

## **SEVENTH REGULAR SESSION**

Johnstown, NY

July 8, 2019

Roll Call – Quorum Present

Supervisors: Blackmon, Bradt, Breh, Callery, Fagan, Greene, Groff, Kinowski, Lauria, Perry, Potter, Rice, Selmsler, Wilson, Young

TOTAL: Present: 15 Absent: 5 (Supervisor Argotsinger, Born, Handy, Howard, Waldron)

Chairman Wilson called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance, Chairman Wilson called for a moment of silence for Arlene Sitterly, who recently passed away. He noted that Arlene was very instrumental in economic development efforts in Fulton County. She was heavily involved for decades and she was a community volunteer who will be greatly missed.

Chairman Wilson asked if there was anyone from the public who wished to address the Board. No one from the public came forward.

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

### **COMMUNICATIONS**

1. Communication from Livingston County Board of Supervisors  
Subj: Res No. 222 of 2019 Committee on Ways and Means Opposing a Portion of Proposed Legislative Bills S4676A/A4863 Changing the Order in which Multiple Tax Liens are to be Redeemed (Supervisor Young requested a copy)
2. Public Notice from the Inactive Hazardous Waste Disposal Site Program (State Superfund Program)  
Subj: State Superfund Site Classification Notice for New Process Cleaners, 115 North Market Street, Johnstown, New York 12095

### **REPORTS**

- A. 2017/2018 Annual Report, Fulton County Department of Social Services

Chairman Wilson asked Joseph DiCristofaro, Capital District OTB Representative to proceed with the presentation of the 2019 OTB Scholarship awards.

Jon Stead, Administrative Officer/Clerk of the Board, advised that this is the time of year when the County Board of Supervisors and the Capital District OTB jointly sponsor a scholarship essay competition for high school seniors in Fulton County regarding County government. He had copies of the winning essays if any Supervisor wanted to read one.

Mr. DiCristofaro and Chairman Wilson then presented Alexis Houser of Johnstown High School with a certificate for the second place scholarship award for 2019. Next, third place winner, William Phillips from Johnstown High School, was presented his third place certificate. Mr. DiCristofaro advised that the first place winner, Emily Wheelis of Johnstown High School, was not able to attend today.

## **PROCLAMATION**

Chairman Wilson invited Dr. Dustin Swanger to come forward to be recognized.

### **RECOGNIZING PRESIDENT DUSTIN SWANGER FOR HIS DISTINGUISHED SERVICE TO FULTON-MONTGOMERY COMMUNITY COLLEGE**

WHEREAS, Dr. Dustin Swanger, Fulton-Montgomery Community College President, is retiring from College service effective July 31, 2019; and

WHEREAS, Dr. Swanger was ceremoniously installed on April 28, 2007 as the eighth President of Fulton Montgomery Community College; and

WHEREAS, Dr. Swanger's affable personality and record of leadership have made him a notable Fulton-Montgomery Community College President; and

WHEREAS, President Swanger's accomplishments have bound higher education and the community closer together by developing programs to support the regional workforce while introducing innovation and creativity to the FMCC mission; and

WHEREAS, Dr. Swanger created a campus atmosphere that attracts students eager to learn, live and lead in a diverse and dynamic global culture; and

WHEREAS, Dusty served as Chair of the Fulton County Center for Regional Growth and Fulton-Montgomery Regional Chamber of Commerce, Co-chaired the Mohawk Valley Regional Economic Development Council, guided the CEO Roundtable and immersed himself in many other community service efforts; and

WHEREAS, President Swanger's tenure will go down in history as a period of exponential growth and advancement for the College and its community; and

WHEREAS, President Swanger distinguished himself as the consummate statesman in a craft where such acumen is a superior quality; now, therefore be it

RESOLVED, That the Board of Supervisors hereby recognizes President Dustin Swanger for his distinguished service to Fulton-Montgomery Community College; and, be it further

RESOLVED, That the Board hereby offers its sincerest best wishes on the occasion of his retirement.

Chairman of the Board Wilson thanked Dr. Swanger for his contributions to FMCC and the community.

Dr. Swanger thanked the Board of Supervisors for their dedication to Fulton-Montgomery Community College. He thanked the Supervisors for their friendship and commitment.

### **UPDATES FROM STANDING COMMITTEES**

***Personnel:*** Supervisor Callery advised that there will be a special Personnel Committee meeting on Wednesday, July 10, 2019 for labor negotiations.

### **REPORTS OF SPECIAL COMMITTEES**

***Soil and Water Conservation District Board:*** Supervisor Greene stated that fish deliveries were completed in addition to stump removal at Fox Run Golf Course. The City of Johnstown bridge replacements were completed as well as hydroseeding for the City and Town of Johnstown.

### **CHAIRMAN'S REPORT**

Supervisor Wilson stated that he recently attended a national-level economic development conference in Washington, DC with members from the Center for Regional Growth. Four (4) U.S. department Secretaries and eight (8) Governors were also in attendance. Chairman Wilson and the CRG members spoke with representatives from several countries. He also stated that Shared Services Panel meetings continue with the upcoming meeting being held later today.

### **RESOLUTIONS**

***No. 238 (Resolution Authorizing Grant Application to the NYS Consolidated Funding Application Process for a Proposed 2020 Capital Project: Smart Waters: NYS Route 30 Sewer Feasibility Study):*** Supervisor Callery stated that it is a great idea and he is looking forward to seeing hotels in the area. He believes it will be a positive move forward because the Great Sacandaga Lake is the area's greatest asset.

***No. 267 (Resolution Adopting the 2019-2020 FMCC Budget):*** Dr. Swanger gave an update regarding the proposed FMCC Budget. He stated that the budget is down five percent from last year. He stated that FMCC is not requesting any additional funds for 2019-2020. Dr. Swanger stated that recent state legislation now provides no community college will receive less than 98 percent funding than that college received in the previous year. Dr. Swanger stated that FMCC tuition is currently \$4,900.00 per year for an enrolled student and that the College is utilizing around \$300,000.00 in fund balance for the 2019-2020 budget. He also advised that FMCC has eliminated 42 positions for cost-cutting purposes.

### **PUBLIC HEARING: PROPOSED 2017-2018 FMCC BUDGET**

Chairman Wilson opened the Public Hearing at 1:30 p.m. for the purpose of receiving comments regarding the Public Hearing for the Tentative Budget for Fulton-Montgomery Community

College as related to the financial share and obligation of Fulton County for the fiscal year beginning September 1, 2019, pursuant to Chapter 631 of the Laws of 1965.

*(Supervisor Bradt arrived at the meeting at 1:30 p.m.)*

Chairman Wilson asked if anyone was present who wished to make comments regarding the 2019-2020 FMCC Budget.

There being no one, Chairman Wilson advised that he would keep the public hearing open for a period of time.

Chairman of the Board Wilson then called for a recess at 1:32 p.m for Supervisors to personally congratulate Dr. Swanger on his retirement.

Chairman Wilson called the meeting back to order at 1:41 p.m.

Chairman Wilson called for any additional speakers for the 2019-2020 FMCC Budget. There being no one, Chairman Wilson closed the Public Hearing regarding the 2019-2020 FMCC Budget at 1:42 p.m.

***No. 255 (Resolution Authorizing a Contract with Auctions International Corporation to Sell Certain Surplus Vehicles and Equipment (Solid Waste Department)):*** Mr. Stead explained that prior to the meeting he spoke to David Rhodes, Solid Waste Director, and it was Mr. Rhode's understanding that the 1980 John Deer Backhoe had a replaced hour meter and the 205 hours listed on the Resolution does not reflect hours from a previous meter.

