

## SECOND REGULAR SESSION

Johnstown, NY

February 10, 2014

Roll Call – Quorum Present

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

TOTAL: Present: 20 Absent: 0

Chairman Argotsinger called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the Flag, Chairman Argotsinger asked if there was anyone from the public who wished to address the Board.

***John Kane, 165 West Bush Road, Gloversville:*** Mr. Kane stated that since 1970, the wages of the working class have remained stagnant during an immense accumulation of wealth by the capitalists. He also noted that labor unions and their political clout have been crushed due to government practices. He stated that Fulton County has negatively impacted unions and public service workers over the past few years.

***Elizabeth Russo, 302 Glebe Street, Johnstown:*** Ms. Russo read a letter to all Supervisors from her and her husband Paul regarding the proposed Montgomery County waste removal contract. She stated that they are in favor of sharing services with local communities; however, the fees appear low compared to what other municipalities are paying Fulton County for use of the Landfill. Ms. Russo asked how much the life of the landfill will be shortened if Fulton County accepts all of the garbage from neighboring counties. She also questioned why Montgomery County did not site its own landfill over the last thirty years. She questioned what effect increased truck traffic will have on local businesses and the City of Johnstown's infrastructure. She asked, "What besides tipping fees does Montgomery County offer to us in exchange for benefits we are giving to them?" She asked if it that county willing to give up land for a proposed business park. She also stated that Montgomery County has already cost Fulton County \$50,000.00 by refusing to share costs for the Thruway Connector Study. Ms. Russo asked the Board of Supervisors to get satisfactory answers before approving this contract with Montgomery County.

### COMMUNICATIONS

1. Letter from Linda Haroff, Haroff Auction & Realty, Inc. to Richard Argotsinger, Chairman of the Board, dated January 30, 2014  
Subj: Update as to the status of Haroff Auction & Realty and thanks for support over the past few weeks as a result of Mr. Haroff's passing

## **REPORTS**

- A. 2013 Annual Report Fulton County Industrial Development Agency
- B. Tryon Technology Report & Incubator Center Project, SEQR Determination of Significance
- C. 2013 Year-End Report Mohawk Valley Economic Development District
- D. 2013 Annual Report Fulton County Soil and Water Conservation District
- E. 2013 Annual Report Citizens in Community Service, Inc.
- F. 2013 Annual Report Fulton County Department of Solid Waste
- G. 2013 Annual Report Fulton County Board of Elections
- H. 2011 and 2012 Audited Financial Statements Capital District Off-Track Betting Corporation

## **LATE REPORTS:**

L-A Fulton-Montgomery Community College Audited Financial Statements for 2012-2013

## **UPDATES FROM STANDING COMMITTEES**

***Finance:*** Supervisor Fagan advised that several Supervisors attended the NYSAC Conference last week. He advised that the biggest thing he took away from the conference was the overall dissatisfaction with the Governor's latest tax "freeze" proposal.

## **REPORTS OF SPECIAL COMMITTEES**

***Fish & Wildlife Board:*** Supervisor Johnson advised that a meeting will be held this Thursday and he will provide details from that meeting.

***Inter-County Legislative Committee of the Adirondacks:*** Supervisor MacVean advised that she attended the first meeting in January. She stated that this was an organizational meeting. She also stated that she would leave a copy of a report regarding sales tax collected for 2012 and 2013 in each Supervisor's mailbox.

***Soil and Water Conservation District Board:*** Supervisor Lauria stated that a meeting was held January 22. He stated that Governor Cuomo is pushing to get more power downstate and plans on using wind power from this area. One of the sites being considered is a farmer's property in the Town of Oppenheim. He also advised that the District has received \$40,000.00 for the Mohawk River Basin Coalition for flood excavation and other work as a result of Hurricane Irene.

## **CHAIRMAN'S REPORT**

Chairman Argotsinger advised that he attended the NYSAC Conference last week and Fulton County was well-represented. He stated that Robert Megna, Budget Director for NYS, coined the phrase, "we here you and we understand" but Chairman Argotsinger is not sure this is true. The Lieutenant Governor spoke but Governor Cuomo cancelled his appearance. He also advised that he attended the NYS Emergency Management Training session that was mandatory training for Fulton County to qualify for Homeland Security Grants in the future.

## **RESOLUTIONS**

***No. 49 (Resolution Authorizing Extension of Lease Agreement Between Fulton County and St. Mary's Healthcare for Lease of Office Space at 57 East Fulton Street, Gloversville (2014):*** Supervisor Lauria stated that he read the minutes of the Buildings and Grounds/Highway Committee and is in agreement that this building should be a priority to be sold as soon as possible. Mr. Stead clarified that Fulton County is looking to sell the building in 2015, not during 2014. Supervisor Born stated that this was discussed last year but the sale of the building never materialized. This year the sale of the building will be considered.

***No. 55 (Resolution Authorizing the Fulton County Demolition Team to Demolish Buildings owned by the Fulton County Industrial Development Agency):*** Supervisor Callery asked if the buildings proposed to be demolished are deemed unfit. Mr. Stead stated the buildings are old and are in the way of the new sewer line and other utilities as well as a new access road.

***No. 73 (Resolution Authorizing Grant Application to the NYS Office of Indigent Legal Services to Create a Part-Time Sixth Assistant Public Defender Position):*** Supervisor MacVean asked who would pay for this position after the first year. Mr. Stead stated that anyone interviewed for the position is being informed that when the grant funding is no longer available, the position will be eliminated. He also advised that this resolution is only authorization to apply for the funding.

***No. 75 (Resolution Reclassifying the Fourth Assistant Public Defender from Part-Time to Full-Time)*** Supervisor Callery asked if the same terms apply to this position regarding funding. Mr. Stead stated yes. If the funding is no longer available, the position will be eliminated or reduced.

***No. 77 (Resolution Urging the State Legislature to Establish a Single State Primary that complies with the Federal MOVE Act):*** Supervisor Young stated that Senator Cecelia Tkaczyk offered legislation in Albany to offer reimbursement to local counties who have to hold a second primary. Having a primary in September is not good for our military and overseas citizens.

Upon a motion by Supervisor Gendron, seconded by Supervisor Fagan and unanimously carried, the Board entered into Executive Session at 1:38 p.m. to discuss employment history of a contractor.

Upon a motion by Supervisor Howard, seconded by Supervisor Fagan and unanimously carried, the Board re-entered into Regular Session at 2:30 p.m.

***No. 58 (Resolution Authorizing a Contract between Fulton County and Montgomery County for use of the Fulton County Landfill for Solid Waste Disposal):***

Chairman Argotsinger asked Supervisor Gendron to provide a brief overview of how negotiations were carried out. Supervisor Gendron advised that Montgomery County contacted Fulton County early fall of last year and negotiations began. Then elections were held which changed the legislature structure in Montgomery County. Negotiations were then held with the new Montgomery County Executive involved.

Mr. Bouchard reviewed a handout listing nine (9) aspects of the Agreement proposal that explain the benefits to Fulton County. Mr. Bouchard noted that the rate of \$36.95-\$37.96 per ton is not the rate Montgomery County will be charging at its transfer stations. The proposed tip fee rate is only what Montgomery County is being charged by Fulton County for dumping.

Supervisor Callery stated he was strongly opposed to this before receiving this additional information. He stated if this contract is approved, hopefully in the future the Board can look at lowering in-county tipping fees.

Supervisor Born asked Mr. Bouchard about the public's concerns with regards to street "infrastructure" in the City. Mr. Bouchard stated that the additional traffic would be approximately three (3) truck loads per day.

Supervisor Handy stated that the Gloversville-Johnstown Wastewater Treatment Facility has to pay an additional \$500.00, in addition to the regular fee, if too much sludge is brought to the Landfill in a single day. This is a cost that is applied to the users of the treatment facility and this contract will help reduce those costs.

Supervisor Greene stated that Fulton County residents paid for this landfill with the expectation of a certain life expectancy. The information provided by Mr. Bouchard shows that the landfill is projected to last more years than originally projected even with this additional waste from Montgomery County.

