

FIFTH REGULAR SESSION

Johnstown, NY

May 11, 2020

CONDUCTED VIA VIDEO TELECONFERENCE

Roll Call – Quorum Present

Supervisors: Argotsinger, Blackmon, Born, Bowman, Bradt, Breh, Callery, Fagan, Greene, Groff, Handy, Horton, Howard, Kinowski, Lauria, Perry, Potter, Vandenburg, Wilson, Young

TOTAL: Present: 20 Absent: 0

Chairman Greene called the meeting to order at 1:05 p.m. and asked everyone to stand for the Pledge of Allegiance.

SPEAKER

Chairmen Greene introduced Congresswoman Elise Stefanik who joined the teleconference.

Congresswoman Stefanik thanked Chairman of the Board Greene, Administrative Officer Jon Stead, members of the COVID-19 Task Force, all Supervisors, and the Public Health Department. She explained that she was instrumental in the passage of the third bi-partisan CARES Act. The Paycheck Protection Program was passed giving more funding to rural hospitals with direct federal relief going to Nathan Littauer Hospital. She worked with the Department of Health and Human Services also to help rural hospitals. Testing capability is number one priority with regards to gradual re-opening of our state. New York state has received more test kits than any other state. She explained that she was on a call last week with the COVID-19 Task Force regarding concerns at the Fulton Center for Rehabilitation and Health Care. This week the State has changed its policy on Nursing Home admissions. Moving forward, she is advocating for direct relief to state and local governments and to counties because they have borne the brunt of this public health and economic crisis. She does not support a population cutoff. She wants to make sure if rural, that they get access to federal support and does not want the state to cut in and take the funding back to the state level. Additionally, she is on the President's Task Force to re-open the economy and also on the Northeast Regional Congressional Task Force. Her staff will answer any questions that comes to her office and will continue to provide important information to constituents. She thanked Fulton County officials for giving her this opportunity to address the Board. She then asked if anyone had questions.

Supervisor Fagan asked Ms. Stefanik about older people who do not file income taxes – will they get a stimulus check? Congresswoman Stefanik said yes, in such a case, the information comes from the Social Security Administration, not the IRS. If Supervisor Fagan provides her office with the peoples' information, her staff will respond with information.

Supervisor Handy commented that he has called her office several times and has never received a call back. The Congresswoman promised to follow-up.

Supervisor Horton thanked Ms. Stefanik for joining the meeting. He advised that he has heard from several small businesses that were successful in receiving the second round of PPP stimulus money and thanked her for her efforts.

Supervisor Young thanked Ms. Stefanik for being on the forefront and fighting for aid for local governments.

Supervisor Fagan asked if there was any working capital included in the last package for businesses effected by the pandemic. Ms. Stefanik answered that the PPP guidance from the FDA and the U.S. Department of Treasury is that in order for a loan to be forgiven, 75 percent of the loan must be used for payroll and 25 percent used for mortgage, rent or other operational costs. In terms of advanced capital, that would be a traditional FDA loan at a low interest, but it would not be forgiven.

PUBLIC HEARINGS

Mr. Stead advised that due to this meeting being held as a Teleconference, the public was asked to submit comments regarding the Public Hearing extension of the Occupancy Tax in Fulton County in writing by email or postal mail.

Chairman Greene opened the Public Hearing at 1:25 p.m. on Proposed Local Law “A” of 2020 to Extend the Occupancy Tax in Fulton County as Authorized by Act of the New York State Legislature (Chapter 489 of the Laws of 2016).

Clerk of the Board Stead reported that no written submissions were received for the Public Hearing.

Chairman Greene closed the Public Hearing Proposed Local Law “A” of 2020 to Extend the Occupancy Tax in Fulton County as Authorized by Act of the New York State Legislature (Chapter 489 of the Laws of 2016) at 1:30 p.m.

Chairman Greene asked Mr. Stead to read the Communications and Reports that were on the Agenda.

COMMUNICATIONS

1. Communication to Jon R. Stead, Administrative Officer from New York State Local Retirement System, dated 4 March 2020
Subj: Acknowledgement of Dissolution of Northampton-Northville Consolidated Health District
2. Communication to Chairman of the Board from Federal Energy Regulatory Commission, dated 5 February 2020
Subj: Receipt of Revised Public Safety Plans for certain Renewable Energy Projects

REPORTS

A. 2019 Annual Report – Fulton County Planning Board

UPDATES FROM STANDING COMMITTEES

Human Services Committee: Supervisor Born commented by stating what a good job the department heads are doing reporting to Human Services Committee. She reported that, to date, our County has seen no cases of the “pediatric inflammation syndrome”. She has spoken with the Public Health Department, Office for Aging, Veterans and Community Services Departments and all are doing a super job.

