

THIRD REGULAR SESSION

Johnstown, NY

March 10, 2014

Roll Call – Quorum Present

Supervisors: Argotsinger, Born, Bradt, Callery, Capek, Christopher, Fagan, Gendron, Greene, Groff, Handy, Howard, Kinowski, Lauria, MacVean, Ottuso, Potter, Young

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

Chairman Argotsinger called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the Flag, Chairman Argotsinger asked if there was anyone from the public who wished to address the Board. There being no one present who wished to speak, Communications and Reports were then reviewed.

COMMUNICATIONS

1. Letter from Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, to Jon R. Stead, Administrative Officer, dated February 11, 2014
Subj: Northville Historic District
2. Communication from Schuyler County Legislature
Subj: Resolution No. 66 of 2014 Urging the State of New York to Establish a Residency Requirement in Order to Receive Welfare Benefits – Social Services (Supervisors Born, Howard, Lauria, MacVean and Young requested a copy of Communication #2)
3. Communication from Montgomery County Legislature, dated February 25, 2014
Subj: Resolution Opposing the Use of the Montgomery County Seal and Name in Any State Materials Associated with Pistol Permit Recertification or Implementation of the “Safe Act” of 2013

REPORTS

- A. 2013 Annual Report, Fulton County Planning Board
- B. NYS Fish and Wildlife Management Board Region 5, February 20, 2014
- C. 2013 Annual Report, Fulton County Real Property Tax Services
- D. Fulmont Community Action Agency, Financial Statements 2013 and 2012

UPDATES FROM STANDING COMMITTEES

Finance: Chairman Fagan stated that Resolution 110 (Resolution Supporting Better Property Tax Reduction Plan as an Alternative to Governor Cuomo’s Temporary “Tax Freeze”) is probably the most important resolution the Board will have to deal with today. The Governor has proposed a “tax freeze” plan over the next two years. However, NYSAC has come up with an alternative plan that would reduce county property taxes 23% in Fulton County. He stated that it is important that the Board support this resolution.

REPORTS OF SPECIAL COMMITTEES

Adirondack Government: Supervisor Groff advised that a resolution was approved at the Adirondack Local Government Review Board meeting requesting matching funds for Adirondack municipalities that spend municipal funds to prevent, control or eradicate invasive species in state-owned waters. (A copy of this resolution was referred to the Committee on Economic Development and Environment for action.)

Soil & Water Conservation District: Supervisor Lauria advised that work is continuing in Oppenheim and the City of Johnstown. Stormwater assessment projects for certain municipalities are ongoing. He also stated that the tree and shrub sale has begun and brochures are available for anyone interested in ordering.

CHAIRMAN'S REPORT

Chairman Argotsinger advised that a letter was received from American Red Cross requesting to keep everyone aware of blood drives and the shortage of blood. Mr. Argotsinger also introduced Vince Coletti, Councilman of the Mayfield Town Council who was in the audience.

RESOLUTIONS

Proposed Resolution No. 7 (Resolution Authorizing the Fulton County Demolition Team to Assist in the Demolition of a Building Owned by the City of Gloversville): Supervisor Callery questioned the ownership of the building. Mr. Stead advised that this property is privately owned. He stated that this was not known at the time of the Committee meeting. Mr. Stead referenced that Resolution 49 of 2001 established a Municipal Demolition Team that operates under certain guidelines. One part of the guidelines is that the Municipal Demolition Team is limited to municipally-owned buildings or projects. If the Board is in favor of this project, the resolution would have to be amended by removing two "whereas" paragraphs of this resolution and a proposed paragraph would have to be inserted. The language of this proposed paragraph would be, "RESOLVED, That the Director of Solid Waste shall not proceed with any work related to said demolition project at 7 Hill Street, Gloversville, NY until he has received formal written approval from the County Attorney warranting that there is no legal liability to the County of Fulton and authorizing him to proceed". Basically, he explained this would be "waiving the existing policy for this Demolition Team Project".

Supervisor Gendron stated that he believes this building should be torn down. Supervisor Lauria stated he believes that the City of Gloversville is going to try to recoup the cost of the demolition from the property owner. Mr. Stead stated that the County will not be incurring any cost. The issue is that this project would involve the Demolition Team on private property.

Supervisor Howard asked who retains title to the property after this work is done. He asked if it would still be in private hands after the County and City perform the cleanup.

Mr. Brott stated that it would stay in private hands if the City is not seizing it. He stated this work is being done to remove the building so that the City can move forward with the bridge project. Supervisor Howard stated that he has a big problem with this property being privately owned. There are a lot of buildings in both cities that need to be torn down, but they are privately owned. He stated this is not what the Demolition Team was set up to do.

Supervisor Fagan stated that the cost for demolition eventually falls back on the landowner at least that is how he understood it in committee. Mr. Stead explained that this particular has been in tax delinquency for years. Charging the demolition back to the owner isn't really going to matter. Mr. Stead stated this could be tabled for one month to get all the answers the Board needs to move forward.

Supervisor Fagan stated that maybe the policy needs to be changed with regards to privately owned buildings and the Demolition Team working on them. Mr. Stead stated that he believes there is a procedure where a municipality can condemn a building and take ownership. That type of process, via condemnation, is what was envisioned as a remedy when the policy was approved by the Board in 2001. Mr. Fagan responded that it made sense to do it that way.

Supervisor Greene stated that the private ownership bothers him too, but asked if the city could foreclose on the property and take ownership. Mr. Stead stated that this property is associated with a former leather mill and he is not sure any municipality wants to take ownership and deal with potential environmental issues. Mr. Stead stated this is a project the County wants to help with and if it can assist that would be great.

Supervisor Greene stated that he is favor of tabling this resolution.

Supervisor Born stated that the County would be setting a bad precedent if this demolition work is completed on private property. She stated that this will "open up a can of worms" if the work is done. Supervisor Callery stated he thinks this should be tabled for a month or two. He stated that the County Attorney needs to be given time to review all documents to ensure that the County has no legal liability.

Chairman Argotsinger asked City of Gloversville Mayor Dayton King, who was in attendance in the audience, if there is a deadline to get this work done. Mayor King stated that he believes the City passed a resolution to take ownership of this building and that he would call his DPW Director to clarify that fact.

