

**FIFTH REGULAR SESSION**

May 13, 2013

Johnstown, NY

Roll Call – Quorum Present

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

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

**PUBLIC SPEAKERS**

Dayton King, Mayor of Gloversville, 27 Seventh Ave., Gloversville - Mr. King explained that he was present today to talk about proposed Resolution No. 12 (Resolution Authorizing a Request for Proposals to Prepare a Model for a Fulton County “Smart Waters” System). Mr. King advised that he learned about the proposal when he received a phone call from the Leader Herald. Mr. King applauded the County for looking for ways to improve the economy, but explained that if the County wants to share in the revenue, the County must share in the expenses. Mr. King further advised that the County needs to have communication with the two cities involved in the process. He further explained that taxpayers in the two cities paid for the infrastructure in an amount close to a quarter billion dollars. He asked the Supervisors to table proposed Resolution No. 12 until the County communicates with the two cities.

Robin Wentworth, 3 Orange Street, Gloversville and Councilwoman representing Ward 1 - Ms. Wentworth contended that the County “put the cart before the horse” when proposing Resolution No. 12. She explained that the Supervisors should have spoken with the two City Councils before trying to put this Resolution forward. The two municipalities have spent money over many years and city taxpayers have paid for the water/sewer services. She advised that Gloversville and Johnstown Supervisors should represent their cities and keep this in mind before voting on this Resolution.

**PUBLIC HEARINGS/SCHEDULED SPEAKERS**

1:30 P.M. PUBLIC HEARING FOR THE PURPOSE OF RECEIVING COMMENTS REGARDING FIXED BASE OPERATOR LEASE AT THE FULTON COUNTY AIRPORT

**COMMUNICATIONS**

1. Communication from Town of Mayfield  
Subj: Resolution 79 of 2013-Resolution and Order Approving the Creation of Town of Mayfield Sewer District No. 1

2. Communication from Town of Mayfield  
Subj: Resolution 83 of 2013-Resolution and Order Approving the Creation of Town of Mayfield Stormwater District No. 1
3. Communication from Broome County Legislature  
Subj: Resolution 74 Opposing the Process of Enactment and Mandates Contained Within the New York State Safe Act (Supervisor Howard requested a copy of Communication 3)
4. Communication from Tompkins County Legislature  
Subj: Resolution in Support of Sensible Gun Control and Addressing New York State-Level and Federal-Level Actions Thereon (Supervisors Howard and Lauria requested a copy of Communication 4)
5. Letter from Dustin Swanger, Member of Fulton and Montgomery Region CEO Roundtable to Chairman of the Board, dated May 6, 2013.  
Subj: Support for SMART Waters System Project (Supervisors Ponticello, Born, Lauria and MacVean requested a copy of Communication 5)
6. Letter from Michael Reese, President and CEO of Fulton County Center for Regional Growth to Chairman of the Board, dated May 6, 2013.  
Subj: Support for SMART Waters System Project (Supervisors Gendron, Lauria, Born, Ponticello and MacVean requested a copy of Communication 6)

## **REPORTS**

- A. Capital District Regional Off-Track Betting Corporation Audited Financial Statements – Years ended December 31, 2012 and 2011 (Priority Reading)

## **REPORTS OF SPECIAL COMMITTEES**

***Inter-County Legislative Committee of the Adirondacks:*** Supervisor Kemper advised that the meeting for Inter-County will be held in Fulton County on May 16, starting at 10:00 a.m. Scott Henze, Planning Department, will be providing a presentation on the “Big Four” Economic Development Projects underway in Fulton County. After the meeting, lunch will be provided at Partners Pub.

***Soil and Water Conservation District:*** Supervisor Ottalagano provided an update on the pond and field work projects. Trees that were ordered have been picked up by residents. A new copier was purchased and the boat, motor and trailer have arrived. May 21 is the next meeting.

## **RESOLUTIONS**

***No. 134 (Resolution Appointing Peter Goderie to the Fulton County Planning Board):*** Supervisor Lauria asked if he should abstain from voting because he is on the Fulton County Planning Board. County Attorney Spring said that he did not have to abstain from voting.

***No. 140 (Resolution Authorizing a Request for Proposals to Prepare a Model for a Fulton County “Smart Waters” System):*** Supervisor Ponticello advised that during the Committee meeting, he votes “yes” for this proposal. After listening to City of Gloversville representatives,

he said that more communication should have been brought to the two cities. He suggested that this Resolution should be “reconsidered” for the Agenda for the next Board of Supervisors meeting.

Chairman of the Board Waldron replied that this is how you “get things started” and this Resolution was only authorizing a study for the “SMART Waters” System. The study will show if the County should go forth with a project.

Supervisor Lauria commented that, “the whole thing was done wrong”. He further commented that when he came to the Economic Development and Environment Committee meeting on April 30, he had no clue why Mr. Satterlee and other city officials were attending the meeting. He said as a Supervisor, as well as for the two mayors for the cities, you need to have a “heads-up” when certain subject matters are going to be discussed. Supervisor Lauria explained that the County needs to do the study to promote economic development, but the County has to negotiate with the two cities because the water and sewer systems were built by taxpayers in Gloversville and Johnstown. The cities will need something in return.

Supervisor Ottalagano explained that he agreed with both Supervisor Ponticello and Supervisor Lauria. There is an importance of promoting “good will” and when you don’t include everyone, it creates bad feelings. He further explained that this Resolution should be tabled until all people involved are approached.

Supervisor Handy explained that the two cities are owners of the waste water treatment facility and this Board should wait a month to vote on this Resolution.

Supervisor DiGiacomo advised that one or two Supervisors should not approach the cities first. It is the full Board’s responsibility to make decisions. This is just the beginning of the project and he supports it and the Resolution should go forth today.

Supervisor Callery commented that, in Committee, he asked why Mr. Mraz did not approach the two cities first. It was explained that the County first has to support the project before moving forward with involving the two cities. That is a future step.

Supervisor Born explained that the two cities felt they were “snubbed”. Supervisor Born added that the “ball needs to start rolling here”, then you can bring the two cities into the discussion. Supervisor Born also commented that the County has to learn if this Request for Proposals is feasible, but that the County needs to keep the cities well-informed.

Supervisor Howard commented that the County has to start somewhere and a model has to be created as a first step. This is not a “turf war” and something needs to be on the table for discussion.

Supervisor Fagan advised that if the Board does not approve this Resolution, there is nothing to discuss with the two cities.

Supervisor Kemper acknowledged that maybe the cities felt blindsided; however, nothing has been done since 2002 and soon it will be 2020 and still nothing will be done. It is important that the County take the lead and maybe a totally different plan will develop. The County needs to explore these options and that water and sewer are important for economic development. No final decisions will be made until both cities are involved.

Supervisor Ottalgano suggested that the Board wait one month before passing this Resolution and have Mr. Mraz address both cities to promote good will.

**SUPERVISOR PONTICELLO MADE A MOTION TO TABLE RESOLUTION 140 (RESOLUTION AUTHORIZING A REQUEST FOR PROPOSALS TO PREPARE A MODEL FOR A FULTON COUNTY "SMART WATERS" SYSTEM) THE MOTION WAS SECONDED BY SUPERVISOR OTTALGANO AND DEFEATED BY THE FOLLOWING VOTE: AYES: 201 (8) NAYS: 344 (11) (SUPERVISORS ARGOTSINGER, BRADT, CAPEK, DIGIACOMO, FAGAN, HOWARD, KEMPER, KINOWSKI, MACVEAN, OTTUSO, WALDRON VOTING AGAINST) (SUPERVISOR JOHNSON ABSENT)**

Supervisor Lauria explained that this idea still needs to go before the two cities to communicate and work together.

Mr. Stead explained that this is just the preliminary start to look at this issue and this Resolution was about getting pricing for a consultant. There will be plenty of time to talk to both cities about the project. The two cities will be integral partners and this project will not go anywhere until both cities are involved and provide input. Mr. Stead further explained that both cities will take a look at this project and see what makes sense for them and what makes sense for the structure. Mr. Stead advised that if a follow-up project is forwarded to the Capital Plan for 2014, the Capital Plan submissions will be due soon.

Supervisor Born commented that Mr. Mraz should attend the two cities Common Council Meetings and explain the "SMART Waters System Project". Mr. Stead explained that Supervisor Born could introduce that idea during New Business later in the meeting.

At 1:43 p.m., Chairman Waldron opened the Public Hearing to receive comments on the Fixed Base Operator Lease at the Fulton County Airport. There being no public speakers who wished to address the Board, Chairman Waldron announced that he would keep the public hearing open for a portion of the Board Meeting.

