

FOURTH REGULAR SESSION

Johnstown, NY

April 10, 2017

Roll Call – Quorum Present

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

TOTAL: Present: 20 Absent: 0

Chairman Kinowski called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the Flag, Chairman Kinowski asked if there was anyone from the public who wished to address the Board. No one from the public came forward and Chairman Kinowski then asked for the reading of the Communications and Reports that were on the Agenda.

COMMUNICATIONS

1. Communication from Lewis County Board of Legislators
Subj: Res. No. 117 of 2017 Resolution Urging New York State to Fully Fund Probation Departments and Other Impacted County Departments and Agencies With 100% Funding for Costs Associated with Raising the Age of Criminal Responsibility to 18 Years of Age (Supervisors Greene, Lauria and Young requested a copy)
2. Letter from Assemblyman Marc Butler to Chairman Kinowski, dated 9 March 2017
Subj: Letter received regarding State Mandates and Impact on Counties (Supervisors Greene, Blackmon, Born, Christopher, Lauria and Rice requested a copy)

LATE COMMUNICATIONS:

1. Communication from Greene County Legislature
Subj: Resolution Supporting New York State Senate Bill 1908 and New York State Assembly Bill 3397 which would Increase the Counties' Share of Dept. of Motor Vehicle Revenue to Provide a More Equitable Share for Counties (Supervisor Young requested a copy)
2. Communication from Cattaraugus County Legislature
Subj: Resolution Urging Adoption of Cancer Presumptive Bill for Volunteer Firefighters (Senate Bill S.1411 and Assembly Bill A.711) (Supervisors Born, Lauria, Rice and Young requested a copy)
3. Communication from Cattaraugus County Legislature
Subj: Resolution Supporting S.879C, A.6140 and S.3382 Supporting Repeal of New York Safe Act for Upstate New York (Supervisors Christopher, Howard and Young requested a copy)
4. Communication from Erie County Legislature
Subj: Resolution Requiring New York State to Cover the Full Costs of Medicaid (Supervisors Born and Young requested a copy)

5. Letter from NYSAC, dated 24 March 2017 to Jon R. Stead, Administrative Officer (Supervisor Greene requested a copy)
Subj: Receipt of Fulton County Resolution No. 120 – Opposing Legislation for Raise the Age of Criminal Responsibility in New York State
6. Letter from Assemblyman Marc Butler, dated 30 March 2017 to Jon R. Stead, Administrative Officer (Supervisor Greene requested a copy)
Subj: Receipt of Resolution No. 120 – Opposing Legislation for Raise the Age of Criminal Responsibility in New York State
7. Letter from John P. Melville, NYS Commissioner, Homeland Security & Emergency Services, dated 4 April 2017 to Chairman Kinowski
Subj: Fulton County’s Award of \$437,407.00 for Statewide Interoperable Communications Grant Program (Supervisors Lauria and Young requested a copy)

REPORTS

- A. National Grid PCB Inventory Report for period 7/1/16 – 12/31/16
- B. 2016 Annual Report, Fulton County Soil and Water Conservation District
- C. 2017 NYSAC Legislative Conference Resolutions [Priority Reading Rack]

UPDATES FROM STANDING COMMITTEES

Finance Committee: Supervisor Argotsinger advised that proposed Resolution No. 8 (Resolution Authorizing Advertisement for Bids for a New Compactor Style Recycling Truck for the Solid Waste Department) will be reviewed today and the proposed Resolution is different than what was approved in the minutes from the Economic Development and Environment Committee meeting. The Finance Committee voted to approve going out to bid for one new recycling truck if Solid Waste could find the funds within their current appropriation. Also, there was about \$1 million dollars savings in the Phase V Landfill Expansion Project that may be able to be utilized. Mr. Stead was adding language in the bid documents for an alternate bid for an option for a lump-sum purchase of two (2) new recycling trucks. Once bids are in, the Board can determine the best route to take.

Human Services Committee: Supervisor Greene wanted to acknowledge the Public Health Department and Office for Aging for the “nice job” they did at the recent Health Fair at the Johnstown Senior Center. It was very well-attended.

REPORTS OF SPECIAL COMMITTEES

Inter-County Legislative Committee of the Adirondacks: Supervisor Young advised that the meeting was held on March 23 in Lyons Falls. The group toured Otis Technologies, which is a gun cleaning equipment manufacturer. Also, NYSAC was present and provided an update. He further advised that Fulton County will be hosting Inter-County on April 27. There will be a tour of Crystal Geyser Bottling Plant in Ephratah. Everyone is invited to attend. Mr. Stead, Administrative Officer, advised that more information will be forthcoming.

Soil and Water Conservation District: Supervisor Greene advised that they met on March 23 and did in fact hire a new secretary. Also, that they discussed the portable boat washing station and how it was going to be handled. It will be finalized at the next Soil and Water Conservation District meeting that will be held on April 18.

CHAIRMAN'S REPORT

(No report update.)

Mr. Stead explained that there is a Late Resolution on the Late Agenda today dealing with a position in the Board of Elections Office. The Agenda Item went through the Finance Committee for a vacancy review approval; however, the Commissioners really wanted to create a Temporary Per Diem Clerk position.

Mr. Stead advised that Late Resolution No. 2 was a proposed Resolution Advertising for Bids for Roof Replacement Project at the County Office Building. Mr. Stead further advised that there were buckets in the hallway leading to the Board Chamber because of leaks in the roof. It is an emergency situation and Mr. Yost, Superintendent of Highways and Facilities has had two (2) contractors come in and evaluate the roof. There is funding in the 2017 Capital Plan for replacement of the other two (2) roofs at the County Office Building that could be used toward this replacement project.

Supervisor Lauria asked where the other funding would come from. Mr. Stead replied that would be up to the Board to decide once bids are in.

