

EIGHTH REGULAR SESSION

Johnstown, NY

August 11, 2014

Roll Call – Quorum Present

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

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

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

John Kane, 165 West Bush Road, Gloversville – Mr. Kane stated that he was here today as a representative of the newly formed organization Solidarity for Better Government. He stated that he filed a Freedom of Information Request by e-mail to the County on July 16. On July 23, he received a reply from the Records Access Officer; however, this reply did not address his request for an email address of the Fulton County IDA. He then filed an appeal to the Records Appeal Officer. He stated if the County has the records he has requested and they do not turn that information over to him, the County is breaking the law.

LATE COMMUNICATIONS

1. Communication from Fulton Montgomery Regional Chamber of Commerce

Subj: Resolution for Fulton Montgomery Regional Chamber of Commerce Board of Directors Supports Fulton County's SMART Waters Initiative

UPDATES FROM STANDING COMMITTEES

Finance: Chairman Fagan stated that the NYMIR insurance renewal on the Agenda for today's meeting is again very competitive. He also stated that the Board will be approving the Worker's Compensation Apportionment and voting on a late resolution on whether to renew an excess liability insurance policy for the Workers Compensation Plan.

REPORTS OF SPECIAL COMMITTEES

Adirondack Government Review Board: Supervisor Groff stated that the APA reclassification of Finch Pruyn property in Bleecker was reviewed and the Review Board is opposed to it.

Soil and Water Conservation District: Supervisor Lauria stated that there has been a lot of tile and pipe sales and a lot of ponds are being created.

CHAIRMAN'S REPORT

Chairman Argotsinger advised that Senator Schumer will be in the county on Thursday, August 14, 2014. He will be visiting the Tryon project and also holding a "Chat with County Leaders" at FMCC. He stated that everyone is invited to attend and have questions answered by Senator Schumer. He also advised that Budget Review meetings will be held next week. He also advised that an Executive Session would be held later in this meeting to discuss the NYS Office of Inspector General report that was issued last Friday regarding former County Clerk William Eschler and snowmobile registration practices.

RESOLUTIONS

No. 282 (Resolution Awarding Bids for Foodstuff and Other Supplies for Use in the Fulton County Correctional Facility): Supervisor MacVean stated every few months this resolution is approved to provide food to the inmates. She stated that there are elderly people in the community who cannot afford to eat as well as the inmates eat. She stated that she cannot support this resolution because the inmates "eat like kings" and it is not right.

No. 287 (Resolution Authorizing Purchase of Certain Supplies and Equipment for Montgomery and Schoharie Counties with 2012 Hazardous Material grant Funds (Civil Defense Department)) Supervisor Callery asked if this will deplete the 2012 grant funds. Mr. Stead stated he thinks this is the last expenditures of that grant as it is set to expire August 31, 2014.

No. 289 (Resolution Renewing Property and Liability Insurance for 2014-2015 for County Departments): Supervisor Howard stated that this policy now includes insurance for the Tryon Park and that the County will be paying for this insurance.

A motion was offered by Supervisor Fagan, seconded by Supervisor Gendron and unanimously carried, to waive the Rules of Order to take Action on Late Resolution 300.

No. 300 (Resolution Declining the Purchase of Specific Excess Worker's Compensation Insurance Policy): Supervisor Fagan advised that the declination of this insurance policy has been discussed over the past couple of years by the Finance Committee. The premium for this policy, effective September 1, 2014 through August 31, 2015 would be \$89,000.00, which is up 15.5% over last year. This insurance is for the Workers Compensation Plan claims that would be over \$1 million. For volunteer fire and ambulance services, the claim would have to be over \$1.5 million to gain any coverage. He stated that Fulton County has never had to use this insurance.

Supervisor Fagan stated that there is currently \$1.5 million in the Worker's Compensation Reserve. The fund balance for the Worker's Compensation Plan Budget is around \$160,000.00. He stated that he believes the County can save money by recommending to not renew the policy. It would then apply \$50,000.00 of this premium cost to the Worker's Compensation Reserve Fund to help increase this toward \$1.7 million. He stated that he believes it is worth the risk to not spend the money on this policy because the County has adequate reserve funds.

Supervisor Gendron asked if there is only one company that is willing to provide this insurance. Supervisor Fagan stated yes.

Supervisor Howard stated that the Finance Committee feels that the County is more than sufficiently covered at this time with reserves to be able to not renew this policy.

Supervisor Handy stated that there will be a “Battle of the Bands” at Pine Lake on August 16, 2014 in honor of Eddie Lakata, who was killed in a bicycle accident in 2013. He stated that he would like to designate this Saturday, 8/16 as Eddie Lakata Day in Fulton County and requested that a proclamation be presented for this Saturday.

Upon a motion by Supervisor Handy, seconded by Supervisor Ottuso and unanimously carried, August 16, 2014 is declared Eddie Lakata Day in Fulton County.

Administrative Officer Jon Stead provided a brief presentation regarding the Fulton County Strategic Plan. He advised that in the proposed 2015 budget, the Board will be seeing some public safety initiatives that are part of a strategic plan to move this County forward. He stated that he wanted to take a moment today to review this Plan and how the new initiatives fit into it. Mr. Stead then provided a brief MS Powerpoint presentation regarding the Fulton County Strategic Plan.

Upon a motion by Supervisor Callery, seconded by Supervisor Waldron and unanimously carried, the Board entered into Executive Session at 1:58 p.m. to discuss employment history

Upon a motion by Supervisor Gendron, seconded by Supervisor Waldron and unanimously carried, the Board re-entered into Regular Session at 2:22 p.m.

