

NINTH REGULAR SESSION

Johnstown, NY

September 8, 2014

Roll Call – Quorum Present

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

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

Chairman Argotsinger called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance, the Chairman 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 he was a representative of the newly formed “Solidarity for a Better County Government”. He referenced a letter from the NYS Authorities Budget Office regarding the Fulton County Center for Regional Growth (CRG). He stressed that this letter notes that the CRG is not complying with NYS Public Authorities Law. He also noted another letter that he received from that agency about how bond ratings of organizations could be affected by non-compliance.

Lita Hillier, Wells Street, Johnstown: Ms. Hillier stated that she was present today on behalf of her husband, Garth Hillier, who passed away July 8. She stated that her children could not be here due to school and job commitments. Her mother, Patty Guy and niece, Gina Hadcock, were in attendance today. She stated that her purpose in being here is to thank Sheriff Tom Lorey for honoring Garth and retiring his badge number from the Fulton County Sheriff’s Department. She stated that she and her family are truly honored by the retirement of his badge. She also thanked Administrative Officer Jon Stead for taking the time to personally hand-deliver the badge retirement. She stated that Garth had great respect for all of the staff in the Board Office. She further stated that Garth would be truly honored that his badge #228 was retired because the number 228 meant a great deal to him. She stated that there is a quote that goes, “It’s important to find a job that you like, because if you do, you will never work a day in your life.” She stated that this quote resembled Garth’s pride in performing his job with the Fulton County Sheriff’s Department. She further stated, “Thank you again Sheriff Lorey for always putting faith in your Captain and for the honor you helped bring to fruition.” She also thanked all Supervisors for the adoption of Garth’s badge retirement. She stated that she and her family will always deeply appreciate it.

Kenneth Cronin – Johnstown: Mr. Cronin stated that he was a member of the “Solidarity for a Better County Government. He stated that he is against spending \$50,000.00 for a Zamboni vehicle he read about in the newspaper. He questioned how this vehicle will be moved from place to place when needed in different jurisdictions. He stated that it would be better to get an unmarked car and plain-clothed police officers. He also asked if any of the Supervisors had spoken with the Gloversville Police Department, Johnstown Police Department or the Sheriff.

Patricia Guy, Ridge Road, Broadalbin: Mrs. Guy thanked the Board of Supervisors and all the members of the public for everything they have done with regards to Garth Hillier. She stated that Garth was very well-loved and respected throughout the County.

COMMUNICATIONS

1. Communication from Delaware County Board of Supervisors
Subj: Resolution No. 152 of 2014 Opposition to Proposed US/EPA and Army Corps of Engineering (ACOE) Rulemaking to Change the Definition of Navigable Waters of the United States to Expand their Jurisdiction over Waters of the United States: Docket ID No. EPA-HQ-OW-2011-0880 Departments of Watershed Affairs, Economic Development and Public Works (Supervisor Howard requested a copy of Communication #1)
2. Letter to Jason A. Brott, County Attorney from Larry Ruzycky, received in the Board of Supervisors Office on August 20, 2014
Subj: Resignation as alternate to the Great Sacandaga Lake Advisory Council

REPORTS

- A. Mohawk Valley Regional Economic Development Council 2014 Action Plan: Sustaining Momentum [www.nyworks.ny.gov]

REPORTS OF SPECIAL COMMITTEES

Soil and Water Conservation District: Supervisor Lauria stated that a meeting was held August 26. The District is performing a lot of pond work. He also stated that tile and pipe sales are strong. Fulton County "Farm Day" will be held September 28, 2014.

CHAIRMAN'S REPORT

Chairman Argotsinger stated that it is budget time again and he thanked everyone for the past 5 to 6 years spent putting the County in a good financial state; however, there is work that still needs to be done. He stated that he supports economic development and job creation and realizes that money needs to be spent in order to make this happen. With regards to security, he stated that some of the neighborhoods in the County are not secure to live in. He stated that if the County is going to spend money on economic development, it needs to take the necessary steps to protect its communities or businesses will not be interested in coming to Fulton County.

RESOLUTIONS

No. 312 (Resolution Supporting a Hard Rock Hotel and Casino Development Project in Rensselaer, New York): Supervisor Young stated that the Montgomery County Legislature supported the Howe Caverns Casino proposal. He suggested that this resolution be tabled for one month to allow the Board to look at all proposals and determine which casino proposal would best benefit Fulton County in terms of revenues and jobs.

Supervisor Kinowski stated that he would rather support Schoharie County. He stated that it is the only proposal that is a "destination location", which is what casino proposals were supposed to be. As far as jobs, he stated that it will be easier for people from Fulton County to get to Schoharie, rather than Albany, Schenectady or Rensselaer. He agreed with Mr. Young that the resolution should probably be tabled until further review.

Supervisor Lauria stated that Capital District Regional OTB representatives came to the Economic Development & Environment Committee last month and explained Fulton County's share in the revenue related to the Hard Rock Hotel and Casino Development Project. No one from the other projects even approached the Board.

Supervisor Gendron stated that Fulton County is part of the Capital Region with regards to casino placement. There are only four (4) sites remaining for a casino. He stated that wherever the casino is sited, the breakdown of revenue will be 80 percent to the State, 10 percent for the host county and the remaining counties will share the rest. Fulton County can expect about 1.77 percent in revenue whatever that amount turns out to be. Hearings are being held today and Thursday regarding the siting of a casino. He stated that the Hard Rock Hotel is the only casino that approached Fulton County for its support after Montgomery County was ruled out. He noted that he did not vote for this in committee. He also stated that he believes the projections made by CDROTB for this casino are "generous"; however, the Hard Rock proposal is the only one that will give Fulton County additional revenue because we are a member of CDROTB. He believes that the Board should support the Hard Rock/OTB proposal whether you support gambling or not. The bottom line is it is additional revenue for Fulton County.

Supervisor Greene asked how much additional revenue would be gained over the proposed casino in Schoharie County. Supervisor Gendron replied that there would be no additional revenue from Schoharie.

Mr. Stead stated that the yearly revenue projections from CDROTB was that revenue would probably double to around \$100,000.00. Currently our OTB annual revenue is about \$56,000.00. Supervisor Greene then asked if the additional \$50,000.00 in revenue would have more impact than possible jobs in Schoharie County.

Supervisor Fagan stated that CDROTB will own the property and lease it to the Hard Rock Casino. He stated that this will generate revenue as well as having an OTB parlor in the casino.

Supervisor Howard stated that he doesn't believe jobs matter when they are minimum wage jobs. He also said OTB betting already takes \$1.5 million out of Fulton County. He questioned whether the \$50,000.00 in additional revenue really matters.

Supervisor Lauria stated that he doesn't believe travel to the Albany area is an issue if someone really wants a job.

Supervisor Young made a motion to Table the resolution to allow Supervisors to review all proposed casinos, seconded by Supervisor Waldron. The motion was defeated (Supervisors Argotsinger, Bradt, Callery, Capek, Christopher, Fagan, Gendron Greene, Groff, Handy, Howard, Kinowski, Lauria, Ottuso, and Potter were opposed.) (Supervisor Johnson abstained)

Supervisor Born stated she voted opposed to this in Committee. She said that people will not travel to Rensselaer for jobs. She feels that she does not have enough information about the other casino proposals to make an educated decision.

Supervisor Gendron stated that postponing this a month isn't going to matter. "We need to vote either 'yes' or 'no' and move on".