***No. 264 (Resolution Opposing Proposed Legislation S.4676/A.4863 Changing Existing Property Tax Foreclosure Processes):*** Supervisor Young stated that this bill reduces interest and penalties. In his opinion it will enhance protections for single family owner-occupied homes with the purpose of keeping people in their homes. He stated that he believes the Board of Supervisors should try to keep people in their homes as opposed to selling the properties in County auctions. He stated that the County had a profit of over \$300,000.00 from the last auction.

Supervisor Callery stated that he disagrees with Supervisor Young. Overall, the bill will push the burden of unpaid taxes on other property owners.

Mr. Stead stated that he believes the biggest concerns of county governments aren't the interest rate and penalty reductions, but the sequencing of when delinquent taxes are due. This would propose the oldest taxes owed could be paid initially, and a property owner could always remain two years in arrears if they continue to pay the oldest taxes due.

***No. 265 (Resolution Authorizing the Sale of Certain County-Owned Properties Not Meeting the Set Minimum Auction Price at the June 2019 Auction):*** Supervisor Lauria asked if any of the property purchases had violations from previous non-payment. Mr. Stead stated "no".

Mr. Stead stated that the City of Gloversville is interested in rehabilitating "underbids" and has proposed purchasing five (5) specific underbid properties to do a Pilot Program.

## **LATE PROCLAMATION**

### **RECOGNIZING THE RPEA ON THE OCCASION OF ITS 50<sup>TH</sup> ANNIVERSARY**

WHEREAS, 2019 marks the 50 year anniversary of the incorporation of the Retired Public Employees Association (RPEA); and

WHEREAS, RPEA is the only organization whose sole purpose is to protect and promote the benefits of retired public employees; and

WHEREAS, RPEA has a record of advocacy success throughout its years, including: enacting a permanent Cost of Living Adjustment (COLA); protecting health insurance benefits available to retirees; protecting the assets of the Retirement Fund from being diverted for budget balancing or other purposes; and most recently, defeating the 2017 ballot proposal to convene a constitutional convention; and

WHEREAS, there are 470,000 state and local retirees and beneficiaries in the New York State Retirement System; and

WHEREAS, 80% of those retirees still reside in New York State, including 2218 in Fulton County; and

WHEREAS, those retirees are responsible for \$12 billion in economic activity statewide, thereby creating 73,000 jobs; and

WHEREAS public sector retirees help create the strong social fabric of communities, and also pay \$2 billion in real property taxes,

NOW, in recognition of RPEA's 50 years of service in support of retired public employees, the Board of Supervisors hereby recognizes the Retired Public Employees Association for its successful service to its members.

Upon a motion by Supervisor Fagan, seconded by Supervisor Callery and unanimously carried, the Committee entered into Executive Session at 2:02 p.m. to discuss pending litigation.

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

Upon a motion by Supervisor Callery, seconded by Supervisor Greene and unanimously carried, the Committee adjourned at 2:16 p.m.

*Certified by:*

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

**Resolution No. 237**

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

RESOLUTION ESTABLISHING CAPITAL PROJECT ACCOUNT FOR THE TRYON ELECTRIC SERVICE PROJECT (2019 CAPITAL PLAN)

WHEREAS, Resolution 121 of 2019 established a 2019 capital project for the “Tryon Electric Service” Project at the Tryon Technology Park; and

WHEREAS, Fulton County has been awarded a \$100,000.00 Capital Grant from Empire State Development through the NYS Consolidated Funding Application Process to assist in paying for the cost of National Grid contract work to install new primary electric service to the Tryon Technology Park; and

WHEREAS, utility National Grid will install said primary electric service in several phases and requires payment for each phase of work to be made in advance; now, therefore be it

RESOLVED, That the Chairman of the Board be, and hereby is, authorized to execute appropriate Cost Reimbursement Agreements with utility National Grid for each phase of the Tryon Electric Service Project at Tryon Technology Park, including authorizing advance payment of National Grid’s estimated Initial Payment listed in each Cost Reimbursement Agreement; and

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

From: A.1000.9950-9000.1200 - EXP- Capital Improvements Expense  
To: H.8020.6430-2100.0947 - EXP - Tryon Electric Service Project  
Sum: \$598,000.00

and, be it further

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

Revenue Account:

Increase H.8020.6430-3789.0947 - REV - State Aid - Tryon Electric Service Project (NEW)	\$100,000.00
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Appropriation Account:

Increase H.8020.6430-2100.0947 - EXP - Tryon Electric Service Project	\$100,000.00
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and, be it further

**Resolution No. 237 (Continued)**

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

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)



**Resolution No. 238**

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

RESOLUTION AUTHORIZING GRANT APPLICATION TO THE NYS CONSOLIDATED FUNDING APPLICATION PROCESS FOR A PROPOSED 2020 CAPITAL PROJECT:  
SMART WATERS: NYS ROUTE 30 SEWER FEASIBILITY STUDY

WHEREAS, the Mohawk Valley regional Economic Development Council has announced the commencement of the 2019 Consolidated Funding Application process for public infrastructure projects; and

WHEREAS, the Committee on Economic Development and Environment has identified a list of potential 2020 Capital Projects that it would like to promote, subject to the availability of grant funding; and

WHEREAS, said proposed Capital Project is as follows:

1. SMART Waters: NYS Route 30 Sewer Feasibility

now, therefore be it

RESOLVED, That upon the recommendation of the Planning Director and Committees on Economic Development and Environment and Finance, the Chairman of the Board be and hereby is authorized to submit qualifying grant applications for proposed 2020 Capital Project identified herein to NYSESD Consolidated Funding Application process; and, be it further

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

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 239**

Supervisor LAURIA offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT WITH TOP QUALITY HOME CARE  
FOR IN-HOME SERVICES (OFFICE FOR AGING)**

WHEREAS, Resolution 211 of 2019 accepted NYS Office for Aging Unmet Needs Funds for 2019-2020; and

WHEREAS, the Office for Aging Director recommends adding Top Quality Home Care as an additional provider for In-Home services; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized to sign a contract between the County of Fulton and Top Quality Home Care to In-Home services effective August 1, 2019 through December 31, 2019 for an amount not to exceed \$21,396.00; and, be it further

RESOLVED, That said contract shall be subject to the approval of the County Attorney and periodic review by the Committee on Human Services of those contracted services; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Office for Aging Director, Top Quality Home Care, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 240**

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

**RESOLUTION RECLASSIFYING AN AGING SERVICES SPECIALIST POSITION FROM PART-TIME TO FULL-TIME (OFFICE FOR AGING)**

WHEREAS, the Committees on Human Services, Personnel and Finance have evaluated the service needs of the community and recommends changing the Aging Services Specialist position from part-time to full-time, effective August 1, 2019; now, therefore be it

RESOLVED, That effective August 1, 2019, the Aging Services Specialist position (Union Job Group Gen A-6 Part-time, 20 hours per week, 2019 permanent rate: \$18.40 per hour) be and hereby is reclassified to full-time, 35 hours per week, including benefits (Union Job Group Gen A-6, 2019 permanent rate: \$18.40 per hour); and, be it further

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

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 241**

Supervisor LAURIA offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN  
THE DEPARTMENT OF SOCIAL SERVICES AND THE GLOVERSVILLE SCHOOL  
DISTRICT FOR THE “EVERY STUDENT SUCCEEDS ACT” (ESSA)

WHEREAS, the “Every Student Succeeds Act” (ESSA) legislation was passed in 2015 and addresses educational needs of children in foster care; and