***No. 143 (Resolution Authorizing Amendment of Contract with Gloversville-Johnstown Joint Wastewater Treatment Facility to Establish a Surcharge for Extra Bulking):*** Supervisor Handy asked if he should abstain due to the fact that he is a member of the joint sewer board. Attorney Spring explained that there was no direct conflict of interest.

***No. 161 (Resolution Opposing New Unfunded Mandates to Require Early Voting in New York State):*** Mr. Stead explained that the two Bills listed on the Resolution were "starting point" Bills that will require three weeks of early voting prior to a General Election. There are different

Bills being introduced in the Senate that will propose early voting for seven days prior to a General Election at one location, such as a local Board of Elections Office.

Supervisor DiGiacomo asked if the Resolution should be amended to include all Bills on the subject of early voting. Mr. Stead explained that there is an “opt-in” clause in this Resolution.

Supervisor Born advised that she talked with Lynn Rubscha, Democrat Commissioner, and she stated that extra voting costs would exceed \$50,000.00 just to provide election inspectors at the polling sites.

***No. 163 (Resolution Authorizing County Treasurer to Issue Court-Ordered Refund to Wal-Mart Stores, Inc. for Overpayment of Property Taxes in 2013):*** Supervisor Ponticello asked if this was a one-time request or was this common practice on this facility. Mr. Stead explained that he doesn’t think the tax assessment on this parcel had been reduced in the past.

Supervisor DiGiacomo asked how much the assessment was reduced. Mr. Stead stated that he would get this information from County Treasurer Terry Blodgett and provide this information to the Board. The information was provided that the original assessed value was \$5.5 million dollars. The court reduced the assessment to \$4.5 million dollars.

Chairman of the Board Waldron then asked if there were any members of the public who wished to make comments regarding the Fixed Base Operator Lease at the Fulton County Airport. There being no interested speakers, Chairman Waldron closed the Public Hearing at 2:11 p.m.

A motion was offered by Supervisor Fagan, seconded by Supervisor Callery and unanimously carried, to waive the Rules of Order to take Action on Late Resolutions 171 and 172.

***Res. 171 (Resolution Authorizing Distribution of Request for Proposals for Lease of the Restaurant Building at the Fulton County Airport):*** Supervisor Callery questioned the taxes due on Grandma Millie’s Bakery.

Upon a motion by Supervisor Callery, seconded by Supervisor DiGiacomo and unanimously carried, the Board entered into Executive Session at 2:13 p.m. to discuss pending litigation.

Upon a motion by Supervisor Fagan seconded by Supervisor Ottalagano and unanimously carried, the Board re-entered into Regular Session at 2:26 p.m.

***Res. 172 (Resolution Awarding Bids for the Children with Handicapping Conditions Transportation Program (2013):*** Supervisor Howard asked the number of children involved with each route. Mr. Stead explained that he did not have that information, but he could provide it to Supervisor Howard. Supervisor Howard also questioned the rate. Mr. Stead explained that it typically depends on how far the bus company has to transport the children on each route.

## **OLD BUSINESS**

Supervisor Kemper asked County Clerk William Eschler how the mortgage tax rates compare to previous. Mr. Eschler responded that the mortgage tax has increased due to the fact that the interest rates are so low because people are financing rather than using their own money.

Supervisor Ottuso advised that he had attended a meeting at Long Lake regarding bridge repair for snowmobile trails. He advised that State money recently went to bridge replacement in Warren and Hamilton Counties and nothing came for repair of snowmobile bridges in Fulton County. He further advised that we need to contact Assemblyman Butler to advocate for money to come to Fulton County for bridge repair.

## **NEW BUSINESS**

**A MOTION WAS OFFERED BY SUPERVISOR BORN TO DIRECT JAMES MRAZ, PLANNING DIRECTOR TO ATTEND COMMON COUNCIL MEETINGS IN THE CITIES OF GLOVERSVILLE AND JOHNSTOWN TO EXPLAIN THE SMART WATERS SYSTEM PROJECT, SUPERVISOR LAURIA SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

Supervisor Ottalagano advised that he had tickets for the Ice Cream Social at Fulton County Museum on Friday. The tickets are \$3.50. He also informed Supervisors that he has brochures for their town halls and to see him if you would like some.

Upon a motion by Supervisor Lauria, seconded by Supervisor Kemper and unanimously carried, the Board entered into Executive Session at 2:35 p.m. to discuss employment history.

Upon a motion by Supervisor Callery, seconded by Supervisor Kinowski and unanimously carried, the Board re-entered into Regular Session at 2:40 p.m.

## **ADJOURNMENT**

Upon a motion by Supervisor Callery, seconded by Supervisor Gendron and unanimously carried, the meeting adjourned at 2:41 p.m.

*Certified by:*

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

**Resolution No. 129**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING WIZR-K9 CAR/TRUCK SHOW ON THE GROUNDS OF  
THE COUNTY OFFICE COMPLEX ON STATE HIGHWAY 29**

WHEREAS, a Facilities Use Application has been received from Colleen Rumrill requesting permission to sponsor a WIZR-K9 Car/Truck Show on the lawns and parking lot of the County Office Complex on State Highway 29; and

WHEREAS, Ms. Rumrill will arrange for cleanup, as well as provide for sufficient insurance protection coverage as required by County policy; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds, Colleen Rumrill be and hereby is authorized to utilize the lawns and parking lot of the County Office Complex on State Highway 29 for a WIZR/K9 Truck Show on Friday, June 21, 2013, contingent upon issuance of the appropriate County permit by the County Attorney; and, be it further

RESOLVED, That the 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, County Attorney, Superintendent of Highways and Facilities, Colleen Rumrill, 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 POTTER and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 130**

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

RESOLUTION ACCEPTING ADDITIONAL CHIPS FUNDING AND AMENDING THE  
2013 CAPITAL PLAN TO REVISE CERTAIN ROAD CONSTRUCTION PROJECTS  
AND ADD A PROJECT ON COUNTY ROAD 155  
(HIGHWAYS AND FACILITIES DEPARTMENT)

WHEREAS, the Superintendent of Highways and Facilities estimated receipt of \$858,605.00 in Consolidated Local Street and Highway Improvement Program (CHIPS) revenue in 2013 and budgeted accordingly; and

WHEREAS, the NYS Department of Transportation has now notified the Superintendent of Highways and Facilities that Fulton County will be receiving \$1,021,572.45 in CHIPS funding for 2013-14; and

WHEREAS, there is left-over 2012 CHIPS revenue in the amount of \$12,393.19; and

WHEREAS, the 2013 Capital Plan identifies pavement related projects on County Roads 107 and 112; and

WHEREAS, the Superintendent of Highways and Facilities requests to use some of the additional available CHIPS revenue for County Road projects 107 and 112 to reflect the actual cost to perform planned work; and

WHEREAS, the Superintendent of Highways and Facilities also requests that funding for County Road 155, originally projected for completion in 2014, be appropriated in the 2013 Capital Plan at a cost of \$100,000.00 utilizing the balance of available CHIPS funding; now, therefore be it

RESOLVED, That the 2013 Capital Plan, be and hereby is amended to increase project amounts for County Road Project 107 and County Road Project 112 and to add a project titled Road Construction- Co Road #155 in the amount of \$100,000.00; and, be it further

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

Revenue Account:

Increase D-083-3501.000 State Aid-Consolidated Highway Aid-CHIPS \$175,361.00

Appropriation Account:

Increase D-825-5112-418 Road Construction-Co Road #107	\$ 39,000.00
Increase D-825-5112.419 Road Construction-Co Road #112	\$ 36,361.00
Increase D-825-5112.421 Road Construction-Co Road #155	\$100,000.00

and, be it further

**Resolution No. 130 (continued)**

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, 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 Johnson)

**Resolution No. 131**

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

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR COUNTY ROAD  
110 PAVEMENT REHABILITATION PROJECT IN THE TOWNS OF BROADALBIN  
AND NORTHAMPTON (2013 CAPITAL PLAN)

WHEREAS, the Committee on Buildings and Grounds/Highway recommends advertising for County Road 110 Pavement Rehabilitation Project in the Towns of Broadalbin and Northampton as part of the 2013 Capital Plan; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for County Road 110 Pavement Rehabilitation Project in the Towns of Broadalbin and Northampton (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 203, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 203, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, June 12, 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, Highway Superintendent 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 Johnson)

