

SECOND REGULAR SESSION

Johnstown, NY

February 11, 2019

Roll Call – Quorum Present

Supervisors: Argotsinger, Blackmon, Born, Bradt, Callery, Fagan, Greene, Groff, Handy, Howard, Kinowski, Perry, Potter, Selmser, Wilson, Young

TOTAL: Present: 16 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Chairman Wilson called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance, Chairman Wilson asked Supervisor Groff, Sheriff Richard Giardino and Captain Daniel Larkin of the NYS Police to come forward.

Sheriff Giardino introduced Captain Larkin to the audience. Sheriff Giardino explained about the structure fire that occurred on Nine Mile Tree Road in the Town of Mayfield on January 13, 2019, and the heroic actions of Deputy Sheriff Robert Furman and Troopers Ron Dacre and Russ Dennie on that day. Sheriff Giardino also thanked the Board for recognizing the Officers.

Captain Daniel Larkin advised that his Department and the Fulton County Sheriff have a good working relationship and wanted to acknowledge the actions of both departments on January 13, 2019. All Officers put themselves in harms-way by entering a burning home. Their heroic actions rescued a woman who would have perished in the fire. He is very proud to work with both Departments. He concluded with “Congratulations Gentleman!”

Chairman Wilson then asked the officers to come forward to receive Proclamations of Commendation. Chairman Wilson stated “hats off to you” and thanked them for their service.

Mr. Stead, Administrative Officer/Clerk of the Board, read the Proclamation of Commendation on behalf of the Board:

PROCLAMATIONS

COMMENDING NEW YORK STATE TROOPER RUSS DENNIE FOR HEROIC ACTIONS DURING THE NINE MILE TREE ROAD FIRE

WHEREAS, on January 13, 2019, State Trooper Russ Dennie and other first responders were called to a structure fire at 434 Nine Mile Tree Road in the Town of Mayfield; and

WHEREAS, this particular event was a dangerous situation that endangered the home’s residents; and

WHEREAS, at great personal risk, Trooper Dennie partnered in the dramatic extrication of a resident that was trapped inside the burning home; and

RESOLVED, That the Board of Supervisors hereby commends Trooper Russ Dennie for his standout performance and heroism at said fire; and, be it further

RESOLVED, That the Board of Supervisors hereby also extends its appreciation to Officer Dennie on behalf of the entire Fulton County community.

COMMENDING NEW YORK STATE TROOPER RON DACRE FOR HEROIC ACTIONS DURING THE NINE MILE TREE ROAD FIRE

WHEREAS, on January 13, 2019, State Trooper Ron Dacre and other first responders were called to a structure fire at 434 Nine Mile Tree Road in the Town of Mayfield; and

WHEREAS, this particular event was a dangerous situation that endangered the home's residents; and

WHEREAS, at great personal risk, Trooper Dacre partnered in the dramatic extrication of a resident that was trapped inside the burning home; and

RESOLVED, That the Board of Supervisors hereby commends Trooper Ron Dacre for his standout performance and heroism at said fire; and, be it further

RESOLVED, That the Board of Supervisors hereby also extends its appreciation to Officer Dacre on behalf of the entire Fulton County community.

COMMENDING FULTON COUNTY DEPUTY SHERIFF ROBERT FURMAN FOR HEROIC ACTIONS DURING THE NINE MILE TREE ROAD FIRE

WHEREAS, on January 13, 2019, Fulton County Deputy Sheriff Robert Furman and other first responders were called to a structure fire at 434 Nine Mile Tree Road in the Town of Mayfield; and

WHEREAS, this particular event was a dangerous situation that endangered the home's residents; and

WHEREAS, at great personal risk, Deputy Furman partnered in the dramatic extrication of a resident that was trapped inside the burning home; and

RESOLVED, That the Board of Supervisors hereby commends Deputy Sheriff Robert Furman for his standout performance and heroism at said fire; and, be it further

RESOLVED, That the Board of Supervisors hereby also extends its appreciation to Officer Furman on behalf of the entire Fulton County community.

Chairman Wilson called for a five (5) minute recess at 1:11 p.m.

Chairman Wilson called the meeting back to order at 1:18 p.m.

Chairman Wilson then asked if there was anyone from the public who wished to address the Board.

Jerry Ryan, 37 Wooster Street, Gloversville: Mr. Ryan advised that he was at the meeting today to talk about the homelessness in Fulton County. He wanted to elaborate on the recent Guest Editorial that Supervisor Young submitted to *The Leader Herald*. He also referred to a statistic that Commissioner of the Department of Social Services recently provided that in 2018 there were over 500 families (totaling 800 people) that were homeless in Fulton County at one time or another. He explained that this population includes “our neighbors”. He added that all Social Services agencies in our area have done a “tremendous job” trying to combat homelessness. Also that the school systems are doing a “yeomen’s job”. He asked that the County reconsider the opportunity to join the Continuum of Care Consortium. He advised that there is 2 billion dollars being provided through the Trump Administration for municipalities to design and deliver customized programs for addressing homelessness. He stressed that it was very important that Fulton County have a plan and delivery system to combat homelessness. This is a federal grant that will cost the County no money, only time.

Chairman Wilson then asked Mr. Stead for the reading of the Communications and Reports on the Agenda.

COMMUNICATIONS

1. Communication from NYS Adirondack Park Agency
Subj: Final Supplemental Environmental Impact Statement, dated December 2018
(Supervisors Howard and Selmser requested a copy)
2. Communication from NYSAC, dated 4 January 2019
Subj: Letter to Governor Cuomo regarding expanding cellular service coverage to rural parts of New York State (Supervisors Born, Greene, Lauria, Perry and Wilson requested a copy)

REPORTS

- A. 2018 Annual Report, Fulton County Citizens in Community Service
- B. 2018 Annual Report, Fulton County Solid Waste Department
- C. 2018 Annual Report, Fulton County Board of Elections

LATE NOTE: Resolution No. 36 Allowing the Sheriff to Utilize 68 E. Fulton Street, Gloversville for Tactical Training has been Withdrawn

UPDATES FROM STANDING COMMITTEES

(No updates)

REPORTS OF SPECIAL COMMITTEES

Inter-County Legislative Conference of the Adirondacks: Supervisor Perry advised that the Inter-County meeting was held on January 24 at Oak Mountain Ski Center, Speculator, NY. A presentation was given by Lynn Zimmerman and Greeley Ford of AT&T regarding the First Net Emergency Network.

Mr. Stead advised Supervisors that there was a document on their desk with information regarding the recent closing of the Ambulance Service of Fulton County and the actions and steps that were taken by the Emergency Management Office.

Supervisor Born, Chairperson of the Human Services Committee, advised that she has received a lot of questions regarding the closure of the Ambulance Service of Fulton County. She explained that the County was very fortunate to have Mr. Santa Maria as our Emergency Management Director. As Supervisors, our job is to make sure that medical coverage remains stable for our constituents.

Supervisor Groff said that he also wanted to thank Mark Souza, EMS Coordinator, for his help.

CHAIRMAN'S REPORT

Chairman Wilson advised that he and Mr. Stead have been involved in the discussion of the Ambulance Service of Fulton County related to Friday's notification. Chairman Wilson also advised that he couldn't say enough about Mark Souza EMS Coordinator in Fulton County professionalism. He wanted to also thank Steve Santa Maria, Beth Putman, of the Emergency Management Office and Bruce Heberer, Fire Chief in Johnstown. Also, that there will be a meeting with the NYS Department of Health tomorrow. He also said that he is taking the situation very seriously and the people of our county deserve to have an ambulance when needed in an emergency.

Mr. Stead added that the County put together a team Friday afternoon and a quick response mutual aid plan was put in place. Mr. Stead advised that there is a good interim plan with a long range plan forthcoming. He also thanked volunteer and staff ambulance personnel who have stepped up to help out.

Supervisor Fagan wanted to thank area volunteer firemen also.

RESOLUTIONS

No. 48 (Resolution Adopting New Discriminatory Harassment Prevention Policy and Complaint Procedure for the County of Fulton): Mr. Stead explained that the County previously had one (1) policy. One section is a Sexual Harassment Policy and one section is a Policy for Dealing with Discriminatory Harassment Complaints. The state passed new legislation in 2018 for all employers that will require the County to separate the policies into different documents. He further explained that, in the first step, the Board of Supervisors

adopted a Sexual Harassment Policy for the County of Fulton at the end of last year. Today, in the second step, the proposed policy is for adoption of a New Discriminatory Harassment Policy.

No. 53 (Resolution Establishing the New Neighborhood Plan: School Safety Project – 2019 Capital Plan): Supervisor Callery asked where the new equipment would be stored. Mr. Stead explained that most of the equipment would be stored in “go bags” in police cars for officers to use when responding to a school building emergency.

No. 79 (Resolution Authorizing the Sale of Tax Foreclosed Property (SBL# 149.-1-51 in the Town of Johnstown to Anthony & Michelle Ambrosino): Supervisor Callery advised that during the Finance Committee Meeting, County Treasurer Blodgett was asked to contact the other adjoining neighbor to see if there was any interest in the property. Mr. Stead confirmed that was done and the neighbor had no interest in the property.

Supervisor Young announced that he was recusing himself from the FMCC contract deliberations and left the meeting at 2:06 p.m.

Upon a motion by Supervisor Fagan, seconded by Supervisor Callery and unanimously carried, the Committee entered into Executive Session at 2:06 p.m. to discuss collective bargaining.

(Supervisor Young re-entered the meeting at 2:13 p.m.)

(Supervisor Lauria arrived at the meeting at 2:21 p.m.)

Upon a motion by Supervisor Fagan, seconded by Supervisor Selmsler and unanimously carried, the Committee re-entered into Regular Session at 2:26 p.m.

(Supervisor Young left the meeting at 2:48 p.m.)

(Supervisor Young re-entered the meeting at 2:49 p.m.)

NEW BUSINESS

Supervisor Young commended GAVAC and JAVAC for stepping up and helping out on ambulance coverage for the area. He also stated that it is “unfortunate” that there is no state funding to help out ambulance services. Supervisor Young also commented that it would make sense for Fulton County to get involved in joining the Continuum of Care Consortium and that he is looking forward to discussing this further with the Human Services Committee.

Supervisor Callery advised that is not fair to the Ambulance Service of Fulton County that they have to accept the Medicaid rate and as a private ambulance company are losing money.

Supervisor Groff wanted to express his thanks to MOVAC, GAVAC, JAVAC, St. Johnsville Area Volunteer Ambulance Corps and Northampton Volunteer Ambulance Corps for stepping up and that Northampton is covering the lower half of Hamilton County.

Supervisor Perry advised that the Great Sacandaga Lake Advisory Council recently donated \$25,000.00 to a local charity. Perhaps Mr. Ryan should address that Council at its next meeting.

Sgt. Matt VanValkenburg, Fulton County Sheriff's Department, commented that a thank you should also be given to the Communications Specialists at the Sheriff's Department for routing and handling all calls for ambulance service during the interim plan.

Upon a motion by Supervisor Callery, seconded by Supervisor Fagan and unanimously carried, the Committee adjourned at 2:56 p.m.