Supervisor Callery suggested perhaps repairing all three (3) roofs at the same time. Mr. Stead explained that there are different materials on the roofs and different roof structures. The money set aside for the other roofs may be used for replacement of this roof and potentially the other roofs could be replaced by proposing a 2018 Capital Plan Project.

Supervisor Callery responded that he was “just trying to get ahead of the game and replace the roofs because they were old”.

Supervisor Fagan commented that he hoped that it will help with other moisture issues within the County Office Building.

RESOLUTIONS

No. 147 (Resolution Setting Date of Public Hearing on Proposed Local Law “C” of 2017 “A Local Law Authorizing a Land Lease Agreement Between H-F-M BOCES and Fulton & Montgomery Counties to Facilitate a Solar Photovoltaic System Power Purchase Agreement Project”): Supervisor Callery asked for an explanation of Section 7 regarding the rent payments by H-F-M BOCES to the other two counties and equally shared during the three year lease. The payments are the same for all three years. Mr. Stead explained that this Agenda Item will authorize the lease agreement for the BOCES facility to extend an additional three years for the

period 2034 – 2037. Supervisor Callery asked where the money goes presently. Mr. Stead responded that he believes that the revenue goes into the College’s budget. Supervisor Callery asked who will benefit with the Photovoltaic Power Purchase Agreement. Mr. Stead explained that only H-F-M would benefit by receiving reduced electricity rates.

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 153 and 154.

PROCLAMATION

DECLARING APRIL 2017 “OLDER AMERICANS MONTH IN FULTON COUNTY”

WHEREAS, Fulton County is a community that includes 11,000 citizens aged 60 and older; and

WHEREAS, Fulton County Office for Aging is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

WHEREAS, since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life’s most basic functions, such as bathing, or preparing meals; and

WHEREAS, older adults in Fulton County should be commended for their role in creating and bolstering the fiber of our community and nation; and

WHEREAS, our community can provide opportunities to enrich the lives of individuals young and old by:

- Promoting and engaging in activity, wellness, and social inclusion.
- Emphasizing home and community based services that support independent living.
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby proclaims April 2017, as “OLDER AMERICANS MONTH IN FULTON COUNTY”, and urges every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

NEW BUSINESS

Supervisor Fagan thanked Supervisor Waldron for sending a letter to Congressman John Faso to thank him for his efforts to remove the New York State Medicaid Mandate upon Counties. Supervisor Fagan commented that the Governor “bullied” the Budget through in the middle of the night again and the Governor’s budget shifts costs to local counties for his programs, which is pretty ironic since he states that he wants to cut New York State residents’ property taxes.

Supervisor Callery asked who would pay the State’s new free tuition program for college students. Mr. Stead answered that he did not have a lot of answers because there was no breakdown out on details yet. It will be a cost shifting down to counties and this will pay for the new programs.

Mr. Stead explained a few new items from the State Budget:

Counties will still have to fully pay for the recent large increases in the District Attorney’s salary.

Indigent Legal Defense budget was modified, but additional mandates would fall on the County to fund and increase the workload of the District Attorney and Public Defender’s Office.

There were two (2) major costs shifts for Social Services. The new Foster Care costs will not be reimbursed.

There will be more CHIPS road and bridge funding.

There was money budgeted for clean water and infrastructure projects.

Ride Sharing was approved for upstate New York.

Supervisor Lauria commented that the federal government should be paying the local share of Medicaid Mandate. Mr. Stead advised that was tried 10 years or so ago and did not pass. New York State has the richest program and Congress would not require the other states to pay for New York State’s “Cadillac version” of Medicaid.

Supervisor Greene advised that he would be attending a meeting on criminal justice reform and is interested in seeing how this will impact our county.

County Attorney Brott commented that he and the Assistant County Attorney will have to pick up a higher caseload due to the Raise the Age of Criminal Responsibility bills that were passed.

Supervisor Potter requested an Agenda Item for the next Public Safety Committee Meeting asking for a Resolution to Support the Repeal of Provisions of the “Safe Act” for Upstate New York.

Chairman Kinowski agreed that would be referred to Committee.

Upon a motion by Supervisor Callery, seconded by Supervisor Waldron and unanimously carried, the Board adjourned at 1:37 p.m.

Certified by:

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

Resolution No. 132

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

RESOLUTION AUTHORIZING SUBMITTAL OF 2017-2018 FEDERAL SECTION 5311
CONSOLIDATED TRANSPORTATION GRANT APPLICATION FOR SPONSORS
WITH CONTINUING AGREEMENTS

WHEREAS, Fulton County is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for Fulton County's Commuter Run through I. Persch Transit, Inc. for the project years 2017-2018; and

WHEREAS, Fulton County and the State of New York have entered into a continuing agreement which authorizes the undertaking of the project and payment of the Federal share; and

WHEREAS, Fulton County is contracting with a third party subcontractor for the project described above; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors is, be and hereby, authorized to act on the behalf of Fulton County to sign the application and progress and complete the above named project; and, be it further

RESOLVED, That the Chairman of the Board of Supervisors is authorized to sign any contracts or agreements between Fulton County and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the Fulton County attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, NYS Department of Transportation, Statewide Mass Transportation Operating Assistance Program, I. Persch Transit, Planning Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who may further the purport of this Resolution.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 133

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

RESOLUTION AUTHORIZING A REQUEST FOR QUALIFICATIONS FROM
ENGINEERING FIRMS FOR PROJECT PLANNING SERVICES FOR THE FULTON
COUNTY AIRPORT (2017-2022)

WHEREAS, the 2017 Capital Plan identifies an Airport Master Plan Environmental Assessments for the Fulton County Airport; and

WHEREAS, Fulton County annually submits an Airport Capital Improvement Plan to the federal Aviation Administration (FAA) that outlines projects it would like to undertake during the ensuing 5-year period; and