**Resolution No. 132**

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

RESOLUTION AUTHORIZING CONTRACT WITH FOIT-ALBERT ASSOCIATES FOR  
CONSTRUCTION INSPECTION SERVICES ON COUNTY ROAD 110  
REHABILITATION PROJECT (2013 CAPITAL PLAN)

WHEREAS, Resolution 34 of 2011 authorized the Superintendent of Highways and Facilities to submit Foit-Albert Associates to the New York State Department of Transportation and the Federal Highway Administration as the consultant for Road Construction Project-County Road 110 in the Towns of Broadalbin and Northampton; and

WHEREAS, the Superintendent of Highways and Facilities received confirmation that Foit-Albert Associates along with their cost proposal for Construction Inspection Services at a cost of \$151,812.00 was approved by NYSDOT; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Foit-Albert Associates, of Albany, NY, for construction inspection services for County Road 110 Rehabilitation Project in the Towns of Broadalbin and Northampton, at a cost not to exceed \$151,812.00; and, be it further

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

RESOLVED, That said cost be a charge against D-825-5112.420 Road Construction-Co Road #110; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways & Facilities, Foit-Albert Associates, 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 Johnson)

**Resolution No. 133**

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

RESOLUTION AUTHORIZING CONTRACT WITH DMR CIVIL ENGINEERING FOR  
ROOF DESIGN WORK AT THE FULTON COUNTY COMPLEX II  
(2013CAPITAL PLAN)

WHEREAS, the 2013 Capital Plan identifies a Roof Replacement Project at Service Complex II;  
and

WHEREAS, engineering services to develop plans, specifications and construction inspection for  
the Roof Replacement Project at Service Complex II are included in this project; and

WHEREAS, the Superintendent of Highways and Facilities is recommending DMR Civil  
Engineering of Gloversville, NY for said project based upon their proposal for said work; now,  
therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract  
between Fulton County and DMR Civil Engineering of Gloversville, New York, to provide  
engineering services as part of the Roof Replacement Project at Service Complex II, in an  
amount not to exceed \$6,400.00; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer,  
Superintendent of Highways & Facilities, DMR Civil Engineering, Budget Director/County  
Auditor, Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 134**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING PETER GODERIE TO THE FULTON COUNTY  
PLANNING BOARD**

WHEREAS, a vacancy exists on the Fulton County Planning Board; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds/Highway, Peter Goderie, of Johnstown, NY, be and hereby is appointed to the Fulton County Planning Board, to serve the balance of the term January 1, 2011 through December 31, 2013; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Fulton County Ethics Board, Fulton County Planning Board, Peter Goderie and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 135**

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

RESOLUTION AUTHORIZING DISPOSAL OF 2001 MCI COMMUTER BUS VIA  
TRANSFER OF TITLE TO I. PERSCH TRANSIT

WHEREAS, Resolution 377 of 2000 authorized a Capital Grant Project Agreement between Fulton County and New York State Department of Transportation (NYSDOT) to purchase a 2001 MCI Commuter Coach to be used on the County’s Commuter Run operated by I. Persch Transit, Inc.; and

WHEREAS, in accordance with a public bid, the original cost of said MCI Commuter Coach was as follows:

Federal Grant Funds	:	\$260,000.00
State Grant Funds	:	32,500.00
Local Match (paid by I. Persch Transit)	:	32,500.00
Add-on Accessories (paid by I. Persch Transit):		<u>44,513.00</u>
Total		\$369,513.00

and,

WHEREAS, the County granted a lien upon the bus Certificate of Title in the amount of \$77,013.00, that being the amount I. Persch invested into the bus at the time of purchase because the County incurred no cost to obtain the vehicle; and

WHEREAS, on September 4, 2012, I. Persch Inc. requested that Fulton County transfer title of the MCI Commuter Coach to I. Persch, Inc. for continued use on the County’s Commuter Run; and

WHEREAS, Resolution 336 of 2012 authorized the Chairman of the Board to request permission from NYSDOT to dispose said 2001 MCI Commuter Bus and on October 22, 2012, the NYSDOT granted Fulton County permission to dispose of the MCI Commuter Coach, subject to a formal appraisal of the vehicle’s value; and

WHEREAS, an independent appraisal by Motor Coach Services Group of East Brunswick, New Jersey, dated March 23, 2013, calculated the current value of the bus to be \$37,000.00; and

**Resolution No. 135 (continued)**

WHEREAS, the appraised value of the bus is less than I. Persch's lien, there will be no net proceeds to Fulton County from this transfer; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to execute appropriate sale documents to transfer the 2001 MCI Commuter Bus to I. Persch Inc., of Amsterdam, NY, in accordance with this Resolution; and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, 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 Johnson)

**Resolution No. 136**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING LEASE AGREEMENT WITH THE 195 FACTORY, LLC.  
FOR FIXED BASE OPERATOR SERVICES AT THE FULTON COUNTY AIRPORT**

WHEREAS, Resolution 174 of 2008 authorized a lease agreement with the 195 Factory, LLC, for Fixed Base Operator Services at the Fulton County Airport for the period May 12, 2008 through May 11, 2013; and

WHEREAS, the lease agreement stipulates that this lease may be renewed for two (2) five-year additional terms; and

WHEREAS, a letter was received from William Milton, owner of The 195 Factory, proposing to renew this Lease Agreement with Fulton County for an additional five-year term; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a lease agreement with The 195 Factory, LLC, of West Glenville, NY, for Fixed Base Operator services at the Fulton County Airport, effective May 12, 2013 through May 11, 2018; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Planning Director, Superintendent of Highways and Facilities, The 195 Factory, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 492 (18) Nays: 53 (1) Supervisor DiGiacomo Absent: 6 (1)  
(Supervisor Johnson)

**Resolution No. 137**

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

**RESOLUTION AUTHORIZING SUBMITTAL OF FIVE-YEAR AIRPORT CAPITAL  
IMPROVEMENT PLAN TO THE FEDERAL AVIATION ADMINISTRATION  
(2014-2018)**

WHEREAS, as a requirement for potential Federal and State reimbursement, the Committee on Buildings and Grounds/Highway hereby recommends the submission of an updated Five-Year Capital Plan for the Fulton County Airport that includes the following projects/schedule:

Year	Project	Est. Cost	County Share
2014			
2015	Update Master Plan Study/Airport Layout Plan (ALP)	\$ 90,000	\$ 4,500
2016	Construct Access Road to Hangars/Repair Parking Lot/Expand Paved Apron	\$ 450,000	\$ 22,500
2017	Engineering for Extend Runway 10 to the west	\$ 400,000	\$ 20,000
2018	Extend Runway 10 to the west	\$4,000,000	\$200,000

and

WHEREAS, the submission of these projects as part of the Five-Year Capital Plan for the Fulton County Airport represents the County's possible listing of projects that may be considered for future State and Federal reimbursement but does not commit Fulton County to any expenditures; now, therefore be it

RESOLVED, That the Board of Supervisors, by this Resolution, hereby adopts the revised Five-Year Capital Plan for the Fulton County Airport, as hereinabove referenced; and, be it further

**Resolution No. 137 (continued)**

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to submit such revised Five-Year Capital Plan for the Fulton County Airport to the Federal Aviation Administration, NYS Department of Transportation and to each and every other person, agency or institution that will further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Department of Transportation, Federal Aviation Administration, 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 Johnson)

**Resolution No. 138**

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

RESOLUTION AUTHORIZING APPLICATION TO NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION FOR AN AVIATION CAPITAL GRANT TO  
COMPLETE CERTAIN RENOVATION PROJECTS AT  
THE FULTON COUNTY AIRPORT

WHEREAS, the 2013-14 New York State budget includes \$7 million for capital projects at General Aviation Airports in New York State; and

WHEREAS, the Aviation Capital Grant Program provides up to 90 percent funding for eligible projects that will have a service life of at least 10 years; and

WHEREAS, the 2013 Capital Plan includes replacement of the heating and air conditioning system at the FBO Building at the Fulton County Airport; and

WHEREAS, needed renovations, such as LED light bulbs for Runway/Taxiway lights, lighting in the FBO Building, windows in the FBO Building and wireless internet access in the FBO Building could also qualify for grant funding which would result in a savings for the County; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to submit an Aviation Capital Grant application to the New York State Department of Transportation for equipment upgrades and/or structural renovations in the FBO Building and airport lighting as follows:

NYS Aviation Capital Grant	\$57,600.00
County Local Share (10%)	<u>6,000.00</u>
	\$64,000.00

and, be it further

**Resolution No. 138 (continued)**

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

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

**Resolution No. 139**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION APPROVING A BOY SCOUTS OF AMERICA FALL CAMPOREE  
EVENT AT THE FULTON COUNTY AIRPORT (2013)