Personnel Committee: Supervisor Callery advised that the retroactive checks are being printed for the Sheriff’s PBA employees at a cost of approximately \$220,000.00.

Public Works Committee: Supervisor Fagan announced that Public Works Committee would have to pick a new date to have its May Committee Meeting because it falls on Memorial Day.

REPORTS OF SPECIAL COMMITTEES

Soil and Water Conservation District: Supervisor Horton advised that the District recently had a meeting with three (3) voting members. He reported that the sales of tile are doing well and not quite up to last years level and that staff at Soil and Water are working apart from each other as much as possible. He also reported that District Field Manager John Persch is recovering from an illness and expects to be back in the office soon. Chairman of the Soil and Water Conservation District Board Richard Hart recently lost his home to a fire. Mr. Horton asked that prayers be sent his way. Soil and Water is also letting the Highway Department use some of its equipment.

CHAIRMAN’S REPORT

Chairman Greene reported that during his update last month, the County appeared to be stable regarding its COVID-19 positive test count. Due to Fulton Center Nursing Home suffering a “flare

up” of COVID-19, our numbers have been skewed upwards. If not for that, the COVID-19 numbers would be well under control and in line with surrounding counties. He further reported that Governor Cuomo has stated that upstate New York needs to be treated differently than downstate in regard to opening the economy back up. Chairman Greene then read a Press Release to the Board that was released at noon time today:

FULTON COUNTY ADVANCING RE-OPENING PLAN

Fulton County government is in the midst of developing a county-level re-opening plan to transition itself back to full operations over the next several weeks, following implementation of limited operations due to the COVID-19 virus pandemic. The plan will be tailored to County departments in accordance with guidelines in New York State’s *Un-Pause* re-opening plan recently announced by Governor Andrew Cuomo, which is based upon a regional approach.

The New York State plan focuses on a geographic approach utilizing the state’s Economic Development Regions. On Saturday, 9 May, Chairman of the Board Warren Greene and Administrative Officer Jon Stead joined top leaders from the counties of Montgomery, Herkimer, Schoharie, Otsego and Oneida for the first meeting of the Mohawk Valley Region “Control Room”. The teleconference was an introduction to the State’s formal re-opening plan and established the format for regional coordination going forward. The State plan lays out specific COVID-19 mitigation criteria that each region must achieve before its counties can move through a four-step staged re-opening of government and businesses. Based upon current analysis, the Mohawk Valley Region has met five (5) of the seven (7) mitigation criteria and is expected to enter “phase 1” on 16 May, when construction businesses and curbside retail businesses can re-open. Prior to opening, businesses are expected to develop their own location-specific plans to fit State social-distancing guidelines and other measures that will be prescribed through State online website portals. Additional business sectors may be allowed to re-open at two-week interval periods, if the Region continues to meet safe re-opening criteria.

Fulton County government has been operating at a 50 percent workforce level since that reduction was mandated by Governor Cuomo in mid-March. In anticipation of re-opening, the Fulton County COVID-19 Task Force and County Department Heads have been working on logistical changes to County government workspaces that will ensure safety for the public and employees. Physical renovations within customer service areas and altered work-flow will be core elements of new procedures in place to promote social-distancing and prevent spread of the virus. Mail, email and drop-box options for customers will also be encouraged.

A projected timeline for re-opening Fulton County government looks like this:

- 30 April: Depts. of Highways & Facilities, Solid Waste, Wts & Measures return to full staffing.
- 11 May: Workforce Reduction Plan: Phase implemented with 50 to 60 layoffs.
- 16 May: Paid furloughs of County employees end. Those employees transition back to work.
- 1 June: County departments re-open for walk-in service to the public.

The worldwide Novel Coronavirus COVID-19 pandemic has profoundly altered government, the business economy and life in general in our nation. Chairman of the Board Greene commented on

where the local community stands today, “The Governor has laid out a very gradual re-opening plan based upon health metrics and each region’s experience with the virus’s impacts. This seems logical, given how badly New York was hit. I think our county has prepared itself and is on track to work within the regional structure and re-open.” Stead noted the after-effects to be dealt with, “Over the next couple months, the Board of Supervisors will work on a parallel path to assess financial impacts and prepare a 2021 Budget. Figuring out how to balance re-opening tasks with the need to conserve financial resources will be a challenge.”

In addition, Chairman Greene advised that Fulton County residents cannot let down their guard and that a good job, with a few exceptions, has been going on. He did not want to take a step back and have to start all over again. He continued that social distancing and good hygiene are needed to prevent the spread. He finished that on a personal note, he hopes every day that there will be a breakthrough on therapy and a vaccine developed, so we all can get back to true normalcy.

Other Business

Mr. Stead advised that the Chairman of both Public Safety and Public Works Committee would have to choose another date for their respective committee meetings due to the fact that Memorial Day falls on the same day as the committee meetings.

