

**NINTH REGULAR SESSION**

September 9, 2013

Johnstown, NY

Roll Call- Quorum Present

Supervisors: Argotsinger, Born, Bradt, Capek, DiGiacomo, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottalagano, Ottuso, Ponticello, Potter, Waldron  
TOTAL: Present: 19 Absent: 1 (Supervisor Callery)

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

**PUBLIC SPEAKERS**

***Clark Subik, 1140 Old Trail Road, Town of Mohawk:*** Mr. Subik stated that he was present today because he was told that there would be discussions regarding the Thruway Connector proposal at today's meeting. Mr. Stead advised that there is nothing on the Agenda regarding the Thruway Connector project. Mr. Subik stated that Fulton County and Montgomery County Farm Bureaus have taken a stand on this and have presented a letter regarding this issue to Chairman Waldron. Mr. Stead advised that a letter was received late this morning, but it has not been reviewed yet by the Chairman.

***Ron Briggs, President, CSEA Local 818:*** Mr. Briggs stated that he was here to state issues with management regarding an individual who did not have enough vacation time to cover her being absent from work while a loved one was hospitalized. Mr. Briggs urged the Board to look within itself and ask the question, "If it was you in this situation, what would you do". He asked the Board to help fix this situation for the employee. Time off without pay does not cost taxpayers anything and it is the humane answer for this situation.

**PUBLIC HEARINGS/SCHEDULED SPEAKERS**

Robert Jacobs, a representative of the New York State Office of Real Property Tax Services, provided a presentation regarding new registration requirements for basic STAR Tax Exemptions for 2014. He thanked all the supervisors for giving him the chance to talk about the Basic STAR re-registration program. He advised that this is a new program from the State of New York. This legislation requires all homeowners who receive the Basic STAR exemption to register with the NYS Tax and Finance Department in order to continue to receive this exemption in 2014 and beyond. He stated that this re-registration only applies to individuals receiving the basic STAR exemption. This program applies to 2.6 million Basic STAR recipients.

Mr. Jacobs stated that Supervisors should refer their constituents to the NYS Tax and Finance Department and call 518-457-2036 for assistance with this re-registration process.

Mr. Jacobs advised that property owners can re-register online for this exemption at [www.tax.ny.gov](http://www.tax.ny.gov).

Supervisor DiGiacomo asked if someone who is buying a home and never received the STAR exemption previously would still go through the local assessor. Mr. Jacobs stated that the homeowner would go through the local assessor in such a situation.

Supervisor DiGiacomo asked if someone can get reinstated if not approved in 2014. Mr. Jacobs stated he believed they could apply on line to begin the process for the following year.

Supervisor Johnson asked why a homeowner would be rejected for the STAR exemption. Mr. Jacobs stated if their income is too high or it is found that someone already has a STAR exemption at another residence in NYS or another exemption on a primary residence in another state.

Supervisor Kemper asked how the State will pick up people who are getting duplicate STAR exemptions. Mr. Jacobs stated that the social security number provided will stop duplicate exemptions.

Supervisor MacVean asked if a couple is separated and own separate properties, would they still be eligible for the STAR exemption on both properties. Mr. Jacobs stated if the couple is legally married, they would not be eligible for STAR exemptions on both properties.

## **COMMUNICATIONS**

1. Letter from Assemblyman Marc W. Butler to Jon Stead, Clerk of the Board, dated August 16, 2013

Subj: Acknowledging receipt of Resolution 188 of 2013 (Resolution Urging Governor Cuomo and State Legislators to Exempt Firearm Permit Records from FOIL Disclosure)

## **UPDATES FROM STANDING COMMITTEES**

***Finance:*** Supervisor Fagan stated that everyone should have received a copy of memo from Finance Chairman Jack Callery regarding the upcoming budget process. He stated that the County is seeing progress from the tough decisions it has made over the last few months and in order to continue in that direction, the Board cannot “slip back” on the tough financial decisions. He also advised that there is a resolution on the floor today to amend the Investment Policy which would allow the County Treasurer to have some options with regard to investment for county deposits.

## **REPORTS OF SPECIAL COMMITTEES**

***Soil and Water Conservation District:*** Supervisor Ottalagano advised that a military surplus dump truck was purchased for \$3,000.00 by the District. He advised that the District will rent it out when not in use. He also advised that the District will get 50 percent reimbursement on this vehicle. He also advised that a general permit for maintenance dredging at the Peck Lake boat launch is being applied for. Farm Day is September 29, 2013 from 12:00 – 4:00 p.m. at Rogers Orchard.

## **CHAIRMAN'S REPORT**

Chairman Waldron advised that the Center for Regional Growth had a site selector at the Holiday Inn on Friday, September 6. The site selector advised that the Tryon facility is an excellent site for economic development in this area. He also stated that the County should consider a regional concept for economic development instead of a county, city or town concept. In order to be successful in economic development, everyone needs to be involved. There also needs to be cooperation of services from the communities. Chairman Waldron also advised that the site selector suggested that New York State's PILOT program be extended from 10 years to 20 years.

## **RESOLUTIONS**

***No. 286 (Resolution Applying for and Accepting a Grant from the New York State Office of Indigent Legal Services)*** Supervisor MacVean stated that she knows this service is mandated but she does not agree that poor people should receive this service for free and is voting against this resolution.

***No. 292 (Resolution Authorizing Amendment to County Investment Policy to Allow Deposits to be held in Certificate of Deposit Account Registry Service Instruments):*** Supervisor Howard stated he is not going to vote for this because he doesn't see enough benefit to the County. He stated that as he understands it, this spreads the County's money out to several different financial institutions throughout the state rather than requiring our banks to fully collateralize County deposits. The only ones winning are the banks.

***No. 294 (Resolution Authorizing Purchase of Specific Excess Worker's Compensation Insurance Policy from Safety National for 2013-2014):*** Supervisor DiGiacomo advised that this policy was reviewed at the Finance Committee meeting and this is connected with Resolution 295. He stated that he does not think it is necessary to have this coverage.

Supervisor Johnson asked why the premium is higher. Mr. Stead stated that this type of coverage comes from companies that provide re-insurance. These companies have been hit hard over the last couple of years due to severe weather, large fire claims, etc. He stated that this is one of the bigger increases on this policy over the last few years. He also stated that discontinuing it will be looked at next year once the Worker's Compensation reserve is reviewed by the County's independent auditors.