WHEREAS, a Facilities Use Application has been received from the Twin Rivers Council, Boy Scouts of America requesting permission to sponsor a Fall Camporee at the Fulton County Airport; and

WHEREAS, the Twin Rivers Council will arrange for cleanup, as well as provide for sufficient insurance protection coverage as required by County policy; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds, the Twin Rivers Council, Boy Scouts of America be and hereby is authorized to utilize the Fulton County Airport for Fall Camporee on Friday, October 4 through Sunday, October 6, 2013, contingent upon issuance of the appropriate County permit by the County Attorney; and, be it further

RESOLVED, That the 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, County Attorney, Superintendent of Highways and Facilities, Twin Rivers Council, 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 HOWARD and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 140**

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

RESOLUTION AUTHORIZING A REQUEST FOR PROPOSALS TO PREPARE  
A MODEL FOR A FULTON COUNTY "SMART WATERS" SYSTEM

WHEREAS, for years, local government, economic development and business leaders in Fulton county have identified "abundant water and sewer capacity" as a "strength" of the Fulton County Region and alternatively, the same leaders have identified the lack of "availability of water and sewer services outside of cities" as a "weakness"; and

WHEREAS, during Economic Summit 2007: 'Raising the Bar' in Fulton County, a broad spectrum of community leaders cited this dichotomy as a key obstacle to economic growth and prosperity in the region; and

WHEREAS, the 2011 Fulton-Montgomery CEO Roundtable's Regional Business Plan for Fulton and Montgomery Counties also cited the Region's abundant water and wastewater capacities, but lamented that these capacities are not available where vacant, developable land is available; and

WHEREAS, in 2002, the Board of Supervisors designated itself as the Fulton County Water and Sewer Agency and as a result, is authorized to exercise all powers described in Section 252-254 of NYS County Law together with such powers and duties as the Board of Supervisors may deem necessary related to provision of water services and wastewater treatment services within the County; and

WHEREAS, at present there are six (6) municipal water systems and five municipal wastewater collection systems operating in Fulton County; and

WHEREAS, the Committees on Buildings and Grounds/Highway, Economic Development and Environment and Finance recommend that the County of Fulton take leadership to sponsor an effort to determine if a more efficient model to provide regional water and wastewater treatment services to the community's residents is attainable; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to distribute a Request for Proposals to qualified firms to develop a Model for the creation of a Fulton County "SMART Waters" System with the goal of implementing a cost-effective regional water and wastewater collection and treatment systems that promote economic growth and prosperity for Fulton County's residents and businesses; and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, June 12, 2013, at which time and place they will be publicly opened and read; and, be it further

**Resolution No. 140 (continued)**

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, All local municipalities in Fulton County, GJWWTF, Gloversville Water Board, Johnstown Water Board, Fulton-Montgomery Regional Chamber of Commerce, Fulton County Center for Regional Growth, Fulton County Planning Board, Fulton County IDA, Planning Director, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor MACVEAN and adopted by the following vote:

TOTAL: Ayes: 517 (18) Nays: 28 (1) Supervisor Potter Absent: 6 (1)  
(Supervisor Johnson)

**Resolution No. 141**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING BROADALBIN-PERTH LIONS CLUB CHICKEN BARBECUE EVENTS AT THE "GATEWAY TO THE ADIRONDACKS" VISITORS CENTER (2013)**

WHEREAS, Facilities Use Applications have been received from the Broadalbin-Perth Lions Club requesting permission to sponsor two (2) chicken barbecue events at the "Gateway to the Adirondacks" Visitors Center; and

WHEREAS, the Broadalbin-Perth Lions Club will arrange for cleanup, as well as provide for sufficient insurance protection coverage as required by County policy; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds, the Broadalbin-Perth Lions Club be and hereby is authorized to utilize the "Gateway to the Adirondacks" Visitors Center for chicken barbecue events on Friday, May 24, 2013 and Friday, August 30, 2013, contingent upon issuance of the appropriate County permit by the County Attorney; and, be it further

RESOLVED, That the 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, County Attorney, Superintendent of Highways and Facilities, Fulton Montgomery Regional Chamber of Commerce, Broadalbin-Perth Lions Club, 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 OTTUSO and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 142**

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING DAVID FARIELLO TO THE FULTON-MONTGOMERY-  
SCHOHARIE WORKFORCE DEVELOPMENT BOARD**

WHEREAS, vacancies currently exist on the F-M-S Workforce Development Board; and

WHEREAS, in accordance with federal regulations, the Fulton County Regional Chamber of Commerce and Industry nominated Mr. David Fariello of St. Mary's Hospital to serve as a private sector board member; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Economic Development and Environment, David Fariello, of Johnstown, NY, be and hereby is appointed to the F-M-S Workforce Development Board, as a "Private Sector" representative effective for the balance of the term July 1, 2012 through June 30, 2015; and, be it further

RESOLVED, That Mr. Fariello is required to complete the Fulton County Board of Ethics Financial Disclosure Statement and 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, Fulton County Ethics Board, Workforce Development Board, Fulton County Chamber of Commerce, David Fariello and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 143**

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

RESOLUTION AUTHORIZING AMENDMENT OF CONTRACT WITH  
GLOVERSVILLE-JOHNSTOWN JOINT WASTEWATER TREATMENT FACILITY TO  
ESTABLISH A SURCHARGE FOR EXTRA BULKING

WHEREAS, Resolution 378 of 2012 authorized a Reciprocal Agreement between the Solid Waste Department and the Gloversville-Johnstown Joint Sewer Board for Leachate Disposal Services, effective January 1, 2013 through December 31, 2014, at a cost of \$34.00 per ton charged to GJWWTF for sludge hauled to Landfill; and

WHEREAS, the GJWWTF has been bringing in greater quantities of sludge due to additional activity at the plant and due to the quantities, the Department of Solid Waste has to devote additional time and effort to manage the material with additional bulking agent; and

WHEREAS, the GJWWTF has agreed to pay a surcharge of \$500.00 per day to its fees when sludge deliveries exceed 100 tons per day, effective April 1, 2013, to cover said extra bulking work; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment and Finance, the Chairman of the Board be and hereby is authorized to sign an amendment to the contract with the Gloversville-Johnstown Joint Wastewater Treatment Facility, to include a surcharge of \$500.00 per day when sludge deliveries exceed 100 tons per day, effective April 1, 2013; 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 certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Gloversville-Johnstown Joint Wastewater Treatment 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 Johnson)

**Resolution No. 144**

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION TO THE NYS OFFICE OF COMMUNITY RENEWAL TO OPERATE A  
FULTON COUNTY MICRO-ENTERPRISE GRANT PROGRAM**

WHEREAS, the Mohawk Valley Regional Economic Development Council was allocated \$8.0 million of Community Development Block Grant funding in December 2012; and

WHEREAS, the Mohawk Valley Regional Council has approved a project for a Fulton County Micro-Enterprise Grant program to provide grants up to \$25,000.00 to small businesses with five or less full-time employees to assist with start-up or expansion costs; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Economic Development and Environment, the Chairman of the Board be and hereby is authorized to submit an application to the New York State Office of Community Renewal for a Community Development Block Grant (CDBG), in the amount of \$200,000.00 to operate a "Fulton County Micro-Enterprise Grant" program to benefit area businesses; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fulton County Center for Regional Growth, Fulton County Industrial Development Agency, Fulton Montgomery Regional Chamber of Commerce, Fulton County Rotary International, City of Gloversville, City of Johnstown, All Towns, 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 Johnson)

**Resolution No. 145**

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION CLASSIFYING REQUEST TO HAVE PROPERTIES ADDED TO FULTON COUNTY AGRICULTURAL DISTRICT NO. 1 AS AN UNLISTED ACTION AND PROPOSING THE BOARD OF SUPERVISORS AS THE LEAD AGENCY UNDER SEQRA

WHEREAS, Fulton County must conduct a State Environmental Quality Review Act (SEQRA) review regarding the proposed inclusion of additional properties into Fulton County Agricultural District #1; and

WHEREAS, inasmuch as the inclusion of predominantly viable agricultural land within an existing Agricultural District is a discretionary action of the Board of Supervisors, it is considered an Unlisted Action; and

WHEREAS, the Planning Department has prepared a Short Environmental Assessment Form (EAF) for this proposed action; and

WHEREAS, the lead agency must transmit a copy of the EAF and supporting materials to other Involved Agencies and notify them that Lead Agency must be established within thirty (30) calendar days; now, therefore be it

