

NINTH REGULAR SESSION

Johnstown, NY

September 12, 2016

Roll Call – Quorum Present

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

TOTAL: Present: Absent: 2 (Supervisor Waldron and Supervisor Howard)
Vacant: 1 (Town of Caroga)

Chairman Potter called the meeting to order at 1:00 p.m. with Supervisor Waldron and Supervisor Howard absent upon roll call. Following the Pledge of Allegiance to the Flag, Chairman Potter recognized special invited guest Senator Hugh Farley who was in attendance to celebrate “Hugh Farley Day in Fulton County”.

Chairman Potter read the Board’s Proclamation naming September 12, 2016 as “Senator Hugh Farley Day in Fulton County”.

Senator Farley thanked the Board of Supervisors for honoring him with a proclamation and Senator Farley Day.

PROCLAMATION

**DECLARING SEPTEMBER 12, 2016 “SENATOR HUGH FARLEY DAY”
IN FULTON COUNTY**

WHEREAS, Hugh Farley was first elected to public office in 1970 and then to the New York State Senate in 1976; and

WHEREAS, Senator Farley distinguished himself as a hard-working Legislator and dedicated public servant at all times committed to the citizens of Fulton County and his district; and

WHEREAS, in a Senate career spanning 40 years, he built rapport with his community that may never be rivaled; and

WHEREAS, Hugh’s immersion, and resulting expertise, in the “curricula” of “governmental science” is unparalleled; and

WHEREAS, the Senator’s legislative accomplishments in the fields of Aging Services, Environmental Conservation, Banking, Local Government Affairs, Finance and Library support, among others, are well-known and well-published; now, therefore be it

RESOLVED, That the Board of Supervisors hereby proclaims September 12, 2016 *Senator Hugh Farley Day in Fulton County*; and, be it further

RESOLVED, That the Board of Supervisors also hereby expresses its appreciation to Senator Farley for his record of dedication and extends its warmest wishes on the occasion of his retirement from public service.

After presenting the Senator with a gift bag of *Fulton County NY POSITIVE items*, Chairman Potter called for a 10 minute recess at 1:15 p.m.

Chairman Potter called the meeting back to order at 1:25 p.m.

COMMUNICATIONS

1. Communication from Hamilton County Board of Supervisors
Subj: Resolution 182-16 Urging the U.S. Veterans Affairs Administration to improve its system for ensuring Veterans' access to Non-VA Health Care
2. Letter from NYS Agriculture and Markets, dated 21 July 2016
Subj: Certifying inclusion of predominantly viable agricultural land, in the Towns of Johnstown and Mayfield, into Fulton County Agricultural District No. 1
3. Letter from NYS Department of Transportation, dated 12 August 2016
Subj: Public auction of two surplus real estate parcels located in Fulton County in the Town of Johnstown at the intersection of Route 30A and South Kingsboro Avenue.

REPORTS

- A. Semi-Annual PCB Inventory Report as prepared by National Grid – January 1, 2016-June 30, 2016

REPORTS OF SPECIAL COMMITTEES

Soil and Water Conservation District: Supervisor Lauria stated that the District Board met on August 3, 2016 and is currently working on pond layouts. Supervisor Lauria passed around a statewide newsletter that featured accomplishments by the Fulton County Soil and Water Conservation District staff.

CHAIRMAN'S REPORT

Supervisor Potter stated that there were a lot of recent events at FMCC. Sunday there was a dedication ceremony for the 9/11 North Tower Radio Antenna artifact. Several Supervisors were in attendance for ceremonies throughout the weekend. Supervisor Potter stated that he believed there were over 200 people who attended the Vietnam Memorial Wall ceremony on Friday.

Supervisor Potter mentioned that he also received a Rising Star Republican Award. He passed around a commemorative coin he received from Congressman Chris Gibson.

RESOLUTIONS

Resolutions 267 through 294 were then deliberated and acted upon by the Board.

OLD BUSINESS

Supervisor Handy stated that it should be noted that Dr. Dustin Swanger, President of Fulton-Montgomery Community College, was one of the key people behind attracting the Vietnam Memorial Wall to the College, in addition to the 9/11 Memorial. Chairman Potter stated that the Board of Supervisors will send a letter to Dr. Swanger.

Supervisors Fagan and Callery acknowledged the efforts of Veterans Service Director Dan Engel and the FMCC Veterans' Club should also be recognized.

Supervisor Born stated that often the media does not mention the souls lost when one of the hijacked planes crashed in Pennsylvania. She stated that the souls lost on that plane prevented further tragedy by sacrificing their own lives and were heroes.

Supervisor Lauria noted that there are photos on display at Fulton-Montgomery Community College's art gallery that show the aftermath of 9/11.

NEW BUSINESS

Supervisor Lauria stated that there is an emergency preparedness event being held on September 30, 2016 at Fulton-Montgomery Community College.

ADJOURNMENT

Upon a motion by Supervisor Callery, seconded by Supervisor Groff and unanimously carried, the Board adjourned at 1:53 p.m.