Certified by:

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

Resolution No. 29

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

RESOLUTION ACCEPTING STATE MATCHING FUNDS FOR 2019
“I LOVE NEW YORK” TOURISM PROGRAM

WHEREAS, Resolution 371 of 2018 authorized submittal of a grant application for “I Love New York” Tourism Matching Funds for 2019 estimated to be \$70,435.00; and

WHEREAS, the County of Fulton has been advised that it has been awarded up to \$68,192.00 for its 2019 Tourism Matching Funds Program; and

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

RESOLVED, That the Fulton County Board of Supervisors, by this Resolution, hereby accepts 2019 Tourism Matching Funds, in an amount of \$68,192.00 (Fulton County to match its share of \$68,192.00) for 2019; and, be it further

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

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

Seconded by Supervisor POTTER and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 30

Supervisor KINOWSKI offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING TRANSFER OF OWNERSHIP OF
WATER DISTRICT NO. 1 BOOSTER STATION (FON CLAIR TERRACE EXTENSION)
TO THE CITY OF JOHNSTOWN

WHEREAS, Resolution 341 of 2005 established Fulton County Water District No. 1; and

WHEREAS, Resolution 266 of 2018 authorized a “SMART Waters” Inter-municipal Agreement between Fulton County, City of Johnstown Common Council, and the Johnstown Water Board for purchase of water; and

WHEREAS, said 2018 SMART Waters” Inter-municipal Agreement between Fulton County, City of Johnstown Common Council, and the Johnstown Water Board requires the Water Board to take ownership of the Water Booster Station located at the intersection of Fon Clair Terrace Extension and NYS Route 30A; now, therefore be it

RESOLVED, That based upon the recommendation of the Committee on Economic Development and Environment, the Chairman of the Board, be and hereby is, authorized to complete any and all documentation to transfer said Booster Station to the City of Johnstown Water Board; and, be it further

RESOLVED, That such transfer shall be completed subject to approval of the County Attorney; and, be it further

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

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 31

Supervisor KINOWSKI offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A TRANSFER OF OWNERSHIP OF WATER DISTRICT
NO. 1 ELEVATED WATER TANK (AIRPORT LOCATION) TO THE CITY OF
JOHNSTOWN WITH ASSOCIATED GROUND LEASE

WHEREAS, Resolution 341 of 2005 established Fulton County Water District No. 1; and

WHEREAS, Resolution 266 of 2018 authorized a “SMART Waters” Inter-municipal Agreement between Fulton County, City of Johnstown Common Council, and the Johnstown Water Board for purchase of water; and

WHEREAS, said 2018 SMART Waters” Inter-municipal Agreement between Fulton County, City of Johnstown Common Council, and the Johnstown Water Board requires the Water Board to take ownership of the Elevated Water Tank located at the Fulton County Airport; now, therefore be it

RESOLVED, That based upon the recommendation of the Committee on Economic Development and Environment, the Chairman of the Board, be and hereby is, authorized to complete any and all documentation to transfer said water tank to the City of Johnstown Water Board; and, be it further

RESOLVED, That such transfer shall be completed subject to approval of the County Attorney; and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 32

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

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH BELLAMY CONSTRUCTION COMPANY TO EXTEND REQUIRED COMPLETION DATE FOR THE VAIL MILLS SEWER SYSTEM PROJECT (2018 CAPITAL PLAN)

WHEREAS, the 2018 Capital Plan includes a Vail Mills Sewer System Project; and

WHEREAS, Resolution 140 of 2018 awarded a bid to Bellamy Construction Company for said Vail Mills Sewer System Project as a component of the SMART Waters Initiative; and

WHEREAS, the Planning Director has advised that the project was delayed by unusually inclement weather in the fall of 2018, resulting in additional days of construction by Bellamy Construction Company; and

WHEREAS, the Committees on Economic Development and Environment and Finance have recommended that the required completion date for construction be extended; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign Change Order No. 1 to the contract with Bellamy Construction Company for the Vail Mills Sewer System Project to extend the required completion date by 147 days as follows:

	Original Contract Time	Original Contract Dates	Change Order No. 1	Revised Contract Time	Revised Contract Dates
Substantial Completion	180 days	1/4/19	(add) 147 days	327 days	5/31/19
Final Payment Closeout	210 days	2/3/19	(add) 147 days	357 days	6/30/19

and, be it further

Resolution No. 32 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Superintendent of Highways and Facilities, Bellamy Construction, Environmental Design Partnership, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 33

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

RESOLUTION AUTHORIZING EXECUTION OF INCENTIVE PROPOSAL TO ACCEPT AN EMPIRE STATE DEVELOPMENT GRANT FOR THE PRIMARY ELECTRIC SERVICE PROJECT AT THE TRYON TECHNOLOGY PARK (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan includes a Tryon Electric Service Project for the Tryon Technology Park in the amount of \$600,000.00; and

WHEREAS, Fulton County submitted a NYS Consolidated Funding Application (CFA) to request a grant to assist in funding said Tryon Electric Service Project; and

WHEREAS, the County has been notified that it was awarded an Empire State Development Grant in the amount of \$100,000.00 to help fund said project; and

WHEREAS, in order to accept said Capital Grant from NYS Empire State Development (ESD), the required Incentive Proposal must be accompanied by the following application fees:

Empire State Development Grant Application Fee	\$250.00
Fulton County 1% Commitment Fee	\$1,000.00
Public Hearing Expenses	<u>\$750.00</u>
	\$2,000.00

now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment, and Finance, the Chairman of the Board be and herby is authorized to execute the required ESD Incentive Proposal between Fulton County and Empire State Development in an amount not to exceed \$100,000.00 and pay \$2,000.00 in fees for the Tryon Electric Service Project at the Tryon Technology Park (2019 Capital Plan); said agreement subject to the approval of the County Attorney and, be it further

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

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 34

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

RESOLUTION AUTHORIZING ACCEPTANCE OF A COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE NYS OFFICE OF COMMUNITY RENEWAL TO OPERATE A FULTON COUNTY 2018 MICRO-ENTERPRISE GRANT PROGRAM

WHEREAS, Resolution 255 of 2018 authorized 2018 Community Development Block Grant (CDBG) application to the NYS Office of Community Renewal to Operate a Fulton County Micro-Enterprise Grant Program and set the date of a Public Hearing regarding said application; and

WHEREAS, the CRG proposes to administer said grant program on behalf of the County in a grant amount of \$200,000.00; and

WHEREAS, the Micro-Enterprise Grant program is intended to provide grants up to \$35,000.00 to small businesses with five or less full-time employees to assist with start-up or expansion costs; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment and Finance, the Chairman of the Board be and hereby is authorized to execute an agreement with the New York State Office of Community Renewal for a Community Development Block Grant (CDBG), in the amount of \$200,000.00 to operate a “Fulton County Micro-Enterprise Grant” program to benefit area businesses; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fulton County Center for Regional Growth, Fulton County Industrial Development Agency, Fulton Montgomery Regional Chamber of Commerce, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 35

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

RESOLUTION AUTHORIZING A CONTRACT WITH FULTON COUNTY CENTER FOR REGIONAL GROWTH TO ADMINISTER A FULTON COUNTY 2018 MICRO-ENTERPRISE GRANT PROGRAM

WHEREAS, Resolution 255 of 2018 authorized a 2018 Community Development Block Grant (CDBG) application to the NYS Office of Community Renewal to Operate a Fulton County Micro-Enterprise Grant Program and set the date of a Public Hearing regarding said application; and

WHEREAS, the Board of Supervisors has been notified that it has been awarded a 2018 Micro-Enterprise Grant and elects to make provisions to administer and distribute grant proceeds to benefit area small businesses; and

WHEREAS, the 2018 Micro-Enterprise Grant Program requires an agreement to appoint Fulton County CRG as a sub-recipient and administrator of said grant on behalf of the County of Fulton; and

WHEREAS, under said proposed Agreement, CRG will provide administrative and program delivery services required under the HUD Community Development Block Grant Program on behalf of the County; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment, and Finance, the Chairman of the Board be and hereby is authorized to execute an agreement in the amount of \$10,000.00 between the County and the Fulton County Center for Regional Growth to administer the 2018 Micro-Enterprise Grant Program, including appointing CRG as a sub recipient and administrator as follows:

- Administrative and Program Delivery Services
- Grant compliance services to be provided by third party consultant
- Out-of-Pocket expenses, services, materials, reproduction costs, long distance telephone calls
- Travel Expenses

and, be it further

Resolution No. 35 (Continued)

RESOLVED, That certified copies of this Resolution to be forwarded to the County Treasurer, Fulton County Center for Regional Growth, Fulton County Industrial Development Agency, Fulton Montgomery Regional Chamber of Commerce, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 36

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

RESOLUTION AUTHORIZING A CONTRACT WITH FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR CERTAIN 2019 DEVELOPMENT COSTS AT TRYON TECHNOLOGY PARK

WHEREAS, title to the former Tryon Campus was transferred from the State of New York to the Fulton County Industrial Development Agency (IDA) to facilitate its re-development into the Tryon Technology Park; and

WHEREAS, said redevelopment is an economic growth goal of the Board of Supervisors and has been a joint project by County government and the IDA; and

WHEREAS, the Planning Director is recommending that Fulton County contract with the Industrial Development Agency for certain development costs as Tryon Technology Park such as insurance, mowing, repairs and other maintenance; and

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment and Finance, the Chairman of the Board be and hereby is authorized to sign a contract with the Fulton County Industrial Development Agency for certain 2019 Development Costs at the Tryon Technology Park in an amount not to exceed \$15,000.00; now, therefore, be it

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

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Fulton County Industrial Development Agency, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 37

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

RESOLUTION AUTHORIZING USER AGREEMENTS BETWEEN THE FULTON COUNTY WATER AND SEWER AGENCY AND PROPERTY OWNERS WITHIN FULTON COUNTY SEWER DISTRICT NO. 2: VAIL MILLS

WHEREAS, Resolution 47 of 2018 established Fulton County Sewer District No. 2: Vail Mills; and

WHEREAS, pursuant to Article 5-A of NYS County Law, Resolution 320 of 2002 designated the Board of Supervisors to act as the “Fulton County Water and Sewer Agency” exercising governance authority over Fulton County Sewer District No. 2: Vail Mills; and

WHEREAS, Resolution 265 of 2018 authorized an Inter-municipal Agreement between Fulton County and the Village of Broadalbin for use of its Wastewater Treatment Plant; and

WHEREAS, formal requests have been received from four (4) property owners requesting connection to the County sewer line for their premises as listed below:

Property Address	SBL
1. 3677 State Highway 30	152.-3-22.2
2. 3707 and 3711 State Highway 30	152.-6-5.5
3. 3748 State Highway 30	152.-10-2
4. 158 Bellen Road	152.-7-5

now, therefore be it

RESOLVED, That the Board of Supervisors hereby approves the request from said property owners to connect their premises, for service from Fulton County Sewer District No. 2: Vail Mills; and, be it further

RESOLVED, That the Board of Supervisors delegates the authority for approval and execution for any required User Agreements between the Fulton County Water and Sewer Agency and property owners within Fulton County Sewer District No. 2: Vail Mills to the Fulton County Planning Director; and be it further

Resolution No. 37 (Continued)

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 38

Supervisor BORN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING MEAL EXPENSES FOR CERTAIN SCHEDULED EVENTS
IN THE OFFICE FOR AGING AND YOUTH BUREAU (2019)**

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

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

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

AGING events:

- Monthly Support Group Meetings
- Periodically at Office for Aging Advisory Council Meetings
- NYConnects Community Event – TBA
- Office for Aging Senior Picnic – August 1, 2019
- Hat’s Off to Caregivers Event – November

YOUTH events:

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

now, therefore be it

RESOLVED, That the OFA Director/Youth Bureau Director is hereby authorized to include light meals, light refreshments and room rental, if necessary, as part of planning for the aforementioned sessions during 2019, subject to said costs being in accordance with State and/or Federal agency guidelines; and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 39

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

RESOLUTION TEMPORARILY INCREASING HOURS OF A PART-TIME AGING SERVICES SPECIALIST POSITION (OFFICE FOR AGING)

WHEREAS, the OFA Director has requested that the part-time Aging Services Specialist position hours be increased from 17 hours per week to 19.5 hours per week on a temporary basis until a Typist is hired within the department; and

WHEREAS, the Committees on Human Services and Personnel have evaluated the service needs of the community and recommend temporarily increasing the Aging Services Specialist position from 17 hours per week to 19.5 hours per week, effective February 8, 2019 and until a full-time Typist is hired; now, therefore be it

RESOLVED, That effective February 8, 2019, the Aging Specialist position hours be and hereby are temporarily increased from 17 hours per week to 19.5 hours per week until a full-time Typist is hired; and, be it further

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 40

Supervisor BORN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ACCEPTANCE OF NORTH COUNTRY
DSRIP PROJECT FUNDS (PUBLIC HEALTH DEPARTMENT)**

WHEREAS, Fulton County is to receive \$29,051.15 in project funds via the Adirondack Health Institute under an agreement with North Country Delivery System Reform Incentive Payment (DSRIP) program; and

WHEREAS, said DSRIP funding is administered by the Adirondack Health Institute for distribution to the Public Health Department; and

WHEREAS, said funding constitutes reimbursement to the Public Health Department for completing work tasks related to “P4P” (Pay for Performance) during 2019; 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 North Country DSRIP to accept project funds in the amount of \$29,051.15; said agreement subject to the approval of the County Attorney; and, be it further

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

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 41

Supervisor BORN offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING CHILDREN WITH SPECIAL HEALTH CARE NEEDS
PROGRAM GRANT FUNDS FROM THE NYS DEPARTMENT OF HEALTH (2018-2019)**

