

FIFTH REGULAR SESSION

Johnstown, NY

May 13, 2019

Roll Call – Quorum Present

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

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

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

PUBLIC SPEAKERS

Dan Sardelli: Mr. Sardelli explained that he was here today to talk about a “proposition” for the Board to consider. He said that his idea could result in a lower price for heating oil and gasoline in the counties of Fulton, Montgomery and Hamilton. He expressed that the municipalities should get together and “create a fund” to help out an oil company to construct a “tank farm” on the Mohawk River. Petroleum could then be brought directly to the local area by barge and not have to go through the Port of Albany. He said this would save money and the savings could be passed on to consumers. He also would like the counties to build a refinery near the river in a location with shale. Perhaps even in a dome for protection. Mr. Sardelli would offer his services to help with this start-up. He is looking for the Fulton County Board’s approval and hopes the County is interested in his proposal.

Karen Fagan, Johnstown, NY: Ms. Fagan expressed concern with the proposed eminent domain process being considered for the Hales Mills Development Project. She stated that she does not see “checks and balances”. She is against eminent domain, but did state that she does not have all information. She stated that it is wrong that the Board wants to take Mr. Bowe’s land (farm land) for development purposes. She said that she went to the Fulton County Industrial Development Agency website and found that it had information on eminent domain. She said she wondered if lower income housing units would be planned. She also expressed concern because there was no mention of using those lands for agriculture purposes. She said that her family has had a farm in the area for years and that there is no guarantee that this re-developed land will bring people or businesses into Fulton County. The area is beautiful and people want nature, not retail. She ended her comments with a statement that farmers have shaped her life and deserve not to have their land taken.

SCHEDULED SPEAKERS

Mr. Peters, President and CEO, was present to provide his 2018 Annual Report and update from the Fulton County Center for Regional Growth.

Mr. Peters handed out copies of his 2018 Annual Report. He made reference to Page 31 on the report, which had the Center for Regional Growth’s Mission Statements and Vision.

Mr. Stead, Administrative Officer, asked Mr. Peters about the third round of the Micro-Enterprise Grant Program. Mr. Stead asked Mr. Peters to explain the cycle and interest from people. Mr. Peters explained that 25 businesses and/or individuals have shown interest. He said that it has been a slow start so far and next month related education classes will start. Everyone is required to complete four (4) education cycles. He also advised that the funding should be distributed late fall and businesses have two (2) years to spend the funds. Mr. Peters advised that in the end, there is likely to be seven (7) or eight (8) eligible businesses that complete the whole process to obtain a Micro-Enterprise Grant.

Mr. Stead asked about the Northville 5 and 10 Store. Mr. Peters explained that it was a \$500,000.00 anchor project for the Village of Northville and that it has worked out well. At the end of the construction, it will generate seven (7) to 10 jobs.

Mr. Peters introduced Kent Kirch, Chairman of the CRG Board.

Chairman Wilson then asked Mr. Stead for the reading of the Report on the Regular Agenda and the Late Reports on the Late Agenda.

REPORTS

A. 2018 Annual Report - Cornell Cooperative Extension of Fulton and Montgomery County

LATE REPORTS:

L-A 2017-2018 Audited Financial Statements from Capital District Regional Off-Track Betting Corporation [Priority Reading]

L-B Federal Energy Regulatory Commission Report regarding Hudson River-Black River Regulating District

UPDATES FROM STANDING COMMITTEES

Public Safety: Supervisor Breh announced that the May Public Safety Meeting would be held on Tuesday, May 28 at 1:00 p.m. due to the Memorial Day holiday.

Public Works: Supervisor Fagan announced that the May Public Works Meeting would be held on Tuesday, May 28 at 2:30 p.m. due to the Memorial Day holiday.

REPORTS OF SPECIAL COMMITTEES

Inter-County Legislative Committee of the Adirondacks: Supervisor Perry advised that the Inter-County meeting was held on April 18 and hosted by Warren County. She passed out a report from that meeting to all Board members, highlighting the topics discussed. She further advised that Fulton County will be the host for Inter-County in October. She also explained that next month the Committee meets in Essex County, but that she would be unable to attend. Chairman Wilson asked her to provide him the date and he would try to attend the meeting.

Soil and Water Conservation District Board: Supervisor Greene advised that the District Board met on April 23. They are continuing to assist with excavator work at the airport and at Tryon. They are also working at Fox Run, with the City of Johnstown for a bridge replacement and with the Town of Broadalbin with their new inter-seeder. Mr. Greene further advised that the Board has hired a tax service to conduct an audit and that pipe sales are up.

CHAIRMAN'S REPORT

Chairman Wilson read a letter from Probation Director Cynthia Licciardi, who expressed her thanks to the Deputy Superintendent of Facilities, James Bornt, and his staff for help on their recent move.

Upon a motion by Supervisor Argotsinger, seconded by Supervisor Fagan and unanimously carried, the Committee entered into Executive Session at 1:32 p.m. to discuss collective bargaining and purchase, sale or acquisition of real property.

Upon a motion by Supervisor Callery, seconded by Supervisor Fagan and unanimously carried, the Committee re-entered into Regular Session at 2:12 p.m.

RESOLUTIONS

No. 166 (Resolution Authorizing the Fulton County Industrial Development Agency to Initiate an Eminent Domain Procedure Law Action to Obtain Certain Land Owned by Robert Bowe in the Hales Mills Area): Supervisor Callery advised that he is opposed to eminent domain; however, Mr. Bowe did put his property on the market for sale. The price Bowe is asking is "outrageous". He would like to see the County/IDA continue to negotiate a purchase price that is lower.

Supervisor Young advised that he shares Supervisor Callery's concern and it is not okay to use eminent domain to obtain the property for development.

Supervisor Howard expressed concern that in his opinion, this case is an improper use of eminent domain.

No. 170 (Resolution Authorizing a Contract with Children's Home of Wyoming Conference for Raise the Age (RTA) Placements (Social Services): Supervisor Born advised that so far, the County has only had to place one (1) youth in a "Raise the Age" facility. The State is supposed to be reimbursing the County for such placements, but no money has been received yet.

No. 172 (Resolution Authorizing Extension of Temporary Full-Time Caseworker Position for the School Intervention Partnership Program (Gloversville Enlarged School District): Supervisor Young advised that it is a very valuable program and it is helpful for caseworkers to work with children early and "nip problems in the bud".

No. 191 (Resolution Authorizing a Contract with C & S Companies for an Independent Fee Estimate of Construction Administration Services for the Runway 10-28 Rehabilitation and Connector Taxiway Construction Project (2019 Capital Plan): Supervisor Callery advised that this is “ridiculous and outrageous” and in the end “still taxpayer money”.

Mr. Stead explained that an “Independent Fee Estimate” consultant is required by the FAA as a stipulation to receive the grant funds for the project.

OLD BUSINESS

(TABLED RESOLUTION) – PROPOSED RESOLUTION NO. 27 (FROM APRIL 8, 2019 BOARD MEETING) – RESOLUTION ESTABLISHING FULTON COUNTY SEWER DISTRICT NO. 3: MECO

Supervisor Fagan made a motion to remove the proposed Resolution (Resolution Establishing Fulton County Sewer District No. 3: Meco) from the Table for consideration and Supervisor Lauria made the second. All present voted in favor with Supervisor Potter absent.

Supervisor Fagan advised that the questions brought up by the Chairman of the Joint Sewer Board at the prior meeting have been answered.

NEW BUSINESS

Supervisor Rice thanked everyone for their expressions of sympathy for the recent passing of her husband, Frank.

Upon a motion by Supervisor Fagan, seconded by Supervisor Callery and unanimously carried, the Committee adjourned at 2:53 p.m.

Certified by:

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

Resolution No. 164

Supervisor BORN offered the following Resolution and moved its adoption:

RESOLUTION IN MEMORY OF FORMER SUPERVISOR MICHAEL J. TESI

WHEREAS, former Supervisor Michael J. Tesi passed away on Friday, April 12, 2019; and

WHEREAS, the people of Fulton County and the City of Groversville were saddened by the loss of a good friend, mentor and benefactor in public service; and

WHEREAS, Mr. Tesi served the people of Fulton County as a member of this Board of Supervisors from January 1984 to March of 1995; and

WHEREAS, prior to his service as Supervisor, he served as a Ward 1 Councilman for the City of Groversville for 10 years; and

WHEREAS, Mr. Tesi served his country as a U.S. Marine Corpman during WWII; and

WHEREAS, Supervisor Tesi was devoted to his public service duties with a caring attitude, earning a reputation as a true “Ward Supervisor”, always in touch with his neighborhood constituents; and

WHEREAS, Mr. Tesi was active in the business community, the Knights of Columbus, and the Holy Name Society of St. Mary’s Church; now, therefore be it

RESOLVED, That the Board of Supervisors hereby joins with all the people of Fulton County to posthumously express its gratitude to the Honorable Michael J. Tesi for his dedicated public service; and, be it further

RESOLVED, That the Board of Supervisors hereby conveys its expression of deepest sympathy to his entire family, including his wife Patricia, his daughters Dorothy and Marae, sons Nicholas, John and James, grandchildren and great-grandchildren, and step-daughter Leslie; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the Tesi family and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by SILENT STANDING and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 165