Certified by:

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

Resolution No. 295

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

RESOLUTION ALLOCATING ADDITIONAL TEA-21 GRANT FUNDS TO THE CITY OF JOHNSTOWN FOR REHABILITATION PROJECT ON THE FJ&G RAIL TRAIL

WHEREAS, Resolution 410 of 2001 authorized a Grant Application to the NYS Department of Transportation for Federal Transportation Equity Act Funds (TEA-21) for the FJ&G Rail Trail Project; and

WHEREAS, Resolution 45 of 2003 authorized the Chairman of the Board to execute a grant agreement with the NYS Department of Transportation (NYSDOT) for a \$400,000.00 federal TEA-21 Grant; and

WHEREAS, Resolution 235 of 2012 authorized the execution of a “No-Cost Time Extension of Local/Miscellaneous Contract” with NYSDOT to extend said TEA-21 Grant through September 30, 2014; and

WHEREAS, Resolution 176 of 2013 allocated \$150,000.00 of said grant to the City of Johnstown for its Trial Rehabilitation Project on the FJ&G Rail Rail (Fairgrounds Park South to County Line); and

WHEREAS, the City of Johnstown has completed the aforementioned project on the FJ&G Rail Trail at a total cost of \$194,818.92 and has requested that the County request reimbursement from New York State Department of Transportation for 80 percent of the cost (\$155,855.14), an increase of \$5,855.14; now, therefore be it

RESOLVED, That the Board of Supervisors hereby allocates up to \$155,856.00 of the remaining TEA-21 Grant to the City of Johnstown; now, therefore be it

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

Revenue Account:

Increase A.1000.5989-3589 REV-State Aid-Other Transportation	\$155,856.00
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Appropriation Account:

Increase A.1000.5989-4942 EXP-Other Transportation	\$155,856.00
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and, be it further

Resolution No. 295 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Fulton Montgomery Regional Chamber of Commerce, City of Johnstown, 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 CALLERY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 296

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

RESOLUTION AWARDING BID TO LUPINI CONSTRUCTION, INC. FOR EXTERIOR RENOVATION PROJECT AT FORT JOHNSTOWN BUILDING (2016 CAPITAL PLAN)

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

WHEREAS, Resolution No. 165 of 2016 authorized advertisement for bids for said exterior renovation project, and seven (7) bids were received; and

WHEREAS, the Superintendent of Highways and Facilities, Purchasing Agent and the Committees on Buildings and Grounds/Highway, and Finance recommend that a contract be awarded to low bidder Lupini Construction, Inc. for the Fort Johnstown Exterior Renovation Project; and

WHEREAS, the Superintendent of Highways and Facilities has recommended that a Project Contingency Allowance be established in the amount of \$25,000.00 in order to address Field Change Orders that may arise; now, therefore be it

RESOLVED, That the net bid in the amount of \$215,891.00, as submitted by Lupini Construction, Inc. of Utica, NY for the Fort Johnstown Exterior Renovation Project, be and hereby is awarded; they being the lowest responsible bidder in accordance with project specifications; and, be it further

RESOLVED, That a Project Contingency Allowance in the amount of \$25,000.00 be, and hereby is, established to address any unforeseen circumstances that may arise during the project; and, be it further

RESOLVED, That the Superintendent of Highways and Facilities be and hereby is delegated authority to approve required field Change Orders during said project, up to a not-to-exceed total of \$10,000.00 and contingent upon not exceeding the total contract amount, and is directed to report any such approved change orders to the Board of Supervisors at its next meeting; and, be it further

RESOLVED, that the Superintendent shall process appropriate Change Order requests for approval by the Board of Supervisors to charge said contingency allowance; and, be it further

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

Resolution No. 296 (continued)

From: A.1000.9950-9000.1200 EXP- Capital Improvement Reserves

To: H.1620.1622-2100.0815 EXP- Fort Johnstown Renovations

Sum: \$240,891.00.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, 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: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 297

Supervisors BRADT AND ARGOTSINGER 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 (2017)

WHEREAS, Resolution 237 of 2016 authorized advertisement for bids for unleaded gasoline for the Central Fuel Depots at the County Complex and Solid Waste Department and two (2) bids were received; now, therefore be it

RESOLVED, That the net bid, as submitted by Shepard Oil, of 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, 2016 through September 30, 2017, as reviewed and recommended by the Superintendent of Highways and Facilities, Solid Waste Director, Committees on Buildings and Grounds/Highway and Finance and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2016-82-02:

County Complex	\$1.288	Rack price
(95,000 gallons)	<u>.0238</u>	Margin
	\$1.312	Per gallon
Solid Waste Dept.	\$1.288	Rack price
(3,500 gallons)	<u>.1500</u>	Margin
	\$1.438	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 CHRISTOPHER and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 298

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CUSTODIAL SERVICES AT THE FULTON COUNTY OFFICE BUILDING

WHEREAS, the current contract for custodial services at the County Office Building to clean the Court-occupied areas will expire December 31, 2016; and

WHEREAS, the Committee on Buildings and Grounds/Highway and Superintendent of Highways and Facilities recommend soliciting bids to clean the entire County Office Building; 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 County Office Building, 223 West Main Street, 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 19, 2016, 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 CALLERY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 299

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 DSS COOPER BUILDING (2017)

WHEREAS, Resolution 366 of 2014 awarded a contract to Brezzy Cleaning service for custodial services in the DSS Cooper Building in 2015, at a cost of \$30,000.00, with the County option to extend said contract in 2016 and 2017; 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 amendment to the contract with Brezzy Cleaning Service, of Gloversville, NY, for custodial services in court areas in the DSS Cooper Building, effective January 1, 2017 through December 31, 2017, at a cost not to exceed \$32,000.00; all other terms and conditions in said contract shall remain in full force and effect; and, be it further