After some discussion, it was decided that the Public Works Committee meeting will be held on Tuesday, May 26 at 1:00 p.m. and the Public Safety Committee meeting will be held at 3:00 p.m. that same day. Meeting notices would be going out soon.

RESOLUTIONS

Resolutions were then deliberated upon.

No. 138 (Resolution Requiring a PILOT Agreement for TK NYS Solar Holdco, LLC, Located on Parcels 135.-1-65.1/999 and 135.-1-65.1/9999 (Town of Johnstown) and Parcel 125.-1-19.1/9999 (Town of Oppenheim): Supervisor Born asked if above solar projects were already constructed.

Mr. Brott answered that all of the above solar projects were originally owned by Borrego and that they were all sold to TK NYS Solar Holdco, LLC. He further explained that all three (3) projects were up and operating at this point in time. Mrs. Born advised that she will support this Resolution because they were already constructed, but she does not want anymore solar projects in the future.

Supervisor Young asked Mr. Brott if the new company TK NYS Solar Holdco, LLC sells the solar farms, would the new company have to abide by the same terms. Mr. Brott said, “yes”, the same terms would apply.

PROCLAMATION

RECOGNIZING THE EFFORTS OF FULTON COUNTY CORRECTIONAL OFFICERS DURING “NATIONAL CORRECTIONAL OFFICERS WEEK 2020”

WHEREAS, in 1984, President Ronald Regan proclaimed the first full week of May as “National Correctional Officers Week”; and

WHEREAS, Correctional Officers have the difficult and often dangerous assignment of ensuring the custody, safety and well-being of the numerous inmates in our Nation’s prisons and jails; and

WHEREAS, the Fulton County Sheriff’s Department Corrections Officers have displayed professionalism, dedication and courage in the performance of their demanding roles; and

WHEREAS, in 2020 our Corrections Officers continue to play a vital role during the stressful environment of the COVID-19 pandemic; now, therefore be it

RESOLVED, That the Board of Supervisors hereby acknowledges the difficult job Corrections Officers perform in their daily interaction with inmates at the Fulton County Correctional Facility; and, be it further

RESOLVED, That the Board of Supervisors hereby expresses its appreciation to Fulton County Corrections Officers during “National Correctional Officers Week”.

NEW BUSINESS

Supervisor Argotsinger asked other Town Supervisors if they had received a commitment letter from the State regarding CHIPS funding. No other Town Supervisor commented that they had received any letters. Supervisor Horton advised that he attended an Association of Towns meeting for highways a few weeks ago and the talk there was that they were confident that CHIPS would be funded.

Mr. Stead advised that Fulton County has not received anything official about CHIPS funding and keeps updated on the notices that Governor Cuomo has been sending. Mr. Stead further advised that he sends these updates to all Supervisors. He believed that the Governor has directed the State Budget Office to put everything in a “freeze” situation and that the state is looking at grants that may be “clawed back”. He also explained that FMCC monies are in a holding pattern and that SUNY will likely commit money for existing project’s already approved, but may not fund any new projects.

Mr. Stead advised that he sent several emails to Supervisors just prior to today’s meeting, and he hoped they were receiving them because there is important information contained in them. He also advised that he sent an email that had an updated NYSAC financial impact analysis report projecting potential sales tax revenue and other impacts.

Mr. Stead informed the Board that just today, a Press Release was emailed to Supervisors, the media as well as Department Heads and to the Fulton County IDA, Fulton County Center for Regional Growth and the Fulton Montgomery County Chamber of Commerce. The County will continue to work with them to make sure that businesses in our area have a basic understanding of the process of re-opening and state guidelines.

Supervisor Lauria expressed concern with citizens as well as retail workers not wearing face masks while dealing with the public. He said, “We all need to act together and work together. We are all in this together”.

Mr. Stead reminded Board members that they can call the office with any questions regarding any topics, including the emails he has been sending relating to the COVID-19 pandemic and the “re-start” of our County.

Upon a motion by Supervisor Handy, seconded by Supervisor Breh and unanimously carried, the Board adjourned at 2:30 p.m.