Supervisor KINOWSKI offered the following Resolution and moved its adoption:

RESOLUTION APPOINTING, REAPPOINTING AND/OR CONFIRMING MEMBERS TO THE FULTON-MONTGOMERY-SCHOHARIE WORKFORCE DEVELOPMENT BOARD

WHEREAS, the Federal Workforce Investment Act directed the creation of local Workforce Development Boards to administer job training and workforce development policy on behalf of local governments throughout the United States; and

WHEREAS, Resolution 81 of 2015 reorganized the Workforce Development Board structure and terms to better facilitate operations under the Workforce Innovation and Opportunity Act of 2014; now, therefore be it

RESOLVED, That the following individuals are hereby appointed, reappointed and/or confirmed to the Fulton-Montgomery-Schoharie Workforce Development Board for terms as hereinafter specified:

June 1, 2017 through May 31, 2020:

Kerry Brunner (Private Sector)	Confirmed
Andrea Fettinger (Senior Community Serv. Employ.)	Confirmed
Judy Petroski (Vocational Rehabilitation)	Confirmed

June 1, 2018 through May 31, 2021:

James Law (Private Sector)	Confirmed
Heidi Colson (Private Sector)	Confirmed
Laurie Bargstedt (Local Education)	Confirmed

June 1, 2019 through May 31, 2022:

Peter Stearns (Organized Labor)	Reappointed
Kathleen Kilmartin (Private Sector)	Reappointed
Kaleena Castiglione (Private Sector)	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

Resolution No. 165 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Fulton County Ethics Board, Workforce Development Board, Fulton Montgomery Chamber of Commerce and Administrative Officer/Clerk of the Board.

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 166

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

RESOLUTION AUTHORIZING THE FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO INITIATE AN EMINENT DOMAIN PROCEDURE LAW ACTION TO OBTAIN CERTAIN LAND OWNED BY ROBERT BOWE IN THE HALES MILLS AREA

WHEREAS, the Fulton County Vision 2026 Development Strategy includes creation of the Hales Mills Primary Development Area in the Town of Johnstown to address the public need for new housing and public recreational facilities to generate sales tax and improve the property tax base in the community; and

WHEREAS, parcel 163.-1-19.2 (69+/- acres) and parcel 163.-1-26.12 (89.5 +/- acres), owned by Robert Bowe, located adjacent to Hales Mills Road Extension in the Town of Johnstown are critical to the success of the Hales Mills Primary Development Area; and

WHEREAS in accordance with Sections 852 and 858 of NYS General Municipal Law, Industrial Development Agencies are authorized to acquire property under Eminent Domain Law for its corporate purposes; now, therefore be it

RESOLVED, That the Board of Supervisors hereby authorizes an Agreement with the Fulton County Industrial Development Agency (IDA) to initiate an Eminent Domain Procedure Law Action to obtain ownership of parcel 163.-1-19.2 (69+/- acres) and parcel 163.-1-26.12 (89.5 +/- acres), owned by Robert Bowe, in the Town of Johnstown; said Agreement to include the following provisions:

- The IDA shall undertake an Eminent Domain Procedure Law action to acquire title to the subject parcels.
- IDA legal counsel will be utilized and IDA legal counsel will keep the County Attorney informed of the process.
- The County will reimburse the IDA for all costs incurred in pursuing said eminent domain action.
- The Board of Supervisors will provide the IDA with advance payment to purchase the eastern parcel, once the final valuation is determined.
- If the eastern parcel is sold by the IDA in the future, the IDA shall reimburse the County monies advanced to the IDA for property purchase(s) to the greatest extent possible.

Resolution No. 166 (Continued)

and, be it further,

RESOLVED, That said Agreement is subject to 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 IDA, Town of Johnstown, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 396 (13) Nays: 127 (6) (Supervisors Born, Callery, Groff, Howard, Lauria and Young Absent: 28 (1) (Supervisor Potter)

Resolution No. 167

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

RESOLUTION ACCEPTING ADDITIONAL NYS OASAS FUNDS TO PROVIDE
ADDITIONAL LOCAL PROGRAMS (COMMUNITY SERVICES)

WHEREAS, the recently adopted 2019-20 New York State Budget included additional funds to provide residential services and additional services to local inmates; and

WHEREAS, the NYS Office of Alcoholism and Substance Abuse Services (OASAS) has notified the Community Services Director that Fulton County will be receiving an additional \$118,969.00 in funding for 2019-2020; and

WHEREAS, in accordance with the state aid guidelines, the Community Services Director recommends using said additional funding for the purchase of two vans for transportation from Community Residence and services to local inmates at the time of release from Fulton County Correctional Facility; now, therefore be it

RESOLVED, That the Chairman of the Board is hereby authorized to execute grant agreements and associated contracts to utilize said OASAS funds as follows:

<u>Provider</u>	<u>Program</u>	<u>Amount</u>
Fulton Friendship House, Gloversville	Purchase (2) Vans for Community Residence	\$53,631.00
Fulton Friendship House, Gloversville	Purchase Furniture for Supported Housing	\$5,338.00
H-F-M Prevention Council, Johnstown	Release-related Services to Inmates	\$60,000.00

and, be it further

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

Revenue:
Increase A.4310.4230-3485-REV-State Aid-Alcohol Conts-OASAS \$118,969.00

Appropriation:
Increase A.4310.4230-4130-EXP-Contractual \$118,969.00

and, be it further

Resolution No. 167 (Continued)

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

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 168

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

RESOLUTION ACCEPTING NYS DOH PERFORMANCE INCENTIVE AWARD FUNDS
FOR PURCHASE OF BILLBOARD ADVERTISING FOR USE IN THE
PUBLIC HEALTH DEPARTMENT

WHEREAS, the Public Health Director has been notified that the Department has been awarded a Performance Incentive Award for electronic reporting of disease and environmental health inspections in the total amount of \$2,600.00; and

WHEREAS, the Public Health Director requests that said funds be used to purchase public health awareness advertising; now, therefore be it

RESOLVED, That the Public Health Director be and hereby is authorized to purchase the following with Performance Incentive Award Funds from the New York State Department of Health;

Billboards Advertising	\$2,600.00
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and, be it further

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

Revenue:

Increase A.4010.4010-3401-REV-State Aid-Public Health-Programs	\$ 2,600.00
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Appropriation:

Increase A.4010.4010-4100-EXP-Advertising	\$ 2,600.00
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and, be it further

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

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

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 169

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

RESOLUTION AUTHORIZING WRITE-OFF OF BAD DEBT IN THE PUBLIC HEALTH DEPARTMENT FOR 2018

WHEREAS, the Public Health Department holds numerous clinics and a large portion of the clinic costs are supported by public health grant funds; and

WHEREAS, recipients are charged a co-pay based upon a sliding scale fee, and many recipients do not pay their share of the cost, as determined by said sliding scale fee; and

WHEREAS, Resolution No. 299 of 1998 adopted a policy for the write-off of bad debts in the Public Health Department; and

WHEREAS, in accordance with said Policy, the County Attorney has determined that certain accounts are uncollectible; now, therefore be it

RESOLVED, That upon the recommendation of the County Attorney, the Board of Supervisors hereby authorizes the write-off of two (2) bad debts for the year 2018, related two (2) immunization charges in an amount of \$35.70; and, be it further

RESOLVED, That the Public Health 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, County Attorney, Public Health Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency which will further purport of this Resolution.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 170

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

RESOLUTION AUTHORIZING A CONTRACT WITH CHILDREN'S HOME OF WYOMING CONFERENCE FOR RAISE THE AGE (RTA) PLACEMENTS (SOCIAL SERVICES)

WHEREAS, Resolution 504 of 2018 authorized contracts between the Fulton County Department of Social Services and various Independent Contractors in 2019; and

WHEREAS, the Commissioner of Social Services is requesting to contract with Children's Home of Wyoming Conference, a residential placement facility for children to address Raise the Age placements as needed; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Fulton County Department of Social Services and Children's Home of Wyoming Conference of Binghamton, NY, for specialized treatment, education and recreation services for Raise the Age placements, effective immediately through December 31, 2019, at state-set rates (currently \$1,043.62 per day); and, be it further

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

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 171

Supervisor BORN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH TIMOTHY HILL CHILDREN'S RANCH FOR RAISE THE AGE (RTA) PLACEMENTS AND OTHER PLACEMENTS (SOCIAL SERVICES)

WHEREAS, Resolution 504 of 2018 authorized contracts between the Fulton County Department of Social Services and various Independent Contractors in 2019; and

WHEREAS, the Commissioner of Social Services is requesting to contract with Timothy Hill Children's Ranch, a residential placement facility for children to address Raise the Age placements and other placements as needed; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Fulton County Department of Social Services and Timothy Hill Children's Ranch of Riverhead, NY, for specialized treatment, education and recreation services for Raise the Age placements and other placements, effective immediately through December 31, 2019, at state-set rates (currently \$1,109.04 per day for RTA, \$454.34 per day for group home placement); and, be it further