No. 318 (Resolution Authorizing a Contract with Whiteman, Osterman & Hanna for Legal Services to Contest Recoupment of Certain FMAP Funds by the State of New York (Social Services): Supervisor Lauria asked if Fulton County should hold all of the recoupment money until this plays out in the courts. Supervisor Callery stated that he thought in the Finance Committee that one part of this repayment would have to be paid no matter how the lawsuit is resolved. Mr. Stead stated that Mr. Callery's explanation was correct. He stated that Fulton County is only withholding payment of the \$354, 232.50 regarding the "Two-Year Claiming Limit".

Supervisor Howard, Chairman of the Human Services Committee, reminded everyone that the County has known for quite some time about this recoupment process and budgeted appropriately for it.

No. 329 (Resolution Authorizing Five-Year Agreement between the County of Fulton and the Unified Court System for Security Services (Court Attendants): Supervisor Callery asked who is responsible for the difference between \$37,000.00 and \$29,500.00. Mr. Stead stated that this is "pass through" money and no funds from the County are required. There will be less hours for court attendants in the courts.

Supervisor Greene asked what happens if there is a "big trial". Is that factored into this amount. Mr. Stead stated that he did not know.

No. 330 (Resolution Authorizing county Participation in the Legal Defense of Certain Assessment Reduction Actions within Local Assessing Units): Supervisor Young stated that this is a great program that the County offers. He stated that it helps all entities, as well as helping the County.

A motion was offered by Supervisor Fagan, seconded by Supervisor Gendron and unanimously carried, to waive the Rules of Order to take Action on Late Resolution 338.

No. 338 (Resolution Authorizing Application for PSAP Grant from New York State Department of Homeland Security and Emergency Services): Mr. Stead advised that this was not submitted through the Public Safety Committee; however, because the deadline to submit an application for these funds is September 26, 2014, a late resolution is being requested.

PROCLAMATIONS

DECLARING OCTOBER 2014 "DOMESTIC VIOLENCE AWARENESS MONTH"

WHEREAS, domestic violence affects all New Yorkers, and far too many people suffer abuse at the hands of a spouse or partner; and

WHEREAS, domestic violence victims can be of any age, race, religion, or economic status and the resulting damage is inflicted not only on victims, but their children, families and communities; and

WHEREAS, Fulton County's commitment to ending domestic violence is exemplified by the work of county agencies and their employees that are assisting victims and their families; and

WHEREAS, the Board of Supervisors recognizes the outstanding work of the region's dedicated not-for-profit organizations that serve victims and their communities; now, therefore be it

RESOLVED, That the Board of Supervisors hereby proclaims October 2014 to be "Domestic Violence Awareness Month" in Fulton County and encourages all county residents to participate in community awareness events during "Domestic Violence Awareness Month" and, be it further

RESOLVED, That the Board of Supervisors joins with all citizens to support victims of domestic violence and to support the work of victim advocates, public and private entities and many others who have worked tirelessly to bring hope to the millions of individuals, families and communities harmed by crime.

PROCLAMATION

RECOGNIZING THE EFFORTS OF ANNA KING IN PROMOTING AWARENESS OF ORGAN DONATION PROGRAMS

WHEREAS, 14 year old Anna King, originally from Mayfield, NY, was diagnosed with dilated cardiomyopathy in 2012; and

WHEREAS, Anna and her family relocated to The Woodlands, Texas to work with a heart transplant team at Texas Children's Hospital in Houston, Texas; and

WHEREAS, after 832 days of waiting, Anna received her new heart on August 22, 2014; and

WHEREAS, Anna's story, and her efforts to raise awareness about the importance of organ donation have become an inspiration both near and far; and

WHEREAS, Anna's message to all who will listen, is one of optimism and leading by example; and

WHEREAS, Anna is friends with the co-founders of the company Life is Good and was mentioned in its top 20 list at #10 as "The Strength of Optimists (Like Anna King)"; and

WHEREAS, Anna King's inspirational story is a heartwarming adventure that can be experienced at **humorhealstheheart.org**; now, therefore be it

RESOLVED, That the Board of Supervisors hereby recognizes Anna King as an outstanding young leader who faces adversity with a smile and inspires by example.

PROCLAMATION

RECOGNIZING THE ACCOMPLISHMENTS OF JOSEPH PERSICO

WHEREAS, Gloversville native Joseph A. Persico, passed away on Saturday, August 30, 2014; and

WHEREAS, after 11 years as chief speechwriter for New York Governor and Vice President Nelson A. Rockefeller, Mr. Persico fulfilled an illustrious career as an acclaimed biographer and historian; and

WHEREAS, Joe's body of literary work includes:

- "My Enemy My Brother"
- "Edward R. Murrow: An American Original"
- "The Imperial Rockefeller"
- "Nuremberg: Infamy on Trial"
- "Casey: From the OSS to the CIA"
- "Piercing the Reich"
- "The Spiderweb"
- "Roosevelt's Secret War"
- "Eleventh Month, Eleventh Hour: Armistice Day 1918"
- "Franklin and Lucy"

and

WHEREAS, Mr. Persico, as a member of the American Battle Monuments Commission wrote the Announcement and Field of Gold Stars inscriptions inscribed on the World War II Memorial in Washington, DC and served as a consultant, writer and on-camera commentator for several television documentaries for PBS, A&E and The History Channel; and

WHEREAS, Mr. Persico served as a lieutenant junior grade aboard a minesweeper during the Korean War and later with NATO headquarters in Naples, Italy; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby posthumously recognizes the achievements of Joseph E. Persico during his esteemed career in the literary arts.

Supervisor Lauria also advised that he met Mr. Persico about a year ago and he was just as personable as he was on TV. Mr. Persico thought very fondly of Gloversville.

Upon a motion by Supervisor Waldron, seconded by Supervisor Gendron and unanimously carried, the Board adjourned at 2:08 p.m.

Certified by:

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

Resolution No. 301

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

**RESOLUTION AUTHORIZING THE COUNTY ATTORNEY AND PLANNING DIRECTOR
TO PREPARE DOCUMENTATION FOR PURCHASE OF RIGHTS OF WAY FOR THE
FJ&G RAIL TRAIL PROJECT (2014 CAPITAL PLAN)**

WHEREAS, Resolution 237 of 2013 authorized Chairman of the Board to Request that NYSDOT Administer Right-of-Way Acquisition for the FJ&G Rail Trail Project; and

WHEREAS, the New York State Department of Transportation (NYSDOT) notified Fulton County that it would not be able to acquire the Rights-of-Ways as originally intended; and

WHEREAS, the 2014 Capital Plan identifies a FJ&G Rail Trail Project to pursue the acquisition of the Rights-of-Ways for the Rail Trail between Dennie's Crossing and County Road 155 to complete development of the Rail Trail; now, therefore be it

RESOLVED, That upon the recommendations of the Committees on Economic Development and Environment and Finance, the Planning Director and County Attorney be, and hereby are, authorized to prepare documentation for the purchase of Rights-of-Way for the FJ& G Rail Trail Project; and, be it further

RESOLVED, That said costs for the appraisals, title and legal work not exceed \$6,000.00 for acquiring the Rights-of Way for the completion of the Rail Trail between Dennie's Crossing and County Road 155; 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 Project
To: H-085-7989.100 Rail Trail Project (New)
Sum: \$6,000.00

and, be it further

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

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 302

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

RESOLUTION AUTHORIZING PURCHASE OF A TIRE BALANCER FOR USE IN THE
HIGHWAYS & FACILITIES DEPARTMENT

WHEREAS, the Tire Balancer located at the Fulton County Highway Department is broken and beyond repair; and

WHEREAS, the Superintendent of Highways and Facilities has requested that a new Tire Balancer be purchased to replace said broken Tire Balancer; and

