\$ 5,646.69	\$ 24.22
Broadalbin	\$ 54,684.30	\$ 420,238,097.53	\$ 183,527.20	\$ 22,945.90	\$ 31,738.40
Broadalbin (V)	\$ 4,644.08	\$ 70,426,047.68	\$ 4,618.29	\$ 3,845.41	\$ 798.67
Caroga	\$ 15,453.35	\$ 259,187,244.26	\$ 7,524.01	\$ 14,152.18	\$ 1,301.17
Ephratah	\$ 12,438.25	\$ 97,749,091.30	\$ 41,061.15	\$ 5,337.31	\$ 7,100.94
Johnstown	\$ 50,814.94	\$ 496,799,058.21	\$ 136,979.50	\$ 27,126.30	\$ 23,688.64
Mayfield	\$ 74,953.05	\$ 510,112,063.24	\$ 272,354.72	\$ 27,853.21	\$ 47,099.84
Mayfield (V)	\$ 2,587.51	\$ 45,024,388.24	\$ 746.38	\$ 2,458.43	\$ 129.08
Northampton	\$ 21,823.30	\$ 397,413,995.38	\$ 714.96	\$ 21,699.66	\$ 123.64
	400.00*				
Northville (V)	\$ 5,103.58	\$ 91,696,570.77	\$ 559.46	\$ 5,006.83	\$ 96.75
Oppenheim	\$ 7,411.64	\$ 116,084,972.77	\$ 6,205.50	\$ 6,338.49	\$ 1,073.15
Perth	\$ 44,095.78	\$ 253,990,187.19	\$ 174,789.70	\$ 13,868.41	\$ 30,227.37
Stratford	\$ 6,131.05	\$ 110,772,336.00	\$ 477.88	\$ 6,048.41	\$ 82.64
Gloversville (C)	\$ 166,167.41	\$ 394,174,653.00	\$ 836,407.22	\$ 21,522.78	\$ 144,644.63
Johnstown (C)	\$ 121,586.30	\$ 479,867,901.04	\$ 551,560.52	\$ 26,201.82	\$ 95,384.48
	\$ -				
Fulton County (Gen. Fund)	\$ 574,414.55	\$ 3,639,804,836.92	\$ 2,172,330.55	\$ 198,741.16	\$ 375,673.39
TOTAL APPROP.	\$ 1,167,980.00	\$ 7,486,756,680.53	\$ 4,389,997.10	\$ 408,792.99	\$ 759,187.01
	\$ 400.00			\	/
	\$ 1,168,380.00	0.000054602147	0.172935651825	\	\$1,167,980.00
*Volunteer Ambulance Corps Assessment					

Resolution No. 312

Supervisor ARGOTSINGER 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:

County Clerk:

- 0000528 Case w/shelves
- 0000529 Case w/shelves
- 0000530 Case w/shelves
- 0000531 Case w/shelves
- 0000532 Case w/shelves
- 0000533 Case w/shelves
- 0000534 Case w/shelves
- 0000535 Case w/shelves
- 0000537 Case w/shelves
- 0000538 Case w/shelves
- 0000539 Case w/shelves
- 0000540 Case w/shelves
- 0000541 Case w/shelves
- 0000542 Case w/shelves
- 0000544 Case w/shelves
- 0000546 Case w/shelves
- 0000547 Case w/shelves

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, County Clerk, Superintendent of Highways and Facilities, Solid Waste Department, 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 Handy)

Resolution No. 313

Supervisor ARGOTSINGER 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:

Personnel

From: A.1000.1720-8500.8500 – EXP – Retiree Hospital Medical

To: A.1000.1720-1500 – EXP – Benefit Time Cashout

Sum: \$25,000.00

Sheriff

From: A.3110.3645-2000 – EXP- Equipment - Fixed Asset

To: A.3110.3645-4530 - EXP- Supplies

Sum: \$1,700.00

From: A.3110.3110-2000 - EXP- Equipment - Fixed Asset

To: A.3110.3110-4010 - EXP- Equipment - Non-Asset

Sum: \$472.00

Highway

From: D.5010.5110-1000.1102 - EXP- Payroll - Highway Crews

To: D.5010.3310-1000 - EXP- Payroll

Sum: \$551.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Superintendent of Highways and Facilities, Sheriff, 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 Handy)