Supervisor Howard stated that moving into private property demolition is a dangerous way to go. He stated, "government does not belong in that arena". Supervisor Callery reiterated that he would like this tabled.

Supervisor Born stated that the City of Gloversville is looking to the county Demolition Team for their expertise, especially related to asbestos abatement.

Mayor King advised that he spoke with Kevin Jones, Director of Public Works for the City of Gloversville, and he is willing to come to the Board meeting to explain the project.

Supervisor Lauria stated that he has concerns with the bridge project being delayed. He stated that he has faith that the County Attorney will ensure that all language added will protect the County. He also stated that it will be more costly for the City to hire a private construction firm to tear down this building rather than the County Demolition Team.

Supervisor Howard stated that the County has policies for a reason and the demolition team policy was arrived at through a great deal of research. All the work would benefit a private landowner if the County demolishes this building.

Supervisor Greene stated that he shared Supervisor Howard's concern with this being privately owned. Supervisor Ottuso stated that the County has a system that works really well and it needs to wait until this is "cut and dry" before it moves forward on this demolition. As long as this property is in private ownership, he cannot vote for this resolution.

Supervisor Groff stated that Northampton had a property that was in private ownership and the Town had to hire a private contractor to do the demolition.

Mr. Stead stated that it would be unfortunate if the County couldn't help the City on this project. His suggestion was to amend the resolution to give the County Attorney authority to do what needs to be done to protect the County, or table the Resolution for more study. He stated that in current form, the project proposed does not comply with the County policy that is specified in the resolution. Mr. Stead explained that when this request went through the Economic Development and Environment Committee, he was not aware that the building was not owned by the City. This was not brought to his attention until late last week.

Supervisor Lauria made a motion to amend proposed Resolution No. 7 to include language as follows: "RESOLVED, That the Director of Solid Waste shall not proceed with any work related to said demolition project at 7 Hill Street, Gloversville, NY until he has received formal written approval from the County Attorney warranting that there is no legal liability to the County of Fulton and authorizing him to proceed" and to delete Whereas #2 and Resolved #3 which would waive the policy restricting demolition to municipal-owned property, seconded by Supervisor Handy

Supervisor Howard stated that the amendment as presented does not speak to the use of public money for private benefit. As long as this property remains in private ownership, he cannot vote for the amendment or a resolution to proceed.

Supervisor Gendron stated that this is a unique project in his city, that includes a bridge project. The amended resolution would keep this moving forward. He stated that the current policy is good but it is not perfect and he is asking the members of the Board to support the amendment proposed to keep it moving forward.

Supervisor Callery stated he is in favor of the Demolition Team, but the County has policies in place and it needs to follow them. He stated that he is not against the project but would like to see proper ownership before we move forward. He stated that he cannot support this at this point.

Supervisor Lauria stated that if this amendment is passed and the resolution is approved, this still gives the County Attorney the opportunity to review the matter on behalf of the County and the project can move forward.

Supervisor Young stated he trusts the County Attorney to do his due diligence which will allow the City to move forward with this project. Supervisor Born queried what steps the city has taken to acquire this property, if any.

Supervisor Fagan stated as a Board our goal is to have a resolution like this passed unanimously to show our support for the City and our desire to work with the City. He stated that he is not convinced that the resolution in front of the Board does that. Because of the legal issues, no clear title, and the property being privately owned, he is not comfortable from the legal side of this as far as protecting the County and the county taxpayers.

Kevin Jones, DPW Director of City of Gloversville, addressed the Board with regards to this project. He advised that the City of Gloversville has a dangerous building ordinance in place. He stated that the owner of the property “has had past taxes forgiven”. The City is aware that the owner will not pay for the demolition of this building. The owner is out of state, has been issued citations and has done nothing in response to these citations. A public hearing was held regarding the condemning of this building and the owner did not appear. As a result, a Condemnation Order was issued by the City. From the time the Order is issued, the owner of the property has thirty days to remove the building or it can be demolished by action of the Common Council. The Common Council passed a resolution which ordered the building to be removed. If an outside contractor is used to demolish this building, the City will incur a significant cost. The building is partially collapsed and the roofing materials contain asbestos. Because of this, the building has to be removed by someone who is certified in asbestos. The County Demolition Team maintains all the credentials to perform the asbestos work.

Mr. Jones noted that the land itself is not municipally owned. It is an unclassified industrial site and the City has no interest in taking ownership of the land. However, the building needs to be removed to continue with the bridge project. The County’s role is to act as a contractor to actually come in and do the work. Mr. Stead asked if the City has to take some of the private land to construct the bridge. Mr. Jones stated the City has taken a permanent easement of a portion of the property to allow for the bridge work but it will not own that segment of the property.

Supervisor Callery asked when the new bridge work is to be performed. Mr. Jones stated that construction work cannot begin until at least June 1.

Supervisor Howard stated that this is a property the owner has abandoned because of liability. The City and the County want nothing to do with it because of environmental liability attached to it and this building also lays next to a freshwater stream. He said that he does not understand how the County would not have any liability with regards to the demolition.

Supervisor Callery stated he doesn't think the proposed amendment covers the County enough. He would rather table this and give the County Attorney ample time to review the situation. He also stated by waiting one month, it does not jeopardize the bridge project.

A roll call vote was then held on the proposed amendment. The amendment was defeated by a vote of Ayes: 148 Nays: 375 (Supervisors Argotsinger, Born, Bradt, Callery, Capek, Christopher, Fagan, Greene, Groff, Howard, MacVean and Ottuso) Absent: 2 (Supervisors Johnson and Waldron)

Supervisor Howard then made a motion to TABLE proposed Resolution No. 7, seconded by Supervisor Groff and unanimously carried.

No. 110 (Resolution Supporting Better Property Tax Reduction Plan as an Alternative to Governor Cuomo's Temporary "Tax Freeze": Mr. Stead reviewed figures that could be achieved if the \$1 billion in Governor Cuomo's proposed executive budget was directed to reduce the Medicaid local burden. An average Fulton county taxpayer with the highest combined tax rate per \$1,000.00 would receive a tax rebate of \$122.86 per year under Governor Cuomo's plan. Under NYSAC's plan, that same homeowner would get a tax cut of \$433.78.