WHEREAS, the Fulton County Public Health Director recommends an agreement for acceptance of 2018-19 Children with Special Health Care Needs Program Grant from the NYS Department of Health; 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 a Children with Special Health Care Needs Program grant, in an amount of \$18,592.00, for the period beginning October 1, 2018 through September 30, 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, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 42

Supervisor BORN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ACCEPTANCE OF 2018-2019 CHILDHOOD LEAD
POISONING PREVENTION GRANT FROM THE NYS DEPARTMENT OF HEALTH
(PUBLIC HEALTH DEPARTMENT)

WHEREAS, the Fulton County Public Health Director recommends an agreement for acceptance of 2018-19 Childhood Lead Poisoning Prevention Grant from the NYS Department of Health; 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 a Childhood Lead Poisoning Prevention Grant, in an amount of \$48,665.00, for the period beginning October 1, 2018 through September 30, 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, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 43

Supervisor BORN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ACCEPTANCE OF 2018-2019 EARLY INTERVENTION
ADMINISTRATION GRANT FROM THE NYS DEPARTMENT OF HEALTH
(PUBLIC HEALTH DEPARTMENT)

WHEREAS, the Fulton County Public Health Director recommends an agreement for acceptance of 2018-19 Early Intervention Administration grant from the NYS Department of Health; 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 a Early Intervention Administration, in an amount of \$22,398.00, for the period beginning October 1, 2018 through September 30, 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, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 44

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

RESOLUTION ACCEPTING ADDITIONAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AWARD FUNDS AND AUTHORIZING CERTAIN PURCHASES WITH SAID FUNDS (SOCIAL SERVICES DEPARTMENT)

WHEREAS, Resolution 372 of 2018 accepted a 2018 Supplemental Nutrition Assistance Program (SNAP) award to be used for the purchase of certain equipment and renovations in the Social Services Department including a Handicapped Accessible Door with Automatic Opener; and

WHEREAS, subsequently, it was discovered that the cost of the Handicapped Accessible Door with Automatic Opener exceeded what was available from said SNAP Grant; and

WHEREAS, the Commissioner of Social Services reapplied for additional SNAP Award funds and said grant was increased to cover 50 percent (\$13,400.00) of the actual cost of the Door/Opener as well as \$2,050.00 for a Public Address Amplifier and Safety Film for Reception Room Glass; and

WHEREAS, federal SNAP reimbursement will cover the other 50 percent of the total cost of \$26,800.00 for the Door/Opener; now, therefore be it

RESOLVED, That the Commissioner of Social Services is hereby authorized to use the aforementioned SNAP funds to purchase the following:

- | | |
|---|-----------------|
| • Handicapped Accessible Door w/ Automatic Opener | \$26,800.00 |
| • (1) Public Address Amplifier | 850.00 |
| • Safety Film for Reception Room Glass | <u>1,200.00</u> |
| | \$28,850.00 |

and, be it further

Resolution No. 44 (Continued)

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

Revenue

Increase A.6010.6010-4610 - REV- Federal Aid - DSS – Administration	\$ 14,425.00
Increase A.6010.6010-3610 – REV–DSS –Administration	\$ 14,425.00

Appropriation

Increase A.6010.6010-4010 – EXP – Equipment – Non-Asset	\$ 850.00
Increase A.6010.6010-4180 – EXP - Renovations	\$28,000.00

and, be it further

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

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 45

Supervisor BORN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH AUCTIONS INTERNATIONAL CORPORATION FOR SALE OF OBSOLETE OFFICE EQUIPMENT (SOCIAL SERVICES)

WHEREAS, the Social Services Commissioner has recommended a contract with Auctions International Corporation to sell surplus computer equipment on behalf of the County; and

WHEREAS, there is no cost to the County to utilize Auctions International Corporation because it charges purchasers a “buyer premium” added to the bid price; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract between the County of Fulton and Auctions International Corporation, of East Aurora, NY, to sell surplus computer equipment, with compensation equaling a Buyer’s Premium of 10 percent as follows:

<u>Bar Code:</u>	<u>Item:</u>	<u>Bar Code:</u>	<u>Item:</u>	<u>Bar Code:</u>	<u>Item:</u>
0002680	file cabinet	0002760	file cabinet	0002834	file cabinet
0002681	file cabinet	0002765	file cabinet	0002835	file cabinet
0002687	file cabinet	0002766	file cabinet	0002836	file cabinet
0002688	file cabinet	0002768	file cabinet	0002837	file cabinet
0002689	file cabinet	0002784	file cabinet	0002838	file cabinet
0002703	file cabinet	0002786	file cabinet	0002839	file cabinet
0002706	file cabinet	0002787	file cabinet	0002840	file cabinet
0002707	file cabinet	0002788	file cabinet	0002842	file cabinet
0002710	file cabinet	0002790	file cabinet	0002843	file cabinet
0002712	file cabinet	0002791	file cabinet	0002844	file cabinet
0002713	file cabinet	0002792	file cabinet	0002846	file cabinet
0002720	file cabinet	0002793	file cabinet	0002847	file cabinet
0002721	file cabinet	0002794	file cabinet	0002848	file cabinet
0002722	file cabinet	0002796	file cabinet	0002849	file cabinet
0002723	file cabinet	0002798	file cabinet	0002864	typewriter
0002724	file cabinet	0002799	file cabinet	0002950	desk
0002725	file cabinet	0002802	file cabinet	0002952	desk
0002726	file cabinet	0002803	file cabinet	0002829	file cabinet
0002727	file cabinet	0002805	file cabinet	0002759	file cabinet
0002728	file cabinet	0002808	file cabinet	0002989	small table
0002729	file cabinet	0002810	file cabinet	0002997	typewriter
0002730	file cabinet	0002812	file cabinet	0003081	desk
0002733	file cabinet	0002814	file cabinet	0003121	desk
0002743	file cabinet	0002824	file cabinet	0003151	desk
0002754	file cabinet	0002825	file cabinet	0003185	table
0002755	file cabinet	0002826	file cabinet	0003296	desk
0002758	file cabinet	0002828	file cabinet	0004204	small table

Resolution No. 45 (Continued)

<u>Bar Code:</u>	<u>Item:</u>
0005853	workstation
0005855	workstation
0005857	workstation
0005859	workstation
0005860	workstation
0005861	workstation
0005864	workstation
0005865	workstation
0006038	workstation
0006041	workstation
0006044	workstation
0006045	workstation
0006050	workstation
0006051	workstation
0007568	projector
0007569	smart board

and, be it further

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

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

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 46

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A PAID LEAVE OF ABSENCE FOR PROBATION
OFFICER RONALD BRIGGS TO ACCOMMODATE HIS SERVICE IN A
CSEA REGIONAL OFFICER POSITION**

WHEREAS, in 2016 the Personnel Director has received a request from CSEA, Inc. that Fulton County approve Paid Leaves of Absence for Probation Officer Ronald Briggs to accommodate him to serve as Region 4 President for the Civil Service Employee's Association, Inc., effective March 1, 2016 for a four (4) year term; and

WHEREAS, in a letter from CSEA Director of Internal Operations, Peter G. Diana (dated February 29, 2016), CSEA, Inc. committed to reimburse Fulton County for Mr. Brigg's full salary and total cost of fringe benefits, including, but not limited to, Social Security, Medicare, health and dental insurance costs and NYS retirement system costs, after invoice from the County on a quarterly basis; and

WHEREAS, Resolution 155 of 2018 authorized a paid Leave of Absence for Mr. Briggs for the period March 1, 2018 through February 28, 2019, subject to renewal on an annual basis; and

WHEREAS, in a letter from CSEA Director of Internal Operations, Peter G. Diana (dated December 27, 2018), CSEA, Inc. has asked for a renewal of said agreement to reimburse Fulton County for Mr. Brigg's full salary and total of fringe benefits, including, but not limited to, Social Security, Medicare, health and dental insurance costs and NYS retirement system costs, after invoice from the County on a quarterly basis; and

WHEREAS, Section 207 of NYS County Law governs Leaves of Absences and specifies that "Leaves of absences shall not be in excess of one year."; now, therefore be it

RESOLVED, That the Personnel Director is hereby authorized to issue a Paid Leave of Absence to Probation Officer Ronald Briggs to accommodate him to serve as Region 4 President for the Civil Service Employee's Association, Inc., effective March 1, 2019 through February 28, 2020; and, be it further

RESOLVED, That this Resolution and said approval for Paid Leave of Absence is contingent upon the following requirements:

1. CSEA, Inc. shall furnish a Certificate of Liability Insurance naming the County as additional insured in form and amount satisfactory to the Fulton County Attorney to protect the County for any damages arising from act or omission by Mr. Briggs during the period of such leave.
2. Mr. Brigg's accrued benefit time, on record as of February 29, 2016, shall be frozen and not accrue until his paid leave of absence terminates.

Resolution No. 46 (Continued)

3. CSEA, Inc. shall provide a written letter certifying that Mr. Briggs will be covered by statutorily-required Workers Compensation Insurance coverage provided by CSEA during said Leave of Absence period.
4. CSEA, Inc. shall reimburse Fulton County for Mr. Brigg's full salary and total cost of fringe benefits, including, but not limited to, Social Security, Medicare, health and dental insurance costs and NYS retirement system costs after invoice from the County on a quarterly basis.
5. Mr. Briggs shall provide at least 45 days written notice to the County of any intention to return to duty with County government.

and, be it further

RESOLVED, That said paid leave of absence is authorized for a period not to exceed one year, effective March 1, 2019 through February 28, 2020; and, be it further

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

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

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 47

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING THE AMENDED SECTION 125 PREMIUM ONLY PLAN
DOCUMENT AND SUMMARY PLAN DESCRIPTION

WHEREAS, Resolution 575 of 1999 authorized a contract with a Third Party Administrator for management of a Fulton County Premium Only IRC-125 Plan initiated by collective bargaining negotiations earlier that year to benefit County employees through pre-tax deductions for health insurance premiums; and

WHEREAS, the Personnel Director and the Plan's Third Party Administrator, Benetech, Inc., have prepared an updated *Plan Document* and *Summary Plan Description* governing said Fulton County Premium Only IRC-125 Plan; now, therefore be it

RESOLVED, That the form of amended and restated *Premium Only IRC-125 Plan Document and Summary Plan Description* (Welfare Benefit Plan), effective January 1, 2019, presented to this meeting (and a copy of which is attached hereto) is hereby approved and adopted, and that the proper agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of said Plan one or more counterparts of the Plan; and, be it further

RESOLVED, That the Administrator shall be instructed to take such actions that the Administrator deems necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures for the provision of benefits under the Plan; and, be it further

RESOLVED, That the Personnel Director shall act as soon as possible to notify all employees of the adoption of the Plan and to deliver to each employee a copy of the *Summary Plan Description of the Plan*, which *Summary Plan Description* is attached hereto and is hereby approved; and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 48

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING NEW DISCRIMINATORY HARASSMENT PREVENTION
POLICY AND COMPLAINT PROCEDURE FOR THE COUNTY OF FULTON

WHEREAS, Resolution 295 of 1994 adopted a Sexual Harassment Policy for the County of Fulton that also prohibited all types of discriminatory harassment in the workplace; and

WHEREAS, Resolution 108 of 2001 revised said Sexual Harassment Policy and, among other things, changed the policy title to “*Policy for Dealing with Discriminatory Harassment Complaints*”; and

WHEREAS, Resolution 423 of 2010 authorized certain revisions to the *Policy for Dealing with Discriminatory Harassment Complaints* to include certain procedural changes and clarifying language; and

WHEREAS, New York State law adopted as part of 2018-19 NYS Budget legislation mandated a specific, standardized approach to addressing workplace sexual harassment, including standards for municipal sexual harassment policies, requires the County of Fulton to separate its existing policy for sexual harassment from its policy for other types of discriminatory harassment; and

WHEREAS, as the first step in said separation, Resolution 418 of 2018, dated November 13, 2018, adopted a new *Sexual Harassment Policy for the County of Fulton*; and

WHEREAS, as the second step in said separation, Roemer, Wallens, Gold and Mineaux, as Fulton County’s labor counsel, has prepared a new *Discriminatory Harassment Prevention Policy and Complaint Procedure* that it recommends be adopted; now, therefore be it

RESOLVED, That the Board of Supervisors hereby adopts the *County of Fulton Discriminatory Harassment Prevention Policy and Complaint Procedure* (dated February 11, 2019) as attached hereto and made a part hereof; and, be it further

RESOLVED, That any and all prior discriminatory harassment policies previously adopted be and hereby are rescinded in their entirety; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, All Department Heads, Personnel Director, Fulton County Code and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

COUNTY OF FULTON DISCRIMINATORY HARASSMENT PREVENTION POLICY
AND COMPLAINT PROCEDURE
Adopted 2/11/19

I. POLICY STATEMENT

It is the policy of the County of Fulton to provide and maintain a work environment which is free from unlawful discrimination based on sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law. Harassment based on these protected characteristics (collectively referred to as “discriminatory harassment”) is a form of unlawful discrimination and is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

Sexual harassment is covered separately under the County of Fulton Sexual Harassment Prevention Policy. Refer to the County of Fulton Sexual Harassment Prevention Policy, available at the Fulton County Personnel Department.