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

RESOLVED, That the cost for said services be a charge against A.1620.1620-4130 DSS Bldg-Contracts; and, be it further

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 300

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 (2017)

WHEREAS, the current bid for No. 2 heating oil and 50/50 blend expires on December 31, 2016; 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 2016 (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 19, 2016, 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 GREENE and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 301

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR WASTE REMOVAL SERVICES FOR THE FULTON COUNTY CORRECTIONAL FACILITY (2017)

WHEREAS, the current bid for waste removal services expires on December 31, 2016; 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 19, 2016, 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 BORN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 302

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

RESOLUTION AUTHORIZING CONTRACT WITH AUCTIONS INTERNATIONAL CORPORATION TO SELL CERTAIN SURPLUS VEHICLES (HIGHWAY AND FACILITIES DEPARTMENT)

WHEREAS, the Superintendent of Highways and Facilities has recommended a contract with Auctions International Corporation to sell surplus vehicles on behalf of the County; and

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

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

Year	Vehicle	VIN	Mileage	Price
2000	F350 Quad Cab Dump Truck	1FDWW36S2YED67916	170,829	\$1,200.00
1993	Ford Ranger	1FTCR10A7PUC98261	80,416	\$500.00
2004	Ford Taurus	1FAFP55U34A193958	102,343	\$1,300.00
2008	Ford F150 Extended Cab	1FTRF14W28KD16106	195,552	\$1,000.00
1989	Roscoe Broom Cummings	90305	3420 hrs	\$1,000.00
1990	John Deere Mower	XLO2355R706696X	6985hrs	\$1,500.00
2003	F350 Flat Bed	1FDWF37S63EC57734	47,927	\$1,500.00
2005	Ford Ranger	1FTZR11U75PA67519	84,516	\$1,500.00
2000	Ford with finish mower	C424886	4076 hrs	\$2,500.00
2000	Ford mower	C453270	1948 hrs	\$2,000.00
1991	Ford L-Dump Truck	1FDZY90X7MVA05279	203,853	\$8,000.00

and, be it further

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

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

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 303

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

RESOLUTION AUTHORIZING EXTENSION OF CONTRACT BETWEEN THE SOLID WASTE DEPARTMENT AND ENVIRONMENTAL CAPITAL, LLC FOR PURSUIT OF GAS EMISSION CARBON CREDITS

WHEREAS, Resolution 505 of 2007 authorized a contract with Environmental Capital, LLC to market carbon credits for landfill methane gas flare operation and future gas-to-electric project activities, effective January 1, 2008 through December 31, 2012; and

WHEREAS, Resolution 105 of 2011 extended said contract from January 1, 2013 through December 31, 2014; and

WHEREAS, Resolution 385 of 2014 extended said contract through December 31, 2015; and

WHEREAS, the Deputy Solid Waste Director recommends extending said contract with Environmental Capital to continue marketing Fulton County Solid Waste Department carbon credits and to provide; now, therefore be it

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an amendment extending said contract between the Solid Waste Department and Environmental Capital, LLC, of New York City, NY, effective immediately through December 31, 2017; all other terms and conditions in said contract shall remain in full force and effect; and, be it further

RESOLVED, That the Deputy Solid Waste 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, Deputy Director of Solid Waste, Environmental Capital, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 304

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

RESOLUTION AUTHORIZING CONTRACT WITH RUBY CANYON ENGINEERING FOR CARBON CREDIT VERIFICATION (SOLID WASTE DEPARTMENT)

WHEREAS, Resolution 505 of 2007 authorized a contract with Environmental Capital, LLC to market Fulton County Landfill gas-to-energy plant carbon credits; and

WHEREAS, Environmental Capital, LLC has recommended validation company Ruby Canyon Engineering, Grand Junction, CO, to perform verifier services for County carbon credits sold during 2015 and 2016; now, therefore be it

RESOLVED, That upon the recommendation of the Deputy Solid Waste Director, Operations Consultant and Committees on Economic Development and Environment and Finance, the Chairman of the Board be and hereby is authorized to sign a contract between the Solid Waste Department and Ruby Canyon Engineering, Grand Junction, CO, for carbon credit validation and verification at a cost not exceed \$7,300.00; and, be it further

RESOLVED, That said contract is contingent upon approval by the County's Special Legal Counsel for environmental issues, and, be it further

RESOLVED, That the Solid Waste 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, Solid Waste Director, Ruby Canyon Engineering, Environment Capital, Miller, Mannix, Schachner and Hafner, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 305

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION CLASSIFYING PROPOSED ISSUANCE OF A LANDFILL PERMIT RENEWAL AS AN UNLISTED ACTION AND PROPOSE FULTON COUNTY SERVE AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the Landfill permit for the Department of Solid Waste expires in October 2016; and

WHEREAS, the Department of Solid Waste submitted a Landfill permit renewal application to NYS Department of Environmental Conservation in May 2016 for a 10-year term; and

RESOLVED, that the Board of Supervisors hereby classifies the Proposed Issuance of a Landfill Permit Renewal as an Unlisted Action and proposes that it act as the Lead Agency for the purpose of issuing a determination of significance under the State Environmental Quality Review Act, and be it further