Supervisor Fagan stated that it is his understanding that the \$1 billion Governor Cuomo says he has put in his budget "is not real money". It is money that the State may or may not have depending on revenues and expenditures. He also stated that the Governor will fight this initiative because he does not have real money budgeted.

PROCLAMATIONS

PROCLAMATION DECLARING MARCH 2014

"DEVELOPMENTAL DISABILITIES AWARENESS MONTH" IN FULTON COUNTY

WHEREAS, the month of March is routinely observed as National Developmental Disabilities Awareness month; and

WHEREAS, developmental disabilities are conditions that affect more than seven million Americans and their families; and

WHEREAS, Lexington, Fulton County Chapter of NYSARC, Inc. is Fulton County's largest employer providing residential supports, clinical service, day habilitation supports, employment opportunities and other vital services to over 1,000 children and adults with developmental disabilities; and

WHEREAS, public awareness and education enhance a community's understanding of the issues affecting people with development disabilities; and

WHEREAS, the goals of the nation, state and local communities can play an important role in enhancing the lives of individuals with developmental disabilities with opportunities and support to achieve full integration and inclusion in society, consistent with the unique strengths, resources, priorities, concerns, abilities and capabilities of each individual; and

WHEREAS, through increased community awareness of programs and activities, the public will better understand the potential and needs of individuals with developmental disabilities; now, therefore be it

RESOLVED, that the Board of Supervisors hereby proclaims March 2014 as "Developmental Disabilities Awareness Month", in Fulton County and urges everyone to participate in this observance and to recognize the ability of individuals with developmental disabilities to make significant contributions to their communities.

NEW BUSINESS

Supervisor Lauria stated that he is totally against the Governor educating inmates in the prison system with public monies. He stated that there are working families trying to get their kids through college who cannot afford it. Governor Cuomo also closed almost every youth facility in the State where those children were receiving a great education. That would have helped such children avoid ending up in prison. He stated that it is a disgrace what the Governor is trying to do.

Supervisor Young stated the Governor's program to provide a college education to inmates is not the right initiative. He stated that opportunities need to be provided that will prevent people from going to prison in the first place. He stated that GED programs are a reasonable way for inmates to get an education.

Upon a motion by Supervisor Howard, seconded by Supervisor Bradt and unanimously carried, the Board adjourned at 2:23 p.m.

Certified by:

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

Resolution No. 85

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE DEPARTMENT OF HIGHWAYS AND FACILITIES AND THE TOWN OF NORTHAMPTON FOR MOWING OF CERTAIN COUNTY HIGHWAY RIGHTS-OF-WAY (2014)

WHEREAS, the County of Fulton owns and is responsible for the maintenance of County Roads 113, 123, 130, 143, 149 and 152 and attending rights-of-way which require mowing; and

WHEREAS, the Committee on Buildings and Grounds/Highway recommends a contract with the Town of Northampton as the most efficient way to accomplish such mowing; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract with the Town of Northampton to provide mowing services to the County of Fulton on the rights-of-way for the above-designated County roads as needed during 2014; and, be it further

RESOLVED, That the County of Fulton will pay said town a total sum not to exceed \$4,000.00 to complete all necessary mowing on the aforementioned rights-of-way (9.69 total centerline miles), with the cost to be provided from Appropriation Account D-825-5110.170 Maint. Town Mowing Cont.; and, be it further

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

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

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 86

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AMENDMENT TO EXTEND LEASE AGREEMENT WITH THE 195 FACTORY, LLC, FOR FIXED BASE OPERATOR SERVICES AT THE FULTON COUNTY AIRPORT

WHEREAS, Resolution 136 of 2013 authorized a lease agreement with the 195 Factor, LLC for Fixed Base Operator Services at the Fulton County Airport for the period May 12, 2013 through May 11, 2018; and

WHEREAS, the terms of said FBO Lease Agreement included a provision governing the payment of fuel flowage fees to the County on a quarterly basis; and

WHEREAS, inasmuch as the current Agreement time period does not follow a calendar year schedule, it complicates the payment of fuel flowage fees on a quarterly schedule that is commensurate with a fiscal year; and

WHEREAS, an extension of the current FBO Lease Agreement by seven (7) months through December 31, 2018 will facilitate fuel flowage fee payments on a fiscal year quarterly schedule; now, therefore be it

RESOLVED, That upon the recommendation of the Planning Director, and Committee on Buildings and Grounds/Highway, the Chairman of the Board is authorized to sign an amendment to the Lease Agreement with the 195 Factory, LLC of West Glenville, NY, for Fixed Base Operator services at the Fulton County Airport, to extend said Agreement through December 31, 2018, including a revised Fuel Flowage Fee Payment Schedule as follows:

<u>Quarter</u>	<u>Payment Due</u>
January 1 – March 31	April 15
April 1 – June 30	July 15
July 1 – September 30	October 15
October 1 – December 31	January 15

and, be it further

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

Resolution No. 86 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Planning Director, Superintendent of Highways and Facilities, The 195 Factory, 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 Johnson and Waldron)

Resolution No. 87

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

RESOLUTION AUTHORIZING A “NO-COST TIME EXTENSION OF
LOCAL/MISCELLANEOUS CONTRACT” FOR TEA-21 GRANT FUNDS FOR
THE RAIL TRAIL PROJECT

WHEREAS, Resolution 45 of 2003 authorized the Chairman of the Board to execute a TEA-21 Grant with the NYS Department of Transportation (NYSDOT) for a \$400,000.00 federal grant, administered by NYSDOT, to pay for 80% of the costs of developing Phase III of the Rail Trail Project, and

WHEREAS, Resolution 330 of 2007 authorized a supplemental agreement with the NYS DOT for TEA-21 Grant funds for said Rail Trail Project; extending the original Grant Agreement until September 30, 2012; and

WHEREAS, Resolution 235 of 2012 authorized a “No-Cost Time Extension of Local/Miscellaneous Contract” for TEA-21 Grant funds for said Rail Trail Project until September 30, 2014; and

WHEREAS, County and local officials are still working to complete several work tasks related to on-going Trail development; and

WHEREAS, the NYS DOT has agreed to extend the grant deadline to September 30, 2019; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to execute a Supplemental Agreement with the NYS Department of Transportation for a “No-Cost Time Extension of Local/Miscellaneous Contract for TEA-21 Grant funds for the Rail Trail Project for the period September 30, 2014 through September 30, 2019; said Supplemental Agreement subject to the approval of the County Attorney; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Department of Transportation, 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 POTTER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 88