Certified by:

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

Resolution No. 125

Supervisor BORN and ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ACCEPTANCE OF COVID-19 FUNDING FOR PURCHASE
OF CERTAIN SUPPLIES AND EQUIPMENT FOR USE IN
THE PUBLIC HEALTH DEPARTMENT**

WHEREAS, Fulton County is to receive \$95,373.00 in funds via Health Research Incorporated Public Health Emergency Preparedness Grant; and

WHEREAS, said Emergency Preparedness funding is administered by the Health Research Incorporated for distribution to the Public Health Department; and

WHEREAS, the NYS Department of Health has approved eligibility of the purchase of a Laboratory Refrigerator and Floor Decals with said grant; 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 for a Public Health Emergency Preparedness Grant in the amount of \$95,373.00; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That the 2020 Adopted Budget be and hereby is amended as follows:

Revenue

Increase A.4010.4010-3450-REV-State Aid – Public Health Other \$8,400.00

Appropriation

Increase A.4010.4189-2000-EXP-Equipment-Fixed Assets	\$7,200.00
Increase A.4010.4189-4530-EXP-Supplies	\$1,200.00

and, be it further

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

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 126

Supervisor BORN and ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF LAPTOPS AND HEADSETS USING SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AWARD FUNDS FOR USE IN THE SOCIAL SERVICES DEPARTMENT

WHEREAS, Resolution 372 of 2018 accepted a 2018 Supplemental Nutrition Assistance Program (SNAP) award and \$3,357.00 in funds remain; and

WHEREAS, the Commissioner requests the remaining funds be used to purchase laptops and headsets with cords for use in the Social Services Department for SNAP related work to be completed remotely; and

WHEREAS, federal SNAP reimbursement will cover the other 50 percent of the total cost of \$6,714.00 for the laptops and headsets with cords; now, therefore be it

RESOLVED, That the Commissioner of Social Services is hereby authorized to use the aforementioned SNAP funds to purchase the following:

- Five (5) Laptops \$2,705.00
 - Five (5) Headsets with cords 580.00
 - Shipping and Handling 150.00
- \$3,435.00

and, be it further

RESOLVED, That the 2020 Adopted Budget be and hereby is amended as follows:

Revenue

Increase A.6010.6010-3610-REV-State Aid-Social Services Administration \$1,718.00
Increase A.6010.6010-4610-REV-Federal Aid-DSS-Administration \$1,717.00

Appropriation

Increase A.6010.6010-2000-EXP-Equipment-Fixed-Asset \$2,830.00
Increase A.6010.6010-4530-EXP-Supplies \$605.00

and, be it further

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

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 127

Supervisor BREH offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF 2019 NYS OHSES
EMERGENCY PERFORMANCE GRANT FUNDS FOR PURCHASE OF CERTAIN
EQUIPMENT FOR USE IN THE EMERGENCY MANAGEMENT OFFICE**

WHEREAS, Fulton County has been awarded \$50,566.00 in grant funds under the 2019 Emergency Management Performance Grant (EMPG); and

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

• I am Responding Annual Subscription	\$11,253.00
• Personal Protective Equipment	\$10,050.00
• Computer/Office Equipment (laptop, printer, desk chair)	\$ 1,605.00
• Camera	\$ 950.00
• Cellular Data Plans	<u>\$ 1,420.00</u>
Total	\$25,278.00

now, therefore be it

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

RESOLVED, That the Chairman of the Board is hereby authorized to execute appropriate documentation to accept said grant funds; and, be it further

RESOLVED, That the 2020 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Decrease A.1000.0599-0599-REV-Appropriated Fund Balance	\$14,025.00
Increase A.3640.3645-3306-REV-State Aid-Homeland Security	\$25,278.00

Appropriation Account:

Increase A.3640.3645-4130- EXP- Contractual	\$11,253.00
---	-------------

and, be it further

Resolution No. 127 (Continued)

RESOLVED, That the Civil Defense Director/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 FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 128

Supervisor BREH offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING AMENDMENT TO THE LEASE AGREEMENT BETWEEN
THE FULTON COUNTY EMERGENCY MANAGEMENT OFFICE AND BROADALBIN-
PERTH CENTRAL SCHOOL DISTRICT FOR RADIO TOWER SPACE
TO INCLUDE ALL ELECTRICAL COSTS (2020-2025)**

WHEREAS, Resolution 486 of 2019 authorized a five-year lease with Broadalbin-Perth Central School District for radio tower space, at a lease rate of \$6,000.00 per year, plus related electrical consumption and insurance costs effective January 1, 2020 through December 31, 2025; and

WHEREAS, Broadalbin-Perth School representatives have requested that the five-year lease agreement be amended to a lump sum fixed price lease agreement at a rate of \$7,600.00 per year inclusive of all electrical and ancillary costs; and

WHEREAS, the Civil Defense/Fire Coordinator recommends said amendments to the lease agreement between Fulton County Emergency Management Office and Broadalbin-Perth Central School District to create a simpler agreement with costs that are approximately equivalent on an annualized basis; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an amended lease agreement with the Broadalbin-Perth Central School District for lease of radio tower space, at a lease rate of \$7,600.00 per year to include electrical consumption and insurance costs, effective retroactive to January 1, 2020 through December 31, 2025; and, be it further