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

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

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 172

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

RESOLUTION AUTHORIZING EXTENSION OF CASEWORKER
POSITION FOR THE SCHOOL INTERVENTION PARTNERSHIP PROGRAM
(GLOVERSVILLE ENLARGED SCHOOL DISTRICT)

WHEREAS, the Department of Social Services currently provides caseworker services through the School Intervention Partnership Program (SIPP) in the Gloversville Enlarged School District, with the primary purpose of providing early intervention into the lives of at-risk children to prevent entry into foster care; and

WHEREAS, the Committee on Social Services recommends continuing the SIPP Caseworker position on the condition that the entire "local share" be funded by the host school district; and

WHEREAS, the Board of Supervisors agrees to continue said service, contingent upon the Gloversville Enlarged School District providing the entire local share of associated costs (estimated at 25 percent), with the remaining share (estimated at 75 percent) to be provided from State and Federal reimbursement; now, therefore be it

RESOLVED, That one (1) Caseworker position (Union Job Group A-17) be and hereby is extended in the Department of Social Services, effective July 1, 2019 through June 30, 2020; and, be it further

RESOLVED, That this Resolution and continuation of said position is contingent upon the Gloversville School District providing the entire 25 percent local share for said position; and, be it further

RESOLVED, That said contract/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 and/or Federal revenues, in order to make necessary budget adjustments and/or contract amendments; and, be it further

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 173

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

RESOLUTION AUTHORIZING A CONTRACT WITH CATHOLIC CHARITIES OF
FULTON AND MONTGOMERY COUNTY FOR HOUSING CASE MANAGEMENT
SERVICES (SOCIAL SERVICES)

WHEREAS, the Commissioner of Social Services was notified the Department will receive Homeless Management Information System funds in the amount of \$45,000.00 for actions related to Homeless Service Plans; and

WHEREAS, the Commissioner of Social Services is requesting to contract with Catholic Charities of Fulton and Montgomery Counties for case management services to reduce homelessness within Fulton County; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Fulton County Department of Social Services and Catholic Charities of Fulton and Montgomery Counties for Case Management Services to reduce homelessness in Fulton County as needed, effective immediately through December 31, 2019; and, be it further

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

Revenue Account:

Increase: A.6010.6010-3610 – REV-State Aid-Social Services Administration \$45,000.00

Appropriation Account:

Increase: A.6010.6010-4130–EXP-Contractual \$45,000.00

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

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

Seconded by Supervisor RICE and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 174

Supervisor BORN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHAIRMAN OF THE BOARD TO SIGN AN ANNUAL
UPDATE TO THE FULTON COUNTY CHILD AND FAMILY SERVICES PLAN
(2018-2023)

WHEREAS, the Department of Social Services is required to complete and submit an updated Child and Family Service Plan for the period April 1, 2018 through March 31, 2023; now, therefore be it

RESOLVED, That the Chairman of the Board hereby is authorized to sign the updated Five-year Child and Family Services Plan for the Department of Social Services, Probation department and Youth Bureau (2018-2023); and, be it further

RESOLVED, That the Commissioner of Social Services 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, Commissioner of Social Services, NYS Officer of Children and Family Services, Youth Bureau Director, Probation Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 175

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

RESOLUTION SETTING SALARY OF THE DISTRICT ATTORNEY IN ACCORDANCE
WITH NEW YORK STATE MANDATE

WHEREAS, in accordance with Judiciary Law 183-a, the District Attorney of any County, shall receive an annual salary equivalent to that of County Judge in the County in which the District Attorney is elected or appointed; and

WHEREAS, to comply with said State mandate, the 2019 salary of the Fulton County District Attorney must be increased from \$197,600.00 to \$200,400.00 effective April 1, 2019; now, therefore be it

RESOLVED, That the 2019 salary of the District Attorney be, and hereby is, increased to \$200,400.00, effective April 1, 2019; and, be it further

RESOLVED, That the Personnel Director and District Attorney do each and every other thing possible to further the purport of this resolution; and, be it further

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 176

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION CHANGING THE TITLE OF PROBATION DIRECTOR II TO
“PROBATION DIRECTOR (GROUP A)”

WHEREAS, Civil Service job specifications for Probation Departments are established by rule and regulations of the NYS Division of Criminal Justice Services; and

WHEREAS, effective May 28, 2019, the Civil Service title of Probation Director II is being changed to “Probation Director (Group A)”;

RESOLVED, That upon the recommendation of the Personnel Director and Committee on Personnel, the title of Probation Director II be, and hereby is, changed to “Probation Director (Group A)”, effective May 28, 2019; and be it further

RESOLVED, That the Personnel Director and Probation Director (Group A) 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, NYS Division of Criminal Justice Services, Personnel Director, Probation Director (Group A), Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 177

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

RESOLUTION WAIVING THE START RATE FOR AN ASSISTANT DISTRICT
ATTORNEY POSITION

WHEREAS, the District Attorney has been experiencing difficulty in filling positions for Assistant District Attorney in his office; and

WHEREAS, the District Attorney has requested that the Start Rate (\$53,301.00) for said Assistant District Attorney be waived; and

WHEREAS, the Committees on Personnel and Finance recommend that the Board of Supervisors waive the Start Rate for said Assistant District Attorney position to promote recruitment; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Personnel and Finance, the Personnel Director be and hereby is directed to pay said Assistant District Attorney the permanent One-year Rate (\$62,707.00) as identified in the 2019 Non-Union Salary Schedule, in this instance only; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, 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: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 178

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

**RESOLUTION WAIVING THE START RATE FOR A FOURTH ASSISTANT
DISTRICT ATTORNEY POSITION**

WHEREAS, a recently-hired Assistant District Attorney has fourteen (14) years experience including three (3) years of experience as a Special Prosecutor; and

WHEREAS, the District Attorney has requested that the Start Rate (\$42,949.00) for said Assistant District Attorney be waived; and

WHEREAS, the Committees on Public Safety, Personnel and Finance recommend that the Board of Supervisors waive the Start Rate for said Assistant District Attorney position based upon experience and recruitment; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety, Personnel and Finance, the Personnel Director be and hereby is directed to pay said Assistant District Attorney the permanent One-year Rate (\$50,528.00) as identified in the 2019 Non-Union Salary Schedule, in this instance only, effective May 1, 2019; and, be it further

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

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 179

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

RESOLUTION AUTHORIZING PURCHASE OF A PATROL CAR AND REPAIRS TO
ANOTHER PATROL CAR WITH INSURANCE CLAIM PROCEEDS
(SHERIFF'S DEPARTMENT)

WHEREAS, the Sheriff's Department has been notified that it will receive \$24,393.24 from the New York Municipal Insurance Reciprocal to replace a Sheriff's patrol vehicle totaled in a motor vehicle accident on March 3, 2019, and \$2,838.05 for repairs to another patrol vehicle as a result of a minor accident; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to purchase a replacement sedan for patrol purposes from Main Dodge, Johnstown, NY via NYS OGS Contract, at a price not to exceed \$24,393.24; and, be it further

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

Revenue Account:

Increase A.3110.3110-2680-REV-Insurance Recoveries	\$27,233.00
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Appropriation Account:

Increase A.3110.3110-4540-EXP-Vehicle Maintenance	\$2,839.00
Increase A.3110.3110-2000-Equipment-Fixed Asset	\$24,394.00

and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 180

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

RESOLUTION ACCEPTING VOLUNTARY FORFEITURE OF A 2007 TOYOTA CAMRY
FOR USE IN THE SHERIFF'S DEPARTMENT

WHEREAS, a recent criminal arrest resulted in the voluntary forfeiture of a sedan to the Sheriff's Department, contingent upon Board of Supervisors acceptance; and

WHEREAS, at the request of the Sheriff, the Committees on Public Safety and Finance have approved accepting said forfeiture; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to accept one (1) 2007 Toyota Camry sedan via the involuntary forfeiture process for use in the Sheriff's Department; and be it further

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

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 181

Supervisor BREH offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE WEIGHTS AND MEASURES DEPARTMENT AND THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR PETROLEUM PRODUCTS TESTING PROGRAM (2019-2024)

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement with the NYS Department of Agriculture and Markets for the Petroleum Products Quality Testing Program, effective April 1, 2019 through March 31, 2024, in a yearly reimbursement amount of \$16,800.00 to the County of Fulton for 2019-2024; and, be it further

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

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Director of Weights & Measures, NYS Department of Agriculture and Markets, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: (18) 502 Nays: 0 Abstentions: 21 (1) (Supervisor Callery)
Absent: (1) 28 (Supervisor Potter)

Resolution No. 182

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

RESOLUTION AUTHORIZING A RENEWAL AGREEMENT WITH THE UNIFIED COURT SYSTEM FOR CLEANING AND APPROVING CERTAIN CHAPTER 686 PROJECTS FOR COURT AREAS IN THE COUNTY OFFICE BUILDING (2019-2020)

WHEREAS, Resolution 328 of 2016 authorized a renewal agreement between Fulton County and the NYS Unified Court System for cleaning and minor repairs in court areas located in the County Office Building, effective April 1, 2019 through March 31, 2020; and