Supervisor Young asked how much capacity will be lost over the course of this contract and how much revenue will be brought in. Mr. Bouchard stated that he is estimating \$800,000.00 to \$1,000,000.00 per year in revenue from this contract. As far as loss of capacity, he is estimating approximately 20,000-25,000 tons of waste from Montgomery County per year and this will use approximately 200,000 cubic yards of space which will reduce the life of the landfill by about two (2) years.

Supervisor Fagan asked what options the County has at the end of the anticipated 60 year use of the landfill. Mr. Bouchard stated that the County can ask for expansions through NYSDEC. One of the options to look at it is a "vertical expansion". He stated that Fulton County can go a "lift or two" over the existing infrastructure that is there.

Supervisor Fagan stated that this contract looks to be a good fit for Fulton County operationally. He also noted that this additional waste could help with the production of methane. He stated this could result in increased electricity sales in the future.

**NEW BUSINESS:**

Supervisor Greene advised that a constituent called him regarding Fulton County taking action with regards to prohibiting the county seal being provided to NYS as part of the Safe Act. He stated that he is recommending that this request be forwarded to the Public Safety Committee for further review.

Upon a motion by Supervisor Callery, seconded by Supervisor Waldron and unanimously carried, the Board adjourned at 2:51 p.m.

*Certified by:*

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

**Resolution No. 38**

Supervisor JOHNSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR VARIOUS HIGHWAY  
CONSTRUCTION MATERIALS FOR USE IN THE  
DEPARTMENT OF HIGHWAYS AND FACILITIES (2014)

WHEREAS, the Committee on Buildings and Grounds/Highway recommends advertising for bids for various highway construction materials; 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 construction materials for use by the Department of Highways and Facilities (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 203, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 203, Johnstown, NY, 12095, and received by said Purchasing Agent no later than the dates and times identified below, at which time and place they will be publicly opened and read:

GROUP 1 - Wednesday, March 5, 2014 at 2:00 p.m.:

Acrylic Water Borne Pavement Markings  
Bridge Repair  
Pneumatically Projected Concrete  
Ready Mix Concrete  
Lubricants  
Vegetation Control

GROUP 2 - Thursday, March 6, 2014 at 2:00 p.m.:

Plant Mixed Patching Material  
Coarse Aggregates--Crushed Stone, Crushed Gravel  
Asphalt Concrete  
Hot Mix Paving

GROUP 3 - Wednesday, March 12, 2014 at 2:00 p.m.:

Corrugated Metal & Polyethylene Pipe  
Guide Railing  
Cold-In Place Recycling Type I  
Cold Planing  
In-Place Road Base Stabilization  
Abrasives Snow & Ice Control  
Cold In-Place Recycling-Hammermill Method  
Hot In-Place Recycling

**Resolution No. 38 (continued)**

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 GENDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 39**

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF  
A ROLL-OFF TRAILER FOR USE IN THE SOLID WASTE DEPARTMENT  
(2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a new Roll-Off Trailer for use in the Solid Waste Department; 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 Roll-Off Trailer for use in the Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, March 12, 2014, 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 GENDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0



**Resolution No. 40**

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING RABIES GRANT FROM THE  
NYS DEPARTMENT OF HEALTH (2014-2015)

WHEREAS, the NYS Department of Health has offered grant funds for rabies clinic in the Public Health Department; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and the NYS Department of Health for Rabies grant funds, in an amount not to exceed \$6,126.54, for the period April 1, 2014 through March 31, 2015; 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, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 41**

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING IMMUNIZATION GRANT FUNDS FROM THE  
NYS DEPARTMENT OF HEALTH (2014-2015)

WHEREAS, the NYS Department of Health has offered grant funds for immunization services in the Public Health Department; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and the NYS Department of Health for Immunization Action Plan grant funds, in an amount not to exceed \$30,000.00, for the period April 1, 2014 through March 31, 2015; 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, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 42**

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

**RESOLUTION ACCEPTING COST-OF-LIVING ADJUSTMENT FUNDS FOR CERTAIN PUBLIC HEALTH GRANTS**

WHEREAS, Resolution 50 of 2013 accepted Rabies Grant funds from the NYS Department of Health (2013-2014), in an amount not to exceed \$6,126.54; and

WHEREAS, Resolution 324 of 2011 accepted Special Health Care Needs funds from the NYS Department of Health (2011-2014), in the amount of \$54,345.00; and

WHEREAS, Resolution 270 of 2013 accepted Lead Grant Funds from the NYS Department of Health (2013-2014), in the amount of \$46,438.00; and

WHEREAS, the NYS Department of Health has issued Cost-of-Living Adjustments funds for said public health grants; now, therefore be it

RESOLVED, That the County of Fulton hereby accepts Cost-of-Living Adjustment funds from the NYS Department of Health for the following public health grants:

Rabies Grant Fund 2013-2014	\$ 520.00
Children with Special Health Care Needs 2012-2013	1,453.00
Childhood Lead Poisoning Prevention (CLPPP) 2012-2013	3,802.00

and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended as follows:

Decrease A-081-0599.000 Appropriated Fund Balance	\$5,775.00
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Revenue Account:

Increase A-083-3402.000 Public Hlth – Grant Revenues	\$5,775.00
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and, be it further

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

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 43**

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

RESOLUTION ACCEPTING GOVERNOR’S TRAFFIC SAFETY COMMITTEE 2014  
IGNITION INTERLOCK PROGRAM GRANT (PROBATION DEPARTMENT)

WHEREAS, the Probation Department has been notified that the County has been awarded a grant to administer the Ignition Interlock Program for 2013-2014, in the amount of \$7,000.00; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts a 2013-2014 Ignition Interlock Program grant from the Governor’s Traffic Safety Committee, in the amount of \$7,000.00, for the period October 1, 2013 through September 30, 2014; and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended, as follows:

Decrease A-081-0599.000 Appropriated Fund Balance                      \$7,000.00

Revenue Account:

Increase A-083-3310.000 State Aid – Probation              \$7,000.00

and, be it further

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

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 44**

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

RESOLUTION AUTHORIZING CONTRACT BETWEEN FULTON COUNTY AND MJ  
ENGINEERING AND LAND SURVEYING, PC FOR THRUWAY CONNECTOR STUDY  
(2014 CAPITAL PLAN)

WHEREAS, Resolution 461 of 2011 authorized application to the Federal Highway Administration for a Transportation, Community and System Preservation (TCSP) Program grant to conduct a Thruway Connector Design Study; and

WHEREAS, Resolution 301 of 2012 accepted a Transportation, Community and System Preservation (TCSP) grant from the Federal Highway Administration for a Thruway Connector Study in the amount of \$400,000.00 with a local required match of \$100,000.00; and

WHEREAS, Resolution 241 of 2013 authorized a Request for Expressions of Interest for Engineering Services for the Thruway Connector Study; and

WHEREAS, funds for said project are included in the 2014 Capital Plan; and

WHEREAS, the Committee on Buildings and Grounds/Highway recommends awarding a contract to MJ Engineering and Land Surveying, PC of Clifton Park, NY to perform a feasibility evaluation and detailed cost estimate for a Thruway Connector Highway, they having provided the best proposal for said work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with MJ Engineering and Land Surveying, PC, of Clifton Park, NY, to evaluate the feasibility and prepare detailed cost estimates for a thruway Connector Highway to NYS Route 30 at a cost not to exceed \$492,500.00; and, be it further

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

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

From: A-795-9950.900 Transfer to Capital Plan Projects  
To: H-085-8097.100 Thruway Connector Project (New)  
Sum: \$100,000.00

and, be it further

**Resolution No. 44 (continued)**

RESOLVED, That the 2014 Adopted Budget be and hereby is amended as follows:

Revenue Account:

Increase H-083-4097.660 Fed Aid-Thruway Connector Project (New) \$400,000.00

Appropriation Account:

Increase H-085-8097.100 Thruway Connector Project \$400,000.00

and, be it further

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

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 45**

Supervisor JOHNSON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING AGREEMENT FOR SALE OF FUEL TO PLEASANT SQUARE VOLUNTEER FIRE DEPARTMENT AT THE FULTON COUNTY FUEL DEPOT**

