

## NINTH REGULAR SESSION

Johnstown, NY

September 11, 2017

Roll Call – Quorum Present

Supervisors: Argotsinger, Blackmon, Born, Bradt, Breh, Callery, Christopher, Fagan, Greene, Groff, Handy, Howard, Kinowski, Lauria, Morris, Rice, Wilson, Young

TOTAL: Present: 18 Absent: 2 (Supervisors Potter and Waldron)

Chairman Kinowski called the meeting to order at 1:00 p.m. Chairman Kinowski asked if there was anyone from the public who wished to address the Board. No one from the public came forward.

Chairman Kinowski announced that there would be a moment of reflection in memory of all the people who died from the terrorist attacks upon the United States on September 11, 2001 along with thanks for all the first responders who answered the call. A Slide Show presentation accompanied by a recording of “Where Were You When the World Stop Turning” by Alan Jackson was presented.

There was also a moment of silence for all those affected by the devastating effects of the recent hurricanes in Texas and nearby states, Florida and the rest of the Southeast, as well as the Caribbean.

Chairman Kinowski asked everyone to stand for the Pledge of Allegiance to the Flag, and then called for the reading of the Reports.

### REPORTS

A. 2016 Year End Report, Fulton County Coroner’s Office

### UPDATES FROM STANDING COMMITTEES

***Economic Development and Environment Committee:*** Supervisor Greene advised that Supervisor Waldron, Chairman of the Economic Development Committee, was absent today and he would be sponsoring all proposed Resolutions with Mr. Waldron’s name on them on behalf of the Committee. He also advised that he would be asking for a withdrawal of proposed Resolution No. 14 (Resolution Authorizing a Contract with Environmental Design Partnership to Prepare Cost Estimates for Extension of Water Lines from the City of Gloversville to Fulton County Water District No. 1) because Johnstown officials will be having a meeting soon to discuss the waterline issue.

***Public Safety Committee:*** Supervisor Fagan advised that Coroner Margaret Luck has provided a Year End Report for 2016 to the Board and there is a lot of good information in it.

Supervisor Fagan then asked for a moment of silence for former Deputy Sheriff Sharon Hoffman who recently passed away.

## **REPORTS OF SPECIAL COMMITTEES**

***Soil and Water Conservation District:*** Supervisor Blackmon advised that the last meeting was held on August 15. He further advised that the Hightower Greenhouse was complete. Hydro seeding has been done in several municipalities. He also advised that a 25 percent advance for the Great Sacandaga Lake Runoff Management System has been deposited into Soil and Water's account.

## **CHAIRMAN'S REPORT**

Chairman Kinowski advised that there was a County-sponsored Site Selectors Guild Advisory Forum held on September 6, 7 and 8 held at local establishments. It was very well-attended and the site selectors were very enthusiastic about our community. Mr. Mraz, Planning Director, will be preparing a full report and Chairman Kinowski will see that every Board member gets a copy. Chairman Kinowski said it was "a solid success".

Administrative Officer Jon R. Stead advised that the date has been set for the Supervisor's Christmas Party. It will be held on Friday, December 8 at 6:30 at the Holiday Inn.

## **RESOLUTIONS**

***No. 313 (Resolution Authorizing a Contract with Steven E. Smith, P.E. for Engineering Services for the Fulton County Office Building Renovation Project – 2017 Capital Plan):*** Supervisor Callery asked why the figures did not match on the Resolution. Mr. Stead explained that \$50,000.00 is the local match the County must contribute for the overall SAM grant award of \$450,000.00. The \$20,000.00 figure refers to the Smith contract amount.

***No. 316 (Resolution Authorizing Change Order No. 2 and No.3 with Lupini Construction, Inc. for the Exterior Renovation Project at the Fort Johnstown Building – 2016 Capital Plan):*** Mr. Stead explained that in reviewing the proposed Resolution, he decided it would require Change Order No. 2 and Change Order No. 3 because work was added and some work subtracted; however, there was nothing different from how it went through the Building & Grounds/Highway Committee. It is just for tracking purposes.

***No. 325 (Resolution Endorsing the Parkhurst Field Foundation's "Field of Dreams Campaign"):*** Supervisor Lauria commented that the Campaign is a "positive thing" for Gloversville and he hopes that it happens because there is so much history there.

Supervisor Greene advised that the Site Selectors reported that the Parkhurst Field would be a destination and it is a good idea to get it off the ground.

Supervisor Young commented that Parkhurst Field has a unique history and would be an "economic driver" for the region.

Supervisor Born advised that her father was a young boy when Parkhurst Field was opened. He had a great love for baseball and he would be very proud of the field. She further advised that this was great for Gloversville and everyone should be proud to have it.

***No. 326 (Resolution Authorizing a Contract with Environmental Design Partnership to Prepare Cost Estimates for Extension of Water Lines from the City of Gloversville to Fulton County Water District No. 1):*** Supervisor Greene asked that this Resolution be withdrawn because Johnstown Officials will be having another meeting concerning this matter.

Supervisor Groff then seconded the Resolution. He then suggested that the Resolution be Tabled rather than Withdrawn.

**Supervisor Argotsinger made a motion to TABLE Resolution 326, with Supervisor Wilson Seconding the motion.**

The Board had a discussion on how a Withdrawn Resolution differs from a Tabled Resolution.

Chairman Kinowski then asked Mr. Stead to explain the difference between a Withdrawn Resolution and a Tabled Resolution.

Mr. Stead explained that a Tabled Resolution means that it will be on the Agenda again for future meetings. A simple motion can then “remove it from the Table” for action at the Board level. A Withdrawal means that it is withdrawn from Board-level consideration and the subject goes back to Committee to be discussed, changed or altered.

**The motion to TABLE this Resolution by Supervisor Argotsinger and seconded by Supervisor Wilson was then voted on by the Board and passed unanimously.**

Chairman Kinowski opened the Public Hearing to receive comments on Proposed Local Law “F” of 2017 entitled “A Local Law Establishing a Sustainable Energy Loan Program in the County of Fulton” at 1:28 p.m. There being no one who came forward, Chairman Kinowski advised that he would keep the public hearing open for a period of time.

***No. 345 (Resolution Authorizing a Contract with Simmons Hanly Conroy for Legal Services to Join a Class Action Lawsuit Against Pharmaceutical Companies to Recover Costs Incurred from the Opioid Crisis):*** Supervisor Young commented that he once read that 75 percent of heroin users don’t start with heroin, they start with prescription pain killers. The taxpayers have had to cover the costs for this epidemic and it is time that the County joins the lawsuit to recover costs incurred.

Supervisor Born agreed with Supervisor Young and advised that local doctors have already taken steps and are doing their part to help alleviate the crisis.

***No. 346 (Resolution Authorizing County Participation in the Legal Defense of Certain Assessment Reduction Actions Within the Town of Broadalbin, City of Gloversville and the City of Johnstown):*** Supervisor Young commented that it was “disgraceful” that Wal-Mart was asking to have its assessment reduced. The County and tax payers provide subsidies already through Medicaid and public health insurance and this request was “outrageous”.

Chairman of the Board Kinowski then called for a recess at 1:32 p.m.