WHEREAS, the Commissioner of Social Services requests execution of a “Every Student Succeeds Act” (ESSA) Memorandum of Understanding between the Social Services Department and the Gloversville Enlarged School District to safeguard foster children’s educational success by promoting a foster child’s attendance in their district of origin where necessary; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a “Every Student Succeeds Act” (ESSA) Memorandum of Understanding between the Social Services Department and the Gloversville Enlarged School District effective upon execution through December 31, 2019; said agreement subject to the approval of the County Attorney; 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, Gloversville Enlarged School District, 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 YOUNG and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 242**

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

**RESOLUTION ACCEPTING FAMILY FIRST TRANSITION AWARD FUNDS FOR USE IN THE SOCIAL SERVICES DEPARTMENT**

WHEREAS, the Department of Social Services was awarded \$30,000.00 in Family First Transition Funds to reduce congregate care placements; and

WHEREAS, the Commissioner of Social Services is developing a plan for use of said funds; now, therefore be it

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

Revenue

Increase A.6010.6010-3610 - REV- State Aid - Social Services Administration	\$ 30,000.00
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Appropriation

Increase A.6010.6010-4170 – EXP - Programs	\$ 30,000.00
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and, be it further

RESOLVED, That any future use of funds be brought in front of the Board for approval; and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 243**

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

RESOLUTION AUTHORIZING ACCEPTANCE OF 2019-2020 EMERGENCY  
PREPAREDNESS GRANT (PUBLIC HEALTH DEPARTMENT)

WHEREAS, Resolution 346 of 2012 authorized acceptance of Emergency Preparedness Grant funds from the NYS Department of Health for the five (5) year grant period ending June 30, 2017; and

WHEREAS, Resolution 196 of 2018 authorized acceptance of Emergency Preparedness Grant funds from the NYS Department of Health for the period July 1, 2017 through June 30, 2018; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and the New York State Department of Health to accept an Emergency Preparedness Grant, in an amount of \$49,625.00, for the period July 1, 2019 through June 30, 2020; and, be it further

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

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 244**

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

**RESOLUTION ACCEPTING 2019-2020 NEW YORK STATE CHILD PASSENGER SAFETY INCENTIVE GRANT (PUBLIC HEALTH DEPARTMENT)**

WHEREAS, the NYS Department of Health has awarded \$6,160.00 in grant funds through the New York State Child Passenger Safety Incentive Grant to the Public Health Department to promote child passenger safety; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and the NYS Governor's Traffic Safety Committee for a 2019-2020 Child Passenger Safety Incentive Grant, in an amount of \$6,160.00, for the period October 1, 2019 through September 30, 2020; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, NYS Governor's Traffic Safety Committee, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 245**

Supervisor LAURIA offered the following Resolution and moved its adoption:

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

WHEREAS, Fulton County is to receive \$22,396.88 in engagement funds via the Adirondack Health Institute under an agreement with North Country Delivery System Reform Incentive Payment (DSRIP) program; and

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

WHEREAS, said funding constitutes reimbursement to the Public Health Department for completing an organizational profile within set grant requirements; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign agreements between the Public Health Department and North Country DSRIP to accept engagement grant funds in the amount of \$22,396.88; said agreement subject to the approval of the County Attorney; and, be it further

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

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)



**Resolution No. 246**

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

**RESOLUTION AUTHORIZING A CONTRACT WITH MARK ELLITHORPE FOR FISCAL MANAGER CONSULTING SERVICES IN THE PUBLIC HEALTH DEPARTMENT**

WHEREAS, Mark Ellithorpe retired from his position as Fiscal Manager in the Public Health Department on June 21, 2019; and

WHEREAS, the Public Health Director and the Committees on Human Services, Personnel and Finance recommend contracting with Mr. Ellithorpe for Fiscal Manager consulting services effective August 1, 2019 through October 31, 2019; and

WHEREAS, said consulting services will include training of a new Fiscal Manager, budget management duties and PHC Program monitoring; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Mark Ellithorpe, of Gloversville, NY, to provide Fiscal Manager consulting services to the Public Health Department, at a rate of \$45.00 per hour, not to exceed 20 hours per week for the time period August 1, 2019 through October 31, 2019; and, be it further

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

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

From: A.4010.4010-1000 - EXP-Payroll  
To: A.4010.4010-4090 - EXP-Professional Services  
Sum: \$10,800.00

and, be it further

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 247**

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

**RESOLUTION ESTABLISHING ON-CALL RATE FOR PUBLIC DEFENDERS PROVIDING  
COUNSEL AT ARRAIGNMENT  
(100 % NYS CAFA GRANT, PUBLIC DEFENDER)**

WHEREAS, Resolution 70 of 2017 authorized a grant application to the NYS Office of Indigent Legal Services for a Counsel at First Appearance (CAFA) Grant; and

WHEREAS, Resolution 421 of 2018 authorized acceptance of 2017-2019 “Counsel at First Appearance” (CAFA) grant from the NYS Office of Indigent Legal Services; and

WHEREAS, Resolution 104 of 2019 amended the 2019 adopted budget to include CAFA grant funds for the Public Defenders Office; and

WHEREAS, the Public Defender has requested the establishment of an “on-call” system to compensate Public Defender staff attorneys for necessary attendance at court arraignments during non-business hours utilizing said CAFA grant funds; and

WHEREAS, said on-call system costs, including fringe benefits are reimbursable through the CAFA grant; now, therefore be it

RESOLVED, That rates for staff attorneys in the Public Defender’s Office who are assigned on-call by the Public Defender to attend arraignments be established at the following rates effective July 8, 2019:

Proposed On-Call Rate Schedule:

On-Call \$100.00 per day

(September to June: 5:00 p.m.-9:00 a.m. weekdays, 9:00 a.m.- 9:00 a.m. Saturday and Sunday)

(July 1 to Labor Day: 4:00 p.m.- 9:00 a.m. weekdays, 9:00 a.m.-9:00 a.m. Saturday and Sunday)

Call-out (if required) \$200.00 per call-out

and, be it further

RESOLVED, That the Public Defender and Assistant Public Defender, shall be eligible to participate in on-call, subject to being selected and assigned by the Public Defender; and be it further

**Resolution No. 247 (Continued)**

RESOLVED, That when called out, staff attorney's on- call shall be eligible for mileage reimbursement; and, be it further

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 248**

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

**RESOLUTION AUTHORIZING A CONTRACT WITH LIGHTSPEED/NOKIA FOR  
MICROWAVE CONNECTIVITY AND BACKHAUL BETWEEN LATIMER HILL AND  
ANEY HILL COMMUNICATION TOWER SITES (2018 INTEROPERABLE  
COMMUNICATIONS PROJECT, EMERGENCY MANAGEMENT)**

WHEREAS, Resolution 250 of 2012 authorized a Memorandum of Understanding to participate in the Adirondack Regional Interoperable Communications Consortium; and

WHEREAS, Resolution 329 of 2018 authorized an application for a Statewide Interoperable Communications Grant (Formulary) for Fulton County to improve communications, including upgrades to the Sheriff's Dispatch Center, radio microwave links to other counties and infrastructure at existing tower locations; and

WHEREAS, Resolution 428 of 2019 authorized Acceptance of said Statewide Interoperable Communications Grant in the amount of \$471,118.00 which included funding for Microwave Connectivity between towers at Latimer Hill and Aney Hill; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Lightspeed/Nokia of Plano, Texas (NYS OGS Contract PM67989) for Microwave Connectivity and Backhaul between the Latimer Hill and Aney Hill Communication Tower Sites as a component of the Fulton County Interoperable Radio Communications Project, at a cost not to exceed \$188,734.00; 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 Adopted Budget be and hereby is amended as follows:

Revenue Account:

Increase H.3640.3020-3397.0920-REV-State Aid-VHF-Analog Simulcast System  
\$188,734.00

Appropriation Account:

Increase H.3640.3020-2100.0920 EXP-VHF-Analog Simulcast System \$188,734.00

and, be it further

**Resolution No. 248 (Continued)**

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 249**

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

**RESOLUTION AUTHORIZING PURCHASE OF LED MONITORS AND EDUCATIONAL MATERIALS WITH 2016 NYS DIVISION OF HOMELAND SECURITY GRANT FUNDS (EMERGENCY MANAGEMENT)**

WHEREAS, Resolutions 147 of 2016 accepted Homeland Security Program grants for the Civil Defense/Fire Coordinator’s Office; and

WHEREAS, the Civil Defense/Fire Coordinator is requesting to purchase the following items with said funds as follows:

(2) Samsung QB75N LED Display Monitors	\$3,555.80
Pens, Pencils, Magnets, “Go Bags”, Information Brochures	\$2,000.00

and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator is hereby authorized to purchase the equipment specified herein with Homeland Security Grant proceeds; and, be it further

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

Revenue Account:

Increase A.3640.3645-3306 -REV- State Aid-Homeland Security \$5,556.00

Appropriation Account:

Increase A.3640.3645-2000-EXP –Equipment-Fixed Asset	\$3,556.00
Increase A.3640.3645-4530-EXP-Supplies	\$2,000.00

and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator is hereby directed to carry out said purchase expeditiously and complete all grant requirements in 2019; and, be it further

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 250**

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

RESOLUTION AUTHORIZING PURCHASE OF REMOTE SPEAKER MICS WITH 2017  
NYS DIVISION OF HOMELAND SECURITY GRANT FUNDS  
(EMERGENCY MANAGEMENT)

WHEREAS, Resolutions 257 of 2017 , accepted Homeland Security Program grants for the Civil Defense/Fire Coordinator’s Office in the amount of \$63,731.00; and

WHEREAS, the Civil Defense/Fire Coordinator is requesting to purchase the following items with said funds as follows:

(5) Remote Speaker Mics	\$401.25
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and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator is hereby authorized to purchase the equipment specified herein with Homeland Security Grant proceeds; and, be it further

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

Revenue Account:

Increase A.3640.3645-3306 -REV- State Aid-Homeland Security	\$402.00
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Appropriation Account:

Increase A.3640.3645-4530-EXP-Supplies	\$402.00
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and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator is hereby directed to carry out said purchase expeditiously and complete all grant requirements in 2019; and, be it further

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 251**

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

**RESOLUTION AUTHORIZING PURCHASE OF CCTV EQUIPMENT AND  
INTEROPERABLE COMMUNICATIONS EQUIPMENT WITH 2017 NYS OHSES  
EMERGENCY PERFORMANCE GRANT (EMERGENCY MANAGEMENT)**

WHEREAS, Resolutions 206 of 2018, accepted a 2017 Emergency Management Performance Grant from the NYS Office of Homeland Security and Emergency Services for the Office of Emergency Management in the amount of \$25,665.00; and

WHEREAS, the Civil Defense/Fire Coordinator is requesting to purchase the following items with said funds as follows:

(2) Network Video Decoders	\$478.00
(2) Monoprice HDMI Switch	\$238.94
(1) HP Elite Desktop	\$461.51
(1) Motorola Bank Charger	\$736.88

and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator is hereby authorized to purchase the equipment specified herein with EMPG Grant proceeds; and, be it further

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

Revenue Account:

Increase A.3640.3645-3306 -REV- State Aid-Homeland Security	\$1,916.00
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Appropriation Account:

Increase A.3640.3645-2000-EXP-Equipment-Fixed Asset	\$ 462.00
Increase A.3640.3645-4010-EXP-Equipment-Non Asset	\$1,454.00

and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator is hereby directed to carry out said purchase expeditiously and complete all grant requirements in 2019; and, be it further

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)



**Resolution No. 252**

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

**RESOLUTION AUTHORIZING PURCHASE OF LED DISPLAY MONITORS FOR USE IN  
THE DISPATCH CENTER (SHERIFF)**

WHEREAS, the Sheriff has requested to purchase four (4) LED Display Monitors to replace broken monitors in the Dispatch Center; now, therefore be it

RESOLVED, That, upon the recommendation of the Committees on Public Safety and Finance, the Sheriff be and hereby is authorized to purchase four (4) LED Display Monitors for use in the Dispatch Center as follows:

(4) LED Display Monitors	\$7,400.00
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and, be it further

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

From: A.3110.3113-4130 – EXP – Contractual  
To: A.3110.3113-2000 – EXP – Equipment – Fixed Asset  
Sum: \$7,400.00

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 SELMSER and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 253**

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

**RESOLUTION AUTHORIZING A CONTRACT WITH SPECTRUM COMMUNICATIONS  
FOR DEDICATED INTERNET CONNECTION FOR COMMUNICATIONS CENTER  
VIDEO FEED (SHERIFF’S DEPARTMENT)**

WHEREAS, the Sheriff requests the purchase of a dedicated internet connection for use in the Communications Center at the Sheriff’s Department; and

WHEREAS, the dedicated internet connection will provide an uninterrupted video feed connection from school district security cameras within Fulton County; and

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement with Spectrum Communications, of Amsterdam, NY, for the purchase of a dedicated internet connection for uninterrupted live feed, at a cost as set forth below:

<u>Installation Fee</u>	<u>Monthly Fee</u>
\$100.00	\$60.00

and, be it further

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

From: A.3110.3110-2000 – EXP – Equipment-Fixed Assets  
To: A.3110.3113-4080 – EXP - Telephone  
Sum: \$500.00

and, be it further

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 14 Nays: 0 Absent: 6 (Supervisors Argotsinger, Born, Bradt, Handy, Howard, Waldron)

**Resolution No. 254**

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

**RESOLUTION AWARDING BID FOR A NEW COMPACT LOADER FOR USE IN SOLID WASTE DEPARTMENT (2019 CAPITAL PLAN)**

WHEREAS, the 2019 Capital Plan identifies a new Compact Loader for Single Stream Processing for use in the Solid Waste Department; and

WHEREAS, Resolution 185 of 2019 authorized advertisement for bids for a new Compact Loader for Single Stream Processing, and one (1) bid was received; and

WHEREAS, the Director of Solid Waste and Purchasing Agent recommend awarding bid to Liftech JCB of Schenectady, New York as the lowest responsible bidder; now, therefore be it

RESOLVED, That the net bid, in an amount of \$84,654.07, as submitted by Liftech JCB, Schenectady, NY for the purchase of a new Compact Loader for use in the Solid Waste Department be and hereby is awarded; they being the lowest responsible bidder in accordance with Specification No. 2019-86-03, dated June 12, 2019; and, be it further

RESOLVED, That the cost of said Compact Loader will be a charge against the CL.8160.8163-2010.1800-EXP-Transfer Haul Equipment Expense; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Director of Solid Waste, 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: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 255**

Supervisors FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT WITH AUCTIONS INTERNATIONAL CORPORATION TO SELL CERTAIN SURPLUS VEHICLES AND EQUIPMENT (SOLID WASTE DEPARTMENT)**

WHEREAS, the Director of Solid Waste has recommended a contract with Auctions International Corporation to sell surplus items on behalf of the County; and

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

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

Year	Equipment Name	Mileage
1995	Samsung Loader	8,668 hours
1980	John Deere Backhoe	205 hours
1985	30 kW Generator	1,022
1974	FWD Truck	62,414
1969	Road Grader	5,737 hours

and, be it further

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

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

Seconded by Supervisor PERRY and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 256**