WHEREAS, the County of Fulton operates an automated fuel depot at its County Services Complex; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of all taxpayers in the County to encourage shared services that benefit other municipalities and political subdivisions; and

WHEREAS, the Pleasant Square Volunteer Fire Department has requested to purchase fuel from the Fulton County Fuel Depot; now, therefore be it,

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds/Highway, the Chairman of the Board be and hereby is authorized to sign an agreement for the sale of fuel at the County fuel depot to the Pleasant Square Volunteer Fire Department at County cost, plus a 10 cent per gallon surcharge; and, be it further

RESOLVED, That a charge of \$5.50, or the actual cost of, whichever is greater, be levied for each fuel system "user key" required by Pleasant Square Volunteer Fire Department; and, be it further

RESOLVED, That this Resolution and Agreement are contingent upon approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Pleasant Square Volunteer Fire Department, 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. 46**

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

RESOLUTION AUTHORIZING TWO-YEAR AGREEMENTS WITH CERTAIN  
SNOWMOBILE CLUBS FOR MAINTENANCE OF COUNTY-OPERATED STATE  
SNOWMOBILE TRAILS (2014-2016)

WHEREAS, Resolution 58 of 2012 authorized agreements with eight (8) snowmobile clubs for snowmobile trails maintenance, effective April 1, 2012 through March 30, 2014; and

WHEREAS, the Superintendent of Highways and Facilities recommends renewing said agreements for a two-year period; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to sign agreements with the following snowmobile clubs for snowmobile trails maintenance and grooming services, effective April 1, 2014 through March 31, 2016, as follows:

<u>Name of Club</u>	<u>Total Miles of State Approved Trails</u>
Bleecker Snow Rovers	18
Charlton Snowmobile Club	11
Fulmont Snow Travelers	28
Nick Stoner Trailers	16
Oppenheim Trail Blazers	31
Royal Mountain Moonlighters	15
Southern Adirondack Snowmobile Club	15
Stratford Snow Drifters	<u>40</u>
TOTAL MILES	174

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

RESOLVED, That the County shall only be responsible for paying said clubs the mileage rates specified by the State of New York with any payments being contingent upon full funding from New York State, with the understanding that this funding will expire immediately, if and when this specific funding is discontinued; and, be it further

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



**Resolution No. 46 (continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, All Contracted Snowmobile Clubs, 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. 47**

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

**RESOLUTION RE-AUTHORIZING CONTRACT WITH SMARTWATT ENERGY, INC. TO COMPLETE INVESTMENT GRADE ENERGY AUDIT FOR ENERGY CONSERVATION PROJECTS AT COUNTY FACILITIES, INCLUDING EXCLUSIVITY CLAUSE**

WHEREAS, Resolution 333 of 2012 authorized a contract with SmartWatt Energy to Complete an Investment Grade Energy Audit for Energy Conservation Projects at County Facilities; and

WHEREAS, said Resolution was contingent upon there being “no cost nor commitment to the County for said Investment Grade Audit”, and

WHEREAS, the proposed contract associated with said Investment Grade Energy Audit work includes an exclusivity clause stating “for a period of 2 years from the date of this agreement, the client agrees to exclusively work with SmartWatt for all the clients guaranteed energy savings performance projects”; and

WHEREAS, the Superintendent of Highways and Facilities is recommending that the County re-authorize a contract with SmartWatt to include the aforementioned “exclusivity” clause; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to sign a contract with SmartWatt Energy, of Clifton Park, NY, to complete an Investment Grade Energy Audit for Energy Conservation Projects at County facilities, including said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That this resolution and said contract shall be contingent upon there being no cost to the County of Fulton; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, SmartWatt Energy, Inc., 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. 48**

Supervisor JOHNSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING WRITE-OFF OF CERTAIN EQUIPMENT FROM THE  
FIXED ASSETS INVENTORY OF THE HIGHWAYS & FACILITIES DEPARTMENT

WHEREAS, in accordance with the Fulton County Purchasing and Audit Guidelines, the Fulton County Treasurer is responsible for maintaining a list of all fixed assets in the possession of the County of Fulton; and

WHEREAS, the Superintendent of Highways and Facilities has not been able to account for certain equipment identified on the Fixed Assets Inventory, as follows:

<u>ID Number</u>	<u>Item</u>
1686	Maratrac Truck Radio
5379	Mobile Radio
No #	Mower for Tractor #3

and

WHEREAS, the Committee on Buildings & Grounds/Highway has reviewed the explanation of the Superintendent relating to said items and recommends deleting them from the fixed assets inventory; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Buildings & Grounds/Highway, the County Treasurer be and hereby is directed to remove the equipment identified herein from the Fixed Assets Inventory; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, 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. 49**

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

RESOLUTION AUTHORIZING EXTENSION OF LEASE AGREEMENT BETWEEN  
FULTON COUNTY AND ST. MARY'S HEALTHCARE FOR LEASE OF OFFICE SPACE  
AT 57 EAST FULTON STREET, GLOVERSVILLE (2014)

WHEREAS, Resolution 417 of 2011 authorized an Agreement Between Fulton County and St. Mary's Healthcare for Lease of Office Space at 57 East Fulton Street, Gloversville; with the option to extend said lease for two (2) additional one year renewals at tenant option; and

WHEREAS, the first two (2) years of said lease have concluded and it is due for the last lease extension; and

WHEREAS, the Superintendent of Highways and Facilities recommends extending the lease for another year with St. Mary's Healthcare under the same terms and conditions as being in the best interest of the County; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to sign an extension of a lease agreement between Fulton County and St. Mary's Healthcare for lease of office space at 57 East Fulton Street, Gloversville, NY, effective January 1, 2014 through December 31, 2014, at an annual cost of \$96,587.96, payable in equal monthly installments of \$8,049.00; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Director of Community Services, St. Mary's Healthcare, 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. 50**

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

RESOLUTION ACCEPTING STATE MATCHING FUNDS FOR 2014  
“I LOVE NEW YORK” TOURISM PROGRAM

WHEREAS, Resolution 335 of 2013 authorized submittal of a grant application for “I Love New York” Tourism Matching Funds for 2014; and

WHEREAS, the County of Fulton has been advised that it has been awarded up to \$54,598.00 for its 2014 Tourism Matching Funds Program; and

WHEREAS, the Committees on Economic Development & Environment and Finance recommend that the County accept the full amount of the grant matching funds; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors, by this Resolution, hereby accepts 2014 Tourism Matching Funds, in an amount of \$54,598.00 (Fulton County to match its share of \$54,598.00) for 2014; and, be it further

RESOLVED, That the Fulton Montgomery Regional Chamber of Commerce, as Fulton County’s Tourism Promotion Agency, do each and every other thing necessary to receive such funds; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fulton Montgomery Regional Chamber of Commerce, 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. 51**

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION APPOINTING DIANA PUTNAM TO THE FULTON COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS

WHEREAS, a vacancy exists on the Fulton County Industrial Development Board of Directors; now, therefore be it

RESOLVED, That Diana Putnam, of Broadalbin, NY, be and hereby is appointed to serve on the Fulton County Industrial Development Agency Board of Directors for 2014; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Industrial Development Agency, County Clerk, Ethics Board, Diana Putnam and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 52**

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT BETWEEN FULTON COUNTY AND C.T. MALE ASSOCIATES TO PREPARE AN EVALUATION OF THE BACKUP GENERATOR AT THE TRYON TECHNOLOGY PARK AND INCUBATOR CENTER (“JUMPSTART FULTON COUNTY” - 2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identified a Tryon Technology Park and Incubator Center Project to re-develop the former Tryon Campus; and

WHEREAS, title to the former Tryon Campus has been transferred from the State of New York to the Fulton County IDA to facilitate its re-development into the Tryon Technology Park and Incubator Center; and

WHEREAS, the 2014 Capital Plan also identifies a project, in the amount of \$150,000.00, titled “Jump-Start Fulton County – Tryon Marketing” to hire a marketing firm to prepare a Strategic Marketing Plan tailored specifically for the new Park, including its substantial emergency generator capabilities; and