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

RESOLUTION ENDORSING FULTON-MONTGOMERY
COMMUNITY COLLEGE “START-UP NY PLAN”

WHEREAS, “START-UP NY” is a new State program created to attract new businesses into New York State through partnerships with colleges and universities and offers substantial tax exemption incentives; and

WHEREAS, to be eligible, START-UP NY projects must be on a SUNY campus or be within approximately one (1) mile of the campus and be related to the mission of the sponsoring college or university; and

WHEREAS, the SUNY college/university can designate up to a total of 200,000 square feet of land/building for inclusion in the START-UP NY program; and

WHEREAS, Fulton-Montgomery Community College has presented to the Board of Supervisors its “FM START-UP NY” Plan to promote businesses relocating or expanding in New York State for a 10 year tax free period for property taxes, sales taxes, and state income tax; and

WHEREAS, said “FM START-UP NY” Plan designates the following locations for development projects related to the Fulton-Montgomery Community College mission:

1. Tryon Technology Park, 881 County Road 107, Johnstown, NY 12095
2. Florida Park Extension, Sthwy 5S, Amsterdam, NY 12010
3. FM Foundation Property, Sthwy 67 and Bendick Corners Road, Amsterdam, NY 12010

now, therefore be it

RESOLVED, That the Board of Supervisors hereby endorses Fulton-Montgomery Community College’s “FM START-UP NY” Plan as submitted to the Committees on Economic Development and Environment, and Finance and placed on file in the Board of Supervisors Office; and, be it further

RESOLVED, That the Board hereby requests Governor Cuomo and the Commissioner of Empire State Development to act immediately and approve the “FM START-UP NY” Plan in the best interest of the Fulton-Montgomery region; and, be it further

Resolution No. 88 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Cuomo, Senator Farley, Assemblyman Butler, Commissioner of Empire State Development Kenneth Adams, Mohawk Valley Regional Director of Empire State Development, FMCC, Planning Director, 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 Johnson and Waldron)

Resolution No. 89

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION REQUESTING EXTENSION OF THE TRYON ECONOMIC
TRANSFORMATION AREA (TETA)

WHEREAS, in 2011, New York State created several Economic Transformation Areas that provided tax incentives to encourage businesses to move into areas impacted by the closing of State juvenile detention facilities and prisons; and

WHEREAS, one of the Areas created was the Tryon Economic Transformation Area (TETA) in an attempt to offset some of the negative consequences resulting from the State's closure of the Tryon Secure Detention Facility in Fulton County; and

WHEREAS, the Tryon Economic Transformation Area encompasses the area within a 15 mile radius of the Tryon facility; and

WHEREAS, under the TETA guidelines, eligible businesses must apply for tax incentives within three (3) years from the date the State facility closed, or January 1, 2015; and

WHEREAS, the Tryon Technology Park and Incubator Center Project, the most notable potential beneficiary of the TETA, will not be ready until late 2014, leaving little or no time to market TETA to potential business prospects; now, therefore be it

RESOLVED, That the Board of Supervisors hereby respectfully requests the New York State Legislature and Governor Cuomo to extend the deadline for businesses to apply for tax incentives in the Tryon Economic Transformation Area until January 1, 2018; and, be it further

RESOLVED, That the Board hereby requests that Fulton County's representatives in the New York State Legislature sponsor appropriate legislation to achieve extension of this important incentive program for the Fulton County and Montgomery County regions; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Cuomo, Senator Farley, Assemblyman Butler, Planning 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 LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 90

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

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR
PHASE I OF TRYON TECHNOLOGY PARK AND
INCUBATOR CENTER (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a Tryon Technology Park and Incubator Center Project; and

WHEREAS, the title to the former Tryon Juvenile Detention Facility Campus was transferred to ownership of the Fulton County Industrial Development Agency in January 2014; and

WHEREAS, the Board of Supervisors and the Fulton County Industrial Development Agency have agreed to partner on efforts to transform the former Tryon Campus into a modern Tryon Technology Park and Incubator Center for the benefit of all citizens in the Fulton County region; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for Phase I Project for the Tryon Technology Park and Incubator Center Project (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Office Building, Room 203, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to the Jon R. Stead, Purchasing Agent, County Office Building, Room 203, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, April 23, 2014, 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, Planning Director 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 Johnson and Waldron)

Resolution No. 91

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR PURCHASE OF
SCALE RE-DECKING FOR USE IN THE SOLID WASTE DEPARTMENT
(2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a Weight Scale project to re-deck the main scale in the Solid Waste Department; now, therefore be it

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

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 203, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, April 23, 2014, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor POTTER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 92

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

RESOLUTION AUTHORIZING PURCHASE OF CERTAIN EQUIPMENT AND SUPPLIES WITH TRUST AND AGENCY ACCOUNT FUNDS AND CLOSING OUT THE ACCOUNT (PUBLIC HEALTH DEPARTMENT)

WHEREAS, Resolution 164 of 1995 established a Trust and Agency account for the Fulton County Nursing Service (Public Health Department) to facilitate acceptance of public donations to the Department; and

WHEREAS, the Public Health Director has reported that there has not been any activity utilizing said public donations account since 2003; and

WHEREAS, a balance of approximately \$834.76 plus interest remains in the aforementioned Trust and Agency account and the Public Health Director is requesting the purchase of items to furnish the public waiting room lobby at the Public Health Department with chairs, an end table and wall hangings; now, therefore be it

RESOLVED, That the Public Health Director be and hereby is authorized to purchase the equipment listed herein to furnish the public waiting room lobby at the Public Health Department; and, be it further

RESOLVED, That upon the recommendation of the Committees on Human Services and Finance, the County Treasurer be and hereby is directed to close-out the Trust and Agency Account in the Public Health Department and transfer the remaining balance to A-405-4010.200 Public Health-Equipment; and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended as follows:

Revenue:

Increase A-083-2770.000 Other \$835.00 (approximate)
(T-082-0101.000)

Appropriation:

Increase A-405-4010.200 Public Health-Equipment \$835.00 (approximate)

and, be it further

Resolution No. 92 (continued)