WHEREAS, said Resolution passage was contingent upon final approval of proposed Chapter 686 projects by the Board of Supervisors on an annual basis; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Public Works, and Finance, the Chairman of the Board be and hereby is authorized to sign a renewal agreement between the County of Fulton and the NYS Unified Court System for cleaning and minor repairs, at a proposed budget for service of \$113,127.00, effective April 1, 2019 through March 31, 2020; and, be it further

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

Code	Work Description	Estimated Cost
47 b,f,e)	Renovate Family Court Law Clerk’s office into two offices	\$10,000.00
48g)	Supreme & County Clerk Office Project	\$ 2,000.00
49g)	Family/Small Courtroom Audio/Video/Data/Electrical enhancement project	\$ 4,000.00
50g)	Purchase & replace jury chairs in small courtroom, 1st floor	\$16,000.00
51b,f)	Basement storage area renovation/restoration Project	\$ 8,000.00
52g)	Bedbug treatments-Family Court	\$ 2,130.00

and, be it further

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

Resolution No. 182 (Continued)

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

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 183

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

RESOLUTION AUTHORIZING PURCHASE OF A DOOR FOR USE IN THE HIGHWAYS AND FACILITIES DEPARTMENT AND TRANSFER THEREFOR

WHEREAS, the Superintendent of Highways and Facilities has requested to transfer funds in order to purchase a Highway Department door that is beyond repair; and

WHEREAS, the Committees on Public Works and Finance has reviewed said request and recommend proceeding with said purchase; now, therefore be it

RESOLVED, That the Superintendent of Highways and Facilities be and hereby is authorized to purchase a Door to replace a current Highway Department door that is beyond repair at a cost not to exceed \$4,000.00; and, be it further

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

From: A.1620.1621-2010-EXP- Capital Expense	\$4,000.00	
To: A..1620.1621-4180-EXP-Renovations		\$4,000.00

and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 185

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR A COMPACT
LOADER FOR USE IN THE SOLID WASTE DEPARTMENT (2019 CAPITAL PLAN)**

WHEREAS, the 2019 Capital Plan identified one (1) Compact Loader for use in the Solid Waste Department; and

WHEREAS, the Director of Solid Waste recommends purchasing one (1) Compact Loader under the 2019 Capital Plan to improve the single stream recycling program; 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 one (1) Compact Loader to improve single stream recyclable collection for use at 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 June 12, 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 SELMSER and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 186

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

RESOLUTION AUTHORIZING PURCHASE OF T-SHIRTS FOR TRANSFER STATION ATTENDANTS AND TEMPORARY LABORERS IN THE SOLID WASTE DEPARTMENT

WHEREAS, the Solid Waste Director has requested to purchase high visibility t-shirts for part-time Transfer Station Attendants and temporary summer laborers in the Transfer-Haul Division of the Solid Waste Department; now, therefore be it

RESOLVED, That the Superintendent of Highways and Facilities be and hereby is authorized to purchase high visibility t-shirts for part-time Transfer Station Attendants and temporary summer laborers in the Solid Waste Department in an amount not to exceed \$750.00; 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 PERRY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 187

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH “28 LEFT, INC.” FOR THE
FULTON COUNTY ENTERPRISE BUILDING AT THE FULTON COUNTY AIRPORT
(2019-2020)

WHEREAS, Resolution 68 of 2019 authorized a lease agreement with John Eisler for lease of the Fulton County Enterprise Building at the Fulton County Airport for the period March 1, 2019 through February 28, 2021, and

WHEREAS, John Eisler has now created an Incorporation titled 28Left, Inc. for purposes as Lessee of said Enterprise Building; now, therefore be it

RESOLVED, That Resolution 68 of 2019, dated 11 February, 2019, be, and hereby is, rescinded; and, be it further

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 28Left, Inc., 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 (June 1, 2019 through May 31, 2020)
Payment:	\$255.00 per month plus Sewer Fee (June 1, 2020 through May 31, 2021)

said lease 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 (28Left, Inc.), Fixed Base Operator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 188

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

RESOLUTION AUTHORIZING A CONTRACT WITH PASSERO ASSOCIATES FOR DESIGN SERVICES FOR THE MAIN APRON RECONSTRUCTION PROJECT AT THE FULTON COUNTY AIRPORT (2019 CAPITAL PLAN)

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

WHEREAS, Resolution 133 of 2017 authorized the distribution of a Request for Qualifications from engineering firms for project planning services for the Fulton County Airport; and

WHEREAS, Resolution 160 of 2017 approved Passero Associates as the Federal Aviation Administration Certified Airport consultant for the Fulton County Airport (2017-2021); and Passero AssociateS submitted a draft agreement with Fulton County to provide design services for the Main Apron Reconstruction Project; and

WHEREAS, the Planning Director and Committees on Public Works, and Finance recommend contracting with Passero Associates based upon its proposal for said work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Design Project Agreement with Passero Associates of Rochester, NY for the Main Apron Reconstruction Design Project at the Fulton County Airport, in an amount not to exceed \$100,000.00; and, be it further

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

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

Revenue

Increase H.8020.5610-3597.0949-REV-State Aid- Airport Reconstruction Main Apron (New)
\$5,000.00

Increase H.8020.5610-4592.0949-REV-Federal Aid- Airport Reconstruction Main Apron (New)
\$90,000.00

Appropriation

Increase H.8020.5610-2100.0949-EXP-Airport Reconstruction Main Apron (New) \$95,000.00

Resolution No. 188 (Continued)

and, be it further

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

From: A.1000.9950-9000.1200-EXP-Capital Improvements Reserve

To: H.8020.5610-2100.0949-EXP-Airport Reconstruction Main Apron (New)

Sum: \$5,000.00

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: (18) 502 Nays: 21 (1) (Supervisor Callery)

Absent: (1) 28 (Supervisor Potter)

Resolution No. 189

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

RESOLUTION AWARDING A BID TO RIFENBURG CONSTRUCTION, INC. FOR THE RUNWAY 10-28 REHABILITATION AND CONNECTOR TAXIWAY CONSTRUCTION PROJECT AT THE FULTON COUNTY AIRPORT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan includes a Runway 10-28 Rehabilitation and Connector Taxiway Construction Project at the Fulton County Airport in the amount of \$1,150,000.00; and

WHEREAS, Resolution 70 of 2019 authorized 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; and

WHEREAS, Resolution 109 of 2019 authorized advertisement for bids for the Runway 10-28 Rehabilitation and Connector Taxiway Improvement Construction Project at the Fulton County Airport and two (2) bids were received; now, therefore be it

RESOLVED, That upon the recommendation of the Planning Director and Committees on Public Works, and Finance, the net bid, in the amount of \$922,372.00, as submitted by Rifenburg Construction, Troy, New York, for the Fulton County Office Building Renovation Project be, and hereby is, awarded, they being the lowest responsible bidder in accordance with project specifications; and, be it further

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

Revenue

Increase H.8020.5610-3597.0940-REV-State Aid- Airport Runway 10-28 Rehabilitation
\$57,500.00

Increase H.8020.5610-4592.0940-REV-Federal Aid- Airport Runway 10-28 Rehabilitation
\$1,035,000.00

Appropriation

Increase H.8020.5610-2100.0940-EXP-Airport Runway 10-28 Rehabilitation \$1,092,500.00

Resolution No. 189 (Continued)

and, be it further

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

From: A.1000.9950-9000.1200-EXP-Capital Improvements Reserve

To: H.8020.5610-2100.0940-EXP-Airport Runway 10-28 Rehabilitation

Sum: \$57,500.00

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

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 190

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

RESOLUTION AUTHORIZING A CONTRACT WITH PASSERO ASSOCIATES FOR CONSTRUCTION ADMINISTRATION FOR THE RUNWAY 10-28 REHABILITATION AND CONNECTOR TAXIWAY CONSTRUCTION PROJECT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan includes the Rehabilitation of the Runway10-28 Rehabilitation and Connector Taxiway Construction Project at the Fulton County Airport; and

WHEREAS, Resolution 160 of 2017 approved Passero Associates as the Federal Aviation Administration Certified Airport consultant for the Fulton County Airport (2017-2021); and

WHEREAS, the Planning Director, Committees on Public Works and Finance, recommend a contract with Passero Associates for Construction Administration Services on said project, based upon its proposal for said work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an Agreement with Passero Associates of Rochester, NY to provide Construction Administration Services for the Runway10-28 Rehabilitation and Connector Taxiway Construction Project at the Fulton County Airport, in an amount not to exceed \$123,649.00; and, be it further

RESOLVED, That said contract be charged to account H.8020.5610-2100.0940-EXP-Airport Runway 10-28 Rehabilitation; and, be it further

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

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: (18) 502 Nays: 21 (1) (Supervisor Callery)
Absent: (1) 28 (Supervisor Potter)

Resolution No. 191

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

RESOLUTION AUTHORIZING A CONTRACT WITH C & S COMPANIES FOR AN
INDEPENDENT FEE ESTIMATE OF CONSTRUCTION ADMINISTRATION SERVICES
FOR THE RUNWAY 10-28 REHABILITATION AND CONNECTOR
TAXIWAY CONSTRUCTION PROJECT
(2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan includes the Runway 10-28 Rehabilitation and Connector Taxiway Construction Project at the Fulton County Airport; and