WHEREAS, the Fulton County Industrial Development Agency has been awarded a \$75,000.00 matching grant from National Grid’s Strategic Economic Development Outreach Program to hire a professional marketing firm to prepare said strategic Marketing Plan; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between Fulton County and C.T. Male Associates of Latham, New York, to provide an engineering evaluation of the back-up generator at the Tryon Technology Park and Incubator Center, in an amount not to exceed \$5,000.00; and, be it further

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

RESOLVED, That the 2014 Adopted Budget be amended as follows;

Revenue Account:

Increase H-083-2770.665 Jump Start – Tryon Marketing (New) \$2,500.00

Appropriation Account:

Increase H-085-6450.100 Jump Start – Tryon Marketing (New) \$2,500.00

and, be it further

**Resolution No. 52 (continued)**

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

From: A-795-9950.900 Transfer to Capital Plan Project  
To: H-085-6450.100 Jump Start – Tryon Marketing (New)  
Sum: \$2,500.00

and, be it further

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

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0



**Resolution No. 53**

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS TO PREPARE A STRATEGIC MARKETING PLAN FOR THE TRYON TECHNOLOGY PARK AND INCUBATOR CENTER (“JUMPSTART FULTON COUNTY” - 2014 CAPITAL PLAN)**

WHEREAS, the 2014 Capital Plan identifies a Tryon Technology Park and Incubator Center Project to re-develop the former Tryon campus; and

WHEREAS, title to the former Tryon Campus has been transferred from the State of New York to the Fulton County IDA to facilitate its re-development into the Tryon Technology Park and Incubator Center; and

WHEREAS, the 2014 Capital Plan also identifies a project titled “Jump-Start Fulton County: Tryon Marketing” in the amount of \$150,000.00 to hire a marketing firm to prepare a Strategic Marketing Plan for the Tryon Technology Park and Incubator Center; and

WHEREAS, the Fulton County Industrial Development Agency has been awarded a \$75,000.00 grant from National Grid’s Strategic Economic Development Outreach Program to hire a professional marketing firm to prepare said strategic Marketing Plan; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to solicit proposals for a Tryon Marketing Plan as a component of the “Jump Start Fulton County” Initiative for the Tryon Technology Park and Incubator Center (and according to further specifications) which may be obtained at the Office of the Purchasing Agent, Room 203, County Building, Johnstown, NY, 12095 during usual business hours; and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent no later than 2:00 p.m., Wednesday, March 5, 2014, at which time and place they will be publicly opened and read; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, 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. 54**

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

RESOLUTION AUTHORIZING PURCHASE OF OFFICE EQUIPMENT FOR  
COUNTY HISTORIAN

WHEREAS, the County Historian has identified the need to update the County Historian’s Office by purchasing certain office equipment; and

WHEREAS, the Committees on Economic Development and Environment and Finance has reviewed said request and concurs; now, therefore be it

RESOLVED, That the County Historian be and hereby is authorized to purchase the following equipment for use in the County Historian’s office:

(1) Telephone	\$ 24.95
(1) Answering Machine	17.95
(1) Copier/Scanner/Printer	185.00
(1) Brochure Rack	<u>57.00</u>
Total	\$284.90

and, be it further

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

From: A-665-7510.417 Co Historian-Programs	\$285.00	
To: A-665-7510.200 Co Historian-Equipment		\$185.00
A-665-7510.453 Co Historian-Office Supplies		100.00

and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 55**

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE FULTON COUNTY DEMOLITION TEAM TO  
DEMOLISH BUILDINGS OWNED BY THE FULTON COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, Resolution No. 234 of 2000 supported the concept of a "Municipal Demolition Team" in Fulton County, comprised of County manpower and equipment and manpower and equipment from municipal forces, when feasible; and

WHEREAS, Resolution No. 49 of 2001 formally established a Municipal Demolition Team, with basic operating guidelines identified in the "Municipal Demolition Team Proposal", dated February 12, 2001; and

WHEREAS, the Fulton County Industrial Development Agency has requested that the County's Municipal Demolition Team demolish four buildings (#29, #53, #54, #56) owned by the Fulton County IDA, located at the Tryon Technology Park and Incubator Center; now, therefore be it

RESOLVED, That the Solid Waste Director is hereby authorized to mobilize the County Demolition Team to raze buildings (#29, #53, #54, #56), owned by the Fulton County IDA, located at the Tryon Technology Park and Incubator Center; and, be it further

RESOLVED, That all environmental concerns, approvals, disposal fee, and/or permits required shall be the responsibility of the Fulton County IDA; and, be it further

RESOLVED, That said project shall be completed in the most efficient and cost-effective manner possible, in accordance with the Municipal Demolition Team Proposal approved by the Board of Supervisors on February 12, 2001; and, be it further

RESOLVED, That the Solid Waste Director and Planning 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, Solid Waste Director, Fulton County IDA, 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. 56**

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION SUPPORTING ASSEMBLY BILL A3675 AND SENATE BILL S5917 TO  
AMEND THE LABOR LAW IN RELATION TO MUNICIPAL ASBESTOS PROJECT  
NOTIFICATION FEES

WHEREAS, there are current bills in the State and Assembly which call for amending Section 904, item 2 of the State Labor Law as it relates to asbestos project notification fees for non-friable asbestos projects; and

WHEREAS, the proposed bills set a new fee schedule for various square footage of structures to be demolished, as a way to ensure that the fees are more equitable based on project size, as well as to assist demolition projects related to catastrophic storm events; and

WHEREAS, the proposed bills call for eliminating notification fees for residential homes acquired by towns and municipalities that have been condemned; therefore, reducing costs presently borne by the Fulton County Demolition Team; and

WHEREAS, the notification fee is presently between \$2,000.00 to \$4,000.00 per house; now, therefore be it

RESOLVED, that the Board of Supervisors hereby urges the State Legislature and Governor Cuomo to approve Senate Bill S.5917 and Assembly Bill A.3675A of that would amend the Labor Law in relation to asbestos project notification fees; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Cuomo, Senator Hugh Farley, Assemblyman Marc Butler, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 57**

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT BETWEEN THE SOLID WASTE  
DEPARTMENT AND THE LEADER HERALD FOR  
ANNUAL NEWSPAPER ADVERTISING (2014)

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Solid Waste Department and *The Leader Herald*, of Gloversville, NY for annual newspaper advertising, commencing January 1, 2014 through December 31, 2014, at a cost of \$12.65 per column inch; and, be it further

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

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

Seconded by Supervisor YOUNG and adopted by the following vote:

Total: Ayes: 20 Nays: 0

## **Resolution No. 58**

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

### **RESOLUTION AUTHORIZING A CONTRACT BETWEEN FULTON COUNTY AND MONTGOMERY COUNTY FOR USE OF THE FULTON COUNTY LANDFILL FOR SOLID WASTE DISPOSAL**

WHEREAS, the Montgomery County Board of Supervisors, through its Chairman, contacted Fulton County officials in June 2013 with a formal request to commence discussions regarding the County of Montgomery utilizing the Fulton County Landfill for solid waste disposal; and

WHEREAS, representatives of the County of Montgomery and the County of Fulton have participated in negotiations to determine if a mutually beneficial intermunicipal agreement can be reached for the disposal of the County of Montgomery's waste; and

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

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment, and Finance, the Chairman of the Board be and hereby is authorized to sign an Intermunicipal Agreement between the County of Fulton and the County of Montgomery for use of the Fulton County Landfill, 847 Mud Road, Johnstown, NY; said Agreement to include the following key terms and conditions:

1. It is the intent of this Agreement to provide for disposal of municipal solid waste generated by the citizens of Montgomery County and managed by Montgomery County and its constituent municipalities. Waste generated in, or delivered by or on behalf of other municipalities shall not be acceptable under this Agreement, except with the express written consent of the Fulton County Board of Supervisors.
2. The contract term shall commence upon execution of the Intermunicipal Agreement and shall expire December 31, 2023. The term may be extended for two (2) additional five (5) year periods by mutual consent of the parties.
3. All Montgomery County waste shall be delivered to the Fulton County Landfill. In the event such waste is not delivered to the Fulton County Landfill, Montgomery County shall pay liquidated damages equal to one-half the tipping fee applicable to such waste not delivered.