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

From: A.3640.3640-4150.1000-EXP-Utilities-Electric
To: A.3640.3640-4130-EXP-Contractual
Sum: \$1,600.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director, Broadalbin-Perth Central School District, 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 FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 129

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

**RESOLUTION ABOLISHING A PART-TIME TRANSFER STATION ATTENDANT AND
CREATING TWO ALTERNATING TRANSFER STATION ATTENDANTS
(NORTHAMPTON TRANSFER STATION)**

WHEREAS, a part-time Transfer Station Attendant in the Department of Solid Waste assigned to the Northampton Transfer Station has submitted his resignation letter; and

WHEREAS, the Solid Waste Director and Committees on Public Works and Personnel have determined that it would be more practical and cost-effective to abolish said part-time Transfer Station Attendant position and create two (2) part-time Transfer Station Attendant positions (no benefits) to work alternating weeks at the Northampton Transfer Station; and

WHEREAS, it is the intent of the Solid Waste Director to have said new part-time Transfer Station Attendants work no more than 21 hours during September (the Saturday that follows the Friday after Labor Day) to May 31, and work no more than 29 hours in any two-week period from June 1 until the Friday following Labor Day each year; now, therefore be it

RESOLVED, That effective immediately, one part-time Transfer Station Attendant (Union Job Group M-4, \$16.74 per hour; permanent rate) be and hereby is abolished; and, be it further

RESOLVED, That effective immediately, two (2) part-time Transfer Station Attendant positions (M-4 \$14.23 per hour, no benefits) be and hereby are created, effective immediately, to work no more than the maximum of 29 hours in any two-week period from June 1 until the Friday following Labor Day each year; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Solid Waste Director, CSEA Local 818, Town of Northampton, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 130

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH AUCTIONS INTERNATIONAL CORPORATION FOR SALE OF A SURPLUS VEHICLE (SHERIFF’S DEPARTMENT)

WHEREAS, the Sheriff’s Department has recommended the public sale of a 2007 Mercury Milan automobile; and

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

RESOLVED, That the Sheriff be and hereby is authorized and directed to sign a contract between the County of Fulton and Auctions International Corporation, of East Aurora, NY, to sell the following item with compensation equaling a Buyer’s Premium of 10 percent;

<u>Year</u>	<u>Vehicle</u>	<u>Vin</u>	<u>Mileage</u>	<u>Minimum Bid</u>
2007	Mercury Milan	3MEHM07Z57R646848	117,906	\$250.00

and, be it further

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

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

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 131

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT BETWEEN THE COUNTY TREASURER
AND CHAIN OF DEEDS ABSTRACTS, LLC FOR TITLE SEARCH SERVICES**

WHEREAS, following a diligent search through a Request for Proposals process for title search services, one proposal was received from Chain of Deeds Abstracts, LLC; and

WHEREAS, the sole bidder has indicated its ability to perform 200 to 250 of the approximately 450 title searches required; now, therefore be it

RESOLVED, That upon the recommendation of the County Treasurer and Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract between the County Treasurer and Chain of Deeds Abstracts, LLC of Warrensburg, NY, for title search services, from June 1, 2020 through May 31, 2021 at the following rates:

- \$90.00 per parcel for base search
- 10.00 per parcel for bankruptcy search
- 15.00 per parcel for search update

and, be it further

RESOLVED, That said contract awards be and hereby are contingent upon each abstract company submitting a Certificate of Insurance for professional liability insurance naming the County as an additional insured for the entire period of the contract work; and, be it further

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

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 132

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISTRIBUTION OF A REQUEST FOR PROPOSALS FOR CERTAIN TITLE SEARCH SERVICES (COUNTY TREASURER)

WHEREAS, Proposed Resolution 7 of 2020 authorized a contract for title search services and said contract expires on May 31, 2021; now, therefore be it

WHEREAS, Resolution 76 of 2020 authorized a Request for Proposals for Real Property Tax Searches and one (1) proposal was received; and

WHEREAS, the sole bidder could only perform 200 to 250 title searches; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for proposals from vendors to provide additional title search services for the County of Fulton (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 proposals must be addressed to the Committee on Finance, c/o 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, July 8, 2020, 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 proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer and Administrative Officer/Purchasing Agent.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 133

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING THE REPORT OF THE COMMITTEE ON
MORTGAGE TAX DISTRIBUTION

RESOLVED, That the Report of the Committee on Mortgage Tax (Finance) dated April 30, 2020, be adopted as the act and determination of the Board and that the County Treasurer be and hereby is authorized and directed to issue checks payable to the proper village, town or city officers thereto; and, be it further