WHEREAS, Resolution 160 of 2017 approved Passero Associates as the Federal Aviation Administration Certified Airport consultant for the Fulton County Airport (2017-2021); and

WHEREAS, Resolution 70 of 2019 authorized 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; and

WHEREAS, Federal Aviation Administration guidelines require preparation of an Independent Fee Estimate by an independent consulting firm for said project and the County received two (2) quotes for said work; and

WHEREAS, the Planning Director, Committees on Public Works and Finance, recommend a contract with C & S Companies to prepare an Independent Fee Estimate on said project, based upon its proposal for said work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an Agreement with C & S Companies of Syracuse, NY to provide prepare an Independent Fee Estimate on said project at the Fulton County Airport, in an amount not to exceed \$1,750.00; and, be it further

RESOLVED, That said contract be charged to account H.8020.5610-2100.0940-Airport Runway 10-28 Rehabilitation; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Planning Director, C & S Companies, Passero Associates, NYS Department of Transportation, Federal Aviation Administration, Fixed Based Operator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: (18) 502 Nays: 21 (1) (Supervisor Callery)
Absent: (1) 28 (Supervisor Potter)

Resolution No. 192

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

RESOLUTION CONFIRMING EMERGENCY CHANGE ORDER TO THE CONTRACT WITH TITAN ROOFING, INC. FOR THE ROOFING PROJECT AT 57 E. FULTON STREET, GLOVERSVILLE (2019 CAPITAL PLAN)

WHEREAS, Resolution 150 of 2019 awarded a bid to Titan Roofing, Inc., for the Roofing Project at 57 E. Fulton Street, Gloversville, in the amount of \$65,000.00, and established a project contingency allowance of \$2,000.00; and

WHEREAS, after said roof renovation commenced, unanticipated damaged insulation underlayment was discovered and needed to be removed and replaced at a cost of \$13,000.00; and

WHEREAS, on April 30, 2019, the Chairman of the Board authorized the Superintendent of Highways and Facilities to proceed with emergency repairs including the replacement of insulation underlayment for said Roofing Project; and

WHEREAS, it is now necessary to appropriate funds for said emergency repair; now, therefore be it

RESOLVED, That Emergency Change Order No. 1 to the contract with Titan Roofing, Inc., of Albany, NY, authorized by the Chairman of the Board, be and hereby is confirmed; and, be it further

RESOLVED, That upon the recommendation of the Public Works and Finance Committee, the County Treasurer be and hereby is directed to make the following transfer:

From: A.1620.1625-4030 – EXP – Repairs
To: A.1620-1625-2010 – EXP – Capital Expense
Sum: \$11,000.00

and, be it further

Resolution No. 192 (Continued)

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

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 193

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH PRESTIGE SERVICES, INC. FOR VENDING SERVICES AT CERTAIN COUNTY BUILDINGS

WHEREAS, the County Treasurer has recommend that the County contract with a vending company for vending services at certain County Buildings; and

WHEREAS, the County has been using the services of Prestige Services, Inc. for many years for vending services; and

WHEREAS, the County Treasurer and Committee on Finance recommend contracting with Prestige Services, Inc. for Vending Machine Services in the County Office Building, Social Services Building and Solid Waste Department, for said vending services; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the County Treasurer and Prestige Services, Inc. of Clifton Park, NY for Vending Machine Service in the County Office Building, Social Services Building and Solid Waste Department, commencing April 1, 2019 through April 1, 2020, with a commission on gross profit at a rate of 10 percent payable to the County; and, be it further

RESOLVED, That the County Treasurer do each and every other thing necessary to further the purport of this Resolution; 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, Social Services Commissioner, Solid Waste Director, Prestige Services, Inc., Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 194

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION REQUIRING A PILOT AGREEMENT FOR JOHNSTOWN 2 SOLAR, LLC
(PARCEL 148.-2-78) IN THE TOWN OF JOHNSTOWN**

WHEREAS, Johnstown 2 Solar, LLC is leasing approximately 22.4 acres of land owned by the Town of Johnstown at 352 County Highway 122, in the Town of Johnstown (Parcel 148.-2-78) to construct a 2 Megawatt Solar Farm; and

WHEREAS, Johnstown 2 Solar, LLC has proposed a Payment in Lieu of Taxes (PILOT) Agreement with the Town of Johnstown and County of Fulton in accordance with NYS Real Property Tax Law (RPTL) Section 487; and

WHEREAS, the Finance Committee recommends a PILOT Agreement based on a pro-rated sharing of the Annual Total Tax Rate wherein the PILOT payment shall be between participating taxing jurisdictions based upon the amount of \$8,000.00 per Megawatt of capacity with a 2 percent escalator per year for 15 years, matching the tax exemption period in RPTL Section 487 for such energy projects; now, therefore be it

RESOLVED, That the annual PILOT payment shall be calculated in the amount of \$8,000.00 per Megawatt shared between the taxing jurisdictions of County of Fulton and Town of Johnstown in proportion to each jurisdictions annual Tax Rate compared to Total Tax Rate of all jurisdictions participating in the PILOT; and, be it further

RESOLVED, That for purposes of example, pro-ration would be as follows for year 1:

<u>Tax Year</u>	<u>Jurisdiction</u>	<u>Tax Rate</u>	<u>Percent of Total Rate</u>	<u>Estimated Payment</u>
2018	County of Fulton	\$12.54	73.51%	\$11,761.60
2018	Twn. of Johnstown	<u>\$ 4.52</u>	<u>26.49%</u>	<u>4,238.40</u>
		\$17.06	100%	\$16,000.00

and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between Johnstown 2 Solar, LLC the Board of Supervisors and Town of Johnstown to enact a PILOT Agreement for a 2 Megawatt Solar Array Farm (Parcel 148.-2-78) in the Town of Johnstown; in accordance with the terms and conditions outlined herein; and, be it further

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

Resolution No. 194 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Johnstown 2 Solar, LLC, Town of Johnstown Assessor, Real Property Tax Services Agency Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: (18) 502 Nays: 21 (1) (Supervisor Kinowski)
Absent: (1) 28 (Supervisor Potter)

Resolution No. 195

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH FIRSTLIGHT FOR CERTAIN DATA AND VOICE SERVICES (INFORMATION TECHNOLOGY DEPARTMENT)

WHEREAS, the Information Technology Director wishes to replace existing circuits for data and voice services in various county buildings when the current contract for such service ends December 31, 2019; and

WHEREAS, FirstLight Corporation already has appropriate fiber-optic cable coming into County Complex II to serve an existing NYS connection to the Public Health Department and will be installing additional fiber-optic lines to service the Solid Waste Department facilities in the coming months; and

WHEREAS, the Information Technology Director recommends a three (3) year contract with FirstLight Corporation for data and voice services, at the following cost:

<u>Equipment</u>	<u>Location</u>	<u>Monthly Cost</u>
Data Circuits	2714 State Hwy. 29	\$500.00
Data Circuits	4 Daisy Lane	500.00
Date Circuits	847 Mud Road	500.00
Voice Circuits	2714 State Hwy. 29	540.00
Voice Circuits	4 Daisy Lane	400.00
Voice Circuits	57 E. Fulton Street	400.00
Voice Circuits	223 W. Main Street	400.00
Voice Circuits	847 Mud Road	400.00
Additional Federal Costs and Fees		<u>261.00</u>
Total Per Month:		\$3,901.00

and, be it further

RESOLVED, That upon the recommendation of the Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract between the Information Technology Department and FirstLight Corporation of Albany, NY, effective January 1, 2020 through December 31, 2022, at a cost of \$3,901.00 per month, said agreement subject to the approval of the County Attorney; and, be it further

Resolution No. 195 (Continued)

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

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 196

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF NON-WORKING COMPUTER EQUIPMENT (INFORMATION TECHNOLOGY DEPARTMENT)

WHEREAS, the Information Technology Director has recommended disposing of certain non-working computer equipment in the Information Technology Department at the Department of Solid Waste's eWaste facility; 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:

<u>Asset #</u>	<u>Description</u>	<u>Purchased</u>
6843	Dell Dimension 3100	Unknown
7611	Dell Optiplex 745	1/2/2008
7745	Dell Optiplex 745	4/9/2008
8009	Dell Optiplex 755	1/2/2009
8033	Dell Optiplex 755	1/2/2009
8112	Dell Optiplex 755	3/24/2009
8466	Dell Optiplex 760	3/9/2010
8470	Dell Optiplex 760	3/9/2010
8475	Dell Optiplex 760	3/9/2010
8508	Dell Optiplex 760	3/9/2010
8512	Dell Optiplex 760	3/9/2010
8513	Dell Optiplex 760	3/9/2010
8519	Dell Optiplex 760	3/9/2010
8520	Dell Optiplex 760	3/9/2010
8528	Dell Optiplex 760	3/9/2010
8529	Dell Optiplex 760	3/9/2010
8805	Dell Optiplex 390	8/2/2011
8807	Dell Optiplex 390	8/2/2011

and, be it further

Resolution No. 196 (Continued)