Upon a motion by Supervisor Callery, seconded by Supervisor Waldron and unanimously carried, the Board adjourned at 2:24 p.m.

Certified by:

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

Resolution No. 272

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

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT WITH
CORRELL CONTRACTING CORPORATION FOR ROOF REPLACEMENT PROJECT AT
THE FORT JOHNSTOWN BUILDING (2014 CAPITAL PLAN)

WHEREAS, the 2014 Capital Plan includes a Roof Replacement Project at the Fort Johnstown Building; and

WHEREAS, Resolution 190 of 2014 awarded a bid to Correll Contracting Corporation for a Roof Replacement Project at the Fort Johnstown Building in the amount of \$47,575.00; and

WHEREAS, after work began on the project, it was discovered that underlying roof boards were also damaged resulting in an extra day of work by the contractor; and

WHEREAS, labor, equipment and tipping fees for the additional work resulted in an increased cost of \$2,835.48; 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 Correll Contracting Corporation for additional labor, equipment and tipping fees related to roof board repair for the Roof Replacement Project at the Fort Johnstown Building as follows:

Original Contract Amount	\$47,575.00
Change Order No. 1	<u>2,835.48</u>
Revised Contract Amount	\$50,410.48

and, be it further

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

From: A-795-9950.900 Transfer to Capital Plan Projects
To: H-085-1624.100 Ft Johnstown Roof Proj
Sum: \$2,836.00

and, be it further

Resolution No. 272 (continued)

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

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

Seconded by Supervisor POTTER and adopted by the following vote:

Total: Ayes: 497 (17) Nays: 21 (1) (Supervisor Callery) Absent: 33 (2) (Supervisors Greene and Johnson)

Resolution No. 273

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

RESOLUTION AUTHORIZING A CARPET REPLACEMENT PROJECT AT THE FORT JOHNSTOWN BUILDING

WHEREAS, the 2014 Highways and Facilities budget included funding to install carpeting at the Probation Building at a cost of \$7,500.00; and

WHEREAS, the Probation Building project has been completed under the estimated cost, leaving a balance of \$2,798.00; and

WHEREAS, the Superintendent of Highways and Facilities recommends that \$2,000.00 of said balance be transferred to replace worn carpet in the Fort Johnstown Building; 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 Superintendent of Highways and Facilities is hereby authorized to do a carpet replacement project at the Fort Johnstown Building at a cost not to exceed \$2,000.00; and be it further

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

From: A-245-1626.403 Probation Bldg-Repairs
To: A-245-1622.403 Ft Johnstown Annex-Repairs
Sum: \$2,000.00

and, be it further

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

Seconded by Supervisor WALDRON and adopted by the following vote:

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

Resolution No. 274

Supervisor BRADT offered the following Resolution and moved its adoption:

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

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

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

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

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

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

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

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

Seconded by Supervisor HANDY and adopted by the following vote:

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

Resolution No. 275

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

RESOLUTION AUTHORIZING PURCHASE OF ETHERNET/DSL SWITCHING EQUIPMENT FOR THE WATER DISTRICT NO. 1 PUMP STATION

WHEREAS, the main pump system for Water District No. 1 utilizes data communication between the water pumping station on Fon Clair Terrace and the Water Tower at the Fulton County Airport via a dial-up modem; and

WHEREAS, in late 2013, the dial-up modem began to malfunction and Highways and Facilities staff began operating said pump system manually; and

WHEREAS, because Ethernet connection equipment has now been installed at the Airport, the Superintendent of Highways and Facilities recommends installing Ethernet/DSL switching equipment at the Water District No. 1 Pump Station at a projected annual cost savings of approximately \$1,200.00; and

WHEREAS, the cost for the Ethernet/DSL Switching Equipment, including installation and programming, will be \$5,260.00; now, therefore be it

RESOLVED, That the Superintendent of Highways and Facilities be and hereby is authorized to purchase Ethernet/DSL Switching Equipment for the Water District No. 1 Pump Station on Fon Clair Terrace at a cost not to exceed \$5,260.00; and, be it further

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

From: FX-082- 0878.882 Water District No. 1 Capital Reserve
To: FX-082-0909.000 Fund Balance
Sum: \$5,260.00

and, be it further

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

Revenue:

Increase FX-081-0599.000 Appropriated Fund Balance \$5,260.00

Appropriation:

Increase FX-885-8340.403 Water District-Trans/Dist-Repair \$5,260.00

and, be it further

Resolution No. 275 (continued)

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

Seconded by Supervisor WALDRON and adopted by the following vote:

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

Resolution No. 276

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

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH O'CONNELL ELECTRIC FOR AUTOMATED WEATHER OBSERVATION SYSTEM PROJECT AT THE FULTON COUNTY AIRPORT (2013 CAPITAL PLAN)

WHEREAS, the 2013 Capital Plan included an Automated Weather Observation System Project at the Fulton County Airport; and

WHEREAS, Resolution 235 of 2013 awarded a bid to O'Connell Electric for an Automated Weather Observation Station Project at the Fulton County Airport in the amount of \$190,420.00; and

WHEREAS, said project has been completed under the projected budget amount, resulting in a credit in the amount of \$203.35; 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 O'Connell Electric for the Automated Weather Observation System Project at the Fulton County Airport, as follows:

Original Contract Amount	\$190,420.00
Change Order No. 1 (Credit)	<u>(-) 203.35</u>
	\$190,216.65

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, O'Connell Electric, 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 Greene and Johnson)

Resolution No. 277

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

RESOLUTION RECLASSIFYING ONE SKILLED LABORER POSITION TO MOTOR EQUIPMENT OPERATOR IN THE SOLID WASTE DEPARTMENT

WHEREAS, the Director of Solid Waste has identified the need for an additional Motor Equipment Operator (MEO) to handle the transportation needs of the Department; and

WHEREAS, the Director has been routinely assigning MEO duties to a Skilled Laborer as out of title work over the last several months to meet said needs; and

WHEREAS, the Director of Solid Waste recommends that the Skilled Laborer position be reclassified to Motor Equipment Operator, effective immediately to promote efficiency and economy; now, therefore be it

RESOLVED, That upon the recommendation of Director of Solid Waste and Committees on Economic Development and Environment, Personnel and Finance, one (1) full-time Skilled Laborer position (Union Job Group 8a; permanent rate: \$15.38 per hour) be and hereby is reclassified to Motor Equipment Operator (Union Job Group 12; permanent rate: \$17.47 per hour) in the Solid Waste Department, effective immediately; and, be it further

RESOLVED, That the Personnel Director and Solid Waste Director does 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, Personnel, Payroll Division, CSEA Local 818, 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 Greene and Johnson)

Resolution No. 278

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

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (CONCRETE FOUNDATION REMOVAL) TO THE CONTRACT WITH JABLONSKI EXCAVATING FOR THE TRYON INFRASTRUCTURE IMPROVEMENTS PROJECT (2014 CAPITAL PLAN)

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

WHEREAS, Fulton County received a \$2 million grant from NYS Empire State Development to fund said project; and

WHEREAS, Resolution 161 of 2014 awarded a bid, dated March 2014, to Jablonski Excavating, Inc., for the Tryon Infrastructure Improvements Project, in an amount of \$1,119, 249.00; and

WHEREAS, Resolution 238 of 2014 authorized Additional Unit Price Contract Work by Jablonski Excavating for the Infrastructure Improvements Project at the Tryon Technology Park and Incubator Center; and

WHEREAS, the project engineer has identified existing concrete foundations that must be removed to accommodate the new road being constructed for the project; and

WHEREAS, the Planning Director and Committees on Economic Development and Environment and Finance recommend that said foundation removal work be done; 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 Jablonski Excavation, Inc., of St. Johnsville, NY, for concrete foundation removal at the Tryon Technology Park and Incubator Center as follows:

Original Contract Amount	\$1,119,249.00
Additional Unit Price Work (previous)	366,773.50
Change Order No. 1	<u>7,250.00</u>
Revised Contract Amount	\$1,493,272.50

and, be it further

Resolution No. 279

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

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 (WASTEWATER LINE DISCONNECTION) TO THE CONTRACT WITH JABLONSKI EXCAVATING FOR THE TRYON INFRASTRUCTURE IMPROVEMENTS PROJECT (2014 CAPITAL PLAN)

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

WHEREAS, Fulton County received a \$2 million grant from NYS Empire State Development to fund said project; and

WHEREAS, Resolution 161 of 2014 awarded a bid, dated March 2014, to Jablonski Excavating, Inc., for the Tryon Infrastructure Improvements Project, in an amount of \$1,119, 249.00; and

WHEREAS, Resolution 238 of 2014 authorized Additional Unit Price Contract Work by Jablonski Excavating for the Infrastructure Improvements Project at the Tryon Technology Park and Incubator Center; and

WHEREAS, Fulton County was advised by NYS Department of Corrections and Community Services that the water and wastewater lines servicing the Tryon Technology Park and Incubator Center must be disconnected from the nearby NYS Hale Creek Correctional Facility; and

WHEREAS, the Planning Director and Committees on Economic Development and Environment, and Finance recommend that the aforementioned wastewater line disconnection be done now as part of the Tryon Technology Park and Incubator Center Project; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign Change Order No. 2 to the contract with Jablonski Excavation, Inc., of St. Johnsville, NY, for wastewater line disconnection from the NYS Hale Creek Correctional Facility as follows:

Original Contract Amount	\$1,119,249.00
Additional Unit Price Work (previous)	366,773.50
Change Order No. 1 (previous)	7,250.00
Change Order No. 2	<u>131,825.00</u>
Revised Contract Amount	\$1,625,097.50

and, be it further

Resolution No. 280

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

RESOLUTION AUTHORIZING PAYMENT OF A PORTION OF THE CITY OF
JOHNSTOWN WATER BOARD CONTRACT WITH C.T. MALE FOR
EVALUATION OF THE JOHNSTOWN WATER SYSTEM
(JUMP START FULTON COUNTY: SHOVEL READY SITE-LARGE CAPACITY)

WHEREAS, the 2014 Capital Plan identifies a Jump Start Fulton County: Preparing Shovel Ready Site Project; and

WHEREAS, the SMART Waters Report determined that the City of Johnstown's water system does not have excess water capacity to adequately service a proposed Regional Business Park adjacent to the existing Johnstown Industrial Park; and

WHEREAS, the City of Johnstown Water Board has obtained a cost proposal from C.T. Male Associates to conduct an engineering evaluation of the City's water system to determine what changes or improvements should be made to allow the City to deliver a large volume of water to the proposed Regional Business Park site; and