**Resolution No. 58 (continued)**

4. Tipping Fees: Tipping fees for Montgomery County waste shall be equal to the “Municipal Direct Haul Rate” for Fulton County municipalities in effect at the time of delivery plus:
  - 12 percent (for the period May 1, 2014 through December 31, 2015)
  - 15 percent (for the period January 1, 2016 through December 31, 2023)
5. Termination at will of liquidated damages: Either party may terminate the Agreement prior to December 31, 2023 upon not less than 18 months written notice to the other; subject to a payment of \$100,000.00 as liquidated damages for premature termination.
6. All billing will be single-billing to Montgomery County.

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

RESOLVED, That proceeds shall be deposited into Revenue Account EW-083-2130.000 Landfill-Tipping Fees; and, be it further

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

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 484 (19) Nays: 67 (1) (Supervisor MacVean opposed)

**Resolution No. 59**

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION URGING FULTON COUNTY RESIDENTS TO CONSIDER  
BECOMING AN ORGAN DONOR**

WHEREAS, across the United States there is a shortage of organ donors; and

WHEREAS, the Board of Supervisors wishes to raise public awareness of organ donation programs that are saving lives and renewing lives all across the Country; and

WHEREAS, Fulton County residents can demonstrate their commitment to one another in the most difficult of circumstances through organ, tissue, stem cell and blood donation; now, therefore be it

RESOLVED, That the Board of Supervisors encourages County residents to evaluate the many benefits of organ donation and to consider registering as organ donors; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, New York State Association of Counties, All Departments, Fulton Montgomery Chamber of Commerce, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 20 Nays: 0



**Resolution No. 60**

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING MEAL EXPENSES FOR CERTAIN SCHEDULED EVENTS  
IN THE OFFICE FOR AGING AND YOUTH BUREAU (2014)**

WHEREAS, the Office for the Aging and Youth Bureau sponsor certain training meetings and community events throughout the year, which include plans for light meals, light refreshments and room rental; and

WHEREAS, in accordance with Section 16.03 of the Purchasing and Audit Guidelines, scheduled meetings or community events that include meals require prior approval by the Board of Supervisors; and

WHEREAS, in accordance with such policy, the OFA Director/Youth Bureau Director has submitted a current list of scheduled events, as follows:

Aging Events:

- Monthly Caregiver Support Group Meetings
- Periodically at Office for Aging Advisory Council Meetings
- Hat's Off to Caregivers Event - November
- Periodic Outreach events throughout the year
- Senior Picnic – August 7, 2014

Youth Events:

- “Lead by Example” Youth Award Reception/Event
- Periodically at Youth Bureau Advisory Board Meetings

now, therefore be it

RESOLVED, That the OFA Director/Youth Bureau Director is hereby authorized to include light meals, light refreshments and room rental, if necessary, as part of planning for the aforementioned sessions during 2014, subject to said costs being in accordance with State and/or Federal agency guidelines; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, OFA Director/Youth Bureau 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. 61**

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

**RESOLUTION AUTHORIZING RECOUPMENT INSTALLMENT PAYMENT TO THE NYS  
DEPARTMENT OF HEALTH FOR RETROACTIVE MEDICAID RATE ADJUSTMENT  
(FORMER MENTAL HEALTH CLINIC)**

WHEREAS, the New York State Department of Health has audited prior Medicaid claims for the former Fulton County Mental Health Clinic for the period June 24, 2011 through September 29, 2011; and has determined that a retroactive rate adjustment resulted in overpayments to the Clinic in the amount of approximately \$225,000.00; and

WHEREAS, in anticipation of the aforementioned audit by the Department of Health, the Director of Community Services arranged for reimbursement monies previously received to be reserved in a deferred revenue account for refund, if necessary; and

WHEREAS, the NYS DOH has agreed to recoup said overpayments via five (5) installment payments from the County; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to issue a check for repayment to the New York State Department of Health in the amount of \$42,743.08, representing payment four (4) of five (5) installment payments due to satisfy said retroactive rate adjustment for the former Fulton County Mental Health Clinic for the period June 24, 2011 through September 29, 2011; and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended as follows:

Revenue Account:

Increase A-083-1620.000 Mental Health Clinic Charges	
(A-082-0691.445 Deferred Revenues-Mental Health)	\$42,744.00

Appropriation Account:

Increase A-445-4311.401 Mental Health-Overpayments	\$42,744.00
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and, be it further

**Resolution No. 61 (continued)**

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

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

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 62**

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT BETWEEN THE COMMUNITY SERVICES DEPARTMENT AND GLOVE CITY TAXI FOR CLIENT TRANSPORTATION**

WHEREAS, Resolution 417 of 2013 authorized contracts between the Fulton County Community Services Board and Independent Contractors for the Mental Health Clinic; and

WHEREAS, the Director of Community Services is requesting a contract between the Fulton County Community Services Board and Glove City Taxi for client transportation during on-call medical necessities on an as-needed basis; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Fulton County Community Services Board and Glove City Taxi of Gloversville, NY, for client transportation during on-call situations, on an as-needed basis, effective retroactively to January 1, 2014 through December 31, 2014, at fees identified in the rate schedule attached hereto and make a part hereof; and, be it further

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

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

From: A-445-4311.400 Mental Health – Programs (100%)  
To: A-445-4310.421 Mental Health – Patient Transfers  
Sum: \$500.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Community Services Director, Glove City Taxi, 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. 63**

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN 2014 CONTRACTS BETWEEN THE  
COMMUNITY SERVICES DEPARTMENT AND INDEPENDENT CONTRACTORS FOR  
EMERGENCY ON-CALL CONSULTANTS

WHEREAS, Resolution 417 of 2013 authorized contracts between the Fulton County Community Services Board and Independent Contractors for the Mental Health Clinic; and

WHEREAS, the Director of Community Services is requesting a contract between the Fulton County Community Services Board and independent contractors for emergency on-call consultants; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized to sign contracts between the Fulton County Community Services Board and independent contractors for 2014, at rates as hereinafter indicated:

*Mental Health Consultants:*

Emergency On-Call:	0-1 yrs. service	50.00 plus mileage
	1-2 yrs. service	55.00 plus mileage
	2-3 yrs. service	60.00 plus mileage
	3-4 yrs. service	65.00 plus mileage
	4-5 yrs. service	70.00 plus mileage
	5+ yrs. service	75.00 plus mileage
	Holiday Coverage	30.00 per day
	Active Service/Admin.	25.00 per hr.
	Trg. Six 1-hr. sessions/yr	20.00 per hr.
Emergency On-call Staff (6) six		14,800.00/yr.
Psychiatrist, MD Consultant Fee		24,360.00/yr.
Psychiatrist, MD Emergency Backup		19,000.00/yr.

and, be it further

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

RESOLVED, That said contracts be subject to further review by the appropriate Committee of this Board of Supervisors in the event of any changes/reductions in State and/or Federal revenues; and, be it further

**Resolution No. 63 (continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Community Services Board, 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. 64**

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

RESOLUTION AUTHORIZING EXTENSION TO CONTRACT WITH FULMONT  
COMMUNITY ACTION AGENCY FOR WHEELS TO WORK PROGRAM (2014)  
(100% TRANSPORTATION INITIATIVE GRANT)

WHEREAS, Resolution 217 of 2013 authorized a Contract with Fulmont Community Action Agency to Operate a Wheels to Work Program utilizing funds from a state-sponsored Transportation Initiative Grant; and

WHEREAS, Fulmont Community Action Agency was unable to expend all of the funding for the program in 2013 and a balance of \$50,338.00 remains unspent from the 2013 grant; and

WHEREAS, the State, through said Transportation Initiative Grant, has extended the grant funding expiration date through June 30, 2014; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract extension between Fulmont Community Action Agency and the Department of Social Services through June 30, 2014; all other terms and aspects of said contract shall remain in full force and effect; and, be it further

RESOLVED, That the Commissioner of Social Services do each and every other thing necessary to expend said Transportation Initiative Grant funds prior to the grant expiration date; and, be it further