Supervisor Fagan stated this has been looked at closely over the last couple of years and the Finance Committee hopefully will be able to do away with one of these policies next year. He also stated that if something major happened, it would be worth having this in place.

**No. 298 (Resolution Authorizing Certain Transfers and Budget Amendments):** Supervisor Potter questioned the increases for payroll line items on page 2 of this resolution. Mr. Stead advised these are the budget amendments needed to reflect the retroactive payments made as a result of the General Unit collective bargaining agreement approved year.

## **PROCLAMATIONS**

### PROCLAMATION DECLARING OCTOBER 2013 “DOMESTIC VIOLENCE AWARENESS MONTH”

WHEREAS, domestic violence affects all New Yorkers, and far too many people suffer abuse at the hands of a spouse or partner; and

WHEREAS, domestic violence victims can be of any age, race, religion, or economic status and the resulting damage is inflicted not only on victims, but their children, families and communities; and

WHEREAS, Fulton County’s commitment to ending domestic violence is exemplified by the work of county agencies assisting victims and their families; and

WHEREAS, the Board of Supervisors recognizes the outstanding work of the region’s dedicated not-for-profit organizations that serve victims and their communities; now, therefore be it

RESOLVED, That the Board of Supervisors hereby proclaims October 2013 to be “Domestic Violence Awareness Month” in Fulton County and encourages all county residents to participate in community awareness events during “Domestic Violence Awareness Month” and, be it further

RESOLVED, That the Board of Supervisors joins with all citizens to support victims of domestic violence and to support the work of victim advocates, public and private entities and many others who have worked tirelessly to bring hope to the millions of individuals, families and communities harmed by crime.

## **NEW BUSINESS**

Supervisor Fagan stated that there were a lot of good things that came out of the site selector presentation last week. There were also some negatives regarding cooperation among neighboring counties, as well as towns and cities. He stated that the County has a good opportunity with a very narrow window to get something accomplished.

Mr. Stead stated that “follow-through” is definitely needed. The County has started a lot of initiatives in the right direction, but the follow-through is important.

Supervisor Lauria stated that local municipalities also have to work with their local Planning Boards. He stated that a smooth transition is needed when a new company is looking to come to the area.

Supervisor Kemper stated that businesses do not want to see “petty politics” when considering moving to a new location. Supervisor Lauria also said that New York has to be business-friendly. He suggested that a letter be written to Governor Cuomo urging him to sign over the paperwork for the Tryon Facility soon so that Fulton County can become business-friendly. Mr. Stead stated that ownership of Tryon is “just around the corner”.

There being no further business, the meeting adjourned at 2:17 p.m., upon a motion by Supervisor Kemper, seconded by Supervisor Lauria and unanimously carried.

*Certified by:*

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

**Resolution No. 266**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SUBMITTAL OF A PROGRAM MANAGEMENT PLAN TO  
THE NYS DEPARTMENT OF TRANSPORTATION FOR SECTION 5311 PROGRAM**

WHEREAS, in 2012, the State of New York indicated that it would be implementing a Statewide Program Compliance Review of Public Transportation Systems receiving federal and State subsidies under the Federal Section 5311 Program; and

WHEREAS, Fulton County operates a commuter bus run under said Section 5311 Program with I. Persch as its Third Party Operator; and

WHEREAS, as the result of a Site Review, the NYS Department of Transportation recommends that Fulton County prepare a Program Management Plan to address several compliance issues and submit it by September 12, 2013; now, therefore be it

RESOLVED, That the Chairman of the Board and Planning Director be and hereby are authorized to do whatever necessary to submit an appropriate Section 5311 Program Management Plan to the NYS Department of Transportation; and, be it further

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

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

**Resolution No. 267**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR HEATING OIL AND  
50/50 BLEND FOR COUNTY BUILDINGS**

WHEREAS, the current bid for No. 2 heating oil and 50/50 blend expires on December 31, 2013; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is directed to advertise for sealed bids from responsible petroleum dealers for Heating Oil No. 2 and Special Blend of No. 2 for the year 2014 (and according to further specifications which may be obtained at the Office of the Purchasing Agent); said price to identify origin and posted tank wagon price in effect on the date of bid (to be further identified at each instance of delivery), plus vendor margin. Successful bidder must make provisions for emergency delivery on a local basis (within a 20-mile radius of the City of Johnstown), in the event that one of the identified facilities runs out of fuel; and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 9, 2013, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

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

**Resolution No. 268**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR WASTE REMOVAL SERVICES FOR COUNTY BUILDINGS**

WHEREAS, the current bid for waste removal services expires on December 31, 2013; now, therefore be it

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

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 9, 2013, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

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

**Resolution No. 269**

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

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

WHEREAS, the current contract for custodial services at the County Office Building to clean the Court-occupied areas will expire December 31, 2013; and

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

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for custodial services for the County Office Building, 223 West Main Street, Johnstown, NY, (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 203, County Office Building, Johnstown, NY, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 9, 2013, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

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

**Resolution No. 270**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING 2013-14 LEAD GRANT FROM THE  
NYS DEPARTMENT OF HEALTH

WHEREAS, the NYS Department of Health has notified the Public Health Director that the County has been awarded a Lead Grant, in the amount of \$46,348.00; and

WHEREAS, said grant will assist in offsetting Lead Clinic expenditures and follow-up for children with elevated lead levels; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and NYS Department of Health to accept Lead Grant funds, in an amount of \$46,348.00, for the period beginning October 1, 2013 through September 30, 2014; 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, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

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

**Resolution No. 271**

Supervisor KEMPER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR UNIFORMS FOR USE  
IN THE SHERIFF'S DEPARTMENT**

RESOLVED, That the Purchasing Agent be and hereby is authorized to advertise for sealed bids from vendors for the purchase of uniforms for use in the Sheriff's Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 9, 2013, 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, Sheriff, Correctional Facility and Clerk of the Board/Purchasing Agent.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

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

**Resolution No. 272**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING RENEWAL AGREEMENT WITH THE UNIFIED COURT SYSTEM FOR CLEANING AND APPROVING CERTAIN CHAPTER 686 PROJECTS FOR COURT AREAS IN THE COUNTY OFFICE BUILDING (2013-14)**