WHEREAS, the proposed water system evaluation will assist the County's effort to develop the proposed Regional Business Park into a shovel-ready site; and

WHEREAS, the total cost proposal from C.T. Male to conduct said evaluation is \$19,200.00; now, therefore be it

RESOLVED, That upon the recommendations of the Planning Director and Committees on Economic Development and Environment, and Finance, 50 percent of the cost of the said evaluation, not to exceed \$9,600.00, be reimbursed to the Johnstown Water Board upon completion and receipt of the evaluation final report by the Board of Supervisors; and, be it further

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

From: A-795-9950.900 Transfer to Capital Plan Projects
To: H-085-6470.100 Jump Start – Shovel Ready Site (New)
Sum: \$9,600.00

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

Resolution No. 280 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, City of Johnstown, City of Johnstown Water Board, Center for Regional Growth, Fulton County IDA, C.T. Male Associates, Planning Director, 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 Greene and Johnson)

Resolution No. 281

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

RESOLUTION AUTHORIZING PURCHASE OF A DESK FOR USE IN THE
PROBATION DEPARTMENT

WHEREAS, the Probation Director reported that a desk in her Department is no longer functional and that it cannot be repaired; and

WHEREAS, the Probation Director is requesting that a new desk be purchased for use in the Probation Department; now, therefore be it

RESOLVED, That the Probation Director be and hereby is authorized to purchase the following equipment for use in the Probation Department:

(1) Desk \$250.00

and, be it further

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

From: A-325-3140.453 Probation Dept-Office Supplies

To: A-325-3140.200 Probation Dept-Equipment

Sum: \$250.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Probation 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 Greene and Johnson)

Resolution No. 282

Supervisor WALDRON offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BIDS FOR FOODSTUFF AND OTHER SUPPLIES FOR USE
IN THE FULTON COUNTY CORRECTIONAL FACILITY

RESOLVED, That bids, as submitted and placed on file in the Office of the Purchasing Agent, for the purchase of foodstuffs and other supplies for use by the Fulton County Correctional Facility, effective September 1, 2014 through December 31, 2014, be and hereby are awarded to vendors as follows:

<u>Vendor</u>	<u>Items</u>	<u>Total Bid Estimate</u>
US Foods Clifton Park, NY	Refrigerated/Dry Goods Frozen	\$30,608.97 \$28,177.10
Bimbo Foods Albany, NY	Bread	\$ 4,916.50

and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 451 (17) Nays: 67 (1) (Supervisor MacVean) Absent: 33 (2) (Supervisors Greene and Johnson)

Resolution No. 283

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

RESOLUTION EXEMPTING CORRECTION OFFICER TITLE FROM THE WORK WEEK LIMITS POLICY FOR PER DIEM EMPLOYEES DURING CORRECTION OFFICER TRAINING ACADEMY

WHEREAS, Resolution 359 of 2013 Established Workweek Limits for Per Diem Employees (Affordable Care Act Mandate); and

WHEREAS, all Correction Officers are required by law to attend an initial six (6) week Correction Officer Training Academy on a full time basis; and

WHEREAS, the Work Week Limits for Per Diem Employees policy conflicts with the initial Correction Officer Academy training requirement; and

WHEREAS, the Committees on Public Safety, Personnel and Finance have reviewed the Sheriff's request to have per diem Corrections Officers exempt from the work week limits policy while attending the initial Correction Officer Training Academy; now, therefore be it

RESOLVED, That per diem Corrections Officers be and hereby are exempt from the work week limits policy while attending the initial Correction Officer Training Academy; and, be it further

RESOLVED, That the Director of Personnel and 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, County Code, Personnel Director, Sheriff, Sheriff Office Employees Alliance, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

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

Resolution No. 284

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

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE WEIGHTS AND MEASURES DEPARTMENT AND THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR PETROLEUM PRODUCTS TESTING PROGRAM (2014-2019)

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement with the NYS Department of Agriculture and Markets for the Petroleum Products Quality Testing Program, effective April 1, 2014 through March 31, 2019, in a yearly reimbursement amount of \$3,360.00 to the County of Fulton for 2014-2015; and, be it further

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

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

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

Seconded by Supervisor BORN and adopted by the following vote:

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

Resolution No. 285

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

RESOLUTION RESCINDING RESOLUTION 102 OF 2014 AND AUTHORIZING CERTAIN PURCHASES FOR MONTGOMERY COUNTY WITH 2011 HAZARDOUS MATERIALS GRANT FUNDS (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, this grant is a joint grant between Fulton, Montgomery and Schoharie Counties, with Fulton County as the lead agency; and

WHEREAS, Resolution 102 of 2014 Re-Allocated Certain 2011 Hazardous Materials Grant Funds to purchase a one year warranty for the First Defender Haz-Mat Detection Meter in the Civil Defense Department; and

WHEREAS, Civil Defense/Fire Coordinator recommends reallocating said funds to purchase a “First Defender Library Update” and “Hydro-static Testing for 20 bottles” for Montgomery County; now, therefore be it

RESOLVED, That Resolution 102 of 2014 entitled “Resolution Re-Allocating Certain 2011 Hazardous Materials Grant Funds in the Civil Defense Department” be, and hereby is, rescinded in its entirety; and, be it further

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

Revenue Account:

Decrease A-083-3306.001 Civil Def-SHSP \$4,186.00

Appropriation Account:

Decrease A-385-3645.401 Civil Def-SHSP-Contractual \$4,186.00

Revenue Account:

Increase A-083-3306.001 Civil Def-SHSP \$1,533.15

Appropriation Account:

Increase A-385-3645.401 Civil Def-SHSP-Contractual \$1,533.15

and, be it further

Resolution No. 285 (continued)

RESOLVED, That the Civil Defense/Fire Coordinator is hereby directed to carry out said purchases expeditiously and complete all grant requirements before the grant expires on August 31, 2014; and, be it further

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 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 Greene and Johnson)

Resolution No. 286

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

RESOLUTION AUTHORIZING PURCHASE OF A LIGHT TOWER FOR USE IN THE CIVIL DEFENSE/FIRE COORDINATOR'S OFFICE WITH 2013 HAZARDOUS MATERIAL GRANT FUNDS (CIVIL DEFENSE DEPARTMENT)

WHEREAS, Resolution 259 of 2013 authorized Application and Acceptance of a 2013 FEMA Hazardous Materials Grant in the amount of \$34,000.00; and

WHEREAS, said grant is a joint grant shared between Fulton, Montgomery and Schoharie Counties, with Fulton County as the lead agency; and

WHEREAS, the Civil Defense/Fire Coordinator requests that said funds be used to purchase a Light Tower for use by the Civil Defense/Fire Coordinator's Office; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase a Light Tower with 2013 Hazardous Material Grant Funds at a cost not to exceed \$7,195.00; 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 \$7,195.00

Appropriation Account:

Increase A-385-3645.201 Civil Def-SHSP-Equipment \$7,195.00

and, be it further

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

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 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 Greene and Johnson)

Resolution No. 287

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

RESOLUTION AUTHORIZING PURCHASE OF CERTAIN SUPPLIES AND EQUIPMENT FOR MONTGOMERY AND SCHOHARIE COUNTIES WITH 2012 HAZARDOUS MATERIAL GRANT FUNDS (CIVIL DEFENSE DEPARTMENT)

WHEREAS, Resolution 348 of 2012 authorized an Application and Acceptance of 2012 Hazardous Materials Grant from the NYS Division of Homeland Security and Emergency Services in the amount of \$34,000.00; and

WHEREAS, said grant is a joint grant shared between Fulton, Montgomery and Schoharie Counties, with Fulton County as the lead agency; and

WHEREAS, the Civil Defense/Fire Coordinator requests that said funds be used to purchase eight (8) Level A Haz-Mat Suits and two (2) Light Towers for Montgomery and Schoharie Counties; now, therefore be it

RESOLVED, that the Civil Defense/Fire Coordinator be and hereby is authorized to purchase eight (8) Level A Haz-Mat Suits, at \$12,463.55 and two (2) Light Towers at \$14,390.00, on behalf of Montgomery and Schoharie Counties with 2012 Hazardous Material Grant funds, in a total amount not to exceed \$26,853.55 as follows:

Montgomery County

- (4) Haz-Mat Suits
- (1) Light Tower

Schoharie County

- (4) Haz-Mat Suits
- (1) Light Tower

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 \$26,853.55

Appropriation Account:

Increase A-385-3645.201 Civil Def-SHSP-Equipment \$26,853.55

and, be it further

Resolution No. 287 (continued)

RESOLVED, That the Civil Defense Director is hereby directed to carry out said purchases expeditiously and complete all grant requirements before the grant expires on August 31, 2014; and, be it further

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, Montgomery County, Schoharie County, Civil Defense/Fire Coordinator, 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 Greene and Johnson)

Resolution No. 288

Supervisors WALDRON, JOHNSON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF THREE SECURITY CAMERAS FOR THE
CIVIL DEFENSE/FIRE COORDINATOR'S OFFICE WITH 2012 AND 2013
STATE HOMELAND SECURITY PROGRAM GRANT FUNDS
(CIVIL DEFENSE DEPARTMENT)

WHEREAS, Resolution 188 of 2012 Accepted 2012 Homeland Security Program Funds in the amount of \$54,000.00 for the Civil Defense/Fire Coordinator's Office; and

WHEREAS, Resolution 220 of 2013 Accepted 2013 Homeland Security Program Grant in the amount of \$52,500.00 for the Civil Defense/Fire Coordinator's Office; and

WHEREAS, the Civil Defense/Fire Coordinator requests that said funds be used to purchase three (3) security cameras for use at the Civil Defense/Fire Coordinator's Office; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase three (3) security cameras with 2012 and 2013 Homeland Security Program grant funds, in an amount not to exceed \$1,475.00; 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	\$1,475.00
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Appropriation Account:

Increase A-385-3645.201 Civil Def-SHSP-Equipment	\$1,475.00
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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 before the 2012 Homeland Security Program grant expires on August 31, 2014; and, be it further

Resolution No. 288 (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, Information Services 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 Greene and Johnson)

Resolution No. 289

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION RENEWING PROPERTY AND LIABILITY INSURANCE FOR 2014-2015
FOR COUNTY DEPARTMENTS

WHEREAS, Fulton County holds certain property and liability insurance policies through the New York Municipal Insurance Reciprocal, a self-owned cooperative insurance pool; and

WHEREAS, the County holds other specialized liability and property insurance through private insurance carriers; and

WHEREAS, NYMIR has submitted a proposal for renewal of said policies that results in a total premium increase of approximately 1.5 percent for the 2014-2015 policy year; now, therefore be it

RESOLVED, That the insurance policies be renewed for 2014-2015 through Mang Agency, broker-of-record for the County, as follows:

<u>Policy</u>	<u>Renewal Premium</u>
Property	\$ 57,296.80
Boiler & Machinery	8,884.70
General Liability	54,426.90
Auto	43,294.10
Excess Catastrophe Liability	9,463.30
Inland Marine	23,331.00
Bond/Crime	6,194.00
Law Enforcement Liability	66,424.60
Public Officials Liability	28,206.20
Healthcare Prof. Liability (Nurses/Clinics)	15,565.29
Healthcare General Liability	934.11
Airport Liability	4,850.00
Motor Vehicle Fee	960.00
Fire Fee	272.66
OCP Liability	<u>550.00</u>
EST. ANNUAL PREMIUM	\$320,653.66

and, be it further

Resolution No. 289 (continued)

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

Seconded by Supervisor WALDRON and adopted by the following vote:

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

Resolution No. 290

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION APPROVING THE ASSIGNMENT OF A CERTAIN GROUND LEASE BY
THE MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN
CONNECTION WITH THE REFINANCING BY THE MONTGOMERY COUNTY CAPITAL
RESOURCE CORPORATION OF CERTAIN BONDS ISSUED FOR THE BENEFIT OF
HAMILTON-FULTON-MONTGOMERY BOARD OF COOPERATIVE SERVICES

WHEREAS, on January 12, 2005, the Montgomery County Industrial Development Agency (the "Prior Issuer") issued its Tax-Exempt Lease Revenue Bonds (Hamilton-Fulton-Montgomery Board of Cooperative Educational Services Project), Series 2004A in an Aggregate Principal Amount of \$35,000,000 (the "Prior Bonds") to finance the following project (the "Project") for the benefit of the acquisition from Fulton and Montgomery Counties (the "Counties") of a leasehold interest in an approximately 20 acre parcel of land (the "Land") located on Route 67 and being part of a larger approximately 190 acre parcel of land jointly owned by the Counties located on Route 67 in the Town of Johnstown, Fulton County, New York and Town of Mohawk, Montgomery County, New York, (ii) the construction thereon by the Issuer of certain improvements containing the aggregate 150,000 square feet of space (the "Facility") and (iii) the acquisition and installation therein and thereon by the Issuer of certain machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to constitute a facility to be owned by the Issuer and leased to the Institution for use as an educational and administrative facility and related activities; and

WHEREAS, the Land has been leased by Fulton County and Montgomery County, jointly, to the Prior Issuer pursuant to a ground lease dated as of January 12, 2005 (the "Ground Lease") by and among Fulton County, Montgomery County and the Issuer. The term of the Ground Lease expires on January 11, 2035; and

WHEREAS, to decrease its annual debt service and avoid incurring bond issuance costs under Section 2976 of the New York State Public Authorities Law, the Institution has submitted an application to the Montgomery County Capital Resource Corporation (the "issuer") that requests that Issuer issue bonds (the "Series 2014 Bonds") to refinance the Prior Bonds; and

WHEREAS, the issuance of the Series 2014 Bonds and the refunding of the Prior Bonds requires the Issuer to have a leasehold interest in the Land; and

WHEREAS, the Prior Issuer would like to assign its rights, title and interest under the Ground Lease to the issuer; and

WHEREAS, Section 4.03 of the Ground Lease requires that the Issuer obtain the consent of Fulton County and Montgomery County to such assignment; now, therefore be it

Resolution No. 290 (continued)

RESOLVED, That to allow for the issuance of the Series 2014 Bonds and the refunding of the Prior Bonds, the Fulton County Board of Supervisors hereby consents to the assignment by the Prior Issuer of its rights, title and interest in the Ground Lease to the Issuer; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Montgomery County IDA, Montgomery County Capital Resource Corporation, Montgomery County Legislature, President of Fulton-Montgomery Community College, H-F-M BOCES, 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 Greene and Johnson)

Resolution No. 291

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING COUNTY TREASURER TO ISSUE COURT-ORDERED
REFUND TO PRICE CHOPPER, INC. FOR OVERPAYMENT OF PROPERTY TAXES IN
2013 AND 2014**

WHEREAS, pursuant to Supreme Court Orders 12-00590 and 13-01676, the tax on Price Chopper property (SBL 134.15-1-15) in the City of Groversville, was reduced from \$3,924,255.00 to \$3,600,000.00; and

WHEREAS, the County is mandated to refund Price Chopper the sum of \$5,891.16 for property taxes collected in 2013 and 2014; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized to issue a refund, in the amount of \$5,891.16, to Price Chopper, for overpayment of taxes on Parcel 134.15-1-15, in the City of Groversville; and, be it further

RESOLVED, That the City of Groversville and the Groversville Enlarged School District will refund their apportionment of the court-ordered refund; 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 Groversville Assessor 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 Greene and Johnson)

Resolution No. 292

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SALE OF CERTAIN COUNTY TAX ACQUIRED
LANDLOCKED PARCELS TO ADJOINING LANDOWNERS**

WHEREAS, the County Treasurer has reviewed the list of County-owned properties acquired via tax foreclosure that are still in County ownership; and

WHEREAS, several of these County tax-acquired parcels are landlocked and have been offered for sale at several auctions with no successful bidder; and

WHEREAS, the Committee on Finance directed the County Treasurer to approach adjoining landowners with an offer to sell the landlocked parcels for \$1.00 each with the County to pay all real property transfer fees in exchange for the purchasers combining the landlocked parcel(s) with their own adjacent parcel; and