The County of Fulton will take appropriate steps to prevent and correct unlawful discriminatory harassment and discrimination as defined by federal, state and local law (if applicable.) This includes federal laws such as Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Genetic Information Non-Discrimination Act, as well as the New York State Human Rights Law.

The County of Fulton considers discrimination, discriminatory harassment and other conduct prohibited by this Policy to be a form of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of discrimination and discriminatory harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

Retaliation against any individual making a discrimination or harassment complaint or assisting in the investigation of such a complaint is forbidden. Retaliation is a serious violation of this policy which may result in disciplinary action.

II. SCOPE

- A. **Who is covered by this Policy?** This policy applies to all applicants, employees, interns (paid or unpaid), volunteers, contractors, and other non-employees conducting business with the County of Fulton.
- B. **What does this Policy prohibit?** This policy prohibits discriminatory harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor

or manager or by someone not directly connected to the County of Fulton (e.g., an outside vendor, consultant, other non-employee or citizen).

- C. **Where can discrimination or discriminatory harassment occur?** Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.
- D. All information gathered during an investigation of a complaint will be handled in a confidential manner, to the extent possible.
- E. This Policy does not preclude the filing of discrimination, discriminatory harassment or retaliation complaints with the New York State Division of Human Rights (DHR), the Federal Equal Employment Opportunity Commission (EEOC), or the pursuing of any other remedies as permitted by law.

III. DEFINITIONS OF PROHIBITED CONDUCT

A. Discrimination

Discrimination on the basis of any protected characteristic is prohibited. Discrimination includes any adverse employment action (termination, failure to hire, demotion, failure to promote, etc.) taken on the basis of sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law.

B. Discriminatory Harassment

Harassment on the basis of any protected characteristic is prohibited. Under this policy, prohibited discriminatory harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of a protected class or characteristic, and that:

- (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- (ii) has the purpose or effect of unreasonably interfering with an individual's work performance;
- or (iii) otherwise adversely affects an individual's employment opportunities.

NOTE: Sexual harassment, including harassment on the basis of sex (including gender identity or transgender status) and sexual orientation is covered separately under the County of Fulton Sexual Harassment Prevention Policy.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

C. Retaliation

Retaliation against any individual for making a discriminatory or any harassment complaint or assisting in the investigation of such a complaint is prohibited by law and under this Policy. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined, discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a claim of discrimination or discriminatory harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Any employee, intern, volunteer, and non-employee who believes they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized and described below. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.)

Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary and permitted by an applicable collective bargaining agreement or state law.

D. Other Unacceptable Conduct:

This policy also prohibits conduct of one employee toward another that may not rise to the level of discriminatory harassment in violation of the law, but nonetheless creates a degree of hostility or intimidation that adversely affects the work environment. Teasing, ridicule, and other conduct intended to annoy, personally attack, belittle or embarrass another individual is inappropriate and also unacceptable in the workplace. Therefore, the County of Fulton encourages the use of its complaint procedure by employees who believe they have been subject to inappropriate conduct by another employee, even if such conduct may not be harassment or discrimination per se. The County of Fulton endeavors to create an environment in which employees may feel free to raise concerns and are confident that those concerns will be addressed.

IV. REPORTING PROCEDURES AND RESPONSIBILITIES

A. Reporting Procedures

Preventing harassment is everyone's responsibility. If an employee, intern, volunteer, or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, the County of Fulton recommends that the person confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated.

If an employee, intern, volunteer or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discrimination or discriminatory harassment, he/she should file a complaint with the Compliance Officer as set forth below. Anyone who witnesses or becomes

aware of potential instances of discrimination or harassment should also report such behavior to the Compliance Officer.

- **Compliance Officer: The Fulton County Director of Personnel**
- **In the event that the Compliance Officer is the subject of the complaint, complaints are to be made to the Fulton County Attorney.**

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of discriminatory harassment. Individuals should feel free to keep written records of any actions which may constitute harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Complaints may be made verbally or in writing. **If made verbally, the complaint must be reduced to writing by the individual to whom it was reported.** The written report must be given to the Compliance Officer. A form for submission of a written complaint is attached to this Policy, and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting discrimination or harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is submitted on another person's behalf.

B. Employee Responsibilities

All employees, interns and volunteers are responsible for refraining from discrimination, discriminatory harassment or retaliation in the workplace. Anyone who witnesses discrimination, discriminatory harassment or retaliation may notify the person responsible that their behavior is inappropriate, and in any and all events, should notify the Compliance Officer.

C. Supervisory Responsibilities

All managerial and supervisory personnel of the County of Fulton shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discrimination, discriminatory harassment, and retaliation. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

All managerial and supervisory personnel who receive complaints of, observe directly, or otherwise become aware of or suspect that discrimination, discriminatory harassment or retaliation is occurring, will be responsible for immediately forwarding such complaints, in writing, to the Compliance Officer.

Supervisors and managers will be subject to discipline (or other remedial or appropriate action) for failing to report suspected discriminatory harassment or otherwise knowingly allowing the harassment to continue. Supervisors and managers will also be subjected to discipline (or other remedial or appropriate action) if found to have engaged in discrimination, discriminatory harassment, or retaliation.

D. Employer Responsibilities

The County of Fulton will conduct periodic training on the issues surrounding discrimination, discriminatory harassment, its effects and its appearances, and the role and responsibility of employees and managerial/supervisory personnel in preventing incidents of discrimination and harassment.

The County of Fulton will also distribute this Policy to all employees, interns and volunteers, and ensure that it is distributed to new employees as they are hired.

V. INVESTIGATION AND RESPONSE PROCEDURES

Discrimination and discriminatory harassment complaints will be investigated. The Compliance Officer and/or their designee(s) will conduct a prompt and thorough investigation commencing immediately and completed as soon as possible. The investigation will be confidential to the greatest extent possible.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected discriminatory harassment. As further set forth herein, the County of Fulton will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the investigation of a complaint.

The nature and extent of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted in accordance with the following steps:

- Upon receipt of complaint, the Compliance Officer or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create (at a minimum) written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - Recommendation(s) for the final resolution of the complaint, together with any

recommendations for corrective or remedial actions to be taken.

- Keep the written documentation and associated documents in the employer's records.

Once the investigation is completed, the Compliance Officer or their designee will make a Final Determination as to whether the Policy has been violated.

The Compliance Officer or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge with the DHR or EEOC, or in an appropriate court.

If a complaint of discriminatory harassment, other harassment, or retaliation is determined to be founded, the County of Fulton will take disciplinary and/or corrective action in accordance with law and/or an applicable collective bargaining agreement. The Compliance Officer will be responsible for overseeing the implementing of any corrective or remedial actions deemed necessary.

If disciplinary charges are filed against an employee on the grounds that the County of Fulton has determined the employee is guilty of discrimination, discriminatory harassment or retaliation, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her collective bargaining agreement, or state law, if applicable.

VI. FALSE REPORTS

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, the County of Fulton may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law

**THE COUNTY OF FULTON DISCRIMINATORY HARASSMENT PREVENTION
COMPLAINT FORM**

(Submit to the Director of Personnel or the County Attorney, if appropriate)

This form may be used to file a charge of discriminatory harassment which is a form of discrimination prohibited by federal law, the New York State Human Rights Law, and the County of Fulton Policy.

Filing this complaint form with the County of Fulton in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, and/or the Federal/State courts.

(PLEASE PRINT OR TYPE)

1. Name _____
Phone Number _____
Residence _____
Mailing Address (if different from residence) _____
City _____ State _____ Zip Code _____

2. Department _____

3. Have you filed this charge with a Federal, State or local government agency?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

Have you instituted a suit or court action on this charge?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP A REVIEW OF YOUR COMPLAINT)

4. Alleged Discrimination Occurred on or about:
Month: _____ Day: _____ Year: _____ Time: _____

Is this alleged discrimination continuing: YES _____ NO _____

Describe the alleged act of harassment. **Use additional sheets if necessary.**

Resolution No. 49

Supervisor GROFF offered the following Resolution and moved its adoption:

**RESOLUTION SETTING A PUBLIC HEARING DATE REGARDING AMENDMENT OF
LOCAL LAW NO. 1 OF 1987 TO DELETE PART-TIME DESIGNATION FROM THE TITLE
OF PUBLIC DEFENDER**

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on February 11, 2019, a proposed local law entitled, "LOCAL LAW "A" OF 2019 AMENDING LOCAL LAW NO. 1 OF 1987 TO DELETE PART-TIME FROM THE TITLE OF PUBLIC DEFENDER"; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law "A" of 2019 by the Fulton County Board of Supervisors, on March 11, 2019 at 1:30 p.m., in the Supervisors Chambers, County Office Building, Johnstown, NY, and at least seven days' notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards in the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 50

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION WAIVING THE “60-MILE RADIUS RULE” FOR CONFERENCE
ATTENDANCE (CORONER)

WHEREAS, Resolution 188 of 1992 established a 60-mile radius minimum for overnight conferences for all employees of the County of Fulton; and

WHEREAS, Coroner Margaret Luck has requested a waiver of said rule for the Deputy Coroner to attend the 2019 New York State Association of County Coroners and Medical Examiners Conference in Cooperstown, NY, March 15 through March 17, 2019; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Public Safety, the “60-mile radius rule” as identified in Resolution 188 of 1992, be and hereby is waived to allow the Deputy Coroner to attend the 2019 New York State Association of County Coroners and Medical Examiners Conference in Cooperstown, NY, March 15 through March 17, 2019; and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 51

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

RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF YEAR 1 INDIGENT LEGAL SERVICES GRANTS FOR CASELOAD REDUCTION, QUALITY IMPROVEMENT AND COUNSEL AT FIRST APPEARANCE (PUBLIC DEFENDER)

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

WHEREAS, each County must prepare and implement a transition plan for its Public Defender’s Office and Assigned Counsel plan in order to receive State grant funds for increased staffing, monitoring and other new costs; and

WHEREAS, the Public Defender has submitted a proposed transition plan to the NYS Office of Indigent Legal Services and has been notified that Fulton County has been awarded Year 1 allocations for Caseload Reduction, Quality Improvement and Counsel at First Appearance as follows:

Public Defender Caseload Reduction	\$97,366.60
Public Defender Quality Improvement	\$7,708.40
Assigned Counsel Caseload Reduction	\$123,007.20
Assigned Counsel Quality Improvement	\$3,519.40
Joint Quality Improvement	\$26,602.20
Joint CAFA	\$23,011.20
Joint Caseload Reduction	<u>\$14,510.00</u>
Total for Year 1	\$295,725.00

WHEREAS, the grant is anticipated to be a five-year distribution from the Indigent Legal Services Fund in an amount up to \$4,465,875.00 for the period April 1, 2018 through March 21, 2023; now, therefore be it

RESOLVED, That the Chairman of the Board be, and hereby is, authorized to execute a Grant Agreement with the NYS Indigent Legal Services Commission to accept Year 1 Grant funds for Caseload Reduction, Quality Improvement and Counsel at First Appearance as identified herein; and, be it further

RESOLVED, That once said Year 1 Plan is formally approved by ILS, the Public Defender will return to the Board of Supervisors with appropriate budget amendments for anticipated personnel changes, fringe benefits and equipment/supplies; and, be it further

Resolution No. 51 (Continued)

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

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

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

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 52

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING STOP-DWI PLAN FOR 2019

RESOLVED, That the 2019 Annual STOP-DWI Plan be and hereby is approved for submission to the NYS Department of Motor Vehicles, Office of Transportation Safety, in accordance with the 2019 Adopted Budget for the County of Fulton; and, be it further