WHEREAS, the Superintendent of Highways and Facilities advised that there is funding left in the Highways and Facilities Equipment account to purchase said Tire Balancer; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Buildings & Grounds/Highway and Finance, the Superintendent of Highways and Facilities is hereby authorized to purchase a Tire Balancer at a cost not to exceed \$3,349.95 as a charge to DM-825-5130.200 Rd Mach-Equipment; and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 303

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

**RESOLUTION AWARDING BID FOR A DUAL DRUM VIBRATORY ROLLER FOR USE
IN THE HIGHWAYS AND FACILITIES DEPARTMENT (2014 CAPITAL PLAN)**

WHEREAS, the 2014 Capital Plan identifies a Dual Drum Vibratory Roller for use by the Highways and Facilities Department; and

WHEREAS, Resolution 222 of 2014 authorized advertisement for bids for said dual drum vibratory roller and three (3) bids were received; and

WHEREAS, the Superintendent of Highways and Facilities and Purchasing Agent recommend awarding the bid to Robert H. Finke & Sons for a Dual Drum Vibratory Roller as the lowest responsible bidder; now, therefore be it

RESOLVED, That the net bid, in an amount of \$37,980.00 as submitted by Robert H. Finke & Sons, of Selkirk, NY, for the purchase of a Dual Drum Vibratory Roller for use in the Highways and Facilities Department be and hereby is awarded; they being the lowest responsible bidder in accordance with Specification No. 2014-82-02, dated 14 July 2014; and charged to DM-825-5130.200 Rd Mach-Equipment; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Robert H. Finke & Sons, All Bidders, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 304

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

RESOLUTION AWARDING BID TO CALLANAN INDUSTRIES, INC. FOR PAVING OF COUNTY ROAD 107 AND PROPOSED COUNTY ROAD 117 (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan includes a County Route 107 Pavement Project in the Town of Johnstown and a Proposed County Road 117 Pavement Project in the Town of Perth, and

WHEREAS, Resolution No. 233 of 2014 authorized advertisement for bids for said County Road 107 and Proposed County Road 117 Project, and five (5) bids were received; and

WHEREAS, Superintendent of Highways and Facilities and the Committees on Buildings and Grounds/Highway and Finance recommend that a contract be awarded to Callanan Industries for the County Route 107 and Proposed County Road 117 Project, at a cost not to exceed \$169,758.00 for County Road 107 and \$78,857.00 for Proposed County Road 117; now, therefore be it

RESOLVED, That the net bid in the amount of \$169,758.00 for County Road 107, and the net bid amount of \$78,857.00 for proposed County Road 117, as submitted by Callanan Industries, Inc. of Albany, NY, be and hereby is awarded; they being the lowest responsible bidder in accordance with project specifications; and, be it further

RESOLVED, That said cost be a charge against D-825-5112.425 Rd Constr Proposed CR 117/107; and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 305

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

RESOLUTION AWARDING BID FOR THE PURCHASE OF UNLEADED GASOLINE FOR THE CENTRAL FUEL DEPOT AND SOLID WASTE DEPARTMENT (2015)

WHEREAS, Resolution 221 of 2014 authorized advertisement for bids for unleaded gasoline for the Central Fuel Depots at the County Complex and Solid Waste Department and two (2) bids were received; now, therefore be it

RESOLVED, That the net bid, as submitted by Shepard Oil, of Johnsown, NY, for the purchase and delivery of unleaded gasoline to the Central Fuel Depots at the County Complex and at the Solid Waste Department be and hereby is awarded for the period October 1, 2014 through September 30, 2015, as reviewed and recommended by the Superintendent of Highways and Facilities, Solid Waste Director, Committees on Buildings and Grounds/Highway and Finance and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2014-82-01:

County Complex (108,000 gallons)	\$2.7636	Rack price
	<u>.0241</u>	Margin
	\$2.7877	Per gallon
 Solid Waste Dept. (3,500 gallons)	 \$2.7636	 Rack price
	 <u>.1500</u>	 Margin
	 \$2.9136	 Per gallon

(with the stipulation that any increase or decrease in prices will be passed on at the time of delivery, based on current rack prices); 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, All Bidders, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 306

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

RESOLUTION AWARDING BID TO CORRELL CONTRACTING FOR ROOF
REPLACEMENT PROJECT AT THE DEPARTMENT OF SOCIAL SERVICES COOPER
BUILDING (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan includes a Roof Replacement Project at Department of Social Services Cooper Building; and

WHEREAS, Resolution No. 232 of 2014 authorized advertisement for bids for said roof replacement project, and five (5) bids were received; and

WHEREAS, the Superintendent of Highways and Facilities, Purchasing Agent and the Committees on Buildings and Grounds/Highway and Finance recommend that a contract be awarded to Correll Contracting of Gloversville, NY for the Roof Replacement Project, at a base bid of \$108,472.00; and

WHEREAS, the Superintendent of Highways and Facilities has requested establishment of a contract allowance of \$11,545.00 for insulation replacement and parapet repair for expenditure only if needed; now, therefore be it

RESOLVED, That the total bid in the amount of \$120,017.00 as submitted by Correll Contracting of Gloversville, NY, for the Roof Replacement Project, be and hereby is awarded; they being the lowest responsible bidder in accordance with project specifications; 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-085-1629.100 DSS Roof Project
Sum: \$120,017.00

and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 307

Supervisor JOHNSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION TO CONTRACT WITH BREZZY CLEANING SERVICE FOR CUSTODIAL SERVICES IN THE COUNTY OFFICE BUILDING (2015)

WHEREAS, Resolution 331 of 2013 awarded a contract to Brezzy Cleaning Service for custodial services in 2014 at a cost of \$75,408.00, with the County option to extend said contract in 2015 and 2016; and

WHEREAS, the Superintendent of Highways and Facilities recommends said contract be extended for 2015; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committee on Buildings and Grounds/Highway, the Chairman of the Board be and hereby is authorized to sign an amendment to the contract with Brezzy Cleaning Services, of Gloversville, NY, for custodial services in the County Office Building, effective January 1, 2015 through December 31, 2015, at a cost not to exceed \$76,404.00; all other terms and conditions in said contract shall remain in full force and effect; and, be it further

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

RESOLVED, That the cost for said services be a charge against A-245-1620.414 Co. Offices & Bldgs-Maint Contr; and, be it further

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

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 308

Supervisor JOHNSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CUSTODIAL SERVICES IN THE DEPARTMENT OF SOCIAL SERVICES COOPER BUILDING

WHEREAS, the current bid for custodial services in the Department of Social Services Cooper Building expires on December 31, 2014; now, therefore be it

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

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Room 205, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 8, 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, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 309

Supervisor JOHNSON offered the following Resolution and moved its adoption:

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

WHEREAS, the current bid for No. 2 heating oil and 50/50 blend expires on December 31, 2014; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is directed to advertise for sealed bids from responsible petroleum dealers for Heating Oil No. 2 and Special Blend of No. 2 for the year 2015 (and according to further specifications which may be obtained at the Office of the Purchasing Agent); said price to identify origin and posted tank wagon price in effect on the date of bid (to be further identified at each instance of delivery), plus vendor margin. Successful bidder must make provisions for emergency delivery on a local basis (within a 20-mile radius of the City of Johnstown), in the event that one of the identified facilities runs out of fuel; and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 8, 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, Superintendent of Highways and Facilities, Fire Coordinator, Sheriff, Correctional Facility, Solid Waste, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 310

Supervisor JOHNSON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR WASTE REMOVAL SERVICES FOR COUNTY BUILDINGS

WHEREAS, the current bid for waste removal services expires on December 31, 2014; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for bids from waste disposal vendors for the pickup of general office type waste materials at the Fulton County Correctional Facility (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 8, 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, Superintendent of Highways and Facilities, Sheriff, Correctional Facility, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 311