WHEREAS, several adjoining landowners have accepted the County's proposal; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized and directed to sell County-owned properties for the sum of \$1.00 each, as follows:

Town of Johnstown (SBL 134.16-13-1)	Erik & Lisa Ellithorpe
Village of Mayfield (SBL 104.13-12-7.2)	Heather (Evans) Baker
Town of Mayfield (SBL 103.-5-61)	David R. Perham

and, be it further

RESOLVED, That the County Treasurer is hereby directed to execute agreements with said landowners to facilitate the conditions specified herein and to record the appropriate deed after the execution thereof and after the purchaser pays the proper amount due; and, be it further

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

Seconded by Supervisor WALDRON and adopted by the following vote:

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

Resolution No. 293

Supervisor FAGAN 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 Industrial Park)

6 Clermont Street (SBL 174.18-1-13)

123 Union Avenue (SBL 174.15-1-3.12)

Union Avenue (Vacant Parcel) (SBL 174.14-1-9.1)

190 Enterprise Road (SBL 174.18-1-19)

199 Enterprise Road (SBL 174.18-1-17.2)

(Requested assessment reduction: \$4,700,000.00 to \$1,900,000.00)

Town of Johnstown

Shopping Center, 233 Fifth Avenue Extension (SBL 134.-3-7.11)

(Requested assessment reduction: \$4,500,000.00 to \$1,299,000.00)

Arterial Plaza, Route 30A (SBL 134.16-14-8.1)

(Requested assessment reduction: \$4,000,000.00 to \$2,800,000.00)

Town of Broadalbin

Rolling Ridge Mobile Home Park, 185 Old State Road (SBL 139.-2-2.5)

(Requested assessment reduction: \$1,840,000.00 to \$810,000.00)

now, therefore be it

Resolution No. 293 (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 and the Town of Broadalbin Attorney, as well as the respective school districts in the legal defense of these assessment reduction actions; and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

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

Resolution No. 294

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPORTIONING 2015 WORKERS' COMPENSATION INSURANCE
PROGRAM EXPENSES**

RESOLVED, That the Report of the Committee on Workers' Compensation Insurance (Finance), dated July 31, 2014, be accepted and the recommendations contained therein be carried out for the year 2015; and, be it further

RESOLVED, That the respective amounts apportioned to the various municipalities or public corporations of Fulton County be adopted as the act and determination of the Board and that they be assessed, levied and collected the same as other charges; and, be it further

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

Seconded by Supervisor HOWARD and adopted by the following vote:

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

BY: Mr. Greg Fagan, Chairman of the Finance Committee

THE REPORT OF THE COMMITTEE ON COMPENSATION INSURANCE

Your Committee on Compensation Insurance (Finance and Administration) to whom was referred the report of the County Treasurer on Claims paid pursuant to Article 5 of the Workers' Compensation Law, report that they have examined same and believe same to be correct and recommend that said report be printed in the minutes.

Your Committee further reports that pursuant to said Law, they do hereby certify that the County Treasurer, as Custodian of Compensation Insurance Funds, estimates expenditures in the sum of \$1,358,797.00 (less revenues of \$265,230.00), which they have apportioned to each Town, the Villages of Broadalbin, Mayfield, Northville and Cities of Johnstown and Gloversville, and the County of Fulton 35% of the proportion that its full valuation bears to the aggregate valuation of the participating municipal corporation and 65% of a five-year experience, in accordance with said law, and an additional assessment to those municipalities having volunteer ambulance corps at an amount of \$400 per ambulance:

	2015 <u>Total Apport.</u>	(2009-2013) <u>Full Valuation</u>	35% <u>5-Yr. Exp.</u>	65% <u>Full Valuation</u>	<u>5-Yr. Exp.</u>
Bleecker	5,797.05	98,819,422.00	296.32	5,750.87	46.18
Broadalbin	44,893.97	365,642,815.22	151,532.50	21,278.85	23,615.12
Broadalbin (V)	4,035.28	62,284,560.32	2,634.57	3,624.70	410.58
Caroga	17,796.08	269,642,434.78	13,501.15	15,692.04	2,104.04
Ephratah	8,093.19	81,120,222.31	21,639.46	4,720.85	3,372.34
Johnstown	50,870.33	402,152,251.90	176,247.68	23,403.55	27,466.78
Mayfield	28,285.45	454,183,589.33	11,896.04	26,431.55	1,853.90
Mayfield (V)	2,429.22	39,877,956.00	696.14	2,320.73	108.49
Northampton 400.00*	21,651.31	368,879,664.71	1,181.24	21,467.22	184.09
Northville (V)	5,046.34	86,068,360.29	240.81	5,008.81	37.53
Oppenheim	10,327.10	95,606,169.33	30,564.53	5,563.87	4,763.23
Perth	17,852.22	201,864,352.46	39,171.61	11,747.64	6,104.58
Stratford	6,985.58	119,871,328.00	61.46	6,976.00	9.58
Gloversville (C)	189,873.11	362,263,122.76	1,083,090.67	21,082.17	168,790.94
Johnstown (C) 1200.00*	104,707.11	374,297,034.25	532,107.26	21,782.49	82,924.62
Fulton County (Gen. Fund)	<u>574,923.66</u>	<u>3,194,342,407.05</u>	<u>2,496,289.35</u>	<u>185,897.11</u>	<u>389,026.55</u>
TOTAL APPROP.	\$1,093,567.00 <u>1,600.00*</u> \$1,095,167.00	\$6,576,915,690.71 .000058195736	\$4,561,150.79 \ .155841931724	\$382,748.45 / \$1,093,567.00 /	\$710,818.55