Chairman Kinowski called the meeting back to order at 1:39 p.m.

Chairman Kinowski called for any additional speakers for the Public Hearing regarding proposed Local Law “F”. There being no one, Chairman Kinowski closed the Public Hearing regarding Proposed Local Law “F” of 2017 entitled “A Local Law Establishing a Sustainable Energy Loan Program in the County of Fulton” at 1:40 p.m.

Upon a motion by Supervisor Callery, seconded by Supervisor Greene and unanimously carried, the Board adjourned at 1:42 p.m.

*Certified by:*

---

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

**Resolution No. 313**

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

RESOLUTION AUTHORIZING A CONTRACT WITH STEVEN E. SMITH, P.E. FOR  
ENGINEERING SERVICES FOR THE FULTON COUNTY OFFICE BUILDING  
RENOVATION PROJECT (2017 CAPITAL PLAN)

WHEREAS, the 2017 Capital Plan identifies a project to renovate the exterior of the Fulton County Office Building; and

WHEREAS, Fulton County received a \$450,000.00 grant from the State and Municipal Facilities Capital (SAMS) Program to help pay for said project; and

WHEREAS, the Planning Director, the Committees on Buildings and Grounds/Highway, and Finance, recommend contracting with Steven E. Smith, P.E of Gloversville, NY, to prepare the design plans and bid specifications for said project and provide construction administration services; and

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Steven E. Smith, P.E., Gloversville, NY, to prepare the design plans and bid specifications for said project as well as provide construction administration services for the Fulton County Office Building Exterior Renovation Project in an amount not to exceed \$20,000.00; and, be it further

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

From: A.1000.9950-9000.1200-EXP-Capital Improvements Reserve  
To: H.8020.1620-2100.0900-EXP-County Office Building Ext Renovations (New)  
Sum: \$50,000.00

and, be it further

**Resolution No. 313 (Continued)**

RESOLVED, That the 2017 Adopted Budget be and hereby is amended as follows:

Revenue:

Increase H.8020.1620-3097.0900-REV-State Aid-County Office \$450,000.00  
Building Ext Renovations (New)

Appropriation:

Increase H.8020.1620-2100.0900-EXP-County Office \$450,000.00  
Building Ext Renovations (New)

and; be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 314**

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SUBMITTAL OF AN UPDATED DRAFT AIRPORT  
MASTER PLAN TO THE FEDERAL AVIATION ADMINISTRATION**

WHEREAS, Resolution 193 of 2015 Authorized an Agreement with Passero Associates Engineering and Architecture to Prepare a Master Plan Update for the Fulton County Airport; and

WHEREAS, the Buildings and Grounds/Highway Committee has served as the Technical Advisory Committee (TAC) for said Plan development; now, therefore be it

WHEREAS, the Buildings and Grounds/Highway Committee has reviewed the Master Plan Update and has recommended that it be endorsed by the Board of Supervisors and submitted to the Federal Aviation Administration and NYS Department of Transportation for their approval; and

WHEREAS, said Master Plan Update identifies a series of projects and initiatives for the Airport in three (3) phases: Near-Term (2017-2022), Mid-Term (2023-2026) and Long-Term (2027-2036); now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby endorses the 2017 Master Plan Update prepared for the Fulton County Airport by Passero Associates and the Buildings and Grounds/Highway Committee as placed on file in the Planning Department; and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized and empowered to sign said Plan for submission to the Federal Aviation Administration and NYS Department of Transportation for their approval; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Federal Aviation Administration, NYS Department of Transportation, Passero Associates, Airport Fixed Base Operator, 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 CHRISTOPHER and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 315**

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

RESOLUTION CREATING A PLANNER POSITION AND PLACING A “ONE DOLLAR HOLD” ON THE SENIOR PLANNER POSITION IN THE PLANNING DEPARTMENT

WHEREAS, Resolution 424 of 2015 authorized the creation of a Civil Engineer position in the Planning Department; and

WHEREAS, Resolution 359 of 2016 reclassified said Civil Engineer position to Senior Planner due to difficulty recruiting candidates; and

WHEREAS, after diligent efforts, the Planning Director has been unable to recruit to either position; and

WHEREAS, the Planning Director has requested the creation of a full-time Planner position in the Planning Department due to the Senior Planner position remaining vacant; and

WHEREAS, the Committees on Buildings and Grounds/Highway, Personnel and Finance have reviewed the current department structure and recommend creating a Planner position in lieu of filling the Senior Planner position in this instance to ensure adequate staffing in 2018 and beyond, effective immediately; now, therefore be it

RESOLVED, That a Planner position (Union Job group P-7, \$24.13 per hour start rate; \$28.39 per hour one-year rate), be and hereby is created effective immediately; and, be it further

RESOLVED, That the vacant Senior Planner position (Non-Union Job Group A/T-9, one year permanent rate: \$66,697.00) in the Planning Department, be and hereby is placed on “hold” in the budget at \$1.00 for future consideration by the Board of Supervisors; and, be it further

RESOLVED, That the Planning 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, Personnel Director, Planning Director, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 316**

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

RESOLUTION AUTHORIZING CHANGE ORDERS NO. 2 AND NO. 3 WITH LUPINI CONSTRUCTION, INC. FOR THE EXTERIOR RENOVATION PROJECT AT THE FORT JOHNSTOWN BUILDING (2016 CAPITAL PLAN)

WHEREAS, the 2016 Capital Plan included an Exterior Renovation Project at the Fort Johnstown Building; and

WHEREAS, Resolution 296 of 2016 awarded a bid to Lupini Construction, Inc. for said Exterior Renovation Project at the Fort Johnstown Building; and

WHEREAS, Resolution No. 203 of 2017 authorized Change Order No. 1 with Lupini for additional work tasks related to replacing historical mortar, injecting new grout and renovating steel grating on openings; and

WHEREAS, due to unique construction requirements encountered during said renovations to maintain historical integrity, DMR Architecture and Lacey Thaler Reilly Wilson Architecture and Preservation now recommend adding certain new work and discontinuing certain prior-approved work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign Change Orders No. 2 and 3 to the contract with Lupini Construction, Inc. of Utica, NY for the Fort Johnstown Building, as part of the Exterior Renovation Project as follows:

Original Contract Amount:	\$215,891.00
Change Order No. 1	<u>141,694.00</u>
Current Contract Amount:	\$357,585.00
Change Order No. 2 (delete Paint Removal and Grate Renovation)	- 70,124.00
Change Order No. 3 (Scrape/Repaint Brick)	<u>32,900.00</u>
Revised Contract Amount:	\$320,361.00

and, be it further

RESOLVED, That as drainage and retaining wall work is identified, the Superintendent shall utilize the project Contingency Allowance already appropriated to address such work tasks; and, be it further

**Resolution No. 316 (Continued)**

RESOLVED, cost will be charged against H.1620.1622-2100.0815-EXP-Fort Johnstown Renovations.