RESOLVED, that the Board of Supervisors hereby offers each Involved Agency twenty-five (25) calendar days to respond to its proposal to act as Lead Agency for the SEQR process, and be it further

RESOLVED, that the Deputy Director of Solid Waste is authorized to distribute the completed Short Environmental Assessment Form along with any necessary drawings for the project to other Involved Agencies, and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Treasurer, Deputy Director of Solid Waste, 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 WILSON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 306

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

RESOLUTION AUTHORIZING A CONTRACT WITH C.T. MALE ASSOCIATES TO CONDUCT AN ENGINEERING EVALUATION OF THE F WING OF BUILDING 3 AT THE TRYON TECHNOLOGY PARK (JUMPSTART FULTON COUNTY-TRYON BUSINESS TRAINING/INCUBATOR CENTER, 2016 CAPITAL PLAN)

WHEREAS, the 2015 Capital Plan identifies a Jump Start Fulton County: Tryon Technology Park and Incubator Center Project; and

WHEREAS, Resolution 198 of 2016 amended the 2016 Capital Plan to reduce the scope of the project the Midas Building (F Wing); and

WHEREAS, the Northern Borders Regional Commission awarded Fulton County and the Fulton County Industrial Development Agency (IDA) a grant in the amount of \$184,153.00 to pay for a portion of said project; and

WHEREAS, the IDA has approved the revised project to include renovation of Building 3; and

WHEREAS, four (4) proposals to perform an engineering evaluation of F Wing were received and the IDA recommends the proposal from C.T. Male Associates to conduct an engineering evaluation on the feasibility and cost of developing standalone HVAC, plumbing, electrical, water and sewer systems for F Wing; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with C.T. Male Associates, of Latham, NY to conduct an engineering evaluation on the feasibility and cost of developing standalone HVAC, plumbing, electrical, water and sewer systems for the F Wing, at a cost not to exceed \$10,070.00; and, be it further

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

From: A.1000.9950-9000.1000-EXP-Other Unrestricted
To: H.8020.6430-2100-0825-EXP-Renovate Tryon Training Center
Sum: \$3,827.00

and, be it further

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

Resolution No. 306 (continued)

Budget Amendment

Revenue Account

Increase H.8020.6430-2770.0825 REV-Renovate Tryon Training Center (NEW) \$1,611.00

Increase H.8020.6430-4789.0825 REV-Renovate Tryon Training Center (NEW) \$4,632.00

Appropriation

Increase H.8020.6430-2100.0825 EXP- Renovate Tryon Training Center \$6,243.00

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, C.T. Male Associates, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 307

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

RESOLUTION AUTHORIZING PAYMENT FOR TWO COURT-ORDERED
COMMITMENTS TO CENTRAL NEW YORK FORENSIC UNIT
(COMMUNITY SERVICES DEPARTMENT)

WHEREAS, two individuals in County custody were placed at the Central New York Forensic Unit via court-ordered commitments; and

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

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

RESOLVED, That the County Treasurer be and hereby is directed to issue a payment to the Central New York Forensic Unit in the amount of \$8,943.00 for services rendered June 21, 2016 through June 30, 2016 related to two (2) court-ordered commitments; and, be it further

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

From: A.1000.1990-4907 EXP-Contingent Fund Expense
To: A.4310.4310-4090 EXP-Professional Services
Sum: \$8,943.00

and, be it further

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

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

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 308

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

RESOLUTION REVISING THE FULTON COUNTY INDIGENT FUNERAL POLICY

WHEREAS, Resolution 610 of 1991 established a policy for funeral services for the indigent in Fulton County; and

WHEREAS, Resolution 62 of 2005 revised certain portions of the Fulton County Indigent Funeral Policy; and

WHEREAS, the Social Services Commissioner has requested that certain portions of said policy be revised; now, therefore be it

RESOLVED, That effective immediately, the Indigent Funeral Policy be and hereby is amended, as placed on file in the Social Services Department and Board of Supervisors; said policy being the same as presented to the Committee on Social Services at its meeting on August 30, 2016; and, be it further

RESOLVED, That County set rates for certain Indigent Funeral Services also be revised within said policy as follows:

	<u>Current Rate</u>	<u>Revised Rate</u>
Adult and Children Direct Burial	\$1,600.00	\$1,900.00
Stillborn Direct Burial or Cremation	243.00	600.00
Adult and Children Direct Cremation	900.00	1,200.00

and, be it further

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

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 486 (16) Nays: 0 Abstentions: 26 (1) (Supervisor Born) Absent: 27 (2) (Supervisors Howard and Waldron) Vacant: 12(1) (Caroga)

Resolution No. 309

Supervisor GREENE offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING 2016-2017 NEW YORK STATE CHILD PASSENGER SAFETY
INCENTIVE GRANT (PUBLIC HEALTH DEPARTMENT)**

WHEREAS, the NYS Department of Health has awarded \$1,400.00 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 2016-2017 Child Passenger Safety Incentive Grant, in an amount of \$1,400.00, for the period October 1, 2016 through September 30, 2017; said agreement subject to the approval of the County Attorney; and, be it further

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

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 310

Supervisor GREENE offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF PORTABLE SIGN FOR USE IN THE
PUBLIC HEALTH DEPARTMENT

WHEREAS, Resolution 346 of 2012 authorized acceptance of a five-year grant award from the New York State Department of Health for Emergency Preparedness; and