RESOLVED, That Fulton County Board of Supervisors hereby proposes that it serve as Lead Agency for the purpose of issuing a determination of significance under SEQR; and, be it further

RESOLVED, That a copy of the EAF be forwarded to the NYS Department of Agriculture and Markets seeking agreement that Fulton County serve as Lead Agency and seeking comments to be forwarded to the County before May 29, 2013; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Department of Agriculture and Markets, Fulton County Agricultural and Farmland Protection Board, 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 KEMPER and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 146**

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING REGARDING ADDING PROPERTIES IN THE TOWNS OF PERTH, MAYFIELD AND OPPENHEIM TO FULTON COUNTY AGRICULTURAL DISTRICT NO. 1**

WHEREAS, New York State Agriculture and Markets Law, Section 303-b, allows landowners to request inclusion of their property in an existing Agricultural District during an annual 30-day time period each year; and

WHEREAS, Resolution 159 of 2004 established an annual 30-day time period during March for landowners to apply to the Fulton County Agricultural and Farmland Protection Board for inclusion in the Fulton County Agricultural District; and

WHEREAS, property owners have requested that certain parcels in the Towns of Perth, Mayfield and Oppenheim be included in Agricultural District No. 1; now, therefore be it

RESOLVED, That the Board of Supervisors for the County of Fulton will meet at the Board of Supervisors' Chambers in the County Office Building, Johnstown, NY, on Monday, June 10, 2013 at 1:45 p.m. for the purpose of holding a public hearing on requests from the following property owners to include their properties in Fulton County Agricultural District No. 1:

<u>Property Owner</u>	<u>Address</u>	<u>Parcel No.</u>	<u>Total Acres</u>
Paul Chupka	Midline Road (Perth)	179-1-36	1.6+
		179-1-38	1.6+
Mark Brower	Berry Road (Mayfield)	88.-3-1.111	12.39
		88.-3-1.12	3.77
		88.3-1.112	3.89
Malcolm Simmons	NYS Route 30 (Perth/Mayfield)	166.-1-28	1.4+/-
		152.-5-37	46.2+/-
Kevin Calyer	Cline Road (Oppenheim)	127.-1-26.1	25.3+/-

and, be it further

**Resolution No. 146 (continued)**

RESOLVED, That the Clerk of the Board of Supervisors give notice of said public hearing on the request to have additional property included in Agricultural District No. 1 in Fulton County and that said notice shall be published once in the official newspaper of this County, at least five (5) days prior to the date of said public hearing; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Town of Perth, Town of Mayfield, Town of Oppenheim, Fulton County Agricultural and Farmland Protection Board, 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 FAGAN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 147**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ACCEPTANCE OF 2013-14 EMERGENCY  
PREPAREDNESS GRANT FROM THE NYS DEPARTMENT OF HEALTH  
(PUBLIC HEALTH DEPARTMENT)

WHEREAS, Resolution 346 of 2012 authorized acceptance of 2012-13 Emergency Preparedness Grant funds from the NYS Department of Health; and

WHEREAS, in an effort to reduce the administrative burden associated with executing annual contract renewals, the NYS Department of Health will be amending the current Emergency Preparedness grant to a five (5) year term expiring June 30, 2017; and

WHEREAS, the amendment will result in a five-year contract for the period July 1, 2012 through June 30, 2017 with a total contract amount of \$267,500.00 (\$53,500.00 per year); now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a five (5) year agreement between the Public Health Department and the New York State Department of Health to accept the Emergency Preparedness grant, in an amount of \$53,500.00, for the period July 1, 2013 through June 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, County Attorney, 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 Johnson)

**Resolution No. 148**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION AMENDING THE FULTON COUNTY BLOODBORNE PATHOGEN  
PREVENTION POLICY

WHEREAS, Resolution No. 35 of 1991 adopted the Fulton County Bloodborne Pathogen Policy;  
now, therefore be it

RESOLVED, That the Fulton County Bloodborne Pathogen Policy be and hereby is amended to  
update the section titled, "Local Services Available for HIV Concerns" with current contact  
information; as placed on file in the Public Health Department and the Board of Supervisors  
Office; and, be it further

RESOLVED, That all other terms and aspects of said Policy shall remain in full force and effect;  
and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer,  
Public Health Director, All Department Heads, Budget Director/County Auditor, Fulton County  
Code Book 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 Johnson)

## **Resolution No. 149**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING REVISIONS TO THE FULTON COUNTY PUBLIC HEALTH DEPARTMENT POLICIES**

WHEREAS, the Public Health Director, after consultation with the Public Health Advisory Board and the Committee on Human Services, has reviewed the Fulton County Public Health Department Policies and recommends certain revisions; now, therefore be it

RESOLVED, That the Fulton County Public Health Department Policies be and hereby are amended in content areas, as follows:

- Created mission statement from first line of agency philosophy
- Indicated that we now are a licensed home care services agency (LCHSA)
- Building contains an automatic external defibrillator (AED)
- Listed various Public Health specific emergency plans that are addendums to county plan, and defined under “disaster” when the continuity of operations plan (COOP) would be activated.
- Added new reporting system (NYPORTS) to incident reporting and defined reporting procedure
- Added section of law pertaining to patient rights, and clarified what pieces of documentation are considered “advanced directives” – Health care proxy, non-hospital DNR and A living will. Added specific language that this information will be provided to adult patients
- Changed office hours to 8-4.
- Added language that clarifies that we contract for Sexually Transmitted Infection treatment
- Added language regarding the requirement for submission of a Community Health Assessment and a Community Health Improvement Plan. Required by changes in law.
- Clarified discharge criteria for a child with elevated lead levels
- Aligned fees for immunization services with current law
- Added language regarding the New York State Immunization registry
- Added language that clarifies which children are entered into the Child find program and what role FCPH plays in the Early Intervention Program
- Changed rabies control to Zoonotic control to reflect our role in animal borne diseases outside of rabies
- Clarified our role in Mosquito borne/Arthropod borne diseases to define our role as investigating human disease, not mosquito or tick control
- Specified that skilled nursing and therapy services are provided through the Early Intervention and Preschool education programs only. Persons who are ill and require skilled nursing care will be referred to a Certified Home Health Agency (CHHA)
- Added new required reports to annual reporting requirements

**Resolution No. 149 (continued)**

- Added FOIL request information
- Defined that we adhere to both HIPAA and FERPA (school privacy regulations)
- Defined the timeframes and requirements for MD orders
- Changed language regarding immunization to “current CDC guidelines”. This will allow us to define current practice under procedures
- Added language that any person who is isolated under our Isolation and quarantine Policy and requires IV therapy will be referred to a CHHA, but FCPH will be responsible for educating the provider in the specifics of the diagnosis resulting in the isolation.
- Under personnel, added the 2008 Title 10 regulatory changes for the positions of Public Health Director, Supervising Public Health Director, Public Health Nurse, and Public Health Educator. The changes specify the level of education required for the positions and for the positions other than Director, require 15 hours of specific training within the first year of service.
- Specifies that supervised visits will occur in November of each year and evaluations in December.
- Changed language regarding appeals process to “current procedure as defined by the Personnel Department”
- Added our Corporate compliance program to the list of required annual inservices\*
- Changed workman’s compensation provider to Benetech

and, be it further

RESOLVED, That copies of the amended Policies be placed on file in the Public Health Department and the Office of the Clerk of the Board; 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, 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 Johnson)

**Resolution No. 150**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION APPOINTING PATRICIA BUELL TO THE OFFICE FOR AGING  
ADVISORY COUNCIL

WHEREAS, a vacancy exists on the Office for the Aging Advisory Board; now, therefore be it

RESOLVED, That Patricia Buell, of Johnstown, NY, be and hereby is appointed to the Office for the Aging Advisory Board, as a general member, for the balance of the term January 1, 2013 through December 31, 2015; and, be it further

RESOLVED, That Patricia Buell is not required to complete the Fulton County Board of Ethics' Financial Disclosure Statement, but is 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, Office for the Aging Director, Fulton County Clerk, Patricia Buell 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 Johnson)

**Resolution No. 151**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING WRITE-OFF OF CERTAIN EQUIPMENT FROM THE  
FIXED ASSETS INVENTORY (OFFICE FOR AGING)**

WHEREAS, in accordance with the Fulton County Purchasing and Audit Guidelines, the Fulton County Treasurer is responsible for maintaining a list of all fixed assets in the possession of the County of Fulton; and

WHEREAS, the Director of Office for Aging has determined that a county-owned two-door Storage Cabinet (00002673) was disposed of by the Town of Caroga during the removal of damaged items from the Town Hall due to roof leakage, water damage and mold; and