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

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

MORTGAGE TAX DISTRIBUTION

for the period of
October 2019 - March 2020

	<u>TOWNS</u>	<u>VILLAGES</u>	<u>CITIES</u>	<u>Amount Credited to Town, City or Village After Deducting Expenses</u>
BLEECKER	\$ 10,682.39			\$ 10,682.39
BROADALBIN	\$47,751.32	\$ 4,238.03		\$ 51,989.35
CAROGA	\$ 15,594.12			\$ 15,594.12
EPHRATAH	\$ 6,490.97			\$ 6,490.97
CITY OF GLOVERSVILLE			\$ 35,347.39	\$ 35,347.39
CITY OF JOHNSTOWN			\$ 36,821.50	\$ 36,821.50
JOHNSTOWN	\$ 48,893.07			\$ 48,893.07
MAYFIELD	\$ 52,541.84	\$2,490.24		\$ 55,032.08
NORTHAMPTON	\$ 25,790.18	\$ 3,308.09		\$ 29,098.27
OPPENHEIM	\$ 9,420.97	\$ 210.06		\$ 9,631.03
PERTH	\$ 32,522.49			\$ 32,522.49
STRATFORD	\$ 3,048.24			\$ 3,048.24
			TOTAL	\$ 335,150.90

Dated this 30th day of April 2020:

FINANCE COMMITTEE:

Richard Argotsinger	_____
David Howard	_____
John Callery	_____
Gregory Fagan	_____
Michael Kinowski	_____
Jack Wilson	_____
Frank Lauria	_____

Resolution No. 134

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

RESOLUTION CONFIRMING WORKFORCE REDUCTION-PHASE 4 THROUGH
TEMPORARY LAYOFFS

WHEREAS, the current COVID-19 pandemic has had, and continues to have, an unprecedented financial impact to all businesses and public entities, including Fulton County; and

WHEREAS, a State of Emergency was declared by Fulton County on March 16, 2020; and

WHEREAS, as a result of Governor Cuomo's continual Executive Orders, Fulton County operations have been significantly curtailed, creating a temporary situation where the workforce can be reduced without a negative impact to operations, and revenue projections indicate that labor costs for 2020 need to be reduced; and

WHEREAS, due to federal stimulus legislation passed earlier this month, most employees are likely to receive enhanced Unemployment Insurance payments through July 31, 2020, at least equal to their normal earnings; and

WHEREAS, based upon the recommendations of the Committees on Personnel and Finance, the Chairman of the Board, by memorandum dated May 5, 2020, implemented temporary layoffs beginning May 11, 2020; now, therefore be it

RESOLVED, That the actions of the Chairman of the Board implementing a temporary layoff for approximately 60 to 75 County government employees be and hereby are confirmed; and, be it further

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

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 427 (14) Nays: 124 (6) (Supervisors Born, Groff, Horton, Potter, Vandenburg and Young)

Resolution No. 135

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING EXTENSION OF GAS ASSIGNMENT CONTRACT AND
PROPERTY LEASE BETWEEN THE SOLID WASTE DEPARTMENT AND
ARIA ENERGY TO OPERATE A LANDFILL GAS UTILIZATION PLANT
AT THE FULTON COUNTY LANDFILL**

WHEREAS, Resolution 111 of 2007 authorized Gas Assignment Contract and Property Lease between the Solid Waste Department and Innovative Energy Systems, Inc. (now Aria Energy) for a ten (10) year contract term that ends June 3, 2020; and

WHEREAS, said Lease Agreement included two (2) optional five (5) year extension periods upon mutual consent of both parties; and

WHEREAS, the Solid Waste Director recommends extension of said contract for five (5) years; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Gas Assignment Contract Extension for a five (5) year extension period with Aria Energy, of Novi, MI, effective June 4, 2020 through June 3, 2025, including general terms and conditions as follows:

- County Share of Capital Construction Investment \$1,530,000.00
- Operations & Maintenance Fee Payable to IES,
including annual increases equal to the cost of living index .025 cents per KWH
- Shares of All Net Profit 50% to Fulton County
50% to IES

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

RESOLVED, That said contract term shall be for a period of five (5) years, including one (1) additional optional five (5) year extension period upon mutual consent of both parties; and, be it further

RESOLVED, That the Chairman of the Board is also authorized to execute a property lease agreement with Aria Energy for siting of the Electricity Generation Plant and associated appurtenances necessarily associated therewith, for a period coterminous with the aforementioned “Gas Assignment Contract”, subject to the approval of the County Attorney; and, be it further

Resolution No. 135 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, All RFP Responders, Aria Energy, 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 PERRY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Handy)

Resolution No. 136

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

RESOLUTION AUTHORIZING THE COUNTY DEMOLITION TEAM TO ASSIST THE CITY OF GLOVERSVILLE IN CLEAN-UP OF 70 DIVISION STREET AND REDUCING THE TIP FEE RATE

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

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

WHEREAS, the City of Groversville has requested the County Demolition Team’s Assistance in hauling debris from a large commercial building demolished at 70 Division Street; and