WHEREAS, the FAA requires the utilization of a FAA-certified airport engineer; and

WHEREAS, FAA Advisory Circular 150/5100-14E allows municipalities to select airport project consultant contracts for a 5-year period through a Request for Qualifications process as an alternative to seeking annual contracts; now therefore be it

RESOLVED, That the Planning Director be and hereby is authorized and directed to distribute a Request for Qualifications (RFQ) to FAA-certified airport engineers for potential Fulton County Airport projects for a 5-year time period at the Fulton County Airport; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Planning Director, Fixed Base Operator and Administrative Officer/Purchasing Agent.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 134

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

RESOLUTION AUTHORIZING SUBMITTAL OF FIVE YEAR AIRPORT CAPITAL IMPROVEMENT PLAN TO THE FEDERAL AVIATION ADMINISTRATION (2017-2022)

WHEREAS, as a requirement for potential federal and state reimbursement, the Committees on Buildings and Grounds/Highway and Finance hereby recommend the submission of an updated Five-Year Capital Plan for the Fulton County Airport that includes the following projects/schedule:

Year	Project	Est. Cost	County Share
2017	On-Airport Obstruction Removal Rehab. Of Runway & Taxiway Lighting, Install the Perimeter Fence - Design	\$ 35,000.00 \$ 100,000.00	\$ 35,000.00 \$ 5,000.00
2018	Off Airport Obstruction Removal EA & Ease. Acq. Rehab of Run. & Taxi. Lighting, Install – Construct. Runway 10-28 Rehabilitation & Connector T/W Improv. –Design	\$ 75,000.00 \$ 900,000.00 \$ 104,000.00	\$ 3,750.00 \$45,000.00 \$ 5,200.00
2019	Off-Airport Obstruction Removal Runway 10-28 Rehab. & Connector T/W Improv. – Const.	\$ 200,000.00 \$1,000,000.00	\$ 10,000.00 \$ 50,000.00
2020	Parallel Taxiway Rehab – Design Bulk Hanger	\$ 50,000.00 \$1,000,000.00	\$ 7,500.00 \$100,000.00
2021	Parallel Taxiway Rehab – Const. Runway Length Analysis Rehab. Aircraft Parking Apron - Design	\$1,500,000.00 \$ 100,000.00 \$ 150,000.00	\$ 75,000.00 \$ 5,000.00 \$ 7,500.00
2022	Environmental Assessment/Prelim. Design RW 10-28 Rehab Aircraft Parking Apron – Const.	\$ 350,000.00 \$1,500,000.00	\$ 17,500.00 \$ 75,000.00
Total		\$7,164,000.00	\$441,450.00

Resolution No. 134 (Continued)

WHEREAS, the submission of these projects as part of the Five-Year Capital Plan for the Fulton County Airport represents the County's possible listing of projects that may be considered for future State and Federal reimbursement but does not commit Fulton County to any expenditures; now therefore be it

RESOLVED, That the Board of Supervisors, by this Resolution, hereby adopts the revised Five-Year Airport Capital Improvement Plan for the Fulton County Airport, as hereinabove referenced; and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to submit such revised Five-Year Airport Capital Improvement Plan for the Fulton County Airport to the Federal Aviation Administration, NYS Department of Transportation and to each and every other person, agency or institution that will 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, NYS Department of Transportation, Federal Aviation Administration, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CHRISTOPHER and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 135

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

RESOLUTION ADOPTING A BUILDING ENERGY BENCHMARKING POLICY FOR FULTON COUNTY GOVERNMENT BUILDINGS

WHEREAS, the Mohawk Valley Economic Development District has announced the availability of 2017 Clean Energy Community (CEC) Grants for public infrastructure projects; and

WHEREAS, Resolution 31 of 2017 authorized the Superintendent of Highways and Facilities to pursue a Clean Energy Community Grant through the Mohawk Valley Economic Development District (MVEDD) for an Air Conditioning Project in the County Office Building and other Associated Energy Conservation Projects; and

WHEREAS, to qualify for a CEC grant, a municipality must implement at least four (4) “High Impact Actions” to promote energy conservation within its region; and

WHEREAS, Committing to implement a “building energy benchmarking policy” and associated data base will qualify as one of the four required “High Impact Actions” to meet the Clean Energy Community Grant criteria; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Buildings and Grounds/Highway and Finance, the Board of Supervisors hereby adopts a “Building Energy Benchmarking Policy for Fulton County Government Buildings” 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, Superintendent of Highways and Facilities, Mohawk Valley Economic Development District, Budget Director/County Auditor, County Code, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

COUNTY OF FULTON

Building Energy Benchmarking Policy for Fulton County Government Buildings

(10 April 2017)

WHEREAS, buildings are the single largest user of energy in the State of New York, and the poorest performing buildings typically use several times the energy of the highest performing buildings, for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy benchmarking data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide; and

WHEREAS, the Superintendent of Highways and Facilities shall be responsible for administration of this policy, including maintaining related records and preserving such records for a period of three (3) years.

1. Definitions:

- (A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.
- (C) “Superintendent” shall mean the Superintendent of Highways and Facilities.
- (D) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by Fulton County that is 1,000 square feet or larger in size.
- (E) “Department” shall mean the Fulton County Department of Highways and Facilities
- (F) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-

uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

- (G) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
- (H) “Energy Use Intensity (EUI)” shall mean the kBTUs (1,000 British Thermal units) used per square foot of gross floor area.
- (I) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
- (J) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
- (K) “Utility” shall mean an entity that distributes and sells Energy to County-owned buildings.
- (L) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

2. Guidelines:

- (A) This policy is applicable to all Covered Municipal Buildings as defined in Section 1.D of this policy; and
- (B) The Superintendent or Chairperson of the Board may exempt a particular Covered Municipal Building from the benchmarking requirement if it is determined that it has characteristics that make benchmarking impractical.
- (C) By December 31, 2017 and no later than May 1 each year thereafter, the Superintendent or his or her designee shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with other descriptive information required by Portfolio Manager for the previous calendar year.
- (D) When a new Covered Municipal Building has not accumulated 12 months of Energy use

data by the first applicable date following occupancy, energy use data shall be input commencing the following year.