WHEREAS, the Committee on Human Services has reviewed the explanation of the Director relating to said item and recommends deleting it from the fixed assets inventory; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Human Services, the County Treasurer be and hereby is directed to “write-off” the equipment identified herein from the Fixed Assets Inventory; and, be it further

RESOLVED, That the Director of Office for Aging 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, Office for Aging Director, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 152**

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION ADOPTING STANDARD WORKDAY AND RETIREMENT REPORTING (2013)**

WHEREAS, in 2010 the NYS Retirement System changed the reporting requirements for elected and appointed officials who are members of the Retirement System; and

WHEREAS, the Board of Supervisors must adopt a standard workday and retirement reporting credit for said elected and appointed officials after the first 180 days of taking office or whenever a newly elected or appointed office is established; now, therefore be it

RESOLVED, That the Board of Supervisors hereby establishes standard workdays for the following appointed officials and will report the days worked to the New York State and Local Employees' Retirement System, based on the record of activities maintained and submitted by the officials to the Fulton County Personnel Director, as follows:

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
<b>Elected Officials</b>							
County Clerk	William Eschler	7	1/1/10 - 12/31/13	N	24.76		
County Treasurer	Edgar Blodgett	7	1/1/10 - 12/31/13	N	25.95		
District Attorney	Louise Sira	7	1/1/10 - 12/31/14	N	24.57		
Supervisor	William Waldron	6	1/1/12 - 12/31/13	N	4.03		
<b>Appointed Officials</b>							
Director of CMH Services	Ernest Gagnon	7	1/1/13 - 12/31/13	Y			
Director of Information Services/Printing	Perry Lovell	7	1/1/13 - 12/31/13	y			
Director of Weights & Measures	Neil Daley	7	1/1/13 - 12/31/13	Y			
Planning Director	James Mraz	7	1/1/13 - 12/31/13	Y			
Probation Director	Cynthia Licciardi	7	1/3/13 - 12/31/13	Y			
Public Defender	J. Gerard McAuliffe	7	1/1/12 - 12/31/13	y			
Public Health Director	Denise Frederick	8	1/1/13 - 12/31/13	Y			

**Resolution No. 152 (continued)**

and, be it further

RESOLVED, That the 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, Respective Appointed County Officials, 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 KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 153**

Supervisor KEMPER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE WEIGHTS AND MEASURES DEPARTMENT AND THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR PETROLEUM PRODUCTS TESTING PROGRAM (2013-2014)

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement with the NYS Department of Agriculture and Markets for the Petroleum Products Quality Testing Program, effective April 1, 2009 through March 31, 2014, in a yearly reimbursement amount of \$3,330.00 to the County of Fulton for 2013-2014; and, be it further

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

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

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

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 154**

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

RESOLUTION AUTHORIZING PURCHASE OF SOFTWARE AND EQUIPMENT  
WITH 2011 HAZARDOUS MATERIALS GRANT FUNDS  
(CIVIL DEFENSE/FIRE COORDINATOR)

WHEREAS, Resolution 156 of 2012 accepted a 2011 Hazardous Materials Grant from the NYS Division of Homeland Security and Emergency Services, in an amount of \$125,000.00 and

WHEREAS, the Fire Coordinator/Civil Defense Director proposes to use said funds for the following:

<u>Equipment &amp; Software</u>	
IMPACT Community System Software	\$13,073.00
PEAC-WMD v6 Software Application	11,395.00
Three (3) 17 piece Took Kit HazMat	3,479.00
HazMat Miscellaneous Supplies	<u>2,984.00</u>
	\$30,931.00

now, therefore be it

RESOLVED, That upon the recommendation of the Fire Coordinator/Civil Defense Director and Committees on Public Safety and Finance, the Fire Coordinator/Civil Defense Director is hereby authorized to utilize 2011 Hazardous Materials grant funds for purposes and purchases herein identified, at a cost not to exceed \$30,931.00; and, be it further

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

Revenue Account:

Increase A-083-3306.001 Civil Def-SHSP     \$30,931.00

Appropriation Account:

Increase A-385.3645.201 Civil Def-SHSP-Equip	\$27,947.00
Increase A-385-3645.401 Civil Def-SHSP-Contractual	<u>2,984.00</u>
	\$30,931.00

and be it further,

RESOLVED, That the Fire Coordinator/Civil Defense Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

**Resolution No. 154 (continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fire Coordinator/Civil Defense 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 Johnson)



**Resolution No. 155 (continued)**

RESOLVED, That the equipment will become the property of the mentioned Departments and Police agency identified to be maintained under their prospective policies and procedures; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director/Fire Coordinator, Sheriff's Department, Gloversville Police Department, Information Services, 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 Johnson)

**Resolution No. 156**

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

RESOLUTION ACCEPTING GOVERNOR’S TRAFFIC SAFETY  
COMMITTEE 2012-2013 STEP GRANT (SHERIFF)

WHEREAS, Resolution 184 of 2012 authorized application to the Governors’ Traffic Safety Committee for a Selective Traffic Enforcement Program (STEP) grant in the amount of \$10,500.00; and

WHEREAS, the Sheriff has been notified that the County has been awarded a 2012-13 STEP Grant to support Sheriff’s patrols targeting speed and aggressive driving on county highways, in an amount of \$7,805.00; and

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

Deputy Sheriff Overtime Patrols	\$7,805.00
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now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts a 2012-13 STEP Grant from the Governor’s Traffic Safety Committee, in an amount of \$7,805.00, to defray costs of Deputy Sheriff overtime patrols; and, be it further

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

Revenue Account:

Increase	A-083-3318.000 State Aid-Sheriff Grants	\$7,805.00
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Appropriation Account:

Increase	A-305-3110.110 Sheriff – Overtime	\$7,805.00
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and, be it further

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

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 157**

Supervisor KEMPER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING APPLICATION FOR GOVERNOR’S TRAFFIC SAFETY  
COMMITTEE 2013-2014 STEP GRANT (SHERIFF)

WHEREAS, the Sheriff desires to submit an application to the Governor’s Traffic Safety Committee for a 2013-2014 Selective Traffic Enforcement Program (STEP) grant to support Sheriff’s patrols targeting speeding and aggressive driving; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Public Safety, the Chairman of the Board be and hereby is authorized to sign and submit an application to the Governor’s Traffic Safety Committee for “STEP” grant funds, in an amount of \$8,500.00 for the following purposes:

Deputy Sheriff Overtime Patrols	\$8,500.00
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and, be it further

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

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

Seconded by Supervisor MACVEAN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 158**

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

**RESOLUTION AUTHORIZING PURCHASE OF A ROOF-MOUNTED LIGHT BAR FOR SUV PATROL VEHICLE (SHERIFF)**

WHEREAS, the 2013 Capital Plan identified the purchase of (2) Patrol Sedans for the Sheriff's Department, in the amount of \$64,000; and

WHEREAS, after both patrol sedans were purchased, there remains a \$3,700.00 balance in project accounts; and

WHEREAS, the Sheriff has determined that a roof-mounted light bar is needed for a SUV patrol vehicle to increase visibility and officer safety; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to purchase a roof-mounted light bar for said SUV patrol vehicle, at a cost not to exceed \$2,954.00, utilizing left-over funds in A-305-3110.201 Sheriff Department-Capital; and, be it further

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

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

Seconded by Supervisor POTTER and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 159**

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

**RESOLUTION AUTHORIZING PURCHASE OF SECURITY SOFTWARE  
FOR MOBILE COMPUTERS FOR THE SHERIFF'S DEPARTMENT  
WITH E911 RESERVE FUNDS**

WHEREAS, the Information Services Director has advised the Sheriff that the purchase of additional software is required to reduce security threats to the Sheriff's mobile computers; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the Sheriff be and hereby is authorized to purchase the following:

- (1) Server and 25 User Licenses for Mobility XE 9.0 Pilot Software
- (1) Analytics Module and 25 User Licenses for devices for Mobility XE 9.0
- (1) Pilot Advanced Bundle (Policy and NAC Modules) licenses for 25 devices
- (3) year Maintenance Agreement

at a total not to exceed cost of \$12,231.00 for above equipment; and, be it further

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

Revenue Account:

Increase A-083-1760.000 Enhanced 911 Surcharge	\$12,231.00
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Appropriation Account:

Increase A-305-3020.200 Enhanced 911-Equipment	\$12,231.00
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and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Information Services Director, 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 Johnson)

