

**FIRST SPECIAL SESSION**

Johnstown, NY

October 19, 2015

Roll Call – Quorum Present

Supervisors: Born, Bradt, Breh, Callery, Christopher, Fagan, Gendron, Greene, Groff, Handy, Howard, Kinowski, Ottuso, Potter, Waldron, Young

TOTAL: Present: 16 Absent: 4 (Supervisors Argotsinger, Johnson, Lauria and MacVean)

Chairman Ottuso called the meeting to order at 1:00 p.m. with Supervisors Argotsinger, Johnson, Lauria and MacVean absent upon roll call. Following the Pledge of Allegiance, Administrative Officer/Clerk of the Board Jon R. Stead read the following Call:

13 October 2015

Mr. Jon R. Stead, Administrative Officer/Clerk of the Board  
Fulton County Board of Supervisors  
County Office Building  
Johnstown, NY 12095

Dear Mr. Stead:

You are hereby requested to call a special meeting of the Board of Supervisors to be held in the Supervisors' Chambers, County Building, Johnstown, NY, on **Monday, 19 October 2015, at 1:00 p.m.**, to consider and take action by resolution or otherwise deemed necessary or advisable by the Board regarding the following matters:

1. To consider a Resolution Extending Taxes on Sales and Uses of Tangible Personal Property and Certain Services, on Occupancy of Hotel Rooms and on Amusement Charges, pursuant to Article 29 of the Tax Law of the State of New York.
2. For the transaction of such other business directly connected with the above matters as may properly come before the Board at that time.

Sincerely yours,

RALPH OTTUSO  
Chairman of the Board

**STATE OF NEW YORK)**  
**)SS.**  
**COUNTY OF FULTON )**

Pursuant to the attached call, duly signed by the Chairman of the Board of Supervisors of Fulton County on the 13<sup>th</sup> day of October 2015, a copy of the following notice was duly mailed at the Post Office, City of Johnstown, New York, in the post-paid sealed envelope, addressed to each supervisor at their respective place of residence on the 13<sup>th</sup> day of October 2015.

Pursuant to the call of the Chairman of the Board under the rules of the Board and amendments thereof, I am instructed to call a special meeting of the Board of Supervisors of the County of Fulton, to be held in the Supervisors' Chambers, County Building, Johnstown, NY, on **Monday, 19 October 2015, at 1:00 p.m.**, to consider and take action by resolution or otherwise deemed necessary or advisable by the Board regarding the following matters:

1. To consider a Resolution Extending Taxes on Sales and Uses of Tangible Personal Property and Certain Services, on Occupancy of Hotel Rooms and on Amusement Charges, pursuant to Article 29 of the Tax Law of the State of New York.
2. For the transaction of such other business directly connected with the above matters as may properly come before the Board at that time.

Witness my Hand and Seal this  
13<sup>th</sup> day of October 2015

Signed by Jon R. Stead, Clerk of the Board

**No. 361 (Resolution Extending Sales Taxes on Sales and Uses of Tangible Personal Property and Certain Services, on Occupancy of Hotel Rooms and on Amusement Charges, Pursuant to Article 29 of the Tax Law of the State of New York):** Mr. Stead explained that a similar resolution was adopted by the Board at the September 14, 2015 Board meeting; however, due to Governor Cuomo not signing the bill until September 25, this resolution needs to be enacted because the adoption date of this resolution must be after the Governor's signing the bill into law.

Supervisor Gendron asked if this is the first time this delay has happened. Mr. Stead stated it is not. He stated that when this resolution was put on the September Agenda, it was anticipated that it would be enacted prior to the September Board meeting. That did not happen.

Supervisor Young stated that NYSAC is proposing changing the extension period for local sales tax from two (2) years to four (4) years. He stated this is a good example of why four years would be better for all counties.

Supervisor Fagan stated that it would be better if the State allowed the counties to do this permanently under home rule authority, rather than having to do this every two years.

There being no further business, the meeting adjourned at 1:07 p.m., upon a motion by Supervisor Waldron, seconded by Supervisor Callery and unanimously carried.

*Certified by:*

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

**Resolution No. 361**

Supervisor CALLERY offered the following Resolution and moved its adoption:

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

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

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

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

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

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

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

and, be it further

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

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Argotsinger, Johnson, Lauria and MacVean)

*STATE OF NEW YORK }  
COUNTY OF FULTON } ss:*

I, Jon R. Stead, Clerk of the Board of Supervisors of Fulton County hereby certify that I have compared the foregoing resolution with the original resolution, adopted by the Board of Supervisors of said County, at a duly called and held meeting of said Board on the 19<sup>th</sup> day of OCTOBER 2015, and the same is a true and correct transcript therefrom and the whole thereof.

Witness my hand and official seal  
this 19<sup>th</sup> day of OCTOBER 2015

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Clerk of the Board of Supervisors of Fulton County