- (E) By December 31, 2017 and by September 1 of each year thereafter, the Superintendent shall make updated Benchmarking information available to the public via the Internet as follows:
 - (1) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
 - (2) For each Covered Municipal Building individually:
 - (a) The status of compliance with the requirements of this policy.
 - (b) The building address, primary use type, and gross floor area.
 - (c) Annual summary statistics, including EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available.
 - (d) A comparison of the annual summary statistics across all calendar years covered by enactment of this policy.
- (F) By July 1 of each calendar year covered by this policy, the Superintendent shall submit a report to the Board of Supervisors including summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, and a list of buildings determined to be exempt from the benchmarking requirement and the reason for the exemption.
- (G) This Policy shall become effective May 1, 2017.

Resolution No. 136

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

RESOLUTION AUTHORIZING AGREEMENTS BETWEEN THE DEPARTMENT OF HIGHWAYS AND FACILITIES AND CERTAIN TOWN HIGHWAY DEPARTMENTS FOR MOWING OF COUNTY RIGHTS-OF-WAY (2017)

WHEREAS, the County of Fulton owns and is responsible for the maintenance of County Roads and attending rights-of-away which require mowing; and

WHEREAS, the Superintendent has proposed to offer a contract to all Towns to accomplish roadside mowing of county highways within each jurisdictions; and

WHEREAS, the Committees on Buildings and Grounds/Highway, and Finance recommend offering contracts to each Town at a rate of \$400.00 per mile during 2017; now, therefore be it

RESOLVED, That the Superintendent of Highways and Facilities be and hereby is, authorized to offer such contracts as follows:

<u>Town</u>	<u>Mileage</u>	<u>Est. Annual Cost</u>
Bleecker	15.31	\$6,124.00
Broadalbin	20.74	\$8,296.00
Caroga	7.28	\$2,912.00
Ephratah	7.52	\$3,008.00
Johnstown	32.10	\$12,840.00
Mayfield	13.35	\$5,340.00
Northampton	10.82	\$4,328.00
Oppenheim	12.75	\$5,100.00
Perth	14.69	\$5,876.00
Stratford	<u>8.91</u>	<u>\$3,564.00</u>
TOTALS	143.47	\$57,388.00

and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign contracts with agreeable towns to provide mowing services to the County of Fulton on the rights-of-way for the above designated County roads as needed during 2017; and, be it further

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

Resolution No. 136 (Continued)

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

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 137

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

RESOLUTION AWARDING BIDS FOR VARIOUS HIGHWAY CONSTRUCTION MATERIALS FOR USE IN THE DEPARTMENT OF HIGHWAYS AND FACILITIES (2017)

WHEREAS, Resolution 33 of 2017 authorized advertisement for bids for various highway construction materials for use in the Department of Highways and Facilities, and said bids were opened on March 8, 9 and 15, 2017, respectively; now, therefore be it

RESOLVED, That bids for various Construction Materials and Lubricants for use by the Fulton County Highway Department, as placed on file in the Purchasing Office and identified by specification number below, be and hereby are accepted and awarded, and that the County, towns and villages in Fulton County may purchase the materials needed (when appropriate) from the plant whose bid price, plus hauling cost, indicates that the supplies will be delivered to the job site at the lowest price:

- D 3310.1 Acrylic Water Borne Pavement Markings–Seneca Pavement Marking,Horseheads,NY
- D 5110.1 Bridge Repair – R&B Construction, LLC, Amsterdam, NY
- D 5110.2 Pneumatically Projected Concrete – R&B Construction, LLC
- D 5110.3 Ready Mix Concrete –Cranesville Block, Amsterdam, NY
Millers Ready Mix Concrete, Mayfield, NY
- D 5110.4 Plant Mixed Patching Material – Callanan Industries, Cushing Stone Co., Hanson
Aggregates, Pallette Stone Corp.
- D 5110.5 Corrugated Metal & Polyethylene Pipe – Chemung Supply Corp.,
Steel Sales, Inc., Town & Country Bridge & Rail, Inc., Advanced Drainage Systems
- D 5110.6 Guide Railing – Chemung Supply Corp., County Bridge & Rail, Inc.
- D 5110.7 Vegetation Control – Allen Chase Enterprises
- D 5112.1 Coarse Aggregates; Crushed Stone/Crushed Gravel – Callanan Industries, Carver
Sand & Gravel, Cranesville Block, Cushing Stone, Delaney Crushed Stone
Products, Hanson Aggregates, Peckham Materials Corp, Rifenburg General
Contractors, Pallette Stone Corp.
- D 5112.2 Asphalt Concrete – Callanan Industries, Cushing Stone Co., Hanson Aggregates,
Pallette Stone Corp.
- D5112.3 Hot Mix Paving CR 108 - \$51.06 per ton, 9.5 F3 Top Course, Hanson Aggregates
- D5112.3 Hot Mix Paving CR 112 - \$53.45 per ton, 9.5 F3 Top Course, Hanson Aggregates
- D5112.3 Hot Mix Paving CR 114 - \$50.46 per ton, 9.5 F3 Top Course, Hanson Aggregates
- D5112.3 Hot Mix Paving CR 146 - \$53.35 per ton, 9.5 F3 Top Course, Hanson Aggregates
- D5112.3 Hot Mix Paving CR 148 - \$54.50 per ton, 9.5 F3 Top Course, Hanson Aggregates
- D5112.3 Hot Mix Paving CR 151 - \$50.47 per ton, 9.5 F3 Top Course, Hanson Aggregates
- D 5112.4 Cold-In Place Recycling Type I – Gorman Brothers, Peckham Road Corp.
- D 5112.5 Cold Planing – Callanan Industries,