WHEREAS, Resolution 392 of 2008 authorized a contract between Fulton County and the NYS Unified Court System for cleaning and minor repairs in court areas located in the County Office Building, effective April 1, 2008 through March 31, 2013; and

WHEREAS, said Resolution passage was contingent upon final approval of proposed Chapter 686 projects by the Board of Supervisors on an annual basis; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committee on Buildings and Grounds/Highway, the Chairman of the Board be and hereby is authorized to sign a renewal agreement between the County of Fulton and the NYS Unified Court System for cleaning and minor repairs, at a proposed budget for service of \$81,502.00, effective April 1, 2013 through March 31, 2014; and, be it further

RESOLVED, That the following Unified Court System Chapter 686 projects be and hereby are approved for completion by the Superintendent of Highways and Facilities, contingent upon receipt of written commitment from the Office of Court Administration that 100% reimbursement for such projects will be made to the County within 45 days of submission of an invoice to OCA by the Superintendent of Highways and Facilities:

<u>Code</u>	<u>Work Description</u>	<u>Est. Cost</u>
47g	Replace Door Hinge on Supreme Courtroom	\$ 600.00
49e	Install Door Security Light	300.00
51e	Surrogate Court Frames	200.00
53g	Miscellaneous Tenant Work (moisture infiltration)	<u>11,400.00</u>
		\$12,500.00

and, be it further

**Resolution No. 272 (continued)**

RESOLVED, That the 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, Planning Director, NYS Office of Court Administration, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

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

**Resolution No. 273**

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

**RESOLUTION AUTHORIZING EXTENSION TO CONTRACT WITH BREZZY CLEANING SERVICE FOR CUSTODIAL SERVICES IN THE DSS COOPER BUILDING**

WHEREAS, Resolution 352 of 2011 awarded a contract to Brezzy Cleaning service for custodial services in the DSS Cooper Building in 2012, at a cost of \$29,988.00, with the County option to extend said contract in 2013 and 2014; and

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

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities and Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to sign an amendment to the contract with Brezzy Cleaning Service, of Gloversville, NY, for custodial services in court areas in the DSS Cooper Building, effective January 1, 2014 through December 31, 2014, at a cost not to exceed \$29,988.00; all other terms and conditions in said contract shall remain in full force and effect; and, be it further

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

RESOLVED, That the cost for said services be a charge against A-245-1629.414 DSS Bldg-Contracts; and, be it further

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

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

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

**Resolution No. 274**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

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

WHEREAS, Resolution 206 of 2013 authorized advertisement for bids for unleaded gasoline for the Central Fuel Depots at the County Complex and Solid Waste Department and two (2) bids were received; now, therefore be it

RESOLVED, That the net bid, as submitted by Shepard Oil, of Johnsown, NY, for the purchase and delivery of unleaded gasoline to the Central Fuel Depots at the County Complex and at the Solid Waste Department be and hereby is awarded for the period October 1, 2013 through September 30, 2014, as reviewed and recommended by the Superintendent of Highways and Facilities, Solid Waste Director, Committees on Buildings and Grounds/Highway and Finance and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2013-82-01:

County Complex (108,000 gallons)	\$3.0320 Rack price <u>.0245</u> Margin \$3.0565 Per gallon
Solid Waste Dept. (3,500 gallons)	\$3.0320 Rack price <u>.1500</u> Margin \$3.1820 Per gallon

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

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

Seconded by Supervisor LAURIA and adopted by the following vote:

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

**Resolution No. 275**

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION RECOGNIZING WALMART CORPORATION FOR MAKING ITS  
SHOPPING CENTER “SUPER” IN FULTON COUNTY**

WHEREAS, Walmart Corporation re-established its local retail store at the junction of Kingsboro Avenue and Hales Mills Road in Gloversville in August 2013; and

WHEREAS, Walmart has been a great local employer and the new “Super-Center” is a welcome addition to the area that expanded choices for consumers and created jobs; and

WHEREAS, through the siting of its Super-Center, Walmart Corporation has demonstrated a huge commitment to the Fulton County region and created a “destination” store for shoppers from throughout the area; now, therefore be it

RESOLVED, That the Board of Supervisors hereby recognizes Walmart for its investment in, and commitment to, the Fulton County community; and, be it further

RESOLVED, That the Board hereby expresses its appreciation to Walmart Corporation, management and employees for their efforts in making its shopping center “super” in Fulton County; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Walmart Corporation, Fulton County Federal Credit Union, Fulton County Center for Regional Growth, Fulton Montgomery Chamber of Commerce, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

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

**Resolution No. 276**

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

RESOLUTION AUTHORIZING ADVERTISEMENT FOR MUNICIPAL BIDS FOR  
SURPLUS GARBAGE TRUCK (SOLID WASTE)

WHEREAS, the Solid Waste Director recommends disposal of a surplus garbage truck that the Department has no further use for; and

WHEREAS, the Committees on Economic Development and Environment and Finance recommend offering said garbage truck for sale to local municipalities through a bidding process; now, therefore be it

RESOLVED, That upon the recommendation of the Solid Waste Director and Committees on Economic Development and Environment and Finance, the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids from Fulton County municipalities for the sale of a surplus garbage truck from the Solid Waste Department as follows:

- 1995 Volvo FE Series Garbage Truck

(and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 203, County Office Building, Johnstown, NY 12095, during usual business hours): and, be it further

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Office Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m. Wednesday, October 23, 2013, at which time they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor POTTER and adopted by the following vote:

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

**Resolution No. 277**

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

**RESOLUTION ABOLISHING ONE PART-TIME AGING SERVICES SPECIALIST  
IN THE OFFICE FOR AGING**

WHEREAS, in accordance with current and future Federal Sequester funding reductions, the Office for Aging Director recommends abolishing one (1) vacant part-time Aging Services Specialist position in the Office for Aging; now, therefore be it

RESOLVED, That due to funding reductions and for economy and efficiency, one (1) vacant part-time Aging Services Specialist position (Union Job Group A-6; \$13.39 per hour) in the Office for Aging be and hereby is abolished, effectively immediately; and, be it further

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

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

Seconded by Supervisor BORN and adopted by the following vote:

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

**Resolution No. 278**

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

RESOLUTION AUTHORIZING RECOUPMENT INSTALLMENT PAYMENT TO THE NYS DEPARTMENT OF HEALTH FOR RETROACTIVE MEDICAID RATE ADJUSTMENT (FORMER MENTAL HEALTH CLINIC)