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

RESOLVED, That the 2014 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3610.000 DSS-Administration \$50,338.00

Appropriation Account:

Increase A-505-6010.417 DSS-Allocations/Grant Funding \$50,338.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, Fulmont Community Action Agency, 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. 65**

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

RESOLUTION AUTHORIZING PURCHASE OF A PTZ CAMERA FOR THE BLEECKER MOUNTAIN TOWER WITH 2012 NYS HOMELAND SECURITY GRANT (CIVIL DEFENSE/FIRE COORDINATOR)

WHEREAS, Resolution 188 of 2012 accepted a 2012 Homeland Security Program grant, in a total amount of \$54,000.00 for the Civil Defense/Fire Coordinator’s Office; and

WHEREAS, Resolution 219 of 2013 authorized purchase of a PTZ camera for use at Bleecker Mountain Tower but due to a year-end delay by Homeland Security the camera was not purchased in 2013; and

WHEREAS, the Civil Defense/Fire Coordinator requests that the balance in said grant funds of \$3,644.00 be used to purchase said PTZ camera and toner cartridges for the Civil Defense/Fire Coordinator’s Department; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase certain equipment with 2012 Homeland Security Grant funds, in a not-to-exceed amount as follows:

(1) PTZ Camera	\$3,529.00
(2) Toner Cartridges	<u>115.00</u>
	\$3,644.00

and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.001 Civil Def-SHSP \$3,644.00

Appropriation Account:

Increase A-385-3645.201 Civil Def-SHSP-Equipment \$3,529.00  
Increase A-385-3645.401 Civil Def-SHSP-Contractual 115.00  
\$3,644.00

and, be it further



**Resolution No. 65 (continued)**

RESOLVED, That the Civil Defense/Fire Coordinator is hereby directed to carry out said purchase expeditiously and complete all grant requirements in 2014; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, 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. 66**

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

**RESOLUTION AUTHORIZING PURCHASE OF CERTAIN EQUIPMENT WITH 2013 NYS HOMELAND SECURITY GRANT (CIVIL DEFENSE/FIRE COORDINATOR)**

WHEREAS, Resolution 220 of 2013 accepted a 2013 Homeland Security Program grant, in a total amount of \$52,500.00 for the Civil Defense/Fire Coordinator’s Office; and

WHEREAS, the Civil Defense/Fire Coordinator requests that said grant funds be used to purchase 24 port combo fiber/copper switches for security cameras recently purchased for the Gloversville Police Department; and

WHEREAS, Resolution 257 of 2013 authorized the Civil Defense/Fire Coordinator to purchase a door entry security system for the Information Services Department and Civil Defense/Fire Coordinator’s Department but this purchase did not occur in 2013; and

WHEREAS, the Civil Defense/Fire Coordinator now proposes to purchase a door entry security system for the Civil Defense/Fire Coordinator’s Office area, including the Board of Elections, Public Health Department and the Civil Defense pole barn at a cost not to exceed \$26,606.85; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase certain equipment with 2013 Homeland Security Grant funds, in a not-to-exceed amount as follows:

(24) Port Combo Fiber/Cooper Switches	\$ 6,800.00
Door Entry Security System	<u>\$26,607.00</u>
	\$33,407.00

and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.001 Civil Def-SHSP \$33,407.00

Appropriation Account:

Increase A-385-3645.201 Civil Def-SHSP-Equipment \$33,407.00

and, be it further

**Resolution No. 66**

RESOLVED, That the Civil Defense/Fire Coordinator is hereby directed to carry out said purchase expeditiously and complete all grant requirements in 2014; and, be it further

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

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 67**

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

RESOLUTION ESTABLISHING CCTV VIDEO SYSTEM UPGRADE PROJECT IN THE  
CORRECTIONAL FACILITY (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a CCTV Video System Upgrade project for the Fulton County Correctional Facility; and

WHEREAS, funds for said projects are resident in A-795-9950.900 Transfer to Capital Plan; and

WHEREAS, it is necessary to transfer funds into said the appropriate Correctional Facility account; now, therefore be it

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

From: A-795-9950.900 Transfer to Capital Plan  
To: H-085-3150.100 Video Recording System (New)  
Sum: \$251,000.00

and, be it further

RESOLVED, That the Sheriff shall return with specific details of the upgrade project to the Board of Supervisors for approval of a contract with the security system vendor; and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 68**

Supervisors WALDRON, CAPEK AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PAYMENT OF TRAINING REIMBURSEMENT FOR HIRE OF A DEPUTY SHERIFF**

WHEREAS, the Sheriff is considering hiring a new Deputy Sheriff currently employed as a police officer by the Owego Police Department; and

WHEREAS, General Municipal Law allows a municipality that has paid for the training of a police officer to recover the cost of that training from another municipality that hires the candidate within three years; and

WHEREAS, the Sheriff has been informed that the billable training costs for this officer are approximately \$1,500.00; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety, Personnel and Finance, the Sheriff be and hereby is authorized to use budgeted training appropriations to pay for said reimbursement to the Owego Police Department, in this instance only, not to exceed \$1,500.00; and, be it further

RESOLVED, That the Sheriff 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. 69**

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING STOP-DWI PLAN FOR 2014**

RESOLVED, That the 2014 Annual STOP-DWI Plan be and hereby is approved for submission to the NYS Department of Motor Vehicles, Office of Transportation Safety, in accordance with the 2014 Adopted Budget for the County of Fulton; and, be it further

RESOLVED, That the Chairman of the Fulton County Board of Supervisors and the STOP-DWI Coordinator be and hereby are authorized and directed to do each and every other thing necessary to submit such Plan to the NYS Office of Transportation Safety for its review; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, STOP-DWI Coordinator, District Attorney, Traffic Safety Board, NYS Department of Motor Vehicles' Office of Transportation Safety and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 70**

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

RESOLUTION RE-ALLOCATING 2013 VIDEO RECORDING OF POLICE STATEMENTS EQUIPMENT GRANT FUNDS IN THE DISTRICT ATTORNEY’S OFFICE

WHEREAS, Resolution 290 of 2013 accepted 2013 Video Recording of Police Statements Equipment Grant funds for the District Attorney’s Department; and

WHEREAS, the purchase of video recording equipment for area police departments was not completed in 2013, and

WHEREAS, the District Attorney is requesting that these unspent grant funds be re-allocated in the 2014 Budget; now, therefore be it

RESOLVED, That upon the recommendation of the District Attorney and Committees on Public Safety and Finance, the District Attorney be and hereby is authorized to expend 2013 Video Recording of Police Statements Equipment Grant funds to purchase video recording equipment for police statements as follows:

Fulton County Sheriff’s Office	\$4,445.00
Gloversville Police Department	4,445.00
Johnstown Police Department	4,445.00

now, therefore be it

RESOLVED, That the 2014 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3321.000 State Aid-DA Misc Grants	\$13,335.00
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Appropriation Account:

Increase A-045-1165.200 DA-Equipment	\$ 4,445.00
Increase A-045-1165.409 DA-Court Steno/Prof Svcs	<u>\$ 8,890.00</u>
	\$13,335.00

and, be it further

**Resolution No. 70 (continued)**

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, 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 JOHNSON and adopted by the following vote:

Total: Ayes: 20 Nays: 0



**Resolution No. 71**

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

RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF 2014 “S.T.O.P. VIOLENCE AGAINST WOMEN” GRANT FROM THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES (DISTRICT ATTORNEY)

WHEREAS, the District Attorney has received notification from the NYS Division of Criminal Justice Services that the District Attorney’s Office has been awarded grant funds for the 2014 “S.T.O.P. Violence Against Women” Program; now, therefore be it

RESOLVED, That grant funds provided by the NYS Division of Criminal Justice Services for the 2014 “S.T.O.P. Violence Against Women” Program for the grant period January 1, 2014 through December 31, 2014 be and hereby are accepted, in the amount of \$32,550.00, to be disbursed as reimbursement toward base salaries, as follows:

Fourth Assistant District Attorney	\$28,145.52
Fringe Benefits	<u>4,404.48</u>
Total	\$32,550.00

and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended, as follows:

Revenue:

Decrease A-083-3320.000 – State Aid-Domestic Violence Grant \$750.00

Appropriation:

Decrease A-045-1165.110 – DA-O/T \$ 750.00

and, be it further

RESOLVED, That continuation or renewal of said position and/or program be contingent upon continued funding from the State of New York Division of Criminal Justice Services at no additional cost to the County of Fulton; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, NYS Division of Criminal Justice Services, 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. 72**

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

**RESOLUTION AUTHORIZING CONTRACT BETWEEN THE PUBLIC DEFENDER AND THOMSON REUTERS FOR WEST LAW INTERNET SUBSCRIPTION FOR 2014-2015**

WHEREAS, the Public Defender is requesting a contract with Thomson Reuters for West Law Internet Subscription; and

WHEREAS, the Public Defender has been provided the sum of \$10,000.00 per year, for two years, from ILSF Grant funding to cover the cost of this contract; 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 a contract between the Public Defender and Thomson Reuters of St. Paul, Minnesota, for a period of 24 months, effective March 1, 2014 through February 29, 2016, in an amount not to exceed \$14,945.04 said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, that the 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, Public Defender, 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. 73**

Supervisors WALDRON, CAPEK AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING GRANT APPLICATION TO THE NYS OFFICE OF  
INDIGENT LEGAL SERVICES TO CREATE A PART-TIME SIXTH ASSISTANT  
PUBLIC DEFENDER POSITION

WHEREAS, the Public Defender has received notification from the NYS Office of Indigent Legal Services that Fulton County is eligible for a grant to improve the quality of legal services provided to indigent individuals in Fulton County; and

WHEREAS, the grant will be a three-year distribution from the Indigent Legal Services Fund in the amount of \$110,124.00 (annual amount of \$36,708.00); and

WHEREAS, said grant funds cannot be used to supplant existing local funding; and

WHEREAS, the Public Defender proposes to use the grant proceeds toward salary and benefits for an additional Assistant Public Defender at a salary of \$25,000.00 per year and approximate benefit costs of \$11,250.00 per year; now, therefore be it

RESOLVED, That the Chairman of the Board, on behalf of the Fulton County Public Defender, be and hereby is authorized to apply for a the NYS Office of Indigent Legal Services grant for the purposes of creating a new position of Sixth Assistant Public Defender (part-time), and be it further

RESOLVED, That the Public Defender is hereby directed to return to the Board of Supervisors to pursue creation of the new position following formal approval by the NYS Office of Indigent Legal Services of the related grant application; and, be it further

RESOLVED, That said agreement shall be subject to further review by the appropriate committee of this Board of Supervisors in the event of any changes/reductions to State revenues, in order to make necessary budget amendments and/or contract amendments; and, be it further

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

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 74**

Supervisors WALDRON, CAPEK AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ACCEPTANCE OF “UPSTATE QUALITY IMPROVEMENT AND CASELOAD REDUCTION GRANT” FROM THE NYS OFFICE OF INDIGENT LEGAL SERVICES (2014-2016)

WHEREAS, Resolution 314 of 2013 authorized a grant application to the New York State Office of Indigent Legal Services for an “Upstate Quality Improvement and Caseload Reduction Grant”; and

WHEREAS, the Public Defender has received notification from the NYS Office of Indigent Legal Services that Fulton County has been awarded a grant to improve the quality of legal services provided to indigent individuals in Fulton County; and

WHEREAS, the grant will be a three-year distribution from the Indigent Legal Services Fund in the amount of \$299,500.00 (\$99,833.34 per year) for the period 2014 through 2016; and

WHEREAS, said grant funds cannot be used to supplant existing local funding; and

WHEREAS, the Public Defender recommends that said grant proceeds be used to reclassify the Fourth Assistant Public Defender from part-time to full-time and supplement legal services costs within the Public Defender’s Office and has submitted this plan for such expenditures to the Committees on Public Safety, Personnel and Finance; now, therefore be it

RESOLVED, That the 2014 Adopted Budget be and hereby is amended to accept Indigent Legal Services Funds, as follows:

Revenue Account:

Increase A-083-3026.000 Public Defender-State Aid	\$99,834.00
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**Resolution No. 74 (continued)**

Appropriation Accounts:

A-055-1170.100 Pub Def-P/R	\$50,000.00
A-055-1170.200 Pub Def-Equip	834.00
A-055-1170.406 Pub Def-Copier	550.00
A-055-1170.407 Pub Def-Postage	550.00
A-055-1170.408 Pub Def-Telephones	550.00
A-055-1170.410 Pub Def-Secretary Services	6,000.00
A-055-1170.414 Pub Def-Secy Svcs/Asst PD	15,800.00
A-055-1170.453 Pub Def-Office Supplies	550.00
A-745-9010.800 State Retirement	5,000.00
A-745-9060.800 Hosp, Med, Surg Ins-Empire	20,000.00

and, be it further

RESOLVED, That this Resolution and continuation of said position is contingent upon funding being received from the NYS Office of Indigent Legal Services providing the entire 100 percent cost for said position; and, be it further

RESOLVED, That said agreement shall be subject to further review by the appropriate committee of this Board of Supervisors in the event of any changes/reductions to State revenues, in order to make necessary budget amendments and/or contract amendments; and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 75**

Supervisors WALDRON, CAPEK AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION RECLASSIFYING THE FOURTH ASSISTANT PUBLIC DEFENDER FROM PART-TIME TO FULL-TIME**

WHEREAS, the Public Defender has received notification from the NYS Office of Indigent Legal Services that Fulton County has been awarded a grant to improve the quality of legal services provided to indigent individuals in Fulton County;

WHEREAS, the Public Defender recommended that a portion of said grant proceeds be used to reclassify the Fourth Assistant Public Defender from part-time to full-time within the Public Defender's Office and has submitted this plan for such expenditures to the Committees on Public Safety, Personnel and Finance; and

WHEREAS, the Public Defender has stated that reclassification of said Fourth Assistant Public Defender position from expand services to indigent litigants and create a liaison between the Assistant Public Defenders assigned to criminal courts and the Family Court system; now, therefore be it

RESOLVED, That upon the recommendation of the Public Defender and Committees on Public Safety, Personnel and Finance, the part-time Fourth Assistant Public Defender position (Non-Union; permanent rate of \$35,988.00 per year) be and hereby is reclassified to full-time Assistant Public Defender (Non-Union Job Group A/T-12; permanent rate of \$75,282.00 per year) in the Public Defender's Office, effective March 3, 2014; and, be it further

RESOLVED, That this Resolution and continuation of said position is contingent upon funding being received from the NYS Office of Indigent Legal Services providing the entire 100 percent cost for said position; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Defender, Personnel Director, 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: 20 Nays: 0

**Resolution No. 76**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION EXTENDING CONTRACT BETWEEN THE BOARD OF ELECTIONS AND PHOENIX GRAPHICS FOR ELECTION SUPPLIES AND PRINTED MATERIALS (2014)**

WHEREAS, Resolution 118 of 2013 awarded a bid to Phoenix Graphics for the purchase of election supplies and printed materials for use in the Board of Elections at an estimated bid amount \$31,240.24, effective April 1, 2013 through March 31, 2014, including up to two (2) one-year extensions at County option; and

WHEREAS, the Elections Commissioners recommend said contract be extended effective April 1, 2014 through March 31, 2015 at current pricing, terms and conditions; now, therefore be it

RESOLVED, That the contract with Phoenix Graphics, of Rochester, NY, for election supplies and printed materials be and hereby is extended at current pricing, terms and conditions through March 31, 2015; and, be it further

RESOLVED, That the cost shall be a charge against Appropriation Account A-225-1450.453 Bd. of Elections-Off. & Elect Supp; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded the County Treasurer, Board of Elections, Phoenix Graphics, 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. 77**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION URGING THE STATE LEGISLATURE TO ESTABLISH A SINGLE STATE  
PRIMARY THAT COMPLIES WITH THE FEDERAL MOVE ACT**