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

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH BASELINE KING CORPORATION FOR THE AIRPORT RUNWAY AND TAXIWAY LIGHTING AND FENCING CONSTRUCTION PROJECT (2019 CAPITAL PLAN)**

WHEREAS, the 2018 Capital Plan identified a Rehabilitation of Runway and Taxiway Lighting and Fencing Project at the Fulton County Airport; and

WHEREAS, Resolution 223 of 2018 authorized a contract with Baseline King Corporation for Rehabilitation of Runway and Taxiway Lighting and Fencing Project in the amount of \$719,607.28; and

WHEREAS, the Federal Aviation Administration (FAA) notified Fulton County of additional flight path tree obstructions that require removal as a result of recalculation of the instrumentation systems at the Fulton County Airport, and

WHEREAS, the Planning Director recommends contracting with Baseline King for the removal of said tree obstructions, inasmuch as that contractor is already on site and available to perform the work; 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 Baseline King Corporation for removal of tree obstructions, as part of the Rehabilitation of Runway and Taxiway Lighting and Fencing Project as follows:

Original Contract Amount:	\$ 719,607.28
Change Order No. 1	+ 11,200.00
Revised Contract Amount:	<u>\$730,807.28</u>

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, 195 Factory (FBO), Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 257**

Supervisors FAGAN offered the following Resolution and moved its adoption:

RESOLUTION DESIGNATING COUNTY ROADS FOR SNOW AND ICE CONTROL  
DURING WINTER OF 2019-2020

WHEREAS, Section 129 of the Highway Law provides that the Board of Supervisors of any county may annually appropriate and expend such sums as it deems proper and necessary for removal of snow, the control of ice and the erection and removal of snow fencing on county roads of the county; and

WHEREAS, Section 129 of the Highway Law further provides that said Board of Supervisors shall designate the county roads from which snow is to be removed, under the direction of the County Superintendent of Highways; now, therefore be it

RESOLVED, That the county roads, as described and attached hereto, be and they hereby are designated as County Roads from which snow shall be removed by the Fulton County Superintendent of Highways, upon which he shall cause to be created and removed the necessary snow fence or other structures to prevent the drifting of snow upon these roads and necessary sanding and ice control; and the entire cost of the work shall be a charge against Fulton County; and, be it further

RESOLVED, That the plowing of these roads is contingent upon the cooperation of the property owners abutting these roads, who must allow the free use of their land by the Fulton County Superintendent of Highways; should any property owner(s) refuse to allow the free use of their lands for the purpose of erection and removal of snow fencing, such action shall be just cause for the Fulton County Superintendent of Highways to refuse to remove snow from the county road upon which this permission is denied; and, be it further

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

COUNTY ROADS OF FULTON COUNTY DESGNATED  
FOR  
SNOW AND ICE CONTROL DURING WINTER OF  
2019/2020

<u>Rd. No.</u>		<u>Length</u>
101	St. Rte. 29A westerly to Co. Rd. 131	1.76
102	Phelps St.-G'ville City Line northeasterly to St. Rte. 30A (2.12 Tn. Johnstown; 1.32 Tn. Mayfield)	3.44
103	St. Rte. 67 southeasterly to Montgomery Co. Line	0.57
104	St. Rte. 29A southerly to Co. Rd. 119	2.35
105	St. Rte. 920J westerly to Gloversville City Line	0.27
106	St. Rte. 29 southeasterly to St. Rte. 30 (2.83 Tn. Mayfield; 1.42 Tn. Perth)	4.25
107	Johnstown City Line easterly to Co. Rd. 132 (3.23 Tn. Johnstown; 6.46 Tn. Perth; 4.87 Tn. Broadalbin)	14.56
108	St. Rte. 331 westerly to Herkimer Co. Line	4.02
109	Co. Rd. 110 southerly to Saratoga Co. Line (0.24Tn. Northampton; 1.43 Tn. Broadalbin)	1.67
110	Broadalbin Village Line northerly to Saratoga Co. Line (6.59 Tn. Broadalbin; 0.95 Tn. Northampton)	7.54
111	St. Rte. 29A northerly to Kasson Drive	1.37
112	St. Rte. 29A easterly to St. Rte. 309 (2.15 Tn. Caroga; 6.62 Tn. Bleecker)	8.77
113	Northville Village limits to Saratoga Co. Line	1.46
114	St. Rte. 29 southerly to Montgomery Co. Line	2.81
116	St. Rte. southerly to Sammons ville	4.37
116A	Montgomery Co. Line northerly to Co. Rd. 116 intersection	0.56
117	Road into Tryon Technology Park	1.29
119	St. Rte. 29 northwesterly to Herkimer Co. Line (5.00 Tn. Ephratah; 6.56 Tn. Stratford)	11.56
120	Co. Rd. 108 to Dolgeville Village limits	2.55
121	Gloversville City Line to Co. Rd. 122	0.51
122	Johnstown City Line northeasterly to Co. Rd. 102	5.42

123	St. Rte. 30 northeasterly to Co. Rd. 152 (4.28 Tn. Mayfield, 1.91 Tn. Northampton)	6.19
125	Co. Rd. 112 to Hamilton Co. Line	7.38
126	Co. Rd. 155 to Montgomery Co. Line (3.19 Tn. Broadalbin; 2.41 Tn. Perth)	5.59
130	St. Rte. 30 to St. Rte. 30	0.52
131	St. Rte. 29 northerly to Co. Rd. 101	2.06
131A	Johnstown City Line westerly to Co. Rd. 131 intersection	1.58
132	Co. Rd. 107 southerly to Montgomery Co. Line	3.02
137	St. Rte. 29A to Cape Horn Rd.	3.76
138	Co. Rd. 110 southerly to St. Rte. 29	4.61
140	St. Rte. 10 to Montgomery Co. Line	2.52
142	Co. Rd. 107 southerly to Montgomery Co. Line	2.61
142A	St. Rte. 67 northeasterly to Co. Rd. 142 intersection	0.97
143	Northville Village Limits to Hamilton Co. Line	1.56
145	Co. Rd. 112 northerly to Barlow Rd.	1.31
146	Co. Rd. 102 northeasterly to St. Rte. 30 (1.67 Tn. Mayfield; 1.75 Tn. J'town)	3.42
148	Johnstown City Line southerly to Montgomery Co. Line	0.64
149	Co. Rd. 113 northerly to Northville Village limits	1.16
150	Co. Rd. 108 easterly to St. Rte. 331	1.15
151	St. Rte. 29 south to Co. Rd. 108	2.18
152	St. Rte. 30 northerly to St. Rte. 920H	3.02
153	Airport Rd.-St. Rte. 67 northerly	0.32
154	G'ville City Line easterly to St. Rte. 30A & St. Rte. 349 northeasterly to St. Rte. 30A (0.65 Tn. J'town; 0.81 Tn. M'field)	1.49
155	St. Rte. 29 easterly to St. Rte. 30 easterly to St. Rte. 29 (0.02 Tn. Broadalbin; 1.29 Tn. Mayfield)	1.31
156	St. Rte. 67 northerly to St. Rte. 29	1.28
157	St. Rte. 349 northerly to Co. Rd. 154	0.87
158	St. Rte. 29 southerly to Co. Rd. 107 (0.32 Tn. Mayfield; 1.38 Tn. Perth)	1.70
	TOTAL	<u>143.32</u>