**Resolution No. 160**

Supervisor KEMPER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING TRANSFER OF CERTAIN EQUIPMENT TO THE  
BROADALBIN POLICE DEPARTMENT (SHERIFF)

WHEREAS, the Sheriff has identified two (2) Scanners originally purchased with U.S. Department of Justice “COPS MORE” grant funds as excess property; and

WHEREAS, the Sheriff recommends that said equipment be transferred to the Village of Broadalbin Police Department; now, therefore be it

RESOLVED, That certain County equipment be, and hereby, is transferred to the Village of Broadalbin Police Department as follows:

<u>ID Number</u>	<u>Item</u>	<u>Village</u>
0006750	L-Tron Scanner	Village of Broadalbin Police Dept.
0006754	L-Tron Scanner	Village of Broadalbin Police Dept.

and, be it further

RESOLVED, That said equipment be, and hereby is, declared surplus for County purposes and be removed from the County’s Fixed Assets Inventory; and, be it further

RESOLVED, That the Sheriff 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, Sheriff, 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 Johnson)

**Resolution No. 161**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION OPPOSING NEW UNFUNDED MANDATES TO REQUIRE EARLY VOTING IN NEW YORK STATE**

WHEREAS, Assembly Bill A.689 and Senate Bill S.1461 have been introduced in the New York State Legislature, to establish an early voting system in primary, general, and special elections in the State of New York; and

WHEREAS, said proposed legislation would allow early voting by voters to take place up to 14 days before a general election and up to a week before a primary or special election resulting in substantial new costs for county governments and taxpayers; and

WHEREAS, said legislation, if enacted into law, will require a minimum of five (5) polling places throughout each county with election inspectors at each location for all early voting periods; and

WHEREAS, the Election Commissioners have expressed serious concerns about current proposals for early voting because they constitute an unfunded State mandate and will result in extensive new costs for local taxpayers; and

WHEREAS, the State-mandated 2 percent tax cap and insufficient relief from existing state-imposed mandates has placed an unprecedented strain on local governments, now, therefore be it

RESOLVED, That the Board of Supervisors hereby opposes Assembly Bill A.689 and Senate Bill S.1461 mandating early voting; and, be it further

RESOLVED, That the Board of Supervisors also hereby demands that the State of New York take financial responsibility for all costs associated with any early voting mandates; and, be it further

RESOLVED, That the Board urges that more reasonable approaches be sought to ensure voter turnout and/or that counties be allowed to “opt-in” to early voting procedures at their discretion; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Cuomo, Senate Majority Co-Leader Skelos, Senate Majority Co-Leader Klein, Assembly Speaker Silver, Senator Farley, Assemblyman Butler, All Counties, NYSAC, NYS Board of Elections, Fulton County Elections Commissioners, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 162**

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION REFERRING CERTAIN PARCELS TO THE FULTON COUNTY  
DEMOLITION TEAM (OPERATION GREEN SCENE)

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, Resolution 400 of 2004 authorized an inter-municipal agreement with the City of Groversville for the County to assume property tax collection and enforcement responsibilities for the City of Groversville; and

WHEREAS, the Board of Supervisors has established "Operation Green Scene" to demolish dilapidated residential properties and foster community rehabilitation in the community; and

WHEREAS, the County has established a list of demolition projects on certain County-owned tax foreclosure properties in the City of Groversville; now, therefore be it

RESOLVED, That the Solid Waste Director is hereby authorized to mobilize the County Demolition Team to raze any structures and clean up the following County-owned parcels in the City of Groversville:

<u>Tax Map #</u>	<u>Address</u>	<u>Former Owner</u>
149.7-3-9	131 East Fulton Street	Armstrong, Sean
149.10-11-9	68 East Pine Street	Armstrong, Sean L.
149.6-10-64	126 Broad Street	Bean, Marjorie E. & Jeremiah M.
149.6-7-6	41 East Fulton Street	Maziah, Property LLC
149.10-6-4	130 Fremont Street	Morrison, Nadine
149.9-2-4	38 Fifth Street	Naish, Nancy Elizabeth
134.19-24-15	21 Oakland Avenue	Valdes, Armando & Laurie
149.7-11-14	115 Washington Street	Zuckerwar, Robert Estate of

and, be it further

RESOLVED, That said projects shall be completed in the most efficient and cost-effective manner possible, in accordance with the Municipal Demolition Team Proposal approved by the Board of Supervisors on February 12, 2001; and, be it further

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

**Resolution No. 162 (continued)**

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

Seconded by Supervisor GENDRON and adopted by the following vote:

TOTAL: Ayes: 492 (18) Nays: 53 (1) Supervisor DiGiacomo Absent: 6 (1)  
(Supervisor Johnson)

**Resolution No. 163**

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING COUNTY TREASURER TO ISSUE COURT-ORDERED  
REFUND TO WAL-MART STORES, INC. FOR OVERPAYMENT  
OF PROPERTY TAXES IN 2013

WHEREAS, pursuant to Supreme Court Orders 2011-00544 and 2012-00546, the tax on Wal-Mart Stores, Inc. property (SBL 134.-3.7.11) in the Town of Johnstown, was reduced from \$82,794.90 to \$67,994.90; and

WHEREAS, the County is mandated to refund Wal-Mart Stores, Inc. the sum of \$14,800.00 for property taxes collected in 2013; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized to issue a refund, in the amount of \$14,800.00, to Wal-Mart Stores, Inc, for overpayment of taxes on Parcel 134.-3.7.11, in the Town of Johnstown; and, be if further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Service Agency Director, Town of Johnstown Assessor 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 Johnson)

**Resolution No. 164**

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING REPORT OF COMMITTEE ON MORTGAGE  
TAX DISTRIBUTION

RESOLVED, That the Report of the Committee on Mortgage Tax (Finance) dated May 2, 2013, 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 HOWARD and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**MORTGAGE TAX DISTRIBUTION**  
**10/1/12-3/31/13**

<u>Towns, Cities, Villages</u>	<u>Amount Credited to Town, City Or Village After Deducting Expenses</u>
Bleecker.....	\$ 3,963.34
Broadalbin.....	55,666.94
Village 4,627.05	
Town 51,039.89	
Caroga.....	20,738.33
Ephratah.....	6,268.19
Johnstown.....	44,037.78
Mayfield.....	53,118.65
Village 2,374.51	
Town 50,744.14	
Northampton.....	33,744.30
Village 3,890.45	
Town 29,853.85	
Oppenheim.....	5,904.04
Village 152.16	
Town 5,751.88	
Perth.....	25,295.17
Stratford.....	5,037.52
City of Johnstown.....	65,336.09
City of Gloversville.....	66,559.46
<b>TOTAL.....</b>	<b>.....\$ 385,669.81</b>

Dated this 2nd day of May, 2013:

**Resolution No. 165**

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION DECLARING “MAYDAY FOR MANDATE RELIEF” AND URGING  
THE STATE TO ADOPT LAWS THAT PROHIBIT UNFUNDED MANDATES  
ON LOCAL GOVERNMENTS

WHEREAS, Counties are mandated to administer and finance dozens of state and federal programs; and

WHEREAS, Fulton County’s fiscal challenges are a direct result of state-imposed mandates and reduced state reimbursement; and

WHEREAS, NYSAC has identified 9 state mandates that consume 90 percent of all county property taxes across the state (outside of New York City), representing over \$4 billion in county property taxes levied as follows:

1. Medicaid
2. Public Assistance/Safety Net
3. Child Welfare and Preventive Care
4. Special Education Pre-School
5. Early Intervention
6. Probation
7. Indigent Defense
8. Youth Detention
9. Pensions

and;

WHEREAS, these mandated and fixed employee costs can consume more than 80 percent of a county’s total budget, leaving fewer dollars for local programs and services; and

WHEREAS, these State mandates are the root cause of high county property taxes in Fulton County; now, therefore be it

**Resolution No. 165 (continued)**

RESOLVED, That the Board of Supervisors hereby declares the month of May 2013 to be “Mayday for Mandate Relief” to raise awareness that decisions made in Albany have a direct impact on the property tax levy; and, be it further

RESOLVED, That the Board of Supervisors is calling upon State Lawmakers to enact legislation preventing future unfunded mandates without corresponding state aid to pay for them; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Cuomo, Senate Majority Co-Leader Skelos, Senate Majority Co-Leader Klein, Assembly Speaker Silver, Senator Farley, Assemblyman Butler, NYS Association of Counties, All New York State Counties, Fulton Montgomery Regional Chamber of Commerce, 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 PONTICELLO and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 166**