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 Johnson and Waldron)

Resolution No. 93

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING NEW YORK STATE CHILD PASSENGER SAFETY
INCENTIVE GRANT (PUBLIC HEALTH DEPARTMENT, 2013-2014)

WHEREAS, the NYS Department of Health has awarded \$2,750.00 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 2013-2014 Child Passenger Safety Incentive Grant, in an amount of \$2,750.00, for the period October 1, 2013 through September 30, 2014; 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 YOUNG and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 94

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT WITH AUCTIONS INTERNATIONAL CORPORATION TO SELL SURPLUS DENTAL EQUIPMENT IN THE PUBLIC HEALTH DEPARTMENT

WHEREAS, the Public Health Director has attempted to obtain offers for certain surplus dental equipment on multiple occasions; however, not all such items were sold; and

WHEREAS, the Public Health Director recommends a contract with Auctions International Corporation to sell surplus dental equipment on behalf of the County via an on-line auction; 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 to sign a contract between the County of Fulton and Auctions International Corporation, of East Aurora, NY, to sell the following surplus dental equipment, with compensation equaling a Buyer’s Premium of 10 percent:

<u>INV#</u>	<u>ITEM</u>	<u>COST</u>	<u>YEAR PURCHASED</u>	<u>MINIMUM BID</u>
3894	DENTAL STOOL/CHAIR\$	275.00	1994	50.00
3895	DENTAL STOOL/CHAIR	275.00	1994	50.00
3896	DENTECH CHAIR	3400.00	1994	500.00
3897	DENTECH TRAY & DRILL HOLDER	3300.00	1994	400.00
3914	HEADLIGHT COMP WALL	287.60	1989	50.00
3916	VISILUX II LIGHT CURIN	742.00	1994	100.00
3919	DRILL MIDWEST, TRADITIONAL	375.00	1994	75.00
3920	DRILL MIDWEST, TRADITIONAL	375.00	1994	75.00
6375	ALU-29 ASEPTILIGHT, PORTABLE	625.50	2003	100.00
6376	ALU-29 ASEPTILIGHT, PORTABLE	625.00	2003	100.00
6799	DUAL ASEPIS DELUX SYSTEM INLINE SANATATION SYSTEM	290.00	2006	50.00
6872	GENDEX CORP 770 X-RAY SYS	3,300.00	2006	300.00
7004	DCI INTERNATIONAL ASEPSIS	364.28	2006	75.00
7455	AIR TEC PERI-PRO DAYLIGHT LOADER	200.00	2007	50.00
7456	AIR TEC PREI-PRO PROCESSOR	1,694.00	2007	200.00
7638	ELIPAR 2500 CURING LIGHT	733.49	2008	100.00
7676	SOLOMETEX AMALGAM SEPARATOR	650.00	2008	85.00

Resolution No. 94 (continued)

and, be it further

RESOLVED, That minimum bids are set forth as above for the surplus dental equipment; and, be it further

RESOLVED. That winning bids received over the minimum shall be accepted and such sales consummated; any winning bid under the minimum shall be submitted to the Board of Supervisors for final approval; 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, Public Health Director, Auctions International Corporation, 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 Johnson and Waldron)

Resolution No. 95

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

RESOLUTION ACCEPTING 2013-2014 EARLY INTERVENTION ADMINISTRATION
GRANT FUNDS FROM THE NYS DEPARTMENT OF HEALTH
(PUBLIC HEALTH DEPARTMENT)

WHEREAS, the Fulton County Public Health Director recommends an agreement for acceptance of Early Intervention Administration from the NYS Department of Health; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and NYS Department of Health to accept an Early Intervention Administration, in an amount of \$22,398.00, for the period beginning October 1, 2013 through September 30, 2014; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended as follows:

Decrease A-081-0599.000 Appropriated Fund Balance	\$2,592.00
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Revenue Account:

Increase A-083-3402.000 Public Hlth – Grant Revenues	\$2,592.00
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and, be it further

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

Seconded by Supervisor OTTUSO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 96

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING MEAL EXPENSES FOR 2014 FOSTER PARENT
RECOGNITION DINNER (SOCIAL SERVICES DEPARTMENT)

WHEREAS, the Department of Social Services has historically sponsored a recognition dinner for foster parents during “Foster Care Recognition Month”; and

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

RESOLVED, That the Commissioner of Social Services is hereby authorized to expend funds for the 2014 Foster Parent Recognition Dinner, at a cost not to exceed \$1,000.00, subject to said costs being in accordance with State and/or Federal agency guidelines; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, 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 Johnson and Waldron)

Resolution No. 97

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

RESOLUTION AUTHORIZING CONTRACT WITH BENETECH, INC. TO PERFORM
DATA TESTING AND REPORTING PROCEDURES REQUIRED BY THE
AFFORDABLE CARE ACT

WHEREAS, the Federal Affordable Care Act (ACA) has imposed many complex requirements for employers and one critical component is the Large Employer Share Responsibility (“Play or Pay”) mandate; and

WHEREAS, Benetech, Inc. has submitted a contract proposal for the period March 1, 2014 through February 28, 2015 to provide data testing and reporting to the IRS on either a monthly or quarterly basis in accordance with Affordable Care Act regulations on behalf of the County of Fulton; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Personnel and Finance, the Chairman of the Board be and hereby is authorized to sign a contract with Benetech, Inc., of North Greenbush, NY, to provide data testing and reporting mandated by the Affordable Care Act, effective March 1, 2014 through February 28, 2015 at a cost not to exceed \$4,000.00; and, be it further

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

From: A-745-9055.820 IRC 125-FSA Admin
To: A-205-1430.411 Personnel Adm-Consultants
Sum: \$4,000.00

and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Benetech, Inc., 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 Johnson and Waldron)

Resolution No. 98

Supervisor KINOWSKI offered the following Resolution and moved its adoption:

RESOLUTION DENYING THE STATE OF NEW YORK PERMISSION TO USE THE FULTON COUNTY SEAL FOR ENFORCEMENT OF THE SO-CALLED “SAFE ACT”

WHEREAS, recent gun control legislation known as the “NY Safe Act”, that was enacted into law by the State Legislature and signed by the Governor, created serious implications that restrict the Second Amendment rights of citizens in New York; and