WHEREAS, the New York State Department of Health has audited prior Medicaid claims for the former Fulton County Mental Health Clinic for the period October 1, 2010 through January 6, 2011; and has determined that a retroactive rate adjustment resulted in overpayments to the Clinic in the amount of approximately \$225,000.00; and

WHEREAS, in anticipation of the aforementioned audit by the Department of Health, the Director of Community Services arranged for reimbursement monies previously received to be reserved in a deferred revenue account for refund, if necessary; and

WHEREAS, the NYS DOH has agreed to recoup said overpayments via five (5) installment payments from the County; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to issue a check for repayment to the New York State Department of Health in the amount of \$44,993.71, representing the first of five (5) installment payments due to satisfy said retroactive rate adjustment for the former Fulton County Mental Health Clinic for the period October 1, 2010 through January 6, 2011; and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended as follows:

Revenue Account:

Increase A-083-1620.000 Mental Health Clinic Charges	
(A-082-0691.445 Deferred Revenues-Mental Health)	\$44,993.71

Appropriation Account:

Increase A-445-4311.401 Mental Health-Overpayments	\$44,993.71
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and, be it further

**Resolution No. 278 (continued)**

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, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

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

**Resolution No. 279**

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

RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF  
2013-2014 ENHANCED CPS FUNDS

WHEREAS, the Department of Social Services has been notified that it is eligible for an additional allocation to improve child protective services staff-to-client ratios; now, therefore be it

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Decrease A-081-0599.000 Approp. Fund Balance \$ 8,780.00

Revenue Account:

Increase A 083-3610.000 DSS Administration \$21,323.00

Appropriation Account:

Increase A 505-6010.112 DSS Payroll Services \$12,543.00

and, be it further

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

Seconded by Supervisor PONTICELLO and adopted by the following vote:

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

**Resolution No. 280**

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

RESOLUTION AMENDING RESOLUTION 50 OF 2013 ACCEPTING RABIES GRANT FROM NYSDOH TO REFLECT STATE AID CUT (2012-2013)

WHEREAS, Resolution 50 of 2013 accepted a 2012-2013 Rabies Grant from the NYS Department Health in the amount of \$6,488.41 for the period April 1, 2012 through March 31, 2013; and

WHEREAS, state legislation enacted pursuant to the 2013-2014 New York State Budget implemented cuts to state aid for rabies control programs; and

WHEREAS, the Public Health Director has been notified that due to said state aid cuts, the grant is being reduced for the period April 1, 2013 through March 31, 2014 as follows:

<u>Original Amount</u>	<u>Reduction</u>	<u>New Amount</u>
\$6,488.41	\$361.87	\$6,126.54

now, therefore be it

RESOLVED, That Resolution 50 of 2013 be and hereby is amended to reflect the reduction in the Rabies Grant funding as specified above, for the period April 1, 2013 through March 31, 2014; and, be it further

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

Seconded by Supervisor KEMPER and adopted by the following vote:

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

**Resolution No. 281**

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

**RESOLUTION SETTING FEES FOR FLU AND PNEUMONIA VACCINATIONS AT  
PUBLIC HEALTH CLINICS**

WHEREAS, the Public Health Director and Committee on Human Services recommend revising fees for flu and pneumonia vaccinations at Public Health Clinics for individuals who do not have Medicare Part B or Senior Blue coverage; now, therefore be it

RESOLVED, That effective immediately, the fee for flu and pneumonia vaccinations be set at the next whole dollar amount over the Medicare rate, once the rate has been set; and, be it further

RESOLVED, That effective immediately the fee for flu and pneumonia vaccinations be set at \$25.00 for the uninsured or underinsured; and, be it further

RESOLVED, That effective immediately, the fee for VFC Flu Vaccinations for Children be set at \$7.00 per shot; and, be it further

RESOLVED, That the flu shot charge be waived for Public Health Department employees who are identified by the Centers for Disease Control in Risk Category 1; and, be it further

RESOLVED, That once the final Medicare rates have been established, the Public Health Director be and hereby is directed to return to the Board of Supervisors for resolution to establish the final rate schedule; and, be it further

RESOLVED, That the Public Health 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, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

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

**Resolution No. 282**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING DONATION OF “BABY THINK IT OVER” TRAINING DOLLS TO VARIOUS COMMUNITY ORGANIZATIONS**

WHEREAS, the Public Health Department purchased 20 “Baby Think it Over” Training Dolls in 1997 for use in family planning education for teens and at-risk women; and

WHEREAS, the Public Health Director has reported that many of the training dolls are broken and the technology is now obsolete; and

WHEREAS, several community organizations in the County who partner with the Department will accept the training dolls for use in their programs; and

WHEREAS, the Public Health Director and Committee on Human Services recommend that the training dolls be donated to various community organizations as follows:

<u>ID Number</u>	<u>Item</u>	<u>Organization</u>
No b/c	(15) Training Dolls	Solutions Life Saver Ministries
No b/c	(4) Training Dolls	Lexington Center
No b/c	(1) Training Doll	HFM Prevention Council

and, be it further

RESOLVED, That the training dolls described above, be and hereby are, declared surplus for county purposes and are hereby donated to outside agencies in accordance with this resolution; and, be it further

RESOLVED, That the Public Health 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, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

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

**Resolution No. 283**

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

RESOLUTION RECLASSIFYING ONE TYPIST POSITION TO PERSONNEL CLERK  
IN THE PERSONNEL DEPARTMENT

WHEREAS, a Typist in the Personnel Department has recently been promoted to a Personnel Specialist; and

WHEREAS, reclassification of said vacant Typist position to Personnel Clerk would benefit the Department by providing flexibility in the assignment of duties; and

WHEREAS, the Director of Personnel is requesting the vacant Typist position be reclassified to Personnel Clerk effective immediately; now, therefore be it

RESOLVED, That upon the recommendation of Personnel Director and Committees on Personnel and Finance, effective immediately, one (1) full-time Typist position (Non-Union A/T-1; start rate of \$22,590.00 per year) be and hereby is reclassified to Personnel Clerk (Non-Union A/T-1; start rate of \$22,590.00 per year) in the Personnel Department; and, be it further

RESOLVED, That the Personnel 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, Personnel Director, 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: 19 Nays: 0 Absent: 1 (Supervisor Callery)