Resolution No. 137 (Continued)

- D 5112.6 In-Place Road Base Stabilization – Gorman Brothers, Reclamation LLC
- D 5112.7 Cold In-Place Recycling Hammermill Method – Bell & Flynn, Inc.
- D 5112.8 Hot In-Place Asphalt Recycling – Highway Rehabilitation Corp.
- D 5142.1 Abrasives Snow & Ice Control – Carver Sand & Gravel, Cranesville Block, Delaney
Crushed Rock Products, Inc., Furman Aggregates, Rifenburg
- DM 5130.1 Lubricants – RH Crown Co., Noco Distribution LLC

and be it further

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 138

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

RESOLUTION CONFIRMING THE APPOINTMENT OF DEPUTY SUPERINTENDENT OF FACILITIES JAMES BORNT

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

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

RESOLVED, That Superintendent of Highways and Facilities, Mr. Mark E. Yost, be and hereby is authorized and empowered to fill the position of Deputy Superintendent of Facilities with Mr. James Bornt; said appointment to become effective Tuesday, April 11, 2017; and, be it further

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

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

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 139

Supervisors WALDRON and ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR A NEW COMPACTOR STYLE RECYCLING TRUCK FOR USE IN THE SOLID WASTE DEPARTMENT
(2017 CAPITAL PLAN)**

WHEREAS, Resolution 47 of 2017 amended the 2017 Capital Plan to Replace a Tractor Truck with two (2) Refurbished Compactor Style Recycling Trucks for use in the Solid Waste Department; and

WHEREAS, no bids meeting specifications for said two (2) Refurbished Trucks were received; and

WHEREAS, the Committees on Economic Development and Environment, and Finance recommend pursuing the purchase of a new Compactor-style Recycling Truck if funding can be identified within current appropriations; and

WHEREAS, the Purchasing Agent recommends advertising bid specifications for one (1) new Compactor-Style Recycling Truck that also include an option for lump-sum purchase of two (2) such vehicles to determine accurate costs and/or savings over the next two-year period; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a Compactor Style Recycling Truck for use in the Solid Waste Department with an Alternative Bid for two (2) Trucks at County option (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, April 26, 2017, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 140

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING RENEWAL OF AGRICULTURAL DISTRICT NO. 1
WITH AMENDED BOUNDARIES FOR A EIGHT YEAR PERIOD (2017-2024)**

WHEREAS, Resolution No. 363 of 2016 authorized commencement of an eight-year review of Agricultural District No. 1 in the County of Fulton; and

WHEREAS, a public hearing was held on March 13, 2017, to receive comments regarding proposed revisions to Agricultural District No. 1, which include increasing the size of the District from 26,262.37 acres to 26,821.97 acres, including lands in the Towns of Broadalbin, Perth, Johnstown, Mayfield, Oppenheim and Ephratah and everyone who wanted to speak was heard; and

WHEREAS, in accordance with Section 303.7(c) of Article 25AA of the Agriculture and Markets Law, the County legislative body, after holding said public hearing, may

1. terminate the District by filing a Notice of Termination with the County Clerk and Commissioner of Agriculture and Markets;
2. modify the district; or
3. leave the district unchanged

now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby authorizes the renewal of Agricultural District No. 1 for an additional eight-year period with revisions as follows: Increase size of the District from 26,262.37 acres to 26,821.97 acres, including lands in the Towns of Broadalbin, Perth, Johnstown, Mayfield, Oppenheim and Ephratah; and, be it further

RESOLVED, That the Planning Director be and hereby is authorized and directed to file the necessary and required maps and reports with the NYS Department of Agriculture and Markets; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Planning Director, RPTSA Director, NYS Department of Agriculture and Markets, Agricultural and Farmland Protection Board, 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: 20 Nays: 0

Resolution No. 141

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

RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN EQUIPMENT AND OTHER EXPENDITURES WITH 2015-16 CHILDHOOD LEAD POISONING PREVENTION GRANT FUNDS (PUBLIC HEALTH DEPARTMENT)

WHEREAS, the Public Health Director has advised that the New York State Department of Health will allow the Public Health Department to use unspent 2015-16 Childhood Lead Poisoning Prevention Program Grant funds in the amount of \$12,532.89 to purchase certain equipment and other expenditures related to lead poisoning prevention; and

WHEREAS, the Public Health Director has requested to spend said funds for certain equipment, supplies, printing costs and advertising expenses; now, therefore be it

RESOLVED, That the Public Health Director be and hereby is authorized to purchase the following equipment items listed below with unspent Childhood Lead Poisoning Prevention grant funds, in an amount not to exceed \$12,533.00:

Printer	\$ 600.00
Two (2) Task Chairs	350.00
Electric Stapler/Hole Punch	250.00
Two (2) Folding Event Tables	<u>200.00</u>
Total	\$ 1,400.00

and, be it further

RESOLVED, That the 2017 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A.4010.4010-3402-REV-Grant Revenues \$12,533.00

Appropriation Account:

Increase A.4010.4010-4010-EXP-Non-Fixed Asset	1,400.00
Increase A.4010.4010-4100-EXP-Advertising	1,390.00
Increase A.4010.4010-4530-EXP-Supplies	5,014.00
Increase A.4010.4010-4560-EXP-Printing	4,729.00

and, be it further

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

Resolution 141 (Continued)

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

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 142

Supervisor GREENE offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CHILDREN WITH
HANDICAPPING CONDITIONS 2017-2018 TRANSPORTATION**

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids from contractors for the Children with Handicapping Conditions Transportation Program (and according to further specifications which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, May 17, 2017, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 143