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

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 317**

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

RESOLUTION ADOPTING LOCAL LAW 5 OF 2017 “A LOCAL LAW ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM IN THE COUNTY OF FULTON”

WHEREAS, proposed Local Law “F” of 2017 entitled, “A LOCAL LAW ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM IN THE COUNTY OF FULTON” has laid upon the desks of the Board of Supervisors for the required period; and

WHEREAS, a public hearing was held on September 11, 2017, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law 5, hereinabove referenced, be and hereby is approved; and, be it further

RESOLVED, That the Clerk of the Board is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That the Chairman of the Board of Supervisors and County Attorney be authorized and empowered to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, NYS Secretary of State, Fulton County Code Book, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**LOCAL LAW 5 – 2017 TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM IN THE COUNTY OF FULTON**

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

**Section 1.** The Code of the County of Fulton is hereby amended by adding a new Chapter, entitled “Energize NY Benefit Financing Program,” to read as follows:

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both the County of Fulton and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, and support clean energy. The County of Fulton finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the County of Fulton, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.
- B. The County of Fulton is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
- C. This chapter shall be known and may be cited as the “Energize NY Benefit Financing Program”.

**§2. Definitions**

For purposes of this chapter, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Authority** – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.

**EIC** – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County of Fulton to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for

repayment of such funds from monies collected by the County of Fulton tax collector as a charge to be levied on the real property and collected in the same manner and same form as the County of Fulton taxes.

**Energy Audit** – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

**Energy Efficiency Improvement** – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

**Qualified Property Owner** – An owner of residential or commercial real property located within the boundaries of the County of Fulton that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

**Renewable Energy System** – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

**Renewable Energy System Feasibility Study** – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

### **§3. Establishment of an Energize NY Benefit Financing Program**

- A. An Energize NY Benefit Financing Program is hereby established by the County of Fulton, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

#### **§4. Procedures for eligibility**

- A. Any property owner in the County of Fulton may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the County of Fulton offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County of Fulton, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 5 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the County of Fulton, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this chapter; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

#### **§5. Application criteria**

- A. Upon the submission of an application, EIC acting on behalf of the County of Fulton, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
  - 1. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
  - 2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
  - 3. Sufficient funds are available to provide to the property owner;
  - 4. The property owner is current in payments on any existing mortgage;
  - 5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
  - 6. Such additional criteria, not inconsistent with the criteria set forth above, as the County of Fulton, or EIC acting on its behalf, may set from time to time.

#### **§6. Opt-in, Energize Finance Agreement**

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the County of Fulton.
- B. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of County of Fulton, for the acquisition,

construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 7 of this chapter have been met.

- C. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this chapter.

#### **§7. Energy audit, renewable energy system feasibility study**

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

#### **§8. Terms and conditions of repayment**

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the County of Fulton, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their County of Fulton tax bill and shall be levied and collected at the same time and in the same manner as County of Fulton property taxes, provided that such charge shall be separately listed on the tax bill. The County of Fulton, shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the County of Fulton tax due date.
- B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County of Fulton.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County of Fulton at the time the Energize Finance Agreement is executed by the property owner and EIC.

D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

**§9. Verification and report**

- A. EIC shall be responsible for verifying and reporting to the County of Fulton on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.
- B. The County of Fulton shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

**Section 2.** This local law shall take effect upon filing with the Secretary of State.

## **Resolution No. 318**

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

### **RESOLUTION AUTHORIZING A MUNICIPAL AGREEMENT WITH THE ENERGY IMPROVEMENT CORPORATION TO ADMINISTER A SUSTAINABLE ENERGY LOAN PROGRAM IN FULTON COUNTY**

WHEREAS, the Mohawk Valley Economic Development District has announced the availability of 2017 Clean Energy Community (CEC) Grants for public infrastructure projects; and

WHEREAS, Resolution 31 of 2017 authorized the Superintendent of Highways and Facilities to pursue a Clean Energy Community Grant through the Mohawk Valley Economic Development District (MVEDD) for an Air Conditioning Project in the County Office Building and other Associated Energy Conservation Projects; and

WHEREAS, to qualify for a CEC grant, a municipality must implement at least four (4) “High Impact Actions” to promote energy conservation within its region; and

WHEREAS, the Board of Supervisors adopted a Local Law entitled “A Local Law Establishing a Sustainable Energy Loan Program in the County of Fulton” on September 11, 2017; and

WHEREAS, the Superintendent of Highways and Facilities, the Committees on Buildings and Grounds/Highway, and Finance, recommend contracting with the Energy Improvement Corporation (EIC) to administer a Sustainable Energy Loan Program on its behalf as one of the “High Impact Actions”; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Sustainable Energy Loan Program Municipal Agreement with the Energy Improvement Corporation of Bedford Hills, NY to administer said program; and, be it further

**Resolution No. 318 (Continued)**

RESOLVED, That as an amendment to said Agreement, the Chairman shall advance a letter to the EIC requiring the following restrictions for participation in the Sustainable Energy Loan Program within Fulton County:

1. Financing shall not be issued for properties whose owners have failed in the current and/or three previous years to make timely payment of property taxes on any property within Fulton County in which they have an ownership interest.
2. Financing shall not be issued for facilities housing a business primarily engaged in the sale of gasoline and/or other petroleum products, nor to other properties deemed by the County to present a high risk of environmental contamination.
3. Financing shall not be issued for solar farm businesses nor for wind farm facilities.
4. The cumulative amount of outstanding loans being issued under the Municipal Agreement shall not at any time exceed \$3 million.
5. Should the EIC default in any of its obligations hereunder after a notification of such a default by the County and a 10-day period to cure the default, the County may cease to authorize any new financing.

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, Superintendent of Highways and Facilities, Mohawk Valley Economic Development District, Fulton County Code, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 319**

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BID FOR THE PURCHASE OF UNLEADED GASOLINE FOR THE CENTRAL FUEL DEPOT AND SOLID WASTE DEPARTMENT (2018)**

WHEREAS, Resolution 249 of 2017 authorized advertisement for bids for unleaded gasoline for the Central Fuel Depots at the County Complex and Solid Waste Department and two (2) bids were received; now, therefore be it

RESOLVED, That the net bid, as submitted by Mirabito Energy Products, of Johnstown, NY, for the purchase and delivery of unleaded gasoline to the Central Fuel Depots at the County Complex and at the Solid Waste Department be and hereby is awarded for the period October 1, 2017 through September 30, 2018, as reviewed and recommended by the Superintendent of Highways and Facilities, Solid Waste Director, Committee on Buildings and Grounds/Highway and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2017-82-05:

County Complex (95,000 gallons)	\$1.5706 Rack price <u>.0215</u> Margin \$1.5921 Per gallon
Solid Waste Dept. (3,500 gallons)	\$1.5706 Rack price <u>.1750</u> Margin \$1.7456 Per gallon

(with the stipulation that any increase or decrease in prices will be passed on at the time of delivery, based on current rack prices); and, be it further

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 320**

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

**RESOLUTION AUTHORIZING EXTENSION TO CONTRACT WITH BREZZY CLEANING SERVICE FOR CUSTODIAL SERVICES IN THE FULTON COUNTY OFFICE BUILDING (2018)**

WHEREAS, Resolution 356 of 2016 awarded a contract to Brezzy Cleaning service for custodial services in the Fulton County Office Building, at a cost of \$77,412.00, with the County option to extend said contract in 2018 and 2019; and