WHEREAS, Resolution 281 of 2016 authorized acceptance of the 2016-2017 allocation of said grant in the amount of \$52,096.00; and

WHEREAS, the Public Health Director is requesting to utilize a portion of the aforementioned grant with 2015-2016 Ebola Grant Funds to purchase a Portable Electronic Sign for use at Public Health Department emergency events and exercises; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Human Services and Finance, the Public Health Director be and hereby is authorized to purchase a Portable Electronic Sign through normal County purchasing procedures for the Public Health Department utilizing Emergency Preparedness Grant Funds and Ebola Grant Funds in the amount of \$6,500.00; and, be it further

RESOLVED, That the 2016 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A.4010.4010-3402 REV-Public Health Grant Revenues \$3,250.00

Appropriation Account:

Increase A.4010.4189-2000 EXP-Equipment-Over Threshold Value \$3,250.00

and, be it further

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

From: A.4010.4189-4090 EXP-Professional Services
To: A.4010.4189-2000 EXP-Equipment-Over Threshold Value
Sum: \$3,250.00

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: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 311

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION SETTING DATE FOR PUBLIC HEARING REGARDING "A LOCAL LAW
TO IMPLEMENT A FEE FOR DWI OFFENDERS SENTENCED TO PROBATION IN
FULTON COUNTY"

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on September 12, 2016, a proposed local law entitled, "LOCAL LAW TO IMPLEMENT A FEE FOR DWI OFFENDERS SENTENCED TO PROBATION IN FULTON COUNTY "; and

WHEREAS, by this Local Law, the Board of Supervisors desires to create a fee for the supervision of DWI offenders who are sentenced to probation; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law "B" for the year 2016 by the Fulton County Board of Supervisors, on October 11, 2016, at 1:30 p.m., in the Supervisors' Chambers, County Office Building, Johnstown, NY, and at least seven days' notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards of the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 428 (14) Nays: 84 (3) (Supervisors Kinowski, Fagan and Greene)
Absent: 27 (2) (Supervisors Howard and Waldron) Vacant: 12 (1) (Caroga)

**COUNTY OF FULTON
LOCAL LAW “B” OF 2016 ENTITLED,
“A LOCAL LAW TO IMPLEMENT A FEE FOR DWI OFFENDERS
SENTENCED TO PROBATION IN FULTON COUNTY”**

BE ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON, AS FOLLOWS:

Section 1.

Notwithstanding any other provision of law, any person currently serving or who shall be sentenced to a period of Probation upon conviction of any crime under Article Thirty-one of the Vehicle and Traffic Law and who is being supervised by the Fulton County Probation Department shall pay to said Department an administrative fee of \$30.00 per month, except as provided in Section 2 of this law.

Section 2.

The Fulton County Probation Director shall have the authority to waive all or part of the fee imposed by Section 1 of this law where, because of the indigence of the offender, the payment of said fee would impose an unreasonable hardship on the person convicted, or on his or her immediate family, or on any other person who is dependent upon such person for financial support.

Section 3.

The fee authorized by this local law shall not constitute nor be imposed as a condition of Probation.

Section 4.

Monies collected pursuant to this local law shall be utilized for Probation services by the Fulton County Probation Department and shall not be used to replace State or Federal funds otherwise utilized for Probation services.

Section 5.

In the event of non-payment of any fees which have not been waived by the Fulton County Probation Department, the provisions of subdivision 6 of §420.10 of the Criminal Procedure Law shall govern for purposes of collection of such fees, and in addition thereto the County may seek to enforce payment in any other manner permitted by law for enforcement of a debt.

Resolution No. 312

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

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

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

WHEREAS, in accordance with legislation enacted pursuant to the 2016-2017 New York State Adopted Budget, State Legislators mandated increases to county District Attorney salaries equaling 25 percent, implemented over a two-year period without appropriating any additional state aid to pay for said mandate; and

WHEREAS, to comply with said State mandate, the 2017 salary of the Fulton County District Attorney must be increased from \$152,500.00 to \$183,350.00 effective January 1, 2017; now, therefore be it

RESOLVED, That the 2017 salary of the District Attorney be, and hereby is, increased to \$183,350.00, effective January 1, 2017 and \$192,945.00 effective April 1, 2018; and, be it further

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

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 487 (16) Nays: 25 (1) (Supervisor Young) Absent: 27 (2)
(Supervisors Howard and Waldron) Vacant: 12 (1) (Caroga)

Resolution No. 313

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

RESOLUTION RE-SETTING BASE SALARIES FOR THE FIRST, SECOND AND THIRD ASSISTANT DISTRICT ATTORNEYS AND CONFIDENTIAL SECRETARY IN THE DISTRICT ATTORNEY'S OFFICE

WHEREAS, historically, salaries of the First Assistant District Attorney (ADA), Second Assistant District Attorney, Third Assistant District Attorney and Confidential Secretary to the District Attorney have been composed of a combination of base salary plus lump-sum stipends garnered through various state/federal grant sources; and

WHEREAS, said historical practice has hampered recruitment into ADA positions and resulted in extra administrative record keeping on an annual basis; and

WHEREAS, the District Attorney has requested that the salaries for the First ADA, Second ADA, Third ADA and Confidential Secretary to the District Attorney be de-linked from the grant-related stipends and re-set as permanent one-year salary rates; and