Supervisor GREENE offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING MARK VANALLEN AS DEPUTY EMS COORDINATOR ON
THE EMERGENCY MEDICAL SERVICES COUNCIL**

WHEREAS, Resolution 16 of 2017 appointed, reappointed, and/or confirmed members to the Fulton County Emergency Medical Services Council and designated a First Deputy EMS Coordinator and three (3) Deputy EMS Coordinators for 2017; and

WHEREAS, Deputy EMS Coordinator Sean Wilson has moved from Fulton County leaving a vacancy; now, therefore be it

RESOLVED, That Mark VanAllen be appointed as Deputy EMS Coordinator to the Fulton County Emergency Medical Services Council for the remainder of 2017; and, be it further

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 144

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

RESOLUTION AUTHORIZING LOAN AGREEMENT WITH THE NEW YORK
STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR
USE OF A BOSTON WHALER PATROL BOAT (SHERIFF)

WHEREAS, the Sheriff has requested permission to enter into a Loan Agreement with the New York State Office of Parks, Recreation and Historic Preservation for use of one (1) 2015, 21 Foot Boston Whaler Patrol Boat for use in the Sheriff's Department Law Enforcement Marine Unit; and

WHEREAS, a requirement of said Loan Agreement is for the Sheriff's Department to maintain said Patrol Boat while in the Sheriff's possession; and

WHEREAS, the Loan Agreement will remain in effect until the Sheriff no longer requires use of this equipment; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement with the NYS Office of Parks, Recreation and Historic Preservation for use of one (1) Patrol Boat in the Sheriff's Department ; and, be it further

RESOLVED, That this Resolution is contingent upon there being no cost to the County of Fulton other than maintenance and repair of said items; and, be it further

RESOLVED, That the Sheriff do each and every other thing necessary to further the purport of this Resolution including arranging for appropriate insurance coverage for said unit; and, be it further

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

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 145

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION WAIVING RESIDENCY RULE FOR HIRE OF A REGISTERED
NURSE (CORRECTIONAL FACILITY)**

WHEREAS, a vacancy exists in the position of full-time Registered Nurse in the Correctional Facility; and

WHEREAS, the Sheriff has had difficulty hiring for this full-time position from within the County in the past and requests that applicants who are not residents of Fulton County be considered; and

WHEREAS, after careful review of the hiring procedure utilized, the Committee on Public Safety recommends waiving the County's "Residency Rule" to hire an out-of-county resident in this instance only; now, therefore be it

RESOLVED, That the County "Residency Rule" be and hereby is waived for the hire of a full-time Registered Nurse in the Correctional Facility in this instance only; 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 GROFF and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 146

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

**RESOLUTION AWARDING BIDS FOR FOODSTUFFS AND OTHER SUPPLIES
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 May 1, 2017 through August 31, 2017, be and hereby are awarded to vendors as follows:

<u>Vendor</u>	<u>Items</u>	<u>Total Bid Estimate</u>
Sysco Foods Halfmoon, NY	Refrigerated Foods/Dry Goods	\$26,614.07
Sysco Foods Halfmoon, NY	Frozen Goods	\$23,892.84
Bimbo Foods Albany, NY	Bread and Rolls	\$ 4,391.30

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 WALDRON and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 147

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION SETTING DATE OF PUBLIC HEARING ON PROPOSED LOCAL LAW “C” OF 2017 “A LOCAL LAW AUTHORIZING A LAND LEASE AGREEMENT BETWEEN H-F-M BOCES AND FULTON & MONTGOMERY COUNTIES TO FACILITATE A SOLAR PHOTOVOLTAIC SYSTEM POWER PURCHASE AGREEMENT PROJECT”

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on April 10, 2017, a proposed local law entitled “LOCAL LAW “C” OF 2017 “A LOCAL LAW AUTHORIZING A LAND LEASE AGREEMENT BETWEEN H-F-M BOCES AND FULTON & MONTGOMERY COUNTIES TO FACILITATE A SOLAR PHOTOVOLTAIC SYSTEM POWER PURCHASE AGREEMENT PROJECT”, now therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law “C” of 2017 by the Fulton County Board of Supervisors, on May 8, 2017 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, Fulton County Attorney, H-F-M BOCES, FMCC, FMCC Board of Trustees, Montgomery County Legislature, Montgomery County Attorney, 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 HOWARD and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

PROPOSED LOCAL LAW “C” OF 2017 - A LOCAL LAW AUTHORIZING A LEASE AGREEMENT BETWEEN H-F-M BOCES AND FULTON AND MONTGOMERY COUNTIES

BE IT ENACTED by the Fulton County Board of Supervisors:

SECTION 1. The purpose of this local law is to authorize the Chairman of the Fulton County Board of Supervisors to enter into a lease with H-F-M BOCES for a portion of the lands jointly held by the counties of Fulton and Montgomery as “Joint-Tenants in Trust for the Uses and Purposes of the Fulton-Montgomery Community College.”

SECTION 2. That the lands to be leased are bounded and described as follows:

Tract 1:

FIRST PARCEL: All that tract or parcel of land situate partly in the Town of Johnstown, County of Fulton and State of New York, partly in the Town of Mohawk and a small corner in northeast corner of the tract in the Town of Amsterdam, County of Montgomery, State of New York, bounded and described as follows: Commencing at a point in the northerly line of New York State Highway Route 67, which said point is the southeast corner of lands recently of Donald B. Bellinger and Ruth Fox Bellinger, his wife, conveyed by deed bearing even date herewith to William A. Opalka and Stella A. Opalka, his wife, and running thence N 33°E 290.48 +/-feet, along said lands of Opalka; thence N 29° 30' W 716.76 +/-feet along said lands of Opalka; thence N 50° 30' E 1834.8 +/-feet to Fulton County Highway No. 142, formerly called the road from Lutheran Church to Hales Mills or Gloversville, and also commonly known as the Farm to Market Highway; running thence along the westerly boundary of said County Highway S 22° 06' E 729.4 +/-feet; thence continuing S 18°57' E 200.3 +/-feet; thence S 22°06' E 351.3 +/-feet; thence S 35°50' E 46.3 +/-feet; thence 22°06' E 1221.7 +/-feet to the northwest corner of lands now owned by Francis and Florence Hall; running thence southerly or southwesterly along the westerly line of said lands of Hall 920 +/-feet to the northerly line of New York State Highway Route No. 67; thence along the northerly line of said State Highway N 59°15' W 1934.5 +/-feet to the point and place of beginning.