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

RESOLUTION AUTHORIZING RENEWAL AGREEMENT WITH THE UNIFIED COURT SYSTEM FOR CLEANING AND APPROVING CERTAIN CHAPTER 686 PROJECTS FOR COURT AREAS IN THE COUNTY OFFICE BUILDING (2014-15)

WHEREAS, Resolution 272 of 2013 authorized a contract between Fulton County and the NYS Unified Court System for cleaning and minor repairs in court areas located in the County Office Building, effective April 1, 2013 through March 31, 2014; and

WHEREAS, said Resolution passage was contingent upon final approval of proposed Chapter 686 projects by the Board of Supervisors on an annual basis; 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 renewal agreement between the County of Fulton and the NYS Unified Court System for cleaning and minor repairs, at a proposed budget for service of \$56,145.00, effective April 1, 2014 through March 31, 2015; and, be it further

RESOLVED, That the following Unified Court System Chapter 686 projects be and hereby are approved for completion by the Superintendent of Highways and Facilities, contingent upon receipt of written commitment from the Office of Court Administration that 100% reimbursement for such projects will be made to the County within 45 days of submission of an invoice to OCA by the Superintendent of Highways and Facilities:

<u>Code</u>	<u>Work Description</u>	<u>Est. Cost</u>
47g	Air Condition Unit for Co. Judge's Office	\$ 600.00
49g	Solid Door for Jury Deliberation Room	<u>600.00</u>
		\$1,200.00

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

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

Seconded by Supervisor POTTER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 312

Supervisor LAURIA offered the following Resolution and moved its adoption:

**RESOLUTION SUPPORTING A HARD ROCK HOTEL AND CASINO DEVELOPMENT
PROJECT IN RENSSELAER, NEW YORK**

WHEREAS, several developers have submitted qualified proposals to the New York State Gaming Commission to obtain a Casino operating license in the Capital District Region; and

WHEREAS, the Capital District Region Off Track Betting Corporation (CDROTB) has partnered with certain developers in a project at DeLaets Landing, Rensselaer, New York, known as the Hard Rock Hotel and Casino; and

WHEREAS, due to CDROTB partnering as a joint venture in the Hard Rock Casino proposal, a portion of any CDROTB revenue derived from the joint venture will benefit counties that sponsor CDROTB, including Fulton County and 18 others; and

WHEREAS, the Hard Rock Hotel and Casino proposal is the only Capital Region casino proposal that includes such financial benefit to Fulton County in addition to the state-prescribed revenue-sharing formula; and

WHEREAS, CDROTB officials have asked the Board of Supervisors to endorse the Hard Rock Hotel and Casino Development project; and

WHEREAS, CDROTB provided a presentation to the Committee on Economic Development and Environment on August 26, 2014, detailing the Hard Rock Casino project and its revenue-sharing plan; now, therefore be it

RESOLVED, That the Board of Supervisors hereby expresses its support for the siting of a Hard Rock Hotel and Casino in the City of Rensselaer, contingent upon the project including CDROTB in said revenue-sharing joint venture; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Cuomo, NYS Gaming Commission, Capital District Regional Off Track Betting Corporation, City of Rensselaer, Senator Hugh Farley, Assemblyman Marc Butler, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GROFF and adopted by the following vote:

Total: Ayes: 280 (10) Nays: 204 (9) (Supervisors Born, Capek, Christopher, Greene, Howard, Johnson, Kinowski, Waldron and Young Absent: 67 (1) (Supervisor MacVean)

Resolution No. 313

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

RESOLUTION AUTHORIZING CONTRACT WITH MJ ENGINEERING AND LAND SURVEYING, P.C. FOR PRELIMINARY ENGINEERING STUDIES FOR THE REGIONAL BUSINESS PARK (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a “Jump Start Fulton County: Preparing Shovel Ready Site” project; and

WHEREAS, Fulton County and Montgomery County Industrial Development Agency (MCIDA) authorized a Request for Proposals for firms to perform engineering evaluations at the Regional Business Park and eight (8) proposals were received; and

WHEREAS, MCIDA has agreed to share the expense of engineering studies for the Regional Business Park; and

WHEREAS, the Planning Director and Committees on Economic Development & Environment, and Finance recommend awarding a contract to MJ Engineering and Land Surveying, P.C., they having offered 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 between Fulton County and MJ Engineering and Land Surveying, P.C. of Clifton Park, NY to perform engineering studies for the proposed Regional Business Park, in an amount not to exceed \$52,000.00, contingent upon MCIDA reimbursing 50 percent of the cost (\$26,000.00) to Fulton County; 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 and hereby is amended, as follows:

Revenue Account:

Increase H-083-2770.700 Other – Montgomery County IDA (New) \$26,000.00

Appropriation Account:

Increase H-085-6470.100 Jump Start-Shovel Ready Site \$26,000.00

and, be it further

Resolution No. 313 (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 Projects
To: H-085-6470.100 Jump Start-Shovel Ready Site
Sum: \$26,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Montgomery County Industrial Development Agency, Montgomery County Executive, Center for Regional Growth, MJ Engineering, All Engineering Firms, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 314

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

RESOLUTION AUTHORIZING CONTRACT WITH FERGUSON AND FOSS PROFESSIONAL LAND SURVEYORS, P.C. FOR TOPOGRAPHIC AND PROPERTY SURVEY WORK FOR THE REGIONAL BUSINESS PARK (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a “Jump Start Fulton County: Preparing Shovel Ready Site” project; and

WHEREAS, Fulton County and Montgomery County Industrial Development Agency (MCIDA) authorized a Request for Proposals for firms to perform topographic and property surveys at the Regional Business Park and three (3) proposals were received; and

WHEREAS, MCIDA has agreed to share the expense of topographic and property survey work for the Regional Business Park; and

WHEREAS, the Planning Director and Committees on Economic Development & Environment, and Finance recommend awarding a contract to Ferguson & Foss Professional Land Surveyors, PC, they having offered 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 between Fulton County and Ferguson & Foss Professional Land Surveyors, PC, of Johnstown, NY to perform topographic and property surveys for the Regional Business Park, in an amount not to exceed \$17,500.00, contingent upon MCIDA reimbursing 50 percent of the cost (\$8,750.00) to Fulton County; and, be it further

RESOLVED, That said contract subject to the 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 H-083-2770.700 Other – Montgomery County IDA (New) \$8,750.00

Appropriation Account:

Increase H-085-6470.100 Jump Start-Shovel Ready Site \$8,750.00

and, be it further

Resolution No. 314 (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 Projects
To: H-085-6470.100 Jump Start-Shovel Ready Site
Sum: \$8,750.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Montgomery County Industrial Development Agency, Montgomery County Executive, Center for Regional Growth, Ferguson & Foss Professional Land Surveyors, PC, All Other Proposers, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor YOUNG and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 315

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

RESOLUTION AUTHORIZING CONTRACT WITH PLUMLEY ENGINEERING TO EVALUATE THE FEASIBILITY OF RE-ESTABLISHING A RAILROAD SPUR TO THE REGIONAL BUSINESS PARK (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a “Jump Start Fulton County: Preparing Shovel Ready Site” project; and

WHEREAS, Fulton County and Montgomery County Industrial Development Agency (MCIDA) authorized a Request for Proposals for firms to perform an engineering evaluation on the feasibility to re-establish a railroad spur to the Regional Business Park and three (3) proposals were received; and

WHEREAS, MCIDA has agreed to share the expense for an engineering evaluation on the feasibility to re-establish a railroad spur to the Regional Business Park; and