**Resolution No. 258**

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

**RESOLUTION AUTHORIZING 2019-2020 AGREEMENTS FOR SNOW AND ICE CONTROL ON CERTAIN DESIGNATED ROADS**

RESOLVED, That the Chairman of the Board of Supervisors and the County Highway Superintendent are hereby empowered and directed to enter a written agreement with the following towns in Fulton County for snow and ice control on certain designated County roads during the season of 2019-2020, at a cost of \$5,000.00 per mile:

Town	Mileage	Cost
Bleecker	2.11	\$ 10,550.00 (incl. contract for plowing Tower Rd.)
Caroga	5.13	\$ 25,650.00
Ephratah	7.52	\$ 37,600.00
Johnstown	6.80	\$ 34,000.00
Mayfield	5.95	\$ 29,750.00
Northampton	9.63	\$ 48,150.00
Perth	3.02	\$ 15,100.00
Stratford	8.91	\$ 44,550.00
TOTAL	48.95	\$245,350.00

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 BRADT and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 259**

Supervisors FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT WITH THE TOWN OF BLEECKER FOR  
2019-2020 WINTER MAINTENANCE OF THE COMMUNICATIONS TOWER ROAD**

WHEREAS, the County Highway Department is responsible for plowing and sanding the road leading to the Fulton County Communications Tower to provide access during winter months; said road being approximately 0.80 miles long; and

WHEREAS, the Town of Bleecker already plows the road connecting to the County's portion of said road; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with the Town of Bleecker to maintain the road leading to the Communications Tower during the winter months, at a cost not to exceed \$4,000.00 (pro-rated from \$5,000.00 per mile); said contract 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, Superintendent of Highways and Facilities, Town of Bleecker, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 260**

Supervisors FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING RECIPROCAL AGREEMENT BETWEEN THE  
DEPARTMENT OF HIGHWAYS AND FACILITIES AND THE CITY OF JOHNSTOWN  
FOR SNOW AND ICE CONTROL ON COUNTY ROAD 148 AND MAPLE AVENUE

WHEREAS, the County of Fulton owns and is responsible for the snow and ice control of County Road 148 from the Johnstown City line (Glebe Street) to the Montgomery County line; and

WHEREAS, the City of Johnstown owns and is responsible for the snow and ice control of Maple Avenue from North Perry Street to the Johnstown City line; and

WHEREAS, the Superintendent of Highways and Facilities and the Johnstown City Engineer have discussed sharing services for plowing during future winter seasons; and

WHEREAS, the City of Johnstown has agreed to provide snow and ice control on County Road 148 from the Johnstown City line (Glebe Street) to the Montgomery County line in exchange for the County providing snow and ice control of Maple Avenue from North Perry Street to the Johnstown City line; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign an Agreement with the City of Johnstown to provide snow and ice control during future winter seasons for County Road 148 from the Johnstown City line (Glebe Street) to the Montgomery County line and for Maple Avenue from North Perry Street to the Johnstown City line as summarized herein; and, be it further

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

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 261**

Supervisors FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR UNLEADED  
GASOLINE FOR THE CENTRAL FUEL DEPOTS LOCATED AT THE COUNTY  
SERVICES COMPLEX AND SOLID WASTE DEPARTMENT**

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of unleaded fuels for the fuel dispensing system located at the County Services Complex and Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 203, County Office Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., August 7, 2019; and, be it further

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

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 262**

Supervisors FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR DIESEL FUEL FOR  
USE BY THE HIGHWAY AND FACILITIES DEPARTMENT AND SOLID WASTE  
DEPARTMENT**

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

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, August 7, 2019; and, be it further

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

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

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 263**

Supervisors FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING SUPERINTENDENT OF HIGHWAYS AND FACILITIES**

RESOLVED, That in accordance with Local Law No. 6 of 2006 Amending Local Law 4 of 1985, Which Created the Fulton County Highway Department, to Provide Authority for New Department of Highway and Facilities, Mark E. Yost, of Gloversville, NY, be and hereby is reappointed as Superintendent of Highways and Facilities, for the term effective April 1, 2019 through March 31, 2023, in accordance with the Non-Union Salary Schedule; and, be it further

RESOLVED, That the Superintendent is hereby authorized to appoint a Deputy Superintendent of Highways and a Deputy Superintendent of Facilities, with the approval of the Board of Supervisors, and in accordance with the Non-Union Salary Schedule; and, be it further

RESOLVED, That the Superintendent of Highways and Facilities is required to sign the Fulton County Oath book located in the County Clerk's Office and submit a Financial Disclosure Statement to the Fulton County Ethics Board; and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 264**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION OPPOSING PROPOSED LEGISLATION S.4676/A.4863 CHANGING  
EXISTING PROPERTY TAX FORECLOSURE PROCESSES**

WHEREAS, the current Real Property Tax Law process to ensure tax compliance and limit tax foreclosure has been on the books for decades; and

WHEREAS, the real property tax foreclosure process is designed to strike a balance for a strong enforcement mechanism to ensure critical property tax revenues while providing property owners alternatives to avoid foreclosure; and

WHEREAS, legislative proposals S.4676/A.4863 would eliminate certain tax enforcement fees and penalties, allow for lower interest rates in tax delinquencies, and eliminate “reverse chronological order” system for satisfying tax liens; and

WHEREAS, reducing these fees, penalty and interest tax enforcement measures will likely reduce the effectiveness and balance of the current system; and

WHEREAS, reduced tax compliance can jeopardize the delivery of critical state and local services in the community and will unfairly shift the burden of these unpaid property taxes to other property owners; and

WHEREAS, counties are required to fully reimburse all schools, villages and cities for any property taxes they cannot collect in the first instance; and

WHEREAS, current Real Property Tax Law allows installment payment options for tax delinquency to ease the burden on taxpayers; and

WHEREAS, the unintended consequences of this legislation could actually cause more tax payers to lose their property to foreclosure; now, therefore be it

RESOLVED, That the Board of Supervisors hereby opposes state legislation S.4676/A.4863 that will undermine the careful balance that exists in state laws related to the tax foreclosure process in New York State; and, be it further

**Resolution No. 264 (Continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Andrew Cuomo, Senator James Tedisco, Assemblyman Robert Smullen, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, New York State Association of Counties, Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 385 (14) Nays: 25 (1) (Supervisor Young)  
Absent: 141 (5) (Supervisors Argotsinger, Born, Handy, Howard, Waldron)



**Resolution No. 265**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE SALE OF CERTAIN COUNTY-OWNED  
PROPERTIES NOT MEETING THE SET MINIMUM AUCTION PRICE AT THE  
JUNE 2019 AUCTION**

WHEREAS, the 2019 auction for the sale of County-owned property was held on June 19, 2019; and

WHEREAS, Resolution No. 215 of 1997 established a procedure to set minimum bids for tax acquired properties subject to public auction, specifying that all bids over the minimum be final and executable by the County Treasurer; and

WHEREAS, certain bids received did not meet the minimum set bid prices previously established by the Board of Supervisors; and

WHEREAS, the Committee on Finance has reviewed the list of bids not meeting the minimum and determined it would be in the County's best interest to accept bids below the minimum on certain parcels in order to place them back on the active tax rolls; now, therefore be it

RESOLVED, That in addition to the parcels meeting the minimum, the County Treasurer be and hereby is authorized to sell certain County-owned properties at the identified auction bid price below the minimum, included on the attached list; and, be it further

RESOLVED, That the County Treasurer be directed to record the appropriate deed after the execution thereof and to bill the purchasers the proper fees, as well as 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, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Tax Acquired Property Auction  
June 19, 2019  
Selected Sales Not Meeting the Minimum Bid**