WHEREAS, the law is very complex and creates unfair restrictions on firearm ownership and the rights of law-abiding citizens to self-defense; and

WHEREAS, the legislation was rushed through passage in both houses of the State Legislature without proper review and deliberation that laws of this magnitude deserve; and

WHEREAS, the manner in which Governor Cuomo and Legislators enacted the laws demonstrated their disdain for transparency and open government in New York State; and

WHEREAS, subsequently, State officials have indicated an interest in using the official Seal of Fulton County and/or the seal of the Fulton County Sheriff in State pistol permit recertification procedures of the so-called “SAFE Act”; now therefore be it

RESOLVED, that the Board of Supervisors hereby denies the State of New York permission to use the seal of the County or the seal of its Sheriff, or facsimilies, for purposes of correspondence with legal and registered gun owners regarding permit recertification or for any other purpose associated with the SAFE Act; and, be it further

RESOLVED, That the Board of Supervisors hereby renews its call for repeal of the NY SAFE Act that violates the rights of citizens as guaranteed by the U.S. Constitution and the Second Amendment; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to Governor Cuomo, Superintendent of New York State Police, Senate Majority Co-Leader Dean Skelos, Senate Majority Co-Leader Jeffrey Klein, Assembly Speaker Sheldon Silver, Senator Hugh T. Farley, Assemblyman Marc Butler, All Counties, New York State Rifle and Pistol Association, NRA, New York State Sheriff’s Association, Sheriff, 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 HOWARD and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 99

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

RESOLUTION OPPOSING GOVERNOR CUOMO'S PROPOSAL TO PROVIDE FREE COLLEGE EDUCATIONS TO PRISON INMATES AT TAXPAYER EXPENSE

WHEREAS, Governor Cuomo has announced a new statewide initiative to give prison inmates the opportunity to earn a college degree by funding college classes in prisons across New York State in hopes of curtailing recidivism by providing State prison inmates with a college degree at taxpayer expense; and

WHEREAS, the proposal could be interpreted as a reward for criminals who have committed serious crimes against victims in the community and may increase the incentive to commit a crime; and

WHEREAS, this concept raises serious questions about the message it sends to young people in schools and colleges pursuing an education in the face of declining college aid funding from State and federal governments in recent years; and

WHEREAS, Governor Cuomo's plan raises serious questions about the Governor's priorities and about his lack of support for area students and their families who must pay for their own college education; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors calls upon all representatives in the State Legislature to reject this radical proposal; and, be it further

RESOLVED, That the Fulton County Board of Supervisors calls upon Governor Cuomo to withdraw this proposal and apologize to the victims and families that have been hurt by those very criminals that the Governor is attempting to reward; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to Governor Cuomo, Senate Majority Coalition Leader Jeffrey Klein, Speaker of the Assembly Sheldon Silver, Assembly Minority Leader Brian M. Kolb, Senator Hugh Farley, Assemblyman Marc Butler, 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 UNANIMOUSLY and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 100

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

RESOLUTION RE-ALLOCATING CERTAIN 2013 H-F-M PREVENTION COUNCIL UNDERAGE DRINKING PREVENTION GRANT FUNDS (SHERIFF)

WHEREAS, Resolution 221 of 2013 accepted a grant from the NYS Office of Alcohol and Substance Abuse via H-F-M Prevention Council to combat underage drinking; and

WHEREAS, said funds are utilized by the Sheriff for special patrols and other activities to prevent underage consumption of alcohol; now, therefore be it

RESOLVED, That upon the recommendation of the Sheriff and Committees on Public Safety and Finance, the Sheriff be and hereby is authorized to expend 2013 H-F-M Underage Drinking Prevention Grant funds in 2014; and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-1520.00 Sheriff Reimb For Svcs \$10,442.00

Appropriation Accounts:

Increase A-305-3110.110 Sheriff Dept-OT \$10,442.00

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, 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 POTTER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 101

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

RESOLUTION AUTHORIZING CONTRACT WITH BLACK CREEK INTEGRATED SYSTEMS FOR DIGITAL CCTV VIDEO SYSTEM PROJECT IN THE CORRECTIONAL FACILITY (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan identifies a CCTV Video System Upgrade project; and

WHEREAS, Resolution 67 of 2014 established a Digital CCTV Video System Upgrade project in the Correctional Facility within the 2014 Budget; now, therefore be it

WHEREAS, via said project, Black Creek Integrated Systems will furnish and install numerous hardware components and accessories as follows:

- Gigabit Network Switches for Touch screen (quantities as needed)
- (7) Black Creek Touch screen computers
- (4) UDS-1100 Micro Serial Servers
- (1) Black Creek Time Synchronization solution
- (4) Digital Video Encoders for digital video signal for 60 existing cameras
- Video Record System for 60 existing CCTV cameras
- (2) Digital Video Review Masters Stations
- (1) Black Creek Nucleus computer
- (1) 17 inch Rack Mount LCD KVM switch
- Racking equipment as necessary
- All necessary touch screen and server programming changes need to integrate Digital CCTV Video Systems
- (1) Black Creek SallyPortNY Server computer
- Related system accessories

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Black Creek Integrated Systems, of Irondale, AL, for the engineering, programming and technical support required to complete the Digital CCTV Video System Upgrade Project in the Correctional Facility, at a cost not to exceed \$251,000.00; and, be it further

Resolution No. 101 (continued)

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

RESOLVED, That said cost be a charge against H-085-3150.100 Video Recording System; and, be it further

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

Seconded by Supervisor OTTUSO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 102

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

RESOLUTION RE-ALLOCATING CERTAIN 2011 HAZARDOUS MATERIALS GRANT FUNDS IN THE CIVIL DEFENSE DEPARTMENT

WHEREAS, Resolution 156 of 2012 accepted 2011 Hazardous Materials Grant from the NYS Division of Homeland Security and Emergency Services and authorized purchases therefrom; and

WHEREAS, Fulton County has an unspent balance of \$11,480.28; now, therefore be it

RESOLVED, That upon the recommendation of the Civil Defense Director and Committees on Public Safety and Finance, the Civil Defense Director be and hereby is authorized to expend 2011 Hazardous Materials Grant Funds to purchase the items identified herein, in approximate amounts, as follows:

One Year Warranty for FirstDefender Haz-Mat Detection Meter	\$ 4,186.00
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and, be it further

RESOLVED, That the 2014 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.001 Civil Def-SHSP	\$4,186.00
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Appropriation Accounts:

Increase A-385-3645.401 Civil Def-SHSP-Contractual	\$4,186.00
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and, be it further

RESOLVED, That the Civil Defense Director is hereby directed to carry out said purchases expeditiously and complete all grant requirements in 2014; and, be it further

Resolution No. 102 (continued)

RESOLVED, That the Civil Defense/Fire Coordinator 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/Fire Coordinator, Budget Director/County Auditor, Administrative Officer/Clerk of the Board.