WHEREAS, the Superintendent of Highways and Facilities requests said contract be extended for another year; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to sign an extension to the contract with Brezzy Cleaning Service, of Gloversville, NY, for custodial services in the Fulton County Office Building, effective January 1, 2018 through December 31, 2018, at a cost not to exceed \$77,912.00; all other terms and conditions in said contract shall remain in full force and effect; and, be it further

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

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 321**

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CUSTODIAL SERVICES AT THE FULTON COUNTY DEPARTMENT OF SOCIAL SERVICES COOPER BUILDING (2018)**

WHEREAS, the current bid for custodial services in the Department of Social Services Cooper Building expires on December 31, 2017; now, therefore be it

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

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Room 205, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 18, 2017, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 322**

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CUSTODIAL SERVICES AT FULTON COUNTY COMPLEX I AND II BUILDINGS (2018)**

WHEREAS, the current contract for custodial services at the Fulton County Complex I and II Buildings expires on December 31, 2017; and

WHEREAS, the Committee on Buildings and Grounds/Highway and Superintendent of Highways and Facilities recommend soliciting bids to clean the entire Fulton County Complex I and II Buildings; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for custodial services for the Fulton County Complex I and II, 2714 State Highway 29, Johnstown, NY, (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 203, County Office Building, Johnstown, NY, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 18, 2017, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor CHRISTOPHER and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 323**

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR HEATING OIL AND  
50/50 BLEND FOR COUNTY BUILDINGS (2018)

WHEREAS, the current bid for No. 2 heating oil and 50/50 blend expires on December 31, 2017; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is directed to advertise for sealed bids from responsible petroleum dealers for Heating Oil No. 2 and Special Blend of No. 2 for the year 2018 (and according to further specifications which may be obtained at the Office of the Purchasing Agent); said price to identify origin and posted tank wagon price in effect on the date of bid (to be further identified at each instance of delivery), plus vendor margin. Successful bidder must make provisions for emergency delivery on a local basis (within a 20-mile radius of the City of Johnstown), in the event that one of the identified facilities runs out of fuel; and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 18, 2017, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 324**

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIING ADVERTISEMENT FOR BIDS FOR WASTE REMOVAL SERVICES FOR THE FULTON COUNTY CORRECTIONAL FACILITY (2018)**

WHEREAS, the current bid for waste removal services expires on December 31, 2017; now, therefore be it

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

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 18, 2017, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 325**

Supervisor GREENE offered the following Resolution and moved its adoption:

RESOLUTION ENDORSING THE PARKHURST FIELD FOUNDATION’S “FIELD OF DREAMS CAMPAIGN”

WHEREAS, Parkhurst Field opened in 1906 as the A, J and G Baseball Park, owned by the FJ & G Railroad and served as the home of the New York State League “JAGS” (Johnstown – Amsterdam – Gloversville) professional baseball team; and

WHEREAS, during this wonderful baseball era, many major leaguers, baseball legends and Hall-of-Famers to be, played at the Park, including Honus Wagner, “Moonlight” Archie Graham, “Chief” Bender and the New York Bloomer Girls; and

WHEREAS, in 1918, the FJ & G Railroad gave up its lease on the property and the Parkhurst family purchased it; and

WHEREAS, commencing in 1955, the Parkhurst family allowed the newly-formed Gloversville Little League to use Parkhurst Field, which is still used today by the Gloversville Little League; and

WHEREAS, the Parkhurst Field Foundation is pursuing a fundraising campaign to raise funds to:

- Create five (5) regulation lighted fields capable of hosting Little League teams from around the country.
- Create a “Premier Field” on the original 1906 home plate location of AJ&G Park.
- Create a new grandstand with capacity to seat 750 people.
- Construct batting cages and a concession stand.
- Construct a museum onsite to honor the history of Parkhurst Field and the legendary baseball greats who played there.

now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby endorses the Parkhurst Field Foundation’s “Field of Dreams Campaign” and urges contributions and support by the local community and all fans of “America’s Game” near and far; and, be it further

RESOLVED; That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Parkhurst Field Foundation, City of Gloversville, Fulton County CRG, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 326**

Supervisors GREENE and ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH ENVIRONMENTAL DESIGN PARTNERSHIP TO PREPARE COST ESTIMATES FOR EXTENSION OF WATER LINES FROM THE CITY OF GLOVERSVILLE TO FULTON COUNTY WATER DISTRICT NO. 1

WHEREAS, Resolution 213 of 2013 authorized a contract with Environmental Design Partnership LLP (EDP) to prepare a model for a Fulton County “SMART Waters” System; and

WHEREAS, EDP’s Findings Report titled, “SMART Waters: A Regional Model for Water and Wastewater Services in Fulton County, NY” concluded that a regional water and wastewater system can be successfully implemented by Fulton County and provide economic benefits for the Region by promotion land development; and

WHEREAS, Resolution 163 of 2014 supported the creation of a regional water and wastewater system in Fulton County and authorized the commencement of discussions with the Cities of Gloversville and Johnstown, Villages of Broadalbin, Mayfield and Northville, Town of Northampton, Gloversville-Johnstown Joint Wastewater Treatment Facility, City of Amsterdam, Hudson River-Black River Regulating District and any other appropriate municipalities/organizations; and

WHEREAS, negotiations with the City of Johnstown to increase the water capacity available to Fulton County Water District No. 1 have reached an impasse; and

Whereas, the Committees on Economic Development and Environment, and Finance recommend exploring the feasibility of servicing Water District No. 1 with water provided by the Gloversville Water Department; and

WHEREAS, EDP has submitted a proposal to Fulton County to prepare “Cost Estimates on Several Alternate Routes for Connecting Gloversville Water to the County’s Waterline on NYS Route 67”; and,

WHEREAS, Resolution No. 443 of 2015 authorized a Contract between Fulton County and Environmental Design Partnership, LLC to Prepare Preliminary Engineering to Obtain Water from the Great Sacandaga Lake in the amount of \$150,000.00 and funds remain in said project account for other “SMART Waters” purposes; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment, and Finance, that the Chairman of the Board be and hereby is authorized to sign a contract with Environmental Design Partnership, LLP of Clifton Park, New York, to prepare a Cost Estimates on Several Alternate Routes for Connecting Gloversville Water to Fulton County Water District No. 1, in an amount not to exceed \$3,500.00; and, be it further

**Resolution No. 326 (Continued)**

RESOLVED, That said cost be charged to H.8020.8397.2100-0775-EXP-Smart Waters II; 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, Planning Director, Environmental Design, LLP, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GROFF.