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 eWaste, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

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

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 197

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHANGE ORDERS FOR RELEASE OF FUNDS FOR CERTAIN CONTRACTORS (FMCC PE BUILDING BATHROOMS AND LOCKER ROOMS PROJECT (2018 CAPITAL PLAN)

WHEREAS, the 2018 Capital Plan included a FMCC PE Building Bathrooms and Locker Rooms Project; and

WHEREAS, the Planning Director has informed the Finance Committee that said Project has concluded and remaining balances in the contracts can be released as credit Change Orders; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign Change Orders and any related close-out documents for the FMCC PE Building Bathrooms and Locker Rooms Project as follows:

JMZ Architects and Planners, LLC (Construction Administration)

Original Contract Amount	\$52,200.00
Change Order No. 1 (Add. Admin, Svcs.)	+ 4,000.00
Change Order No. 2 (credit)	- 2,760.29
Revised Contract Amount	\$53,239.71

CME Associates, Inc. (Independent Inspection Services)

Original Contract Amount	\$ 7,500.00
Change Order No. 1 (credit)	- 6,000.00
Revised Contract Amount	\$ 1,500.00

Fulmont College Association (Clerk of the Works)

Original Contract Amount	\$ 4,000.00
Change Order No. 1 (credit)	- 1,182.50
Revised Contract Amount	\$ 2,817.50

and, be it further

RESOLVED, That any credit shall be to H.8020.2497-2100.0885 – EXP – FMCC Campus Bathrooms & Locker Rooms Renovations; and, be it further

Resolution No. 197 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, FMCC, Montgomery County Legislature, JMZ Architects and Planners, LLC, CME Associates, Inc., Fulmont College Association, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 498 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 28 (1) (Supervisor Potter)

Resolution No. 198

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH TRANE U.S., INC. FOR UPDATED SYSTEM CONTROLS AS PART OF THE FMCC PE BUILDING BATHROOMS AND LOCKER ROOMS PROJECT (2018 CAPITAL PLAN)

WHEREAS, the 2018 Capital Plan identifies a FMCC PE Building Bathrooms and Locker Rooms Project; and

WHEREAS, the Planning Director has indicated that the project work is complete and FMCC officials have requested that remaining funds be used for the purchase and installation of upgraded HVAC controls for the FMCC PE Building; now, therefore be it

RESOLVED, That upon the recommendation of the Planning Director and Committee on Finance, FMCC officials be and hereby are authorized to purchase and install upgraded HVAC controls for the FMCC PE Building as part of the FMCC PE Building Bathrooms and Locker Rooms Project through Trane US, Inc. of Latham, NY at a cost not to exceed \$10,000.00; (\$8,739.96 from said project balance, \$1,260.04 from FMCC accounts); and, be it further

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

RESOLVED, That said cost be a charge against H.8020.2497-2100.0885 – EXP – FMCC Campus Bathrooms & Locker Rooms Renovations; and, be it further

RESOLVED, That FMCC will pay the balance of any funds needed to make such purchases from College accounts; 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, County Attorney, Planning Director, Trane US, Inc., FMCC, Montgomery County Legislature, Budget Director/County Attorney, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 498 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 28 (1) (Supervisor Potter)

Resolution No. 199

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH
HAROLD R. CLUNE FOR FMCC THEATER AND OTHER BUILDINGS
RENOVATION PROJECT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan identifies a FMCC Theatre and Other Buildings Renovation Project; and

WHEREAS, Resolution 118 of 2019 awarded bids for Prime Contracts for the FMCC Theatre and Other Buildings Renovation Project; and

WHEREAS, Harold R. Clune of Ballston Spa, NY was awarded an Electrical Construction Contract in the amount of \$276,000.00; and

WHEREAS, the Planning Director and FMCC Officials recommend deleting the Fire Alarm Fiber Installation from the FMCC Theater and Other Buildings Renovation Project, at a cost of \$33,298.00; 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 Harold R. Clune for deletion of the Fire Alarm Fiber Installation, as part of the FMCC Theater and Other Buildings Renovation Project as follows:

Original Contract Amount:	\$276,000.00
Change Order No. 1 (credit)	<u>- 33,298.00</u>
Revised Contract Amount:	\$242,702.00

and, be it further

RESOLVED, That said cost be a charge against H.8020.2497-2100.0930 – EXP – FMCC Theatre and Other Renovations; and, be it further

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

Resolution No. 199 (Continued)

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, County Attorney, Planning Director, FMCC, Montgomery County Legislature, Harold R. Clune, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 498 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 28 (1) (Supervisor Potter)

Resolution No. 200

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH
HAROLD R. CLUNE FOR FMCC CAMPUS LABS AND CLASSROOMS
PHASE II PROJECT (2019 CAPITAL PLAN)

WHEREAS, the 2019 Capital Plan includes a FMCC Campus Labs and Classrooms Phase II Project; and

WHEREAS, Resolution 115 of 2019 awarded bids for Prime Contracts for the FMCC Campus Labs and Classrooms Phase II Project (2019 Capital Plan); and

WHEREAS, Harold R. Clune of Ballston Spa, NY was awarded an Electrical Construction Contract in the amount of \$101,200.00; and

WHEREAS, the Planning Director and FMCC Officials recommend adding Fire Alarm Fiber Installation to the FMCC Campus Labs and Classrooms Phase II Project, at a cost not to exceed \$33,298.00; 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 Harold R. Clune for Fire Alarm Fiber Installation, as part of the FMCC Campus Labs and Classrooms Phase II Project as follows:

Original Contract Amount:	\$101,200.00
Change Order No. 1 (Fire Alarm Fiber)	<u>+ 33,298.00</u>
Revised Contract Amount:	\$134,498.00

and, be it further

RESOLVED, That said cost to be a charge against H.8020.2497-2100.0870 – EXP-FMCC Campus Labs and Classrooms Renovations; and, be it further

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

Resolution No. 200 (Continued)

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, FMCC, Montgomery County Legislature, Harold R. Clune, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 498 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 28 (1) (Supervisor Potter)

Resolution No. 201

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH
AOW ASSOCIATES, INC. FOR THE FMCC THEATER AND OTHER BUILDINGS
RENOVATION PROJECT (2019 CAPITAL PLAN)**

WHEREAS, the 2019 Capital Plan identifies a FMCC Theatre and Other Buildings Renovation Project; and

WHEREAS, Resolution 118 of 2019 awarded bids for Prime Contracts for the FMCC Theatre and Other Buildings Renovation Project; and

WHEREAS, AOW Associates, Inc. of Albany, NY was awarded a General Construction Contract in the amount of \$372,000.00; and

WHEREAS, the Planning Director and FMCC Officials recommend deleting the Fire Alarm Abatement from the FMCC Theater and Other Buildings Renovation Project, at a cost of \$5,000.00; 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 AOW Associates, Inc. for deletion of the Fire Alarm Abatement, as part of the FMCC Theater and Other Buildings Renovation Project as follows:

Original Contract Amount:	\$372,000.00
Change Order No. 1 (credit)	<u>- 5,000.00</u>
Revised Contract Amount:	\$367,000.00

and, be it further

RESOLVED, That said cost be a charge against H.8020.2497-2100.0930 – EXP – FMCC Theatre and Other Renovations; and, be it further

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

Resolution No. 201 (Continued)

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, County Attorney, Planning Director, FMCC, Montgomery County Legislature, AOW Associates, Inc., Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 498 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 28 (1) (Supervisor Potter)

Resolution No. 202

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH
AOW ASSOCIATES, INC. FOR THE FMCC CAMPUS LABS AND CLASSROOMS
PHASE II PROJECT (2019 CAPITAL PLAN)**

WHEREAS, the 2019 Capital Plan includes a FMCC Campus Labs and Classrooms Phase II Project; and

WHEREAS, Resolution 115 of 2019 awarded bids for Prime Contracts for the FMCC Campus Labs and Classrooms Phase II Project (2019 Capital Plan); and

WHEREAS, AOW Associates, Inc. of Albany, NY was awarded an General Construction Contract in the amount of \$463,900.00; and

WHEREAS, the Planning Director and FMCC Officials recommend adding Fire Alarm Abatement to the FMCC Campus Labs and Classrooms Phase II Project, at a cost not to exceed \$5,000.00; 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 AOW Associates, Inc. for conducting Fire Alarm Abatement, as part of the FMCC Campus Labs and Classrooms Phase II Project as follows:

Original Contract Amount:	\$463,900.00
Change Order No. 1 (Fire Alarm Abatement)	<u>+ 5,000.00</u>
Revised Contract Amount:	\$468,900.00

and, be it further

RESOLVED, That said cost to be a charge against H.8020.2497-2100.0870 – EXP-FMCC Campus Labs and Classrooms Renovations; and, be it further

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

Resolution No. 202 (Continued)

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, FMCC, Montgomery County Legislature, AOW Associates, Inc., Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 498 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 28 (1) (Supervisor Potter)

Resolution No. 203

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENT BETWEEN
FULTON-MONTGOMERY COMMUNITY COLLEGE, FULTON COUNTY,
MONTGOMERY COUNTY AND FMCC BUILDING AND GROUNDS UNIT (2019-2023)

RESOLVED, That the Fulton County Board of Supervisors, by this Resolution, hereby approves the official Memorandum of Agreement, as attached hereto, between Fulton-Montgomery Community College, Fulton County, Montgomery County and FMCC Buildings and Grounds Unit, CSEA, Inc., AFSCME, Local 1000, AFL-CIO, for the period from and as of September 1, 2019 through August 31, 2023; and, be it further

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

RESOLVED, That the Board of Trustees and FMCC Administration 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, FMCC, FMCC Board of Trustees, Montgomery County Legislature, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

TOTAL: Ayes: 498 (18) Nays: 0 Abstentions: 25 (1) (Supervisor Young)
Absent: 28 (1) (Supervisor Potter)

**Memorandum of Agreement By and Between Fulton Montgomery Community College and
CSEA, Local 1000 AFSCME, AFL-CIO**

WHEREAS, FMCC (College) and CSEA, Local 1000 AFSCME, AFL-CIO have been negotiating the terms and conditions of a successor collective bargaining agreement to the present collective bargaining agreement effective September 1, 2019-August 31, 2023.