Seconded by Supervisor GROFF and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 103

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

RESOLUTION ACCEPTING STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT (CIVIL DEFENSE/FIRE COORDINATOR)

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

WHEREAS, Resolution 285 authorized an application for a Statewide Interoperable Communications (Round 3) Grant in the amount of \$1.5 million 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, a letter has been received awarding Fulton County \$2,327,780.00 for the following purposes:

Personnel:

Overtime & Backfill for Dispatcher Training: \$ 10,000.00

Consultant Services:

Consultant Engineering/Design (Tower Sites) 24,000.00
Consultant to Develop Interoperable Communications Plan 20,000.00
Consultant for Training and Exercises 113,500.00

Equipment and Accessories:

800 MHZ, UHF and VHF auxiliary transmitters and receivers 504,000.00
Miscellaneous equipment for interfacing channel banks 152,280.00
Microwave Bridges and Routers 332,000.00
911 Dispatcher Radio Communications Console 680,000.00
Microwave Radio Tower 370,000.00
Generator 22,000.00
Audio Bridges 100,000.00

and, be it further

Resolution No. 103 (continued)

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 LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 104

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

RESOLUTION AUTHORIZING INTER-MUNICIPAL CHARGEBACK BETWEEN THE STOP-DWI PROGRAM AND THE PROBATION DEPARTMENT FOR COLLECTION OF STOP-DWI FINES FOR 2014

WHEREAS, Resolution 338 of 2010 authorized an inter-departmental chargeback between the STOP-DWI Program and the Probation Department for collection of STOP-DWI fines as a pilot program through December 31, 2010; and

WHEREAS, inasmuch as said pilot program has been successful, the District Attorney, STOP-DWI Coordinator and Probation Director recommend its continuation in 2014; now, therefore be it

RESOLVED, That the Probation Director be and hereby is authorized to charge back actual costs to the STOP-DWI Program for the collection and distribution of STOP-DWI fines, or other related program costs approved by the STOP-DWI Advisory Board, effective January 1, 2014 through December 31, 2014, at a cost not to exceed \$2,000.00; and, be it further

RESOLVED, That the District Attorney, STOP-DWI Coordinator and Probation 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, Probation Director, STOP-DWI Coordinator, 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 Johnson and Waldron)

Resolution No. 105

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION OF 2007-2008 POLLWORKER VOTER
EDUCATION TRAINING GRANT (BOARD OF ELECTIONS)

WHEREAS, among other things, Resolution 133 of 2007 accepted HAVA grant funds from the NYS Board of Elections for voter education/poll worker training in 2008, in an amount of \$27,996.00; and

WHEREAS, a balance of \$24,909.95 remains unspent from the 2008 grant; and

WHEREAS, the State Board of Elections has extended the contract expiration date from April 1, 2014 until March 31, 2015; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract extension with the State Board of Elections for expenditure of Voter Education/Poll Worker Training grant funds through March 31, 2015; all other terms and aspects of said contract shall remain in full force and effect; and, be it further

RESOLVED, That the Board of Elections Commissioners do each and every other thing necessary to expend said HAVA grant funds prior to the grant expiration date; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Board of Elections Commissioners, 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 Johnson and Waldron)

Resolution No. 106

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING THE 2014 ADOPTED BUDGET TO REFLECT 2013
ENCUMBRANCES

RESOLVED, That the County Treasurer be and hereby is directed to make the following adjustments for 2013 encumbrances, in accordance with accounting requirements:

A-081-0599.000 General Fund Approp. Fund Bal	\$159,533.59	
A-055-1170.409 Pub Def-Rot Sys of Attorneys		64,994.25
A-055-1170.414 Pub Def-Secy Svcs/Asst PD		433.33
A-055-1170.415 Pub Def-Investigation Svcs		5,136.25
A-225-1450.200 Bd of Elections-Equipment		10,905.94
A-245-1624.403 Jail Bldgs-Repairs		842.00
A-245-1625.403 St. Marys Annex-Repairs		13,200.00
A-245-1625.461 St. Marys Annex-Bldg. Renovations/Supplies		75.00
A-245-1629.403 DSS Bldg-Repairs		576.00
A-265-1671.413 Mail Svcs-Meter Maint&Scale		5,471.00
A-275-1680.200 Information Services-Equipment		1,106.18
A-275-1680.201 Information Services-Capital		573.36
A-305-3110.465 Sheriff Dept-Rescur & Riot		4,492.72
A-305-3113.421 Communications Ctr-Schools, Conf., Seminar		2,000.00
A-345-3150.403 Jail-Repairs/Tuneups		962.00
A-385-3645.201 Civil Def-SHSP-Equip		4,584.30
A-385-3645.401 Civil Def-SHSP-Contractual		20,311.26
A-465-5615.418 Airport-FBO Bldg Renov & Supp		17,870.00
A-565-6420.422 Prom Ind-FC Ec Dev		6,000.00
D-081-0599.000 Road Fund Approp Fund Bal	\$188,688.81	
D-825-3310.464 Traffic-Signs & Posts		3,538.00
D-825-5110.463 Maint-Roads&Bridges/Cement,Concrete, Etc.		13,582.68
D-825-5112.420 Road Construction-Co Road #110		149,058.09
D-825-5142.463 Snow Removal/County-Chemicals&Abrasive		22,510.04
DM-081-0599.000 Road Fund Approp Fund Bal	\$ 27,695.65	
DM-825-5130.403 Rd Machinery-Repairs		419.40
DM-825-5130.454 Rd Machinery-Tires,Oil, Etc.		2,070.00
DM-825-5130.455 Rd Machinery-Fuel Sys Repairs		2,800.00
DM-825-5130.458 Rd Machinery-Gas & Fuel		22,406.25