WHEREAS, the Director estimates two (2) weeks of County assistance utilizing three (3) Solid Waste employees supplemented by City of Groversville workers; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to execute an Inter-Municipal Agreement with the City of Groversville to facilitate hauling of debris from said property; and, be it further

RESOLVED, That that the Director of Solid Waste be and hereby is directed to charge the reduced Tipping Fee rate of \$25.00 per ton (Municipality/County Demolition Rate) as a charge to the City of Groversville exclusively for the receipt of debris from the demolition of 70 Division Street; and, be it further

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

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

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 137

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING LOCAL LAW 1 OF 2020 “A LOCAL LAW TO EXTEND THE OCCUPANCY TAX IN FULTON COUNTY AS AUTHORIZED BY ACT OF THE NEW YORK STATE LEGISLATURE (CHAPTER 489 OF THE LAWS OF 2016)”

WHEREAS, proposed Local Law “A” of 2020 entitled, “A LOCAL LAW TO EXTEND THE OCCUPANCY TAX IN FULTON COUNTY AS AUTHORIZED BY ACT OF THE NEW YORK STATE LEGISLATURE (CHAPTER 489 OF THE LAWS OF 2016)” has laid upon the desks of the Board of Supervisors for the required period; and

WHEREAS, a public hearing was held on May 11, 2020, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law 1, hereinabove referenced, be and hereby is approved; and, be it further

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

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, NYS Secretary of State, Fulton County Code Book, Fulton County Center for Regional Growth, Fulton-Montgomery Chamber of Commerce, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor BREH and adopted by the following vote:

Total: Ayes: 20 Nays: 0

**COUNTY OF FULTON, NEW YORK
LOCAL LAW NO. 1 OF 2020**

**A LOCAL LAW TO EXTEND THE OCCUPANCY TAX IN FULTON COUNTY AS
AUTHORIZED BY ACT OF THE NEW YORK STATE LEGISLATURE (CHAPTER 489
OF THE LAWS OF 2016)**

BE IT ENACTED, by the Board of Supervisors of the County of Fulton, New York, as follows:

Section 1. Title & Statement of Intent.

This local law shall continue to be known as the “Fulton County Occupancy Tax Law”. The intent of this local law is to extend the implementation an occupancy tax as authorized by act of Chapter 489 of the Laws of 2016 as enacted by the Fulton County Board of Supervisors in Local Law No. 1 of 2017.

Section 2. Authority.

The authority for this local law is Chapter 489 of the Laws of 2016 of New York State enacted by the Fulton County Board of Supervisors pursuant to Local Law No. 1 of 2017.

Section 3. Continuation of Tax.

The tax established pursuant to Local Law No. 1 of 2017 is hereby continued for an additional three (3) year period.

Section 4. Separability.

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 29. Effective Date:

This Local Law shall take effect upon filing with the Secretary of State of New York, except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately.

Resolution No. 138

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION REQUIRING A PILOT AGREEMENT FOR TK NYS SOLAR HOLDCO, LLC LOCATED ON PARCELS 135.-1-65.1/999 AND 135.-1-65.1/9999 (TOWN OF JOHNSTOWN) AND PARCEL 125.-1-19.1/9999 (TOWN OF OPPENHEIM)

WHEREAS, TK NYS SOLAR HOLDCO, LLC purchased three (3) solar farms from Borrego Solar in the Towns of Johnstown and Oppenheim; and

WHEREAS, previous owner Borrego, had neglected to negotiate Section 487 PILOT Agreements for said projects; and

WHEREAS, TK NYS SOLAR HOLDCO, LLC approached the County to rectify the situation and has proposed Payment in Lieu of Taxes (PILOT) Agreements with the County of Fulton and the respective towns in accordance with NYS Real Property Tax Law (RPTL) Section 487; and

WHEREAS, the Finance Committee recommends a PILOT Agreement based on a pro-rated sharing of the Annual Total Tax Rate wherein the PILOT payment shall be between participating taxing jurisdictions based upon the amount of \$8,000.00 per Megawatt of capacity with a 2 percent escalator per year for 15 years, matching the tax exemption period in RPTL Section 487 for such energy projects; now, therefore be it

RESOLVED, That the annual PILOT payment shall be calculated in the amount of \$8,000.00 per Megawatt shared between the taxing jurisdictions of County of Fulton and the respective towns in proportion to each jurisdictions annual Tax Rate compared to Total Tax Rate of all jurisdictions participating in the PILOT; and, be it further

RESOLVED, That for purposes of example, pro-ration would be as follows for year 1 (Parcel #135.-1-65.1/999):