**Resolution No. 284**

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

**RESOLUTION RECLASSIFYING ONE ACCOUNT CLERK POSITION TO  
PAYROLL/BENEFITS CLERK IN THE PERSONNEL DEPARTMENT**

WHEREAS, an Account Clerk in the Personnel Department has recently transferred to another agency; and

WHEREAS, reclassification of said vacant Account Clerk position to Payroll/Benefits Clerk would benefit the Department by providing flexibility in the assignment of duties; and

WHEREAS, the Director of Personnel is requesting the vacant Account Clerk position be reclassified to Payroll/Benefits Clerk effective immediately; now, therefore be it

RESOLVED, That upon the recommendation of the Personnel Director and Committee on Finance, effective immediately, one (1) full-time Account Clerk position (Non-Union A/T-1- start rate of \$23,169.00 per year) be and hereby is reclassified to Payroll/Benefits Clerk (Non-Union A/T-1; start rate of \$23,169.00 per year) in the Personnel Department; and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

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

**Resolution No. 285**

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

**RESOLUTION AUTHORIZING APPLICATION FOR STATEWIDE INTEROPERABLE COMMUNICATIONS (ROUND 3) GRANT (CIVIL DEFENSE/FIRE COORDINATOR)**

WHEREAS, the Adirondack Regional Interoperable Communications Consortium (ARICC) was created to promote a seamless wireless communications system for governmental public safety/service agencies throughout a region consisting of the Counties of Clinton, Essex, Franklin Warren, Washington, Hamilton, Saratoga and Fulton; and

WHEREAS, the mission of this Consortium is to coordinate development of a wireless interoperable communications network for all first responders in the Adirondack region, encourage participation in the ARICC to reduce member agency costs and to continue to seek alternative funding methods to reduce local government costs; and

WHEREAS, Resolution 250 of 2012 authorized a Memorandum of Understanding by Fulton County to participate in said Consortium; and

WHEREAS, the Civil Defense/Fire Coordinator has requested permission to submit a grant application in the amount of \$1.5 million for Fulton County to improve communications, including upgrades to the Sheriff's Dispatch Center, radio microwave links to other counties and to protect infrastructure at existing tower sites; now, therefore be it

RESOLVED, That the Chairman of the Board is hereby authorized to submit a grant application for an Interoperable Communications Grant (Round 3) to the New York State Division of Homeland Security and Emergency Services in an amount not to exceed \$1.5 million; and, be it further

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

Seconded by Supervisor JOHNSON and adopted by the following vote:

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

**Resolution No. 286**

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

**RESOLUTION APPLYING FOR AND ACCEPTING A GRANT FROM THE NEW YORK  
STATE OFFICE OF INDIGENT LEGAL SERVICES**

WHEREAS, the Public Defender has received notification from the NYS Office of Indigent Legal Services that Fulton County is eligible for a grant to improve the quality of legal services provided to indigent clients in Fulton County; and

WHEREAS, the grant will be a three-year distribution from the Indigent Legal Services Fund in the amount of \$110,124.00 (\$36,708.00 per year); and

WHEREAS, said grant funds cannot be used to supplant existing local funding; and

WHEREAS, the Public Defender proposes to use the grant proceeds to supplement legal services costs within the Public Defender's Office and has submitted a plan for such expenditures to the Committees on Public Safety and Finance; now, therefore be it

RESOLVED, That the Chairman of the Board, on behalf of the Fulton County Public Defender, be and hereby is authorized to apply for and accept a NYS Office of Indigent Legal Services grant in the amount of \$110,124.00, for the period 2014 through 2016; and be it further

RESOLVED, That said agreement shall be subject to further review by the appropriate committee of this Board of Supervisors in the event of any changes/reductions to State revenues, in order to make necessary budget amendments and/or contract amendments; and, be it further

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

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 463 (18) Nays: 67 (1) (Supervisor MacVean) Absent: 21 (1) (Supervisor Callery)

**Resolution No. 287**

Supervisor KEMPER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE PURCHASE OF TWO TABLET COMPUTERS WITH  
2009 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT FUNDS  
(SHERIFF)**

WHEREAS, Resolution 89 of 2013 authorized the purchase of a Digital Radio with 2009 Law Enforcement Terrorism Prevention Program Grant Funds; and

WHEREAS, due to a price increase and components needed for installation, the Sheriff is now requesting to purchase two (2) Tablet Computers instead of the aforementioned Digital Radio; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to purchase certain equipment with 2009 LETPP funds, in a not-to-exceed amount as follows:

(2) Tablet Computers \$1,170.00

and, be it further

RESOLVED, That the Sheriff is hereby directed to carry out said purchases expeditiously; and, be it further

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

Seconded by Supervisor JOHNSON and adopted by the following vote:

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

**Resolution No. 288**

Supervisor KEMPER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF CERTAIN EQUIPMENT FOR USE IN THE DISTRICT’S ATTORNEY’S OFFICE AND GLOVERSVILLE POLICE DEPARTMENT WITH CRIME FORFEITURE PROCEEDS**

WHEREAS, from time to time, state and local law enforcement agencies conduct joint operations to apprehend criminals and/or prevent crime; and

WHEREAS, the District Attorney has requested to purchase a camera and accessories for use in the District Attorney’s Office utilizing crime forfeiture proceeds; and

WHEREAS, the District Attorney has also requested authority to purchase a Transmitter for the Fulton County Drug Task Force and a Drug Evidence Safe for the Groversville Police Department, utilizing crime forfeiture proceeds; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the District Attorney be and hereby is authorized to purchase equipment for the District Attorney’s Office and other law enforcement agencies utilizing Crime Forfeiture proceeds, as follows:

<u>Item</u>	<u>Cost</u>	<u>Agency</u>
(1) Camera and Accessories	\$ 355.00	District Attorney’s Office
(1) Transmitter	2,395.00	Fulton Co. Drug Task Force
(1) Drug Evidence Safe	<u>1,815.00</u>	Groversville Police Dept.
	\$4,565.00	

and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-2626.000 Forfeiture of Crime Proceeds \$4,565.00  
(A-082-0891.000 Crime Forfeiture Reserve \$4,360.00)

Appropriation Account:

Increase A-355-3197.200 -DA Equipment \$ 355.00  
Increase A-355-3197.409-Law Enforcement-Equipment 4,210.00

and, be it further

**Resolution No. 288 (continued)**

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

Seconded by Supervisor GENDRON and adopted by the following vote:

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

**Resolution No. 289**

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

**RESOLUTION AUTHORIZING CONTRACT WITH THE NYS CRIME VICTIMS  
BOARD FOR THE 2013-2014 CRIME VICTIM ASSISTANCE PROGRAM  
(DISTRICT ATTORNEY)**

WHEREAS, the County of Fulton has been notified that it will receive Crime Victim Assistance Program grant monies, in an annual amount of \$94,731.00.00, effective October 1, 2013 through September 30, 2014, with a cost breakdown as follows:

NYS Crime Victims Board Reimbursement:	\$ 94,731.00
County Contribution:	6,437.00
Third Party Existing Paid Resources/In-Kind Svcs	<u>18,500.00</u>
TOTAL	<u>\$119,668.00</u>

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract with the New York State Crime Victims Board, for a total grant of \$94,731.00 for the above-named period; local share to be provided in the amount of \$6,437.00 from current budgetary line items and in-kind and third-party contributions not to exceed \$18,500.00, for a total program cost of \$119,668.00; such program contingent upon approval of said contract by the New York State Comptroller's Office and the County Attorney; and, be it further

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

Seconded by Supervisor OTTUSO and adopted by the following vote:

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

**Resolution No. 290**

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

RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF 2013 VIDEO RECORDING OF POLICE STATEMENTS EQUIPMENT GRANT

WHEREAS, the District Attorney has been advised that Fulton County is eligible for a “Video Recording of Police Statements Equipment Program” grant from the NYS Division of Criminal Justice Services; and

WHEREAS, the District Attorney has requested permission to apply for and accept said grant for 2013-14; now, therefore be it

RESOLVED, That grant funds provided by the NYS DCJS for the 2013-2014 “Video Recording of Police Statements Equipment Program” be and hereby are accepted, in the amount of \$15,000.00, to be disbursed to the following police agencies as follows:

Fulton County Sheriff’s Office	\$ 5,000.00
Gloversville Police Department	5,000.00
Johnstown Police Department	<u>5,000.00</u>
Total	\$15,000.00

and, be it further

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

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

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

**Resolution No. 291**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT WITH SCHILLER AND KNAPP, CLP FOR  
BANKRUPTCY LEGAL SERVICES FOR THE COUNTY TREASURER**

WHEREAS, Resolution 473 of 2012 authorized a contract with Deily, Mooney & Glastetter, LLP for bankruptcy legal services; and

WHEREAS, Deily, Mooney & Glastetter, LLP has notified the County, in writing, that it will be discontinuing its Consumer Bankruptcy Service effective September 1, 2013; and

WHEREAS, Attorney Mooney, who oversees the Consumer Bankruptcy Department and is familiar with Fulton County accounts, intends to continue his representation of creditors in bankruptcy at Schiller and Knapp, CLP; and

WHEREAS, the County Treasurer recommends a contract with Schiller and Knapp, effective immediately through December 31, 2013 at a projected cost not to exceed \$2,000.00; 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 of Fulton and Schiller and Knapp, CLP of Latham, NY for Consumer Bankruptcy Services, at a cost not to exceed \$2,000.00, effective immediately through December 31, 2013; and, be it further

RESOLVED, That said contracts are 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, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

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

**Resolution No. 292**

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AMENDMENT TO COUNTY INVESTMENT POLICY  
TO ALLOW DEPOSITS TO BE HELD IN CERTIFICATE OF DEPOSIT ACCOUNT  
REGISTRY SERVICE INSTRUMENTS

WHEREAS, Resolution 65 of 1986 established an “Investment Procedure” of “Idle Funds” by Fulton County Treasurer; and

WHEREAS, Resolution 414 of 1994 revised the “Investment Procedure” of “Idle Funds” by Fulton County Treasurer; and

WHEREAS, Resolution 397 of 1998 amended the aforementioned procedures to be the “Fulton County Investment Policy” and included “legal securities repurchase agreements” as bona fide investment vehicles for county funds; and

WHEREAS, the County Treasurer recommends that the County Investment Policy be amended to include new bank investment options known as “Certificate of Deposit Account Registry Services” (CDARS) and “Insured Cash Sweeps” (ICS); now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors, amends the “Fulton County Investment Policy” (Chapter 106 of the County Code) as follows:

Under Section 106-3. Permitted Investments,

Add new paragraph F. as shown in *italics* in the full copy of Chapter 106 attached hereto and made a part hereof.

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

Total: Ayes: 519 (17) Nays: 11 (2) (Supervisors Howard and Johnson) Absent: 21 (1) (Supervisor Callery)

**CHAPTER 106**  
**FULTON COUNTY INVESTMENT POLICY**

§106-1. Objectives.

The objectives of the Investment Policy of the County of Fulton are to:

- A. Conform with all applicable federal, state and other legal requirements.
- B. Minimize risk through adequately safeguarding principal.
- C. Ensure that timely maturity of investments occurs to provide sufficient liquidity to meet all operating requirements.
- D. Obtain a reasonable rate of return.

§106-2. Administration; accountability.

The Governing Board's responsibility for administration of the investment program is delegated to the County Treasurer, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on records or a database incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

§106-3. Permitted investments.

In accordance with these objectives, the County Treasurer or his designees are hereby authorized to invest all funds managed by the County Treasurer's office in the following permitted investments:

- A. Certificates of deposit (hereafter referred to as "CD's").
- B. Obligations issued by the United States of America.
- C. Obligations issued by an agency of the United States of America where the payment of principal and interest is guaranteed by the United States of America.
- D. Obligations issued by a United States Government-sponsored corporation.

E. Repurchase agreements, when the securities involved in the transaction are consistent with those previously listed in Subsections B and C above.

- (1) All repurchase agreement transactions must be entered into subject to a master repurchase agreement or similar contract which:
  - (a) Outlines rights and responsibilities of parties.
  - (b) Provides definitions, terms and conditions of the agreement.
  - (c) Addresses confirmation and termination of transactions.
  - (d) Addresses events of default.
- (2) All securities purchased through repurchase agreement transactions will be held by a third-party custodian, which shall be a party other than the trading partner. All such transactions will be confirmed in writing, to include the description of the securities involved.
- (3) A security investment will be granted to the county with regard to all purchased securities involved in repurchase transactions.