Resolution No. 106 (continued)

EW-081-0599.000 Solid Waste Approp. Fund Bal	\$ 10,930.14	
EW-865-8160.453 Solid Wst Adm-Office Supplies		49.94
EW-865-8161.417 Solid Wst Tr/HL-Facility Repairs		1,675.00
EW-865-8162.420 Cent Landfill Oprns-Methane/Carb Ced Ex		8,000.00
EW-865-8162.454 Cent Landfill Oprns-Auto Supp(Tires, etc)		879.00
EW-865-8163.417 Recycling-Fac Repairs		326.20
S-081-0599.000 Work Comp Approp. Fund Bal	\$ 9,741.00	
S-085-1722.414 Work Comp-Excess Insurance		9,741.00

and, be it further

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

Seconded by Supervisor OTTUSO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 107

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

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

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

Treasurer:

Canon CP1213D Adding Machine (No BC) (Purchased 1996)

Canon MP31DH Adding Machine (No BC) (Purchased 1996)

Grey Office Chair (No BC) (Purchased 1991)

County Clerk:

Typewriter (0005016) (Purchased 1998)

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, County Clerk, Superintendent of Highways and Facilities, Solid Waste Director 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 Johnson and Waldron)

Resolution No. 108

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING FINAL SETTLEMENT IN MATTER OF AWP PHARMACY
LITIGATION VERSUS ABBOTT LABS, ET AL

WHEREAS, Resolution 533 of 2004 authorized a legal services agreement with Kirby, McInerney & Squire (KMS) to conduct a joint lawsuit coordinated with the NYS Association of Counties and other counties to recover Medicaid overcharges from pharmaceutical companies; and

WHEREAS, KMS submitted an installment check for the County's net share of the Abbott Labs settlement in the amount of \$2,282.18; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts final settlement in the matter of AWP Pharmacy Litigation versus Abbott Labs, in a total amount of \$2,282.18; and, be it further

RESOLVED, That in accordance with said legal services agreement, the Form RF-17 for each Settlement to the State of New York requesting reimbursement for administration costs associated with these settlements will be completed; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Social Services Commissioner, 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 BRADT and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

Resolution No. 109

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION OF CONTRACT WITH PROACT, INC. TO
PROVIDE A PHARMACY DISCOUNT CARD PROGRAM FOR FULTON COUNTY
RESIDENTS IN 2014

WHEREAS, Resolution 643 of 2007 authorized a contract with Pro Act, Inc., of Gouverneur, NY, to provide pharmacy discount programs for Fulton County residents not covered by pharmacy health insurance and Resolution 501 of 2009 extended said contract through 2010; and

WHEREAS, Resolution 78 of 2011 extended said contract through 2011 and Resolution 99 of 2012 extended said contract through 2012; and

WHEREAS, the Purchasing Agent recommends extending said contract through 2014 and 2015; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the contract with Pro Act, Inc., of Gouverneur, NY, be and hereby is extended, effective January 1, 2014 through December 31, 2015, as follows:

<u>Retail</u>		<u>Mail Order</u>	
<u>Brand Name</u>	<u>Generic</u>	<u>Brand Name</u>	<u>Generic</u>
AWP less 13%	MAC or AWP	AWP less 18%	AWP less 48%
+\$3.75	less 15%	+\$3.25	+\$3.50
	+\$4.00		

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 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, Pro Act, Inc., 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 Johnson and Waldron)

Resolution No. 110

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION SUPPORTING BETTER PROPERTY TAX REDUCTION PLAN AS AN
ALTERNATIVE TO GOVERNOR CUOMO’S TEMPORARY “TAX FREEZE”

WHEREAS, property taxes in New York State are exceedingly high compared to other states, particularly because of the high cost of unfunded State mandates upon local governments; and

WHEREAS, Governor Cuomo included approximately \$1 billion in his 2014-2015 Executive Budget Proposal to promote property tax relief through a complicated and temporary “freeze” approach that maintains taxes at the same high level; and

WHEREAS, analysis by the New York State Association of Towns has revealed that the so-called “freeze” rebate is likely to benefit only about 25 percent to 33 percent of taxpayers; and

WHEREAS, Counties in New York State have developed a better alternative plan that will provide a substantial property tax reduction for taxpayers within New York State; and

WHEREAS, the simpler plan supported by counties would result in a reduction of over \$250.00 per year for the average Fulton County homeowner with a \$100,000.00 home; and

WHEREAS, taxpayers in Fulton County would receive a 23 percent reduction in county property taxes resulting from passage of the counties’ alternative plan as detailed in a New York State Association of Counties report at

www.nysac.org/policy-research/documents/APlanToLowerPropertyTaxesFinal.pdf

now, therefore be it

RESOLVED, That the Board of Supervisors hereby registers its strong support for a better plan to provide property tax relief to its constituents and to taxpayers throughout the state; and, be it further

RESOLVED, That the Board calls upon Governor Cuomo, NYS Senate members and NYS Assembly members to adopt legislation that directs the \$1 billion in state monies “set-aside” for property tax relief to lower property taxpayer’s Medicaid burden by 44 percent; and, be it further

Resolution No. 110 (continued)

RESOLVED, That the Board further calls upon the Governor and State Legislators to answer their own rhetoric with serious property tax reduction that addresses unfunded mandates, rather than temporary fixes that maintain The Empire State as the “property tax capital of the United States”; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to County Treasurer, Governor Cuomo, Senate Majority Co-Leader Skelos, Senate Majority Co-Leader Klein, Assembly Speaker Silver, Senator Farley, Assemblyman Butler, Fulton Montgomery Regional Chamber of Commerce, NYSAC, NYS Association of Towns, NY Conference of Mayors, New York State School Boards Association, Budget Director/County Auditor, 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 UNANIMOUSLY and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Johnson and Waldron)

ATTACHMENT TO AGENDA
MARCH 10, 2014
BOARD OF SUPERVISORS

LATE PROCLAMATION:

HOWARD – PROCLAMATION DECLARING MARCH 2014 “DEVELOPMENTAL
DISABILITIES AWARENESS MONTH” IN FULTON COUNTY