WHEREAS, the Planning Director and Committees on Economic Development & Environment, and Finance recommend awarding a contract to Plumley Engineering, they having offered 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 between Fulton County and Plumley Engineering of Rome, NY to perform an engineering evaluation on the feasibility to re-establish a railroad spur to the Regional Business Park, in an amount not to exceed \$28,350.00, contingent upon MCIDA reimbursing 50 percent of the cost (\$14,175.00) to Fulton County; and, be it further

RESOLVED, That said contract subject to the 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 H-083-2770.700 Other – Montgomery County IDA (New) \$14,175.00

Appropriation Account:

Increase H-085-6470.100 Jump Start-Shovel Ready Site \$14,175.00

and, be it further

Resolution No. 315 (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 Projects
To: H-085-6470.100 Jump Start-Shovel Ready Site
Sum: \$14,175.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Montgomery County Industrial Development Agency, Montgomery County Executive, Center for Regional Growth, Plumley Engineering, All Engineers, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 316

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

RESOLUTION AUTHORIZING CONTRACT WITH HARTGEN ARCHEOLOGICAL ASSOCIATES, INC. FOR A PHASE 1 ARCHEOLOGICAL REPORT FOR THE REGIONAL BUSINESS PARK (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a “Jump Start Fulton County: Preparing Shovel Ready Site” project; and

WHEREAS, Montgomery County Industrial Development Agency (MCIDA) has agreed to share the expense for a Phase 1 Archeological Report for the Regional Business Park; and

WHEREAS, the Planning Director and Committees on Economic Development & Environment, and Finance recommend Hartgen Archeological Associates, Inc. for said project, they having previously prepared a similar report for the same site; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between Fulton County and Hartgen Archeological Associates, Inc. of Rensselaer, NY to prepare an updated Phase 1 Archeological Report for the Regional Business Park, in an amount not to exceed \$1,130.00, contingent upon MCIDA reimbursing 50 percent of the cost (\$565.00) to Fulton County; and, be it further

RESOLVED, That said contract subject to the 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 H-083-2770.700 Other – Montgomery County IDA (New) \$565.00

Appropriation Account:

Increase H-085-6470.100 Jump Start-Shovel Ready Site \$565.00

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-085-6470.100 Jump Start-Shovel Ready Site

Sum: \$565.00

and, be it further

Resolution No. 316 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Montgomery County Industrial Development Agency, Montgomery County Executive, Center for Regional Growth, Hartgen Archeological Associates, Inc., Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 317

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

RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 (INCREASE PROJECT CONTINGENCY ALLOWANCE) TO THE CONTRACT WITH JABLONSKI EXCAVATING FOR THE TRYON INFRASTRUCTURE IMPROVEMENTS PROJECT
(2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a Tryon Technology Park and Incubator Center Project; and

WHEREAS, Fulton County received a \$2 million grant from NYS Empire State Development to fund said project; and

WHEREAS, Resolution 161 of 2014 awarded a bid, dated March 2014, to Jablonski Excavating, Inc., for the Tryon Infrastructure Improvements Project, in an amount of \$1,119, 249.00; and

WHEREAS, Resolution 238 of 2014 authorized Additional Unit Price Contract Work by Jablonski Excavating for the Infrastructure Improvements Project at the Tryon Technology Park and Incubator Center; and

WHEREAS, Resolution 278 of 2014 authorized Change Order 1 (Concrete Foundation Removal) to the Contract with Jablonski Excavating for the Tryon Infrastructure Improvements Project; and

WHEREAS, Resolution 279 of 2014 authorized Change Order No. 2 (Wastewater Line Disconnection) to the Contract with Jablonski Excavating for the Tryon Infrastructure Improvements Project; and

WHEREAS, the Planning Director has reported that the original Project Contingency Allowance of \$30,000.00, set aside for smaller field change orders, has been depleted due to the replacement and reconstruction of underground pipes and other appurtenances not shown on facility construction drawings; and

WHEREAS, to facilitate future Field Change Orders, the Planning Director has requested that the Contingency Allowance for the Jablonski contract be replenished, now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign Change Order No. 3 to the contract with Jablonski Excavation, Inc., of St. Johnsville, NY, to increase the contract Contingency Allowance by \$30,000.00 for the Tryon Infrastructure Improvements Project as follows:

Resolution No. 317 (continued)

Original Contract Amount	\$1,119,249.00
Additional Unit Price Work	366,773.50
Change Order No. 1 (previous)	7,250.00
Change Order No. 2 (previous)	131,825.00
Change Order No. 3	<u>30,000.00</u>
Revised Contract Amount	\$1,655,097.50

and, be it further

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

Revenue Account:

Increase H-083-3500.640 State Aid Tryon Tech Park \$30,000.00

Appropriation Account:

Increase H-085-6430.200 Tryon Tech Park Construction \$30,000.00

and, be it further

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

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 467 (18) Nays: 0 Abstention: 17 (1) (Supervisor Bradt) Absent: 67 (1)
(Supervisor MacVean)

Resolution No. 318

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

RESOLUTION AUTHORIZING A CONTRACT WITH WHITEMAN, OSTERMAN & HANNA FOR LEGAL SERVICES TO CONTEST RECOUPMENT OF CERTAIN FMAP FUNDS BY THE STATE OF NEW YORK (SOCIAL SERVICES)

WHEREAS, Fulton County received a letter from the NYS Department of Health advising of an amount due from Fulton County for overpayment and disallowances of Federal Medical Assistance Percentage (FMAP) payments paid on past qualifying Medicaid claims; and

WHEREAS, the repayment amount claimed by the NYS Department of Health is as follows:

Overpayment of FMAP	:	\$573,430.50
Two-year Claiming Limit (SFY 2006-07)		<u>354,232.50</u>
		\$927,663.00

and

WHEREAS, the Board of Supervisors believes that the State is erroneous in its claim of the amount due from Fulton County and that Fulton County is not being treated equal to other counties relative to the State’s claim for “Two-year Claiming Limit” repayment; and

WHEREAS, the Committees on Human Services and Finance recommend entering into a contract for legal services to contest recoupment of certain FMAP funds by the State of New York; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Human Services and Finance, the Chairman of the Board be and hereby is authorized to sign a contract with Whiteman, Osterman and Hanna for legal services to contest recoupment of certain FMAP funds by the State of New York, at a cost not-to-exceed \$5,000.00, for legal services for initial evaluation of the County’s rights and preliminary negotiations with the Department of Health; and, be it further

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

From: A-285-1990.400 Contingent Fund Expense
To: A-505-6010.424 DSS-Law Svcs Exp
Sum: \$5,000.00

and, be it further

Resolution No. 318 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Whiteman, Osterman and Hanna, Social Services Commissioner Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 319

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

RESOLUTION ABOLISHING CERTAIN POSITIONS IN THE
DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Commissioner of Social Services has proposed to abolish one (1) Housing Specialist position and one (1) Typist position and \$1 fill one (1) Sr. Social Services Investigator position in 2015 to promote efficiency and economy; and

WHEREAS, the Committees on Human Services, Personnel and Finance have reviewed these vacancies, and for reasons of economy and efficiency, recommend abolition of certain positions, in order to achieve cost savings in the 2015 County Budget; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Human Services, Personnel and Finance, the following positions be and hereby are abolished, effective January 1, 2015:

Housing Specialist
Typist

and, be it further

RESOLVED, That the vacant Sr. Social Services Investigator position remain in the Budget at an appropriation of \$1.00 until such time as this position becomes unencumbered, at which time said Sr. Social Services Investigator position shall be abolished by the Personnel Director; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, Personnel Director, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 320