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

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 53

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

RESOLUTION ESTABLISHING THE NEW NEIGHBORHOOD PLAN: SCHOOL SAFETY PROJECT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan identifies a New Neighborhood Plan: School Project for the District Attorney’s Office in the total amount of \$100,000.00 for the purchase of Active Shooter Response Equipment to support area first responder agencies; and

WHEREAS, in order to commence progress on said project, it is necessary to transfer funds into the appropriate District Attorney account; now, therefore be it

RESOLVED, That the District Attorney be authorized to purchase equipment for distribution to area agencies at approximate costs as follows:

<u>ITEM</u>	<u>Cost Each</u>	<u>QTY.</u>	<u>Extended Cost</u>
Bounce Camera	\$4,565.00	4	\$18,260.00
20x34 Ballistic Shield	\$1,065.00	15	\$15,975.00
24x48 Shield w/ Trolley	\$5,930.00	2	\$11,860.00
Mini Ram Breaching Tool	\$270.00	15	\$4,050.00
Halligan Breaching Tool	\$250.00	15	\$3,750.00
Go Bag	\$100.00	13	\$1,300.00
Chemlites (red,blue&green)	\$100.00	6	\$600.00
Flex cuffs	\$26.00	7	\$182.00
Tourniquet	\$30.00	65	\$1,950.00
Hemostat Dressing	\$30.00	65	\$1,950.00
Israeli Bandage	\$50.00	65	\$3,250.00
Chest Seals	\$16.00	65	\$1,040.00
Workstations	\$2,250.00	2	\$4,500.00
Mobile Cameras	\$13,000.00	2	\$26,000.00
Miscellaneous Accessories	\$5,000.00	1	<u>\$5,000.00</u>
			\$99,667.00

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

From: A.1000.9950-9000.1200-EXP-Capital Improvement Expense
To: A.1165.1165-2010.1200-EXP-Capital Improvements Expense
Sum: \$100,000.00

Resolution No. 53 (Continued)

and, be it further

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

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 54

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

RESOLUTION AUTHORIZING PURCHASE OF LICENSING FEES AND VHF HI-BAND
SIMPLEX FREQUENCY USING 2016 STATEWIDE INTEROPERABLE
COMMUNICATION GRANT FUNDS
(EMERGENCY MANAGEMENT OFFICE, 2018 CAPITAL PLAN)

WHEREAS, the 2018 Capital Plan included a VHF Analog Simulcast System Project (Phase I) for the Emergency Management Office; and

WHEREAS, Resolution 181 of 2017 accepted a 2016 Statewide Interoperable Communications Grant in the amount of \$437,407.00; and

WHEREAS, the Civil Defense/Fire Coordinator has identified that a new VHF High Band Frequency must be obtained as the next component of the project; and; and

WHEREAS, the Department of Homeland Security has approved said tasks and will reimburse Fulton County one hundred percent (100%); now, therefore be it

RESOLVED, That based upon the recommendation of the Committees on Public Safety and Finance, the Civil Defense Director/Fire Coordinator be and hereby is authorized to purchase the following:

VHF Hi-Band Simplex Frequency Coordination and Licensing	\$2,000.00
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and, be it further

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

Revenue:

Increase H.3640.3020-3397.0920 REV-State Aid-VHF Analog Simulcast System	\$2,000.00
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Appropriation:

Increase H.3640.3020-2100.0920 EXP-VHF Analog Simulcast System	\$2,000.00
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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 PERRY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 55

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

RESOLUTION AUTHORIZING CONTRACT WITH ARMOR TOWER FOR MAPPING AND STRUCTURAL ANALYSIS OF LATIMER HILL TOWER SITE USING 2016 STATEWIDE INTEROPERABLE COMMUNICATION GRANT FUNDS
(EMERGENCY MANAGEMENT OFFICE, 2018 CAPITAL PLAN)

WHEREAS, the 2018 Capital Plan includes a VHF Analog Simulcast System Project (Phase I) for the Emergency Management Office; and

WHEREAS, Resolution 181 of 2017 accepted a 2016 Statewide Interoperable Communications Grant in the amount of \$437,407.00; and

WHEREAS, as part of said project, Tower Mapping, Foundation Mapping and a Structural Analysis of the Latimer Hill Tower Site need to be completed and three (3) quotes were obtained for said work; and

WHEREAS, the Department of Homeland Security has approved said tasks and will reimburse Fulton County one hundred percent (100%); now, therefore be it

RESOLVED, That based upon the recommendation of the Committees on Public Safety and Finance, the Chairman of the Board be and hereby is authorized to sign a contract with Armor Tower of Cortland, NY to perform Tower Mapping, Foundation Mapping and Structural Analysis related to the Latimer Hill Tower Site in an amount not to exceed \$5,880.00; and, be it further

RESOLVED, That the Civil Defense Director/Fire Coordinator be authorized to incur additional costs for miscellaneous accessories and/or services related to said Latimer Hill work tasks in an amount not to exceed \$2,000.00 via normal County purchasing procedures; and, be it further

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

Revenue:

Increase H.3640.3020-3397.0920 REV-State Aid-VHF Analog Simulcast System \$7,880.00

Appropriation:

Increase H.3640.3020-2100.0920 EXP-VHF Analog Simulcast System \$7,880.00

Resolution No. 55 (Continued)

and, be it further

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

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 56

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

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH
MOTOROLA SOLUTIONS/PITTSFIELD COMMUNICATIONS FOR VHF SIMULCAST
SYSTEM UPGRADE PROJECT
(EMERGENCY MANAGEMENT OFFICE, 2018 CAPITAL PLAN)

WHEREAS, the 2018 and 2019 Capital Plans include funding for Phase I and Phase II of the VHF Analog Simulcast System Project; and

WHEREAS, Resolution 428 of 2018 accepted a DHSES NYS Interoperable Communications “Formularly” Grant in the amount of \$471,118.00 to assist in funding said Project; and

WHEREAS, Resolution 105 of 2018 authorized a contract between the Civil Defense/ Fire Coordinator and Pittsfield Communications for the VHF Analog Simulcast Public Safety Radio System Upgrade in an amount not to exceed \$1,321,571.00 to complete following Project work:

- Upgrade the current multi-cast system to a 4-channel analog narrowband simulcast system operating at 5 sites
- (4) GTR 8000 base radios, TRAK GPS reference receivers, and MLC 8000 analog gateway units
- ELTEK DC Power plant
- Interface with County Owned Microwave System
- Replacement of the Voting Comparator
- Necessary cabling, connections, antennas, and various smaller components

and

WHEREAS, as a component of said VHF Analog Simulcast System Project, it is necessary to add a Sheriff’s Office Data Channel to Simulcast at 5 Tower Sites, and the Civil Defense Director/Fire Coordinator recommends that said work be added to the Scope of Work under Pittsfield Communications contract; now, therefore be it

RESOLVED, That the Board of Supervisors hereby approves Change Order No. 1 to the contract with Pittsfield Communications of Pittsfield, MA as follows:

Original Contract Amount:	\$1,321,571.00
C.O. No. 1 (Add Sheriff’s Data Channel Freq. to Simulcast at 5 Tower Sites)	<u>\$250,584.00</u>
Revised Contract Amount	\$1,572,155.00

Resolution No. 56 (Continued)

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

Revenue Account:

Increase H.3640.3020-3397.0920-REV-State Aid-VHF Analog Simulcast System \$250,584.00

Appropriation Account:

Increase H.3640.3020-2100.0920-EXP-VHF Analog Simulcast System \$250,584.00

and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 57

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

RESOLUTION AUTHORIZING AGREEMENTS FOR LEASE OF COMMUNICATIONS TOWER SPACE ON BLEECKER MOUNTAIN (EMERGENCY MANAGEMENT OFFICE)

RESOLVED, That the Chairman of the Board be and herby is authorized to sign agreements between the Civil Defense/Fire Coordinator’s Office and the following agencies for lease of tower space on Bleecker Mountain, at rates and terms as follows:

	<u>Cost per Year</u>	<u>Lease Term</u>
Lexington Center	\$6,500.00	January 1, 2019-December 31, 2020
NYS Dept. of Transportation	6,500.00	January 1, 2019-December 31, 2020
National Grid	6,500.00	January 1, 2019-December 31, 2020

and, be it further

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 58

Supervisor GROFF offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING SCOTT MEYER TO THE FULTON COUNTY FIRE
INVESTIGATION TEAM**

RESOLVED, That the following member is hereby appointed as member of the Fulton County
Fire Investigation Team for the year 2019:

Scott Meyer

Berkshire Fire Department

and, be it further

RESOLVED, That the member is not required to complete the Fulton County Board of Ethics
Financial Disclosure statement but is directed to sign the Fulton County Oath Book located in the
Fulton County Clerk's Office; and, be it further

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

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 59

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH BLACK CREEK SECURITY SYSTEMS FOR INTEGRATED SECURITY PLC REPLACEMENT PROJECT FOR THE CORRECTIONAL FACILITY (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan includes an Integrated Security PLC Replacement Project (Programmable Logic Controls) at the Fulton County Correctional Facility; and

WHEREAS, the Sheriff requests a contract with Black Creek Security Systems for PLC Replacement within its proprietary system at the Correctional Facility; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Black Creek Security Systems of Irondale, Alabama, for a PLC Replacement Project at the Fulton County Correctional Facility, in an amount not to exceed \$163,500.00 to replace system control equipment for the following:

- All electromechanical devices
- Doors
- Cell gates
- Lighting
- Fire Alarms
- Intercoms

and, be it further

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

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

From: A.1000.9950-9000.1100-EXP-Capital Equipment Reserve
To: H.3110.3150-2100.0946-EXP-Integrated Security PLC Replacement (NEW)
Sum: \$163,500.00

and, be it further

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

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 60

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

RESOLUTION AUTHORIZING EXTENSION OF TEMPORARY PER DIEM TACTICAL TRAINING INSTRUCTOR POSITION IN THE SHERIFF'S DEPARTMENT

WHEREAS, Resolution 70 of 2016 created a temporary Per Diem Tactical Training Instructor position in the Sheriff's Department; and

WHEREAS, Resolution 230 of 2017 extended said position through February 28, 2019 at the request of the Sheriff; and

WHEREAS, said Tactical Training Instructor will instruct and provide tactical training to personnel in the Sheriff's Department; and

WHEREAS, the Sheriff is requesting an additional twelve month extension to said per diem position; now, therefore be it

RESOLVED, That the temporary Per Diem Tactical Training Instructor position (\$20.00 per hour, no benefits) not to exceed 20 hours per month in the Sheriff's Department, be and hereby is extended, effective March 1, 2019 through February 29, 2020; and, be it further

RESOLVED, That it is the Sheriff's intent to transition said instruction duties to other positions and sunset the Per Diem Tactical Training Instructor position at the end of this extension; and, be it further

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

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

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 61

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

RESOLUTION AUTHORIZING EXTENSION OF TEMPORARY PER DIEM FORENSIC EVIDENCE INSTRUCTOR POSITION IN THE SHERIFF'S DEPARTMENT

WHEREAS, Resolution 71 of 2016 created a temporary Per Diem Forensic Evidence Instructor position in the Sheriff's Department; and

WHEREAS, Resolution 228 of 2017 extended said position through February 28, 2019 at the request of the Sheriff; and

WHEREAS, said Forensic Evidence Instructor will provide professional expertise in the field of forensic evidence collection and the preservation and storage of evidence in investigating criminal matters; and

WHEREAS, the Sheriff is requesting an additional approximately twelve month extension to said per diem position and continuation of the waiver of the County's "Residency Rule"; now, therefore be it

RESOLVED, That the temporary Per Diem Forensic Evidence Instructor (\$20.00 per hour, no benefits) not to exceed 20 hours per month in the Sheriff's Department, be and hereby is extended, effective March 1, 2019 through February 29, 2020; and, be it further

RESOLVED, That the County "Residency Rule" be and hereby is waived for the hire of a Per Diem Forensic Evidence Instructor position in the Sheriff's Department; and, be it further

RESOLVED, That it is the Sheriff's intent to transition said instruction duties to other positions and sunset the Per Diem Forensic Evidence Instructor position at the end of this extension; and, be it further