<u>Tax Year</u>	<u>Jurisdiction</u>	<u>Tax Rate</u>	<u>Percent of Total Rate</u>	<u>Estimated Payment</u>
2018	County of Fulton	\$13.01	83.08%	\$13,292.46
2018	Twn. of Johnstown	\$ 2.65	16.92%	2,707.54
		\$29.96	100%	\$16,000.00

and, be it further

Resolution No. 138 (Continued)

RESOLVED, That for purposes of example, pro-ration would be as follows for year 1 (Parcel #135.-1-65.1/9999):

<u>Tax Year</u>	<u>Jurisdiction</u>	<u>Tax Rate</u>	<u>Percent of Total Rate</u>	<u>Estimated Payment</u>
2018	County of Fulton	\$13.01	83.08%	\$13,292.46
2018	Twn. of Johnstown	<u>\$ 2.65</u>	<u>16.92%</u>	<u>2,707.54</u>
		\$29.96	100%	\$16,000.00

and, be it further

RESOLVED, That for purposes of example, pro-ration would be as follows for year 1 (Parcel #125.-1-19.1/9999):

<u>Tax Year</u>	<u>Jurisdiction</u>	<u>Tax Rate</u>	<u>Percent of Total Rate</u>	<u>Estimated Payment</u>
2018	County of Fulton	\$18.05	60.25%	\$ 9,639.52
2018	Twn. of Oppenheim	<u>\$11.91</u>	<u>39.75%</u>	<u>6,360.48</u>
		\$29.96	100%	\$16,000.00

and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between TK NYS SOLAR HOLDCO, LLC and the Board of Supervisors and the Town of Oppenheim to enact a PILOT Agreement for a 2-Megawatt Solar Array Farm (Parcel 125.-1-19.1/9999) in the Town of Oppenheim; in accordance with the terms and conditions outlined herein; and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between TK NYS SOLAR HOLDCO, LLC and the Board of Supervisors and the Town of Johnstown to enact PILOT Agreements for a 2-Megawatt Solar Array Farm (Parcels 135.-1-65.1/999 and 135.-1-65.1/9999) in the Town of Johnstown; in accordance with the terms and conditions outlined herein; and, be it further

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

Resolution No. 138 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, TK NYS SOLAR HOLDCO, LLC, Town of Oppenheim Assessor, Town of Johnstown Assessor, Real Property Tax Services Agency Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WILSON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 139

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS

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

General Fund:

From: A-0909 - Unreserved Fund Balance
To: A-0883.0800 - Capital Improvements Reserve
Sum: \$9,133.91

Highway:

From: D.5010.5110-4620 – EXP – Road Maintenance
To: D.5010.5110-1900 – EXP – Uniform Allowance
Sum: \$19.00

From: D.5010.5110-4620 – EXP – Road Maintenance
To: D.5050.5110-4190 – EXP – Lease-Rentals
Sum: \$2,500.00

Solid Waste

From: CL.0898.0883 – Transfer Haul Equipment Reserve
To: CL.0909 – Unreserved Fund Balance
Sum: \$4,655.00

RESOLVED, That the 2020 Adopted Budget be and hereby is amended as follows:

District Attorney

Revenue

Increase A.1165.3315-3389 – REV - State Aid - Other Public Safety \$19,700.00

Appropriation

Increase A.1165.3315-4130 – EXP - Contractual \$19,700.00

Board of Elections

Revenue

Increase A.1450.1450-3089 – REV – State Aid – Other \$14,700.00

Appropriation

Increase A.1450.1450-4070 – EXP – Postage \$14,700.00
(Approval of HAVA COVID-19 Grant Application)

Resolution No. 139 (Continued)

Sheriff

Revenue

Increase A.3110.3110-2680 – REV – Insurance Recoveries \$13,609.00

Appropriation

Increase A.3110.3110-4540 – EXP – Vehicle Maintenance \$13,609.00

Revenue

Increase A.3110.3110-2705 – REV – Gifts and Donations \$2,050.00

Increase A.3110.3110-2770 – REV – Other Unclassified Revenues 446.00

Appropriation

Increase A.3110.3110-4630 - EXP – Restraint – Rescue – Riot \$2,496.00

Solid Waste

Revenue

Increase CL.1000.0511 – 0511 – REV – Appropriated Reserves \$4,655.00

Appropriation

Increase CL.8160.8163-2010.1800 – EXP – Transfer Haul Equipment Expense \$4,655.00

Revenue

Increase CL.8160.8162-2156– REV – Sale of Methane \$78,166.00

Appropriation

Increase CL.8160.8162-4540 – EXP – Vehicle Maintenance \$50,000.00

Increase CL.8160.8162-4929 – EXP – Methane Carbon Credits \$28,166.00

and, be it further

RESOVLED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Board of Elections, Sheriff, Solid Waste Director, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 20 Nays: 0