F. *CDARS and/or ICS.*

- (1) *Certificates of Deposit obtained through a depository institution that has a main office or a branch office in New York State and that contractually agrees to place the funds in federally insured depository institutions through the Certificate of Deposit Account Registry Service, (CDARS).*
- (2) *Savings and/or demand deposit accounts placed through a depository institution that has a main office or branch office in New York State and that contractually agrees to place funds in federally insured depository institutions through the Insured Cash Sweep service (ICS).*
- (3) *Savings accounts placed through a depository institution that has a main office or a branch office in New York State and that contractually agrees to place the funds in federally insured depository institutions through the savings option of the Insured Cash Sweep service (ICS).*
- (4) *Demand deposit accounts placed through a depository institution that has a main office or branch office in New York State and that contractually agrees to place funds in federally insured depository institutions through the demand option of the Insured Cash Sweep serviced (ICS).*

§106-4. Supervision of certificate of deposit investments.

With regard to certificates of deposit, the Board of Supervisors will annually approve the list of banks authorized as depositories, as well as maximum dollar limits to be held in each.

§106-5. Collateralization of deposits.

Each bank will collateralize CD investments and other deposits which exceed the bank's FDIC coverage, through third-party custodians and in compliance with all laws as outlined in the Comptroller's Guide, dated December 17, 1984, as amended from time to time, and the General Municipal Law.

§106-6. Aggregate market value of collateral.

All collateral held by each third-party custodian will have an aggregate market value equal to or exceeding 102% of the aggregate value of the collected funds on deposit (less FDIC coverage) with each bank.

§106-7. Maintenance of records.

A record of collateral pledged in favor of the county will be maintained by the County Treasurer's office and will be updated at least monthly.

**Resolution No. 293**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION ESTABLISHING A POLICY FOR COUNTY PARTICIPATION IN THE  
LEGAL DEFENSE OF REAL PROPERTY TAX ASSESSMENTS**

WHEREAS, real property taxes provide the single most important source of revenue to deliver the services of value to the residents and businesses of Fulton County; and

WHEREAS, the County has an interest on behalf of all its taxpayers to ensure the fair and equitable imposition of real property taxes and the collection of those taxes; and

WHEREAS, legal challenges to real property tax assessments are of significant interest to the County and all of its taxpayers because of the potential impact of such challenges upon the imposition and collection of real property taxes; now, therefore be it

RESOLVED, That the Board of Supervisors hereby establishes and declares that it is the policy for Fulton County to participate 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, be it further

RESOLVED, That the foregoing policy shall be filed with the Clerk of the Board as a permanent policy of this Board, and may be amended or modified at any time in the future; and, be it further

RESOLVED, That the foregoing policy shall not prevent the Board of Supervisors from adopting or approving participating in the legal defense of a tax assessment challenge upon other or further terms and conditions as the Board may deem appropriate on a case by case basis; and, be it further

**Resolution No. 293 (continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, All cities, towns and villages within the County, Real Property Tax Services Agency Director, All local assessors and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

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

**Resolution No. 294**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF SPECIFIC EXCESS WORKER'S  
COMPENSATION INSURANCE POLICY FROM SAFETY NATIONAL FOR 2013-2014**

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

WHEREAS, Benetech, the County's Third Party Administrator, and the Committee on Finance recommend purchasing a policy from Safety National, at an annual premium of \$77,445.00 (subject to audit), effective September 1, 2013 through September 1, 2014; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract with Safety National for the purchase of "Specific Excess" Workers Compensation Insurance, at a premium cost of \$77,445.00 (subject to audit), effective September 1, 2013 through September 1, 2014; and, be it further

RESOLVED, That said policy includes the following terms:

Workers Compensation:	\$25,000,000.00 per occurrence
Employer's Liability	1,000,000.00 each accident
Self-Insured Retention	1,000,000.00 per occurrence (employees)
	1,500,000.00 per occurrence (volunteer firefighters and ambulance workers)

and, be it further

RESOLVED, That said cost be a charge against S-085-1722.414 Work Comp-Excess Insurance; and, be it further

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

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 477 (18) Nays: 53 (1) (Supervisor DiGiacomo) Absent: 21 (1) (Supervisor Callery)

**Resolution No. 295**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF SPECIFIC EXCESS EMPLOYERS  
LIABILITY INSURANCE POLICY FOR 2013-2014**

WHEREAS, the County of Fulton holds certain specialized liability and property insurance through private insurance carriers; and

WHEREAS, the County also insures certain risks related to the County-wide cooperative Workers Compensation Self-Insurance Program on behalf of all Plan participants; now, therefore be it

RESOLVED, That the County's Specific Excess Employers Liability Insurance Policy be renewed, effective September 1, 2013 through September 1, 2014 with Jacksland Associates, of Johnstown, NY, at an annual estimated premium of \$15,286.00; and, be it further

RESOLVED, That said policy includes the following terms:

Employers Liability:	\$475,000.00 per occurrence
Self-Insured Retention:	25,000.00 each occurrence

and, be it further

RESOLVED, That said cost be a charge against S-085-1722.404 Work Comp-Insurance; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Jacksland Associates, Workers Compensation Program, 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 BRADT and adopted by the following vote:

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

**Resolution No. 296**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION EXTENDING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

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

SECTION 1. Section 4-A of Resolution No. 278 of 1967, adopted by the Board Of Supervisors of the County of Fulton on December 11, 1967, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes. Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2005, and ending November 30, 2015. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (b) of subdivision (1) of section 11 of Resolution No. 278 of 1967, adopted by the Board of Supervisors of the County of Fulton on December 11, 1967, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(b) With respect to the additional one percent rate of taxes imposed for the period beginning December 1, 2005, and ending November 30, 2015, in respect to the use of property used by the purchaser in this county prior to December 1, 2005.

**Resolution No. 296 (continued)**

SECTION 3. This enactment shall take effect December 1, 2013.