WHEREAS, the parties have reached agreement with respect to the terms and conditions and wish to memorialize them in a memorandum of agreement:

NOW, THEREFORE, the parties agree as follows:

All other contract language remains intact with the exception of the following:

Article III Rights of Association and Employees

Replace (F) with: The College agrees to make all dues deductions in accordance with all applicable laws. Dues will be transmitted to CSEA, Inc., 143 Washington Avenue, Albany, New York at least monthly in a separate check. A listing of employees covered shall accompany each check.

Article IV Wage and Salary Schedule:

- A. Effective 9/01/19 the base annual salary (not including longevity) of returning bargaining unit members shall be increased by 2 %.

Effective 9/01/20 the base annual salary (not including longevity) of returning bargaining unit members shall be increased by 2 %.

Effective 9/01/21 the base annual salary (not including longevity) of returning bargaining unit members shall be increased by 2 %.

Effective 9/01/22 the base annual salary (not including longevity) of returning bargaining unit members shall be increased by 2 %.

The salary schedule shall be increased by 2% of the base annual salary increases for each year of the agreement.

D. Longevity. An annual longevity increment in the amount of \$350 will be granted full-time employees commencing the fifth (5th) or subsequent year of continuous service with the College, continuing through the fifteenth (15th) year of service. An annual longevity increment in the amount of \$400 will be granted full-time employees, commencing the sixteenth (16th) year of continuous service with the College and continuing through the twentieth (20th) year of service. In addition, commencing the twenty-first year (21st) of continuous service with the College, an annual longevity increment of \$500 will be granted to full time employees and for each subsequent year. This benefit is not retroactive or accumulative.

G. Retirement Incentive: “Employees with a maximum of ten (10) years full-time continuous service with the College may elect early retirement and receive \$100. per year for each of the first ten (10) years of service and \$150 for each year thereafter, up to a maximum of \$1,750.

Notice of early retirement must be given at least three months prior to this retirement date. Payments shall be made in the employee's final payroll check.

Article V Health Insurance

Add : A. (3) New full time employees hired on or after September 1, 2019 shall pay 10% of the health insurance premium of both (or either) the individual and dependent coverage for the duration of their employment.

D. Replace "An employee may elect to resume coverage in the College's hospitalization and major medical insurance plan on the first day of the following month provided the employee gives the College a minimum of five business days' notice. The employee shall be subject to any terms, conditions and/or limitations pertaining to preexisting medical conditions as set forth in the contracts issued by the carrier."

With: "An employee may resume coverage only during the Open Enrollment Period. The employee shall be subject to any term, conditions and/or limitations pertaining to preexisting medical conditions as set forth in the contracts issued by the carrier."

Article VI Fringe Benefits

B Sick Leave

B (3). Replace "Certification may be evaluated in conjunction with the circumstances of the absence to determine legitimate use of leave. Where an employee has demonstrated misuse of sick leave accruals during this fiscal year, the employee shall be counseled by management and shall be notified in writing that the employee may be required to provide a doctor's certificate for each future absence for a period of no more than six months from the date of written verification. At the conclusion of the six month period attendance will be reevaluated and if the employee has demonstrated proper use of accruals, the College shall notify the employee in writing that misuse has ceased. If misuse is deemed to have continued, the requirement to bring in doctors certification may be renewed for another six month period and will be reevaluated. Misuse of sick leave may be subject to discipline."

With: B (3) The attendance policy applies an occurrence system whereby an employee that violates an attendance rule is automatically assessed an occurrence. Accumulating a certain number of occurrences as outlined below will lead to progressive, corrective action.

Occurrences Defined:

- A. Tardiness of more than seven (7) minutes. Time tardy can be made up at the end of the shift with supervisor's approval, however, time tardy will still be counted as an occurrence.
- B. Unauthorized absence for a shift or part of a shift.
- C. Authorized use of sick time: The employee is not in attendance for any portion of a shift for a period of two hours or more due to sick time use. A continuous absence for the same medical reason will be treated as a single occurrence.

D. Exclusions: Jury duty, military leave, time off to vote, absence due to lack of work, administrative leave, approved and properly utilized (per notification rules) vacation or personal leave time, an absence due to approved Family Medical Leave, Workers Compensation or Disability leave, annual cancer screen appointments per NYS law, or for bereavement are excluded from above. The College reserves the right to designate other rare exclusions, especially to maintain compliance with evolving local, state, or federal law.

Correction Action In Response to Occurrences:

<u>Corrective Action</u>	<u>Number of Occurrences Within Fiscal Year</u>
Verbal Counseling	6
First Written	8
Second Written	10
Two Day No Pay Suspension	12
Discharge	14

Progressive discipline will continue for those persons with 10 occurrences or more within a fiscal year until such time that occurrences within a twelve (12) month period are less than six (6), at which time the number of occurrences and disciplinary process resets to Zero (0).

Correction Action Further Defined:

- When a “Two day suspension is imposed” the College will expressly advise the employee in writing within five (5) working days of the employee returning from the occurrence and his/her immediate supervisor and the CSEA, that if the employee has a fourteenth occurrence within the fiscal year the disciplinary step will be discharge.
- Prior to imposing the penalty of discharge, the College will conduct an impartial investigation into the employee’s discharge occurrence to determine the reasons for the discharge absence and whether it supports the penalty of discharge (e.g. the discharge occurrence was beyond the employee’s control). If not, the College, with discretion, will provide a different appropriate penalty, if any.
- Prior to discharge, the College will review the employee’s underlying occurrences and determine whether some or all of them were excusable and then determine whether discharge or some other lesser penalty, or no penalty, is appropriate.
- If the College determines that unusual circumstances exist that warrant more severe discipline than provided in the attendance policy, it shall expressly so advise the employee in writing and his/her immediate supervisor and the CSEA that the next disciplinary occurrence will result in discharge.
- Under appropriate circumstances, as determined by the arbitrator and set forth in writing, the arbitrator may modify the penalty imposed, including but not limited to increasing or decreasing the penalty.
- CSEA and the College will reconvene in one year from the effective date of the contract to consider the effectiveness of the attendance policy.

Attendance Incentive:

All bargaining unit members shall be eligible for this incentive. Part time employees shall receive a prorated amount of time based upon hours worked. The chart below identifies the number of additional vacation days that shall be gained based upon the number of occurrences that occur during the fiscal period.

<u>Number of Occurrences</u>	<u>Number of Vacation Days Gained</u>
0 – 1	3 Days
2 - 3	2 Day
4	1 Day

B (6) Replace “Notice of retirement must be given no later than September 1st prior to retirement”.

With: “Notice of retirement must be given in writing at least three (3) months prior to retirement.”

B (9) Replace: “Employees shall be required to notify their supervisor at least one-half (1/2) hour prior to the start of the shift they are requesting sick leave.”

With “Employees shall be required to notify their supervisor at least two (2) hours prior to the start of the shift they are requesting sick leave.”

B (10) Replace “An employee must use all available leave credits before using a no pay sick day.”

With “ An employee must use all available leave credits, subject to the notification rules of the respective leave types, before using a “no pay” sick day.”

G. Funeral Leave

Replace (3) Immediate Family” is understood to include, parent, child, spouse, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, or any relative living in the household of the employee.

With: “Immediate Family is understood to include, parent, child, spouse, brother, sister, grandparent, grandchild, in-law, step family, or any relative living in the household of the employee.”

I. Vacations

Replace (1) “Vacation requests shall be submitted in writing on a form provided by the College”. Summer vacation (June through August) requests shall be submitted by May 15th. Vacation shall be granted on the basis of seniority on each shift. Requests for full weeks of vacation by less senior employees shall be given preference over single vacation day requests by more senior employees.

With (1).Summer vacation (June through August) requests shall be submitted by May 15th. Vacation shall be granted on the basis of seniority on each shift. Requests for full weeks of vacation by less senior employees shall be given preference over single vacation day requests by more senior employees. Vacation requests for non-summer vacation days (all months other than June, July, or August) must be provided at least twenty-four (24) hours in advance of the vacation day(s) being requested. Vacation requests shall be submitted in writing on a form provided by the College or via text, email, or voice mail, provided the communication includes a time stamp.