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

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

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 62

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

**RESOLUTION AUTHORIZING EXTENSION OF TEMPORARY PER DIEM
INVESTIGATIVE INSTRUCTOR POSITION IN THE SHERIFF'S DEPARTMENT**

WHEREAS, Resolution 72 of 2016 created a temporary Per Diem Investigative Instructor position in the Sheriff's Department; and

WHEREAS, Resolution 229 of 2017 extended said position through February 28, 2019 at the request of the Sheriff; and

WHEREAS, said Investigative Instructor will review and develop investigative regulations, techniques and systems for criminal investigation in the Sheriff's Department; and

WHEREAS, the Sheriff is requesting an additional approximately twelve month extension to said per diem position; now, therefore be it

RESOLVED, That the temporary Per Diem Investigative Instructor position (\$20.00 per hour, no benefits) not to exceed 20 hours per month in the Sheriff's Department, be and hereby is extended, effective March 1, 2019 through February 29, 2020; and, be it further

RESOLVED, That it is the Sheriff's intent to transition said instruction duties to other positions and sunset the Per Diem Investigative Instructor position at the end of this extension; and, be it further

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

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 63

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

RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE SHERIFF'S OFFICE AND THE U.S. DRUG ENFORCEMENT ADMINISTRATION TO PARTICIPATE IN THE DEA ALBANY TACTICAL DIVERSION SQUAD TASK FORCE

WHEREAS, the Sheriff has requested permission for the Fulton County Sheriff's Office to participate in the Albany Tactical Diversion Squad Task Force of the U.S. Drug Enforcement Administration (DEA) to share federal and local resources to combat illegal drug trafficking in the Upstate New York area; and

WHEREAS, said participation will involve a Sheriff's Office Investigator detailed to the Task Force on an as needed basis; now, therefore be it

RESOLVED, That the Fulton County Sheriff be, and hereby is, delegated authority to sign an Agreement between the Sheriff's Office and the U.S. Drug Enforcement Administration to participate in the DEA Albany Tactical Diversion Squad Task Force, effective January 10, 2019 through September 30, 2019; said Agreement subject to approval of the County Attorney; and, be it further

WHEREAS, the Sheriff was approached by a DEA Special Agent in the Albany, NY DEA Task Force Office to consider joining the Task Force as a cross appointment; and

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 64

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

RESOLUTION AUTHORIZING PURCHASE OF A 2020 WESTERN STAR TANDEM
DUMP TRUCK WITH PLOW FOR USE IN THE HIGHWAYS AND FACILITIES
DEPARTMENT VIA ONONDAGA COUNTY CONTRACT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan identifies a 2020 Tandem Dump Truck with Plow for use in the Highways and Facilities Department; and

WHEREAS, inasmuch as Heavy Duty Tandem Dump Trucks are not currently available via New York State OGS contract, the Superintendent of Highways and Facilities recommends purchase of a 2020 Western Star Tandem Dump Truck with Plow at a total cost of \$233,469.54, via Onondaga County Bid Contract which was extended to all political subdivisions and districts in New York State; now, therefore be it

RESOLVED, That the Superintendent of Highways and Facilities be and hereby is authorized to purchase a 2019 Western Star Tandem Dump Truck with Plow as identified in the bid award (Bid Reference# 8996) by Onondaga County from Tracey Road Equipment, East Syracuse, NY, at a bid price as follows:

2020 Western Star Dump Body and Plow	\$231,469.54
Misc. Accessories/Options	2,000.00

and, be it further

RESOLVED, That said cost be a charge against DM.5130.5130-2010-EXP-Capital Expense; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, New York Truck & Equipment, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 65

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR VARIOUS HIGHWAY CONSTRUCTION MATERIALS FOR USE IN THE DEPARTMENT OF HIGHWAYS AND FACILITIES (2019)

WHEREAS, the Committee on Public Works recommends advertising for bids for various highway construction materials; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of construction materials for use by the Department of Highways and Facilities (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 203, Johnstown, NY, 12095, during usual business hours); and, be it further

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

GROUP 1 - Wednesday, March 6, 2019 at 2:00 p.m.:

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

GROUP 2 - Thursday, March 7, 2019 at 2:00 p.m.:

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

GROUP 3 - Wednesday, March 13, 2019 at 2:00 p.m.:

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

Resolution No. 65 (Continued)

and, be it further

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

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 66

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

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR ROOF
REPLACEMENT PROJECT AT 57 EAST FULTON

WHEREAS, the Superintendent of Highways and Facilities has evaluated the roof at 57 East Fulton and recommends replacing said roof during 2019; and; and

WHEREAS, the Committees on Public Works and Finance recommend advertising for bids for replacement of the roof at 57 East Fulton to determine the potential cost prior to appropriating for said project; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the replacement of the roof at 57 East Fulton Street, Gloversville, NY (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Office Building, Room 203, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Office Building, Room 203, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, March 20, 2019, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 67

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION APPOINTING PHIL COMINI TO THE FULTON COUNTY
PLANNING BOARD

RESOLVED, That the following person be reappointed and/or confirmed as member to the Fulton County Planning Board, for terms as hereinafter specified:

January 1, 2019 Through December 31, 2021:

Phil Comini

Appointed

and, be it further

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

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 68

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

RESOLUTION AUTHORIZING LEASE AGREEMENT WITH JOHN EISLER FOR LEASE OF THE FULTON COUNTY ENTERPRISE BUILDING AT THE FULTON COUNTY AIRPORT (2019-2020)

WHEREAS, on October 18, 2018 Fulton County issued a Request for Proposals (RFP) to lease the County-owned former restaurant building at the Fulton County Airport and three (3) proposals were received; and

WHEREAS, one (1) proposal for lease of said space met the specifications' minimum required bid for monthly rental; and

WHEREAS, the Committees on Public Works, and Finance have reviewed all proposals and recommend the proposed lease with John Eisler to lease said building for the purposes of Aviation Activities, Education, Events and other; now, therefore be it

RESOLVED, That in accordance with the recommendation of the Committees on Public Works and Finance, the Chairman of the Board be and hereby is authorized to sign a lease agreement between the County of Fulton and John Eisler, of Johnstown, NY, for lease of the Enterprise Building at the Fulton County Airport, including the following terms and rates:

Lease	\$255.00 per month plus Sewer Fee (March 1, 2019 through February 28, 2020)
Payment:	\$255.00 per month plus Sewer Fee (March 1, 2020 through February 28, 2021)

said lease to become effective upon occupancy through February 28, 2021; subject to the approval of the County Attorney; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Superintendent of Highways and Facilities, John Eisler, Fixed Base Operator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 69

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

RESOLUTION AUTHORIZING SUBMITTAL OF FIVE YEAR AIRPORT CAPITAL IMPROVEMENT PLAN TO THE FEDERAL AVIATION ADMINISTRATION (2020-2024)

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

Year	Project	Est. Cost	County Share
2019	Runway 10-28 Rehabilitation & Connector T/W Improv. –Construction (underway)	\$1,000,000.00	\$50,000.00
	Reconstruction Main Apron-Design (underway)	\$100,000.00	\$4,500.00
2020	N/A	N/A	N/A
2021	Parallel Taxiway Rehab – Design	\$ 150,000.00	\$ 7,500.00
	Reconstruct Main Apron-Construction	\$1,000,000.00	\$50,000.00
2022	N/A	N/A	N/A
2023	Parallel Taxiway Rehabilitation-Construction	\$1,500,000.00	\$75,000.00
2024	Snow Removal Equipment	\$350,000.00	\$17,500.00
Total		\$4,100,000.00	\$204,500.00

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

RESOLVED, That the Board of Supervisors, by this Resolution, hereby adopts the revised Five-Year Airport Capital Improvement Plan (2020-2024) for the Fulton County Airport, as hereinabove referenced; and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to submit such revised Five-Year Airport Capital Improvement Plan for the Fulton County Airport to the Federal Aviation Administration, NYS Department of Transportation and to each and every other person, agency or institution that will further the purport of this Resolution; and, be it further

Resolution No. 69 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Department of Transportation, Federal Aviation Administration, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 70

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PRE-APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION FOR THE RUNWAY 10-28 REHABILITATION AND CONNECTOR TAXIWAY CONSTRUCTION PROJECT AND THE MAIN APRON RECONSTRUCTION DESIGN PROJECT AT THE FULTON COUNTY AIRPORT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan includes an Taxiway Construction Project and Main Apron Reconstruction Design Project at the Fulton County Airport; and

WHEREAS, Fulton County received a federal FAA Non-Primary Entitlement Grant to fund 90 percent of the cost of said Taxiway Construction Project and the Main Apron Reconstruction Design Project at the Fulton County Airport; New York State to fund 5 percent of the cost and the County to provide a local share of 5 percent, for a total project cost of \$1,090.00.00; and

WHEREAS, in order to obtain the Non-Primary Entitlement Grant Funds, Fulton County must submit a pre-application package for said project to the Federal Aviation Administration (FAA) now; therefore be it

RESOLVED, That upon the recommendation of the Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to submit a pre-application package to the FAA to obtain a Non-Primary Entitlement Grant Funds, for the Taxiway Construction Project and the Main Apron Reconstruction Design Project at the Fulton County Airport in amounts as follows:

FAA Grant (90%)	\$150,000.00
FAA Discretionary Funding	\$831,000.00
State Share (5%)	\$ 54,500.00
<u>County Share (5%)</u>	<u>\$ 54,500.00</u>
	\$100,000.00

and, be it further

RESOLVED, That the Planning Director does 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, Federal Aviation Administration, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 71

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR PURCHASE OF A
TRACKED EXCAVATOR FOR USE IN THE SOLID WASTE DEPARTMENT
(2019 CAPITAL PLAN)**

WHEREAS, the 2019 Capital Plan includes the purchase of an Excavator for the Solid Waste Department; and

WHEREAS, the Purchasing Agent recommends advertising bid specifications for one (1) new Tracked Excavator; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a new Tracked Excavator for use in the Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, March 13, 2019, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 72

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR PURCHASE OF A
LANDFILL GPS SYSTEM FOR USE IN THE SOLID WASTE DEPARTMENT (2019
CAPITAL PLAN)**

WHEREAS, the 2019 Capital Plan identifies a new Landfill Global Positioning Systems (GPS) for use in the Solid Waste Department; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a new Landfill Global Positioning Systems (GPS) for use in the Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, March 13, 2019, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 73

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT BETWEEN THE SOLID WASTE
DEPARTMENT AND THE LEADER HERALD FOR ANNUAL NEWSPAPER
ADVERTISING (2019)

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Solid Waste Department and *The Leader Herald*, of Gloversville, NY for annual newspaper advertising, commencing January 1, 2019 through December 31, 2019, at a cost of \$12.95 per column inch; and, be it further

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

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

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 74

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION OF A CONTRACT WITH PHOENIX GRAPHICS FOR PRINTING OF ELECTION SUPPLIES AND PRINTED MATERIALS FOR USE IN THE BOARD OF ELECTIONS (2019-2020)

WHEREAS, Resolution 155 of 2016 awarded a bid to Phoenix Graphics for printing of Election Supplies and Printing Materials for use in the Board of Elections for the period April 1, 2016 through March 31, 2017; and

WHEREAS, Resolution 78 of 2017 and Resolution 76 of 2018 authorized an extensions of said contract with Phoenix Graphics for Printing of Election Supplies and Printed Materials for use in the Board of Elections Office through March 31, 2019; and

WHEREAS, due to new State legislation, the Primary Election will be held on June 25, 2019; and

WHEREAS, due to this extraordinary step by the State Legislature resulting in a shortened preparation time, the Commissioners of the Board of Elections recommend extending said contract with Phoenix Graphics for an additional year under the same terms and conditions as being in the best interest of the County; now, therefore be it

RESOLVED, That upon the recommendation of the Board of Elections Commissioners and Committee on Finance, the Chairman of the Board be and hereby is authorized to sign an extension of a contract between Fulton County and Phoenix Graphics for Election Supplies and Printed Materials for use in the Board of Elections, effective April 1, 2019 through February 29, 2020, at an estimated cost of \$31,875.24 (unit pricing); and, be it further

RESOLVED, That this additional extension is justified this instance only to address the shortened Primary Election preparation time and the Board of Elections shall return to the typical bidding sequence for Election Supplies and Printing Materials for the next annual election cycle; and, be it further

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

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

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 75

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT WITH MERIDIAN IT FOR AVAYA
PHONE SYSTEM SUPPORT AND MAINTENANCE (2018-2021)**