WHEREAS, an Assembly Bill has been introduced in the New York State Legislature regarding changing the State Primary date to a Tuesday in June to accommodate the federal Military and Overseas Voter Empowerment Act; and

WHEREAS, a January 27, 2012 Judicial Order set the federal non-presidential primary date at June 26, 2012 and provided that in subsequent even-numbered years, New York's non-residential federal primary date shall be the fourth Tuesday of June, unless and until New York enacts legislation resetting the non-presidential federal primary for a date that complies fully with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the federal MOVE Act; and

WHEREAS, the Elections Commissioners' Association of New York State, at its winter conference in Albany on January 14, 2014 urged New York State Legislators to come together to select a date that complies with all federal regulations and orders on a date between June and September; now, therefore be it

RESOLVED, That the Board of Supervisors hereby urges the New York State Legislature to act to protect the integrity of the State's electoral process and to limit the fiscal impacts of multiple primaries by agreeing on a State Primary Date that complies with all federal regulations and orders on a date between June and September; and, be it further

RESOLVED, That the Board believes the action outlined herein would be in the best interest of the citizens of New York State; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to Senator Hugh Farley, Assemblyman Marc Butler, Governor Andrew Cuomo, New York State Association of Counties, ECANYS, Board of Elections Commissioners and Administrative Officer/Clerk of the Board and to each and every other person who may further the purport of this Resolution.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 20 Nays: 0



**Resolution No. 78**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPROPRIATING FUNDS FOR CERTAIN 2014 CAPITAL PROJECTS IN  
THE INFORMATION SERVICES DEPARTMENT**

WHEREAS, the 2014 Capital Plan identifies the following projects for the Information Services Department:

- PC Replacement \$57,177.00
- ServerUpgrade Plan 15,600.00
- Wireless Upgrade Project 13,000.00

and

WHEREAS, funds for said projects are resident in A-795-9950.900 Transfer to Capital Plan; and

WHEREAS, it is necessary to transfer funds into said the appropriate Information Services account; now, therefore be it

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

From: A-795-9950.900 Transfer to Capital Plan  
To: H-085-1681.100 IT Upgrade Plan-2014 (New)  
Sum: \$85,777.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services Director, 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. 79**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT WITH STAPLES CONTRACT AND COMMERCIAL, INC. FOR PRINT MANAGEMENT SERVICES (2014)**

WHEREAS, Resolution 224 of 2013 authorized a contract with Staples Contract and Commercial, Inc. for Print Management Services on a trial basis; and

WHEREAS, the Information Services Director has examined the trial program and determined that the cost savings related to this service resulted in a savings of \$1,686.00 for the period from mid-August through November 2013; and

WHEREAS, the Information Services Director has recommended a contract with Staples Contract and Commercial, Inc. for Print Management Services be on a permanent basis; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract between the Information Services Department and Staples Contract and Commercial, Inc. of Framingham, MA, effective immediately through December 31, 2014, said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, that the Information Services Director and 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, Information Services Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 80**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING WRITE-OFF OF CERTAIN EQUIPMENT FROM THE  
FIXED ASSETS INVENTORY OF THE INFORMATION SERVICES DEPARTMENT**

WHEREAS, in accordance with the Fulton County Purchasing and Audit Guidelines, the Fulton County Treasurer is responsible for maintaining a list of all fixed assets in the possession of the County of Fulton; and

WHEREAS, the Information Services Director has not been able to account for certain equipment identified on the Fixed Assets Inventory, as follows:

<u>ID Number</u>	<u>Item</u>
5977	3-Com 4400 24 Port Switch-Located at OFA
6124	3-Com Superstack 3 Switch 4400-Located at Treasurer
6125	3-Com Superstack 3 Switch 4400-Located at Personnel
6818	Dell Dimension 3100 w/17" Flat Monitor
6825	Dell Dimension 3100 w/17" Flat Monitor
6828	Dell Dimension 3100 w/17" Flat Monitor
6845	Dell Dimension 3100 w/17" Flat Monitor
6928	Dell Dimension 3100 w/17" Flat Monitor
7290	HP Laserjet 6L Printer

and

WHEREAS, the Committee on Finance has reviewed the explanation of the Information Services Director relating to said items and recommends deleting them from the fixed assets inventory; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the County Treasurer be and hereby is directed to remove the equipment identified herein from the Fixed Assets Inventory; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services 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. 81**

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING FILING OF A “CERTIFICATE OF WITHDRAWAL”,  
“CERTIFICATE OF CANCELLATION” AND “CERTIFICATE OF PROSPECTIVE  
CANCELLATION” RELATIVE TO CERTAIN PROPERTIES WITH POTENTIAL  
ENVIRONMENTAL HAZARDS (COUNTY TREASURER)

WHEREAS, the County Treasurer has reviewed certain delinquent tax parcels in the City of Gloversville and has provided an opinion that said parcels should not be foreclosed upon due to existing environmental concerns and should be withdrawn from any tax foreclosure proceedings; and

WHEREAS, in order to protect the County from environmental and/or financial liability related to said parcels, the County Treasurer recommends that the appropriate "Certificate of Withdrawal", "Certificate of Cancellation" and "Certificate of Prospective Cancellation" be filed in the Court of appropriate jurisdiction; now, therefore be it

RESOLVED, That upon the recommendation of the County Treasurer and Committee on Finance, the County Treasurer be and hereby is directed to file a "Certificate of Withdrawal", "Certificate of Cancellation" and "Certificate of Prospective Cancellation" with the Real Property Tax Services Agency Director, County Clerk and City of Gloversville Assessor's Office for two (2) parcels in the City of Gloversville, as follows:

	92 Spring Street Gloversville	211 North Main Street Gloversville
<u>2014</u>	<u>134.18-23-15</u>	<u>134.18-8-8</u>
County	\$ 323.84	\$ 176.02
<u>2013</u>		
County	\$ 430.85	241.03
School	909.13	494.16
City	915.29	1,164.94
<u>2012</u>		
County		426.69
School	1,020.67	554.77
City	1,021.92	679.66

**Resolution No. 81 (continued)**

<u>2011</u>		
County	639.51	429.76
School	1,122.60	602.04
City	1,128.56	613.42
<u>2010</u>		
School	1,149.82	
City	<u>1,110.92</u>	
Total	\$ 9,773.11	\$ 5,382.49

and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Real Property Tax Services Agency, County Clerk, City of Gloversville Assessor, 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 GENDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 82**

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION APPROPRIATING CAPITAL EQUIPMENT AND IMPROVEMENT  
RESERVES AND TRUST AND AGENCY FUNDS TO  
CERTAIN 2014 CAPITAL PROJECTS

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

WHEREAS, the 2014 Adopted Budget allocated \$1,619,240.00 from said Capital Reserves and Trust and Agency Funds to fund certain Capital Equipment and Improvement Projects; and

WHEREAS, said allocation needs to be transferred into the appropriate projects; now, therefore be it

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

From:

A-082-0883.700 Capital Equipment Reserve	\$ 978,740.00
A-082-0883.800 Capital Improvement Reserve	635,500.00
T-082-0096.000 OFA-Exp Trust-Savings/Van Fund	<u>5,000.00</u>
	\$1,619,240.00

To:

A-082-0909.000 General Fund Balance	\$1,619,240.00
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and, be it further

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

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**Resolution No. 83**

Supervisor FAGAN 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:

District Attorney:

HP Color Laser Jet Printer No BC (Purchased 5/12/05)

and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, District Attorney, 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. 84**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CERTAIN BUDGET AMENDMENTS  
TO CORRECT REVENUE ERROR IN THE PUBLIC DEFENDER'S BUDGET**

WHEREAS, during the 2014 Budget development process, an error was made that resulted in anticipated state aid revenue of \$36,708.00 being included in the Public Defender Budget without the corresponding appropriations related to that revenue; and,

WHEREAS, to correct said error it is necessary to now reduce appropriations by an equivalent amount; and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended, as follows:

Revenue:

Decrease A-083-3026.000 State Aid-Public Defender \$36,708.00

Appropriation:

Decrease A-055-1170.409 Pub Def-Rot Sys of Attorneys \$36,708.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Defender, 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