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION SETTING DATE FOR PUBLIC HEARING REGARDING “A LOCAL  
LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX LEVY  
LIMIT FOR THE 2014 FULTON COUNTY BUDGET”

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on May 13, 2013, a proposed local law entitled, “LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX LEVY LIMIT FOR THE 2014 FULTON COUNTY BUDGET”; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law “B” of 2013 by the Fulton County Board of Supervisors on Monday, June 10, 2013, at 1:30 p.m., in the Supervisors Chambers, County Office Building, Johnstown, NY, and that at least seven days’ notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards in the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, 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: 469 (17) Nays: 76 (2) Supervisors DiGiacomo and Handy  
Absent: 6 (1) (Supervisor Johnson)

**COUNTY OF FULTON**  
**LOCAL LAW “B” OF 2013 ENTITLED,**  
**“LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX**  
**LEVY LIMIT FOR THE 2014 FULTON COUNTY BUDGET”**

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

***Purpose:***

The intent of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2014 Fulton County Budget. The slow recovery of the national, state and local economies from the most recent recession and the continued financial obligations imposed on the County by the State of New York in the form of mandated government activities not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances the County will need to provide services in 2014, in addition to those mandated by the State, which are important to its citizens. After sustained effort to minimize the amount of the tax levy, and to project the tax levy limit for Fulton County for 2014, a responsible budget for 2014 may require a tax levy that will be greater than the tax levy limit calculated pursuant to applicable State Law.

1. **Budget Authorization:** The Board of Supervisors hereby overrides the tax levy limit for Fulton County for 2014 and authorizes Fulton County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2014 that requires a tax levy that is greater than the tax levy limit calculated for 2014 pursuant to Section 3-c of the General Municipal Law.
2. **Severability:** If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.
3. **Effective Date:** This local law shall take effect immediately, pursuant to Section 27 of the Municipal Home Rule Law.

**Resolution No. 167**

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION REQUESTING SPECIAL HOME RULE LEGISLATION TO EXTEND  
THE “ADDITIONAL MORTGAGE TAX” IN FULTON COUNTY

WHEREAS, Resolution 154 of 2011 reestablished an “Additional Mortgage Tax”, in an amount of 25 cents per \$100.00 of debt, in accordance with special State Home Rule legislation approved by the NYS Legislature, and said special legislation expires on November 30, 2013; and

WHEREAS, appropriate Home Rule legislation to extend said “Additional Mortgage Tax” has now been introduced in the form of Senate Bill S.4556 and Assembly Bill A.6573 to grant the County of Fulton the local option to impose an “additional mortgage recording tax” beyond November 30, 2013; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors by this Resolution, requests State legislative approval of Home Rule Legislation S.4556 and A.6573 to grant the County of Fulton an extension of the local option to impose an “additional mortgage recording tax” on each deed recorded with the County of Fulton, effective December 1, 2013 through November 30, 2015; and, be it further

RESOLVED, That the Chairman of the Board, as appropriate, be and hereby is authorized to sign a “Home Rule Request” and related documentation related to the local option to impose an “additional mortgage recording tax”; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Governor Cuomo, Senate Majority Co-Leader Skelos, Senate Majority Co-Leader Klein, Assembly Speaker Silver, Senator Farley, Assemblyman Butler, Budget Director/ County Auditor and 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 OTTALAGANO and adopted by the following vote:

TOTAL: Ayes: 501 (17) Nays: 44 (2) Supervisors Callery and Lauria  
Absent: 6 (1) (Supervisor Johnson)

**Resolution No. 168**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION REQUESTING SPECIAL HOME RULE LEGISLATION AUTHORIZING  
EXTENSION OF ADDITIONAL RATE OF SALES AND COMPENSATING USE TAXES  
AND AUTHORIZING THE CITIES OF GLOVERSVILLE AND JOHNSTOWN TO  
PREEMPT SUCH ADDITIONAL RATE**

WHEREAS, Resolution 259 of 2009 increased 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 by an additional 1 percent, in accordance with special State Home Rule legislation by the NYS Legislature; and

WHEREAS, Resolution 155 of 2011 extended the additional rate of sales and compensating use taxes and authorized the Cities of Gloversville or Johnstown to preempt such additional rate through November 30, 2013; and

WHEREAS, extension of the additional 1 percent County sales tax can provide a mechanism to reduce the County's reliance on the property tax to fund government operations; and

WHEREAS, the Finance Committee recommends requesting continuation of special Home Rule legislation to grant the County of Fulton the local option to impose an additional rate of sales and compensating use taxes and the Cities of Gloversville or Johnstown to preempt such additional rate; and

WHEREAS, appropriate Home Rule legislation has now been introduced in the form of Senate Bill S.4555 and Assembly Bill A.6572 to grant the County of Fulton the local option to impose an "additional rate of sales and compensating use taxes" equal to 1 percent beyond November 30, 2013; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors by this Resolution, requests State legislative approval of Home Rule Legislation S.4555 and A.6572 to grant the County of Fulton the local option to impose an "additional rate of sales and compensating use taxes in an amount equal to 1 percent additional to the 3 percent already enacted and the Cities of Gloversville or Johnstown to preempt such additional rate; and, be it further

RESOLVED, That the Chairman of the Board, as appropriate, be and hereby is authorized to sign a "Home Rule Request" and related documentation related to the local option to impose an additional rate of sales and compensating use taxes; and, be it further

**Resolution No. 168 (continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Governor Cuomo, Senate Majority Co-Leader Skelos, Senate Majority Co-Leader Klein, Assembly Speaker Silver, Senator Farley, Assemblyman Butler, Budget Director/ County Auditor and 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 OTTALAGANO and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 169**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT**

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

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

Information Services:

APC Smart UPS 420 (0004419) (Purchased 5/4/98)

Community Services (Mental Health)

Omni 3750 POS Device Terminal (0007280) (Purchased 4/17/04)

Omni 3750 POS Device Terminal (0007281) (Purchased 4/17/04)

Addiction Services

Omni 3750 POS Device Terminal (0007444) (Purchased 1/25/05)

and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Information Services Director, Community Services Director, Solid Waste Director 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 Johnson)

**Resolution No. 170**

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN BUDGET AMENDMENTS

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

Revenue:

Increase A-083-2680.000 Insurance Recoveries \$805.00

Appropriation:

Increase A-505-6010.454 DSS-Auto Supplies \$805.00

Revenue:

Increase A-083-2189.000 Chgs for Planning Svcs \$500.00

Appropriation:

Increase A-705-8020.409 Planning Dept-Professional Svcs \$500.00

and, be it further

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

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

**Resolution No. 171**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING DISTRIBUTION OF REQUEST FOR PROPOSALS FOR  
LEASE OF THE RESTAURANT BUILDING AT THE FULTON COUNTY AIRPORT**

WHEREAS, the lease agreement for the current tenant in the restaurant building at the Fulton County Airport is expiring on June 30, 2013; and

WHEREAS, the Committee on Buildings and Grounds/Highway recommends soliciting parties that may be interested in leasing the County-owned restaurant building located at the Fulton County Airport; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to distribute a Request for Proposals from interested parties to rent the restaurant building at the Fulton County Airport (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 the usual business hours); and, be it further

RESOLVED, That such proposals 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, June 12, 2013; 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, Planning Director, Fixed Base Operator, 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 Johnson)

**Resolution No. 172**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BIDS FOR THE CHILDREN WITH HANDICAPPING  
CONDITIONS TRANSPORTATION PROGRAM (2013)**

WHEREAS, Resolution 108 of 2013 authorized advertisement for bids for the Children with Handicapping Conditions Transportation Program and three (3) bids were received; now, therefore be it

RESOLVED, That the bids, as hereinafter specified, for the transportation of children with handicapping conditions to various 2013 school programs be and hereby are accepted, as reviewed and recommended by the Public Health Director and Purchasing Agent; they being the lowest responsible bidders in accordance with Specification No. 2013-40-01, dated April 15, 2013:

<u>Bidder</u>	<u>Program Site/Route</u>	<u>Bid Amount</u> <u>Est. Daily Site Rte. Cost</u>
Blue Line Commuter	Route #2 Whispering Pines (Gloversville)	145.00
	Route #6 Whispering Pines (Gloversville)	145.75
	Route #7 Whispering Pines (Gloversville)	145.00
Brown Coach	Route #11 Whispering Pines (Amsterdam)	159.00
	Route #13 Whispering Pines (Amsterdam)	159.00

and, be it further

RESOLVED, That said cost be a charge against A-295-2960.418 Educ of PHC-(3-5) Transportation; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Brown Transportation, Blue Line Commuter, 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 Johnson)