<u>Town/City/SBL</u>	<u>Purchaser</u>	<u>Tax Amount</u>	<u>Bid Accepted</u>
<i>Tw. of Johnstown:</i>			
101.16-7-18	Georgia A. Lopresti	\$ 5,713.72	\$ 1,500.00
118.-3-9.11	Michael Della Vecchia	\$ 3,555.49	\$ 700.00
132.-1-4.121	Wayne Akey	\$ 305.19	\$ 300.00
<i>Oppenheim:</i>			
92.12-1-6	Kubat & Esposito Holdings	\$ 10,919.82	\$ 8,000.00
92.12-1-7	Kubat & Esposito Holdings	\$ 8,795.83	\$ 7,000.00
<i>Stratford:</i>			
63.-1-27.12	Richard W. Schermerhorn	\$ 1,097.81	\$ 500.00
<i>City of Gloversville:</i>			
134.15-9-5	Jennifer J. Brownell	\$ 11,099.80	\$ 200.00
134.18-23-14.2	Kubat & Esposito Holdings	\$ 6,801.65	\$ 3,000.00
134.18-32.3	Jamal Maali	\$ 3,914.52	\$ 2,000.00
148.12-1-3	Tamica Edmond & Tashia Beckford	\$ 10,185.84	\$ 8,500.00
149.6-18-22	Michael Wesley	\$ 12,129.33	\$ 7,000.00
149.10-15-29	Tyrone L. Mitchell	\$ 23,615.59	\$ 8,000.00
149.10-15-33	Diane LaVada-Blackwood	\$ 11,940.43	\$ 500.00

**Resolution No. 266**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE COUNTY DEMOLITION TEAM TO ASSIST CITY OF GLOVERSVILLE IN DEMOLITION PROJECT FOR 211 AND 213 NORTH MAIN STREET AND REDUCING THE TIP FEE RATE**

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

WHEREAS, Resolution 49 of 2001 formally established a Municipal Demolition Team, with basic operating guidelines identified in the “Municipal Demolition Team Proposal”, dated February 12, 2001; and

WHEREAS, Resolution 168 of 2018 referred a County-owned building at 213 North Main Street, Gloversville to the County Demolition Team in accordance with Operation Green Scene; and

WHEREAS, the City of Gloversville desires to demolish an adjacent City-owned building at 211 North Main Street; and

WHEREAS, the City of Gloversville has proposed a joint demolition project of both 211 and 213 North Main Street based upon the following provisions:

1. The City will contract a qualified demolition firm to collapse both 211 and 213 North Main Street, Gloversville.
2. The County shall charge the City the reduced tipping fee rate of \$25.00 per ton (Municipal/County Demolition Rate).
3. Once both buildings are safely collapsed, the County Demolition Team will collect and remove all debris from both sites to the County Landfill.
4. The City shall be responsible for proper permitting and any variance and/or air monitoring fees.

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to execute an Inter-Municipal Agreement with the City of Gloversville to facilitate a joint demolition of buildings at 211 and 213 North Main Street, Gloversville, NY; and, be it further

RESOLVED, That the Director of Solid Waste be and hereby is directed to charge the reduced Tipping Fee rate of \$25.00 per ton (Municipal/County Demolition Rate) as a charge to the City of Gloversville exclusively for the receipt of debris from the demolition of 211 North Main Street; and, be it further

**Resolution No. 266 (Continued)**

RESOLVED, That the County Attorney be authorized and directed to prepare an appropriate Agreement between the County and the City of Gloversville, at his discretion, to govern said joint demolition project including the sale of the 213 North Main Street building to the City for the sum of \$1.00 in advance of the demolition project; and, be it further

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

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 267**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION ADOPTING THE 2019-2020 FMCC BUDGET**

WHEREAS, the Fulton-Montgomery Community College Board of Trustees has presented the sponsoring counties with a 2019-2020 budget request, proposing a total FMCC budget of \$19,034,478.00; and

WHEREAS, a public hearing related to the adoption of said FMCC Budget was held on July 8, 2019 and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That the several amounts reflecting the share to be appropriated by Fulton County be and the same hereby are appropriated for the objects and purposes specified below, to become effective September 1, 2019:

Fulton County Sponsor Share :	\$ 1,545,821.00
Revenues and Montgomery County Share:	<u>17,488,657.00</u>
Total FMCC Operating Budget	\$19,034,478.00

and, be it further

RESOLVED, That the share and obligation of the County of Fulton shall be included in the Fulton County Budget for 2019, as provided for in Section 6304 of the Education Law of the State of New York; and, be it further

RESOLVED, That the Board of Supervisors hereby directs the FMCC Board of Trustees to prepare a final 2019-2020 College budget in accordance with the sums appropriated herein; and, be it further

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

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

Seconded by Supervisor SELMSER and adopted by the following vote:

TOTAL: Ayes: 385 (14) Nays: 0 Abstentions: 25 (1) (Supervisor Young)  
Absent: 141 (5) (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 268**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION JOINING LAWSUIT AGAINST GENERIC PHARMACEUTICAL COMPANIES RELATED TO PRICE FIXING FOR CERTAIN GENERIC DRUGS**

WHEREAS, the Department of Justice has been investigating price fixing and market allocation agreements involving 16 companies and over 300 drugs, including numerous generic pharmaceutical products, including doxycycline, an antibiotic, and glyburide, a treatment for diabetes; and

WHEREAS, the states attorneys' general of 48 states brought a civil action alleging price fixing, market division, and other antitrust violations by 20 defendant pharmaceutical companies related to 15 generic prescriptions drugs; and

WHEREAS, many counties "self insure", meaning that they pay the costs of workers compensation, health insurance and pharmaceuticals for their employees, dependents and retirees; and

WHEREAS, the New York State Association of Counties (NYSAC) is coordinating a class action lawsuit against said pharmaceutical companies; and

WHEREAS, the County Attorney recommends that the County of Fulton join the class action lawsuit against said pharmaceutical companies in an effort to recover costs related to price fixing for certain generic drugs; now, therefore be it

RESOLVED, That upon the recommendation of the County Attorney, and the Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a retainer agreement between the County of Fulton and Napoli Shkolnik PLLC, of New York, New York, to conduct a joint lawsuit against manufactures of generic pharmaceutical drugs; such agreement to include but not limited to the following terms and conditions:

1. Any payments to Napoli Shkolnik PLLC shall be based on a contingency fee not to exceed 25 percent of all gross amounts recovered.
2. There will be zero cost to Fulton County if there is no settlement or award.

and, be it further

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

RESOLVED, That the County Attorney do each and everything necessary to further the purport of this Resolution; and, be it further

**Resolution No. 268 (Continued)**

RESOLVED, That certified copies of this Resolution for forwarded to the County Treasurer, County Attorney, NYSAC, Napoli Shkolnik PLLC, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 269**

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

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

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

Treasurer's Department:

0004231 Hedman Model HE Check Printer/Signer  
0000084 Tab Products Model 2432 Check/Printer/Signer  
0000068 Tab Products Model Rk88100 Check Printer

County Clerk Department:

0000403 L-shaped Desk

Social Services Department:

0008412 Gray Chair (11/24/09)  
0005883 Gray Chair (1/2/02)  
0007503 Gray Chair (7/16/07)  
0003241 Desk (6/5/97)  
0003388 2 Drawer File Cabinet (11/1/88)  
0002939 Printer Stand (8/1/92)

Sheriff's/Corrections

0008596 Portable Radio (977TLN2442)  
0008608 Portable Radio (977TLN2472)  
0008612 Portable Radio (977TLN2479)  
0008599 Portable Radio (977TLN2458)  
0008602 Portable Radio (977TLN2461)

and, be it further

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



**Resolution No. 269 (Continued)**

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

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 270**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING TRANSFER AND BUDGET AMENDMENTS**