WHEREAS, Resolution 513 of 2017 authorized an Agreement with Meridian IT for Avaya Phone System Support and Maintenance (via NYS OGS Contract PT64448) at an annual cost of \$12,023.00 through October 31, 2018; and

WHEREAS, the Information Services Director has indicated that the Resolution 513 of 2017 should have authorized a five (5) year contract with Meridian IT through October 31, 2021; now, therefore be it

RESOLVED, That upon the recommendation of the Information Services Director and the Committee on Finance, the contract for Meridian IT for Avaya Phone System Support be, and hereby is approved, effective November 1, 2018 through October 31, 2021 at an annual cost of \$12,023.00; and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 76

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A REQUEST FOR PROPOSALS FOR CAD SOFTWARE
FOR USE IN THE SHERIFF'S DEPARTMENT**

WHEREAS, the current Computer Aided Dispatch (CAD), Records Management (RMS), Mobile and Fire Records Software supporting the Fulton County Sheriff's Dispatch Center is due for replacement; and

WHEREAS, the Information Services Director recommends a Request for Proposals (RFP) be issued for a new CAD Software System in preparation for future capital planning purposes; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to issue a Request for Proposals to software system vendors for CAD Software for the Fulton County Sheriff's Dispatch Center, specifications for which may be obtained at the Office of the Purchasing Agent, Room 203, County Building, Johnstown, NY, 12095 during usual business hours; and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent no later than 2:00 p.m., Wednesday, May 8, 2019, at which time and place they will be publicly opened and read; and, be it further

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

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 77

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR PAPER SUPPLIES
FOR USE IN THE INFORMATION SERVICES/PRINTING DEPARTMENT**

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of paper for use in the Information Services/Printing Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Office Building, Room 203, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to the Jon R. Stead, Purchasing Agent, County Office Building, Room 203, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, March 13, 2019, 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, Information Services/Printing Director, Printing Division and Clerk of the Board/Purchasing Agent.

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 78

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION REVISING RATES FOR CONTRACT WITH SCHILLER, KNAPP,
LEFKOWITZ & HERTZEL, LLP FOR BANKRUPTCY FILINGS FOR 2019
(COUNTY TREASURER)

WHEREAS, Resolution 535 of 2018 authorized a contract with Schiller, Knapp, Leftowitz & Hertzelt, LLP for Bankruptcy Attorney Fees for 2019; and

WHEREAS, the County Treasurer has advised that the rates approved in Resolution 535 of 2018 were incorrect; and

WHEREAS, the corrected rates for 2019 for bankruptcy filings are as follows:

Chapter 7 Filings –	<u>Prior Rate</u>	<u>Revised Rate</u>
• Motion for Relief from Stay	\$ 365.00	\$400.00
• Motion to Confirm Termination of Stay	365.00	400.00
• Notice of Default / Demand Letter	85.00	100.00
• General Correspondence / Case Status Updates	Hourly	Hourly
Chapter 11, 12, or 13 Filings –		
• Preparation and Filing of Notice of Appearance and Proof of Claim	\$ 265.00	\$225.00
*Electronic Filing of a Proof of Claim only	95.00	100.00
• Motion for Relief from Stay	395.00	450.00
• Motion to Confirm Termination of Stay	370.00	450.00
• Objection to Confirmation / Modification	395.00	375.00
• Response to Motion to Reimpose / Extend Stay	395.00	375.00
• Agreed Order Default / Certificate of Non-Compliance	220.00	200.00
• Notice of Default / Demand Letter	85.00	100.00
• General Correspondence / Case Status Updates	Hourly	Hourly

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a revised contract with Schiller, Knapp, Lefkowitz & Hertzelt, LLP, of Latham, NY for Bankruptcy Attorney Services to reflect said corrected rates specified herein, effective through December 31, 2019; and be it further

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

Resolution No. 78 (Continued)

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 79

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE SALE OF TAX FORECLOSED PROPERTY
(SBL# 149.-1-51 IN THE TOWN OF JOHNSTOWN TO
ANTHONY & MICHELLE AMBROSINO

WHEREAS, delinquent tax parcel (SBL 149.-1-51) is a fire-damaged, one-family residence at 345 South Kingsboro Avenue in the Town of Johnstown owned by County of Fulton; and

WHEREAS, said residence has been condemned by the Town Code Enforcement Officer; and

WHEREAS, the County Treasurer has been contacted by adjacent land owners Anthony & Michelle Ambrosino regarding said delinquent tax parcel (SBL 149.-1-51); who have expressed an interest in purchasing the parcel for the amount of \$6,918.95, which includes delinquent taxes and an outstanding water bill; and

WHEREAS, the Ambrosino's have expressed interest in raising the remaining structure, grading and seeding to add the parcel to their current property; now, therefore be it

RESOLVED, That this parcel be removed from the annual auction process and sold to said adjacent owner in this unique instance due to the hazardous condition of the property; and, be it further

RESOLVED, That the County Treasurer be and hereby is authorized to sell said parcel (SBL 149.-1-51) in the Town of Johnstown to Anthony & Michelle Ambrosino for the sum of \$6,918.95 for delinquent taxes and an outstanding water bill plus any transfer fees; and, be it further

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

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 80

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION APPROPRIATING RESERVE FUNDS TO CERTAIN
2019 CAPITAL PROJECTS**

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

WHEREAS, the 2019 Adopted Budget allocated \$1,602,338.00 from said Capital Reserves to fund certain Capital Equipment and Improvement Projects; and

WHEREAS, the 2019 Adopted Budget allocated \$595,500.00 from said Solid Waste Reserves to fund certain Capital Equipment Projects; and

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

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

General Fund

From: A-0883.0700 – Capital Equipment Reserve	\$ 242,210.00
A-0883.0800 – Capital Improvements Reserve	\$1,311,728.00
A-0881 – County Clerk Technology Improvement Reserve	\$ 48,400.00
To: A-0909 – Unreserved Fund Balance	\$1,602,338.00

Solid Waste Fund

From: CL-0898.0878 – CL Building – Equipment Depreciation	\$ 440,500.00
CL-0898.0883 – Transfer Haul Equipment Reserve	\$ 155,000.00
To: CL-0909 – Unreserved Fund Balance	\$ 595,500.00

and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 81

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE COUNTY TREASURER TO CLOSE OUT
CERTAIN CAPITAL PROJECTS**

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

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

A-0883.0700 – Capital Equipment Reserve:

H.1680.1680-2100.0845 - EXP – IT Upgrade Plan - 2017 – (Approx balance: \$72.00)

A-0883.0800 – Capital Improvements Reserve:

H.1620.1621-2100.0765 – EXP – Seal Parking Lots & Roadway – 2017

(Approx balance: \$15,125.00)

H.1680.1680-2100.0650 – EXP – County Software Project – 2013

(Approx balance: \$17,738.00)

H.8020.6497-2100.0790 – EXP – Jump Start Fulton County Econ. Dvlpt & Mktg – 2016

(Approx balance: \$288.00)

A-0909 – Unrestricted Fund Balance:

H.8020.2497-2100.0730 - EXP-FMCC Priority Campus Safety Project – Contractual – 2015

(Approx balance: \$0)

H.8020.6497-2100.0770 - EXP - Jump Start Fulton County - Implement Regional Brand – 2015

(Approx balance: \$1,981.00)

H.8020.6497-2100.0805 - EXP-Fulton County Development Strategy – 2016

(Approx balance: \$39,250.00)

H.8020.6497-2100.0855 - EXP - Public Relations/Affairs/Marketing Campaign – 2017

(Approx balance: \$4,138.00)

No County Share:

H.8020.2497-2100.0735 - EXP-FMCC Student Union Improvement Project - 2015

H.8020.2497-2100.0835 - EXP - FMCC Allen House - 2016

and, be it further

Resolution No. 81 (Continued)

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

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 82

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Information Services Department:

Cannon Scanner PC310 (0002899)
HP Laserjet 4000 (0004691)
HP Laserjet 4050 (0005269)
HP Laserjet 4200 (0006392)
Dell Optiplex 745 (0007076)
HP Laserjet P2015 (0007722)
HP Laserjet 600 (0009401)
HP Officejet Pro X476 (0009723)

Apple Iphone 6 (0009907) Trade-In
Apple Iphone 6 (0009908) Trade-In
Apple Iphone 6 (0009909) Trade-In

Public Health Department:

Chair (0005278)
Chair (0005423)
Chair (0005460)
Chair (0006245)

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

Resolution No. 82 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Information Services Director, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 83

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AN AGREEMENT WITH NYSERDA FOR THE
INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS
ON THE FMCC CAMPUS

WHEREAS, Fulton-Montgomery Community College (FMCC) officials have notified the Board of Supervisors that there are New York State Energy Research Development Authority (NYSERDA) and National Grid grant funds available for funding installation of Electric Vehicle Charging Stations on the FMCC Campus; and

WHEREAS, in order to have the Electric Vehicle Charging Stations installed on the FMCC Campus, Fulton County and Montgomery County, as owners of the campus, must submit a “Host Agreement” to NYSEDA at no cost to Fulton County for such installation; and

WHEREAS, the Committee on Finance has reviewed and recommended said request; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a “Host Agreement” with NYSEDA for installation of two (2) Electric Vehicle Charging Stations on FMCC Campus at no cost to the County of Fulton; said Agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That this resolution is contingent upon the passage of a similar resolution by the Montgomery County Legislature; and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 456 (15) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 70 (4) (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 84

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS

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

Highway (Road Fund)

From: D.5010.5110-1000.1102 - EXP- Payroll - Highway Crews	\$100,200.00
To: D.5010.3310-1000 - EXP- Payroll	\$12,000.00
D.5010.5142-1000.1102 - EXP- Payroll - Highway Crews	79,200.00
D.5010.5110-1000.1105 - EXP- Payroll - Airport Services	2,000.00
D.5010.5142-1000.1105 - EXP- Payroll - Airport Services	7,000.00
From: D.5010.5110-1100.1102 - EXP- Overtime - Highway Crews	\$109,000.00
To: D.5010.5142-1100.1102 - EXP- Overtime - Highway Crews	\$93,000.00
D.5010.5142-1100.1105 - EXP- Overtime - Airport Services	500.00
D.5010.5110-1110.1104 - EXP - Supplemental - Mowing	15,500.00

and, be it further

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

Emergency Management

Revenue

Increase A.3640.3640-2680 – REV – Insurance Recoveries \$ 1,191.00

Appropriation

Increase A.3640.3640-4540 – EXP – Vehicle Maintenance \$1,191.00

and, be it further

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

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 16 Nays: 0 Absent: 4 (Supervisors Breh, Lauria, Rice and Waldron)

Resolution No. 85

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING NEW COLLECTIVE BARGAINING AGREEMENT
BETWEEN FMCC, FULTON COUNTY, MONTGOMERY COUNTY AND THE FULMONT
ASSOCIATION OF COLLEGE EDUCATORS (2019-2023)**

WHEREAS, negotiations have been completed for a successor employment agreement between the Fulton-Montgomery Community College, Fulton County, Montgomery County and the Fulmont Association of College Educators (FACE); now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Memorandum of Agreement by and between the Fulton-Montgomery Community College, Fulton County, Montgomery County and the Fulmont Association of College Educators (FACE), effective September 1, 2019 through August 31, 2023, as attached hereto and made a part hereof; and, be it further

RESOLVED, That said agreement is contingent upon adoption of a similar resolution by the Montgomery County Legislature; and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 479 (16) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 47 (3) (Supervisors Breh, Rice and Waldron)

Memorandum of Agreement

By and Between
Fulton-Montgomery Community College and
The Fulmont Association of College Educators

DATE: January 17, 2019
SUBJECT: Successor Agreement to CBA Expiring 8/31/2019

Whereas, the current Negotiated Agreement expires August 31, 2019, and

Whereas, the College and the Fulmont Association of College Educators (FACE) have engaged in bargaining related to a successor agreement, and

Whereas, the College and FACE agreed upon the following new/revised language (denoted in bold):

1. Article II Recognition. **Add Educational Support Specialist VI.**
2. Article III Part D. The Employer agrees to continue to deduct FACE member contributions for U.S. Savings Bonds, United Way, Foundation of FMCC, life insurance, designated annuity plans allowed by the IRS, IRS Section 125 pre-tax spending plan, the **FACE Award, VOTE-COPE** and direct deposit financial institutions. This includes only those plans in which the College participates. The College agrees to explore additional pre-tax benefits opportunities.
3. Article VII Professional Workshops and Conferences. Each year, the Employer shall allocate a sum equal to the following amounts (**\$752, effective 9/1/2019; \$769, effective 9/1/2020; \$786, effective 9/1/2021; \$804, effective 9/1/2022**) multiplied by the number of FACE members in the bargaining unit not on leave, said sum to be utilized for the purpose of FACE member professional development (some examples are: professional workshops, conferences, professional organization dues, professional books, subscriptions to professional journals or coursework within the profession). Each FACE member is entitled to the above sum for such purposes; however, upon the written authorization of another FACE member and approval of the administrative supervisor, such sum may be transferred from one to another FACE member. Requests for permission to attend such meetings must be submitted to the administrative supervisor, if possible, two weeks before the meeting is to convene, giving place and time of meetings, topics to be covered at the meeting, and a summary of expected expenses. In circumstances in which the FACE member attends a meeting as representative or delegate of the College, the preceding limitations do not apply.