SECOND PARCEL; All that certain tract or parcel of land situate partly in the Town of Johnstown, County of Fulton and State of New York, and partly in the Town of Mohawk, County of Montgomery and State of New York, bounded and described as follows: Commencing at a point on the northerly line of New York State Highway Route No. 67, which said point is the southeast corner of lands now of one Marotta, and running thence along the northerly line of said State Highway 5 59° IS' E I252 +/-feet, to the southwest corner of a tract of land conveyed by deed of this date by Donald B. Bellinger and Ruth Fox Bellinger, his wife, to William A. and Stella A. Opalka; running thence northerly along the westerly line of said parcel of land now of Opalka 1200 +/-feet to an iron pipe marking the northwest corner of said lands of Opalka; running thence easterly or northeasterly along the northerly line of said lands of Opalka 624 +/-feet to an iron pipe in the westerly boundary line of other lands of Paul and Lulu Mae Duffek;

running thence northeasterly along the westerly line of said other lands of Duffek 1173' +/-to an iron pipe driven in the ground on the westerly boundary of Fulton County Road No. 142, commonly known as the Farm to Market Road, and formerly known as the road leading from the Lutheran Church to Hale's Mills or Gloversville, at the northwest corner of said other lands of Duffek; running thence N 22' 06' W

918.1 +/-feet, along the westerly line of said Fulton County Road, and thence continuing along the same N 21' 40' W 269.5 +/-feet to the easterly line of lands now or lately owned by Charles M. Putman; thence S 56' 08' W 3439.8 +/-feet along the easterly lines of lands now or formerly of Putman, Amidon, Leslie and Marotta, to the northerly line of State Highway Route 67, and the point and place of beginning.

EXCEPTING from the parcel secondly described above a strip of land across the northwesterly portion thereof conveyed by Lyman J. Fox and wife to New York Power and Light

SECTION 3. That the lands to be leased pursuant to the provisions of this law shall be used by H-F-M BOCES for elementary/secondary educational purposes.

SECTION 4 That the lands described in Section 2 are not being used by the general public and may not be used for ordinary county purposes nor are needed for the general educational purposes of Fulton-Montgomery Community College.

SECTION 5. The interests of Fulton County in the lands described in Section 2 were not acquired for highway purposes or through tax sale. They may only be leased pursuant to the provisions of this law by the enactment of a similar law by the County of Montgomery.

SECTION 6. That the lands described in Section 2 may be leased to H-F-M BOCES without advertising or competitive bidding.

SECTION 7. That annual rent payments by H-F-M BOCES to the two counties and equally shared during the 3 year lease shall be as follows:

Due January 12, 2034: \$270,232.00

Due January 12, 2035: \$270,232.00

Due January 12, 2036: \$270,232.00

SECTION 8. That the Chairman of the Board be, and hereby is, authorized to sign a lease between H-F-M BOCES and Fulton County and Montgomery County to facilitate a "Solar Photovoltaic System Power Purchase Agreement" Project at H-F-M BOCES' facility, for the term January 12, 2034 through January 11, 2037.

SECTION 9. To the extent that this local law is inconsistent with Section 215 of the County Law of the State of New York it shall supersede that section.

SECTION 10. If any clause, sentence or paragraph of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder of the local law, which shall as to such remainder remain in effect.

SECTION 11. This Local Law shall take effect after approval is received from the Commissioner of Education, and when all applicable statutory requirements for its passage and adoption have been fully complied with and it has been filed in the Office of the Secretary of State.

Resolution No. 148

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE COUNTY TREASURER TO ISSUE A COURT-
ORDERED REFUND TO BARBARA KIRK AND STEPHEN SAVAGE FOR
OVERPAYMENT OF PROPERTY TAXES IN 2017

WHEREAS, pursuant to Supreme Court Order, the assessment on LaGrange Road (SBL 148.-3-1, SBL 148.-3-4 and SBL 148.1-3-5) in the Town of Johnstown, was reduced from \$150,200.00 to \$96,935.00, \$205,000 to \$135,289.00 and \$234,500.00 to \$154, 616.00, respectively; and

WHEREAS, the County is mandated to refund Barbara Kirk and Stephen Savage and local municipal taxes in the following sums:

	<u>County Taxes</u>	<u>Town Taxes</u>
SBL 148.-3-1	\$555.45	\$199.26
SBL 148.-3-4	765.29	259.32
SBL 148.1-3-5	<u>898.45</u>	<u>297.17</u>
	\$2,219.19	\$755.75

now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized to issue a refund, in the total amount of \$2,974.94 to Barbara Kirk and Stephen Savage for overpayment of taxes on Parcels SBL 148.-3-1, SBL 148.-3-4 and SBL 148.1-3-5, in the Town of Johnstown, and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Agency Director, Town of Johnstown Assessor, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 149

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE COUNTY TREASURER TO ISSUE A COURT-ORDERED REFUND TO THE CITY OF JOHNSTOWN FOR OVERPAYMENT OF PROPERTY TAXES (2013-2017)