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

Board of Elections

From: A.1450.1450-4530 – EXP – Supplies

To: A.1450.1450-4070 – EXP – Postage

Sum: \$878.00

Solid Waste

From: CL.8160.8162-2000 – EXP – Equipment – Fixed Asset

To: CL.8160.8162-4010 – EXP - Equipment – Non-Asset

Sum: \$883.00

and, be it further

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

Sheriff

Revenue

Increase A.3110.3110-2680 – REV – Insurance Recoveries \$ 3,000.00

Appropriation

Increase A.3110.3110-2010 – EXP – Capital Expense \$ 3,000.00

Social Services

Revenue

Increase A.6010.6010 – 3610 – REV – State Aid-Social Services Administration \$7,500.00

Appropriation

Increase A.6010.6010-4210 – EXP – Training & Conferences \$7,500.00

**Resolution No. 270 (Continued)**

and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

**Resolution No. 271**

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION COMMENCED BY  
FULTON COUNTY AGAINST MONTGOMERY COUNTY RELATED  
TO THE PARTIES' INTERMUNICIPAL AGREEMENT FOR  
WASTE DISPOSAL SERVICES DATED MARCH 6, 2014

WHEREAS, Resolution 58 of 2014 authorized a contract between Fulton County and Montgomery County for use of the Fulton County Landfill for solid waste disposal; and

WHEREAS, Fulton County commenced an Action against Montgomery County in New York State Supreme Court, by filing a Summons and Complaint on October 3, 2018, which was assigned Index No. 2018-751; and

WHEREAS, Montgomery County appeared in the Action by the filing of a Motion to Dismiss, dated November 28, 2018; and

WHEREAS, it appears to be in the best interests of both Fulton County and Montgomery County to settle this matter and any related claims to avoid the costs that would result if litigation continues; and

WHEREAS, the Fulton County Board of Supervisors and Montgomery County Legislature, through their respective Counsel, have negotiated proposed settlement terms; now, therefore be it

RESOLVED, That Fulton County Board of Supervisors hereby approves settlement in accordance with the terms set forth in the "Settlement Agreement and Release" as attached hereto and made a part hereof, by reference as "Exhibit A"; and, be it further

RESOLVED, That this Resolution is being adopted for settlement purposes only; and, be it further

RESOLVED, That the Fulton County Board of Supervisors be and hereby authorizes the Chairman of the Board, County Attorney and Special Counsel, Miller, Mannix, Schachner & Hafner, LLC to execute a "Stipulation of Discontinuance" and a "Settlement Agreement and Release" in a form substantially similar to that attached hereto, and to execute any other documents and take any additional steps necessary to effectuate the settlement in accordance with the terms of this Resolution; and, be it further

**Resolution No. 271 (Continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Montgomery County Legislature, Montgomery County Attorney, Miller, Mannix, Schachner & Hafner, LLC, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 15 Nays: 0 Absent: 5 (Supervisors Argotsinger, Born, Handy, Howard, Waldron)

SUPREME COURT

STATE OF NEW YORK

COUNTY OF MONTGOMERY

---

FULTON COUNTY,

Plaintiff,

-against-

**SETTLEMENT  
AGREEMENT AND  
RELEASE**

Index No. : 2018-751

MONTGOMERY COUNTY,

Defendant.

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For and in consideration of: (a) The mutual promises contained in this Agreement; (b) the payment of the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) by Montgomery County to Fulton County pursuant to the terms described below; (c) the dismissal with prejudice of the Complaint; and (d) other good and valuable consideration; the parties by and through their respective counsel, AGREE AS FOLLOWS:

1. Fulton County, does, for itself and its officers, present and former employees, agents, representatives, successors and assigns, release and forever discharge Montgomery County, its officers, present and former employees, agents, representatives, successors and assigns, from any and all claims, attorneys' fees, demands, or causes of action of any kind or nature whatever that are related to, or arise from, transactions that were or could have been alleged in the above Action or in any way relate to the parties' March 6, 2014, contract titled Intermunicipal Agreement for Waste Disposal Services.

2. Montgomery County, does, for itself, its officers, present and former employees, agents, representatives, successors and assigns, release and forever discharge Fulton County from any and all claims, attorneys' fees, counterclaims, demands, or causes of action of any kind or nature whatever that are related to, or arise from, transactions that were or could have been alleged in the above Action or in any way relate to the parties' March 6, 2014, contract titled Intermunicipal Agreement for Waste Disposal Services.

3. Montgomery County agrees to pay Two Hundred Twenty-five Thousand Dollars (\$225,000.00) to Fulton County at the time of delivery of this fully executed Settlement Agreement and a Stipulation of Discontinuance. Montgomery County additionally agrees to pay Fulton County on or before March 1, 2020 an additional Two Hundred Twenty-five Thousand Dollars (\$225,000.00). The parties understand that the underlying action involves arguable and disputed questions of fact and law, that the liability of the parties for the above-mentioned matter is disputed and that payment provided for herein is not to be construed as an admission of liability, which is expressly denied, and that this Settlement Agreement arises solely from compromise. The execution of this Settlement Agreement does not, is not and shall not in any way be construed as an admission of wrongdoing on the part of any party to this Settlement Agreement.

4. *Enforcement:* If either party shall institute an action based on the alleged default of the other of this Settlement Agreement the prevailing party by Court Order shall be entitled to recover reasonable attorneys' fees and costs incurred by the prevailing party.

5. *Attorney Representation:* Both parties acknowledge that they have been afforded representation during the negotiation and preparation of this Settlement Agreement by counsel.
6. *Execution in Counterparts:* This Settlement Agreement may be executed in one or more counterparts in any manner, such as by hand, regular mail, facsimile or electronic mail, but all such counterparts, including facsimile or .pdf copies, shall together constitute but one and the same instrument.
7. *Controlling Law:* This Settlement Agreement shall be interpreted in accordance with the laws of the State of New York and any action in regards thereto shall be brought in Montgomery County Supreme Court. The language of all parts of this Settlement shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the parties.
8. *Acknowledgment of Full Consent:* Each party hereto acknowledges the execution of document includes a release of various rights of the respective parties and that as a result this Settlement Agreement is entered into knowingly.
  - (a) This Settlement Agreement represents the full, final and complete resolution of this matter, has not been supplemented by any oral promises or representations, and cannot be modified, except in writing signed by all parties hereto or their lawful successors.
  - (b) This Settlement Agreement has been approved by the Fulton County Board of Supervisors and the Montgomery County



Legislature and the undersigned have been authorized to execute this Settlement Agreement on behalf of the respective parties.

IN WITNESS OF THE ABOVE, the undersigned have executed this Settlement Agreement and Mutual General Release as of the dates set forth below.

**FULTON COUNTY, NEW YORK**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Jack Wilson, Chairman  
Fulton County Board of Supervisors  
County Office Building  
223 West Main Street  
Johnstown, New York 12095

Approved as to Form:

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Jacquelyn P. White, Esq.  
MILLER, MANNIX, SCHACHNER &  
HAFNER, LLC  
*Attorneys for Plaintiff*  
15 West Notre Dame Street  
Glens Falls, New York 12801  
(518) 793-6611

**MONTGOMERY COUNTY, NEW YORK**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Matthew L. Ossenfort  
Montgomery County Executive  
20 Park St.  
Fonda, New York 12068

Approved as to Form:

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Meghan Manion, Esq.  
*Montgomery County Attorney*  
20 Park Street  
Fonda, New York 12068  
(518) 853-4304