WHEREAS, the Committees on Public Safety, Personnel and Finance have reviewed the proposal by the District Attorney and support re-setting salaries for the positions identified herein and budgeting any grants supporting DA operations as general Department revenue on an annual basis; and

WHEREAS, the grants related to current stipends expire September 30, 2016; now, therefore be it

RESOLVED, That effective October 1, 2016, the permanent one-year salary rates of positions referenced herein be as follows:

First Assistant DA	\$79,783.00
Second Assistant DA	60,971.00
Third Assistant DA	54,798.00
Confidential Secretary to DA	48,306.00

and, be it further

Resolution No. 313 (continued)

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

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 314

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING APPLICATION FOR GOVERNOR’S TRAFFIC SAFETY COMMITTEE 2016-2017 CRACKDOWN GRANT (DISTRICT ATTORNEY)

WHEREAS, the District Attorney desires to submit an application to the Governor’s Traffic Safety Committee for a 2016-2017 Crackdown Grant to support overtime for Sheriff’s patrols during the grant cycle of October 1, 2016 through September 30, 2017; 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
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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 HANDY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 315

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

RESOLUTION ACCEPTING GOVERNOR’S TRAFFIC SAFETY COMMITTEE
2016-2017 GRANT (SHERIFF)

WHEREAS, the Sheriff has been notified that the County has been awarded a 2016-2017 Traffic Safety Committee Grant to support Sheriff’s patrols targeting seat belt compliance and aggressive driving on county highways, in an amount of \$9,900.00; and

WHEREAS, the Sheriff proposes to use said grant funds for the following purposes:

Deputy Sheriff Overtime Patrols	\$9,900.00
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now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts a 2016-2017 Traffic Safety Committee Grant from the Governor’s Traffic Safety Committee, in an amount of \$9,900.00, to defray costs of Deputy Sheriff overtime patrols during 2017; and, be it further

RESOLVED, That the Board of Supervisors hereby accepts said Governors Traffic Safety Grant in the amount of \$9,990.00 to offset costs for Sheriff’s Department overtime patrols during 2017; and, be it further

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 316

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

RESOLUTION AUTHORIZING LOAN AGREEMENT WITH THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR USE OF TWO JET SKIS AND TRAILER (SHERIFF)

WHEREAS, the Sheriff has requested permission to enter into a Loan Agreement with the New York State Office of Parks, Recreation and Historic Preservation for use of two (2) Personal Water Craft (PWC) and Associated Trailer for use in the Sheriff's Department Law Enforcement Marine Unit; and

WHEREAS, a requirement of said Loan Agreement is for the Sheriff's Department to maintain PWC's and trailer while in the Sheriff's possession; and

WHEREAS, the Loan Agreement will remain in effect until the Sheriff no longer requires use of this equipment; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement with the NYS Office of Parks, Recreation and Historic Preservation for use of two (2) PWC's and Associated Trailer in the Sheriff's Department; and, be it further\

RESOLVED, That this Resolution is contingent upon there being no cost to the County of Fulton other than maintenance and repair of said items; and, be it further

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

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 317

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION ELIMINATING FUNDING FOR MORTGAGE TAX CLERK STIPEND IN
THE 2017 COUNTY BUDGET

WHEREAS, the County of Fulton, along with other counties throughout New York State, is pursuing actions to reduce government costs to local taxpayers; and

WHEREAS, the County Clerk has proposed to eliminate the appropriation for salary of a Mortgage Tax Clerk inasmuch as the County Clerk is currently performing the duties of said position; now, therefore be it

RESOLVED, That, effective immediately, the appropriation for the Mortgage Tax Clerk salary be reduced to \$1.00 in the 2016 and 2017 County Budgets; and, be it further

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

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 318

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BIDS FOR PAPER AND PRINTING SUPPLIES FOR USE IN THE INFORMATION SERVICES/PRINTING DEPARTMENT

WHEREAS, Resolution 223 of 2016 authorized advertisement for bids for paper and printing supplies for use in the Information Services/Printing Department and two (2) bids were received; now, therefore be it

RESOLVED, That the net bids, as hereinafter indicated, be and hereby are awarded for lump sum purchases, they being the lowest responsible bidder in accordance with Specification No. 2016-25-01, dated June 30, 2016:

Hummel's Office Plus, Mohawk, NY:

Category A: White Xerographic Paper	\$18,866.40
Category B: Colored Xerographic Paper	2,470.00
Category C: Crack & Peel 60 lb 8 1/2x11	1,215.00
Category F: NCR Paper	7,965.00

Derby Office Equipment, Gloversville, NY:

Category G: Envelopes	2,505.00
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and, be it further

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

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 319

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ON-LINE AUCTION OF CERTAIN COUNTY-OWNED TAX ACQUIRED PARCELS (FALL 2016)

WHEREAS, a County-owned tax acquired property auction was held in June, 2016 and certain parcels did not sell; and

WHEREAS, in an effort to place the parcels back on the tax rolls, the County Treasurer requests that said parcels be offered on an on-line auction site arranged by Absolute Auctions & Realty, Inc.; now, therefore be it

RESOLVED, That the Board of Supervisors hereby authorizes a special sale of the following County-owned tax acquired parcels through Absolute Auctions & Realty, Inc. on-line auction, at the same terms and conditions identified in the current contract with Absolute Auctions & Realty, Inc.:

<u>Municipality</u>	<u>Parcel #</u>	<u>Location</u>	<u>Lot Size</u>	<u>Description</u>	
Gloversville	134.17-9-21	42 Western Blvd.	43 x 58	Vacant lot	
	149.9-2-5 &	36 Fifth St.	49.5 x 132	Vacant lot	
	149.9-2-4	38 Fifth St.	66 x 132	Vacant lot	
	134.18-24-7	109 N. Arlington Ave.	58 x 132	Vacant lot	
	149.7-11-16	111 Washington St.	37 x 57	Vacant lot	
	149.7-11-14	115 Washington St.	49.5 x 115	Vacant lot	
	134.18-11-6	7 Kent St.	57 x 52	Vacant lot	
	134.17-3-67.1	Spring St. – N	100 x 132	Vacant lot	
	148.8-4-16	16 Belmont St.	52 x 171	Vacant lot	
	149.7-10-7	16 S. Judson St.	54 x 79	Vacant lot	
	149.7-3-14 &	121 E. Fulton St.	29.9 x 82	Vacant lot	
	149.7-3-13 &	123 E. Fulton St.	37 x 165	Vacant lot	
	149.7-3-12	125 E. Fulton St.	29 x 88	Vacant lot	
	134.6-5-1.2	5 Lee Ave.	120 x 70	Vacant lot	
	149.6-27-18	63 Division St.	41.3 x 157	2-family residence	
	134.14-1-24	4 LaFayette St.	107.5 x 78	1-family residence	
	149.6-22-39	93 S. Main St.	57.6 x 169	Commercial Bldg.	
	149.6-10-21	102 S. Main St.	140 x 237	Commercial Bldg.	
	Johnstown	132.-1-27.1	Co. Hwy. 101 S	90 x 300	Vacant lot
		134.16-11-7	Fiske Ave.	159 x 115	Vacant lot
Stratford	63.-1-27.2	County Hwy. 119	.10 acres	Vacant lot	

and, be it further

Resolution No. 319 (continued)

RESOLVED, That parcels located at 36 Fifth Street and 38 Fifth Street, Gloversville, NY, be combined and sold together and parcels located at 121, 123 and 125 E. Fulton Street, Gloversville, NY, be combined and sold together; and, be it further

RESOLVED, That all bids not meeting the minimum auction price are subject to final sale approval by the Board of Supervisors; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Absolute Auctions & Realty, Inc., Administrative Officer/Clerk of the Board.

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 320

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE COUNTY TREASURER TO ISSUE COURT-ORDERED REFUNDS FOR OVERPAYMENT OF PROPERTY TAXES IN THE CITY OF JOHNSTOWN (MAPLE KNOLL APARTMENTS)

WHEREAS, pursuant to Supreme Court Order 15-03741, the assessment and corresponding taxes on certain properties in the City of Johnstown were reduced; and

WHEREAS, said Court Order resulted in a total assessment reduction of \$800,000.00 for two (2) parcels (from \$3,200,000.00 to \$2,400,000.00); now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized to issue a refund for county taxes collected in 2016 of taxes on certain parcels in the City of Johnstown as listed below:

163.17-3-3 Maple Knoll Apartments	\$3,392.00
163.17-3-4 Maple Knoll Apartments	<u>\$3,392.00</u>
	\$6,784.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Service Agency Director, City of Johnstown Assessor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 321

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

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

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

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

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

and

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

City of Johnstown

Johnstown Comrie Associates (shopping center) (SBL 163.13-2-11.11)
(Requested assessment reduction: \$8,500,000.00 to \$6,000,000.00)

RH Crown, Inc., North Market Street (SBL 162.20-16-1 & 174.8-1-5)
(Requested assessment reduction: \$843,000.00 to \$238,000.00)

Town of Johnstown

Fulton Land Assoc-(Fulton Centers) (SBL 117.-3-9.2)
(Requested assessment reduction: \$3,500,000.00 to \$770,000.00)

FTHG Development, LLC (Deer Creek Park) (SBL 148.-1-10)
(Requested assessment reduction: \$1,120,000.00 to \$599,000.00)

now, therefore be it

Resolution No. 321 (continued)

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Town of Johnstown, City of Johnstown, Gloversville Enlarged School District, Greater Johnstown 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 Supervisor WILSON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 322

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING REVISED “FULTON COUNTY PURCHASING
AND AUDIT GUIDELINES”

WHEREAS, Resolution 406 of 1993 established and adopted the Fulton County Purchasing and Audit Guidelines, in accordance with NYS General Municipal Law, Sections 103 and 104B; and

WHEREAS, periodic review and revision of said Guidelines are necessary for the efficient operation and oversight of County purchasing and fiscal practices; and

WHEREAS, the implementation of a new Financial and Human Resources computer software system necessitated a comprehensive review and revision of said Guidelines; now, therefore be it

RESOLVED, That the Fulton County Purchasing and Audit Guidelines, as presented to this Board of Supervisors, and placed on file in the Board of Supervisors office, be and hereby are adopted as the standard procedures for all County offices to adhere to; and, be it further

RESOLVED, That the attached Fulton County Purchasing and Audit Guidelines become effective October 1, 2016, and subject to annual review; and, be it further

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

Seconded by Supervisor GROFF and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 323

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:

Highways &Facilities:

Fujitsu A.C. Unit (0007853)