Resolution **TABLED** upon a motion by Supervisor Argotsinger, seconded by Supervisor Wilson and approved by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 327**

Supervisors GREENE and ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT WITH ENVIRONMENTAL DESIGN PARTNERSHIP TO PREPARE A MAP, PLAN AND REPORT FOR CREATION OF A COUNTY SEWER DISTRICT IN THE TOWN OF MAYFIELD ADJACENT TO THE VILLAGE OF MAYFIELD**

WHEREAS, Resolution 213 of 2013 authorized a contract with Environmental Design Partnership LLP (EDP) to prepare a model for a Fulton County “SMART Waters” System; and

WHEREAS, EDP’s Findings Report titled, “SMART Waters: A Regional Model for Water and Wastewater Services in Fulton County, NY” concluded that a regional water and wastewater system can be successfully implemented by Fulton County and provide economic benefits for the Region by promotion land development; and

WHEREAS, Resolution 163 of 2014 supported the creation of a regional water and wastewater system in Fulton County and authorized the commencement of discussions with the Cities of Gloversville and Johnstown, Villages of Broadalbin, Mayfield and Northville, Town of Northampton, Gloversville-Johnstown Joint Wastewater Treatment Facility, City of Amsterdam, Hudson River-Black River Regulating District and any other appropriate municipalities/organizations; and

WHEREAS, the Village of Mayfield owns and operates a wastewater treatment plant that services property owners in the Village of Mayfield and some property owners outside of the Village; and

WHEREAS, the Village Mayor has requested the assistance of the County government to extend sewer collection services to an area along School Street and NYS Route 30A to promote economic development and business growth; now therefore be it

WHEREAS, Resolution No. 443 of 2015 authorized a Contract between Fulton County and Environmental Design Partnership, LLC to Prepare Preliminary Engineering to Obtain Water from the Great Sacandaga Lake in the amount of \$150,000.00 and funds remain in said project account for other “SMART Waters” purposes; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to a contract with Environmental Design Partnership of Clifton Park, New York, to prepare a Map, Plan and Report for a proposed new County sewer district in the Town of Mayfield adjacent to the Village of Mayfield at a cost not to exceed \$14,000.00 based upon Environmental Design Partnership’s proposal dated August 22, 2017; and, be it further

**Resolution No. 327 (Continued)**

RESOLVED, That said cost be charged to H.8020.8397.2100-0775-EXP-Smart Waters II; 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, Planning Director, Environmental Design Partnership, Village of Mayfield, Town of Mayfield, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 328**

Supervisor GREENE offered the following Resolution and moved its adoption:

**RESOLUTION TO SUBSTITUTE PURCHASE OF AN OIL HOIST IN PLACE OF ONE  
RECYCLING CONTAINER AND TO PURCHASE A WATER CANNON FROM  
GOVERNMENT SURPLUS PURCHASE APPROPRIATIONS**

WHEREAS, the Interim Solid Waste Director reports that a Department Oil Hoist is malfunctioning and in need of replacement; and

WHEREAS, the Department of Solid Waste 2017 budget includes the purchase of two (2) new Recycling Containers for use in the Solid Waste Department; and

WHEREAS, the Interim Solid Waste Director requests the Board of Supervisors' permission to purchase one (1) Oil Hoist at a cost not to exceed \$6,923.00 in place of one (1) recycling container; and

WHEREAS, the Interim Director of Solid Waste also requests to purchase a Water Cannon (for vehicle mounting) at a cost not to exceed \$6,485.00 with budgeted funds originally earmarked for potential government surplus equipment purchases; now, be it further

RESOLVED, That the Interim Solid Waste Director be, and hereby is authorized to purchase one (1) Oil Hoist and one (1) Water Cannon (for vehicle mounting) as outlined above; and, be it further

RESOLVED, That one (1) oil hoist unit replace the purchase of one (1) recycling container for use in the Solid Waste Department; and, be it further

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

Seconded by Supervisor WILSON and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 329**

Supervisors GREENE and ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BID FOR A LANDFILL COMPACTOR FOR USE IN THE SOLID WASTE DEPARTMENT (2017 CAPITAL PLAN)**

WHEREAS, the 2017 Capital Plan includes a Landfill Compactor for use in the Solid Waste Department; and

WHEREAS, Resolution 254 of 2017 authorized advertisement for bids for said Landfill Compactor and two (2) bids were received; and

WHEREAS, the Director of Solid Waste, Purchasing Agent and the Committees on Economic Development and Environment, and Finance recommend that the bid be awarded to Humdinger, for one (1) Tana E520 ECO Landfill Compactor, at a cost not to exceed \$785,000.00 (no Trade-in); now, therefore be it

RESOLVED, That the net bid in the amount of \$785,000.00, as submitted by Humdinger of Lubbock, Texas for one (1) Tana E520 ECO Landfill Compactor be and hereby is awarded; they being the lowest responsible bidder in accordance with project specifications; and, be it further

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

From: CL.1000.9950-9000-EXP-Transfers	\$ 60,000.00	
From: CL.8160.8162-2010-EXP-Capital Expense	\$725,000.00	
To: CL.8160.8162-2010.1900-EXP-Landfill Depreciation Reserve		\$785,000.00

From: CL-0898.0879-CL Landfill Depreciation	
To: CL-0909-Unreserved Fund Balance	
Sum: \$785,000.00	

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 BRADT and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 330**

Supervisors GREENE and ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT EXTENSION WITH GERHARDT LLC FOR LANDFILL CONSULTING SERVICES**

WHEREAS, Resolution 241 of 2014 authorized a contract with Gerhardt LLC for Management Consultant Services by Jeffrey Bouchard at the Department of Solid Waste through August 31, 2017; and

WHEREAS, said contract authorized an estimated 16 to 32 hours per week for consultant services with a monthly not-to-exceed threshold of 100 hours per month; and

WHEREAS, Resolution 202 authorized increasing the not-to-exceed hours in said contract with Gerhardt LLC for Management Consultant Services by Jeffrey Bouchard at the Department of Solid Waste to 125 hours per month; and

WHEREAS, the Committees on Economic Development and Environment, and Finance recommend extending said contract with Gerhardt LLC through December 31, 2018; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract extension with Gerhardt LLC for Management Consultant Services by Jeffrey Bouchard at the Department of Solid Waste at a billable hourly rate of \$85.00 effective September 1, 2017 through December 31, 2018 with the following hour limitations:

- September 1, 2017 – December 31, 2017: 125 hours per month
- January 1, 2018 – December 31, 2018: 100 hours per month

all other terms and conditions to remain in full force and effect; and, be it further

RESOLVED, That said contract 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, Interim Director of Solid Waste, County Attorney, Gerhardt, LLC, Jeffrey Bouchard, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 331**

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

**RESOLUTION ACCEPTING 2017-2018 NEW YORK STATE CHILD PASSENGER SAFETY INCENTIVE GRANT (PUBLIC HEALTH)**

WHEREAS, the NYS Department of Health has awarded \$4,100.00 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 2017-2018 Child Passenger Safety Incentive Grant, in an amount of \$4,100.00, for the period October 1, 2017 through September 30, 2018; 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 LAURIA and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 332**

Supervisor GREENE offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR TRANSPORTATION  
FOR THE CHILDREN WITH HANDICAPPING CONDITIONS PROGRAM  
(NEW MEADOW SCHOOL)

WHEREAS, Transportation for children enrolled in center-based special education programs is required by Federal IDEA (Individuals with Disabilities Education Act),and

WHEREAS, proposed Resolution 18 of 2017 awarded bids for the Children with Handicapping Conditions Transportation Program for transportation services in 2017-2018; and