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fulton County Code Book, NYS Department of Taxation and Finance, NYS Comptroller, 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 OTTALAGANO and adopted by the following vote:

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

**Resolution No. 297**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING DIRECTOR OF REAL PROPERTY  
TAX SERVICES AGENCY**

RESOLVED, That Peter Galarneau, of Gloversville, NY, be and hereby is appointed Director of the Fulton County Real Property Tax Services Agency (Non-Union Job Group D-2) for a six (6) year term beginning October 1, 2013, and ending September 30, 2019, at a salary identified in the Non-Union Salary Structure; and, be it further

RESOLVED, That Mr. Galarneau is required to complete the Fulton County Board of Ethics' Financial Disclosure Statement and is further directed to sign the Fulton County Oath Book located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Personnel Director, Real Property Tax Services Agency, Peter Galarneau, NYS Office of Real Property Services and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

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

**Resolution No. 298**

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS**

From	: A-405-4010.411 Public Health-Lab Work	\$1,500.00	
	A-405-4010.453 Public Health-Office Supplies	<u>1,500.00</u>	
		\$3,000.00	
To	: A-405-4042.400 Public Health-Rabies Control		\$3,000.00

From : A-505-6140.417 DSS-Safety Net Assistance  
To : A-505-6010.427 DSS-Food Stamp Training  
Sum : \$5,500.00

From : A-505-6101.417 DSS-Medical Assistance  
To : A-505-6010.422 DSS-Medical Travel  
Sum : \$1,500.00

From : DM-825-9550.900 Rd Machinery-Trans/Reserve Fund  
To : DM-082-0883.000 Reserve-Rd Machinery Fuel System Repair  
Sum : \$1,972.00

From : FX-885-9950.882 Water District-Repair Surcharge  
To : FX-082-0878.882 Capital Reserve  
Sum : \$3,000.00

Budget Amendment:

Revenue:

Decrease A-083-3306.002 Civil Def-CASE \$ 318.00

Appropriation:

Decrease A-385-3645.402 Civil Def-CASE-Contractual \$318.00

Decrease A-081-0599.000 Appropriated Fund Balance \$1,155.00

Revenue:

Decrease A-083-3610.000 DSS-Administration \$1,595.00

Increase A-083-4610.000 DSS-Administration \$2,750.00

**Resolution No. 298 (continued)**

Increase A-081-0599.000 Appropriated Fund Balance \$733,755.00

Appropriation:

Increase A-015-1010.100 BOS-P/R	\$6,530.00
Increase A-045-1165.100 DA-P/R	17,095.00
Increase A-055-1170.100 Pub Def-P/R	7,961.00
Increase A-085-1325.100 Co Treasurer- P/R	21,601.00
Increase A-105-1340.100 Budget Office-P/R	5,624.00
Increase A-125-1355.100 R/P Tax Svcs-P/R	15,220.00
Increase A-165-1410.100 Co Clerk-P/R	32,842.00
Increase A-185-1420.100 Co Attorney-P/R	3,001.00
Increase A-205-1430.100 Personnel Adm-P/R	9,365.00
Increase A-225-1450.100 Bd of Elections-P/R	7,757.00
Increase A-245-1620.100 Co Offices & Bldgs-P/R	45,967.00
Increase A-245-1620.190 Co Offices & Bldgs-Uniform Allowance	600.00
Increase A-255-1670.100 Printing Dept-P/R	2,948.00
Increase A-265-1671.100 Mail Svcs-P/R	2,479.00
Increase A-275-1680.100 Information Services-P/R	12,038.00
Increase A-305-3110.100 Sheriff Dept-P/R	8,573.00
Increase A-325-3140.100 Probation Dept-P/R	42,881.00
Increase A-345-3150.100 Jail-P/R	4,586.00
Increase A-385-3640.100 Civil Def-P/R	4,357.00
Increase A-405-4010.100 Public Health-P/R	32,623.00
Increase A-445-4250.100 Addiction Svcs-P/R	880.00
Increase A-445-4310.100 Mental Health-P/R	9,025.00
Increase A-505-6010.110 DSS-P/R Adm	12,473.00
Increase A-505-6010.111 DSS-P/R Financial Assistance	123,098.00
Increase A-505-6010.112 DSS-Services Unit	152,462.00
Increase A-505-6010.115 DSS-Information Systems	10,278.00
Increase A-505-6010.116 DSS-Staff Development	3,924.00
Increase A-505-6010.117 DSS-Investigative Unit	15,443.00
Increase A-505-6010.118 DSS-Support Collection/IV-D	31,047.00
Increase A-505-6010.120 DSS-Financial Management	14,099.00
Increase A-505-6020.100 RHCF Post-Closing Payroll	19,264.00
Increase A-585-6510.100 Veterans Svc-P/R	3,531.00
Increase A-605-6610.100 Weights & Measures-P/R	1,628.00
Increase A-685-7610.100 OFA-P/R	40,211.00
Increase A-705-8020.100 Planning Dept-P/R	<u>12,344.00</u>
	\$733,755.00

**Resolution No. 298 (continued)**

Increase D-081-0599.00 Apropp Fund Bal-County Road \$49,660.00

Appropriation:

Increase D-825-5010.100 Highway Adm-P/R	\$10,922.00
Increase D-825-5110.120 Maint-Highway Crews	38,038.00
Increase D-825-5110.190 Maint-Uniform Allowance	<u>700.00</u>
	\$49,660.00

Increase DM-081-0599.000 Apropp Fund Bal-Rd Machinery \$18,600.00

Appropriation:

Increase DM-825-5130.120 Rd Machinery-Highway Crews	\$18,600.00
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Increase EW-081-0599.000 Appr Fund Bal (Solid Waste) \$123,222.00

Appropriation:

Increase EW-865-8160.100 Solid Wst Adm-P/R	\$11,848.00
Increase EW-865-8161.100 Solid Wst Tr/Hi-P/R	12,066.00
Increase EW-865-8161.190 Solid Wst Tr/Hi-Uniform Allowance	175.00
Increase EW-865-8162.100 Cent Landfill Oprns-P/R	38,048.00
Increase EW-865-8162.190 Cent Landfill Oprns-Uniform Allowance	500.00
Increase EW-865-8163.100 Recycling-P/R	59,685.00
Increase EW-865-8163.190 Recycling-Uniform Allowance	<u>900.00</u>
	\$123,222.00

Revenue:

Increase S-083-2701.000 Work Comp-Refund Prior Yrs	\$ 25,000.00
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Appropriation:

Increase S-085-1710.414 Work Comp-Legal/Medical Services	\$25,000.00
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and, be it further

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

Seconded by Supervisor KINOWSKI and adopted by the following vote:

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