*Volunteer Ambulance Corps Assessment

Respectfully submitted this 31st day of July, 2014:

Resolution No. 295

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 to conduct a joint lawsuit coordinated with the NYS Association of Counties and other counties to recover Medicaid overcharges from pharmaceutical companies; and

WHEREAS, Kirby McInerney (KI) submitted an installment check for the County’s net share of the Abbott Labs, et al AWP settlements in the amount of \$1,062.66; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts final settlement in the matter of AWP Pharmacy Litigation versus Abbott Labs, et al, in a total amount of \$1,062.66; and, be it further

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

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

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

Resolution No. 296

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:

Public Health:

Refrigerator (00007325) (Purchased 5/4/05)

HP Deskjet Printer (00005989) (Purchased 12/3/01)

Social Services:

Chair Tan (No BC) (Purchased 12/94)

Chair Gray (No BC) (Purchased 12/94)

Chair Gray (No BC) (Purchased 12/94)

Chair Black (No BC) (Purchased 12/94)

Chair Black (No BC) (Purchased 3/94)

Chair (0004119) (Purchased 1/29/96)

Chair (No BC) (Purchased 6/12/06)

Chair (No BC) (Purchased 11/25/04)

Desk (00003438) (Purchased 7/31/80)

Chair (No BC) (Purchased 12/94)

Chair (No BC) (Purchased 12/96)

Chair (00034722) (Purchased 1/21/99)

and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Public Health Director, Social Services Commissioner, 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 Greene and Johnson)

Resolution No. 297

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PAYMENT FOR A COURT-ORDERED COMMITMENT TO SUNMOUNT FORENSIC UNIT (COMMUNITY SERVICES DEPARTMENT)

WHEREAS, an individual with developmental disabilities was placed at the Sunmount Forensic Unit via a court-ordered commitment; 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 amounts invoiced to date; now, therefore be it

RESOLVED, that the County Treasurer be and hereby is directed to issue a payment to the Sunmount Forensic Unit in the amount of \$7,904.00 for services rendered May 1 through May 31, 2014; and, be it further

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

Revenue Account:

Increase A-083-4490.000 MH – Fed Salary Sharing \$7,904.00
(A-082-0691.445 Deferred Revenues-Mental Health)

Appropriation Account:

Increase A-445-4310.409 Mental Health – Ct Ords, Consult, Com. \$7,904.00

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 WALDRON and adopted by the following vote:

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

Resolution No. 298

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CHILDREN WITH HANDICAPPING CONDITIONS TRANSPORTATION PROGRAM

WHEREAS, Resolution 216 of 2014 awarded bids for the Children with Handicapping Conditions Transportation Program for transportation services in 2014; and

WHEREAS, the Public Health Director has advised that a new route for transportation of children to the center-based program at Whispering Pines, Cobleskill, NY location is necessary; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids from vendors for transportation to the Whispering Pines center-based program for the Children with Handicapping Conditions Transportation Program, in Cobleskill, NY (and according to further specifications which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, August 27, 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, Public Health Director, 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 Greene and Johnson)

Resolution No. 299

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS

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

From: A-285-1990.400 Contingent Fund Expense
To: A-505-6020.400 RHCF Post Closing Contractual
Sum: \$750.00

From: EW-865-8160.850 Solid Wst Adm-Med Empire.	\$12,116.25	
From: EW-865-8160.900 Admin Paymt	1,883.75	
To: EW-865-8160.851 Solid Wst Adm-Med. HNF		\$14,000.00

From: EW-865-8160.900 Admin Paymt
To: EW-865-8160.830 Solid Wst Adm-Work Comp
Sum: \$250.00

and, be it further

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

Budget Amendment:

Revenue:

Increase A-083-2771.000 RHCF Post Closing Other Revenue \$750.00

Appropriation:

Increase A-505-6020.400 RHCF Post Closing Contractual \$750.00

and, be it further

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

Resolution No. 300

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION DECLINING THE PURCHASE OF SPECIFIC EXCESS WORKER'S
COMPENSATION INSURANCE POLICY**

WHEREAS, to properly protect against liability risks for the County Worker's Compensation Self-Insurance Plan, the County has contracted for "Specific Excess" insurance to cover Plan participants in the event of a catastrophic claim; and

WHEREAS, the Board of Supervisors has the option not to purchase an excess insurance policy for the self-insurance program; and

WHEREAS, the Committee on Finance has evaluated the rising cost of Specific Excess insurance policy coverage against the risk of relying on Workers Compensation Plan Reserves to protect the Plan from the impacts of very large claims; and

WHEREAS, the Fulton County Treasurer reports that the balance in the Worker's Compensation Reserve is currently at approximately \$1.5 million and is available to the Worker's Compensation Self-Insurance Plan in the event that any large adverse claim(s) affects the program; now, therefore be it

RESOLVED, That the Board of Supervisors hereby declines the purchase of a Specific Excess Worker's Compensation Insurance Policy for 2014-2015; and, be it further

RESOLVED, That the Board of Supervisors hereby directs the Administrative Officer and Chairman of the Board to take whatever action necessary to notify the insurance carriers and related broker of the Board's decision; and, be it further

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

Seconded by Supervisor BRADT and adopted by the following vote:

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