WHEREAS, a pre-school child will be attending New Meadow School in Clifton Park, NY, at the beginning of the school year, and will require transportation; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertised for sealed bids from vendors for transportation to the New Meadow School in Clifton Park, NY (and according to further specifications which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, September 20, 2017, 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, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 333**

Supervisor GREENE offered the following Resolution and moved its adoption:

**RESOLUTION SETTING FEE FOR FLU VACCINATIONS IN THE  
PUBLIC HEALTH DEPARTMENT**

WHEREAS, Resolution 463 of 2010 set the immunization fee for flu vaccines administered by the Public Health department at \$15.00 per vaccination; and

WHEREAS, the Public Health Director recommends revising the flu vaccine fee structure for person age 19 and over who are at risk for Influenza who do not have Medicare Part B or private insurance coverage; and

WHEREAS, the Director also recommends that the fee for flu vaccinations be waived for all employees of the Public Health Department in accordance with U.S. Centers for Disease Control recommendations that healthcare workers receive annual vaccinations against Influenza; now, therefore be it

RESOLVED, That the charge for administering the seasonal flu vaccine provided by the Fulton County Public Health Department to qualifying Fulton County residents without Medicare coverage or private insurance shall be \$35.00; no cost to Fulton County Public Health Department employees; and, be it further

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

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 334**

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

RESOLUTION AMENDING 2017 CAPITAL PLAN TO INCREASE THE COST OF THE  
MEDICAL RECORDS SERVER AND SOFTWARE UPGRADE PROJECT  
(PUBLIC HEALTH)

WHEREAS, the 2017 Capital Plan includes a Medical Records Server Upgrade Project in the amount of \$20,665.00; and

WHEREAS, the Public Health Director received another proposal dated August 22, 2017 that increased the cost of said equipment and supplies to \$25,569.00 due to software updates; and

RESOLVED, That the 2017 Capital Plan be, and hereby is amended increase the Medical Records Server and Software Upgrade Project cost by \$4,904.00 to \$25,569.00; 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.1000.9950-9000-EXP-Transfers  
Sum: \$4,904.00

From: A.1000.9950-9000-EXP-Transfers  
To: H.4010.4997-2100.0860-EXP-Medical Records Server/Software Update  
Sum: \$4,904.00

and, be it further

RESOLVED, That certified copies of this Resolution be forward to the County Treasurer, Public Health Director, Information 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: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 335**

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

**RESOLUTION AUTHORIZING A CONTRACT WITH ATTORNEY ALLEN DAY FOR AN ASSISTED OUTPATIENT TREATMENT ORDER (COMMUNITY SERVICES)**

WHEREAS, the Community Services Director requests that a contract with Allen Day, Attorney at Law to execute an Assisted Outpatient Treatment (AOT) Order to avoid a conflict of interest for the County Attorney's Office; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized to sign a contract between Fulton County Community Services Department and Allen Day, Attorney at Law of Johnstown, NY to carry out an Assisted Outpatient Treatment Order effective immediately at a cost not to exceed \$600.00; and, be it further

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 336**

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

**RESOLUTION AUTHORIZING PURCHASE OF CERTAIN EQUIPMENT FOR A TELEHEALTH WORK STATION (PSYCHIATRIC SERVICES)**

WHEREAS, Resolution 172 of 2017 Accepted additional State Reinvestment Funds for Certain Equipment and Licensing Services for Counseling in the Fulton County Correctional Facility; and

WHEREAS, the Community Services Director has proposed to use said additional State Reinvestment funding to purchase necessary equipment and software to establish video conferencing stations at the Fulton County Correctional Facility as follows:

- (2) VidyoRoom HD-40 Revision C conference room appliance
- (2) Premium Upgrade to replace 1-year warranty on above
- (2) 42 inch screen monitors
- (1) Document Scanner
- (1) SilverPlus Support Plan (1 year)
- (2) VidyoLine Licenses

now, therefore be it

RESOLVED, That the Community Services Director be and hereby is authorized to purchase the items listed herein with 2017 State Reinvestment funds, in an amount not to exceed \$14,834.00; and, be it further

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

From: A.4310.4320-4130-EXP-Contractual	\$14,834.00	
To: A.4310.4320-2000-EXP-Equipment-Fixed Asset		\$13,284.00
A.4310.4320-4010-EXP-Equipment-Non Asset		1,550.00

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 337**

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING APPLICATION FOR “UPSTATE QUALITY  
IMPROVEMENT AND CASELOAD REDUCTION GRANT” FROM THE NYS OFFICE OF  
INDIGENT LEGAL SERVICES (2018-2020)

WHEREAS, the Public Defender requests authorization to apply for the NYS Office of Indigent Legal Services “Upstate Quality Improvement and Caseload Reduction” Grant to improve the quality of legal services provided to indigent individuals in Fulton County; and

WHEREAS, said grant will be a three-year distribution from the Indigent Legal Services Fund in the amount of \$300,000.00 (\$100,000.00 per year) for the period 2018 through 2020; and

WHEREAS, the Public Defender proposes to utilize said grant proceeds as follows:

1. Salary costs for Fourth Assistant Public Defender (Family Court)
2. Salary costs for Third Assistant Public Defender
3. Secretarial Support costs/Office expenses

RESOLVED, That the Public Defender be, and hereby is, authorized to submit an Application to the NYS Office of Indigent Legal Services for a “Upstate Quality Improvement and Caseload Reduction” Grant in the amount of \$300,000.00 (\$100,000.00 per year) 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 HOWARD and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 338**

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING APPLICATION FOR GOVERNOR'S TRAFFIC SAFETY  
COMMITTEE 2017-2018 CRACKDOWN GRANT  
(DISTRICT ATTORNEY)

WHEREAS, the District Attorney desires to submit an application to the Governor's Traffic Safety Committee for a 2017-2018 Crackdown Grant to support overtime for Sheriff's patrols during the grant cycle of October 1, 2017 through September 30, 2018; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the Chairman of the Board be and hereby is authorized to sign and submit an application to the Governor's Traffic Safety Committee for "Crackdown" grant funds, in an amount of \$10,000.00 for the following purposes:

Deputy Sheriff Overtime Patrols	\$10,000.00
---------------------------------	-------------

and, be it further

RESOLVED, That the District 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, District Attorney, Traffic Safety Board, Governor's Traffic Safety Committee, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 339**

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

RESOLUTION AUTHORIZING A CONTRACT WITH FRONTIER COMMUNICATIONS FOR EQUIPMENT, INSTALLATION AND MAINTENANCE OF E911 PHONE EQUIPMENT (2013 INTEROPERABLE COMMUNICATIONS PROJECT, CIVIL DEFENSE DEPARTMENT)

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

WHEREAS, Resolution 285 of 2013 authorized an application for a Statewide Interoperable Communications Grant (Round 3) 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 103 of 2014 authorized Acceptance of said Statewide Interoperable Communications Grant in the amount of \$2,327,780.00; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Frontier Communications of Norwalk, Connecticut for equipment, installation and maintenance of certain E911 Phone Equipment as a component of the Fulton County Interoperable Radio Communications Project, at a cost not to exceed \$48,726.00; and, be it further

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

RESOLVED, That the 2017 Adopted Budget be and hereby is amended as follows:

Revenue Account:

Increase H.3640.3020-3397.0680 REV-State Aid-Statewide Interoperable Communications Project	\$48,726.00
---	-------------

Appropriation Account:

Increase H.3640.3020-2100.0680 EXP-Statewide Interoperable Communications	\$48,726.00
---	-------------

and, be it further

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 340**

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

RESOLUTION AUTHORIZING A CONTRACT WITH ADMIT COMPUTER SERVICES  
FOR CAD SYSTEM SOFTWARE AND INSTALLATION SERVICES  
(2013 INTEROPERABLE COMMUNICATION PROJECT,  
CIVIL DEFENSE DEPARTMENT)

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

WHEREAS, Resolution 285 of 2013 authorized an application for a Statewide Interoperable Communications Grant (Round 3) 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 103 of 2014 authorized Acceptance of Statewide Interoperable Communications Grant in the amount of \$2,327,780.00; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Admit Computer Systems of Norwalk, Connecticut for certain Impact Computer Software, licensing upgrades, engineering, project management and training necessary to create redundancy between Fulton and Montgomery County dispatch centers as a component of the Fulton County Interoperable Radio Communications Project, at a cost not to exceed \$30,498.00; and, be it further

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

RESOLVED, That the 2017 Adopted Budget be and hereby is amended as follows:

Revenue Account:

Increase H.3640.3020-3397.0680 REV-State Aid-Statewide Interoperable Communications Project	\$30,498.00
---	-------------

Appropriation Account:

Increase H.3640.3020.2100-0680 EXP-Statewide Interoperable Communications	\$30,498.00
---	-------------

**Resolution No. 340 (Continued)**

and, be it further

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 341**

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

**RESOLUTION AUTHORIZING PURCHASE OF EQUIPMENT AND SUPPLIES FOR DISPATCH CENTER CONNECTIVITY TO THE FULTON COUNTY EOC (2013 STATE INTEROPERABLE COMMUNICATIONS PROJECT, CIVIL DEFENSE DEPARTMENT)**

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

WHEREAS, Resolution 285 of 2013 authorized an application for a Statewide Interoperable Communications Grant (Round 3) 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; now, therefore be it

WHEREAS, Resolution 103 of 2014 accepted 2013 Statewide Interoperable Communications Grant in the amount of 2,327,780.00; and

RESOLVED, That the Civil Defense/Fire Coordinator be, and hereby is, authorized to purchase the following infrastructure items for the Interoperable Communications Project to create connectivity between the Emergency Operations Center, PSAP and Radio Room as a component of the Fulton County Interoperable Radio Communications Project as follows::

700' - 12 Strand single mode fiber -armored	\$ 1.39/foot	\$ 973.00
(2) - Wall Mounted fiber housing	\$ 76.77/ ea	\$ 153.54
(1) - Rack Mounted Fiber Housing	\$ 189.48/ea	\$ 189.48
(4) - 12 Port LC Single Mode CCH Panel	\$ 85.16/ea	\$ 340.64
(2) - Pkg Single LC UniCam Mode Connectors	\$ 390.00/ea	\$ 780.00
(4) - LC to LC Single Mode Patch Cord - 5m	\$ 42.00	\$ 168.00
(1) - Avaya 24 Port Switch	\$2,590.56/ea	\$ 2,590.56
(2) - Microsoft Windows Server License	\$ 476.81/ea	\$ 953.62
(1) - Microsoft SQL Server License w/SA	\$3,657.00	\$ 3,657.00
(1) - Vmware license	\$1,600.00	\$ 1,600.00
(1) - HPE DL380 Server	\$10,961.00	\$10,961.00
(1) - 5000VA UPS - Rack Mount	\$3,839.00	\$ 3,839.00
(1) - Network Card for UPS	\$ 289.00	\$ 289.00
(1) - Lockable Rack Cabinet	\$ 720.00	\$ 720.00
(4) - 1GB GBIC Optics	\$ 40.00	\$ 160.00
Electrical Distribution (Wire, Breakers, etc)	\$2,500.00 (est.)	\$ 2,500.00
Contingency	\$4,125.16	\$ 4,125.16
	<b>Project Total</b>	<b>\$34,000.00</b>

and, be it further

**Resolution No. 341 (Continued)**

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

Revenue:

Increase H.3640.3020-3397.0680- REV-State Aid-Statewide Interoperable Communications Project	\$34,000.00
---	-------------

Appropriation

Increase H.3640.3020-2100.0680-EXP-Statewide Interoperable Communication	\$34,000.00
--	-------------

and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator 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, Civil Defense Director, 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 GROFF and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 342**

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

RESOLUTION AUTHORIZING PURCHASE OF DISPATCH CONSOLES FOR THE EOC  
(2013 STATE INTEROPERABLE COMMUNICATION PROJECT, CIVIL DEFENSE  
DEPARTMENT)

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

WHEREAS, Resolution 285 of 2013 authorized an application for a Statewide Interoperable Communications Grant (Round 3) 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; now, therefore be it

WHEREAS, Resolution 103 of 2014 accepted a 2013 Statewide Interoperable Communications Grant in the amount of \$2,327,780.00; and

WHEREAS, the Civil Defense/Fire Coordinator requests the following infrastructure items be purchased for the Interoperable Communications Project to create redundancy between Fulton County and Montgomery County PSAP’s as follows:

(3)	Relay Screen	\$956.97
(3)	Relay Console, Single, CPU Storage	\$5,347.86
(1)	Seven Single-Sided WB Aisle Modesty	\$122.50
(3)	Seven Single-Sided WB, Rectangle	\$4,365.90
(3)	Seven WB Spine Tak Screen	\$823.00
(3)	Synergy Monitor Arm-Grommet Mount	\$1,099.56
(2)	Relay Monitor Arm	\$2,612.68
(3)	Watson Universal CPU Holder, Underdesk Mount	\$279.30
(1)	Watson Power Raceway Infeed, Single Circuit	\$73.50
(2)	Watson Power Raceway Jumper	\$88.20
	Miscellaneous	<u>\$153.33</u>
	Total:	\$28,424.00

now, therefore be it,

**Resolution No. 342 (Continued)**

RESOLVED, That the 2017 Adopted Budget be and hereby is amended as follows:

Revenue:

Increase H.3640.3020-3397.0680- REV-State Aid-Statewide Interoperable Communications Project	\$28,424.00
---	-------------

Appropriation

Increase H.3640.3020-2100.0680-EXP-Statewide Interoperable Communication	\$28,424.00
--	-------------

and, be it further

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

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 343**

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

RESOLUTION AUTHORIZING ACCEPTANCE OF DEPARTMENT OF CRIMINAL JUSTICE SERVICES 2018 LIVESCAN GRANT (SHERIFF'S DEPARTMENT)

WHEREAS, the NYS Department of Criminal Justice Services (DCJS) has restructured its centralized fingerprint database system, requiring law enforcement agencies to install new "Live Scan" equipment at each user facility; and

WHEREAS, the Department of Criminal Justice Services has awarded \$20,000.00 in grant funds through a New York State DCJS Live Scan Grant to partially offset some of the Sheriff's Department costs to purchase said equipment to transmit fingerprints and photos to NYS DCJS; now, therefore be it