Verified claims for unreimbursed expenses incurred in connection with attendance at authorized professional workshops and conferences may be made on or prior to **August 30** of the fiscal year when the approved function occurred. Reimbursement will be made from the unexpended funds remaining in the faculty travel accounts for the same fiscal year if sufficient and, if insufficient, on a pro rata basis. By May 15 of each year the employer shall provide FACE a statement indicating the fund balance as of April 30 in

- the Professional Workshops and Conferences account.
4. Article VIII Part H.2 Office Hours. Part-time teaching FACE members shall maintain at least one posted office hour per week for student consultation **and otherwise be available by appointment.**
 5. Article VIII Part K Notice--Appointments, Reappointments and Changes in Status. The Employer shall notify all term FACE members, in writing, as soon as possible but not later than April 1, of their appointments, reappointments, promotions, changes in status or other changes in the terms or conditions of their position. All FACE members must respond, in writing, to the above notification within two (2) weeks. The Employer shall notify all FACE members on continuing contract, in writing, as soon as possible but not later than **March 1**, of promotions, changes in status, or other changes in terms or conditions of their position.
 6. Article VIII Part N Intersession/Winter Term. Teaching during intersession/winter term shall constitute **additional** employment.
 7. Article VIII Part R Counseling Memoranda (New). **Counseling memoranda will follow a jointly developed template.**
 8. Article IX Part B Faculty Evaluation. A written evaluation will be transmitted to each individual, at the discretion of the Employer or at the request of the FACE member, no later than December 15 for probationary applicants and no later than **March 1** for promotional applicant FACE members.
 9. Article XI Part E Bereavement Leave. Each FACE member is entitled to three (3) consecutive days of leave in the event of death in his/her immediate family. Two (2) additional days may be granted with approval of the administrative supervisor. Such days are not considered sick or personal leave days, nor are they cumulative from year to year in any form. **For the purposes of bereavement leave, immediate family is defined as spouse or domestic partner, child, parents, siblings, grandparents and grandchildren including in-laws and step.**
 10. Article XI Part H Sabbatical Leave. All language remains the same **except for the removal** of the following sentence from the second paragraph: **~~“Recommendations for said leaves in order of merit shall be made to the Employer by FACE.”~~**
 11. Article XII Part L Total Number of Teaching Faculty. **This language is deleted from the agreement.**
 12. Article XIII Part C Insurance/Retirement. **FACE members employed prior to September 1, 2019 shall contribute ten percent (10%) of the cost of health and life insurance until tenure, whereupon the Employer shall pay the full premium cost. FACE members employed as of and after September 1, 2019 shall contribute ten percent (10%) of the cost of health and life insurance premiums.**
 13. Article XIII Part E Health Insurance Buyout (Existing MOA). FACE members who are covered by health insurance from another source and who elect not to receive health insurance offered by the College shall receive \$1,250.00 for electing not to receive an individual plan and \$2,500.00 for electing not to receive an employee and spouse policy, employee with child(ren) or family plan. The deadline for submitting required documentation for the buyout, including proof of insurance, is the end of the health insurance open enrollment period for existing employees. FACE members whose status change during the course of a year and who are no longer eligible for health insurance from another source shall be permitted to receive health insurance and shall receive a

prorated health insurance buyout. When both spouses are employed by the College, this benefit will not be available except to those who received this benefit prior to September 1, 2007.

14. Article XVI Part B Class Schedules. Excluding those courses offered in the evening, on-campus courses will be conducted between the hours of eight (8) o'clock a.m. and five (5) o'clock p.m. Exceptions to 8-5 schedule: Nursing Labs may be scheduled to commence at seven (7) o'clock a.m.; **Art Studio**, and Technology Labs may be scheduled to conclude after five (5) o'clock p.m.
15. Article XVI Part D Weighted Student Contact Hours. A FACE member's load will be determined by considering the number of contact hours per week which require distinct preparation, identified by having different course numbers, and by the number of weighted student contact hours determined by multiplying the student contact hours by 1 in a lecture course and by 2/3 for a laboratory period, or by 2/3 for certain courses listed in paragraph E below. An overload will occur where the number of weighted student contact hours exceeds the maximum in the following chart and will be compensated at **\$25.21 as of 9/1/2019, and at \$25.78 as of 9/1/2020, and at \$26.36 as of 9/1/2021, and \$26.95 as of 9/1/2022 per weighted student contact hour for the first 50 which exceed the maximum and at \$28.80 as of 9/1/2019, and at \$29.45 as of 9/1/2020, and at \$30.11 as of 9/1/2021, and at \$30.79 as of 9/1/2022** for those in excess of 50. Student contact overloads must be approved by the appropriate Dean, and shall be computed based on enrollment on the census date for each semester as defined by and in compliance with regulations of New York State Audit & Control.
16. Article XVI Part E.1 Overload Rate. A FACE member who is assigned a section as an overload will be paid for such assignment at the **additional employment** rate. The weighted student contact hours generated by the overload section will not be used to compute weighted student contact hours or weighted student contact hour overload.
17. Article XVI Part E.6 Distance Learning. FACE members, **who at the request of the Employer**, participate in training to teach distance learning or blended learning courses for the first time will be compensated for one (1) contact hour at the additional employment rate for that course. A FACE member, **who at the request of the Employer and who has already received training for distance or blended learning courses, will be compensated one (1) additional contact hour if that FACE member has not taught an online or blended course for a period of five (5) years and the course is being delivered on a new platform.**
18. Article XVI Part F Extended Absence. When a FACE member is absent for an extended period of time (more than one week), a qualified FACE member may take over the responsibilities of the absent FACE member and will be compensated at a rate equal to the **additional employment** salary schedule for the total amount of time that the responsibilities were covered.
19. Article XVI Part H.3 Evening Onload Assignments. A teaching FACE member shall not be assigned a course on load at night for three (3) consecutive semesters, **unless cancellation of onload courses requires it to make load and the assigned course will not create a new preparation.**
20. Article XVI Part H.7 Evening Onload Assignments Deadline. Course assignments in the evening must be scheduled thirty (30) days prior to the first day of class unless that FACE member is scheduled to teach that course that semester, **unless cancellation of**

onload courses requires it to make load and the assigned course will not create a new preparation.

21. Article XVI Part I Independent or Directed Study Compensation. FACE members teaching Independent or Directed Study courses will be compensated at a rate of **1/2 the current per credit tuition rate/credit/student.**
22. Article XVIII Duration of Agreement. This contract shall be effective as of September 1, **2019** and shall continue in effect through August 31, **2023.**
23. Schedule A Salary Increases. Effective September 1 of each corresponding year, the base annual salary of returning bargaining unit members shall be increased by **2.0%.**
24. Schedule A Salary Ranges. The salary ranges shall be increased by the base annual salary increases for each year of the Agreement.

Rank/Title	2019-2020		2020-2021		2021-2022		2022-2023	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
ESS I	\$41,660	\$56,499	\$42,493	\$57,629	\$43,343	\$58,782	\$44,210	\$59,958
ESS II	\$46,614	\$62,949	\$47,546	\$64,208	\$48,497	\$65,492	\$49,467	\$66,802
ESS III	\$55,942	\$73,389	\$57,061	\$74,857	\$58,202	\$76,354	\$59,366	\$77,881
ESS IV	\$64,748	\$88,048	\$66,043	\$89,809	\$67,364	\$91,605	\$68,711	\$93,437
ESS V	\$75,947	\$99,752	\$77,466	\$101,747	\$79,015	\$103,782	\$80,595	\$105,858
ESS VI	\$86,132	\$110,334	\$87,855	\$112,541	\$89,612	\$114,792	\$91,404	\$117,088
Instructor	\$55,942	\$73,389	\$57,061	\$74,857	\$58,202	\$76,354	\$59,366	\$77,881
Assist. Prof.	\$64,748	\$88,048	\$66,043	\$89,809	\$67,364	\$91,605	\$68,711	\$93,437
Assoc. Prof.	\$75,947	\$99,752	\$77,466	\$101,747	\$79,015	\$103,782	\$80,595	\$105,858
Professor	\$86,132	\$110,334	\$87,855	\$112,541	\$89,612	\$114,792	\$91,404	\$117,088

25. Schedule A.5 Continuing Education Salary Schedule. Rename to **Additional Employment Salary Schedule**. Effective September 1 of each corresponding year, the additional employment salary per contact hour shall be increased by 2.25%.

Salary Per Contact Hour	2019-2020	2020-2021	2021-2022	2022-2023
Instructor	\$892	\$912	\$933	\$954
Assist. Prof.	\$928	\$949	\$970	\$992
Assoc. Prof.	\$953	\$974	\$996	\$1,018
Professor	\$998	\$1,020	\$1,043	\$1,066

26. Schedule A.6 Coaching Salaries. An index based on the amount of time and responsibility required of each coach, per season, is listed below:

Baseball	6	Basketball	8.5
Bowling	6	Cross Country	6
Director of Athletics	10.5*^	Golf	6
Soccer	6	Softball	6
Trainer	9	Volleyball	6

* Plus 25% release time for Fall and Spring Semesters.

^ This index and release time applies only when the Director of Athletics is a part-time position.

The salary for each coach will be the product of the Index and the Instructor rate for **additional employment**.

The salary of assistant coaches shall be one-half of the Index of the coach times the appropriate Instructor's rate for **additional employment**. The Employer is responsible for the assignment of coaches and their assistants.

27. Schedule D FACE Member Course Overloads.

1. The administration will provide full-time **teaching** FACE members with the first opportunity to teach two (2) overload courses or six (6) contact hours of overload (whichever is greater) in the fall semester, spring semester and summer term, and one (1) overload course or three (3) contact hours (whichever is greater) in the winter term.
 2. Five working days prior to the first day of classes for the semester, full-time **teaching** FACE members will be provided with an opportunity to replace low enrollment overload courses provided:
 - a. Their overload course enrollment is below the cut-off level.
 - b. The replacement course is on the schedule, not taught by a full-time **teaching** FACE member, and is above the enrollment level of the original overload course. (If final enrollment is not above the cut-off level, the replacement course will be canceled.)
 - c. The replacement course is one they are qualified to teach.
 - d. Overload courses offered by full-time **teaching** FACE members will not be canceled until five working days prior to the first day of classes.
 3. Full-time **teaching** FACE members will be provided with an opportunity to replace an on-load course provided:
 - a. The on-load course can be covered by a qualified adjunct or full-time **teaching** FACE member.
 - b. The replacement course is on the schedule, not taught by full-time **teaching** FACE member, and has adequate enrollment.
 - c. The replacement course is one they are qualified to teach.
 - d. The replacement course does not create a 4-day schedule and does not increase SWCH overloads. If an increase in SWCH overloads results, it will not be calculated in the SWCH total.
 4. **Full-time SASF FACE members will be provided consideration over adjunct faculty where a SASF FACE member possesses the appropriate qualifications and the SASF FACE member has received positive evaluations of teaching by the Academic Dean.**
28. Update all references to NTP and Non-Teaching Professionals to SASF or Student and Academic Services Faculty.
29. Incorporate any MOA's not already added to the agreement.
30. Appendix A List of Recognized Titles. Add any new titles and update any revised titles.
31. All other terms and conditions of the immediately preceding collective bargaining agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their authorized representatives in the manner following as of the day and date first written above.

FACE:

FULTON-MONTGOMERY COMMUNITY
COLLEGE:

Patrick Grande
President

Dustin Swanger, Ed.D.
President