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

RESOLUTION AUTHORIZING PAYMENT FOR A COURT-ORDERED COMMITMENT TO SUNMOUNT FORENSIC UNIT (COMMUNITY SERVICES DEPARTMENT)

WHEREAS, an individual with developmental disabilities was placed at the Sunmount Forensic Unit via a court-ordered commitment; and

WHEREAS, in accordance with New York State Mental Hygiene Law, Fulton County is responsible for 50 percent of the charges; and

WHEREAS, the Director of Community Services has reviewed the circumstances of the committal and the charges and recommends payment of the amounts invoiced to date; now, therefore be it

RESOLVED, that the County Treasurer be and hereby is directed to issue a payment to the Sunmount Forensic Unit in the amount of \$7,649.00 for services rendered June 1 through June 30, 2014; and, be it further

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

Revenue Account:

Increase A-083-4490.000 MH – Fed Salary Sharing \$7,649.00
(A-082-0691.445 Deferred Revenues-Mental Health)

Appropriation Account:

Increase A-445-4310.409 Mental Health – Ct Ords, Consult, Com. \$7,649.00

and, be it further

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, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 321

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

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LEASE OF
THREE (3) SEDANS FOR USE IN THE PUBLIC HEALTH DEPARTMENT**

WHEREAS, the current lease of three (e) sedans for use in the Public Health Department will expire December 31, 2014; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for bids from vendors for the lease of three (3) new sedans for use in the Public Health Department (and according to further specification which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, September 24, 2014; and, be it further

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

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

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 322

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING 2014-15 LEAD GRANT FROM THE
NYS DEPARTMENT OF HEALTH

WHEREAS, the NYS Department of Health has notified the Public Health Director that the County has been awarded a Lead Grant, in the amount of \$46,348.00; and

WHEREAS, said grant will assist in offsetting Lead Clinic expenditures and follow-up for children with elevated lead levels; 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 NYS Department of Health to accept Lead Grant funds, in an amount of \$46,348.00, for the period beginning October 1, 2014 through September 30, 2015; and, be it further

RESOLVED, That said agreement 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, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 323

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

RESOLUTION AUTHORIZING ACCEPTANCE OF ACHIEVEMENT AWARD FUNDS FOR IMPROVED PERFORMANCE IN COMMUNICABLE DISEASE REPORTING BY THE PUBLIC HEALTH DEPARTMENT

WHEREAS, the Public Health Department has been notified that it has been awarded an Achievement Award for improved performance in communicable disease reporting over the previous six month period; now, therefore be it

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

Decrease A-081-0599.000 Approp. Fund Balance	\$12,000.00
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Revenue Account:

Increase A 083-3402.000 Pub Hlth-Grant Revenues	\$12,000.00
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and, be it further

RESOLVED, That the Board of Supervisors also hereby commends the Public Health Director and staff of the Department for their fine work in achieving this recognition; and, be it further

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

Seconded by Supervisor YOUNG and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 324

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

RESOLUTION RE-ESTABLISHING SALARY OF FIFTH ASSISTANT PUBLIC DEFENDER (100% ILSF GRANT)

WHEREAS, Resolution 74 of 2014 accepted an “Upstate Quality Improvement and Caseload Reduction Grant” from the NYS Office of Indigent Legal Services to improve the quality of legal services provided to indigent individuals in Fulton County; and

WHEREAS, upon acceptance of this grant, the Board of Supervisors also approved the Public Defender’s plan for utilization of the grant funds for the period 2014-2016, including increasing the Fifth Assistant Public Defender position salary to a level similar to the other part-time Assistant Public Defenders; and

WHEREAS, a portion of this grant is to be allocated to A-055-1170.100 Pub Def-P/R to supplement the salary of the Fifth Assistant Public Defender in the amount of \$10,000.00, and the amount of \$5,000.00 for benefits, for a total of \$15,000.00, effective immediately; now, therefore be it

RESOLVED, That upon the recommendation of the Public Defender and Committees on Public Safety and Personnel, the part-time Fifth Assistant Public Defender position (Non-Union; permanent rate of \$25,883.00.00 per year) be and hereby is increased to \$35,883.00, effective immediately; 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 GREENE and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 325

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

RESOLUTION AUTHORIZING CONTRACT WITH THE NYS CRIME VICTIMS BOARD FOR THE 2014-2015 CRIME VICTIM ASSISTANCE PROGRAM (DISTRICT ATTORNEY)

WHEREAS, the County of Fulton has been notified that it will receive Crime Victim Assistance Program grant monies, in an annual amount of \$73,015.00, effective October 1, 2014 through September 30, 2015, with a cost breakdown as follows:

NYS Crime Victims Board Reimbursement:	\$73,015.00
County Contribution:	6,437.00
Third Party Existing Paid Resources/In-Kind Svcs	<u>18,500.00</u>
TOTAL	\$97,952.00

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract with the New York State Crime Victims Board, for a total grant of \$73,015.00 for the above-named period; local share to be provided in the amount of \$6,437.00 from current budgetary line items and in-kind and third-party contributions not to exceed \$18,500.00, for a total program cost of \$97,952.00; such program contingent upon approval of said contract by the New York State Comptroller's Office and the County Attorney; and, be it further

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

Seconded by Supervisor GROFF and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 326

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

RESOLUTION AUTHORIZING PURCHASE OF A 32” FLAT SCREEN TELEVISION AND DOOR SECURITY LOCK WITH 2013 EMERGENCY MANAGEMENT PERFORMANCE GRANT (CIVIL DEFENSE/FIRE COORDINATOR)

WHEREAS, Resolution 311 of 2013 accepted a 2013 Emergency Management Performance grant, in a total amount of \$24,902.00 for the Civil Defense/Fire Coordinator’s Office; and

WHEREAS, a balance of approximately \$4,406.00 remains unspent from said grant proceeds; and

WHEREAS, the Civil Defense/Fire Coordinator requests the purchase of a 32” Flat Screen Television and a Door Security Lock for the Civil Defense/Fire Coordinator’s Department with said grant proceeds; now, therefore be it

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

(1) 32” Flat Screen Television	\$ 400.00
(1) Door Security Lock	<u>2,246.00</u>
	\$2,646.00

and, be it further

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

Revenue Account:

Increase A-083-4305.000 Civil Def-SHSP \$2,646.00

Appropriation Account:

Increase A-385-3645.201 Civil Def-SHSP-Equipment \$2,646.00

and, be it further

Resolution No. 326 (continued)

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 HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 327

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

RESOLUTION AMENDING RESOLUTION 245 OF 2014 THAT AUTHORIZED A CONTRACT WITH LIGHT SPEED TECHNOLOGIES (ALCATEL-LUCENT) FOR INTEROPERABLE RADIO COMMUNICATIONS PROJECT TO INCREASE AMOUNT (CIVIL DEFENSE/FIRE COORDINATOR-2014 CAPITAL PLAN)

WHEREAS, Resolution 245 of 2014 authorized a contract with Light Speed Technologies (Alcatel-Lucent) for the Interoperable Radio Communications Project in the amount of \$427,927.00; and

WHEREAS, during meetings between officials from Fulton and Montgomery Counties, the need for certain Geospatial Positioning System (GPS) equipment was identified at a cost of \$18,181.28; and

WHEREAS, this equipment will synchronize Fulton and Montgomery Counties' dispatch centers with GPS and timing equipment, including an antenna and cabling to and from microwave locations; now, therefore be it

RESOLVED, That Resolution 245 of 2014 be and hereby is amended to reflect an the increase to the contract with Light Speed Technologies (Alcatel-Lucent) for the Interoperable Radio Communications Project in the amount of \$18,181.28, for a total contract amount of \$446,108.28; and, be it further

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

Revenue:

Increase H-083-3397.680 State Aid-Public Safety-Capital Project \$18,182.00

Appropriation:

Increase H-085-3020.100 Statewide Interoperable Communications Project \$18,182.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director/Fire Coordinator, Radio Project Consultant Allan Polmateer, Sheriff, Light Speed Technologies, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 328

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING RECOUPMENT PAYMENT TO NYS DEPARTMENT OF MOTOR VEHICLES FOR IMPROPERLY CLASSIFIED SNOWMOBILE REGISTRATIONS

WHEREAS, the Office of the New York State Inspector General issued a report titled “Investigation of Improper Snowmobile Registrations by the Fulton County Department of Motor Vehicles” and

WHEREAS, in accordance with said OIG Report, the Fulton County Clerk received a letter from Barbara J. Fiala, NYS Commissioner of Motor Vehicles, requesting payment of \$10,665.00 representing uncollected registration and trail maintenance fees for the period 2004-2012; now, therefore be it

RESOLVED, That the County Clerk be and hereby is directed to issue a check to the New York State Department of Motor Vehicles in the amount of \$10,665.00; and, be it further

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

From: A-285-1990.400 Contingent Fund Expense
To: A-165-1410.420 Co Clerk-Misc
Sum: \$10,665.00

and, be it further

RESOLVED, That the County Clerk 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, County Clerk, NYS Department of Motor Vehicles, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 329

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING FIVE-YEAR AGREEMENT BETWEEN THE COUNTY OF
FULTON AND THE UNIFIED COURT SYSTEM FOR SECURITY SERVICES
(COURT ATTENDANTS)

WHEREAS, the current contract with the NYS Unified Court System for security services (court attendants) expired on April 1, 2014; and

WHEREAS, the Unified Court System proposes a new five-year agreement for said services, at reimbursement to the County not to exceed \$29,500.00 per year; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement with the NYS Unified Court System to provide a maximum total compensation to be paid by UCS for security services (court attendants) services in the court areas located in the County Office Building, not to exceed \$29,500.00 per year, effective April 1, 2014 through March 31, 2019; 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, County Clerk, Unified Court System, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 330

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING COUNTY PARTICIPATION IN THE LEGAL DEFENSE OF CERTAIN ASSESSMENT REDUCTION ACTIONS WITHIN LOCAL ASSESSING UNITS

WHEREAS, Resolution 293 of 2013 established a policy for County participation in the legal defense of real property tax assessments; and

WHEREAS, said policy specifies that the County will consider participation in the defense of challenges to real property tax assessments under the following conditions:

1. The legal challenge is made to an assessment for a tax parcel or combination of tax parcels with an aggregate full market value of \$500,000.00 or more;
2. Taxing jurisdictions other than the County with interests in the challenged assessment participate meaningfully in the legal defense of the assessment;
3. The County's participation does not exceed an amount or to an extent that represents its proportional interest as reflected by the full value tax rate; and
4. The Board determines that participation is in the best interests of the County and affirmatively acts by resolution to participate.

and

WHEREAS, the County Treasurer recommends County participation in the legal defense of the following assessment reduction actions that meet the above criteria:

City of Johnstown (Johnstown Industrial Park)

Manufacturing Warehouse, 150 Enterprise Drive (SBL 174.18-1-11)

(Requested assessment reduction: \$1,400,000.00 to \$700,000.00)

Town of Johnstown

Large Retail Store, 222 Fifth Avenue Extension (SBL 134.-3-26)

(Requested assessment reduction: \$2,000,000.00 to \$1,155,000.00)

176-Bed Adult Care Center, 847 Cohwy 122 (SBL 117.-3-9.2)

(Requested assessment reduction: \$3,500,000.00 to \$1,000,000.00)

Town of Mayfield

Warehouse/Truck Terminal, Patch Road (SBL 119.-10-22.1)

(Requested assessment reduction: \$3,300,000.00 to \$2,100,000.00)

Town of Stratford:

Six Waterfront Properties on Pleasant Lake

(Requested assessment reduction: \$2,700,000.00 to \$1,300,000.00)

now, therefore be it

Resolution No. 330 (continued)

RESOLVED, That the County Treasurer and County Attorney be and hereby are directed to assist the City of Johnstown Attorney, the Town of Johnstown Attorney, the Town of Mayfield Attorney and Town of Stratford Attorney, as well as the respective school districts in the legal defense of these assessment reduction actions; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Town of Johnstown, Town of Mayfield, Town of Stratford, City of Johnstown, Gloversville Enlarged School District, Greater Johnstown School District, Mayfield Central School District, Dolgeville Central School, Budget Director/County Auditor and Administrative Officer/Clerk of the Board and to each and every other person, agency or institution who may further the purport of this Resolution.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 331

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING COUNTY TREASURER TO CLOSE OUT VIDEO
RECORDING SYSTEM PROJECT (2014 CAPITAL PLAN)**

WHEREAS, the 2014 Capital Plan included a CCTV Video System Update Project at the Fulton County Correctional Facility; and

WHEREAS, this Capital projects has been completed; now, therefore be it

RESOLVED, That the following capital project has been completed and the Budget Director recommends it be closed out and transfer the remaining balance (approximately \$2.00) to the Capital Equipment Reserve:

H-085-3150.100 Video Recording System Project

and, be it further

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

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

Seconded by Supervisor GROFF and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 332

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PARTIAL RECOUPMENT PAYMENT TO THE NYS DEPARTMENT OF HEALTH FOR ADJUSTED ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE PAID UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

WHEREAS, Fulton County received a letter from the NYS Department of Health advising of an amount due for overpayment and disallowances of Enhanced FMAP payments paid on qualifying Medicaid claims; and

WHEREAS, according to said claim letter from the NYS Department of Health, Fulton County was overpaid \$927,663.00, of which \$573,430.00 relates to “overpayment of FMAP and the Upper Payment Limits” and \$354,233.00 relates to disallowed claims due to a “two year claiming limit”; and

WHEREAS, Resolution 211 of 2014 appropriated County matching funds to obtain 2012-2013 Public Nursing Home Medicaid Upper Payment Limit Funds in the amount of \$606,049.00, which were deposited in the Contingent Fund; and

WHEREAS, the Board of Supervisors believes that the State is erroneous in portions of their claim of the amount due for Fulton County and that Fulton County is not being treated equal to other counties; and

WHEREAS, the Committees on Human Services and Finance recommended entering into a contract for legal services to contest recoupment of the disallowed claims related to the “two year claiming limit” by the State of New York; and

WHEREAS, as a result of this pending lawsuit, it is the recommendation of the Committee on Finance to authorize payment of \$573,430.50 to the NYS Department of Health for recoupment of adjusted Enhanced Federal Medical Assistance Percentage paid and withhold the \$354,233.00 related to the “2 Year Claiming Limit”; now, therefore be it

RESOLVED, That the Commissioner of Social Services be and hereby is directed to issue a check for recoupment of Adjusted Enhanced Federal Medical Assistance Percentage (FMAP) to the New York State Department of Health in the amount of \$573,430.50, and, be it further

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

Revenue Account:

Increase A-083-3689.000 State Aid-RHCF Post Closing \$219,197.00

Appropriation Account:

Increase A-505-6100.401 DSS Medicaid Upper Payment Limit \$219,197.00

Resolution No. 332

and, be it further

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

From: A-285-1990.400 Contingent Fund Expense
To: A-505-6100.401 DSS Medicaid Upper Payment Limit
Sum: \$354,233.00

and, be it further

RESOLVED, That the Board of Supervisors hereby reserves its right to contest repayment of any and all amounts claimed by the New York State Department of Health, as summarized herein, if evidence arises that said recoupment demand is erroneous; and, be it further