WHEREAS, the Sheriff has requested to purchase two (2) Live Scan equipment units (1 for the Correctional Facility and 1 for the Road Patrol booking room) via the 2018 Capital Planning process; and

RESOLVED, That the Sheriff be and hereby is authorized to accept grant funds for the 2018 Live Scan Grant, in an amount of \$20,000.00, be it further

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

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 344**

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

RESOLUTION AWARDING BIDS FOR BREAD PRODUCTS FOR USE IN THE FULTON COUNTY CORRECTIONAL FACILITY

RESOLVED, That bids, as submitted and placed on file in the Office of the Purchasing Agent, for the purchase of foodstuffs and other supplies for use by the Fulton County Correctional Facility, effective September 1, 2017 through December 31, 2017, be and hereby are awarded to vendors as follows:

<u>Vendor</u>	<u>Items</u>	<u>Total Bid Estimate</u>
Bimbo Foods Albany, NY	Bread and Rolls	\$4,558.60

and, be it further

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

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 345**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH SIMMONS HANLY CONROY  
FOR LEGAL SERVICES TO JOIN A CLASS ACTION LAWSUIT  
AGAINST PHARMACEUTICAL COMPANIES TO RECOVER  
COSTS INCURRED FROM THE OPIOID CRISIS

WHEREAS, there is a growing and serious concern with the opioid crisis across the nation; and

WHEREAS, there is indication that pharmaceutical companies may have benefited financially from the opioid crisis by misleading doctors, patients and the medical community; and

WHEREAS, national law firm Simmons Hanly Conroy is the oversight law firm handling such pharmaceutical litigation on behalf of interested municipalities with assistance of law firm Dreyer Boyajian of Albany, NY; 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 incurred from increased emergency room admissions, increased opioid overdoses, increased Medicaid costs, increased law enforcement and EMS costs; 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 Simmons Hanly Conroy, LLC of Alton, IL, to conduct a joint lawsuit against manufacturers of prescription opiates; such agreement to include but not limited to the following terms and conditions:

1. Any payments to Simmons Hanly Conroy, LLC shall be based upon a contingency fee not to exceed 25 percent of the County's net share of any recovery;
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

**Resolution No. 345 (Continued)**

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, NYS Association of Counties, Simmons Hanly Conroy, LLC, Dreyer Boyajian, LLP, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 346**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING COUNTY PARTICIPATION IN THE LEGAL DEFENSE OF CERTAIN ASSESSMENT REDUCTION ACTIONS WITHIN THE TOWN OF BROADALBIN, CITY OF GLOVERSVILLE AND THE CITY OF JOHNSTOWN**

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

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

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

and

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

Town of Broadalbin

Fiber Conversion, Inc. (various) (SBL#'s 137.19-4-23, 137.19-4-24, 137.19-4-27,  
137.19-4-28.1, 137.19-4-36)

(Requested assessment reduction: \$1,940,550.00 to \$654,498.00)

City of Johnstown & City of Gloversville

Wal-Mart (various) (SBL#'s 174.18-1-16, 174.17-1-1, 149.18-5-1.1)

(Requested assessment reduction: \$57,481,800.00 to \$26,400,000.00)

now, therefore be it

**Resolution No. 346 (Continued)**

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

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

Seconded by HOWARD and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 347**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING COUNTY TREASURER TO CLOSEOUT CERTAIN  
CAPITAL PROJECTS**

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

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

A-0883.0700 - Capital Equipment Reserve:

H.1620.1620-2100.0880 – Roof Replacement - 2017 – (Approx balance: \$0)

DM-0884 – Highway Equipment Reserve Fund:

H.5130.5130-2100.0890 – Road Machinery Equipment - 2017 – (Approx balance: \$0)

and, be it further

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

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

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 348**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; and

WHEREAS, the County Treasurer has inspected numerous items in the County pole barn that are also in disrepair and will likely bring more revenue to the County through disposal for scrap value than through auction; 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:

*Public Health:*

- Desk Chair (Purple/plaid) (No I.D.#)
- 2 Desk Chairs (Brown) (No I.D.#)
- Desk (5964)
- Desk (3829)

and, be it further

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

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 349**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION SETTING ADMINISTRATIVE PAYMENT AMOUNT FOR THE SOLID  
WASTE DEPARTMENT**

WHEREAS, the Board of Supervisors periodically evaluates the level of central administrative services provided to the Solid Waste Enterprise Fund; and

WHEREAS, the Committee on Finance recommends that the administrative chargebacks to the aforementioned department be increased to more accurately reflect the value of central support services provided by other County departments; now, therefore be it

RESOLVED, That effective with the 2018 Adopted Budget, the Budget Director is hereby directed to utilize the following chargeback amounts in developing a proper cost allocation plan for County budget purposes:

Solid Waste Department:	\$350,000.00
-------------------------	--------------

and, be it further

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

Seconded by Supervisor WILSON and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 350**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING SETTLEMENT PAYMENT IN THE MATTER OF  
“MATTHEW O’BRIEN VS. COUNTY OF FULTON”

WHEREAS, Fulton County has received a proposal from its insurance carrier NYMIR to settle a lawsuit related to a 2011 incident at the Fulton County Correctional Facility; and

WHEREAS, the Sheriff and the Committee on Finance recommend accepting the settlement offer from the law firm of Horigan, Horigan & Lombardo, P.C. in the amount of \$5,000.00, on behalf of their client Matthew O’Brien; now, therefore be it

RESOLVED, That the County Attorney is hereby authorized to execute a settlement agreement related to the matter of “Matthew O’Brien vs. County of Fulton”, in the amount of \$5,000.00 in full and final satisfaction of the matter; and, be it further

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

From: A.3110.3110-1000 – EXP – Payroll  
To: A.1420.1420-4090 – EXP – Professional Services  
Sum: \$5,000.00

and, be it further

RESOLVED, That the County Attorney and Chairman of the Board 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, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Potter and Waldron)

**Resolution No. 351**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS**

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

Sheriff

From: A.3110.3113-1000 – EXP – Payroll	\$20,000.00	
To: A.3110.3113-1100 – EXP – Overtime		\$14,000.00
A.3110.3113-1110 – EXP – Supplemental		6,000.00

From: A.3110.3150-4580 - EXP- Gas - Fuel  
To: A.3110.3150-2000 - EXP- Equipment-Fixed Asset  
Sum: \$2,800.00

Probation

From: A.3140.3140-4130 – EXP – Contractual  
To: A.3140.3140-1100 – EXP – Overtime  
Sum: \$1,300.00

Civil Defense

From: A.3640.3640-4010 – EXP – Equipment – Non-Asset  
To: A.3640.3640-2000 – EXP – Equipment – Fixed Asset  
Sum: \$300.00

Highway

From: DM.9550.9550-5000 – EXP – Transfer to Reserve  
To: DM.0883 – Reserve – Road Machinery Fuel System Repair (Equipment)  
Sum: \$1,500.00

Water District No.1

From: FX.9950.9950-5000 – EXP – Transfer to Reserve  
To: FX.0878.0882 - EXP – Water District No.1 Capital Reserve  
Sum: \$3,000.00