Social Services:

Chair Gray/Orange (No Bar Code)

Fax Machine (0007544)

Probation:

Guest Chair (3307)

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 324

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR UNIFORM SERVICE FOR THE DEPARTMENT OF HIGHWAYS AND FACILITIES AND SOLID WASTE

WHEREAS, the current contract for uniform service for the Departments of Highways and Facilities and Solid Waste expires on December 31, 2016; now therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for Uniform Service for the Departments of Highways and Facilities and Solid Waste (and according to further specifications which may be obtained at the Office of Purchasing Agent, Supervisors' Chambers, Room 203, County Office Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, September 28, 2016; and, be it further

RESOLVED, That the Purchasing Agent be and hereby is directed to identify in the bid specifications that the County of Fulton prefers the use of materials and goods made and assembled in the United States of America; and, be it further

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

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

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1 (Caroga)

Resolution No. 325

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH
LACORTE COMPANIES, INC. FOR THE FMCC STUDENT UNION
ADDITION/RENOVATION PROJECT (2016 CAPITAL PLAN)

WHEREAS, the 2016 Capital Plan identified a FMCC Student Union Improvement Project; and

WHEREAS, Resolution 116 of 2016 awarded a bid to LaCorte Companies for electrical work as a component of the FMCC Student Union Improvements Project in the amount of \$126,327.00; and

WHEREAS, the contract award to LaCorte Companies included a Contingency Allowance in the amount of \$9,300.00 to cover unanticipated expenses during construction; and

WHEREAS, the Planning Director has requested to increase the Contingency Allowance for future anticipated electrical work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign Change Order No. 1 to the contract with LaCorte Companies of Troy, NY to increase the Contingency Allowance from \$9,300.00 to \$12,000.00, as part of the FMCC Student Union Improvements Project as follows:

Original Contract Amount:	\$126,327.00
Change Order No. 1 (Increase Contingency Allowance)	+ <u>2,700.00</u>
Revised Contract Amount:	\$129,027.00

and, be it further

RESOLVED, That the 2016 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase H.8020.2497.2770-0735 CF – Other Revenue – FMCC Student Union Improvement Project	\$1,350.00
Increase H.8020.2497.3285-0735 – REV – State Aid – FMCC Student Union Improvement Project	\$1,350.00

Appropriation Account:

Increase H.8020.2497.2100-0735 – FMCC Student Union Improvement Project	\$2,700.00
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and, be it further

Resolution No. 325 (continued)

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

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)

Resolution No. 326

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:

Budget/Audit

From: A.1000.1985-1110.0003 - REV - SMART Waters Share Sales Tax

To: A.1000.1110-1110.0001 - REV- County Share Sales Tax

Sum: \$500,000.00

From: A.1000.1985-4941 - EXP - SMART Waters Inter Municipal Agreement \$500,000.00

A.1000.6420-4941 - EXP - SMART Waters Inter Municipal Agreement \$ 78,000.00

To: A.1000.8389-4941 - EXP - SMART Waters Inter Municipal Agreement \$578,000.00

Board of Supervisors

From: A.1010.1010-4560 – EXP Printing

To: A.1010.1010-4570 – EXP Subscriptions

Sum: \$550.00

County Treasurer

From: A.1325.1325-4030 – EXP - Repairs

To: A.1000.9785-7000 – EXP - Debt Interest

Sum: \$121.00

From: A.1325.1325-4090 – EXP – Professional Services

To: A.1325.1325-1100 – EXP – Overtime

Sum: \$1,000.00

Sheriff

From: A.3110.3150-4090 – EXP – Professional Services

To: A.3110.3150-4030 – EXP – Repairs

Sum: \$1,500.00

Public Health

From: A.4010.4010-4530 – EXP – Supplies \$1,760.00

To: A.4010.4010-4100 – EXP – Advertising \$ 700.00

A.4010.4010-4210 – EXP – Training & Conferences \$1,060.00

Resolution No. 326 (continued)

Office for Aging

From: A.7610.7610-1000 – EXP – Payroll
To: A.7610.7610-1100 – EXP – Overtime
Sum: \$2,000.00

Planning

From: A.8020.8020-4090 – EXP – Professional Services
To: A.8020.8020-4100 – EXP – Advertising
Sum: \$300.00

Highway

From: D.5010.5142-1100.1102 – EXP – Overtime – Highway Crews
To: D.5010.5110-1100.1102 – EXP – Overtime – Highway Crews
Sum: \$3,000.00

From: DM-0909 – Unreserved Fund Balance
To: DM.0883-Reserve-Road Mchy-Fuel System Repair (Equipment)
Sum: \$1,500.00

Water District #1

From: FX-0909 – Unreserved Fund Balance
To: FX.0878.0882 Water District No. 1 Capital Reserve
Sum: \$3,000.00

and, be it further

RESOLVED, That the 2016 Adopted Budget be and hereby is amended, as follows:

Office for Aging

Revenue:

Increase A.7610.7610-2705 REV-Gift and Donations \$4,500.00

Appropriation:

Increase A.7610.7610-4030 EXP-Repairs \$4,500.00
(TA-0098.0102 – Meals Program Endowments)

Resolution No. 326 (continued)

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways & Facilities, Sheriff, Office for Aging, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 2 (Supervisors Howard and Waldron) Vacant: 1
(Caroga)