WHEREAS, pursuant to Supreme Court Order, the assessment in City of Johnstown (SBL 147.-1-55 and SBL 147.-1-53.2) in the City of Johnstown, was reduced from \$1,489,000.00 to \$1,302,600.00 and \$58,500.00 to \$23,400.00, respectively; and

WHEREAS, the County is mandated to refund the County taxes in the following sums:

<u>Tax year</u>	<u>SBL 147.-1-55</u>	<u>SBL 147.-1-53.2</u>	<u>Total</u>
2013	\$ 1,102.56	\$ 207.62	\$ 1,310.18
2014	\$ 1,053.18	\$ 198.31	\$ 1,251.49
2015	\$ 1,017.76	\$ 191.65	\$ 1,209.41
2016	\$ 1,055.97	\$ 198.84	\$ 1,254.81
2017	\$ 1,049.44	\$ 197.62	\$ 1,247.06
	\$ 5,278.91	\$994.04	\$ 6,272.95

now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized to issue a refund, in the amount of \$6,272.95 to the City of Johnstown for overpayment of County taxes on Parcels SBL 147.-1-55 and SBL 147.-1-53.2, in the City of Johnstown, and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Agency Director, City of Johnstown Assessor, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 150

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:

Highway & Facilities:

Office Chair (6501)
Canon Fax Machine (0649)
VHS Player (3188)

Solid Waste:

MSA Confined Space Gas Meter (8153)
Landtech Landfill Gas Meter (7083)
Nikon P530 Digital Camera (9660)
Modine Furnace (3613)

Sheriff:

Secretarial Desk (0002110)

Social Services:

Dell Computer (0007606)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Interim Solid Waste Director, Sheriff, Social Services Commissioner 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, Interim Solid Waste Director, Sheriff, Social Services Commissioner, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor POTTER and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 151

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION REQUIRING A PILOT AGREEMENT FOR THE ONYX SOLAR ARRAY FARM (PARCEL 176.-2-49.1) IN THE TOWN OF JOHNSTOWN

WHEREAS, ONYX Solar is leasing approximately 12.4 acres of land owned by Bruce Whitcavitch at 143 County Highway 142A, in the Town of Johnstown (Parcel 176.-2-49.1) to construct a 2 Megawatt Solar Farm; and

WHEREAS, ONYX Solar 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 purposes 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>
2016	School (BPCS)	N/A	-----	-----
2017	County of Fulton	\$11.26 per thousand	86.48%	\$13,837.17
2017	Tn. of Johnstown	<u>\$ 1.76</u> per thousand	<u>13.52%</u>	<u>2,162.83</u>
		\$13.02	100%	\$16,000.00

and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between ONYX Solar, the Board of Supervisors and Town of Johnstown to enact a PILOT Agreement for a 2 Megawatt Solar Array Farm (Parcel 176.-2-49.1) 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

Resolution No. 151 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, ONYX Solar, Town of Johnstown Assessors, Real Property Tax Services Agency Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 152

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET
AMENDMENTS

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

Sheriff:

From: A.3110.3110-1110-EXP-Supplemental
To: A.3110.3110-1100-EXP-Overtime
Sum: \$3,000.00

Social Services:

From: A.6010.6140-4170-EXP-Programs (Safety Net)
To: A.6010.6010-4934-EXP-Client Travel and Training
Sum: \$33,009.00

Veterans:

From: A.6510.6510-4020-EXP-Travel
To: A.6510.6510-4210-EXP-Training and Conferences
Sum: \$650.00

and, be it further

RESOLVED, That the 2017 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A.6010.6010-2680-REV-Insurance Recoveries \$1,260.00

Appropriation Account:

Increase A.6010.6010-4540-EXP-Auto Supplies \$1,260.00

Decrease A.1000.0599-0599-REV-Appropriated Fund Balance \$6,932.00

Revenue Account:

Decrease A.6010.6140-3640-REV-DSS-Safety Net Assistance \$9,573.00

Increase A.6010.6010-4610-REV-DSS-Administration \$16,505.00

Resolution No. 152 (Continued)

and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 153

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION CREATING A TEMPORARY PER DIEM CLERK
(DEMOCRAT) POSITION IN THE BOARD OF ELECTIONS**

WHEREAS, due to an extended medical leave in the Board of Elections Department, the Commissioners of Elections have obtained approval to temporarily backfill a Deputy Commissioner position with the incumbent Elections Clerk; and

WHEREAS, the Commissioners have also requested the creation of a Temporary Per Diem Elections Clerk to assist the Department on an as-needed basis until the incumbent Elections Clerk returns to her position; now, therefore be it

RESOLVED, That the Board of Elections Commissioners hereby are authorized to employ one (1) Temporary per diem Clerk (\$13.40 per hour, no benefits) in the Board of Elections on an as-needed basis, not to exceed 20 hours per week, effective immediately through June 30, 2017; and, be it further

RESOLVED, That said new position of per diem Elections Clerk (Democrat) shall automatically expire upon any filling of the vacancy in the full-time Elections Clerk (Democrat) position; and, be it further

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

From: A.1450.1450-1000-EXP-Payroll
To: A.1450.1450-1110-EXP-Supplemental
Sum: \$1,850.00

and, be it further

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0

Resolution No. 154

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR ROOF
REPLACEMENT PROJECT AT THE COUNTY OFFICE BUILDING**

WHEREAS, the main roof (Roof #1) in the County Office Building at 223 W. Main Street, Johnstown is experiencing significant leakage; and

WHEREAS, the Superintendent of Highways and Facilities recommends pursuing a project to remove and replace the existing original roof as soon as feasible to avoid damage to said building; and

WHEREAS, the Purchasing Agent recommends advertising for bids for removal and replacement of Roof #1 at the County Office Building; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the replacement of Roof #1 in the County Office Building (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, May 3, 2017, 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 CALLERY and adopted by the following vote:

TOTAL: Ayes: 20 Nays: 0