(2) All permanent and continuous employees shall be granted a vacation in accordance with the following schedule:

10 days after 1 year;
15 days after 5 years;
20 days after 10 years;

P. Leave for Association Business:

Replace “The College will allow an aggregate five (5) work days off with pay to CSEA officers employed at the College for purposes of attending CSEA conventions, workshops, or Executive Board meetings; provided, however, the College is given at least forty-eight (48) hours advance notification. Only one CSEA officer is to be permitted time off at any one time.”

With ““The College will allow an aggregate five (5) work days off with pay to CSEA officers employed at the College for purposes of attending CSEA conventions, workshops, or Executive Board meetings; provided, however, the College is given at least forty-eight (48) hours advance notification. When a CSEA officer works on second or third shift, an additional forty (40) hours or five (5) days shall be applied to the aggregate of the five (5) work days. This will allow for a total of eighty (80) hours for those officers that may work second or third shift. Only one CSEA officer is to be permitted time off at any one time.”

S. Tardiness

Replace “Employees who are unable to report to work on time, shall be required to notify their supervisor one-half (1/2) hour prior to the start of their scheduled shift.”

With: “ Employees who are unable to report to work on time, shall be required to notify their supervisor two (2) hours prior to the start of their scheduled shift.”

Article VII Employment Policies

A. Work Schedule and Hours

Add A (6) An Employee that is absent without notice for three (3) consecutive, scheduled work days, shall be considered as having abandoned his/her job, and the College will treat this as a voluntary separation.

B. (2) Snow Emergencies

Replace: “Employees who actually work during the snow emergency shall receive two times their regular rate of pay for those hours worked during such officially closed hours. For purposes of application of this paragraph, day class closing affects first shift maintenance employees and evening class closing affects second shift maintenance employees. Reasonable judgment shall be used in the application of snow days to third shift employees.”

With: “Employees who actually work during times the College is closed for an emergency shall receive two times their regular rate of pay for those hours worked during such officially closed hours. For purposes of application of this paragraph, day class closing affects first shift maintenance employees and evening class closing affects second shift maintenance employees. Reasonable judgment shall be used in the application of emergency work time for third shift employees.”

Appendices that include signed Memorandums of Agreements:

It is agreed that the following MOA’s will be incorporated into relevant sections of the successor agreement:

1. Appendix C MOA Implications of forgoing language
 2. Appendix E MOA regarding NY44 Trust.
 3. Appendix F MOA regarding Job Posting.
 4. Appendix G MOA regarding Supplemental Part Time Employees.
 5. Appendix H MOA regarding Liberty ARC.
 6. Appendix K MOA regarding Health Insurance Buyouts
-

It is further understood that upon agreement by both Negotiating Committees, that this agreement must be approved by the CSEA Members at large, the FMCC Board of Trustees, the Montgomery County Legislature and the Fulton County Board of Supervisors.

Ryan Weitz Date

Edward Herbert Date

Dustin Swanger Date

Vincent DePalma Date

Edmund Jasewicz Date

Darrin Whitehouse Date

Nicole Yaggle Date

Date

William Waldron Date

Date

David Morrow Date

Date

Jason Rauch Date

Date

Joshua Fleming Date

Date

Resolution No. 204

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING THE REPORT OF THE COMMITTEE ON
MORTGAGE TAX DISTRIBUTION

RESOLVED, That the Report of the Committee on Mortgage Tax (Finance) dated May 2, 2019, be adopted as the act and determination of the Board and that the County Treasurer be and hereby is authorized and directed to issue checks payable to the proper village, town or city officers thereto; and, be it further

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

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

MORTGAGE TAX DISTRIBUTION

for the period of
October 2018 - March 2019

	<u>TOWNS</u>	<u>VILLAGES</u>	<u>CITIES</u>	<u>Amount Credited to Town, City or Village After Deducting Expenses</u>
BLEECKER	\$ 6,977.22			\$ 6,977.22
BROADALBIN	\$49,231.79	\$ 4,369.42		\$ 53,601.21
CAROGA	\$ 5,291.19			\$ 5,291.19
EPHRATAH	\$ 8,112.36			\$ 8,112.36
CITY OF GLOVERSVILLE			\$ 40,944.24	\$ 40,944.24
CITY OF JOHNSTOWN			\$ 32,994.00	\$ 32,994.00
JOHNSTOWN	\$ 34,665.28			\$ 34,665.28
MAYFIELD	\$ 31,587.39	\$ 1,497.10		\$ 33,084.49
NORTHAMPTON	\$ 28,430.91	\$ 3,646.82		\$ 32,077.73
OPPENHEIM	\$ 7,079.87	\$ 157.86		\$ 7,237.73
PERTH	\$ 25,031.71			\$ 25,031.71
STRATFORD	\$ 2,034.88			\$ 2,034.88
			TOTAL	\$ 282,052.04

Dated this 2nd day of May 2019:

FINANCE COMMITTEE:

Richard Argotsinger	_____
David Howard	_____
John Callery	_____
Gregory Fagan	_____
Michael Kinowski	_____
Warren Greene	_____
James Groff	_____

Resolution No. 205

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 transfer:

Emergency Management

From: A.1000.1990-4907 – EXP – Contingent Fund Expense

To: A.3640.3640-1100 – EXP – Overtime

Sum: \$1,000.00

Highways and Facilities

From: D.5010.5112-4132.0122 – EXP – Road Construction – 122

To: D.5010.5112-4132.0158 – EXP – Road Construction – 158

Sum: \$4,850.00

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

Treasurer

Revenue

Increase A.1000.5630-3594 – REV – State Aid Buses and Other Mass Transportation Projects \$93,797.00

Appropriation

Increase A.1000.5630-4130 – EXP – Contractual \$93,797.00

Highways and Facilities

Revenue

Increase A.1620.5610-1770 – REV – Airport Fees & Rentals \$ 2,400.00

Appropriation

Increase A.1620.5610-4180 – EXP – Renovations \$ 2,400.00

Social Services

Revenue

Increase A.6010.6010-3610 – REV – State Aid – Social Services Administration \$22,238.00

Appropriation

Increase A.6010.6012-1100 – EXP – Overtime \$22,238.00

Resolution No. 205 (Continued)

and, be it further

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)

Resolution No. 206

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

RESOLUTION ESTABLISHING FULTON COUNTY SEWER DISTRICT NO. 3: MECO

WHEREAS, the Fulton County Board of Supervisors has determined that it is in the interest of the residents of Fulton County to establish public sewer service the vicinity of Meco in the Town of Johnstown; and

WHEREAS, the City of Gloversville and Gloversville-Johnstown Joint Wastewater Treatment Facility have sufficient capacity and ability to supply sewer service to the County in accordance with the SMART Waters Inter-municipal Agreement; and

WHEREAS, NYS County Law Article 5-A authorizes Fulton County to establish county sewer districts, which districts are further authorized to purchase sewage treatment capacity for resale within the district; and

WHEREAS, Resolution 484 of 2017, authorized a contract with C.T. Male Associates for the preparation of an updated Map, Plan and Report for proposed Fulton County Sewer District No. 3: Meco; and

WHEREAS, the Board of Supervisors, by Resolution, accepted the Fulton County Sewer District No. 3 Map, Plan And Report, dated October 26, 2018, prepared by C.T. Male Associates, which identified the proposed improvements, the boundaries and description of the proposed district, the proposed method of financing and the estimated costs of the improvements and all other matters required by law to be stated; and

WHEREAS, pursuant to public notice, dated March 27, 2019, the Fulton County Board of Supervisors held a public hearing on April 8, 2019, on the proposed establishment of Fulton County Sewer District No. 3; and

WHEREAS, an Environmental Assessment Form was prepared by the Fulton County Board of Supervisors, a coordinated review has been completed and by Resolution dated April 8, 2019, authorized the issuance of a Negative Declaration pursuant to the State Environmental Quality Review Act ("SEQRA"); now therefore be it

RESOLVED, That:

- (a) the proposed sewer facilities are satisfactory and sufficient;
- (b) all of the property and property owners within County Sewer District No. 3: Meco are benefited thereby;
- (c) all of the property and property owners benefited are included within the limits of proposed County Sewer District No. 3: Meco;
- (d) it is in the public interest to establish County Sewer District No. 3:Meco; and
- (e) the establishments of zones of assessment is not recommended;

Resolution No. 206 (Continued)

and be it further

RESOLVED, That the establishment of Fulton County Sewer District No. 3: Meco as described and defined in the updated Fulton County Sewer District No. 3 Map, Plan and Report, dated October 26, 2018 prepared by C.T. Male Associates, be and hereby is approved, subject to permissive referendum; and, be it further

RESOLVED, That final creation of the District shall be by order of this Board, acting as the Fulton County Water and Sewer Agency, following any waiting period prescribed by Law; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Planning Director, City of Gloversville, City of Johnstown, Town of Johnstown, Gloversville Water Board, Gloversville-Johnstown Joint Waste Water Treatment Facility, C.T. Male Associates, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Potter)