RESOLVED, That the Budget Director 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, Social Services Commissioner, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 333

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION INCREASING THE WATER DISTRICT NO. 1 CAPITAL RESERVE FUND

WHEREAS, Resolution 225 of 2009 established Capital Reserve Fund for Fulton County Water District No. 1 for unanticipated repairs and maintenance; and

WHEREAS, the Budget Director recommends transferring \$20,000.00 from Water District Fund Balance to the Water District No. 1 Reserve Fund to facilitate future water system repair needs; now, therefore be it

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

From: FX-082-0909.000 Fund Balance
To: FX-082-0878.882 Water District No. 1 Capital Reserve
Sum: \$20,000.00

and, be it further

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

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 334

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION 248 OF 2014 THAT AUTHORIZED A
CONTRACT WITH ALLAN POLMATEER FOR CONSULTING ON COUNTY
INTEROPERABLE RADIO COMMUNICATIONS PROJECT

WHEREAS, Resolution 248 of 2014 authorized a contract with Allan Polmateer to serve as consulting Project Manager on the County Interoperable Radio Communications Project; and

WHEREAS, Project Manager services have been denied as a reimbursable item under the grant; and

WHEREAS, the Budget Director/County Auditor recommends that the Contingent Fund be utilized as an alternate source for the contract cost of \$20,000.00; now, therefore be it

RESOLVED, That Resolution 248 of 2014 be and hereby is amended to reflect the cost of this contract as a charge to A-385-3640.409 Civil Def-Contracts; and, be it further

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

Revenue:

Decrease H-083-3397.680 State Aid-Public Safety-Capital Project \$20,000.00

Appropriation:

Decrease H-085-3020.100 Statewide Interoperable Communications Project \$20,000.00

and, be it further

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

From: A-285-1990.400 Contingent Fund Expense

To: A-385-3640.409 Civil Def-Contracts

Sum: \$20,000.00

and, be it further

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

Seconded by Supervisor GROFF and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 335

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:

Social Services:

Chair Gray (No BC) (Purchased 12/95)
Chair Brown (No BC) (Purchased 12/95)
Chair Green (No BC) (Purchased 12/95)
Chair Tan (No BC) (Purchased 12/95)
Chair Black (No BC) (Purchased 12/95)
Chair (No BC) (Purchased 12/95)
Chair (No BC) (Purchased 12/95)
Chair Blue (No BC) (Purchased 11/05)

Information Services:

HP Laserjet 1100 (No BC) (Purchased Unknown)
Epson Stylus Color 500 Printer (0000146) (Purchased 1/1/89)
VCR with Remote (0004277) (Purchased Unknown)
Gateway 2000 PC (No BC) (Purchased Unknown)
Synoptics LatisHub 2813 (0000160) (Purchased Unknown)
3Com Superstack 3 (0005985) (Purchased 1/29/02)
3Com Superstack 3 (0007051) (Purchased 10/13/06)
3 Com Superstack 3 (0005983) (Purchased 1/29/02)
3 Com Superstack 3 (0007050) (Purchased 10/13/06)
3 Com Superstack 3 (0005979) (Purchased 1/29/02)
DG LDM800 Line Printer (0001023) (Purchased 3/17/97)
HP Laserjet 1200 (0005897) (Purchased 11/19/01)
HP Deskjet 812C (0005012) (Purchased Unknown)
HP Scanner with ADF (0005359) (Purchased 10/26/00)
3Com Superstack 3 (0005654) (Purchased 4/10/01)
3Com Superstack II (No BC) (Purchased Unknown)

Solid Waste:

20 Pneumatic Leachate Pumps (0004622)

Resolution No. 335 (continued)

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

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 336

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING RENEWAL OF SPECIFIC EXCESS EMPLOYERS
LIABILITY INSURANCE POLICY FOR 2014-2015**

WHEREAS, the County of Fulton holds certain specialized liability and property insurance through private insurance carriers; and

WHEREAS, the County also insures certain risks related to the County-wide cooperative Workers Compensation Self-Insurance Program on behalf of all Plan participants; now, therefore be it

RESOLVED, That the County's Specific Excess Employers Liability Insurance Policy be renewed, effective September 1, 2014 through August 31, 2015 with Jacksland Associates, of Johnstown, NY, at an annual estimated premium of \$15,710.00; and, be it further

RESOLVED, That said policy includes the following terms:

Employers Liability:	\$475,000.00 per occurrence
Self-Insured Retention:	25,000.00 each occurrence

and, be it further

RESOLVED, That said cost be a charge against S-085-1722.404 Work Comp-Insurance; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Jacksland Associates, Workers Compensation Program, Budget Director/County Auditor, Administrative Officer/ Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 337

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS

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

From: A-285-1990.400 Contingent Fund Expense

To: A-085-1325.110 Co Treasurer-OT

Sum: \$4,500.00

From: A-345-3150.462 Jail-Medical Supplies

To: A-345-3150.200 Jail-Equipment

Sum: \$99.00

From: A-385-3640.100 Civil Def-P/R

To: A-385-3640.110 Civil Def-OT

Sum: \$750.00

From: A-405-4189.200 Public Health-Other/Equipment

To: A-405-4189.411 Public Health-Other/Expenses

Sum: \$400.00

From: DM-825-9550.900 Rd Machinery-Trans/Reserve Fund

To: DM-082-0883.000 Reserve-Rd Machinery Fuel System Repair

Sum: \$2,055.00

From: EW-082-0878.000 CL Bldg/Equipment Depreciation

To: EW-082-0909.000 Fund Balance

Sum: \$40,000.00

From: FX-885-9950.882 Water District-Repair Surcharge

To: FX-082-0878.882 Water District No. 1 Capital Reserve

Sum: \$3,000.00

and, be it further

Resolution No. 337 (continued)

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

Revenue:

Increase A-083-2085.000 OFA-Pvt Grants \$ 5,000.00

Appropriation:

Increase A-685-7610.407 OFA-Postage \$2,000.00
Increase A-685-7610.453 OFA-Office Supplies \$3,000.00
(T-082-0102.000)

Revenue:

S-083-2701.000 Work Comp-Refund Prior Yrs. \$22,700.00

Appropriation:

S-085-1710.414 Work Comp-Legal/Medical Services \$22,700.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Sheriff, Public Health Director, Office for Aging Director, Superintendent of Highways and Facilities, Civil Defense Director/Fire Coordinator, Worker's Compensation, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTUSO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)

Resolution No. 338

Supervisor WALDRON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING APPLICATION FOR PSAP GRANT FROM NEW YORK STATE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES

WHEREAS, by letter dated August 28, 2014, the County was notified of the availability of a Public Safety Answering Points Operations Grant to make investments in new functionality and/or technology to improve emergency dispatch systems; and

WHEREAS, the tentative award amount that Fulton County is eligible for is \$193,606.00; and

WHEREAS, the Sheriff desires to submit an application to the New York State Department of Homeland Security and Emergency Services for a 2014-2015 PSAP Operations Grant to fund upgrades and/or replacement of the existing PSAP that supports county-wide public safety dispatch services; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Public Safety, the Chairman of the Board be and hereby is authorized to submit an application to the New York State Department of Homeland Security and Emergency Services for PSAP grant funds, in an amount of approximately \$193,606.00; and, be it further

RESOLVED, That if said grant application is approved, the Sheriff shall return to the Board of Supervisors with a detailed plan for use of the grant funds and proceeding shall be subject to the Board of Supervisors approval by resolution; and, be it further

RESOLVED, That the Sheriff and E911 Coordinator do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, E911 Coordinator, NYS Department of Homeland Security and Emergency Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor MacVean)